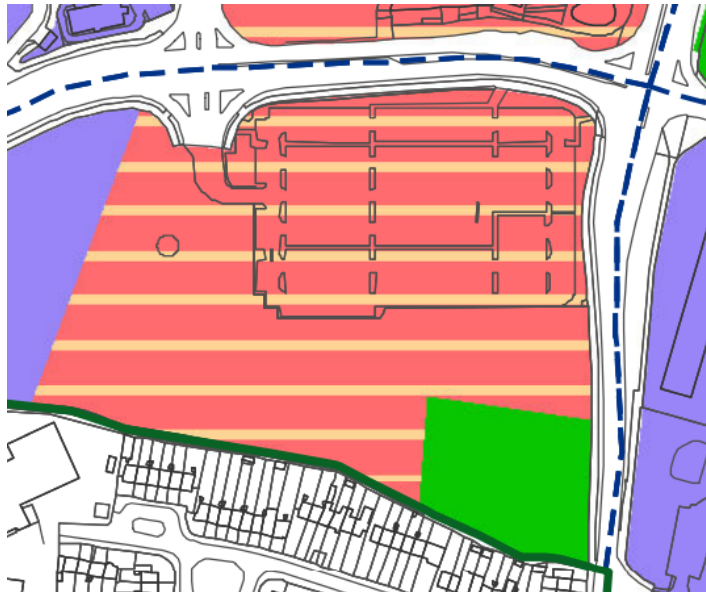


STATEMENT OF CONSISTENCY/ MATERIAL CONTRAVENTION STATEMENT

**RE: CHARLESTOWN PLACE SHD AT CHARLESTOWN PLACE
AND ST. MARGARET'S ROAD, CHARLESTOWN,
DUBLIN 11**

APPLICANT: PUDDENHILL PROPERTY LIMITED

May 2021



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1.0 INTRODUCTION

1.1 PURPOSE OF REPORT

This **Statement of Consistency/ Material Contravention Statement** has been prepared on behalf of **Puddenhill Property Limited** (Applicants) to accompany an application for Strategic Housing Development on lands at Charlestown Place and St. Margaret's Road, Charlestown, Dublin 11.

The current application site is located c.1.5kms to the north of Finglas Village, east of the N2/ North Road, south of Charlestown Place and west of St. Margaret's Road.

The Charlestown Centre Shopping Centre is located directly to the north of the current application site and the northern and eastern boundaries of the site are defined by Charlestown Place and St. Margaret's Road respectively. The surrounding land uses comprise a mix of commercial, light industrial and residential development with a pocket of undeveloped urban fringe lands adjoining the site to the west.

Figure 1.1 illustrates the location and extent of the application site.

The proposed development comprises a Strategic Housing Development as defined within Section 3 of the *Planning and Development (Housing) and Residential Tenancies Act 2016*. This Statement of Consistency has been prepared in accordance with the requirements of the *Planning and Development (Strategic Housing Development) Regulations 2017*.

The site and the proposed development are described in the **Planning Statement** by BMA Planning submitted with this SHD application.

In summary, the proposed development comprises the following: -

The development will consist of construction of 590no. apartment units in 4no. 2 to 10 storey blocks (Blocks 1 to 4) comprising of 234no. 1 bed apartments, 316no. 2 bed apartments and 40no. 3 bed apartments.

A creche (542sq.m) and associated external play area is provided within Block 1 to serve the proposed residential development and the wider community.

2no. retail / commercial units (350sq.m) are provided within Blocks 1 and 2 on the corners of Charlestown Place and the pedestrian boulevard. 4no. office suites are proposed totalling 224sq.m

The development also includes a Health Centre (526sq.m) which will also serve future residents of the development and the wider community.

The purpose of this Statement of Consistency is to examine the proposed development against the relevant objectives of the Development Plan and Section 28 Ministerial Guidelines.

1.2 DEVELOPMENT PLAN / LOCAL AREA PLAN

The **Fingal Development Plan 2017 - 2023** (the “Development Plan”) is the current statutory development plan for the area.

Section 2.0 below examines consistency with the Statutory Development Plan.

1.3 SECTION 28 MINISTERIAL GUIDELINES

The following is a list of the current Section 28 Ministerial Guidelines considered in making this statement of consistency: -

- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)*
- *Urban Design Manual - Best Practice Guidelines (2009)*
- *Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (2018)*
- *Urban Development and Building Height Guidelines for Planning Authorities (2018)*
- *Quality Housing for Sustainable Communities (2007)*
- *Design Manual for Urban Roads and Streets (2013)*
- *Childcare Facilities - Guidelines for Planning Authorities (2001)*
- *The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009)*
- *Architectural Heritage Protection - Guidelines for Planning Authorities (2011)*

Overarching these Guidelines, the following national and regional policy documents are considered in Section 4 of this Statement of Consistency:-

- *Project Ireland 2040 - The National Planning Framework*
- *Rebuilding Ireland – Action plan for Housing and Homelessness (2016)*
- *Regional Spatial & Economic Strategy (RSES) 2019-2031 for the Eastern & Midland Region*

Section 3.0 below examines the Section 28 Ministerial Guidelines.



Figure 1.1 Site Aerial View (Source: Googlemaps)

2.0 STATEMENT OF CONSISTENCY - DEVELOPMENT PLAN

2.1 FINGAL DEVELOPMENT PLAN 2017 - 2023

This section contains an assessment of the consistency of the proposed development with the *Fingal Development Plan 2017 - 2023* policies and objectives.

The Development Plan sets out the policies and objectives for the development of the county over the plan period and is comprised of a Written Statement including Appendices, Zoning Maps, a Strategic Flood Risk Assessment, Strategic Environmental Report and a Natura Impact Report.

Table 2.1 below summarises the main provisions of relevance to the current application.



Table 2.1: Summary of Relevant Provision of the Fingal Development Plan 2017 - 2023

Chapter	Comment
<p>Chapter 1 Introduction & Strategic Context</p>	<p>The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.</p>
<p>Chapter 2 Core Strategy and Settlement Strategy</p>	<p>The Fingal Development Plan Core Strategy provides for consistency with guidance strategies and policies at national and regional level. The settlement strategy prioritises the consolidation of future growth within strong and dynamic urban centres while directing development in the Hinterland to towns and villages to discourage dispersed development and unsustainable travel patterns.</p> <p>Charlestown is classified as a ‘<i>Consolidation Area Within Gateway</i>’ in the Settlement Hierarchy. In accordance with objectives SS15 and SS16 (reproduced below) the proposed development will involve the redevelopment of an underutilised brownfield site and provide for a more efficient use of existing infrastructure and services.</p> <p>Objective SS15: <i>Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.</i></p> <p>Objective SS16: <i>Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.</i></p>
<p>Chapter 3 Placemaking</p>	<p>The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.</p>
<p>Chapter 4 Urban Fingal</p>	<p>The Development Plan identifies Charlestown and Meakstown as an important residential settlement within the south of Fingal that is well served by retail facilities within the Charlestown Shopping and schools and community facilities within the Dublin City Council area.</p> <p>Objectives Charlestown and Meakstown 1, 2 and 3 (reproduced below) seek the enhancement of the urban environment, public realm and access to public services within the Charlestown and Meakstown area. The proposed development will deliver a high quality residential development within a landscape public realm and includes additional local retail/ commercial, childcare and community facilities.</p> <p>Objective CHARLESTOWN AND MEAKSTOWN 1: <i>Develop an enhanced community identity within Fingal through the improvement of social, cultural, community and residential amenities. Support the development of a sense of identity for the area including improvements to signage, landscaping and physical appearance and through the promotion of mixed uses, including residential, in Charlestown Centre.</i></p>

	<p>Objective CHARLESTOWN AND MEAKSTOWN 2: Continue to improve and deliver enhanced community and recreational amenities to the area with particular emphasis on a community centre to provide for the community and sporting needs of the area including the provision of changing rooms if required and improvements to the quality of open space.”</p> <p>Objective CHARLESTOWN AND MEAKSTOWN 3: Continue to support and facilitate the established cross boundary forum, which includes Dublin City Council, to co-ordinate development between Dublin City’s North-West Area (which includes parts of Santry, Poppintree and Ballymun) and the adjoining areas in Fingal which include Santry, Meakstown and Charlestown and lands to the north of Ballymun.</p>
Chapter 5 Rural Fingal	The proposed development is consistent with the Development Plan provisions in this Chapter. No specific issues of consistency arise in this regard.
Chapter 6 Economic Development	The contents of this Chapter are noted insofar as the proposed development is concerned. As a primarily residential development, the proposed development will indirectly contribute to the achievement of the economic and employment strategy and objectives of the plan.
Chapter 7 Movement and Infrastructure	<p>The proposed development is a high-density residential development within close proximity to an established District Centre and multiple Dublin Bus routes on the adjoining Charlestown Place and St. Margaret’s Road. This form of development accords with the Development Plan policies which promote sustainable travel modes – public transport, cycling and walking. Refer to the Traffic and Transport Assessment enclosed with the current application.</p> <p>The proposed drainage infrastructure to serve the proposed development is fully segregated and the water supply and foul water infrastructure has been designed in accordance with Irish Water requirements. Full details are provided within the enclosed Engineering Report (Pat O’Gorman & Associates).</p> <p>In accordance with Development Plan objectives an Energy Statement (Varmings) including details of the proposed energy system intended to serve proposed development is enclosed with the planning application.</p> <p>Waste management plans for the construction and operational phases of the proposed development have been prepared and are enclosed with the current application in accordance with Development Plan policy.</p>
Chapter 8 Green Infrastructure	The proposed development is consistent with the Development Plan provisions in this Chapter. No specific issues of consistency arise in this regard.

<p>Chapter 9 Natural Heritage</p>	<p>The proposed development is consistent with the Development Plan provisions in relation to Natural Heritage.</p>
<p>Chapter 10 Cultural Heritage</p>	<p>The proposed development is consistent with the Development Plan provisions in this Chapter. There are no sites or buildings of archaeological or architectural merit on the site and no specific issues of consistency arise in this regard.</p>
<p>Chapter 11 Land Use Zoning Objectives</p>	<p>The subject site is zoned “TC – Town and District Centre”. The Zoning Objective are to “<i>Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.</i>”</p> <p>The vision for this Zoning Objective is as follows: - <i>“Maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic. In order to deliver this vision and to provide a framework for sustainable development, Urban Centre Strategies will be prepared for centres in accordance with the Urban Fingal Chapter objectives.”</i></p> <p>The uses proposed (residential, retail/ commercial, creche and community uses) are all ‘Permitted in Principle’ under the Development Plan on the basis that the proposed use mix is in accordance with the Development Plan zoning objective.</p>
<p>Chapter 12 Development Management Standards</p>	<p>All Development Management Standards included in Chapter 12 have been considered and the development has incorporated these principles and standards insofar as they are relevant to the proposals (e.g. <i>Common Principles for all Planning Applications - Section 12.2, Design Criteria for Urban Development - Section 12.3, Design Criteria for Residential Development - Section 12.4, Open Space - Section 12.7 and Community Infrastructure, Facilities and Services - Section 12.8</i>).</p> <p>Common Principles for all Planning Applications – Section 12.2 The principles of access for all, green infrastructure and sustainable design have been incorporated in the design and layout of the proposed development. The current application is also supported by a full suite of assessments including architectural and landscape design statements, Traffic and Transport Assessments, an Environmental Impact Assessment and an Appropriate Assessment Screening Report.</p> <p>Design Criteria for Urban Development – Section 12.3 The issues of urban and building design are addressed in detail within the current application. The Architect’s Design Report by McCrossan</p>

O'Rourke Manning Architects provides details of the urban design principles and details that combine to proposed a high quality urban environment within the current scheme.

Design Criteria for Residential Development – Section 12.4

Section 12.4 of the Development Plan contains standards and guidance in relation to mix of dwelling types, residential density, apartment development and quantitative standards.

The Development Plan predates the *Design Standards for New Apartments – Guidelines for Planning Authorities 2018* nevertheless it does note the key standards and principles from the previous version of the Department Guidelines issued in 2015. In terms of the proposed development, we refer to the following reports submitted with the current application which demonstrate compliance with the 2018 Apartment Guidelines: -

- Planning Statement – BMA Planning
- Architect's Design Report, Housing Quality Assessment and Schedule of Accommodation – McCrossan O'Rourke Manning Architects

The proposed development Materially Contravenes the *Development Plan* in respect of apartments per floor per individual stair life core. The proposed development includes up to 9no. apartments per floor in the case of the proposed east/ west stair and lift cores. Objective DMS23 of the Development Plan permits up to 8 apartments per floor per individual stair/ lift core.

A **Material Contravention Statement** is provided within Section 3.0 below and addresses the associated procedural issues and justification for the proposed Material Contravention.

Open Space – Section 12.7

A hierarchy of open space provision is proposed in accordance with the Development Plan and *Design Standards for New Apartments – Guidelines for Planning Authorities 2018* incorporating a large central public open space, communal courtyards within the proposed apartment blocks and private amenity space in the form of balconies serving each apartment unit. Children's play facilities are also proposed within the proposed public open space. Details regarding the nature and extent of the proposed open spaces are provided within the following: -

- Landscape Rationale – Ronan MacDiarmada Landscape Architects
- Architect's Design Report – McCrossan O'Rourke Manning Architects.



Community Infrastructure, Facilities and Services – Section 12.8

The nature and scale of the proposed uses within the current application is devised relative to the provision of existing community facilities in the **Social Infrastructure Audit (Future Analytics)** submitted with this application. Health Centre and creche facilities are

	<p>proposed to supplement existing local services and these will be available to both the future residents of the development and the wider community.</p> <p>Movement & Infrastructure – Section 12.10 Section 12.10 of the Development Plan provides objectives and standards for a wider range of issues including car and cycle parking, water services and waste management.</p> <p>The proposed development will provide car parking at basement and street levels. The proposed car parking provision is justifiable with reference to the location of the development within an ‘intermediate urban location’. Cycle parking is provided at basement and surface levels at locations that are convenient to the future residents and visitors to the development. Further details are provided within the enclosed Traffic and Transport Assessment (Atkins).</p> <p>The proposed drainage infrastructure to serve the proposed development is fully segregated and the water supply and foul water infrastructure has been designed in accordance with Irish Water requirements and have received pre-connection and design approval from Irish Water. Full details are provided within the enclosed Engineering Report (Pat O’Gorman & Associates).</p> <p>Waste management proposals for both the construction and demolition and operational phases of the development are contained within the C&D Waste and By-Product Management Plan and Operational Waste Management Plan (Byrne Environmental Consulting).</p>
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Figure 2.1: Extract from *Fingal County Development Plan 2017 – 2023 Zoning Objectives Map*

Zoning Objectives		
	DA - Dublin Airport	Ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan
	FP - Food Park	Provide for and facilitate the development of a Food Industry Park
	GB - Greenbelt	Protect and provide for a Greenbelt
	GE - General Employment	Provide opportunities for general enterprise and employment
	HT - High Technology	Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment
	LC - Local Centre	Protect, provide for and/or improve local centre facilities
	ME - Metro Economic Corridor	Facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor
	OS - Open Space	Preserve and provide for open space and recreational amenities
	RC - Rural Cluster	Provide for small scale infill development serving local needs while maintaining the rural nature of the cluster
	RS - Residential	Provide for residential development and protect and improve residential amenity
	RU - Rural	Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage
	RW - Retail Warehousing	Provide for retail warehousing development
	TC - Town and District Centre	Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities
	WD - Warehousing and Distribution	Provide for distribution, warehouse, storage and logistics facilities which require good access to a major road network within a good quality environment

3.0 MATERIAL CONTRAVENTION STATEMENT

The proposed development Materially Contravenes the *Development Plan* in respect of apartments per floor per individual stair life core.

The proposed development includes up to 9no. apartments per floor in the case of the proposed east/ west stair and lift cores.

Objective DMS23 of the Development Plan permits up to 8 apartments per floor per individual stair/ lift core.

This issue is addressed in response to ABP Opinion Specific Information Item 2 in section 3.4.2 of the **Planning Statement** submitted with this application.

In accordance with Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act 2016* the Board may grant permission for a proposed strategic housing development that materially contravenes the development plan or local area plan, other than in relation to zoning.

'(6)(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.'

The 2016 Act states that the Board may only grant permission if Section 37(2)(b) of the Act of 2000 applies.

'(6)(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.'

Section 37(2)(b) of the Act of 2000 (as amended) states as follows: -

'37(2)(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area,

guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.'

On the basis of the above, it is submitted that the Board may grant permission for the proposed development in accordance with Section 37(2)(b) (iii) having regard to the following:

-

- SPPR6 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 provides for a maximum of 12 apartments per floor per core within apartment schemes.
- The Regional Spatial and Economic Strategy for the Eastern and Midlands Region which includes Regional Policy Objectives for compact urban development and increased residential densities in Dublin City and suburbs (RPO 3.2) and the Metropolitan Area Strategic Plan which includes compact sustainable growth and accelerated housing delivery as a guiding principle for the Dublin Metropolitan Area.
- Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness which seeks to improve the viability of housing construction and ensure that an average of 25,000 homes are produced every year in the period to 2021.
- The National Planning Framework 2040 includes objectives that encourage increased residential densities through alternative design solutions (Objective 13).

4.0 STATEMENT OF CONSISTENCY – MINISTERIAL GUIDELINES

4.1 GUIDELINES FOR PLANNING AUTHORITIES ON SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS (2009) AND ASSOCIATED URBAN DESIGN MANUAL BEST PRACTICE GUIDELINES (2009)

These Guidelines set out the key planning principles for residential development in urban areas. The Guidelines are accompanied by a non-statutory Design Manual which illustrates how the policy principles can be translated into practice by developers.

The Urban Design Manual provides a series of criteria against which residential developments can be assessed. These are divided into 3 categories:- Neighbourhood; Site; Home.

The proposed layout, design and built form is guided by the principles set out within the Guidelines and the design criteria within the Design Manual. This ensures that the proposed development provides a variety of residential dwellings that are connected to local public transport options and accessible to existing retail and local services.



Table 3.1 below outlines

Consistency with the 12 Design Criteria and should be read in conjunction with the **Architect's Design Report (McCrossan O'Rourke Manning Architects)** enclosed.

TABLE 3.1 CONSISTENCY WITH SUSTAINABLE RESIDENTIAL DEVELOPMENT GUIDELINES - DESIGN CRITERIA FOR NEW RESIDENTIAL DEVELOPMENTS

The Criteria	Positive Indicators	Consistency
<p>01 Context How does the development respond to its surroundings?</p>	<ul style="list-style-type: none"> • The development seems to have evolved naturally as part of its surroundings • Appropriate increases in density respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users • Form, architecture and landscaping have been informed by the development's place and time • The development positively contributes to the character and identity of the neighbourhood • Appropriate responses are made to the nature of specific boundary conditions 	✓
<p>02 Connections How well connected is the new neighbourhood?</p>	<ul style="list-style-type: none"> • There are attractive routes in and out for pedestrians and cyclists • The development is located in or close to a mixed-use centre • The development's layout makes it easy for a bus to serve the scheme • The layout links to existing movement routes and the places people will want to get to • Appropriate density, dependent on location, helps support efficient public transport 	✓
<p>03 Inclusivity How easily can people use and access the development?</p>	<ul style="list-style-type: none"> ○ New homes meet the aspirations of a range of people and households ○ Design and layout enable easy access by all ○ There is a range of public, communal and/or private amenity spaces and facilities for children of different ages, parents and the elderly ○ Areas defined as public open space that has been either taken in charge or privately managed will be clearly defined, accessible and open to all ○ New buildings present a positive aspect to passers by avoiding unnecessary physical and visual barriers 	✓
<p>04 Variety How does the development promote a good mix of activities?</p>	<ul style="list-style-type: none"> • Activities generated by the development contribute to the quality of life in its locality • Uses that attract the most people are in the most accessible places • Neighbouring uses and activities are compatible with each other • Housing types and tenure add to the choice available in the area • Opportunities have been taken to provide shops, facilities and services that complement those already available in the neighbourhood 	✓
<p>05 Efficiency How does the development make appropriate use of resources, including land?</p>	<ul style="list-style-type: none"> • The proposal looks at the potential of higher density, taking into account appropriate accessibility by public transport and the objectives of good design • Landscaped areas are designed to provide amenity and biodiversity, protect buildings and spaces from the elements and incorporate sustainable urban drainage systems • Buildings, gardens and public spaces are laid out to exploit the best solar orientation • The scheme brings a redundant building or derelict site back into productive use • Appropriate recycling facilities are provided 	✓
<p>06 Distinctiveness How do the proposals create a sense of place?</p>	<ul style="list-style-type: none"> • The place has recognisable features so that people can describe where they live and form an emotional attachment to the place • The scheme is a positive addition to the identity of the locality • The layout makes the most of the opportunities presented by existing buildings, landform and ecological features to create a memorable layout • The proposal successfully exploits views into and out of the site 	✓

	<ul style="list-style-type: none"> • <i>There is a discernible focal point to the scheme, or the proposals reinforce the role of an existing centre</i> 	
07 Layout How does the proposal create people friendly streets and spaces?	<ul style="list-style-type: none"> • <i>Layout aligns routes with desire lines to create a permeable interconnected series of routes that are easy and logical to navigate around.</i> • <i>The layout focuses activity on the streets by creating active frontages with front doors directly serving the street</i> • <i>The streets are designed as places instead of roads for cars, helping to create a hierarchy of space with less busy routes having surfaces shared by pedestrians, cyclists and drivers</i> • <i>Traffic speeds are controlled by design and layout rather than by speed humps</i> • <i>Block layout places some public spaces in front of building lines as squares or greens, and some semi private space to the back as communal courts</i> 	✓
08 Public Realm How safe, secure and enjoyable are the public areas?	<ul style="list-style-type: none"> • <i>All public open space is overlooked by surrounding homes so that this amenity is owned by the residents and safe to use</i> • <i>The public realm is considered as a usable integrated element in the design of the development</i> • <i>Children's play areas are sited where they will be overlooked but not a nuisance</i> • <i>There is a clear definition between public, semi private, and private space</i> • <i>Roads and parking areas are considered as an integral landscaped element in the design of the public realm.</i> 	✓
09 Adaptability How will the buildings cope with change?	<ul style="list-style-type: none"> • <i>Designs exploit good practice lessons, such as the knowledge that certain house types are proven to be ideal for adaptation</i> • <i>The homes are energy-efficient and equipped for challenges anticipated from a changing climate</i> • <i>Homes can be extended without ruining the character of the types, layout and outdoor space</i> • <i>The structure of the home and its loose fit design allows for adaptation and subdivision, such as the creation of an annexe or small office</i> • <i>Space in the roof or garage can be easily converted into living accommodation</i> 	✓
10 Privacy and Amenity How do the buildings provide a decent standard of amenity?	<ul style="list-style-type: none"> • <i>Each home has access to an area of useable private outdoor space</i> • <i>The design maximises the number of homes enjoying dual aspect</i> • <i>Homes are designed to prevent sound transmission by appropriate acoustic insulation or layout</i> • <i>Windows are sited to avoid views into the home from other houses or the street</i> • <i>The homes are designed to provide adequate storage including space within the home for the sorting and storage of recyclables.</i> 	✓
11 Parking How will the parking be secure and attractive?	<ul style="list-style-type: none"> • <i>Appropriate car parking is on street or within easy reach of the home's front door.</i> • <i>Parked cars are overlooked by houses, pedestrians and traffic, or stored in secure underground or podium arrangements</i> • <i>Parking is provided communally to maximise efficiency and accommodate visitors without the need to provide additional dedicated spaces</i> • <i>Materials used for parking areas are of similar quality to the rest of the development</i> • <i>Adequate secure facilities are provided for bicycle storage</i> 	✓

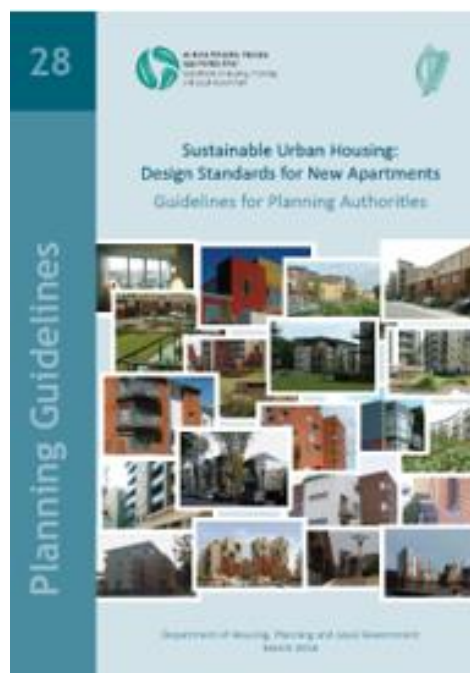
<p>12 Detailed Design How well thought through is the building and landscape design?</p>	<ul style="list-style-type: none"> • <i>The materials and external design make a positive contribution to the locality</i> • <i>The landscape design facilitates the use of the public spaces from the outset</i> • <i>Design of the buildings and public space will facilitate easy and regular maintenance</i> • <i>Open car parking areas are considered as an integral element within the public realm design and are treated accordingly</i> • <i>Care has been taken over the siting of flues, vents and bin stores</i> 	<p>✓</p>
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4.2 SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS – GUIDELINES FOR PLANNING AUTHORITIES (2018)

These Guidelines, hereafter referred to as the ‘Apartment Guidelines’ contain qualitative and quantitative measures for the design of apartments and related facilities including storage areas, open spaces and communal facilities. *Specific Planning Policy Requirements* (SPPRs) included in the Guidelines take precedence over policies and objectives of development plans, local area plans or SDZ planning schemes.

Section 6 of the Apartment Guidelines outlines the information required to accompany a planning application for an apartment scheme or mixed use development including apartments. This is set out in a *Schedule / Housing Quality Assessment*.

Schedules and floor plans demonstrating compliance with the standards are enclosed by the scheme architects.



The design and layout of the proposed apartments are consistent with the standards for internal floor areas, rooms sizes, private amenity space and communal amenity space as set out in the 2018 Apartment Guidelines. Comprehensive schedules and floor plans demonstrating compliance with the standards will be provided within a Housing Quality Assessment Schedule.

The following is a summary of compliance with the key provisions of the Guidelines.

An Architect’s Design Report and apartment schedule is submitted and demonstrates compliance with the Guidelines. Table 3.2 below summarises compliance with the key parameters.

Issue	Comment
Floorspace Schedule	Schedules and floor plans demonstrating compliance with the Apartment Guidelines have been provided by McCrossan O’Rourke Manning Architects.
Floor Area	All proposed apartments are in accordance with the minimum size requirements of the Guidelines – SPPR3 and Annex 1.
Unit Mix	A total of 590no. units are proposed. The unit mix is as follows: - One bed 234 (40%) Two bed 316 (53%) Three bed 40 (7%)

Aspect	The proposed development achieves a dual aspect ratio of 52% in accordance with SPPR 4 of the Guidelines which requires apartment schemes to deliver a minimum of 50% dual aspect units in intermediate locations such as the application site. Detailed information on aspect is contained within the Architect's Design Report .
Floor to Ceiling Height	The ground floor have a floor to ceiling height of up to 3.6 metres which are higher than the typical floor to ceiling height on the upper floors. Typical Floor to ceiling height of 2.7m metres is proposed on upper floors throughout the scheme. Refer to Architect's Design Report for details.
Lift and Stair Core	The proposed arrangement of apartments relative to primary, secondary and escape stairs is addressed in the Architect's Design Report. The proposed development includes up to 9no. apartments per floor in the case of the proposed east/ west stair and lift cores. This is in accordance with SPPR 6 of the Guidelines which stipulates that no more than 12 apartments per floor may be served a stair/ lift core.
Internal Storage	All individual apartments are provided with internal storage in accordance with the requirements of Appendix 1 of the Guidelines.
Private Amenity Space	In line with Appendix 1 of the " <i>Sustainable Urban Housing: Design Standards for New Apartments</i> " Guidelines for Planning Authorities, March 2018 private amenity space is being provided in the form of balconies to meet the minimum floor areas for private amenity space.
Security Considerations	The requirements for passive surveillance of communal and public open spaces has informed the design and layout of the proposed apartment blocks. Ground floor apartments are screened by a privacy strip and planting to improve security. Refer to HQA.
Communal Facilities	The proposed development is not a Build to Rent development and communal facilities are not required to serve the proposed apartments.
Creche	A creche (542sq.m) with additional external play area is proposed within Block 1 and will have the capacity to cater for the anticipated demand for childcare facilities within the proposed development.
Refuse Storage	The design considerations as outlined at paragraph 4.9 of the Apartment Guidelines have been incorporated into the refuse storage and collection strategy for the proposed scheme. Refuse storage is provided for the scheme and has been informed by inputs from the Waste Consultants (Byrne Environmental Consulting).
Communal Amenity Space	The requirement for communal amenity space based on the Guidelines Appendix 1 standards is 3723sq.m.

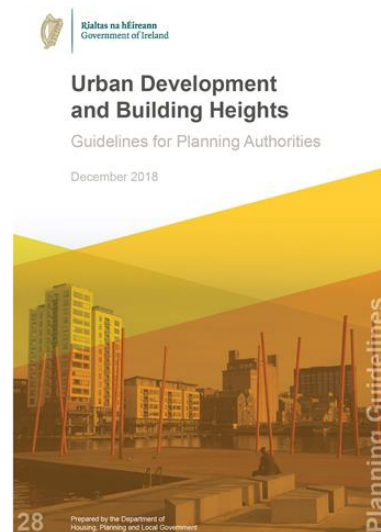
	Communal amenity space is provided in the form of communal courtyard areas within Blocks 1, 2, 3 and 4 and roof gardens with Blocks 1, 2 and 4 all totalling 4135sq.m.
Children's Play	Children's play is provided for within the central landscaped public open space and includes play equipment and seating. The proposed children's play area is centrally located and passive surveillance is provided by Block 4 to the west and Block 2 to the north. Additional children's play areas for younger children are provided within the communal courtyards serving each block.
Bicycle Parking Storage	Bicycle parking, totalling 1068no. spaces, is provided and is located at basement and ground floor levels within the proposed apartment blocks.
Car Parking	The development proposes a residential car parking provision of 505 spaces located at basement and surface levels to be allocated to residents of the apartments. This provision is in line with Section 4.19 of the Apartment Guidelines that requires a default policy of reduced parking in intermediate locations that are well served by public transport.
Building Lifecycle Report	Section 6.13 of the Apartment Guidelines requires that planning applications for apartment developments include <i>"...a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents."</i> A Building Lifecycle Report is submitted with the application.

4.3 URBAN DEVELOPMENT AND BUILDING HEIGHTS GUIDELINES FOR PLANNING AUTHORITIES (2018)

The Building Height Guidelines support in principle: -

- Building heights of at least 3 to 4 storeys in locations outside what would be defined as city and town centre areas and which would include suburban areas.
- Buildings heights of 6 storeys at street level with scope to consider greater building heights within city centre areas including within the canal ring in Dublin and similar areas in Cork, Limerick, Galway and Waterford.

Applications for increased building heights, taller than the prevailing building heights in urban areas, can be considered and approved by the Planning Authority / An Bord Pleanala under Specific Planning Policy Requirement 3 (SPPR3) where the relevant plan (i.e. Development Plan) pre-dates these Guidelines.



The assessment in Table 3 below demonstrates compliance with the relevant criteria outlined in Section 3.2 of the Guidelines.

In summary, in accordance with the policies in the 2018 Building Height Guidelines, the proposed development is an appropriate response to the specific site considerations with a range of 2 to 10 storey building heights and will provide an appropriate form of development for this accessible brownfield site.

TABLE 3: BUILDING HEIGHT GUIDELINES - DEVELOPMENT MANAGEMENT CRITERIA (BMA CHECKLIST)

	Criteria (Building Height Guidelines – Paragraph 3.2)	Comment
At the scale of the relevant city/town	<ul style="list-style-type: none"> • The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. 	<p>The subject site is well served by public transport. A Traffic and Transportation Statement (Atkins) provides further detail in relation to the existing and proposed public transport facilities serving the subject site and concludes that the site is ‘located within a key metropolitan area of Dublin City and zoned for Town and District Centre uses, Charlestown Place is well placed within an existing high quality public transport service and a planned multimodal transport network. Existing pedestrian, cycling, public transport and road infrastructure forms a firm foundation for sustainable transport travel.’</p>

	<ul style="list-style-type: none"> Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views.³ Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect. 	<p>The proposed scheme will successfully integrate with the surrounding context.</p> <p>The landscape visual impact assessment is contained within Chapter 14 of the submitted EIAR and concludes that the proposed development will have a significant positive impact due to the fact that the mixed-use urban development proposed will have higher landscape quality value than that of the existing environment comprising a surface car park. It will also provide additional landscape amenity for future residents and the wider public.</p>
	<ul style="list-style-type: none"> On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape. 	<p>The proposed development will make a positive contribution to the surrounding area by developing a prominent underutilized site in need of regeneration.</p> <p>The height, scale and massing of the proposed scheme responds to the scale of recently granted and constructed schemes in the vicinity of the subject site.</p> <p>The subject scheme responds to its immediate surrounding context stepping down from north to south where the higher building elements provide an urban edge to Charlestown Place and St. Margaret's Road and a reduced scale of development along the southern boundary with McKelvey Avenue.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">At the scale of district/ neighbourhood / street</p>	<ul style="list-style-type: none"> The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape 	<p>The scheme is a high quality architectural solution and will make a positive contribution towards the development of Charlestown. New north-south and east-west streets are created enhancing permeability through the site and connections to the established Charlestown Centre and between Charlestown Place and St. Margaret's Road.</p>
	<ul style="list-style-type: none"> The proposal avoids long, uninterrupted walls of building in the form of perimeter blocks or slab blocks with 	<p>The Architect's Design Report (McCrossan O'Rourke Manning Architects) and enclosed with this application details how the use of</p>

	<p>materials / building fabric well considered.</p>	<p>materials and architectural devices has introduced variety and interest to the building and modulated the proposed building scale and massing.</p>
	<ul style="list-style-type: none"> The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009). 	<p>The subject scheme provides a strong edge to Charlestown Place and St. Margaret’s Road in keeping with the urban context as established by the Charlestown Centre to the north. Active frontages are provided in the form of retail/ commercial units, creche, health centre and residential amenity spaces as well as own-door residential units.</p> <p>A Site Specific Flood Risk Assessment (Pat O’Gorman & Associates) enclosed with this application concludes that based on available flooding mapping and hydraulic modelling of the Finglas River the risk of flooding on the application site is low.</p>
	<ul style="list-style-type: none"> The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner 	<p>The Architect’s Design Report (McCrossan O’Rourke Manning Architects) enclosed with this application details how the scheme will ensure the development will be a legible and attractive addition to the area which meets with the objectives of the Development Plan and wider proper planning and urban design principles.</p>
<p>At the scale of the site/ building</p>	<ul style="list-style-type: none"> The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light 	<p>The Daylight and Sunlight Assessment Results (3D Design Bureau) has informed the design process with the interim assessments providing guidance as the scheme has evolved. The end result is a comprehensive redevelopment of an underutilised brownfield site with strong urban edges to Charlestown Place and St. Margaret’s Road. The iterative design process, informed by the Daylight and Sunlight Assessment has produced a series of modulated blocks of varying heights. The design and layout of these blocks safeguards the residential amenity of existing residents on adjoining sites, particularly at McKelvey Avenue, and the future residents of the proposed development by reducing overshadowing of neighbouring properties and facilitating</p>
	<ul style="list-style-type: none"> Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’. 	
	<ul style="list-style-type: none"> Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any 	

	<p>alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	<p>high levels of daylight and sunlight penetration to the proposed living and amenity spaces.</p>
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SPECIFIC ASSESSMENTS (POSSIBLE) TO SUPPORT PLANNING APPLICATIONS

Specific Assessments	<p>To support proposals at some or all of these scales, specific assessments may be required and these may include:</p>	
	<p>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>The modulated and varying heights of the proposed development ensure that there is limited potential for microclimate effects. The existing environment is characterised as an open expansive site. The proposed development will create a more human scale and sheltered environment for pedestrians and cyclists with resulting positive micro-climate effects.</p>
	<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>The AA Screening Report (Openfield Ecology) has found that the Project, alone or in combination with other projects, is not likely to have significant effects on the Natura 2000 Network or any of the flora and fauna in the surrounding area. This report will be included in support of the final planning application.</p>
	<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>The height, scale and orientation of the proposed development is such that it will not impact on existing telecommunication channels or microware links. Existing telecommunications infrastructure located at the Charlestown Centre are located within the existing 12 storey tower which is higher then the buildings heights proposed within the current application and therefore</p>

		telecommunications channels will not be diminished.
	An assessment that the proposal maintains safe air navigation.	A Solar Photovoltaic Glint & Glare Study has been prepared by Innovision and assesses the potential for the proposed PV arrays at roof level to impact the operation of Dublin Airport. The report concludes that the proposed development will not give rise to any nuisance or hazardous glare to the runways or control towers at Dublin Airport.
	<i>An urban design statement including, as appropriate, impact on the historic built environment.</i>	There are no buildings or features of historic value on or in the vicinity of the application site.
	<ul style="list-style-type: none"> • Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate. 	An Environmental Impact Assessment Report and an AA Screening Report are enclosed with the current application.

4.4 QUALITY HOUSING FOR SUSTAINABLE COMMUNITIES (2007)

The aim of these Guidelines is to identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards that have been found, from experience, to be particularly relevant. These Guidelines are not directly relevant to the proposed apartment development.

4.5 DESIGN MANUAL FOR URBAN ROADS AND STREETS (2019)

The *Design Manual for Urban Roads and Streets* (DMURS) aims to create well-designed streets which are not dominated by traffic, but balanced to the needs of all users and appropriate to the type of place in which the street is located. A **DMURS Statement of Consistency (Pat O’Gorman & Associates)** has also been prepared and accompanies this planning submission. The Statement confirms that the proposed design and layout of the road and street network is consistent with the *Design Manual for Urban Roads and Streets 2019*.

4.6 CHILDCARE FACILITIES GUIDELINES FOR PLANNING AUTHORITIES (2001)

The *Childcare Facilities Guidelines for Planning Authorities* refer to a benchmark of an average of one facility (with 20 childcare spaces) for 75 houses and also provide broader guidance on internal standards for childcare facilities.

The *Sustainable Urban Housing: Design Standards for New Apartments (2018)* provided an update on this guidance, noting studio and 1 bed units should not generally be considered to contribute a requirement for childcare provision.

The proposed development includes a creche facility of 542sq.m and a separate external play space within the proposed Block 1. It is considered that this proposed creche is sufficient to cater for the childcare needs of the future residents of the proposed development. Refer to the enclosed **Planning Statement (BMA Planning)**.

4.7 THE PLANNING SYSTEM AND FLOOD RISK ASSESSMENT - GUIDELINES FOR PLANNING AUTHORITIES (2009)

These Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification and management into the planning process.

A Site-Specific Flood Risk Assessment (SSFRA) is prepared for the current application. The assessment concludes that there is no risk of flooding to the proposed development, its occupants or users and adjoining properties.

5.0 NATIONAL AND REGIONAL POLICY

5.1 PROJECT IRELAND 2040 – NATIONAL PLANNING FRAMEWORK

The National Planning Framework (NPF) is the Government’s high-level strategic plan for shaping the future growth and development of the Country out to the year 2020. A key element of the NPF’s strategy is compact growth with the key features being: -

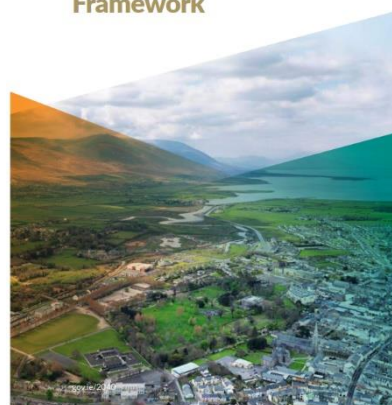
- *Targeting a greater proportion (40%) of future housing development to be within and close to the existing ‘footprint’ of built-up areas.*
- *Making better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.*
- *Supporting both urban regeneration and rural rejuvenation through a €3 Billion Regeneration and Development Fund and the establishment of a National Regeneration and Development Agency.*
(Page 22)



Project Ireland 2040 National Planning Framework

Each chapter contains National Policy Objectives that promote coordinated spatial planning, sustainable use of resources, and protection of the environment and the Natura 2000 network.

The National Policy Objectives most relevant to the current application are included in Chapter 4 Making Stronger Urban Places and Chapter 6 People, Homes and Communities and include the following: -



Chapter 4 Making Stronger Urban Places

National Policy Objective 4

Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 11

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Chapter 6 People, Homes and Communities

National Policy Objective 27

Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

National Policy Objective 33

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 34

Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.

National Policy Objective 35

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

In accordance with the National Policy Objectives of the NPF, the current application will deliver a high density development of modern new homes within an existing urban area, in close proximity to existing public transport and local service provision.

5.2 REBUILDING IRELAND – ACTION PLAN FOR HOUSING AND HOMELESSNESS (2016)

This document is the Government’s Action Plan on Housing and Homelessness. It seeks to improve the viability of housing construction and ensure that an average of 25,000 homes are produced every year in the period to 2021.

To achieve this, Five Pillars are outlined, each with specific key actions:-

- Pillar 1 – Address Homelessness
- Pillar 2 – Accelerate Social Housing
- Pillar 3 – Build More Homes
- Pillar 4 – Improve the Rental Sector
- Pillar 5 – Utilise Existing Housing

The proposed residential development will help to achieve the objectives of this Action Plan, particularly Pillar 3, where a target of 25,000 homes annually, built by the private sector, is targeted for the period of 2016-2021.



5.3 REGIONAL SPATIAL & ECONOMIC STRATEGY 2019-2031

The *Regional Spatial & Economic Strategy, 2019-2031* (RSES) for the Midlands and Eastern Region was made on 28th June 2019.

This Plan, which replaces the *Regional Planning Guidelines for the Greater Dublin Area 2010-2022*, is a strategic plan providing a multifaceted approach based upon *Health Placemaking; Climate Change; and Economic Opportunity*.

The RSES provides

- a spatial strategy;
- an economic strategy;
- an investment framework;
- a climate action strategy;
- a Metropolitan Area Strategic Plan (MASP) for Dublin.

The proposed development will deliver a high density scheme of modern and adaptable new homes, within an existing urban area, in close proximity to existing public transport and local service provision. This is in accordance with the principles and vision of the Metropolitan Area Strategic Plan (MASP) and *Regional Spatial & Economic Strategy, 2019-2031* (RSES).

6.0 CONCLUSION

On the basis of the foregoing and attached, it is considered that the proposed development is an appropriate response for the site which is consistent with the relevant Development Plan for the area and the relevant Ministerial Guidelines and other planning policy sources.

BMA PLANNING
May 2021