

Dundrum Village
Strategic Housing
Development, Main Street,
Dundrum, Dublin 14

Applicant:
Dundrum Retail GP DAC
(Acting for and on behalf of Dundrum Retail Limited Partnership)



**STATEMENT OF CONSISTENCY
AND MATERIAL
CONTRAVENTION STATEMENT
(STAGE 3)**

March 2022

BMA PLANNING

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1.0 INTRODUCTION

1.1 PURPOSE OF REPORT

This **Statement of Consistency** has been prepared on behalf of Dundrum Retail GP DAC (acting for and on behalf of Dundrum Retail Limited Partnership) DRGPD) (The Applicant) to accompany a request to An Bord Pleanála for a Stage 2 Strategic Housing Development pre-application consultation on lands at Dundrum Village, Dublin 14.

The proposed development, as described in the **Planning Statement** (BMA Planning) enclosed, comprises a Strategic Housing Development as defined within Section 3 of the *Planning and Development (Housing) and Residential Tenancies Act 2016*. In summary, the development will consist of 881no. residential units in 11no blocks comprising a mix of studio, one, two and three bed apartments and all associated ancillary accommodation (83,983.3,sqm GFA) and non-residential uses (4,458.7sqm sqm GFA) including retail / commercial units and a creche.

The purpose of this **Statement of Consistency and Material Contravention Statement** is to examine the proposed development in terms of consistency with both the relevant objectives of the Development Plan and Section 28 Ministerial Guidelines which are relevant as listed below.

1.2 RESPONSE TO ABP OPINION

This report also responds to Specific Information Item 3 and 4 of the ABP Opinion which state as follows:

3. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the Development Plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

4. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

The **Dun Laoghaire Rathdown Development Plan 2016 – 2022** (the “Development Plan” / DCDP) is the statutory development plan for the area. The Statement of Consistency of the

proposed development with the policies and objectives of the DCDP is provided in Section 4.0. The proposed development is a Material Contravention of the Development Plan and **Material Contravention Statement** in Section 5.0 below sets out the basis on which the Board may grant permission for the proposed development in accordance with Section 37(2)(b) of the *Planning and Development Act 2000 (as amended)*.

The *Dun Laoghaire Rathdown Draft County Development Plan 2022-2028* was adopted at a meeting of the Council on Thursday 10 March. The plan becomes operative on 21 April 2022. Although strictly not a relevant consideration until that date, it is expected that the Draft will be operative and in force at the time the Board makes its decision on this application. After this application is made, we will not have a further opportunity to address the Board on the adopted plan. For this reason, we address the new plan by reference to the published draft and approved amendments. These remarks are only relevant considerations for the Board where the new plan is in force at the time the Board is making a decision on this application.

1.3 NATIONAL AND REGIONAL POLICY

The following national and regional policy documents are considered in relation to the proposed development:-

- *Project Ireland 2040 - The National Planning Framework*
- *Rebuilding Ireland – Action plan for Housing and Homelessness (2016)*
- *Eastern & Midlands Regional Assembly Regional Spatial & Economic Strategy, 2019-2031*
- *Transport Strategy for the Greater Dublin Area 2016-2035*
- *Housing for All – A New Housing Plan for Ireland (September 2021)*

An assessment of the consistency of the proposed development with these plans is provided in Section 2.0.

1.4 SECTION 28 MINISTERIAL GUIDELINES

The following is a list of the current Section 28 Ministerial Guidelines considered in relation to the proposed development:-

- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)* and associated *Urban Design Manual - Best Practice Guidelines (2009)*
- *Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (Updated 2020)*
- *Regulation Of Commercial Institutional Investment In Housing – Guidelines For Planning Authorities (2021)*
- *Urban Development and Building Height Guidelines for Planning Authorities (2018)*
- *Quality Housing for Sustainable Communities (2007)*
- *Design Manual for Urban Roads and Streets (2019)*
- *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)*

The Statement of Consistency with these Section 28 Guidelines is provided in Section 3.0

2.0 NATIONAL AND REGIONAL POLICY

2.1 INTRODUCTION

National and Regional planning policy are all perfectly aligned in relation to the imperatives of housing and urban development in the Dublin and Dundrum of 2022. They call for high quality urban design, building height and scale greater than has been permitted heretofore and a strong focus on intensification of urban activity based on proximity to public transport and encouragement of pedestrian and cycle movement.

Housing policy more generally recognises the diversity of house types and tenures required in a contemporary urban setting with greater scope for units of different sizes, including a greater proportion of one/two bedroom units reflecting the current trends in household in Ireland generally, but particularly in the Dublin Metropolitan Area.

2.2 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 2040.

There are 5 key elements in the NPF Strategy, 2 of which (outlined below) are relevant to proposed development. The proposed development, a town centre urban regeneration project well served by public transport, meets each of these goals.

Ireland’s Capital

- *“Supporting the future growth and success of Dublin as Ireland’s leading global city of scale, by better managing Dublin’s growth to ensure that more of it can be accommodated within and close to the city.”*
- *Enabling significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.*
- *Addressing infrastructural bottlenecks, improving citizens’ quality of life and increasing housing supply in the right locations”*

Compact Growth

- *“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.”*

(Source NPF: Page 22, *Emphasis added*)

The National Policy Objectives most relevant to the proposed development include the following: -

National Policy Objective 3a

Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements¹⁷.

National Policy Objective 3b

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints¹⁸.

Comment:- The proposed development will provide a significant increase in the number of new dwellings within a designated “Major Town Centre” in the DLR Development Plan which is a prime location for such development being close to all services and amenities as well as a range of public transport options.

National Policy Objective 6

Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

Comment:- The re-development of the old Dundrum Shopping Centre site is a significant urban regeneration project. The proposed development will go a long way towards completion of the regeneration of Dundrum Village and its reimagining as a Major Town Centre for Dun Laoghaire Rathdown County. The development provides modern purpose-built residential accommodation at higher densities on this strategically located site within the Dundrum catchment.

National Policy Objective 7

Apply a tailored approach to urban development, that will be linked to the Rural and Urban Regeneration and Development Fund, with a particular focus on:

- Dublin;
- The four Cities of Cork, Limerick, Galway and Waterford;
- Strengthening Ireland's overall urban structure, particularly in the Northern and Western and Midland Regions, to include the regional centres of Sligo and Letterkenny in the North-West, Athlone in the Midlands and cross-border networks focused on the Letterkenny-Derry North-West Gateway Initiative and Drogheda-Dundalk-Newry on the Dublin-Belfast corridor;
- Encouraging population growth in strong employment and service centres of all sizes, supported by employment growth;
- Reversing the stagnation or decline of many smaller urban centres, by identifying and establishing new roles and functions and enhancement of local infrastructure and amenities;
- Addressing the legacy of rapid unplanned growth, by facilitating amenities and services catch-up, jobs and/or improved sustainable transport links to the cities, together with a slower rate of population growth in recently expanded commuter settlements of all sizes;
- In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth.

Comment:- This is an urban regeneration project. It is strategically located in Dundrum Major Town Centre and close to public transport networks, employment and commercial and community services.

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.

Comment:- This project has retail/ commercial uses and will assist in retaining employment and business activity within the Village Centre.

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.

Comment:- The scheme has been designed to meet the requirements of the DLRCDP and / or the relevant planning and related guidelines i.e.

- *Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (Revised 2020)* and
- *Urban Development and Building Height Guidelines for Planning Authorities (2018)*

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.

Comment:- A shift from the private car towards other modes of public transport and walking or cycling is promoted through the design of the development. The take up on this is expected to be good due to the strong connections and permeability integrated into the design and the choice of existing public transport modes found in close proximity as well as easy access to the Town Centre by foot.

National Policy Objective 32

To target the delivery of 550,000 additional households to 2040.

Comment:- The proposed development will deliver 881 dwellings which will contribute to meeting the 2040 target for additional households.

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.

Comment:- The proposed development provides 881 new homes within Dundrum Town Centre which is a top tier location that supports sustainable development.

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.

Comment:- The design and layout of the proposed development, including the density and building heights, are a suitable design response for the regeneration of this Major Town Centre regeneration site.

2.3 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:- 1. Address Homelessness; 2. Accelerate Social Housing; 3. Build More Homes; 4. Improve the Rental Sector; and 5. Utilise Existing Housing. Pillars 2, 3 and 4 are relevant to the proposed development and the table below outlines how these objectives are met.

Pillar 2 – Accelerate Social Housing

Increase the level and speed of delivery of social housing and other State supported

Comment:-

The applicant will provide 10% social housing on-site in accordance with Part V requirements.

housing.

Pillar 3 – Build More Homes

Increase the output of private housing to meet demand at affordable prices

The proposed development, subject to approval, will go on site in 2023 and will provide a significant number of private homes in this location where there is strong demand for such units.

Pillar 4 – Improve the Rental Sector

Address the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

The development can provide supply of properties for the private rental market.

2.4 REGIONAL SPATIAL AND ECONOMIC STRATEGY, 2019-2031

The *Regional Spatial & Economic Strategy (RSES)* is a strategic plan which provides a multifaceted approach to regional development. The Strategy supports implementation of Project Ireland 2040, which links planning and investment through the National Planning Framework (NPF) and National Development Plan (NDP) and supports the economic and climate policies of the Government.

The Strategy is based upon the 3 key Principles and 16 Regional Strategic Outcomes identified in the image below.

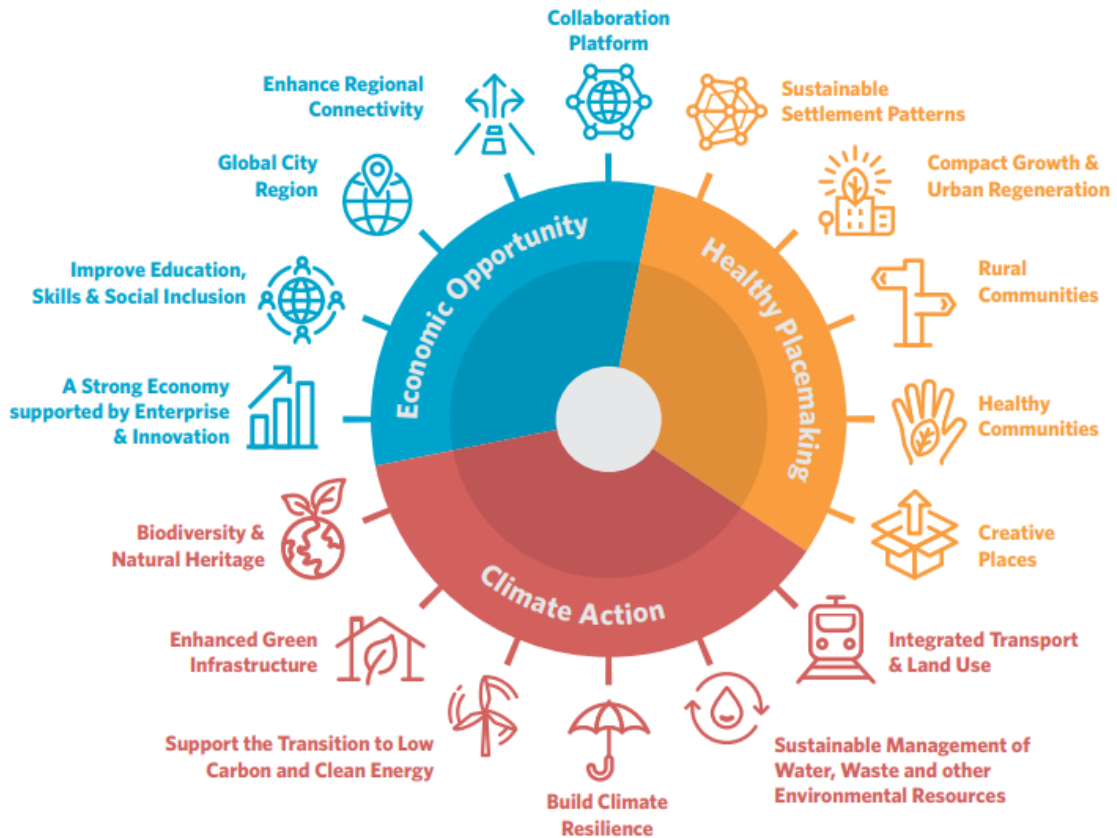


Figure 2.4 Regional Strategic Outcomes

SOURCE: Figure 2.4, Regional Spatial & Economic Strategy, 2019-2031

The site lies within the Dublin Metropolitan Area (DMA) and the *Dublin Metropolitan Area Strategic Plan* (MASP) is a land use and transportation strategy contained within the RSES. Sustainable growth and consolidation of Dublin City and its suburbs is part of the vision of the MASP.

To achieve this, the following Guiding Principles (Section 5.3) of the MASP, relevant to the proposed development, are outlined below: -

- *Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target of 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.*
- *Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of ‘BusConnects’, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks*
- *Social Regeneration – To realise opportunities for social as well as physical regeneration, particularly in those areas of the metropolitan area which have been identified as having high relative deprivation.*
- *Co-ordination and active land management – To enhance co-ordination across local authorities and relevant agencies to promote more active urban development and land management policies that help develop underutilised, brownfield, vacant and public lands.*

(emphasis added)

Comment: The proposed development is an urban regeneration scheme of a brownfield site. The scheme will deliver a high-density scheme of modern new homes which are in close proximity to existing and planned public transport and local service provision. This is in accordance with the principles and vision of the RSES and MASP.

2.5 TRANSPORT STRATEGY FOR THE GREATER DUBLIN AREA 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA) and provides a transport planning policy around which agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport

policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in “Smarter Travel – A Sustainable Transport Future”.

Comment: The proposed development will deliver a high-density scheme of modern new homes which are in close proximity to existing and planned public transport and local service provision.

2.6 HOUSING FOR ALL – A NEW HOUSING PLAN FOR IRELAND (2021)

The Government issued a policy document entitled ‘Housing For All – A New Housing Plan for Ireland’ in September 2021 and this Plan contains a number of pathways to increase private and public housing supply.

Pathway 3 is focused on how to move from building approximately 20,000 homes a year to an average of 33,000 homes per annum between now and 2030.

The Plan proposed broad reforms of planning and regulatory frameworks, as well as strengthening the capacity of delivery partners, to enable supply to reach the levels required.

Comment: Many of the challenges sought to be addressed in the new Plan are consistent with the proposed development and, in particular, the emphasis on high density apartment development on public transport nodes and the new “Town Centres First” policy is a characteristic of this development at Dundrum.

3.0 STATEMENT OF CONSISTENCY – MINISTERIAL GUIDELINES

3.1 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.

The principles of the Guidelines are translated into the planning and design objectives and standards contained in the Development Plan.

These objectives and standards have informed the nature, scale, density and form of development within the current scheme and ensure a plan-led approach to the development of the site.

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.



The table below outlines Consistency with the 12 Design Criteria and should be read in conjunction with the Architect’s **Design Statement** (GRID Architects) enclosed which also comments on these criteria.

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

The Criteria / Positive Indicators	Comment on Consistency
<p>01 Context How does the development respond to its surroundings?</p> <ul style="list-style-type: none"> • <i>The development seems to have evolved naturally as part of its surroundings</i> • <i>Appropriate increases in density respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users</i> • <i>Form, architecture and landscaping have been informed by the development's place and time</i> • <i>The development positively contributes to the character and identity of the neighbourhood</i> • <i>Appropriate responses are made to the nature of specific boundary conditions</i> 	<p>As detailed in the Design Statement (GRID) and other reports submitted with this application, the design of the DVSHD development has been informed by detailed analysis of the site and its surroundings, with particular attention paid to the treatment of immediately adjacent boundaries. It is considered that the proposals represent a positive contribution to the area as a whole in line with current policy.</p> <p>The Context for the proposed development is addressed in detail in the Design Statement (Grid)</p>
<p>02 Connections How well connected is the new neighbourhood?</p> <ul style="list-style-type: none"> • <i>There are attractive routes in and out for pedestrians and cyclists</i> • <i>The development is located in or close to a mixed-use centre</i> • <i>The development's layout makes it easy for a bus to serve the scheme</i> • <i>The layout links to existing movement routes and the places people will want to get to</i> • <i>Appropriate density, dependent on location, helps support efficient public transport</i> 	<p>The development provides a new urban precinct with on-site facilities and connections to the surrounding urban area for pedestrian, cyclists and motorists.</p> <p>Given the level of public transport accessibility, the scheme places strong emphasis on smarter travel and sustainable modes of transport over the private car.</p> <p>In addition to the Design Statement (Grid), please also refer to the Transport Assessment (Systra) which contains details of how the proposed development is connected by a range of transport modes</p>
<p>03 Inclusivity How easily can people use and access the development?</p> <ul style="list-style-type: none"> ○ <i>New homes meet the aspirations of a range of people and households</i> ○ <i>Design and layout enable easy access by all</i> ○ <i>There is a range of public, communal and/or private amenity spaces and facilities for children of different ages, parents and the elderly</i> ○ <i>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</i> ○ <i>New buildings present a positive aspect to passers by avoiding unnecessary physical and visual barriers</i> 	<p>The scheme provides a wide range of 1, 2 and 3 bedroom apartments catering for a range of end users. Buildings will directly address the street and public realm and public open space areas are proposed and will be accessible to all and form part of the wider green infrastructure network.</p> <p>The proposed development will comply with Part M of the building regulations in relation to universal access and this has been incorporated into the design of the public areas by Grid Architects and NMP Landscape Architecture.</p>
<p>04 Variety How does the development promote a good</p>	<p>In addition to the variety of house types, the development also provides resident amenities</p>

<p><i>mix of activities?</i></p> <ul style="list-style-type: none"> • <i>Activities generated by the development contribute to the quality of life in its locality</i> • <i>Uses that attract the most people are in the most accessible places</i> • <i>Neighbouring uses and activities are compatible with each other</i> • <i>Housing types and tenure add to the choice available in the area</i> • <i>Opportunities have been taken to provide shops, facilities and services that complement those already available in the neighbourhood</i> 	<p>and facilities within the apartment blocks which will provide residents lounges, co-working areas etc. and the development also include non-residential uses such as retail and café units and a childcare facility to serve the new neighbourhood.</p>
<p>05 Efficiency <i>How does the development make appropriate use of resources, including land?</i></p> <ul style="list-style-type: none"> • <i>The proposal looks at the potential of higher density, taking into account appropriate accessibility by public transport and the objectives of good design</i> • <i>Landscaped areas are designed to provide amenity and biodiversity, protect buildings and spaces from the elements and incorporate sustainable urban drainage systems</i> • <i>Buildings, gardens and public spaces are laid out to exploit the best solar orientation</i> • <i>The scheme brings a redundant building or derelict site back into productive use</i> • <i>Appropriate recycling facilities are provided</i> 	<p>The development meets current policy and is in keeping with the trends for similar town centre regeneration sites in the City. The density of the development supports the economic efficiency of public transport serving the site.</p> <p>The design of the development uses best practice in terms of sustainability within urban areas and this is evident in relation to transportation, energy, SUDs, and waste management.</p> <p>The scheme brings an underutilised site back into productive use which represents a more sustainable use of scarce urban land.</p>
<p>06 Distinctiveness <i>How do the proposals create a sense of place?</i></p> <ul style="list-style-type: none"> • <i>The place has recognisable features so that people can describe where they live and form an emotional attachment to the place</i> • <i>The scheme is a positive addition to the identity of the locality</i> • <i>The layout makes the most of the opportunities presented by existing buildings, landform and ecological features to create a memorable layout</i> • <i>The proposal successfully exploits views into and out of the site</i> • <i>There is a discernible focal point to the scheme, or the proposals reinforce the role of an existing centre</i> 	<p>The site layout strategy has established a strong urban form that respects the locality and the established connections as well as setting up new connections.</p> <p>Building Height has been used to improve legibility and to mark the key focal points of the scheme at the north end.</p>
<p>07 Layout <i>How does the proposal create people friendly streets and spaces?</i></p> <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</i> 	<p>The street network is addressed by buildings and particular consideration has been given to how residential lobbies and individual residential units address the ground plane within the internal street and squares as well as on Main Street.</p> <p>The non-residential units on Main Street have</p>

<p><i>creating active frontages with front doors directly serving the street</i></p> <ul style="list-style-type: none"> • <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> 	<p>also been designed to activate the streetscape and the public realm.</p> <p>Refer to the Design Statement (GRID)</p>
<p>08 Public Realm</p> <p><i>How safe, secure and enjoyable are the public areas?</i></p> <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> 	<p>The public realm and landscape strategy provide a hierarchy of space with a clear definition between public, semi private, and private space. The public realm is considered as a usable integrated element in the design of the development. Refer to the Design Statement (GRID) and Landscape Design Statement (NMP). All open spaces are overlooked and safe and children’s play areas are provided and are sited where they will be overlooked.</p>
<p>09 Adaptability</p> <p><i>How will the buildings cope with change?</i></p> <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> 	<p>Buildings are adaptable to evolve over time and include current best practice and technologies to foster sustainability.</p> <p>A Energy & Sustainability Statement (BDP) will be submitted with this planning application outlining proposals for energy efficiency.</p>
<p>10 Privacy and Amenity</p> <p><i>How do the buildings provide a decent standard of amenity?</i></p> <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</i> 	<p>All apartments have private amenity space in accordance with Guidelines. Design has included measures to meet and surpass current Building Regulations and to provide high quality residential accommodation</p>

<p><i>transmission by appropriate acoustic insulation or layout</i></p> <ul style="list-style-type: none"> • <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> 	
<p>11 Parking</p> <p><i>How will the parking be secure and attractive?</i></p> <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>The parking areas are convenient to the apartments but at a low level of provision in accordance with current policy.</p> <p>Proposals will involve mobility management initiatives to encourage use of sustainable transport modes over the private car. Bicycle parking is provided for residents and visitors.</p> <p>Refer to Transport Assessment (Systra)</p>
<p>12 Detailed Design</p> <p><i>How well thought through is the building and landscape design?</i></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>The detailed design of the development exhibits high quality materials on the buildings and the public realm. Maintenance implications will be considered in the Building Lifecycle Report (Aramark) and the development also recognises the taking-in-charge requirements of the Local Authority in relation to roads and public spaces.</p>

3.2 SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS – GUIDELINES FOR PLANNING AUTHORITIES (UPDATED 2020)

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.

A detailed **Housing Quality Assessment** (HQA) prepared by GRID is included as part of this planning application and contains the detailed schedules as required by the Guidelines demonstrating that the proposed development is compliant.

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

CONSISTENCY WITH SUSTAINABLE URBAN HOUSING GUIDELINES - DESIGN STANDARDS FOR NEW APARTMENTS, 2020

REQUIREMENT	COMMENT
Floorspace Schedule	Schedules and floor plans demonstrating compliance with the Apartment Guidelines have been provided within the enclosed Housing Quality Assessment (GRID).
Unit Mix	The proposed unit mix of the development is compliant with SPPR1 with less than 50% of the total units comprising studio and one bed units. (ie. 38%)
Apartment Floor areas	The floor areas of the proposed apartments are compliant with the standards as set out in SPPR 2 of the Guidelines. More than 50% of the apartments exceed the minimum floor areas by 10% in accordance with paragraph 3.8 of the Guidelines.
Dual Aspect Ratios	SPPR 4 of the Guidelines requires apartment schemes to deliver a minimum of 33% dual aspect units in central and accessible locations and 50% elsewhere. While Dundrum MTC has previously been accepted (Building 5-ABP-305261-19) as a Central Accessible site where 33% dual aspect could be justified, the proposed scheme achieves in excess of 50% dual aspect – ie. c.60%. There will be no single aspect north facing units. Dwellings on northerly facing façades have been designed with at least 50% of their façades angled to the north west or north east so that the dwelling faces away from North

Floor to Ceiling Height	The proposed development achieves a floor to ceiling height in excess of 2.55 metres throughout the scheme. The ground floor apartments have a floor to ceiling height of 3.6 metres in accordance with SPPR 5 of the Guidelines. This will be more than sufficient to meet the 2.7m clear height for residential at ground floor.
Lift and Stair Cores	The proposed development provides no more than 12 units per core in accordance with SPPR 6 of the Guidelines.
Internal Storage	All individual apartments are provided with internal storage in accordance with the requirements of Appendix 1 of the Guidelines.
Private Amenity Space	Every apartment in the proposed development will have private amenity space in the form of patios/terraces for ground floor apartments and balconies at upper levels in accordance with the provisions of Appendix A of the Apartment Guidelines. Where provided at ground level, private amenity space incorporates boundary treatment to ensure privacy and security.
Communal Facilities	The resident's internal amenity spaces are typical of those found in large scale residential developments. Resident lounges, work from home areas, dining spaces, meeting rooms and multi-function spaces which will help foster a community experience for the residents. Refer to Housing Quality Assessment (GRID)
Creche	A crèche is located over two levels in Block 4B. Refer to the statement of compliance with Childcare Guidelines in Section 3.7 below.
Communal Amenity Space	Communal amenity space has been provided in the form of secure, accessible landscaped courtyards and roof terrace areas in accordance with the provisions of the Apartment Guidelines distributed across the 4 zones. A total of 5,574sqm in aggregate is required to meet these standards and this is provided in the proposed development. Refer to Housing Quality Assessment (GRID) and Landscape Design Statement (NMP).
Children's Play	The landscape proposals provide for incidental play facilities within the communal open space. Please refer to the enclosed landscape plans and Landscape Design Statement (NMP).
Car Parking	This provision is in line with Section 4.19 of the Apartment Guidelines that requires a default policy of reduced parking in central and / or accessible urban locations that are well served by

	public transport. Details on the proposed parking strategy including the operation and management of parking spaces are included in the enclosed Transport Assessment (Systra) and in Section 4.5 below.
Bicycle Parking	Secure bicycle storage is provided for residents (1,508 spaces) and visitors (78 spaces). An additional 164 cycle parking spaces are included in the public realm. The design and provision of the cycle storage facilities are in accordance with the requirements as outlined in Section 4.17 of the Apartment Guidelines and outlined in the enclosed Transport Assessment (Systra)
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.
Security Considerations	The ground floor apartments are elevated above street level and screened from the communal courtyard by a privacy strip and planting.
Building Lifecycle Report	A <i>Building Lifecycle Report</i> (Aramark) is enclosed with this application. This is prepared in accordance with Section 6.13 of the Apartment Guidelines.

SPECIFIC PLANNING POLICY REQUIREMENT	COMPLIES
<p>Specific Planning Policy Requirement 1</p> <p><i>Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).</i></p>	Complies
<p>Specific Planning Policy Requirement 2</p> <p><i>For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:</i></p> <ul style="list-style-type: none"> • <i>Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;</i> • <i>Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th;</i> 	N/A

<ul style="list-style-type: none"> For schemes of 50 or more units, SPPR 1 shall apply to the entire development. 	
<p>Specific Planning Policy Requirement 3 Minimum Apartment Floor Areas:</p> <ul style="list-style-type: none"> Studio apartment (1 person) 37 sq.m 1-bedroom apartment (2 persons) 45 sq.m 2-bedroom apartment (4 persons) 73 sq.m 3-bedroom apartment (5 persons) 90 sq.m 	Complies
<p>Specific Planning Policy Requirement 4 In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:</p> <p>(i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.</p> <p>(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.</p> <p>(iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.</p>	Complies
<p>Specific Planning Policy Requirement 5 Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.</p>	Complies
<p>Specific Planning Policy Requirement 6 A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , subject to overall design quality and compliance with building regulations.</p>	Complies
<p>Specific Planning Policy Requirement 7 BTR development must be:</p> <p>(a) Described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to</p>	N/A

<p><i>apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;</i></p> <p><i>(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:</i></p> <p><i>(i) <u>Resident Support Facilities</u> - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.</i></p> <p><i>(ii) <u>Resident Services and Amenities</u> – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc. a)</i></p>	
<p>Specific Planning Policy Requirement 8</p> <p>For proposals that qualify as specific BTR development in accordance with SPPR 7:</p> <p>(i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;</p> <p>(ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;</p> <p>(iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;</p> <p>(iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;</p> <p>(v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.</p>	N/A
<p>Specific Planning Policy Requirement 9</p> <p><i>There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is either:-</i></p> <p><i>(i) required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process; or,</i></p>	N/A

(ii)	<i>on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála, in which case the application or appeal may be determined on its merits.</i>	
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Daylight and Sunlight Analysis

The orientation of the site is very favourable and the absence of fully enclosed courtyards reduces the potential for poor daylight / sunlight conditions. The enclosed ***Daylight and Shadow Impact Assessment*** (BDP) shows positive results for the apartments and the communal amenity spaces.

The daylight assessment results demonstrate that of the 2,359 relevant spaces; 96% of them met and exceeded in many cases the recommended daylight factors outlined in BRE 209 (ADF 1.0 bedrooms & ADF 2.0 kitchen/living). In BDP’s experience this is a very commendable result as schemes of a similar nature would typically be expected to exceed over 90% compliance with this guidance. Compensatory design solutions have been incorporated where required and feasible.

The amenity space within Dundrum Village SHD is at podium level (access from Dundrum Main Street) and roof level and receives well in excess of 2 hours of direct sunlight on over 50% of the area. The existing Dundrum public streetscape within the vicinity of the site meet and exceed the BRE 209 recommendations for direct sunlight post development. It is therefore clear that Dundrum Village SHD residents will receive high levels of sunlight and BRE 209 guidelines are met. The shadow plans for the March equinox, summer solstice and winter solstice are detailed in the ***Daylight and Shadow Impact Assessment*** (BDP). Following interrogation of the shadow plans for all periods of the year it was determined that the Dundrum Village SHD shall not have any adverse impact on other amenity spaces such as residential gardens, parks, playing fields and playgrounds.

Wind Analysis/ Pedestrian Comfort

IN2 has prepared a ***Microclimatic Wind Analysis and Pedestrian Comfort Report*** for inclusion with the planning application and this assessment has informed the design of the proposed development.

The IN2 report summarises the analysis undertaken, and conclusions determined from sophisticated Building Simulations performed with regards to Wind/ Pedestrian Comfort, in all cases validating results in accordance with robust Best Practice Guidelines to ensure compliance.

Detailed assessment of predicted Wind conditions and associated Pedestrian Comfort were undertaken. Wind Analysis was assessed utilising Airflow Simulation techniques, calculating predicted pressures and velocities throughout the proposed development site and its surroundings. These wind simulations were then compiled and assessed against Lawson Criteria Methodology- an assessment method for Pedestrian Comfort in order to predict activity suitability (sitting/ standing etc.) for persons in the vicinity of the development. The results as presented for

predicted microclimatic wind conditions and associated pedestrian comfort provide a conservative assessment accounting for future climate change conditions.

It concludes that:

- Ground level communal amenity spaces within the proposed development are determined to be very well sheltered, predominantly suited to “Outdoor Dining/ Pedestrian Sitting”, in accordance with the Lawson Criteria methodology utilised.
- All pedestrian links through the site are deemed to be suited to “Pedestrian Walking”, and therefore suited to their intended use. Wind conditions more suited to “Business Walking” are predicted to occur to the north of Zone 1. However, these wind conditions are predicted to occur along the R117 Dundrum Bypass Road, and therefore away from any pedestrianised areas.
- All roof terrace spaces have a considerable portion of their area deemed to be suitable for “Outdoor Dining/ Sitting” (blue contours).
- All balconies within the proposed development are predicted by the Lawson Criteria methodology utilised to be suited to “Outdoor Dining” or Pedestrian Sitting/ Standing”, and therefore suited to their intended use as private amenity spaces.

The landscaping design includes wind mitigation measures in the form of wind screening and wind tolerant planting, which minimises potential excess wind speeds at roof terraces. Therefore, the roof terrace levels analysed are predicted to be suitable for their intended use as amenity spaces.

The proposed development is determined to not adversely impact on its receiving environment or neighbouring developments in terms of wind microclimate and pedestrian comfort, with no areas deemed to be “Uncomfortable” or “Unsafe”.

3.3 REGULATION OF COMMERCIAL INSTITUTIONAL INVESTMENT IN HOUSING – GUIDELINES FOR PLANNING AUTHORITIES (2021)

As stated in the Guidelines ‘The purpose of these guidelines is to set out planning conditions to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development including houses and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost rental housing’.

These Guidelines do not apply to the proposed development which does not contain any houses or duplex units.

3.4 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 proposed development is also cognisant of the provisions of the National Planning Framework and other national policies that support increased height.

The height strategy is proposed to respond to established building heights and character of the residential streets adjoining. Taller buildings will be located along the By-pass and stepping up at the northern site. The building heights and massing on Main Street are 3 – 5 storeys to respect the established character of the street and the old village centre generally. The blocks on the bypass range from 8-12 storeys with a 16 storey landmark building at the northern end.

The table below outlines how the proposed development meets the development management criteria set out in the *Urban Development and Building Heights Guidelines* (2018) and therefore allows An Bord Pleanala to consider and approve the additional height proposed for this scheme. This should be read in conjunction with the **Design Statement** (GRID) and other reports referred to in the table where relevant to a particular topic.

Summary of Consistency with SPPR3(A) Building Height Guidelines - Development Management Criteria

Building Height Guidelines Criteria	Assessment
<i>At the scale of the relevant city/ town:</i>	
<i>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</i>	<p>The subject site is centrally located on a designated Town Centre site is very well served by public transport - Luas is located immediately adjacent with the site; Bus stops are located on Main Street, Ballinteer Road and on the By-pass). The frequency of services is good and capacity is available to accommodate the proposed development. It is noted that the service providers are proposing upgrades to the public transport system with additional fleet for the Luas and further services under Bus Connects.</p> <p>The site is also within walking distance of the wide range of amenities and services in Dundrum Town Centre.</p> <p>Therefore, the site meets with this criterion. Refer to <i>Transport Assessment</i> (Systra) for further details.</p>
<i>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. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</i>	<p>The proposed development has been designed to integrate with the surrounding context and local communities. The site is lower lying than most of the surrounding area including that which contains the ACAs and candidate ACAs relating to the traditional core of the main street, Holy Cross Church and the Pembroke quarter. The development is also set back from these with an appropriate scale transition so that a shared open space between them can be provided and so that the proposed development is not overbearing in relation to the built form subject of the ACA designation.</p> <p>The building height strategy is proposed to respond to the established building heights and character of the local area, with 4-5 storey buildings on Main Street rising to 8-12 storeys on the By-pass and stepping to a landmark 16 storey building on the northernmost point of the site.</p>

	<p>The proposed development incorporates a landmark building that complements the other major landmark in the vicinity (the LUAS suspension bridge) and reinforces the transport junction / Dundrum arrival node that already exists there. There are no designated scenic views within the study area.</p> <p>This Landscape and Visual Assessment has been completed by Richard Barker, MacroWorks, with the Verified Views prepared by Saad Minhas of Modelworks (refer to Table 1.1 and Section 14.1 for details of qualifications)</p>
<p><i>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.</i></p>	<p>The scheme is a compact urban form of development, ensuring an efficient use of this prime Major Town Centre site, whilst filling a perceptual void in the urban form / fabric of Dundrum yet respecting the surrounding area. The height strategy is responding to established building heights, positioning the taller buildings away from the Main Street where the site can accommodate greater scale.</p> <p>A sense of place and creating a new identity for the site were important influences in the architect's design, with new streets and public spaces created through the site. The proposed apartment blocks provide stronger definition and containment to the Dundrum bypass and the lower main street at differing and appropriate scale to each of these distinctly different interfaces, thereby generating variation and interest in the building profile.</p> <p>The public spaces are / will be linked with the wider area through a series of additional pedestrian linkages delivering significant pedestrian and cycle connections with the surrounding area.</p> <p>The landmark buildings offer visual interest in the development. The main taller element is positioned at the northernmost point of the site on the key junction Main Street and Dundrum By-pass. It is also positioned in a manner that place it at an important point when viewed on the approaches from the</p>

	north (Dundrum Road) and the south (Bypass approach) where it terminates vistas along these approaches.
At the scale of district/neighbourhood/street:	
<i>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</i>	The scheme is a high-quality architectural solution and will make a positive contribution towards the regeneration of the area. The proposed development incorporates pedestrian linkages and open spaces along with a vibrant and dynamic streetscape along the lower main street.
<i>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</i>	The modulation of the blocks and the use of materials and architectural devices have introduced variety and interest to the design and avoids monolithic buildings. This residential scheme is in contrast to the scale and bulk previously permitted on the site when the scheme was a retail-led shopping centre type development. Refer to the <i>Design Statement</i> [GRID] for further details on Heights, massing and materials/finishes
<i>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).</i>	The design strategy is consistent with the Urban Framework Plan principles for Dundrum which have been incorporated into successive Development Plans since 2004. The 11 building blocks of varying heights respond to their surrounding built context and have a good degree of permeability through and between them. The proposed development is a considerable improvement to the dated shopping centre and vehicle dominated setting that currently exists on the site and which negatively contributes to the townscape character of Dundrum at present. The site and local area is within a flood zone. A <i>Site Specific Flood Risk Assessment</i> [TJ O’Connor & Associates] confirms that the site meets the Justification Test and is consistent with the 2009 Flood Risk Management Guidelines and the Dun Laoghaire Rathdown County Development Plan.
<i>The proposal makes a positive contribution to the improvement of legibility through the</i>	Movement and connectivity both within the site and to the wider area is a key principle of

<p><i>site or wider urban area within which the development is situated and integrates in a cohesive manner.</i></p>	<p>the design and the building height strategy will mark out Dundrum Town Centre “MTC” lands as the focal point of the area. The inclusion of the Sweetmount Park bridge will be an important addition to the permeability and legibility of the and will reinstate the connection between Main Street and the Sweetmount estates which was truncated by the Bypass</p> <p>The <i>Design Statement</i> [GRID] provides further details on Movements and connections.</p>
<p><i>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood</i></p>	<p>The development also includes a mix of retail /commercial units and a creche with an emphasis on neighbourhood type offer to contrast and complement the Dundrum Town Centre offer which is mainly fashion. This mix of uses will positively contribute to the neighbourhood in accordance with the Development Plan objectives for the old village centre.</p>
<p>At The Scale Of The Site/ Building</p>	
<p><i>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</i></p>	<p>The form, massing and height of all the blocks have been designed to maximise access to natural daylight, ventilation and views with particular focus on the ground / podium level corner units and external landscaped areas. Refer to <i>Daylight Sunlight & Overshadowing study</i> [BDP].</p> <p>The scale of proposed blocks is relative to the surrounding built context to each elevation and ensures that neighbouring development is not overlooked or overshadowed to a significant degree.</p>
<p><i>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’.</i></p>	<p>The proposed development has been designed by the architects in collaboration with BDP regarding daylight. The modelling undertaken, following the BRE Guidelines, has produced quantitative data to inform the design of the scheme with revisions made to ensure good quality living environments. Refer to the <i>Design Statement</i> [GRID] which has been informed by the Daylight / Sunlight analysis undertaken by BDP as part of the design process.</p>

<p><i>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 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.</i></p>	<p>The majority of the units proposed meet the required daylight provisions. The design process has been an iterative one with GRID and BDP introducing compensatory measures in the design to improve the daylight provisions for the apartments with lowest results. It is considered that the level of compliance is appropriate for the proposed development, having regard to achieving the wider planning objectives for this urban site.</p>
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In relation to the other specific assessments referred to in the Building Height Guidelines, these have also been considered insofar as they are relevant to the proposed development.

<p>Specific Assessments</p>	<p><i>To support proposals at some or all of these scales, specific assessments may be required and these may include:</i></p>	
	<p><i>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.</i></p>	<p>A <i>Microclimatic Wind Analysis and Pedestrian Comfort Report</i> [IN2] has been completed to inform the scheme design and is included with the planning documentation submitted.</p>
	<p><i>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.</i></p>	<p>The <i>Appropriate Assessment Screening & Natura Impact Statement</i> (Altamar) enclosed 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.</p> <p>The site is not located within or directly adjacent to any Natura 2000 site. The <i>Winter Bird and Flightlines Survey</i> completed for the project [Appendix 5A of the EIAR] “revealed that no significant target species such as Brent Geese would appear at least to pass over this site or</p>

	<p><i>nearby with any regularity” and therefore the risk of collision is imperceptible. The site is not an important site for any overwintering species (Refer to Chapter 5 and Appendix 5A of the EIAR).</i></p> <p><i>With regard to SPPR3, no issues arise in relation to any ecological receptors e.g. via the disruption of flight lines for birds or disruption to commuting or foraging bats. (Refer to Chapter 5 and Appendices 5A and 5B of the EIAR).</i></p>
<p><i>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</i></p>	<p>Given its location, the height, scale and orientation of the proposed development is such that it will not impact on existing telecommunication channels or microwave links. Refer to the <i>Telecommunications Report</i> by ISM submitted with this application.</p>
<p><i>An assessment that the proposal maintains safe air navigation.</i></p>	<p>Under the Standardised European rules of the Air (SERA), it is not permissible to fly over built up areas at a height of less than 1000ft.</p> <p>The proposed development does not impact on the standardised approaches\departures to Dublin airport, Casement aerodrome or Westin Airport.</p> <p>The proposed development does not impact on any of the Dublin hospitals where a helipad is used.</p> <p>Source: IAIP (Integrated Aeronautical Information Package), dated 22nd April 2021</p> <p>The applicant will consult with the Irish Aviation Authority (info@iaa.ie) to ascertain if there are any specific requirements relating to air navigation during the construction or operational phases (Mitigation Measure PHH-C4).</p>
<p><i>An urban design statement including, as appropriate, impact on the historic built environment.</i></p>	<p>Refer to the <i>Design Statement</i> (GRID)</p>
<p><i>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</i></p>	<p>An <i>Environmental Impact Assessment Report</i> (EIAR) and a <i>Appropriate Assessment Screening & Natura Impact Statement</i> (Altamar) has been</p>

	completed and is included with the planning documentation submitted.
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3.5 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. Guidance within this document is arranged under five headings as follows: -

- Site Selection
- Design Brief, Procurement and Cost Control
- Urban Design Objectives in the Provision of Housing
- Scheme Layout and Design
- Dwelling Design

Chapter 5 – Dwelling Design – provides guidance on the internal layout and space provision within houses including target gross floor areas and minimum room sizes.

The **Housing Quality Assessment** (GRID Architects) and associated floor plans confirm that the proposed housing units are consistent with the *Quality Housing for Sustainable Communities Guidelines*.

3.6 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 Statement of Consistency with **DMURS** is included within the **Transport Assessment** (Systra) as Appendix G. 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*.

3.7 CHILDCARE FACILITIES - GUIDELINES FOR PLANNING AUTHORITIES (2001)

The *Childcare Facilities Guidelines for Planning Authorities 2001* refer to a benchmark of an average of one facility (with 20 childcare spaces) for 75 houses.

The *Sustainable Urban Housing: Design Standards for New Apartments (2018)* provided an update on this guidance, noting that studio and 1 bed units should not generally be considered to contribute a requirement for childcare provision, and in some cases should also exclude 2 beds.

A creche is provided as part of the proposed development (523 sqm gross floor area). The size of

the facility has been designed to cater for the needs of the proposed development, while taking existing facilities and the demographic profile of the area into consideration.

The threshold provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.

The Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018) provide guidance on the provision of childcare facilities for new apartment developments in accordance with the demographic profile of the area. Section 4.7 of the Apartments Guidelines states that *“one bedroom and studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.”*

The scheme comprises 881no. dwellings consisting of studio, 1, 2 and 3 bed apartments.

If 1 bed units are excluded, the proposed development comprises 545no. 2 and 3 bed units which would give a requirement for c.145no. childcare spaces based on the standard from the 2001 Guidelines (i.e. 545/75 X 20).

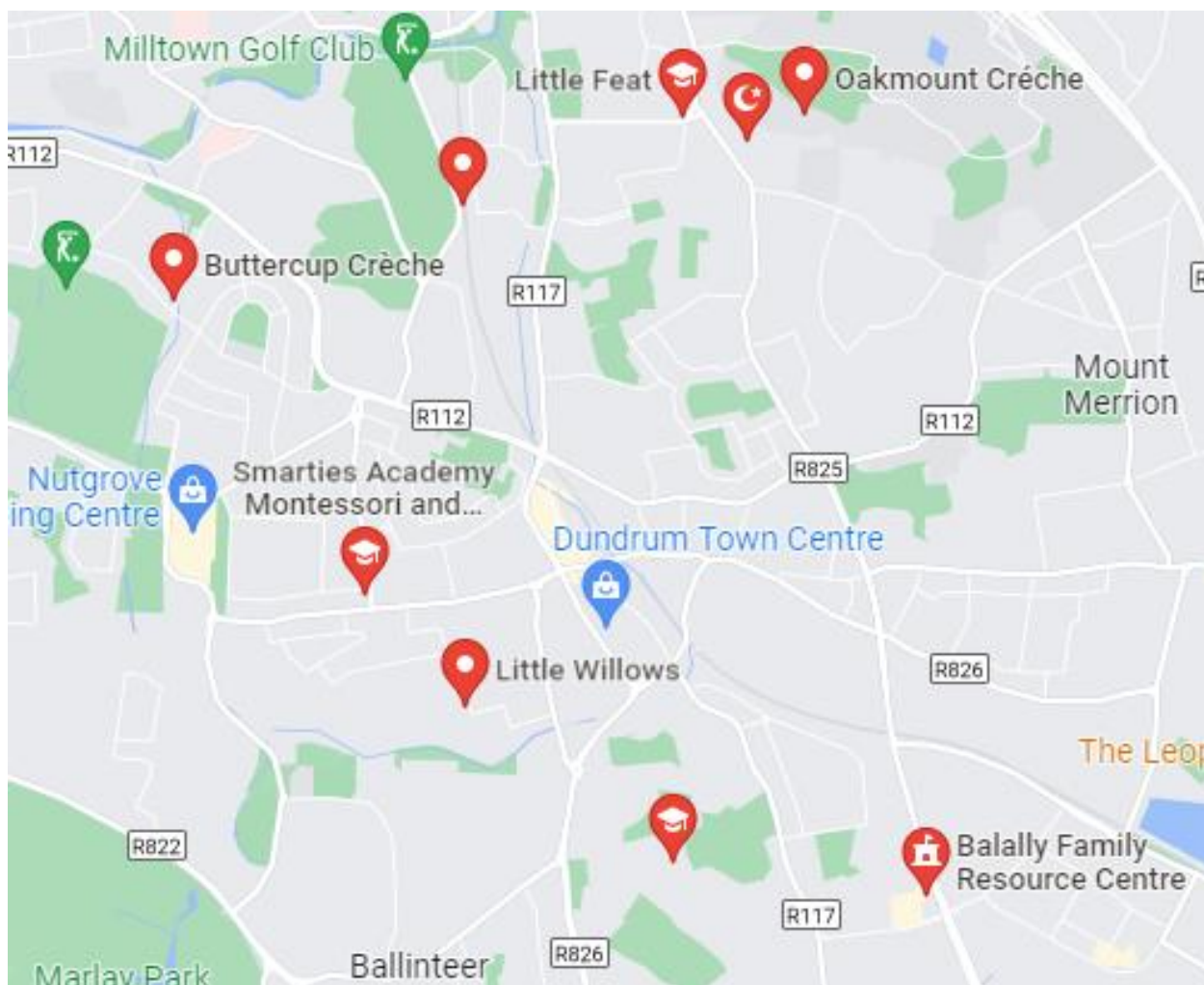
The 2001 Guidelines apply a minimum floor space per child of 2.32sq.m, exclusive of kitchen, bathroom and hall, furniture or permanent fixtures. Applying that standard, a childcare facility to serve the proposed development and meeting the requirement for c.145 childcare spaces would need to be a minimum of 336sq.m NET floor area. There is no figure provided for gross area but we would gross up the net figure to 4sqm to give a range of 580sqm. Approx.. A creche is proposed to be provided as part of the proposed development and is 523sqm excluding the external play area.

Overall, given the nature of the tenure anticipated in the proposed development with a strong emphasis on young professionals, it is considered that the scale of the proposed creche will be more than adequate to meet the needs of the proposed development and any surplus capacity will be easily absorbed by the local community.

The assessment also considered the fact that there are a number of other facilities in the general area existing and the following facilities are listed on the DLR Childcare Committee database. In addition, creches have been permitted in the context of large scale housing developments that are not yet constructed.

Facility	Address
Balally Family Resource Centre 'Wobblers and Toddlers' Group	Balally Family Resource Centre, The Scout Den, Wedgewood, Dublin 16
Little Willow Academy	24 Willow Avenue, Wyckham Pk,, Dundrum
Ashgrove Creche	61 Lower Churchtown Rd,, Churchtown, Churchtown
Buttercup Creche	Landscape Road, Churchtown Churchtown
Flower Childcare	The Islamic Cultural Centre of Ireland, 19 Roebuck Road,, Clonskeagh Churchtown
Smarties Academy	5A Beaumont Avenue, Churchtown
Little Feat	Farranboley House, Clonskeagh Village Clonskeagh
Oakmount Creche	U.C.D. Belfield, Clonskeagh
Care-Well Day Nursery and Montessori School	25 Wesley Heights, Dundrum

Source : DLR Childcare Committee (May 2021)



Existing Creches in the Dundrum Area

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

A *Site-Specific Flood Risk Assessment* (TJ O'Connor & Associates) is enclosed as part of the current submission to provide details of the flood risk management proposals associated with this development.

The Section 28 Guidelines - *Planning and Flood Risk Management Guidelines for Planning Authorities 2009* ("the Guidelines") have informed the **Strategic Flood Risk Assessments** (SFRA) undertaken by DLRC in the context of the 2010 and 2016 Development Plans adopted following the publication of the Guidelines in 2009.

Since 2016 and in accordance with Policy CC15 of the 2016 Plan, DLRC has further refined the assessments and policy in relation to flood risk associated with the Dundrum MTC lands. Accordingly, the *Draft Dun Laoghaire Rathdown County Development Plan 2022-2028* contains the most up to date assessment of flood risk and the 2022 SFRA supports the SHD proposals contained in this application.

Based on the most up to date information from the 2022 SFRA, **Flood Zone B** occupies approximately 16.7% of the SHD site area. These lands are at the northern end of the site and adjacent to the Bypass and generally corresponds to part of the site accommodating some of Blocks 1A, 1B and Blocks 2A and 2B – Ref Drg 16031-TJOC-00-XX-DR-C-1051.

There is now no Flood Zone A on the subject site.

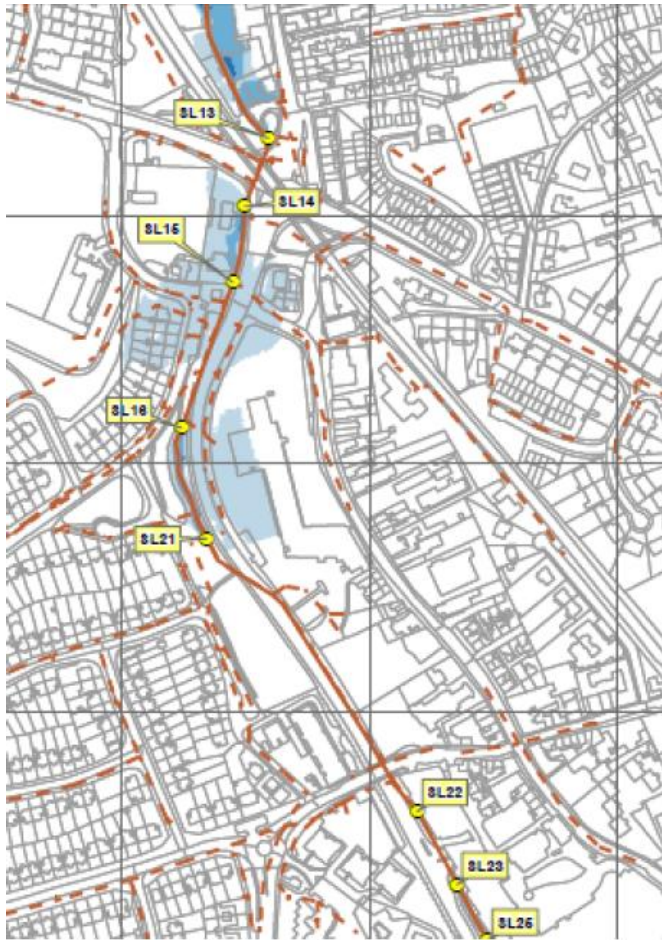


Fig 3-3: Predicted Flood Extents

The **Site Specific Flood Risk Assessment (SFRA)** prepared by TJ O'Connor & Associates is based on and conforms to the principles and recommendations of the Guidelines.

The Planning Guidelines stipulate that the **Sequential Approach** should be applied and this is illustrated in the diagram below which is an extract from the Guidelines.

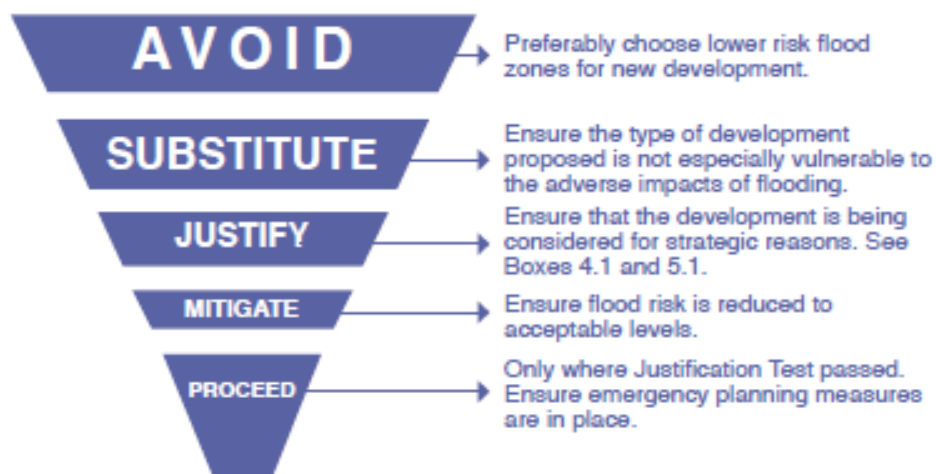


Fig. 3.1: Sequential approach principles in flood risk management

The site has passed the **Development Plan Justification Test** as part of the 2010, 2016 and 2022 SFRAs which have confirmed the “Major Town Centre” zoning of the SHD site. Therefore, given the zoning of the site and the fact that no part of the site is within Flood Zone A, it is submitted that **avoidance** of development in the Flood Zone B lands in this instance would not be in keeping with the sequential approach. Wider planning policy imperatives as detailed throughout this report and urban design best practice principles demand that these “Major Town Centre” lands be developed at higher density and that a strong built edge is provided to the Dundrum Bypass.

No “**highly vulnerable development**” (including residential development or creche) is located at the Lower Ground Floor Level in Blocks 1A, 1B, 2A and 2B, part of which are in Flood Zone B with the exception of an electrical sub-station located at the Lower ground floor within Zone 1 could be classed as a “Highly Vulnerable development”. This substation will have a finished floor level which is higher than the predicted 0.1%AEP flood level in the area, including a freeboard allowance. The residential units are well above the flood level and only undercroft car parking (which is above the flood level) is proposed at the lower levels.

“**Less vulnerable development**” (ie. retail storage) is proposed for the lower ground floor level of Block 1B of the development which includes areas designated as *Flood Zone B*. This design approach is consistent with a **precautionary approach** of **substitution** of “less vulnerable development” for “highly vulnerable development” within Flood Zone B.

Note: While within the Flood Zone B area on plan the lower ground floor retail floorspace is set above the recommended finished floor level (FFL) of 46.0m.OD as recommended in the 2016 and 2022 SFRAs prepared by DLRCC. Therefore, strictly it is only the “substructure” of the retail storage below Block 1B that is within the footprint of the Flood Zone B.

Refer to SSFRA Section 5.1 and Drg’s 16031-TJOC-00-XX-DR-C-1055 and 16031-TJOC-00-XX-DR-C-1056 which illustrate the relationship between the proposed development and the extent of the Flood Zone B.

Under the Guidelines a Justification Test is not required for “Less Vulnerable development” within Flood Zone B (Ref Table 3.2) and therefore the **Development Management Justification Test** is deemed to be met.

The SHD contains a number of proposals to **mitigate** the flood risk to acceptable levels as required under the sequential approach (Figure 3.1 and 3.2). The technical proposals proposed as part of this SHD application to mitigate the flood risk include the following:-

- (i) **Compensatory Flood Storage** - Refer to SSFRA Section 5.1 and Drg’s 16031-TJOC-00-XX-DR-C-1050 to 16031-TJOC-00-XX-DR-C-1056, 16031-TJOC-00-XX-Dr-C-1058 and 16031-TJOC-00-XX-Dr-C-1059.
- (ii) **Measures to improve overland flow paths at Dundrum Main St, Ballinteer Road and Dundrum Bypass** - Refer to SSFRA Section 5.2 and Drg 16031-TJOC-00-XX-DR-C-1057

The SSFRA identifies that there are low points on the Ballinteer Road and on the Dundrum Bypass where overland flows can accumulate in flood event. The SHD includes proposals to increase the

density of road gullies along the eastern kerbline in the vicinity of the low point on the Dundrum Bypass. The SHD also includes proposals to provide a low level drainage connection to the boundary of the development site alongside the Ballinteer Road which DLRCC can extend to improve the drainage of the low point on the Ballinteer Road. The SSFRA also identifies that vegetation (trees in particular) in Sweetmount Park may present an obstruction to flow increasing flood risk if not managed as part of a channel vegetation management plan. The Applicant commits to work alongside the Local Authority in terms of maintaining the channel and culverts in the vicinity of the proposed development, extending from the Taney Crossroads to Dom Marmion Bridge on the Ballinteer Road.

Circular PL 2/2014

The Planning and Flood Risk Management Guidelines were revised by Circular PL2/2014. The DECLG Circular PL2/2014 also provides clarification under Section 4.27a that where regeneration is to occur within Flood Zone A/B the Planning Authority should specify the nature and design of structural or non-structural flood management measures appropriate for such areas.

The Strategic Flood Risk Assessments (SFRA) undertaken by DLRCC in the 2016 and 2022 (Draft) Development Plans have included specific measures to address flood management on the “Dundrum Shopping Centre Phase 2” site and these have informed the design of the proposed development.

The Circular PL2/2014 therefore further supports the approach taken in this instance and supports this Statement of Consistency.

Statement of Consistency – Flood Guidelines 2009 and Circular PL2/2014

Conclusion:

- **The proposed SHD proposals are fully in accordance with the Section 28 Flood Guidelines of 2009 and Circular PL2/2014.**
- **The MTC site has passed the Development Plan Justification Test in each Development Plan Strategic Flood Risk Assessment (SFRA) undertaken by DLRCC since 2009.**
- **The SHD site includes lands that are within Flood Zone B (approx. 13% of the site area)**
- **The proposals in this SHD application comply with the sequential approach advocated in the Guidelines and this includes the precautionary approach of substitution of “less vulnerable development” for “highly vulnerable development” within the Flood Zone B.**
- **Under the Guidelines a Justification Test is not required for “Less Vulnerable development” within Flood Zone B (Ref Table 3.2) and therefore the Development Management Justification Test is deemed to be met.**
- **Design measures are included in the Site Specific Flood Risk Assessment (SSFRA) and the technical drawings by TJ O’Connor & Associates to address flood risk management and mitigation and these include, inter alia, compensatory flood storage and measures to improve overland flow paths on Ballinteer Road low point and Dundrum By-pass.**

3.9 ARCHITECTURAL HERITAGE PROTECTION – GUIDELINES FOR PLANNING AUTHORITIES (2011)

The Minister for Arts, Heritage and the Gaeltacht is responsible for issuing guidelines on architectural heritage protection under Part IV of the Planning and Development Act 2000, as amended. The *Architectural Heritage Protection – Guidelines for Planning Authorities* were reissued in 2011, following an earlier publication in 2005 prior to the transfer of functions from the Department of Environment, Heritage and Local Government.

The Guidelines deal with policy and detailed guidance in relation to all aspects of Protected Structures and also deal with development within their curtilage and attendant grounds.

As the current application does not involve any works to a Protected Structure. The Holy Cross Church and Parochial House are Protected Structures and, in this regard the proposals are considered to be consistent with the relevant provisions of the Guidelines are contained in Chapter 2 (*'The Development Plan: Record of Protected Structures'*) and Chapter 13 *'Curtilage and Attendant Grounds'*.

Chapter 3 ('The Development Plan: Architectural Conservation Areas') provides guidance on best principles for identifying and designating ACAs to protected groups of buildings other than Protected Structures that have historic merit.

Part 2 (Chapters 7 – 19) provide detailed Guidance Notes in relation to a wide range of consideration issues and these have been taken into consideration in the proposals to refurbish Glenville Terrace (1-3) and in the assessment of the other buildings to be demolished to facilitate the proposed development.

Refer to the Architectural Heritage Impact Assessment (by Cathal Crimmins, Conservation Architects) contained in the EIAR - Chapter 13.

4.0 STATEMENT OF CONSISTENCY – DEVELOPMENT PLAN

4.1 INTRODUCTION

This section contains an assessment of the consistency of the proposed development with the *Dun Laoghaire Rathdown County Development Plan 2016 – 2022* 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 and Zoning Maps.

4.2 DUN LAOGHAIRE RATHDOWN COUNTY DEVELOPMENT PLAN 2016 – 2022 : ZONING AND MAP BASED OBJECTIVES

The subject site is zoned **Objective MTC** in the Development Plan, which is to *‘to protect, provide for and/or improve major town centre facilities’*.

‘Residential’ and *‘Childcare Service’* uses are “permitted in principle” within this zone (Refer to Table 8.3.8). The zoning also allows a full range of retail uses (eg. “Shop-Specialist, Shop-Neighbourhood, Shop-District, Shop-Major Convenience, Shop-Major Comparison).

“Permitted in Principle” means *‘Land uses designated under each zoning objective as Permitted in Principle’ are, subject to compliance with the relevant policies, standards and requirements set out in this Plan, generally acceptable’* (Section 8.3.3)

The justification for the land use mix proposed is provided in the **Planning Statement** (BMA Planning) submitted. This report explains why the strategy of a residential led scheme is suitable in the context of the overall “MTC” zone.

The proposed development is consistent with the Development Plan zoning objective - MTC.

Table 8.3.8

ZONING OBJECTIVE ‘MTC’

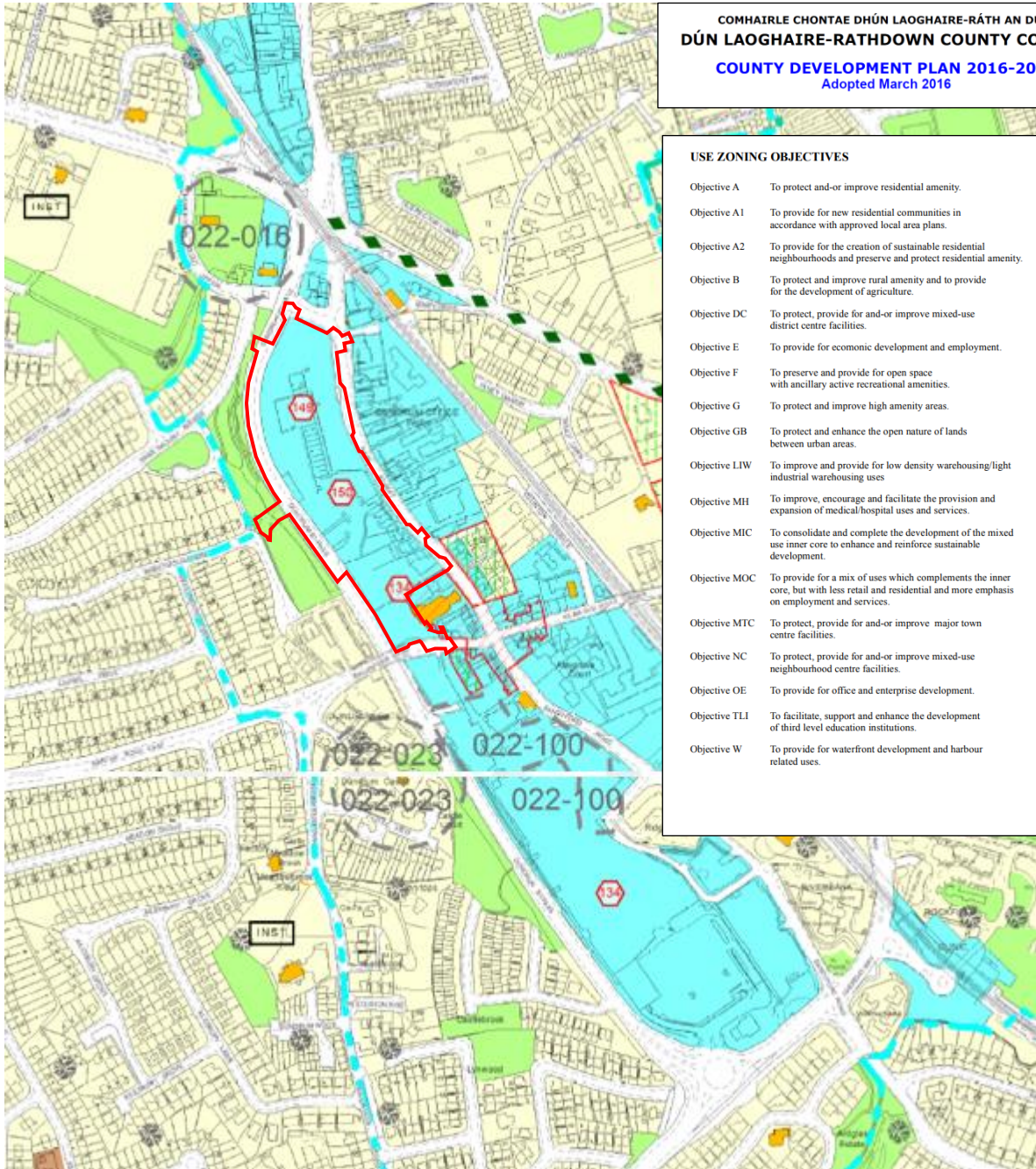
‘To protect, provide for and/or improve major town centre facilities’.

Permitted In Principle

Advertisements and Advertising Structures, Assisted Living Accommodation, Betting Office, Carpark, Cash and Carry/Wholesale Outlet, Craft Centre/Craft Shop, Community Facility, **Childcare Service**, Cultural Use, Doctor/Dentist etc., Education, Embassy, Enterprise Centre, Funeral Home, Garden Centre/Plant Nursery, Guest House, Health Centre / Healthcare Facility, Home Based Economic Activities, Hospital, Hotel/Motel, Industry-Light, Leisure Facility, Nightclub, Off-License, Office Based Industry, Offices, Open Space, Petrol Station, Place of Public Worship, Public House, Public Services, **Residential**, Residential Institution, Restaurant, **Service Garage**, **Shop-Specialist**, **Shop-Neighbourhood**, **Shop-District**, **Shop-Major Convenience**, **Shop-Major Comparison**, Sports Facility, Tea Room/Café, Veterinary Surgery.

Open For Consideration

Heavy Vehicle Park, Household Fuel Depot, Industry-General, Motor Sales Outlet, Refuse Transfer Station, Retail Warehouse, Science and Technology Based Industry, Transport Depot, Travellers Accommodation, Warehousing.



USE ZONING OBJECTIVES

Objective A	To protect and/or improve residential amenity.	
Objective A1	To provide for new residential communities in accordance with approved local area plans.	
Objective A2	To provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity.	
Objective B	To protect and improve rural amenity and to provide for the development of agriculture.	
Objective DC	To protect, provide for and/or improve mixed-use district centre facilities.	
Objective E	To provide for economic development and employment.	
Objective F	To preserve and provide for open space with ancillary active recreational amenities.	
Objective G	To protect and improve high amenity areas.	
Objective GB	To protect and enhance the open nature of lands between urban areas.	
Objective LIW	To improve and provide for low density warehousing/light industrial warehousing uses	
Objective MH	To improve, encourage and facilitate the provision and expansion of medical/hospital uses and services.	
Objective MIC	To consolidate and complete the development of the mixed use inner core to enhance and reinforce sustainable development.	
Objective MOC	To provide for a mix of uses which complements the inner core, but with less retail and residential and more emphasis on employment and services.	
Objective MTC	To protect, provide for and/or improve major town centre facilities.	
Objective NC	To protect, provide for and/or improve mixed-use neighbourhood centre facilities.	
Objective OE	To provide for office and enterprise development.	
Objective TL1	To facilitate, support and enhance the development of third level education institutions.	
Objective W	To provide for waterfront development and harbour related uses.	

Zoning Objective

Objective MTC To protect, provide for and/or improve major town centre facilities.



Other Objectives

Architectural Conservation Area _____



Protected Structures _____



Figure 4.1: Development Plan Zoning (Maps 1 and 5)

4.3 DUN LAOGHAIRE RATHDOWN COUNTY DEVELOPMENT PLAN 2016 – 2022 : SPECIFIC LOCAL OBJECTIVES

Map 1 of the Development Plan includes 3 Specific Local Objectives as follows:-

Specific Local Objectives

134	To prepare a Local Area Plan for Dundrum.
149	That any future redevelopment of Dundrum Village Centre (Phase 2) shall provide for and retain a range of complementary non-retail uses including - but not limited to - employment, restaurant, leisure, entertainment, cultural, community and civic uses - to supplement that already provided for within the wider Dundrum Town Centre.
150	To ensure that Phase 2 of the Dundrum Town Centre takes cognisance of the character and streetscape of the Old Main Street.

The Local Area Plan for Dundrum has yet to be published.

In relation to SLO 149, the **Planning Statement** (BMA Planning) submitted with this application provides further justification on the range of complementary non-retail uses (eg. employment, restaurant, leisure, entertainment, cultural, community and civic uses) to be provided and how these supplementary uses are already provided for within the wider Town Centre.

In relation to SLO 150, the Design Statement (GRID Architects) illustrates how the overall design concept is based around respecting and enhancing the *'character and streetscape of the Old Main Street'*.

4.4 DUN LAOGHAIRE RATHDOWN COUNTY DEVELOPMENT PLAN 2016 – 2022 : WRITTEN STATEMENT

This section contains an assessment of the consistency of the proposed development with the *Dun Laoghaire Rathdown County Plan 2016 – 2022* policies and objectives. The Written Statement is reviewed below on a Chapter by Chapter basis with a comment on “consistency” in each case.

The Written Statement consists of the following 10 ‘Sections’ and 17 Appendices:

- Section 1 – Strategic Overview
- Section 2 – Sustainable Communities Strategy
- Section 3 – Enterprise and Employment Strategy
- Section 4 – Green County Strategy
- Section 5 – Physical Infrastructure Strategy
- Section 6 – Built Heritage Strategy
- Section 7 – Community Strategy
- Section 8 – Principles of Development
- Section 9 – Specific Local Objectives
- Section 10 – SEA and AA

-
- Appendix 1 – European, National and Regional Context
 - Appendix 2 – Interim Housing Strategy
 - Appendix 3 – Ecological Network
 - Appendix 4 – Architectural Conservation Areas
 - Appendix 5 – Industrial Heritage
 - Appendix 6 – Wind Energy Strategy
 - Appendix 7 – Landscape Character Areas
 - Appendix 8 – Rights of Way / Recreational Access Routes
 - Appendix 9 – Building Heights Strategy
 - Appendix 10 – Development Management Threshold Document
 - Appendix 11 – Rural Design Guide
 - Appendix 12 – Dun Laoghaire Urban Framework
 - Appendix 13 – Strategic Flood Risk Assessment
 - Appendix 14 – Green Infrastructure Strategy
 - Appendix 15 – Sandyford Urban Framework Plan
 - Appendix 16 – Green Roofs Guidance Document
 - Appendix 17 – Statement Outlining Compliance with Ministerial Guidelines

The key policy provisions relating to the proposed scheme include the Zoning Objectives for the County as illustrated on the relevant Zoning Map (CDP 2016 – Maps 1 and 5) and Sections 1, 2 and 8 of the Written Statement and Appendices 2, 9 and 13.

4.4.1 Section 1 Strategic Overview

Section 1 of the Development Plan establishes the Strategic Overview for development within the County and refers to higher order regional and national planning policy sources.

It includes the Core Strategy. Dundrum is designated as a ***‘Metropolitan Consolidation Town’*** (Section 1.2.2.1) and is identified as a ***“Major Centre”*** on the Core Strategy Map (Figure 4.2).



Figure 4.2 Core Strategy Map (DLRCDP 2016-2022)

In relation to the “Settlement Hierarchy”, the Plan states as follows:

“Dundrum and Dún Laoghaire, as designated ‘Metropolitan Consolidation Towns’ are identified as key urban nodes with potential to grow as important development centres due to their favoured location with regard to public transport networks, comparison shopping facilities and employment and services provision.” Pg.12

Section 1.3 Development Areas and Regeneration

Table 1.3: Local Area Plans identifies the intention to prepare a Local Area Plan for Dundrum

Section 1.3.4.10 discusses the Dundrum Urban Framework Plan which was prepared in 2003 in anticipation of the significant level of change due to take place in Dundrum at the time. The CDP states that the Urban Framework Plan needs to be revisited in the future and states as follows:-

“An Urban Framework Plan was prepared for Dundrum in 2003, in anticipation of the significant level of change planned and predicted for Dundrum Town Centre (MTC). This Urban Framework Plan (UFP) was incorporated into the 2010-2016 County Development Plan. While it is acknowledged that Dundrum has been transformed since the opening of the Dundrum Town Centre (Shopping Centre) in 2004 it is considered that the Urban Framework Plan needs to be revisited, given that certain anticipated developments have not yet taken place and also that the original Urban Framework Plan dates from 2003. A new Local Area Plan will be prepared during the lifetime of this Plan.” Pg. 28

Conclusion:

The current application will deliver new residential accommodation on an underutilised site within the Dundrum Town Centre in close proximity to public transport networks and amenities. The proposed development is therefore consistent with the strategic planning context and the Core Strategy in the Development Plan. A Dundrum Local Area Plan is proposed but has not yet been prepared.

4.4.2 Section 2 – Sustainable Communities Strategy

Section 2 – Sustainable Communities Strategy of the Development Plan establishes the policies and objectives for new housing within the County and supports:

- continuing consolidation and redevelopment of the established built up areas
- promotion of new, compact mixed–use urban villages
- development in greenfield areas well served by existing or planned public transport networks
- new residential areas within walking distance of supporting social and community infrastructure – including shops, retail services, employment opportunities, schools and leisure facilities.

Section 2.1 relates to ‘Residential Development’. It is submitted that the proposed development is consistent with the Development Plan requirements for residential developments on the basis of the following: -

Summary of Compliance with Policy on Residential Development (Section 2.1)

Policy	Comment	Complies Y/N
Policy RES1: Supply of Zoned Land	The site is zoned and is proposed to be used for residential use, which is “permitted in principle”.	Y
Policy RES2: Implementation of Interim Housing Strategy	The applicant’s Part V obligations will be discharged as detailed in the accompanying Part V Proposal.	Y

Policy RES3: Residential Density	The proposed development provides a high density development on this MTC site with a net density of c. 294 units per hectare (based on a site area of c.3ha). This is supported by the provisions of the <i>Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)</i> which support highest densities in town centres and along public transport corridors to provide for an efficiency in serviceable land usage at locations such as the current application site.	Y
Policy RES4: Existing Housing Stock and Densification	The proposed development site is located within Dundrum Major Town Centre and will contribute to densify a Centre at the top of the County Settlement hierarchy.	Y
Policy RES5: Institutional Lands	N/A	
Policy RES6: Mews Lane Housing	N/A	
Policy RES7: Overall Housing Mix	<p>This policy states '<i>It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.</i>'</p> <p>The proposed development comprises a mix of 1 bedroom, 2 bedroom and 3 bedroom apartments providing a suitable variety of apartment types for a site located within the Major Town Centre.</p> <p>The mix is considered to be reasonable in the context of the housing needs and demand in this area which is transitioning from a predominantly suburban housing area to one of greater mix where apartments are needed to rebalance the existing housing stock. Refer to Section 5.2.3 below.</p> <p>The unit mix is also justified in this application with reference to SPPR1 of the Apartment Guidelines (2020). See more detailed provisions in Section 8.2.3.2 below</p>	Y
Policy RES8: Provision of Social Housing	The applicant's Part V obligations will be discharged as detailed in the accompanying Part V Proposal.	Y
Policy RES9: Housing for All	The proposed development does not provide specific units for elderly or disabled but will provide opportunity for all and contribute to housing stock diversity which will assist greater mobility within the local housing market which is currently dominated by suburban housing typologies	

Policy RES10: Homeless Accommodation	N/A	
Policy RES11: Traveller Accommodation	N/A	
Policy RES12: Provision of Student Accommodation	N/A	
Policy RES13: Provision of Womens and Family Refuges	N/A	
Policy RES14: Planning for Communities	The proposed development will be integrated as part of a sustainable Major Town Centre and residents will have access to public transport and a full range of commercial, entertainment, community and civic uses.	Y
Policy RES15: Urban Villages	The development is consistent with the overall policy of DLRCC to promote existing town and villages based on the County Settlement Hierarchy, which has Dundrum as a top tier – Major Town Centre	Y

Section 2.2 relates to Sustainable Travel and Transportation. The proposed development is fully consistent with the policies (ST1 – ST30) insofar as it promotes walking, cycling and public transport modes and reduces reliance on the private car. Refer to the Transport Assessment (Systra) for details.

In terms of specific provisions relevant to the site, there is a Dundrum Radial Cycle Route which goes from Milltown Road to Hillcrest Road via Blackthorn Drive. There is also a Dundrum to Dun Laoghaire Orbital Cycle Route travelling from Nutgrove Way to York Road via Drummartin Link Road and N11.

Table 2.2.3 – Proposed Bus Priority Schemes discusses the proposed the South Orbital QBC linking Dun Laoghaire / Blackrock area to Sandymount / Dundrum and the Tallaght area as proposed in the NTA's 'Greater Dublin Area Draft Transport Strategy 2016 – 2035'.

In addition, the NTA's *Draft Transport Strategy* makes reference to the proposed Blue Line BRT Route linking the DART line at Sydney Parade Avenue to Sandymount / Dundrum Town Centre.

Otherwise, there are no specific provisions relating to Dundrum

<p>Conclusion: The proposed development is consistent with the policies of Section 2 in relation to Residential Development and Sustainable Travel and Transportation in particular. It provides</p>

a high quality high density residential development which contributes to a vibrant mixed use Major Town Centre and promotes sustainable travel patterns.

4.4.3 Section 3 Enterprise and Employment Strategy

The proposed development is generally consistent with or does not impact on the policy objectives in this Section.

The following general observations are noted:

- Section 3.1 of the Development Plan establishes some of the recent trends in enterprise and employment in the County and provides a general socio – economic profile of the county.
- Pg. 76 states that there are more than 11,000 jobs located in the two ‘Major Town Centres in Dun Laoghaire Rathdown which are Dun Laoghaire and Dundrum. Section 3.1.1 states that there were an additional 1,500 jobs created in Dundrum from the 2006 to 2011 census period.
- Dundrum is classified on the Retail Hierarchy in this chapter as a “Major Town Centre”. Section 3.2 – Retail and Major Town Centres states that the economic downturn has had a negative affect on the retail sector. However, Dundrum Shopping Centre has continued to grow throughout this period. The *Greater Dublin Area Strategy 2008 – 2016* sets out the following retail hierarchy for the GDA Metropolitan and Hinterland areas. They are as follows: -
 - Level 1 – Metropolitan Centre – Dublin City Centre
 - Level 2 – Major Town Centres – Dun Laoghaire and Dundrum
 - Level 3 – Town and District Centres – Stillorgan, Blackrock, Nutgrove, Cornelscourt and Cherrywood

Table 3.2.1 – Dun Laoghaire – Rathdown Retail Hierarchy lists Dundrum as the second highest ‘Major Town Centre’ just under Dun Laoghaire. The overall strategy for Dundrum is as follows:-

“Implementation of Phase 2 of Town Centre – to include appropriate level of complementary non-retail uses and activities e.g. recreational, entertainment, cultural. Major environmental upgrade of Main Street.”

Section 3.2.2.4 relates to Major Town Centres and states as follows:-

Section 3.2.2.4 Policy RET4: Major Town Centres

“It is Council policy to maintain the two Major Town Centres - Dún Laoghaire and Dundrum as the primary retail centres in the County. This will be reflected in the nature and scale of retail and services permitted in these centres and by the range of complementary leisure, entertainment and cultural facilities located there.

Dun Laoghaire and Dundrum are the two Major Town Centres in the County but clearly they are quite different entities. As Major Town Centres they have a role beyond simply retailing – both have a vital social, cultural and employment function that needs to be catered for in the context of their future growth.

In Dundrum the first phase of the new Town Centre has been completed and includes much needed social, cultural and community facilities which helps to energise and animate the new Town Centre both day and night. The commencement of Phase 2, involving the complete demolition of the old shopping centre is presently on hold and when it will begin remains unclear at this juncture.”

Under **Core Retail Areas**, Dundrum Town Centre – Between Main Street and Dundrum Bypass and from Waldemar Terrace to Wyckham Way is designated as a Core Retail Area.

*Section 3.2.3 – Additional Retail Floor Space - This section references **Policy RET11: Additional Retail Floor Space** and states that “While there is a question mark in relation to the timing of the delivery of Dundrum Town Centre, It would appear prudent to subtract the 36,000sq.m allocated to Dundrum from the overall calculation”*

Conclusion:

The proposed development is predominantly residential and includes a strong retail edge to Main Street to fulfil the urban design and retail objectives for Dundrum Major Town Centre. The Development Plan acknowledged the uncertainty around the delivery of the Phase 2 retail permission and, in this context, the proposed residential-led scheme rebalances the use mix and does not undermine the retail role of Dundrum “Major Town Centre” within the County Retail Hierarchy.

4.4.4 Section 4 Green County Strategy

The provisions of this Chapter are high level and general and there are no site specific proposals that directly relate to the proposed development.

Policy OSR8: Greenways Network outlines and discusses possible greenway networks and these include *Slang River Greenway (Dundrum Town Centre to Marlay Demesne and the Wicklow Way), Dundrum to Booterstown and Dundrum to Dodder Park via Windy Arbour. (page 117)*

Conclusion:

The proposed development is consistent with the Development Plan provisions in Section 4 - Green County Strategy. No specific issues of consistency arise in this regard.

4.4.5 Section 5 Physical Infrastructure Strategy

The proposed development is consistent with the Development Plan provisions in this Chapter.

Policies EI1 – EI11 relate to Water Services and the current proposals are consistent with these high level policies and the requirements of Irish Water. Refer to **Engineering Services Report** (TJ O'Connor & Associates)

The development also has regard to the policies in relation to Waste Management (Section 5.1.2) and no issues of consistency arise in this regard.

Section 5.2 relates to '*Climate Change, Energy Efficiency and Flooding*' and the development is consistent with these high level policies.

Section 5.2.5 relates to 'Flood Risk'. *Policies CC14 - Catchment Flood Risk Assessment and Management (CFRAM)*' and '*Policy CC15: Flood Risk Management*'. The proposed development has been prepared with regard to these policies and other relevant provisions of the Development Plan and the *Flood Risk Assessment and Management Guidelines for Planning Authorities (2009)*. Refer Appendix 13 *Strategic Flood Risk Assessment* below.

Conclusion:

The proposed development is consistent with the Development Plan provisions in Section 5 - Physical Infrastructure Strategy. No specific issues of consistency arise in this regard. Refer Appendix 13 *Strategic Flood Risk Assessment* below

4.4.6 Section 6 Built Heritage Strategy

Section 6 of the Development Plan discusses the Archaeological and Architectural Heritage of the County.

There are no protected structures on the subject site. The site is adjacent to Architectural Conservations Areas (ACAs) and Candidate Architectural Conservations Areas (cACAs) in Dundrum Village.

The retention of Glenville Terrace and its sensitive refurbishment as part of the overall development will achieve the Council's vision for the creation of a new Town Centre development that sits with the existing historic village centre of Dundrum.

The proposed development will adhere to the general policies in relation to the protection of the archaeological resource and mitigation measures will be adhered to in this regard. Refer to **Design Statement** (Grid) and **Planning Statement** (BMA Planning) enclosed for further details.

Refer also to Section 8.2.11 below

Conclusion:

The proposed development is consistent with the Development Plan provisions in Section 6 - Built Heritage Strategy. No specific issues of consistency arise in this regard.

4.4.7 Section 7 Community Strategy

The proposed development is consistent with the Development Plan provisions in this Chapter. No specific issues of consistency arise in this regard.

Policy SIC8: (Schools) requires the reservation of primary and post-primary school sites in accordance with the requirements of the relevant education authorities and to support the provision of school facilities and the development / redevelopment of existing schools throughout the County. In this regard, the subject site is not suitable for a school and therefore there is no proposal to provide a school as part of the proposed development. The school needs of the proposed development will need to be addressed within the existing / planned school facilities in the Dundrum area. There are two primary schools within a 5 minute walk of the site (Holy Cross NS and Taney NS) and several others within 1km. There are also a range of secondary school options within the general area.

Policy SIC11 (Childcare Facilities) supports the provision of Childcare Facilities based on the 'Childcare Facilities Guidelines for Planning Authorities' (DoEHLG, 2001). A creche is proposed as part of this development and the justification for this is set down under the Guidelines in Section 3.7 above. Detailed requirements and standards in respect to childcare provision associated with development projects are set out in the Development Management Section of the Plan (Refer also to Section 8.2.12.1).

Policy SIC13: (Libraries) states that it is Council policy *'to promote and develop the County Library Service in accordance with the National objectives laid down in the draft 'Strategy for Public Libraries, 2013–2017' prepared by the Department of the Environment, Community and Local Government. The County's network of Carnegie Libraries shall be retained for public and community use.'* The previously permitted Dundrum Town Centre Phase 2 permissions included a library/ civic building of 924sqm which subsequently was increased to 1500sqm. The applicant has engaged in discussions with DLRCC in the context of the CCCAP project and in the context of the current application. Church Square was considered as a possible location for a future library building but was rejected by DLRCC whose preference is for a single integrated Civic Centre. It is understood that the current preference is the Waldemar / William Dargan Bridge undercroft site at the north end of the village.

Conclusion:

The proposed development is consistent with the Development Plan provisions in Section 7 - Community Strategy. No specific issues of consistency arise in this regard.

4.4.8 Section 8 – Principles of Development

Section 8 of the Development Plan establishes the principles and standards that seek to ensure new development within the County takes place in an orderly and efficient manner.

Urban Design (8.1)

There are a number of policies of note in this section and they are commented on as follows:-

Policy UD1: Urban Design Principles

The proposed development is consistent with the provisions of Section 8.1 of the Development Plan and the Guidelines referred to therein, particularly the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009).

Policy UD2: Design Statements

The ***Design Statement*** (Grid Architects) sets out the urban design rationale

Policy UD3: Public Realm Design

The public realm strategy is an important element of the overall proposals and is explained in the ***Design Statement*** (Grid Architects) and further supported by the ***Landscape Design Statement*** (NMP)

Policy UD4: Local Area Plans

It is Council policy to use the vehicle of Local Area Plans (and/or Urban Framework Plans) to promote and embed the principles of good urban design. A Dundrum Local Area Plan is proposed but has not yet been prepared.

Policy UD5: Shared Space Layouts

The principles of DMURS are respected in the design of the proposed development . A statement of consistency with DMURS is included in the ***Transport Assessment*** (Systra) enclosed

Policy UD6: Building Height Strategy

The Building Height Strategy is included in the Development Plan as Appendix 9 which is considered below.

Policy UD7: Urban Tree Planting

The proposed development includes a comprehensive tree planting regime suitable for a Town Centre site and details are provided in the ***Landscape Design Statement*** (NMP)

Development Management (8.2)

This section identified the national planning policy sources of relevance to residential development and which have been considered above.

Section 8.2.3.1 details principles for ‘Quality Residential Design’ and it is considered that these principles are enshrined in the current proposals and detailed in various reports within this application, particularly the **Design Statement** (Grid Architects).

Section 8.2.3.2 is entitled ‘Quantitative Standards’ and does not contain any specific proposals but does refer to specific sections elsewhere where standards relating to parking standards, private open space etc. are stated and these are referred to below where relevant to the current application.

Apartment Development

Section 8.2.3.3 relates to ‘Apartment Development’ and the following examines each section and comments on compliance insofar as the proposed development is concerned.

Note: The Development Plan was adopted in 2016 and at the time the Section 28 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities were recently published. As a result, the standards and specifications in respect of apartment developments were not amended to reflect the emergence of these Guidelines. DLRCC must have regard to the Guidelines and must comply with the specific planning policy requirements (SPPRs) outlined in the Guidelines, these take precedence over the Development Plan where SPPRs are concerned. The Development Plan contains the following “Advisory Note” deferring to the Guidelines in respect of mandatory provisions. The relevant standards applicable for apartment developments are discussed in Section 2.4 below.

ADVISORY NOTE

‘Sustainable Urban Housing – Design Standards for New Apartments’ DoECLG (2015)

Users of this Dún Laoghaire-Rathdown County Development Plan 2016-2022 are advised that the standards and specifications in respect of Apartment Development- as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan Written Statement –have been superseded by Ministerial Guidelines ‘Sustainable Urban Housing – Design Standards for New Apartments’ published by the Department of Environment, Community and Local Government (DoECLG) on 21st December 2015.

The DoECLG Apartment Guidelines contain certain ‘Specific Planning Policy Requirements’ which became mandatory on foot of the Planning and Development (Amendment) Act 2015 that was signed into law by the President on 29th December 2015. The ‘Specific Planning Policy Requirements’ set out in the DoECLG Apartment Guidelines take precedence over the Dún Laoghaire-Rathdown standards and specifications as set out in Section 8.2.3.3 of the 2016 – 2022 County Development Plan.

16th March 2016

(i) Design Standards

As per the Development Plan, the development accords with (or exceeds) all aspects of Government Guidelines in relation to residential development as detailed above.

(ii) Dual Aspect

The Development Plan states that 'Apartment developments are expected to provide a minimum of 70% of units as dual aspect apartments.' and 'North facing single aspect units will only be considered under exceptional circumstances'. However, the Plan states that '*A relaxation¹ of the 70% dual aspect requirement may be considered on a case-by-case basis where an applicant can demonstrate, to the satisfaction of the Planning Authority, that habitable rooms of single aspect units will be adequately served by natural light and/ or innovative design responses are used to maximise natural light.*' (1 Where an applicant is seeking a relaxation, all details/requirements will require to be discussed with the Planning Authority at pre-application stage.)

The proposed development does not meet the expectation for 70% dual aspect referred to in this section but this standard comes with scope of relaxation on a case by case basis and therefore the current proposals could be considered under the current Plan at the discretion of the Planning Authority. The position with regard to dual aspect has been considered above with reference to the Apartment Guidelines (2020) where a 60% figure has been achieved which is considered to be reasonable for a development of this nature.

(iii) Mix of Units

The Plan states that schemes of 30+ units should generally comprise no more than 20% 1 bed units and a minimum of 20% of units more than 80sqm. The current SHD proposal with a unit mix of 38% 1 beds, 52% 2 beds and 10% 3 beds is not consistent with this aspect of the Development Plan but can be justified with reference to SPPR1 of the Apartment Guidelines.

(iv) Separation between Blocks

The minimum clearance distance of circa 22 metres between opposing windows will 'normally apply in the case of apartments up to three storeys in height' and in taller blocks, a greater separation distance may be prescribed. The level of separation between the blocks has been carefully considered in the design of the current application and is generally 22 metres or more where there are opposing windows. Refer to **Design Statement** (Grid Architects)

(v) Internal Storage

Table 8.2.1 of the Development outlines standards for 1, 2 and 3 bed units of 3sqm, 7sqm and 9sqm respectively. The Apartment Guidelines (2020) require 3sqm for a one bed unit, 6sqm for a 2 bed (3 person) apartment and 7sqm for a 2 bed (4 person) apartment and 9sqm for a 3 bed apartment respectively. Therefore, some units are provided with a lower level of provision than the Development Plan requires and therefore this may be deemed to be a Material Contravention issue.

(vi) Penthouse Development

The design of the scheme has taken into account the potential for set backs at upper levels to mitigate the scale of development and to add visual interest. Refer to **Design Statement** (Grid Architects)

(vii) Minimum Apartment Floor Areas

The minimum apartment areas in Table 8.2.2 of the DLR Development Plan (55sqm, 85-90sqm and 100sqm for one two and 3 bedroom units respectively) are larger than the Apartment Guidelines (2020) minimum standards of 45sqm, 73sqm and 90sqm. Therefore the proposed development is not consistent with the Development Plan but is consistent with the Apartment Guidelines (2020) and SPPR1 of those Guidelines supersedes the local policy as the Advisory above acknowledges.

(viii) Apartments - Public, Communal and Private Open Spaces – Standards

Refer to response in relation to Section 8.2.8 below.

(ix) Apartments – Play Facilities

Refer to response in relation to Section 8.2.8 below.

Sustainable Travel and Transport (8.2.4)

The current application includes a ***Transport Assessment*** and ***Mobility Management Plan*** (Systra) which details how the proposed development meets the Council's policies and objectives relating to traffic safety, Traffic and Transport Assessment (TTA), Travel Plans etc.

Car Parking

Section 8.2.5 relates to Car Parking Standards. The Development Plan states that the parking standards in *Table 8.2.3*, as shown below, "*shall be generally regarded as standard parking provision*", however, reduced or no parking may be considered in certain instances. Where the development is located in close proximity to Town Centres and served by good public transport networks reduced car parking standards for residential development may be acceptable.

If the residential standards in *Table 8.2.3* are applied to this development, there would be a total requirement for the provision of over 900no. spaces. The proposed car parking provision is 373no. spaces and the Material Contravention Statement notes that the car parking provision may not strictly meet the standards as set out in the Development Plan even taking into account the scope for reduced standards at the discretion of the Planning Authority.

However, under the *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020)* the site can be defined as a '*central and / or accessible urban location*' that is well served by public transport (ie. Luas and Bus). The proposed development complies with the criteria associated with such areas and the default policy of reduced parking.

The relevant Non Residential Land Use standards for the subject site based on the site being located on public transport corridor, as per *Table 8.2.4*, are:-

<i>Childcare Services</i>	<i>1 space per staff member (including set down)</i>
<i>Retail – Food (Supermarket)</i>	<i>1 space per 20sq.m gross floor area</i>

<i>Retail – Comparison</i>	<i>1 space per 50sq.m gross floor area</i>
<i>Retail – Shopping Centres and Stores</i>	<i>1 space per 50sq.m gross leasable area</i>

The proposed development includes 52 spaces for the commercial uses and, in the context of the non-residential standards being expressed as “maximums” it is considered that this level of provision is consistent with the Council’s policy of influencing the travel mode choice for all journeys in favour of sustainable travel modes.

Cycle Parking

The County Development Plan outlines the requirement for short and long term cycle parking and associated facilities. Table 4.1 of DLRC’s Standards for Cycle Parking and Associated Cycle Facilities for New Developments requires that a minimum of 1 short stay (visitor) parking space be provided per 5 units and 1 long stay parking space be provided per unit. (Table 4.1 of the Development Plan). 1750 bicycle parking spaces are provided within the proposed development and as such the scheme is consistent with Development Plan cycle parking provision. The **Transport Assessment** (Systra) provides a breakdown of cycle parking provision and confirms that it is in accordance with the DLRC policy (Refer to Section 7.4).

Childcare Facilities – Parking / Access

Section 8.2.4.11 relates to ‘Childcare Facilities – Parking / Access’ and requires justification for parking and access to facilities and this is to be considered as part of the Development Management process. Refer to the **Transport Assessment** (Systra).

Electrically Operated Vehicles

Section 8.2.4.12 relates to ‘Electrically Operated Vehicles’. The proposed development has made provision for EVs and details are provided in Refer to **Transport Assessment** (Systra).

It is understood that DLRC expect a nominal level of EV charging spaces to be provided as part of the residential provision. At this stage, it is envisaged that approximately 10% of the overall residential allocation could be afforded to EV spaces. The proposals include for 43 EV spaces in total with 38 for the residential element of the development and 5 for the commercial element whilst ducting would be provided to allow all other spaces to be linked to EV charging infrastructure in the future. There is also a requirement to duct a minimum of 10% of the disabled provision for EV charging. This would in theory equate to two spaces. However, there will be a minimum of one EV disabled space provided per parking zone (four in total) so the standards are exceeded.

Construction Management Plans

Section 8.2.4.14 ‘Construction Management Plans’ is complied with in this application. An **Outline Construction Management Plan** (TJ O’Connor & Associates) is submitted with the planning application.

Landscape, Heritage and Biodiversity (8.2.7)

The proposed development does not directly impact on any sites designated for ecological reasons and does not impact on any sensitive views or prospects or high amenity areas

identified in the Development Plan. Refer to the ***Appropriate Assessment Screening & Natura Impact Statement*** (Altemar Ltd.)

Biodiversity as a guiding principle has informed the landscape design proposals in the scheme. Refer to ***Landscape Design Statement*** (NMP)

Open Space and Recreation (8.2.8)

Public/Communal Open Space – Quantity (8.2.8.2) and Public/Communal Open Space – Quality (8.2.8.3)

The Planning Authority require public and/or communal open space to be provided within new residential and large scale commercial developments and the Development Plan requires a default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space. Therefore, it is considered that the proposals exceed the minimum requirement in terms of quantity and the qualitative standards (see below) are also met notwithstanding the fact that this is a town centre site where flexibility would apply to achieve higher density and urban placemaking objectives.

Section 8.2.8.2 ‘Communal open space’ includes a general requirement of 15 sq.m- 20 sq.m. of Open Space per person, based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. For the proposed development, this standard would necessitate a range of 21,450sqm – 28,600sqm based on 1430 persons. However, as outlined above, the Plan allows a lower level of provision subject to a broader consideration of location and quality of provision. It is noted also that these standards have been superseded by the Section 28 Apartment Guidelines.

The ***Landscape Design Statement*** (NMP) provides details of the landscape strategy for the proposed development and this report addresses the qualitative aspects of the open space provision as outlined in Section 8.2.8.3, namely:

- (i) Design*
- (ii) Accessibility and Permeability*
- (iii) Biodiversity*
- (iv) SuDS*
- (v) Green Roofs*

On this basis, for reasons detailed in the reports and drawings submitted with this application, it is submitted that the current application can be considered to comply with the Development Plan requirements in respect of ‘Public/ Communal Open Space – Quantity’

Private Open Space for Apartment Developments (8.2.8.4 (iv))

The proposed development contains private amenity space in the form of balconies and terraces. The DLR standards (6/8/10/12sqm)¹ are marginally higher than the standards contained in the Apartment Guidelines (4/5/6/7/9sqm)² which now supersede the Development Plan. The Development allows for relaxation in the quantum on a case-by-case basis and therefore the level of private amenity space is deemed to be consistent with the Development Plan.

Apartments – Play Facilities (8.2.8.5)

Details of Play and Exercise Strategy for the development are included in the **Landscape Design Statement** (NMP) and the proposals are designed to comply with the requirements of the Development Plan and Section 8.2.8.5 ‘Apartments – Play Facilities’

Environmental Management (8.2.9)

As the proposed development exceeds the thresholds of 2ha (business district) and 500 dwellings, an Environmental Impact Assessment Report (EIAR) will be provided with this application. The current application includes an **Appropriate Assessment Screening & Natura Impact Statement** (Altamar Ltd.) which addresses the requirements of Section 8.2.9

New Developments – Environmental Impacts (8.2.9.7)

Section 8.2.9.7 refers to Development Management Thresholds Document Appendix 10. It is considered that all of the relevant information is included within the current application in one form or another.

Climate Change and Adaptation and Energy (8.2.10)

The policies of the Development Plan in relation to climate change and energy efficiency are addressed throughout the development as addressed in various reports. No specific issues of consistency arise in this regard.

Flood Risk Management (8.2.10.4)

Refer to Appendix 13 below.

Archaeological and Architectural Heritage (8.2.11)

¹ One Bed 6sqm / Two Bed 8sqm/ Three Bed 10sqm / Four+ Bed 12sqm

² Studio 4sqm / One Bed 5sqm/ Two Bed (3person) 6sqm/ Two Bed (4person) 7sqm / Three Bed 9sqm

Section 8.2.11.1 (Archaeological Heritage) - There is no recorded archaeological monuments on the site itself. An assessment of archaeological potential and recommended mitigation measures is addressed in the EIAR by the project archaeologists - Courtney Deery

Section 8.2.11.2 (Architectural Heritage – Protected Structures) There is no protected structure on the site itself but the site abuts Holy Cross Church (RPS: 1129) / Parochial House (proposed RPS: 2095). An assessment of built heritage resource by the project conservation architect - Cathal Crimmins - is contained in the EIAR and has informed the current scheme design.

Section 8.2.11.3 (Architectural Conservation Areas). There is no ACA on the site. The scheme design has due regard to the impacts on the nearby ACA designations.

Community Support Facilities (8.2.12)

Section 8.2.12.1 provides detailed requirements and standards in respect to childcare provision associated with development projects from a Development Management perspective and these criteria have been addressed in the current application which includes a creche. Refer to compliance with the Childcare Guidelines in Section 3.7 above.

Conclusion:

The proposed development is consistent with the development standards in Chapter 8 of the Development Plan with the exception of the following sections

- Building Heights (*Ref: Policy UD6 and Appendix 13*)
- Apartment Standards (*Section 8.2.3.2*)
 - *Unit Mix*
 - *Internal Storage*
 - *Minimum Floor Areas*
- *Parking* (Section 8.2.5)

The case for granting permission is addressed in the Material Contravention Statement (Section 5.0)

4.4.9 Section 9 – Specific Local Objectives

Refer to Section 4.3 above.

4.4.10 Section 10 – SEA and AA

The current application contains information to address the Appropriate Assessment requirements for a development of this type in accordance with the Development Plan.

4.5 DUN LAOGHAIRE RATHDOWN DEVELOPMENT PLAN 2016-2022 : APPENDICES

The following are the Appendices and the 2 highlighted in bold and underlined are deemed to be most relevant to the proposed development and compliance with each is commented on where relevant.

- Appendix 1 – European, National and Regional Context
- Appendix 2 – Interim Housing Strategy
- Appendix 3 – Ecological Network
- Appendix 4 – Architectural Conservation Areas
- Appendix 5 – Industrial Heritage
- Appendix 6 – Wind Energy Strategy
- Appendix 7 – Landscape Character Areas
- Appendix 8 – Rights of Way / Recreational Access Routes
- **Appendix 9 – Building Heights Strategy**
- Appendix 10 – Development Management Threshold Document
- Appendix 11 – Rural Design Guide
- Appendix 12 – Dun Laoghaire Urban Framework
- **Appendix 13 – Strategic Flood Risk Assessment**
- Appendix 14 – Green Infrastructure Strategy
- Appendix 15 – Sandyford Urban Framework Plan
- Appendix 16 – Green Roofs Guidance Document
- Appendix 17 – Statement Outlining Compliance with Ministerial Guidelines

Apart from the Appendices referred to below, the contents of these Appendices are general in nature and are noted insofar as the proposed development is concerned.

4.5.1 Building Height Strategy (Appendix 9)

Council policy in relation to building height throughout the County is guided by both the general principles and specific detailed recommendations detailed in the Building Height Strategy set out in Appendix 9.

Section 8.1.2.3 of the Development Plan sets *Policy UD6: Building Height Strategy*

‘It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County’.

Section 2.1.1 of the DLR Building Height Strategy includes the following definitions and distinction between high buildings and tall buildings:

Generally, ‘High Buildings’ or ‘Higher Buildings’ are defined as buildings which are higher than the overall building height in any given area, whilst ‘Tall Buildings’ are defined as buildings that are significantly higher than their surroundings and/or have

a considerable impact on the skyline. 'Higher Buildings' can sometimes act as local or district landmarks, whilst 'Tall buildings' may perform a function as strategic or citywide landmarks.

Section 2.2 of the Building Height Strategy outlines the arguments for Higher Buildings and Tall Buildings under the following headings:-

- Sustainability and Density
- City Image
- Landmarking
- Landmarks along Waterfronts
- Tall Buildings along Major Transit Corridors
- Landmarks that Enhance Borders and Gateways
- Tall Buildings that Enhance a Particular (Public) Use
- The 'World City' argument
- Regeneration and Tall Buildings

Arguments against are framed with reference to the following:

- Tall Buildings and Conservation Areas
- Tall Buildings and the Protection of Strategic and Local Views
- Tall Buildings and the Impact on Microclimate
- Tall Buildings and the Preservation of Residential Environments and Amenity Spaces
- Tall Buildings and Costs

Section 3 entitled '*Building Height in Dun Laoghaire Rathdown*' as one of a number of '*larger greenfield or brownfield sites, including Stepside, Carrickmines, Dundrum, Cherrywood and Sandyford. In these areas overall development height is increased..*'

Section 3.3 relates to 'Public Transport Corridors' and includes reference to recent trends in taller buildings (5+storeys) along the Wyckham Bypass and along the Luas Line B/B1

Section 4 of the Building Height Strategy outlines the Policy Approach to building height in the County. It identifies areas covered by area-based plan policy on building height eg. LAPs, non-statutory plans, ACAs, Amenity Zones, Open Space Zones and Areas of Control (Cumulative). For areas not included in cumulative areas of control (and this includes Dundrum), Section 4.8 of the strategy refers to a maximum height of 3-4 storeys, but with provision for upward and downward modifiers (of 1 to 2 floors). On this basis, and on the basis that Dundrum meets the criteria for an "upward modifier", it is considered that the DLR Building Height Strategy has a building height limit of 6 storeys for the Dundrum Village SHD site. The proposed development exceeds this height and therefore is likely to be deemed to be in "Material Contravention" of the Development Plan.

The general principles which the Planning Authority will use in assessing appropriate building heights throughout the county are contained in Section 5 of the Building Height Strategy.

Section 6 refers to ‘Landmark Buildings’ which are defined as ‘a single outstanding building which is either taller or of a more notable design than its neighbours’. However, these buildings are only permissible under the Building Height Strategy through the Local Area Plan/ SDZ / Urban Framework Plan or Development Plan Variation processes.

The proposed development includes blocks of up to 16 storeys. Therefore, it is interpreted by the Planning Authority that all buildings over 6 storeys are contrary to Section 4 of the Building Height Strategy (Appendix 9) and therefore by extension *Policy UD6: Building Height Strategy* of the Development Plan. If this is the case, then a Material Contravention of the Development Plan is involved. Refer to Material Contravention Statement below which provides justification for the building heights proposed in this application with reference to SPPR3 of the *Urban Development and Building Height Guidelines for Planning Authorities (2018)* which were issued since the publication of the DLR Development Plan in 2016. SPPR3 of the Building Height Guidelines outline criteria for considering planning applications where building height exceeds the Development Plan and these are considered above.

4.5.2 Appendix 13 – Strategic Flood Risk Assessment

A report enclosed –*Site Specific Flood Risk Assessment (SSFRA)*– prepared by TJ O’Connor & Associates) – provides a full assessment of the flood risk and management considerations associated with the proposed SHD development.

Refer also to Section 3.8 above for consistency with ***Section 28 Guidelines (Planning and Flood Risk Management Guidelines for Planning Authorities 2009)***

The following overview of the Development Plan provisions relating to flood risk management is presented to bring together the various sections of the Plan relevant to this topic:-

Note: The planning application will be lodged under the current 2016-2022 County Development Plan but could be decided under the new 2022 -2028 Development Plan. Therefore, we outline the position with both plans below to present a clear position to An Bord Pleanála to facilitate their assessment of the application in terms of policy compliance and Material Contravention.

DLR County Development Plan 2016-2022

- **Zoning** - The site is zoned MTC in an area identified as Town Centre (one of only two in DLRCC’s functional area). MTC Zoning – The 2016 Development Plan has retained the MTC zoning objective on the entire site based on the Development Plan Justification Test and the application of the Sequential Approach
- **Policy** - Chapter 5 (Section 5.2.5.2)– Policy CC15: *Flood Risk Management* outlines the current policy and we submit that (aside from the detailed consideration of Appendix 13 and the MTC

Annex (March 2016) as examined below) the SHD application is in accordance with this policy and there is no impediment to granting permission based on Chapter 5/ Policy CC15 alone.

- Policy CC15 refers to the *Eastern District Catchment and Flood Risk Assessment and Management Study (ECFRAMS Study)* and allows DLRCC to apply the more detailed levels of analysis and studies / flooding maps that have become available since 2016.
- **Development Management** - Chapter 8 (Section 8.2.10.4) contains further guidance on how DLRCC will assess '*Applications for Larger Developments in Areas at Risk of Flooding*'. The SHD application is consistent with these provisions and there is no impediment to granting permission for the development based on Chapter 8/ Section 8.2.10.4.
- **Appendix 13 – Strategic Flood Risk Assessment** Appendix 13 – Section 5.3.9 – deals specifically with the Dundrum Slang and states that the Dundrum Shopping Centre site (zoned MTC) has passed Part 1 and 2 of the Development Plan Justification Test.
- Flood risk arising from culvert blockage and channel constrictions has been identified at Dundrum Shopping Centre and due to modelling sensitivities '*It is therefore important that the flow path and the capacity for storage on site is respected in any development proposal*'. The proposal measures to address and improve the overland flow regime in and around the SHD site and maintain the capacity for storage on site are detailed in the SSFRA.
- *Annex A (Dundrum Town Centre A1 Justification Test Part 1 and 2)* – includes the following statements supporting the MTC zoning based on the sequential approach:-
 - *In accordance with the principles of sustainable urban development future town centre growth is very much based on mixed-use development with retail and residential in close proximity allowing a vibrant living and active townscape develop.*
 - *It is considered that the lands at Dundrum that are the subject of the Flood Zone A & B status are an essential element of the planned expansion of the Dundrum Major Town Centre area*'.
 - *The subject lands consist of significant under-utilised zoned land suitable for a higher density mixed-use type development, proximate to the LUAS line and a LUAS stop*
 - *The lands at Dundrum are zoned Major Town Centre and are located in a Metropolitan Consolidation Town as identified in the RPGs*
 - *The future development of these lands will allow Dundrum further develop as a vibrant active Major Town Centre for the County.*
 - *There are no suitable alternative lands identified in the Major Town Centre zoning.*

These statements are based on the criteria in Box 5.1 of the Flood Risk Management Guidelines.

- **'Dundrum MTC Stage 3 Flood Risk Assessment (March 2016)'** A further Annex entitled '*Dundrum MTC Stage 3 Flood Risk Assessment (March 2016)*' is attached to Appendix 13.

The flood mapping in the 2016 Plan (Appendix 13) indicates that the Dundrum Shopping Centre site includes lands within Flood Zone A and B. Pending further assessment of the flood risks and catchment wide analysis, Section 5.1.2 states that 'In this case a policy of avoidance of highly or less vulnerable land uses within Flood Zone A & B has been adopted.' This is also stated at Section 5.3.9. Section 6.2 'Suggested Site Specific Approach' and the associated Table 6-2 Site Specific Design Requirements also reflect this statement and is reproduced below. In terms of the detailed proposals, it is noted that the "less vulnerable development" within Flood Zone B (ie. the retail storage floorspace at lower ground level within Block 1B) at the northern end of the site is set above the 46m OD (minimum finished floor level including freeboard) as stipulated in Table 6.2. Taking a conservative interpretation of the current Development Plan, a Material Contravention is declared in this instance. However, the case in support of the SHD is made based on consistency with the Section 28 Guidelines and the Draft Development Plan / 2022 SFRA which is addressed below.

Table 6-2 Site Specific Design Requirements

Site	Summary/Approach	Minimum FFLs (including freeboard)
1. Shopping Centre	Sequential Approach; water compatible land use only within Flood Zone A/B. All less vulnerable/vulnerable development to be kept within Flood Zone C.	46mOD Malin at northern end of site.
Phase 2 Lands	The size of the site presents the most significant potential for large scale mixed use development within the local area, but the nature and extent of possible development is limited by the Sequential Approach. Care must be taken when considering the road/access and ventilation requirements to preclude flow from entering any basement excavated below flood level. A full emergency plan with access and egress to Main Street is compulsory. Worst case residual flood level to north of site related to overtopping of the road at Taney's Cross. Finished Floor Levels for commercial units and access to any below ground basements should be above the Dundrum Bypass, at its appropriate corresponding level, as this road remains an overland flow route. Existing flow paths along the Dundrum Bypass should be maintained. The guidance listed 1-6 in Section 6.2 must also be applied.	Rising to 47mOD. No levels to be lower than Dundrum Bypass.

Statement of Consistency – Dun Laoghaire Rathdown County Development Plan 2016-2022

Conclusion:

The site is zoned MTC. There is no impediment to granting permission based on Chapter 5/ Policy CC15 or Section 8.2.10.4 of the 2016 Plan and the SFRA (Appendix 13) confirms that the site passes the Development Plan Justification Test. However, Section 5.1.2 states that 'In this case a policy of avoidance of highly or less vulnerable land uses within Flood Zone A & B has been adopted.'

Therefore, taking a conservative interpretation of the Development Plan it is proposed to declare a Material Contravention of the 2016 Plan on the basis that the SHD application could be deemed to contravene Appendix 13 ('Dundrum MTC Stage 3 Flood Risk Assessment (March 2016)' (Section 6.2/ Table 6-2) where the proposed SHD includes "less vulnerable land uses" (ie. less vulnerable development) within lands identified in the Flood Zone A & B as identified on Flood Zone Maps 7.1 and 7.2 of the 2016 SFRA Dundrum MTC Annex.

Note:

The contrary case can be made that there is no Material Contravention of the 2016 Plan where:

- (a) the flood zone mapping as presented on Maps 7.1 and 7.2 of the 2016 SFRA Annex are now superseded by the updated flood zone mapping. There is now no Flood Zone A on the subject site based on the updated flood zone mapping.
- (b) The “less vulnerable development” within Flood Zone B at the northern end of the site is appropriate and is set above the 46m OD (minimum finished floor level including freeboard)
- (c) Compensatory flood storage (with excess capacity) and mitigation of exceedance/ overland flow at Ballinteer Road, Main St and the Dundrum Bypass will improve the flood risk environment in the vicinity of the development

The case in support of the SHD is made based on consistency with the Section 28 Guidelines and the Draft Development Plan / 2022 SFRA which is addressed below. We submit that An Bord Pleanála should grant permission based on these sources.

Overview of Updated Policy and SFRA in the Draft DLR County Development Plan 2022-2028

- **Zoning** - MTC Zoning – The 2022 Development Plan has retained the MTC zoning objective on the entire site
- **Policy** – Chapter 10 (Environmental Infrastructure and Flood Risk). Section 10.7 addressed Flood Risk and contains policies. Policy E1 Flood Risk Management is similar to Policy CC15 of the 2016 Plan but refers to the new Strategic Flood Risk Assessment (Appendix 16)
- **Development Management** – Section 12.10.1 states that applications shall adhere to the 2009 Flood Guidelines and Circular PL2/2014 and Appendix 16
- **Appendix 16 – Strategic Flood Risk Assessment** Appendix 16 contains the most recent flood zone mapping. The Development Plan Justification Test is passed for the Shopping Centre Phase 2 lands (identified as Site 27). (Ref: SFRA Table 5.1)
- Section 5.1.1 of the 2022 SFRA includes the Justification Test Criteria as per Table 5.1 of the Guidelines for the ‘Dundrum MTC Phase 2’ lands which include the SHD site (Site 27). This table states a summary of risks and development constraints as follows:

Shopping Centre Phase 2 lands (27)

*The size of the site presents the most significant potential for large scale mixed use development within the local area, but the nature and extent of possible development should be guided by the Sequential Approach. **Care must be taken when considering the road/access and ventilation requirements to preclude flow from entering any basement excavated below flood level. A full emergency plan with access and egress to Main Street is compulsory. The residual risk related to spill over the road at Taney Cross and should be used to guide finished floor***

levels. Other FFLs should be higher than the Dundrum Bypass and potential flood levels. Existing flow paths along the Dundrum Bypass should be maintained. The SSFRA will need to demonstrate there is no impact in flood risk outside the site boundary.

Conclusion: Justification Test Passed for Dundrum Shopping Centre Phase 2

(our emphasis)

In response, the following points are noted:-

- (a) The strategic importance of the MTC lands supports the principle of development on this site for high intensity town centre development and this is also reflected in the DLRCC assessment of the Justification Test criteria.
- (b) road/access and ventilation have been designed to avoid flow from entering any basement excavated below flood level. There is no basement proposed below the 0.1% AEP flood level. Refer to SSFRA Section 5.1, 5.2 and 5.6 and to Drg's 16031-TJOC-00-XX-DR-C-1051 to 16031-TJOC-00-XX-DR-C-1056 and Drg's 16031-TJOC-00-XX-DR-C-1058 and 16031-TJOC-00-XX-DR-C-1059.
- (c) The emergency escape proposals for the proposed development have been considered and are addressed in SSFRA Section 5.10 and Drg.'s 16031-TJOC-00-XX-DR-C-1014 and 16031-TJOC-00-XX-DR-C-1015. The principles of this emergency escape plan can be updated and a detailed emergency plan can be agreed in writing with the Planning Authority prior to the commencement of development
- (d) The finished floor levels of the proposed development have been determined with reference to the '*residual risk related to spill over the road at Taney Cross*'. Refer to SSFRA Section 5.7 and Drg.'s 16031-TJOC-00-XX-DR-C-1049, 16031-TJOC-00-XX-DR-C-1050, 16031-TJOC-00-XX-DR-C-1055 and 16031-TJOC-00-XX-DR-C-1056.
- (e) As required, all FFLs are higher than Dundrum Bypass and potential flood levels as shown at Drg.'s 16031-TJOC-00-XX-DR-C-1049, 16031-TJOC-00-XX-DR-C-1050, 16031-TJOC-00-XX-DR-C-1055 and 16031-TJOC-00-XX-DR-C-1056.
- (f) Existing flow paths along the Dundrum Bypass are maintained. Mitigation measures and recommendations are included addressing improvements in the overland flow paths on Ballinteer Road low point and Dundrum By-pass. Refer to SSFRA Section 5.2 and Drg 16031-TJOC-00-XX-DR-C-1057.
- (g) The SSFRA demonstrates that there is no significant or discernible impact in flood risk outside the site boundary. Refer to SSFRA Section 5.1 and 5.2 and Drg's 16031-TJOC-00-XX-DR-C-1045 to 16031-TJOC-00-XX-DR-C-1059

Having regard to the above, and given the mitigation measures and conclusions of the SSFRA, it is considered that the SHD application is consistent with the Draft Dun Laoghaire Rathdown County Development Plan 2022-2028

(Note: The Dundrum MTC lands are not affected by any of the “Proposed Amendments” to the Draft Plan published in November 2021.)

Statement of Consistency – Draft Dun Laoghaire Rathdown County Development Plan 2022-2028

Conclusion:

The site is zoned MTC. The SHD is consistent with the policy and general Development Management principles contained in the Draft Plan at Section 10.7 and Section 12.10.1, which are broadly the same as the 2016 Plan

The 2022 SFRA (Appendix 16) confirms that

- the site once again has passed the Development Plan Justification Test.
- The updated flood zone mapping confirms that the site now includes Flood Zone B areas only (In addition to Section 5.1.1 of Appendix 16, The flood zones are now represented on the Development Plan Flood Zone Maps 1 and 5)
- The current proposals have been the subject of a detailed Site Specific Flood Risk Assessment (SSFRA) undertaken by TJ O’Connor & Associates which describes the detailed design proposals in relation to flood risk management and mitigation and which confirms how the site specific recommendations of Section 5.1.1 of the 2022 SFRA are complied with
- Compensatory flood storage (with excess capacity) and mitigation of exceedance/ overland flow at Ballinteer Road and Dundrum Bypass will improve the flood risk environment in the vicinity of the development.

In summary, based on more comprehensive flood mapping and analysis undertaken since 2016, the conservative policy in the 2016 Plan has not been carried forward to the SFRA prepared for the Draft Plan 2022-2028.

The 2022 SFRA sets out site specific recommendations for the ‘Shopping Centre Phase 2 lands (Site 27)’ and these measures have been incorporated into the Site Specific Flood Risk Assessment (SSFRA) and the associated technical details associated with the proposed SHD development.

JBA Consulting Independent Review

Appendix H of the SSFRA includes a report from JBA Consulting who have reviewed the assessment and the technical drawings submitted with the current application. JBA concluded that the development passes the Justification Test for Development Management, is in agreement with the core principles of the Flooding Guidelines and the 2022 SFRA (Appendix 16) of the forthcoming Dun Laoghaire Rathdown County Development Plan 2022-2028.

5.0 MATERIAL CONTRAVENTION STATEMENT

5.1 IDENTIFICATION OF “MATERIAL CONTRAVENTION”

The proposed development is a Material Contravention of the *Dun Laoghaire Rathdown County Development Plan 2016-2022* in relation to provisions identified below. Where the proposed development may otherwise depart from the provisions of the Development Plan, these are not sufficiently “material” to trigger a Material Contravention of the Plan.

The applicants recognise that it is ultimately a matter for the Planning Authority/ An Bord Pleanála to determine whether a Material Contravention is involved in any particular case. The assessment below is based on a conservative interpretation of the Development Plan and it may be deemed that the proposed development is not inconsistent with the Development Plan under some of the above topics.

As the Development Plan is in transition, under each item below, we have also commented on the position in the Draft DLR County Development Plan (2022-2028) which is likely to be in force prior to a final decision on this application.

5.1.1 Building Heights (*Ref: Policy UD6 and Appendix 13*)

The Development Plan has a maximum building height limit of 6 storeys (ie. 4 storeys plus allowance for 2 storey upward modifier). The proposed development includes buildings ranging from 3-16 storeys and therefore elements of the buildings over approximately 6 storeys are in contravention of the Development Plan.

As outlined below, SPPR3 of the Building Height Guidelines (2018) enables consideration proposals involving building height in excess of Development Plan limits where criteria outlined in the Guidelines are satisfied.

Comment re Draft DLR County Development Plan (2022-2028)

The 6 storey height limitation no longer applies and the Draft Plan includes a criteria based approach that would allow the proposed development to be considered. Therefore, in the event that the Draft Development is in force prior to a decision on this SHD application, a Material Contravention would not be involved on this issue.

5.1.2 Apartment Standards (Section 8.2.3.2)

Unit Mix

The Development Plan states that schemes of 30+ units should generally comprise no more than 20% 1 bed units and a minimum of 20% of units more than 80sqm. The current SHD proposal with a unit mix of 40% 1 beds, 52.5% 2 beds and 7.5% 3 beds is not consistent with

this aspect of the Development Plan and this may be deemed a material contravention. The units mix proposed can be justified with reference to SPPR1 of the Apartment Guidelines.

Comment re Draft DLR County Development Plan (2022-2028)

Based on the requirement set out in DLR Draft Plan, provisions in relation to unit mix at Chapter 12.3.3.1 Residential Size and Mix states that applications for 50+ residential units will be required to incorporate a variety and choice of apartment units by type and size set out. For residential development in the existing built-up area the requirement is that '*Apartment Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios*'. In terms of 3+ Bed requirement, the requirement is '*Minimum 20% 3+ bedroom units*'. This unit mix restriction relies on the "HNDA" at Appendix 2 in order to justify the provision of 20% 3 bed units within all apartment developments.

The proposed development therefore exceeds the 80% figure for the combination of studios, 1 and 2 bed units and, therefore, also falls below the minimum 20% 3+ bed units standard. With 38% studio plus one bed units, the development also exceeds the 30% figure for the combination of one bed and studios

Therefore, in the event that the Draft Development is in force prior to a decision on this SHD application, a Material Contravention would be involved. A case is made for the proposed development based on SPPR1 of the Apartment Guidelines below.

Internal Storage

Table 8.2.1 of the Development Plan outlines standards for 1, 2 and 3 bed units of 3sqm, 7sqm and 9sqm respectively. The Apartment Guidelines (2020) require 3sqm for a one bed unit, 6sqm for a 2 bed (3 person) apartment and 7sqm for a 2 bed (4 person) apartment and 9sqm for a 3 bed apartment. Therefore, some units are provided with a lower level of provision than the Development Plan requires and therefore this may be deemed to be a Material Contravention issue.

Comment re Draft DLR County Development Plan (2022-2028)

The Draft Development Plan is consistent with the Apartment Guidelines insofar as Internal Storage is concerned. Therefore, in the event that the Draft Development Plan is in force prior to a decision on this SHD application, a Material Contravention would not be involved on this issue.

Minimum Floor Areas

The minimum apartment areas in Table 8.2.2 (Ref. Section 8.2.3.2) of the DLR Development Plan (55sqm, 85-90sqm and 100sqm for one two and 3 bedroom units respectively) are larger than the Apartment Guidelines (2020) minimum standards of 45sqm, 73sqm and 90sqm.

Therefore, the proposed development is not consistent with the Development Plan but is consistent with the Apartment Guidelines (2020) and SPPR1 of those Guidelines supersedes Development Plan.

Comment re Draft DLR County Development Plan (2022-2028)

The Draft Development Plan is consistent with the Apartment Guidelines insofar as apartment size is concerned. Therefore, in the event that the Draft Development Plan is in force prior to a decision on this SHD application, a Material Contravention would not be involved on this issue.

5.1.3 Parking (Section 8.2.5)

If the residential standards (Section 8.2.5) in Table 8.2.3 are applied to this development, there would be a total requirement for the provision of over 900no. spaces for the proposed development. The proposed car parking provision is 373no. spaces and therefore the car parking provision may not strictly meet the standards as set out in the current Development Plan even taking into account the scope for reduced standards at the discretion of the Planning Authority. Therefore, taking a cautionary approach, this is also included in the Material Contravention Statement.

Comment re Draft DLR County Development Plan (2022-2028)

The Draft Development Plan provides for reduced parking standards especially in Zone 1 parking zones such as Dundrum MTC. There is scope for flexibility to be applied on a case by case basis. Therefore, in the event that the Draft Development Plan is in force prior to a decision on this SHD application, a Material Contravention would not be involved on this issue.

5.1.4 Strategic Flood Risk Assessment (Appendix 13)

Taking a conservative interpretation of the Development Plan it is proposed to declare a Material Contravention of the 2016 Plan on the basis that the SHD application could be deemed to contravene Appendix 13 ('Dundrum MTC Stage 3 Flood Risk Assessment (March 2016)' (Section 6.2/ Table 6-2) where the proposed SHD includes "*less vulnerable land uses*" (ie. less vulnerable development) within lands identified in the Flood Zone A & B as identified on Flood Zone Maps 7.1 and 7.2 of the 2016 SFRA Dundrum MTC Annex.

The case in support of the SHD is made based on consistency with the Section 28 Guidelines and the Draft Development Plan / 2022 SFRA.

Comment re Draft DLR County Development Plan (2022-2028)

The updated flood zone mapping confirms that the site now includes Flood Zone B areas only (In addition to Section 5.1.1 of Appendix 16, The flood zones are now represented on the Development Plan Flood Zone Maps 1 and 5). Based on more comprehensive flood mapping and analysis undertaken since 2016, the conservative

policy in the 2016 Plan has not been carried forward to the SFRA prepared for the Draft Plan 2022-2028. The 2022 SFRA sets out site specific recommendations for the 'Shopping Centre Phase 2 lands (Site 27)' and these measures have been incorporated into the *Site Specific Flood Risk Assessment* (SSFRA) and the associated technical details associated with the proposed SHD development. The proposed development is therefore consistent with the SFRA contained as part of the Draft Development Plan 2022-2028

5.2 SECTION 9(6) OF THE *PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES ACT 2016*

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)(i) and (iii) having regard to the following :-

5.2.1 Section 37(2)(b)(i) – The proposed development is of strategic and national importance.

- The development is a strategic development in the context of the regeneration of the area. The site is c.3 hectares of prime development lands within Dundrum “Major Town Centre” zone and such land banks are scarce.
- A key aspect of the Core Strategy is that future expansion prioritises the development of Town Centre locations at high density in the interests of sustainable land use planning. Therefore, it is considered that Dun Laoghaire Rathdown County Council clearly identifies the subject site as being of strategic importance in the context of its statutory Development Plan.
- The *National Planning Framework* (NPF) (Objective 32) and the *Government’s Action Plan on Housing and Homelessness - Rebuilding Ireland* (Pillar 3) seeks to increase housing delivery. The *National Planning Framework* includes objectives that encourage increased residential densities through a range of measures including increased building heights (Objectives 13 and 35). The proposed development which delivers 881 residential units is a significant proportion of the residential supply within the Dundrum area and is therefore of strategic importance in terms of its role in fulfilling the NPF objectives.

5.2.2 Section 37(2)(b)(iii) - Permission should be granted having regard to regional spatial and economic strategy for the area and Guidelines under section 28

Eastern & Midlands Regional Assembly Regional Spatial & Economic Strategy, 2019-2031 - The *Regional Spatial & Economic Strategy* (RSES) is a strategic plan which provides a multifaceted approach to regional development. The *Dublin Metropolitan Area Strategic Plan* (MASP) is a land use and transportation strategy contained within the RSES. Consolidation of the Dublin Metropolitan Area is a key tenet of the vision of the MASP.

The proposed development is consistent with the regional spatial and economic strategy for the area and adheres to the 'Guiding Principles' in Section 5.3 of the MASP for the following reasons:

- The development of this brownfield and infill development will promote sustainable consolidated growth of the Metropolitan Area.
- It will assist in achieving the target of 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs
- It will accelerate housing supply
- It will promote higher densities supported by public transport accessibility including 'Bus Connects' and LUAS
- It will assist in social regeneration as well as physical regeneration in an "Major Town Centre" site with has experienced high relative deprivation.

5.2.3 Section 37(2)(b)(iii) - Permission should be granted having regard to Section 28 Guidelines

The Section 28 Guidelines relevant to the current application are:

Building Height - Urban Development and Building Heights - Guidelines for Planning Authorities (2018)

With reference to the proposed building heights, the *Urban Development and Building Heights Guidelines for Planning Authorities (2018)* support in principle greater building heights within all urban areas and particularly on designated Town Centre sites.

The Guidelines also allow an application for increased building heights to be considered and approved under SPPR3(A), subject to meeting specific development management criteria.

As demonstrated in Section 3.3 of this Report, An Bord Pleanala can consider and approve the additional height proposed for this scheme on the basis that it complies with SPPR3(A) and the associated criteria outlined in the Building Height Guidelines. In summary, the following considerations support the criteria to be considered to meet the requirements of SPPR3(A)

<p><i>At The Scale Of The Relevant City/Town</i></p>	<ul style="list-style-type: none"> • The site is within the Dundrum "Major Town Centre" within 50 metres of the Dundrum Luas stop. There are bus stops immediately adjacent to the site, on Main Street, Dundrum Bypass and Ballinteer Road. • The Draft Development Plan specifically identifies the opportunity for a mid rise building on site • It is significant that the Building Height Guidelines envisages/ allows for taller developments taking place in 'architecturally sensitive areas' in certain circumstances. The receiving environment is such an area. However, its town centre location demands
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	<p>that opportunity provided by the large brownfield site be optimally used for sustainable development.</p> <ul style="list-style-type: none"> • The proposed development would integrate with and enhance the urban grain, circulation network and public realm of the area by providing additional pedestrian and cycle access points to and from Main Street and linkages to the southern part of the Town Centre (DTC Phase 1 lands). • The proposed landmark building (Block 1A) is positioned and aligned in response to the topography of the site and the Luas bridge at the north end of Dundrum town centre.
<p><i>At The Scale Of District/Neighbourhood/Street</i></p>	<p>The height and materials variations respond to the both the sensitivities</p> <ul style="list-style-type: none"> • in the buildings' immediate context and the opportunities for legibility (e.g. using height to indicate junctions/ places in the townscape). • The resulting composition of built form will generate visual interest and legibility in the internal/ adjacent streetscapes and when the scheme is seen at a distance across the townscape. • The site is characterised by its Main Street on one side and the Dundrum Bypass on the other, both of which have very different characters and capacity to absorb buildings of scale. The 4-5 storey buildings on Main Street respect the character of old Dundrum and the larger building on the by-pass provide a robust environment to absorb building ranging from 9-16 storeys • The height of the buildings would also make the development visible (without being excessively intrusive) from certain locations in the immediate vicinity. Therefore, it will achieve the dual objective of contributing to character and improving legibility in the townscape of the Dundrum area. • The proposed development would make a positive contribution to the mix of dwelling typologies by introducing a large number of 1, 2 and 3 bedroom apartments, to a part of the city that is dominated by low density residential typologies. It would also reinstate the new retail street to the townscape, thereby enhancing the mix of uses.
<p><i>At The Scale Of The Site/ Building</i></p>	<ul style="list-style-type: none"> • The form, massing and height of all the blocks have been designed to maximise access to natural daylight,

	<p>ventilation and views with particular focus on the ground / podium level corner units and courtyard spaces.</p> <ul style="list-style-type: none"> • The overall scheme has been designed in collaboration with BDP from the outset and the daylight/ sunlight analysis has been an iterative process to constantly improve and refine the development to ensure high quality daylight to apartments and sunlight to communal amenity spaces. The modelling undertaken, following the BRE Guidelines, has produced quantitative data to inform the design of the scheme with revisions made to ensure good quality living environments. • The positioning of blocks within the site with the lowest elements positioned on the shared boundaries with existing low-rise housing and the orientation of the blocks relative to neighbours has ensured that there is no undue overshadowing / loss of light to neighbouring properties
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In accordance with the Guidelines, other specific assessments referred to in the Building Height Guidelines, have also been considered insofar as they are relevant to the proposed development.

Apartment Guidelines (*Sustainable Urban Housing : Design Standards for New Apartments - Guidelines for Planning Authorities (2020)*)

Minimum Floor Areas and Internal Storage

In relation to Minimum Floor Areas and Internal Storage and Parking considerations detailed above, the Development Plan provisions pre-date the *Sustainable Urban Housing : Design Standards for New Apartments - Guidelines for Planning Authorities (2020)*. The proposed development is consistent with the Section 28 Guidelines in every respect as detailed in Section 3.2 of this report and as further demonstrated in the ***Housing Quality Assessment*** (Grid) enclosed.

Unit Mix

In relation to Unit Mix, The Apartment Guidelines SPPR1 states

Specific Planning Policy Requirement 1

Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

The proposed units mix is:

Studio	1	0.1%
1 bed	335	38.0%
2 bed	463	52.6%
3 bed	82	9.3%
	881	

The combination of studios/ one beds at 38% is well below the 50% allowed under SPPR1 (noting that there is only one studio).

In relation to the requirement for a number of 3+ bed units greater than what is proposed (ie. 9.3%), the following comments are provided in support of the unit mix proposed in this application as being suitable for this particular site.

Dún Laoghaire-Rathdown housing stock is considerably older than the average in the State, with a significant amount of stock built between 1945-1970 (28%) and 1970-2000 (35%). Refer to Table 1 below. This highlights the need for new housing stock in the county as much of the current housing stock is traditional 3-5 bedroom units and not fully representative of the future demand requirements.

	Pre 1945	1945-1970	1971-2000	2001-2010	2010 or later
DLR	12%	28%	35%	17%	2%
DCC	25%	24%	23%	13%	1%
FCC	4%	8%	45%	33%	3%
SDCC	2%	17%	54%	19%	2%
Dublin	15%	20%	36%	19%	2%
EMRA	14%	16%	37%	24%	2%
State	15%	14%	37%	25%	2%

Source: Savills

It is natural that there is going to be different requirements within a county as diverse as Dun Laoghaire-Rathdown. It straddles the needs of an urban populated centre on its northern border with Dublin City and its more rural suburban setting in the south of the county. This in-county difference is one short fall of the Housing Needs Demand Assessment undertaken by DLRC in the context of the forthcoming Development Plan and is why the housing policy of the county should be flexible to different demographic cohorts and public demand.

Savills, on behalf of the applicant, has used its database to assess the pipeline of all apartment assets and housing schemes in the planning process by local authority. This assessment demonstrates a wide variety across local areas. With ‘Dundrum LEA-7’ having the smallest provision for the larger units, this is largely because of the development of almost exclusively apartment schemes in this area and a number of Build to Rent developments catering for the demographics and demand that this “Major Town Centre” requires more than the county’s average.

	1 & 2 Bed (%)	3/4/5 Bed (%)
BLACKROCK LEA-6	86%	14%
DÚN LAOGHAIRE LEA-7	62%	38%
DUNDRUM LEA-7	93%	7%
GLENCULLEN-SANDYFORD LEA-7	65%	35%
KILLINEY-SHANKILL LEA-7	76%	24%
STILLORGAN LEA-6	86%	14%
Grand Total	75%	25%

Figure A below shows the difference in demographics between Dundrum and the county as a whole, highlighting that smaller families are likely to live in this urban area than the rest of Dun Laoghaire-Rathdown and explaining why there is going to be more demand for smaller units in this area of the county.

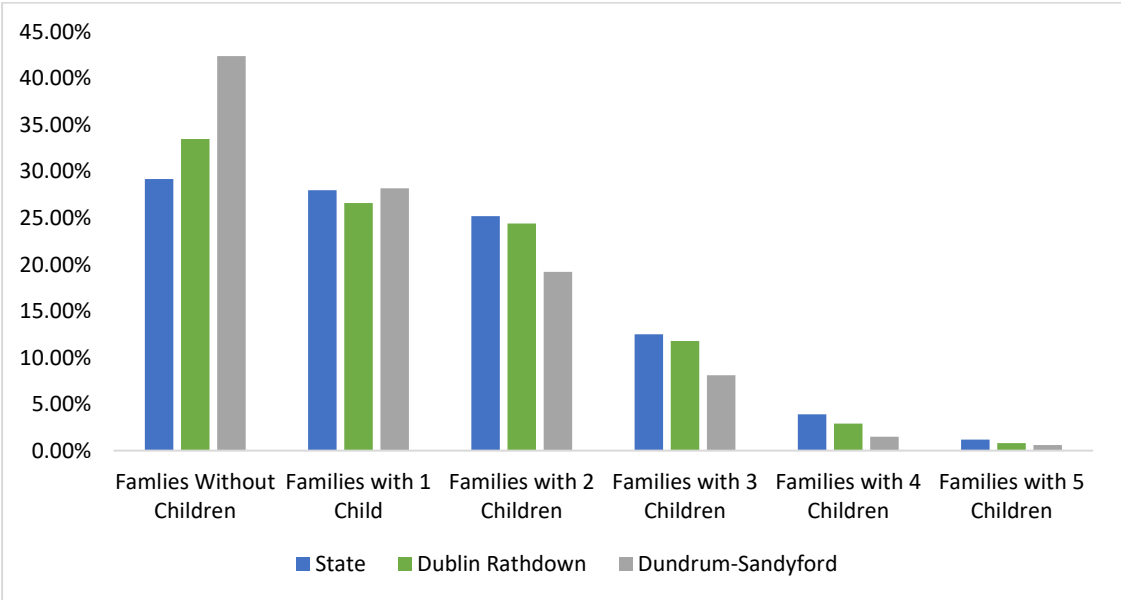


Figure A : Family Size by Number of Children

It is the applicants’ submission that the Dundrum Village SHD lands are an ideal example of where a scheme comprising predominantly one and two bedroom units is appropriate to counterbalance the proliferation of suburban housing that characterises this area at present.

Parking

The Apartment Guidelines (2020) also provide a support for the lower parking provision proposed at this site which can be categorised as a “Central Accessible Location”. Sections 4.19 to 4.21 of the Apartment Guidelines states that within central and/or accessible locations (such as this site) the default policy is for car parking to be minimised, substantially reduced or wholly eliminated in certain circumstances. This policy has been applied in the context of recent SHD permissions in the Dundrum area and the subject site being within 50 metres of Dundrum Luas Stop. On this basis, the provision of 0.36 spaces per unit is considered to be appropriate in this instance. While a Material Contravention is declared in this regard, it could be deemed that this level of provision is not a material contravention of Section 8.2.4.5 Car Parking Standards and Table 8.2.3 Residential Land Use – Car Parking Standards of the Development Plan.

Section 28 Guidelines (Planning and Flood Risk Management Guidelines for Planning Authorities 2009)

As outlined in Section 3.8 above:-

- The proposed SHD proposals are fully in accordance with the Section 28 Flood Guidelines of 2009 and Circular PL2/2014.
- The MTC site has passed the Development Plan Justification Test in each Development Plan Strategic Flood Risk Assessment (SFRA) undertaken by DLRCC since 2009.
- The SHD site includes lands that are within Flood Zone B (approx. 13% of the site area)
- The proposals in this SHD application comply with the sequential approach advocated in the Guidelines and this includes the precautionary approach of substitution of “less vulnerable development” for “highly vulnerable development” within the Flood Zone B.
- Under the Guidelines a Justification Test is not required for “Less Vulnerable development” within Flood Zone B (Ref Table 3.2) and therefore the Development Management Justification Test is deemed to be met.
- Design measures are included in the ***Site Specific Flood Risk Assessment*** (SSFRA) and technical drawings by TJ O’Connor & Associates to address flood risk management and mitigation and these include, inter alia, compensatory flood storage and measures to improve overland flow paths on Ballinteer Road low point and Dundrum By-pass.

5.3 CONCLUSION

The Statement of Consistency above demonstrates substantial compliance with the policies objectives and specific development standards outlined in the Dun Laoghaire Rathdown County Development Plan 2016-2022. This Material Contravention Statement notes that the application is contrary to the Development Plan in relation to certain aspects (eg. Building

Heights and Apartment Standards) and sets out the basis on which the Board may grant permission for the proposed development in accordance with Section 37(2)(b) of the *Planning and Development Act 2000 (as amended)*.

The proposed development involving the provision of 881 residential apartments is considered of strategic national importance, particularly in the current climate of a housing crisis, the pressing local need for housing supply and the strategic value of the development of the brownfield site as part of the overall masterplan.

Furthermore, the proposed scheme is compliant with national and regional policy objectives that seek to promote compact urban growth, encourage more efficient use of serviced land, and support the densification of lands within an established urban setting and along public transport corridors.

It is considered that this Report has set out a comprehensive and logical justification that supports the proposed development in the context of a material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the draft Development Plan 2022-2028 in respect of height, car parking, minimum floor areas and unit mix.

The ever evolving and changing planning landscape has moved to recognise the merits of increased heights and densities on highly accessible urban brownfield sites such as the application lands. The proposed scheme will contribute to the delivery of national objectives seeking compact urban growth and provide a sustainable residential community in an established residential setting and it is respectfully submitted that permission be granted on that basis

6.0 OVERVIEW OF DRAFT DEVELOPMENT PLAN

The Draft Dun Laoghaire Rathdown County Development Plan 2022-2028 was adopted at a meeting of the Council on Thursday 10th March 2022. The plan becomes operative on 21st April 2022. Although strictly not a relevant consideration until that date, it is expected that the Draft will be operative and in force at the time the Board makes its decision on this application. After this application is made, we will not have a further opportunity to address the Board on the adopted plan. For this reason, we address the new plan by reference to the published draft and approved amendments. These remarks are only relevant considerations for the Board where the new plan is in force at the time the Board is making a decision on this application

OVERVIEW OF DRAFT DUN LAOGHAIRE RATHDOWN DEVELOPMENT PLAN 2022-2028

Written Statement	
Section 1 : Introduction	The Introduction sets the scene for the overall Plan and there are no issues of consistency with this Chapter
Section 2 Core Strategy	<p>Figure 2.9 identifies Dundrum as a Major Town Centre which are described (p.19) as follows:</p> <p><i>‘Major Town Centres Potential for the development of key strategic urban regeneration sites for employee intensive development. Located on strategic transport corridors, aligning employment growth with both existing and new residential communities.’</i></p> <p><i>It is a policy objective of the Council to support the development and renewal of strategic regeneration sites in the County which include the following:</i></p> <ul style="list-style-type: none"> • <i>The former Dundrum Central Mental Hospital.</i> • Dundrum Town Centre Phase 2 lands. • <i>Dún Laoghaire Harbour Lands.</i> • <i>Lands identified as ‘Racecourse South’ in the Ballyogan and Environs LAP 2019-2025.</i> • <i>Residential zoned lands in the Sandyford Urban Framework Plan area</i> <p>The policies and objectives of the Draft Development Plan reflect and reaffirm Dundrum’s place in the settlement hierarchy as a “Major Town Centre” and support the strategic regeneration of the Dundrum Town Centre Phase 2 lands.</p> <p>There are no issues of consistency with this Chapter.</p>
Section 3: Climate Action	<p>Climate Change Adaptation Plan (p 49) sets target actions for councils activities under 5 headings including Energy And Buildings, Transport, Flood Resilience, Nature Based Solutions And Resource Management.</p> <p>The proposed development can be favourably considered under these policies.</p>

<p>Section 4 Neighbourhood - People, Homes And Place</p>	<p>(p 65)</p> <p>The policy vision outlined in Chapter 4 promotes intensification of urban areas based on high density housing developments, improved transport infrastructure and good access to high quality community facilities. These policy objectives are set out across three sections under five themes aimed at ensuring that the people and the amenities they require are a priority, that the delivery of new homes is provided for in an appropriate and sustainable manner and that DLR becomes ‘the’ place to live, work and visit.</p> <p><i>Section 4.3.1.1 relates to high residential density and states as follows:-</i></p> <p><i>Policy Objective PHP18: Residential Density</i> <i>It is a Policy Objective to:</i> <i>‘Promote compact urban growth through the consolidation and re-intensification of infill/ brownfield sites.</i> <i>Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.’</i></p> <p>It is considered that the proposed development is an exemplar of a high density town centre residential community with excellent access to public transport and a wide range of services and amenities.</p> <p>There are no issues of consistency with this Chapter.</p>
<p>SECTION 5 TRANSPORT AND MOBILITY (P 97)</p>	<p>It is the objective of the Development Plan to improve the accessibility of the Dundrum area and are also generally supportive of the overall “Avoid-Shift-Improve” approach to transport through reducing or avoiding the need to travel, shifting to or maintaining share of more environmentally friendly modes and improving the energy modes and vehicle technology.</p> <p>The proposed development is consistent with the policies in this Chapter.</p>
<p>Section 6 : Enterprise And Employment</p>	<p>The Plan promotes the creation of a County which delivers sustainable employment and economic growth and achieves higher standards of living for all. The proposed development is predominantly residential and the minor element of retail/ commercial / employment proposed is consistent with the established role of Dundrum and the Council’s objectives to rejuvenate the Main Centre.</p> <p>The proposed development is consistent with the policies in this Chapter.</p>
<p>Section 7 : Towns, Villages And Retail Development</p>	<p>The retail hierarchy for DLR consists of: <i>The two ‘Major Town Centres’ of Dundrum and Dún Laoghaire.</i></p> <p>The current residential-led development rebalances the land use mix within the overall Major Town Centre towards residential while also reinstating the commercial activity at street level on Main Street</p>

Policy Objective MFC1: Multifunctional Centres

It is a Policy Objective of the Council to embrace and support the development of the County's Major Town Centres, District Centres and Neighbourhood Centres as multifunctional centres which provide a variety of uses that meet the needs of the community they serve.

Table 7.2 'Overall Strategy for Dundrum MTC' refers to the "Old shopping centre and adjoining lands" and it is the Council's policy 'to include appropriate level of complementary non-retail uses and activities in respect to community, cultural and civic uses. Public realm upgrade of Main Street'.

Policy Objective RET4 is directly relevant and states as follows:

Policy Objective RET4

It is a Policy Objective of the Council to maintain the two Major Town Centres – Dún Laoghaire and Dundrum – as the primary retail centres in the County and to support their evolving multifunctional role. The vitality of the towns will be enhanced by their mixed-use nature. In addition to retail, these centres must include community, cultural, civic, leisure, restaurants, bars and cafes, entertainment, employment and residential uses. Development shall be designed so as to enhance the creation of a sense of place.

The Draft Plan notes that there is ongoing work on the Dundrum Local Area Plan will address various issues which are listed. While the LAP is not published, it is considered that the current proposals will be appropriate and include proposals that address the issues identified under Policy RET 4, including, inter alia, the following characteristics of the proposed development:-

- an appropriate balance of retail and non-retail uses is achieved in Dundrum Major Town Centre
- a pedestrian-friendly and traffic-calmed environment along Dundrum Main Street,
- need for improved soft landscaping along the Main Street.
- The provision of additional residential uses in Dundrum Major Town Centre.
- The promotion of Dundrum Major Town Centre .. as an important focus of restaurant, leisure and evening uses.
- The requirement that new development should be cognisant of the extended Dundrum Architectural Conservation Area (ACA) area.
- The requirement that all new building 'shall respect and take cognizance of the existing established scale, materials and character' and 'the amenity of the surrounding area'.
- The need to examine the provision of open space areas and linkages between same in the area.
- The development of a comprehensive pedestrian walkway network connecting and linking key destinations and should seek to mitigate this severance
- The provision of expanded and improved cycle facilities, including a linked cycle network and additional cycle parking.
- The consideration of the improved public transport

	<ul style="list-style-type: none"> • The planned provision of significant additional off-street and underground car parking provision with appropriate access routes (both surface and sub-surface). <p><u>CONCLUSION:</u></p> <p>Overall, therefore, the position of Dundrum in the retail and settlement hierarchy has been strongly reaffirmed in the Draft Plan.</p> <p>References in the current Plan to the Phase 2 retail expansion of Dundrum are removed from the Draft Plan and this reflects the intention going forward which is to consolidate the retail and commercial uses within the Phase 1 site and to provide a residential-led regeneration of the old Dundrum Shopping Centre lands or the “Phase 2” lands.</p> <p>This project will also address the western side of Main Street and provide appropriate uses and activation of ground floors and the streetscape with a range of units that will accommodate neighbourhood type retail/ non-retail, café/ restaurant and other appropriate leisure uses.</p> <p>The Draft Plan (p 135 - 7.2.2 Recent Trends Towards Multifunctional Centres) accurately characterizes the structural shift in the retail sector which is and will continue to lead to a reduction in retail-led “shopping centres” and a move to more mixed use developments. The Draft Plan sees these trends as an opportunity for each of the different types of centres in DLR noting that the trends ‘can only help to strengthen these centres’. A positive aspect of the current trends is that the strength of the residential sector and the changing funding models mean that residential uses within a Town Centre environment are now a much more viable proposition.</p> <p>The proposed development is consistent with the policies in this Chapter.</p>
<p>Section 8 : Green Infrastructure And Biodiversity</p>	<p>The proposed development is generally consistent with the high level policies and the approach to green infrastructure and biodiversity and there are no issues with consistency in this regard.</p>
<p>Section 9 : Open Space, Parks And Recreation</p>	<p>This Chapter outlines a strategy based on a hierarchy of attractive parks and open spaces including provision for play facilities and sports and outdoor activities. The Council commits to review the existing Open Space Strategy and to support the objectives of any new strategy within the lifetime of the Plan. In relation to individual residential developments Policy OSR4 refers to the national guidance documents for residential development and apartment development and these standards are also addressed in Section 12 of the Plan. There are no issues of consistency with this Chapter.</p>
<p>Section 10 : Environmental Infrastructure And Flood Risk (P 189)</p>	<p>Policies in relation to Water and Wastewater reflect current national policy and Irish Water protocols which are addressed in the technical information submitted with this application.</p>

	<p>Similarly, the position with regard to Waste (10.3), Pollution (10.4) and Energy Policies (10.6) is consistent with the overall regulatory framework within which the proposed development has been conceived.</p> <p>Flood Risk (10.7) policies are similar to the current Plan and Appendix 16 contains the detailed Strategic Flood Risk Assessment 2022-2028. The Site Specific Flood Risk Assessment submitted with this application demonstrates how the proposed development is consistent with the Development Plan.</p> <p>The proposed development is consistent with the policies in this Chapter. Refer to Statement of Consistency with the 2016-2022 Plan above which also addresses the Draft Plan</p>			
<p>Section 11 Heritage And Conservation (P 207)</p>	<p>Section 11 of the Draft Development Plan discusses the archaeological and architectural heritage of the County and Appendix 4 includes Heritage Lists.</p> <p>Section 11.3 (Archaeological Heritage) - There are no recorded archaeological monuments on the site itself. An assessment of archaeological potential and recommended mitigation measures is addressed in the application by the project archaeologists - Courtney Deery. Refer to EIAR Chapter 13.</p> <p>Section 11.3 (Architectural Heritage – Protected Structures) There is no protected structure on the site itself but the site abuts Holy Cross Church/ Parochial House.</p> <p>Policy Objectives HER13 – HER16 relate to development within and adjacent to <i>Architectural Conservation Areas</i>. Policy Objectives HER17 and HER18 address policy for <i>Candidate Architectural Conservation Areas</i>. These policies and designations are respected in the current scheme design.</p> <p>A category – <i>Proposed Candidate Architectural Conservation Areas</i> (green broken outline) – was included in the Draft Plan and included other buildings on Main Street within the subject site, including Glenville Terrace and properties either side (see below). In the course of the Development Plan review process, it appears that the Proposed Candidate ACA is now an ACA in the final version of the Plan.</p> <p>The retention of Glenville Terrace and its sensitive refurbishment as part of the overall development will achieve the Council’s vision for the creation of a new Town Centre development that sits with the existing historic village centre of Dundrum. This is considered to be in accordance with the Policy HER20 – Buildings of Vernacular and Heritage Interest, which supports the rehabilitation of non-listed buildings which make a positive appearance to the character and appearance of the area.</p> <p>In relation to the other buildings to be removed in this application, the rationale underlying the proposed development is based on an appraisal of all buildings on the site and makes the case for removal of other buildings to be removed to facilitate the development. These buildings are:</p> <table border="1" data-bbox="571 1980 1410 2007"> <tr> <td data-bbox="571 1980 820 2007">8 Main Street</td> <td data-bbox="820 1980 1177 2007">Essence Cafe</td> <td data-bbox="1177 1980 1410 2007">D14W2W1</td> </tr> </table>	8 Main Street	Essence Cafe	D14W2W1
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	<table border="1" data-bbox="571 192 1410 360"> <tr> <td>15A / 15 Main Street</td> <td>Vacant / The Best Barber</td> <td>D14YP78 / D14T3K2</td> </tr> <tr> <td>13/ 13A Main Street</td> <td>Havana / Irene’s Flower Cabin</td> <td>D14P2X8 / D14A0Y0</td> </tr> <tr> <td>4 Glenville Terrace</td> <td>XL Convenience Store</td> <td>D14E261</td> </tr> <tr> <td>Main Street</td> <td>Vacant (Former Post Office / Joe Daly Cycles)</td> <td>D14V8K8</td> </tr> </table> <p>While these buildings are of local historical importance, they</p> <ul style="list-style-type: none"> • are in a poor state of repair. • are not on a consistent building line with the street edge • present a disjointed streetscape and are not compatible with the achievement of a new unified streetscape on the western side of Main Street • are not functionally compatible with modern commercial use <p>Overall, this application is deemed to address the architectural heritage policies and designations in the 2022 Plan and also respects the policies pertaining to new development and building conservation in higher order plans including, inter alia,</p> <ul style="list-style-type: none"> • <i>Project Ireland 2040 - The National Planning Framework</i> • <i>Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)</i> • <i>Urban Development and Building Height Guidelines for Planning Authorities (2018)</i> • <i>Architectural Heritage Protection – Guidelines For Planning Authorities (2011)</i> <p>These sources support the balancing of conservation objectives in the context of achieving the wider objectives of high urban density and building height in Town Centres and on public transport corridors to make most efficient use of scarce development land.</p>	15A / 15 Main Street	Vacant / The Best Barber	D14YP78 / D14T3K2	13/ 13A Main Street	Havana / Irene’s Flower Cabin	D14P2X8 / D14A0Y0	4 Glenville Terrace	XL Convenience Store	D14E261	Main Street	Vacant (Former Post Office / Joe Daly Cycles)	D14V8K8
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<p>Section 12 Development Management</p>	<p>The following are the main development management requirements and standards relevant to the proposed development</p> <p>Residential Size and Mix (12.3.3.1)</p> <p>The Draft Plan provisions in relation to unit mix at Chapter 12.3.3.1: Residential Size and Mix states that applications for 50+ residential units will be required to incorporate a variety and choice of apartment units by type and size set out by Table 12.1. This unit mix restriction relies on the “Interim HNDA” at Appendix 2 in order to justify the provision of 20% 3 bed units within all apartment developments. <u>The proposed development is therefore not consistent with the Draft Plan in relation to unit mix but is consistent with the Apartment Guidelines (SPPR1).</u> A justification for the unit mix proposed in this SHD application is included IN Section 3.7 of this report.</p> <p>Apartment Development (12.3.5)</p> <p><u><i>Development Management Standards re Dual Aspect Apartments (12.3.5.1)</i></u></p> <p>Section 12.3.5 ‘Apartment Development’, under ‘Dual Aspects in Apartments’ (Section 12.3.5.1), DLR County is described a suburban or intermediate location in the context of the Apartment Guidelines implying that 50% might apply. The number of dual aspect units in this</p>												

SHD is over 60% which exceeds the policy requirement of 50% and this is notwithstanding the fact that this site is in a “central and/or accessible location” where a figure of 33% is possible. The proposed development is consistent with the Draft Plan.

Separation Between Blocks (12.3.5.2)

The general requirement for 22 metres between opposing windows is included with scope for reduction in certain circumstances subject to consideration of residential amenity, particularly overlooking. The proposed development meets this objective and the issue is addressed in the Design Statement (Grid).

Internal Storage and External Storage (12.3.5.3)

Internal storage requirements are consistent with the Apartment Guidelines and the proposed development complies.

Penthouse Development (12.3.5.4)

The proposed development incorporates set back upper levels which may be considered as “penthouses” and which respect this provision of the Draft Plan.

Minimum Apartment Floor Areas (12.3.5.5)

Apartment sizes are consistent with the Apartment Guidelines and the proposed development complies.

Additional Apartment Design Requirements (12.3.5.6)

Ground level ceiling heights are greater than 2.7 metres. The proposed development also complies with the maximum 12 units per core standard which is taken from the Apartment Guidelines.

Transport (12.4)

The proposed development is accompanied by Transport Assessment and Travel Plan/ Mobility Management Plan in accordance with the Draft Development Plan general requirements.

Car Parking Standards (12.4.5).

In terms of Car Parking Standards (12.4.5), Dundrum is now located in Zone 1 and maximum parking standards apply in these areas with a presumption in favour of lower parking provision. The Transport Assessment (Systra) submitted with the current application details the basis for the level of parking proposed for the residential and non-residential uses. The proposed development is considered to be consistent with the Draft Development Plan policies in relation to application of parking standards (12.4.5.2 – 12.4.5.6).

Cycle Parking Standards (12.4.6) and Motorcycle Parking (12.4.7).

The proposed development provides in excess of 1600 cycle spaces for residents and visitors and is consistent with the Draft Development Plan policies in relation to cycle parking and motorcycle parking (12.4.6 and 12.4.7).

Childcare Facilities – Parking / Access (12.4.10)

High quality access to the creche is provided for pedestrian and cycle movements which will account for the majority of customers. Car parking and set down from Main Street and within the non-residential allocation will be sufficient and commensurate for the level of such trips likely to be generated.

Electrically Operated Vehicles (12.4.10)

Provision is made within the scheme for electrically operated vehicles and provision can be made for future installation of charging points as the need arises

Open Space and Recreation (12.8)

The Draft DLR Plan makes a clear distinction between public, communal and private open space (Table 12.7) and includes standards for each

Public Open Space

Section 12.8.3.1 / Table 12.8 of the Draft Plan relates to Public Open Space and include a minimum public open space standard of 15% for residential development in the existing built up area. The proposed development is considered to meet the 15% standard. This is notwithstanding that the site is a Town Centre site and does not take into account its location immediately adjacent to a public open space at Sweetmount Park which would warrant invoking the flexibility clause included in Section 12.8.3.1.

The development also meets the qualitative provisions for public open space in 12.8.5.

Refer to the Landscape Design Statement (NMP) enclosed.

Communal Open Space

The proposed development meets the requirements of Section 12.8.3.2/ Table 12.9 (Communal Open Space) which consistent with the Apartment Guidelines. Section 12.8.5.4 states that Roof Gardens should generally not account for more than 30% of the Communal Open Space proposed to serve the development. At c.35%, the proposed development is generally compliant with this objective. The achievement of the 30% figure would be possible with minor adjustment of the ground floor layout but was deemed to be suboptimal in terms of the overall development and so the proposed development was not adjusted in this regard.

Private Open Space

The proposed development meets the requirements of Section 12.8.3.3/ Table 12.9 (Private Open Space) which consistent with the Apartment Guidelines.

Play Facilities

	<p>The proposed development complies with Section 12.8.9 ‘Play Facilities for Apartments and Residential Developments’ which refers to the relevant provisions of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018’ relating to childrens play facilities</p>
<p>Section 13 Land Use Zoning (P 301)</p>	<p>The Draft Plan zones the DRLP lands as MTC - ‘Major Town Centre’ uses – <i>‘to protect, provide for and/ or improve major town centre facilities’</i>. There is no change from the current Plan insofar as the subject site is concerned and no issues in terms of consistency.</p> <p>Refer to Planning Statement / Response to ABP Opinion – Item 1</p>
<p>Section 14 Specific Local Objectives</p>	<p>The proposed development is considered to be consistent with the SLOs that apply to this site and the Dundrum MTC lands generally, as follows:</p> <p><u>SLO No. 8 (Map 1)</u> – SLO No. 8 (Map 1) refers to the desire to provide residential and a range of other uses. This objective is in line with current proposals for a scheme that is residential-led rather than retail-led as was the case with the permissions granted between 2003 and 2009. This objective is complied with in this application. Refer to Response to Item 1 of ABP Opinion in Planning Statement/ Response to ABP Opinion (BMA Planning)</p> <p><u>SLO No. 9 (Map 1)</u> - SLO No. 9 (Map 1) refers to the requirements that any future redevelopment of the old shopping centre lands, takes cognizance of the character and streetscape of the Old Main Street. The design concept as explained in the Design Statement is based around protection of the character of Main Street. This objective is complied with in this application.</p> <p><u>SLO No. 10 (Map 1)</u> - SLO No. 10 (Map 1) which states <i>‘To retain, improve and encourage the provision of sustainable neighbourhood facilities’</i> and the proposed development meets this by providing a range of active uses onto Main Street. Insofar as it can be inferred what this objective means, we submit that this objective is complied with in this application.</p> <p><u>SLO No. 11 (Map 1)</u> - SLO NO. 11 (Map 11) has an objective <i>‘To support the recommendations of the Dundrum Community, Cultural and Civic Action Plan’</i>. The applicant is aware that DLRCC commissioned a <i>Community, Cultural and Civic Action Plan</i> (CCCAP) report to support an URDF application. We understand that this report assessed the existing provision of facilities in the Dundrum CCCAP study area, considers the future needs for this area and sets out potential options for the location and delivery of suitable facilities for the period up to 2040. However, it is not publicly available. Insofar as the recommendations of the CCCAP appears to affect the applicants’ lands, they are willing to explore options with DLRCC to consider the most suitable scale, design and location(s) for such facilities in order to progress this initiative within the Dundrum CCCAP study. In any event, there is no issue with consistency with this objective.</p> <p><u>Map 1 (No. 114)</u> – SLO NO. 114 (Map 1) also relates to the provision of a Dundrum Community, Cultural and Civic Centre. See SLO11 above.</p>

<p>Building Height Strategy (Appendix 5)</p>	<p>Building Height (including Appendix 16 - Building Height Strategy)</p> <p>In the Draft Development Plan 2022-2028, the Building Height Strategy set out in Appendix 5.</p> <p>This strategy has been prepared subsequent to and in accordance with the <i>Urban Development and Building Height Guidelines for Planning Authorities (2018)</i> which are addressed at Section 1.4.2.</p> <p>The strategy does not prescribe blanket building height restrictions as required under the Guidelines and includes a Criteria Based Assessment approach.</p> <p>The arguments for and against taller buildings are restated in Section 2.2 and 2.3 respectively and are similar to those detailed in Section 2.2 and 2.3 of the current (2016) Development Plan (Appendix 9).</p> <p>Significantly in the context of the current SHD application, the Draft Plan includes a Section on Dundrum which states as follows:</p> <p style="padding-left: 40px;"><i>3.4 Dundrum</i></p> <p style="padding-left: 40px;"><u>Dundrum also has a Major Town Centre designation.</u> <i>The arrival of the LUAS and the opening of Dundrum Town Centre (shopping Centre) in 2004 transformed the existing town and surrounding area with the emergence of higher density apartments and office schemes with heights up to 8 storeys. <u>The upcoming Local Area Plan will provide more specific guidance for building heights in the town particularly on what is called the Town Centre phase 2 site taking cognisance of the need to protect the existing character of the Main Street while providing for stepped back buildings of scale.</u></i></p> <p style="padding-left: 40px;">(bold and underlining is our emphasis)</p> <p>Section 4 – Policy Approach - builds on the principle of allowing taller buildings in town centres, district centres, areas close to high frequency public transport and some other areas identified as suitable for height. The Strategy includes "performance based criteria" which are based on the SPPR3 criteria and expanded on and revised 'to include specific guidance relating to the particular sensitivities of DLR'</p> <p>Section 4.2.5 deals with Dundrum and states as follows:-</p> <p style="padding-left: 40px;">4.2.5 Dundrum Local Area Plan</p> <p style="padding-left: 40px;"><i>The issues paper states that,</i></p> <p style="padding-left: 40px;"><i>"The Local Area Plan must address housing policy, whilst being cognisant of constraints that now exist on Plans to shape policy on matters such as residential density/ housing mix/apartment floor areas and building height which are determined by Ministerial Guidelines to a significantly greater degree than heretofore".</i></p>
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In this regard it is noted that the Dundrum Local Area plan will be prepared having regard to the Ministerial Guidelines and shall apply the SPPRs.

Dundrum is a Major Town Centre, served by good public transport links (i.e. Bus and Luas), and, therefore, should be considered for increased height in line with the requirements of the Guidelines.

(bold and underlining is our emphasis)

Section 4.2.11 lists Dundrum Local Area Plan as one of a number of forthcoming Local Area Plans.

To ensure application of the 4 SPPRs and having regard to the other content of the Guidelines a number of policies have been formulated, which support increased building height and/or taller buildings at appropriate locations while ensuring adequate protection of residential amenities and the very unique character and environmental sensitivities of the County.

Policy BHS 1 and 2 are most relevant to Dundrum and state:-

Policy Objective BHS 1- Increased Height.

It is a policy objective to support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area. (NPO 35, SPPR 1& 3). Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above. In those instances, any such **proposals must be assessed in accordance with the performance based criteria set out in table 5.1** which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria. Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

Policy Objective BHS 2– Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan). It is a policy objective to promote and support proposed heights as set out in any approved statutory Local Area Plans and as set out for certain areas in this draft County Development Plan (Sandyford Urban Framework Plan area, Dundrum Urban

	<p>Framework Plan Area and Dun Laoghaire Urban Framework Plan area). Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above on the basis of placemaking. In those instances, any such proposals must be assessed in accordance with the performance based criteria set out in table 5.1 which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria. Within the built up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.</p> <p>Section 5 – Performance Based Criteria - sets out the performance-based criteria that the Planning Authority will use in assessing applications for increased height in the County.</p> <p>Table 5.1: Criteria for assessing proposals for increased height (Defined as building or buildings taller than prevailing building heights in the surrounding urban areas) or taller buildings or for a building that is higher than the parameters set out in any LAP or any specific guidance set out in this draft County Development plan, must demonstrate satisfaction with the stated criteria which are similar to the Building Height Guidelines 2018 criteria:</p> <p>Landmark Buildings (Section 6) Section 6 refers to ‘Landmark Buildings’ which are defined as ‘a single outstanding building which is either taller or of a more notable design than its neighbours’.</p> <p>The buildings are generally permissible under the Building Height Strategy through the Local Area Plan/ SDZ / Urban Framework Plan or Development Plan Variation processes. However, unlike the 2016 Plan, consideration of landmark buildings is not otherwise precluded.</p> <p>The justification for the landmark building at the northern end of the site is provided in the Design Statement (Grid) and compliance with the Building Height Guidelines 2018 is addressed in Sections 3.4 and Section 5.2.3 above</p>
<p>Strategic Flood Risk Assessment (Appendix 16)</p>	<p>Refer to Section 4.5.2 above</p> <ul style="list-style-type: none"> • Appendix 16 – Strategic Flood Risk Assessment Appendix 16 contains the most recent flood zone mapping. The Development Plan Justification Test is passed for the Shopping Centre Phase 2 lands (identified as Site 27). (Ref: SFRA Table 5.1) • Section 5.1.1 of the 2022 SFRA includes the Justification Test Criteria as per Table 5.1 of the Guidelines for the ‘Dundrum MTC Phase 2’ lands which include the SHD site (Site 27). This table states a summary of risks and development constraints as follows:

Shopping Centre Phase 2 lands (27)

*The size of the site presents the most significant potential for large scale mixed use development within the local area, but the nature and extent of possible development should be guided by the Sequential Approach. **Care must be taken when considering the road/access and ventilation requirements to preclude flow from entering any basement excavated below flood level. A full emergency plan with access and egress to Main Street is compulsory. The residual risk related to spill over the road at Taney Cross and should be used to guide finished floor levels. Other FFLs should be higher than the Dundrum Bypass and potential flood levels. Existing flow paths along the Dundrum Bypass should be maintained. The SSFRA will need to demonstrate there is no impact in flood risk outside the site boundary.***

Conclusion: Justification Test Passed for Dundrum Shopping Centre Phase 2

(our emphasis)

In response, the following points are noted:-

- The strategic importance of the MTC lands supports the principle of development on this site for high intensity town centre development and this is also reflected in the DLRCC assessment of the Justification Test criteria.
- road/access and ventilation have been designed to avoid flow from entering any basement excavated below flood level. There is no basement proposed below the 0.1% AEP flood level. Refer to SSFRA Section 5.1, 5.2 and 5.6 and to Drg's 16031-TJOC-00-XX-DR-C-1050, 16031-TJOC-00-XX-DR-C-1051, 16031-TJOC-00-XX-DR-C-1055 and 16031-TJOC-00-XX-DR-C-1056.
- The emergency escape proposals for the proposed development have been considered and are addressed in SSFRA Section 5.10 and Drg.'s 16031-TJOC-00-XX-DR-C-1014 and 16031-TJOC-00-XX-DR-C-1015. The principles of this emergency escape plan can be updated and a detailed emergency plan can be agreed in writing with the Planning Authority prior to the commencement of development
- The finished floor levels of the proposed development have been determined with reference to the 'residual risk related to spill over the road at Taney Cross'. Refer to SSFRA Section 5.6 and Drg.'s 16031-TJOC-00-XX-DR-C-1049, 16031-TJOC-00-XX-DR-C-1050, 16031-TJOC-00-XX-DR-C-1055 and 16031-TJOC-00-XX-DR-C-1056.
- As required, all FFLs are higher than Dundrum Bypass and potential flood levels as shown at Drg.'s 16031-TJOC-00-XX-DR-C-1050, 16031-TJOC-00-XX-DR-C-1051, 16031-TJOC-00-XX-DR-C-1055 and 16031-TJOC-00-XX-DR-C-1056.
- Existing flow paths along the Dundrum Bypass are maintained. Mitigation measures and recommendations are included addressing improvements in the overland flow paths on Ballinteer Road low point

	<p>and Dundrum By-pass. Refer to SSFRA Section 5.2 and Drg 16031-TJ0C-00-XX-DR-C-1057</p> <ul style="list-style-type: none">• The SSFRA demonstrates that there is no significant or discernible impact in flood risk outside the site boundary. Refer to SSFRA Section 5.1 and 5.2 and Drg 16031-TJ0C-00-XX-DR-C-1045 to 16031-TJ0C-00-XX-DR-C-1059 <p>Having regard to the above, and given the mitigation measures and conclusions of the SSFRA, it is considered that the SHD application is consistent with the Draft Dun Laoghaire Rathdown County Development Plan 2022-2028.</p>
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7.0 CONCLUSION

The foregoing Statements of Consistency summarise how the proposed development is consistent with National, Regional and Local Policy (i.e. the *Dun Laoghaire Rathdown County Development Plan 2016-2022*) and relevant Section 28 Guidelines.

The Material Contravention Statement (Section 5.0) provided also summarises where the proposed development is not consistent with the *Dun Laoghaire Rathdown County Development Plan 2016-2022*. Where a Material Contravention applies the Statement provides the justification to allow the Board to consider and approve the proposal in accordance with Section 37(2)(b) of the *Planning and Development Act 2000 (as amended)*.

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