

Planning Report

Including: Statement of Consistency for the Development Plan 2016-2022
Statement of Consistency for the Development Plan 2022-2028
Material Contravention Statement for the Development Plan 2016-2022
Material Contravention Statement for the Development Plan 2022 - 2028
Response to An Bord Pleanála Opinion

For a Strategic Housing Development

At 'Barrington Tower', Brennanstown Road, Dublin 18.

APRIL 2022

Prepared by

McGill Planning Ltd., 22 Wicklow Street, Dublin 2
Ph: +353 1 2846464

On behalf of:

Cairn Homes Properties Ltd.



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Chapter 1 Introduction

On behalf of the applicant, Cairn Homes Properties Ltd., this planning report accompanies a planning application to An Bord Pleanála under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act (2016) for a proposed Strategic Housing Development at 'Barrington Tower', Brennanstown Road, Dublin 18 in accordance with the Planning and Development (Housing) and Residential Tenancies Act 2016.



Figure 1 Approximate Site Location. Refer to architecture drawings for accurate redline boundary

The application has been prepared by a multidisciplinary team on behalf of Cairn Homes PLC as set out in the table below.

Company Name	Documents Prepared
McGill Planning Ltd	Planning Report (this document) including <ul style="list-style-type: none"> - Statement of Consistency with Planning Policy - Material Contravention Statement - Response to ABP Opinion
	EIAR Volume 1 (Main Statement), Volume 2 (Appendices) and Volume 3 (Non-Technical summary)
Reddys	Architectural Drawings
	Architects Design Statement

	Housing Quality Assessment
Murrays	Landscape Drawings
	Landscape Design Statement
	Landscape Management Plan
Waterman Moylan	Engineering Drawings
	Traffic and Transport Assessment
	Statement of Consistency with DMURS
	Flood Risk Assessment
	Engineering Assessment Report
	Construction Management Plan
	Travel Plan
	Luas Capacity Report
	Quality Audit (Bruton Engineers)
Modelworks	Barrington Draft Views, CGIs & PMs
Avison Young	Daylight Sunlight Assessment
Altemar (Brian Deegan)	Natura Impact Assessment
	Ecological Impact Statement
Howley Hayes Cooney	Conservation Report and Impact Statement
	Drawings
Bat Eco Services	Bat Assessment
Integrated Environmental Solutions	Barrington Pedestrian Comfort CFD Analysis
AWN	Construction Environmental Management Plan
	Operational Waste Management Plan
	Resource and Waste Management Plan
OCSC	Energy & Sustainability Report
	Site Lighting Report
	Public Lighting Drawings
Cortland Consult	BTR Operational Plan
	Justification Report
Enviroguide	Hydrological Assessment
O'Dwyer & Jones	Aviation Note
Treefile	Drawings
	Tree Survey and Arboricultural Report
Cairn Homes Properties Ltd	Part V pack
	Building Life Cycle Report
	BTR Covenant

Table 1 Design Team and Documents Prepared

This planning report is set out into 9 chapters:

- Chapter 2 outlines the development description and provides a summary of the proposed development
- Chapter 3 sets out the site location and context
- Chapter 4 outlines the relevant planning history for the subject site and the surrounding area.
- Chapter 5 provides the rationale for the proposed development
- Chapter 6 includes the response to the An Bord Pleanála opinion
- Chapter 7 assesses the proposed development against national and regional policy
- Chapter 8 assesses the proposed development against the DLR Development Plan 2016-2022
- Chapter 9 includes the DLR Development Plan 2016-2022 material contravention statement

- Chapter 10 assesses the proposed development against the DLR Development Plan 2022-2028
- Chapter 11 includes the DLR Development Plan 2022-2028 material contravention statement
- Chapter 12 Conclusion

Chapter 2 The Proposed Development

Development Description

On behalf of the applicant, Cairn Homes Properties Ltd., 3rd Floor, Block 7, Clanwilliam Court, 2 Grand Canal Street Lower, Dublin, this planning report accompanies a planning application request to An Bord Pleanála under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act (2016) for a proposed Strategic Housing Development at ‘Barrington Tower’, Brennanstown Road, Dublin 18 in accordance with the Planning and Development (Housing) and Residential Tenancies Act 2016. The proposed development comprises the following:

The development will include the demolition of an existing habitable dwelling “Winterbrook”, and the derelict, former dwelling attached to Barrington Tower protected structure. ‘Barrington Tower’ itself will be retained and restored. It is also proposed to demolish the existing boundary wall to the north of the site along Brennanstown Road.

The development will provide a ‘Build to Rent’ (BTR) apartment development consisting of 8 no. blocks ranging in height up to 10 storeys (including lower ground floor) providing a total of 534 no. apartments. This will comprise of:

- 30 no. studio, 135 no. 1 -beds, 318 no. 2-beds & 51 no. 3-beds. All residential units provided with associated private balconies/terraces to the north/south/east/west elevations.
- Resident Support Facilities & Resident Services & Amenities (total floor area c.1,496 sq.m) including flexible spaces including entertainment rooms, meeting rooms, parcel rooms, media rooms, lounge and workspaces, gyms and studio, chef’s kitchen and dining area.
- A creche (c.356.5 sq.m), and a retail unit (c.336.8 sq.m).
- Car and cycle parking at basement (2 levels) and at ground level. This will provide 419 no. car parking spaces, 1,266 no. cycle parking spaces and 17 no. motorcycle spaces.
- All associated site development works, open spaces and landscaping, boundary treatments, plant areas, waste management areas, cycle parking areas, and services provision (including ESB substations).

Vehicular/pedestrian/cyclist access from Brennanstown Road will be provided along with improvement works to the Brennanstown Road including a new junction and pedestrian crossing facilities. Pedestrian/cyclist access through the site to the Brennanstown Luas Stop will also be provided.

This is a proposed Build to Rent (BTR) apartment development within Dublin 18, on zoned Residential lands and in close proximity to existing employment, community facilities, retail and public transport. As such, this is a high-quality development, in a highly sustainable location which accords with the National, Regional and Local Planning Policy.

The key development statistics are set out below.

Development Proposal	Site Statistics
No. of Units	534 no. units
Unit Breakdown	<ul style="list-style-type: none">• 30 no. studios (5.6%)• 135 no. 1 beds (25.3%)• 318 no. 2 beds (59.6%)• 51 no. 3 beds (9.5%)
Blocks	8 no. blocks
Site Area	3.81 ha

Density	140 units per hectare
Site Coverage	22%
Plot ratio	1.48
Building Height	<p>ranges in height up to 10 storeys as follows:</p> <ul style="list-style-type: none"> • Block AB: 5 storeys • Block CD: 5 storeys • Block E: 5 to 8 storeys (including lower ground floor) • Block F: 10 storeys (including lower ground floor) • Block G: 7 to 8 storeys (including lower ground floor) • Block H: 8 to 9 storeys (including lower ground floor) • Block I: 5 to 6 storeys (including lower ground floor) • Block J: 5 to 6 storeys (including lower ground floor)
Aspect	50.4% dual aspect
Open Space	<p>Primary Public Open Space: 6,346 sqm Secondary Public Open Space: 3024 sqm Communal: 4,200sqm</p>
Facilities	<p>Creche (c. 356.5sqm. 99 no. children) in block CD Retail unit (c. 366.8 sqm) in block CD Residential Amenity Space (c. 1, 496qm)</p> <ul style="list-style-type: none"> • Block E has 646 sqm • Block I has 850sqm <p>These facilities include multifunctioning rooms, concierge, secure postal storage, dining and lounge rooms, games room, cinema room, and gym.</p>
Car Parking	<p>419 no. car parking spaces</p> <ul style="list-style-type: none"> • 400 basement car parking • 19 Surface car parking <p>Including</p> <ul style="list-style-type: none"> • 15 no. disabled parking spaces • 84 no. electric car spaces
Cycle Parking	<p>1,266 no. cycle parking spaces</p> <ul style="list-style-type: none"> • 1,058 no. residential spaces at basement level • 208 no. visitor spaces at surface level
Motorcycle Spaces	17 motorcycle spaces at basement level

Table 2 Summary of development statistics

Chapter 3 Site Location and Context

The subject site is located within Dun Laoghaire Rathdown County Council administrative area. The application site is located south of Brennanstown Road, a long-established low density residential area, comprising mainly detached houses on generous sites. Such development occurs to the west, south west, and northern side of Brennanstown Road and to the north east of the site. To the south east is a burial ground and the LUAS track directly south of the site. Vehicular access to the site is available off Brennanstown Road. The site slopes steeply from north to south.

The existing Barrington Tower, is a protected structure (RPS No. 1729) will be preserved, restored and made a focal point within the heart of the new development.

To the southern and south-eastern side of the subject site there is a private burial ground (with mausoleum) and a pocket of woodland within the Valley of Glen Druid which extends east and includes the Giant's Tomb dolmen, c.200m east of the site.

The site is zoned under Objective A within DLRCC development plan which indicates that the area is zoned 'to protect and-or improve residential amenity.'

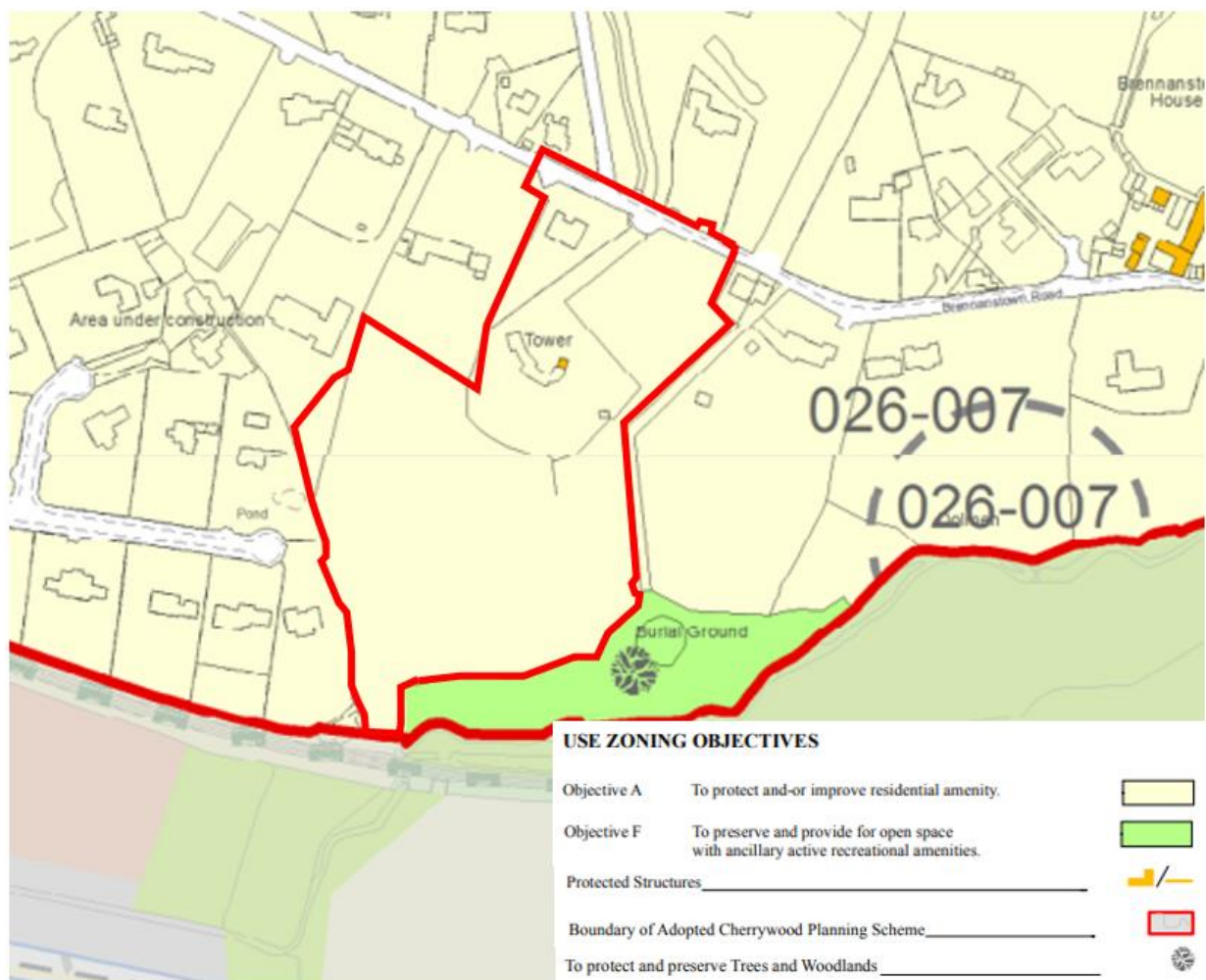


Figure 2 Extract from DLR Development Plan

The site, in the main, is located just north of the Cherrywood Planning Scheme area, and is zoned for Residential Development in the DLR County Development Plan.

A small portion of the site (c.203 sq.m) at the very southern end sits just within the Cherrywood Planning Scheme boundary that extends slightly north of the Luas line. This small area is included in the current application to provide a formal access to the Brennanstown Luas stop and associated landscaping.

This area of the Planning Scheme north of the Luas line is not designated for any specific use or function in the Planning Scheme. As a result the proposed connection to the Luas station is not impacted by the policies and objectives of the Planning Scheme.

Equally the inclusion of this piece of land within the current SHD application to provide the formal access to the Brennanstown Luas Station does not prejudice or contravene (materially or otherwise) the SDZ Planning Scheme.

This is further elaborated on pages 102-104 below. Furthermore, the statutory planning notices acknowledge the fact that a small portion of the site lies within the SDZ Planning Scheme.

EDUCATION PROVISION IN THE AREA

There are 4 primary schools and 3 post-primary school within a 32-minute walk of the site. These are listed in the table below. There are 18 no. creches within 2km of the subject site.

Primary Schools	Distance from the Site
St. Brigid’s Girls National School	c. 19 Minute Walk
St. Brigid’s Boys National School	c. 30 Minute Walk
Gaelscoil Shliabh Rua	c. 30 Minute Walk
Our Lady of Good Counsel Girls National School	c. 32 Minute Walk
Post Primary Schools	Distance from the Site
Cabinteely Community School	c. 27 Minute Walk
St Laurences College	c.29 Minute Walk
Loreto College Foxrock	c.28 Minute Walk

Table 3 List of school within 32 minute walk of the site

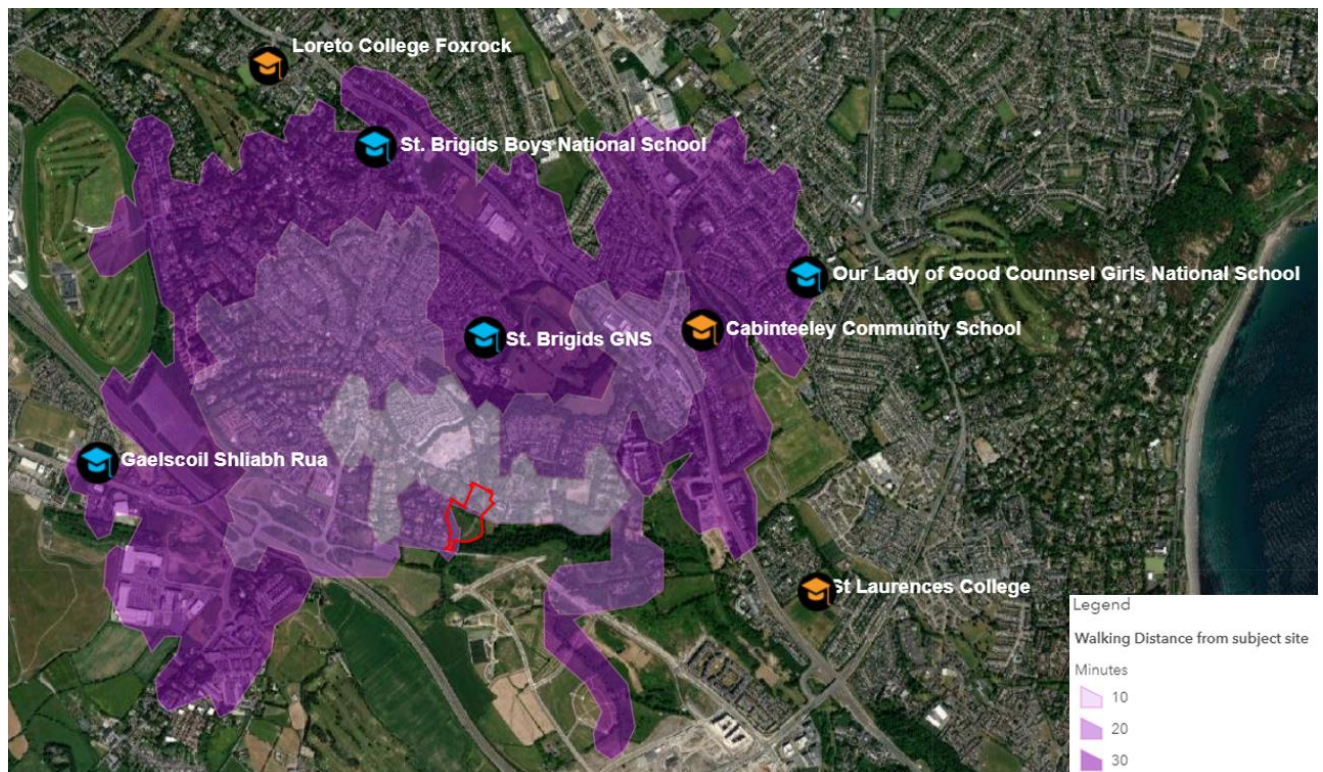


Figure 2 Location of schools in the surrounding area



Figure 3 Locations of Childcare Facilities

PUBLIC TRANSPORT

Bus stops are located on Brighton Road and Glenamuck Road c. 650m to the west of the site. Dublin Bus routes 63 and 63A serve these stops. These bus routes connect Cabinteely to Dun Laoghaire, Kilternan, Foxrock, Carrickmines and Ballyogan.

In addition to these bus routes, the N11 corridor, to the north of the site, is served by a number of bus routes which provide quick access to Dublin City Centre. The routes servicing N11 corridor include the 84A, 84X, 145, and 155. These stops are all within 1.6km or 19 minutes' walk of the site. These connect the site to Bray, Ikea, Blackrock, Newcastle, as well as Dun Laoghaire, Kilternan, Hawkins Street and Heuston Station. Please refer to the table below demonstrating bus frequencies.

Bus Route No.	To	From	Weekday Avg. Frequency	Saturday Avg. Frequency	Sunday Avg. Frequency
63A	Kilternan	Dun Laoghaire	30 mins	45 mins	45 mins
	Dun Laoghaire	Kilternan	30 mins	45 mins	45 mins
84A	Blackrock	Newcastle	30 mins to 1 hour	1 hour	1 hour
	Newcastle	Blackrock	30 mins to 1 hour	1 hour	1 hour
84X	Hawkins Street	Newcastle/ Kilcoole	30 mins – 45 mins	-	-
	Newcastle/ Kilcoole	Hawkins Street	30 mins – 45 mins	-	-
145	Heuston Rail Station	Ballywaltrim	10 mins until 21:00, 1 hour after	15 mins – 20 mins	20 mins – 30 mins
	Ballywaltrim	Heuston Rail Station	10 mins until 21:00, 1 hour after	15 mins – 20 mins	20 mins – 30 mins
155	Ikea	Bray Rail Station	20 mins	20 mins	20 mins
	Bray Rail Station	Ikea	20 mins	20 mins	20mins

Figure 5 Bus Frequencies

The Luas green line runs south of the site, with access at present from the site to the Carrickmines Luas stop which is approximately a c.13-minute walk from the site. The Luas line connects the area to the city centre where it stops in popular locations such as St. Stephen’s Green, O’ Connell Street and Parnell. The Brennanstown Luas stop, immediately to the south of the site, was completed in 2010, however, has not been made operational to date, pending the delivery of residential units in the area including at the subject site.

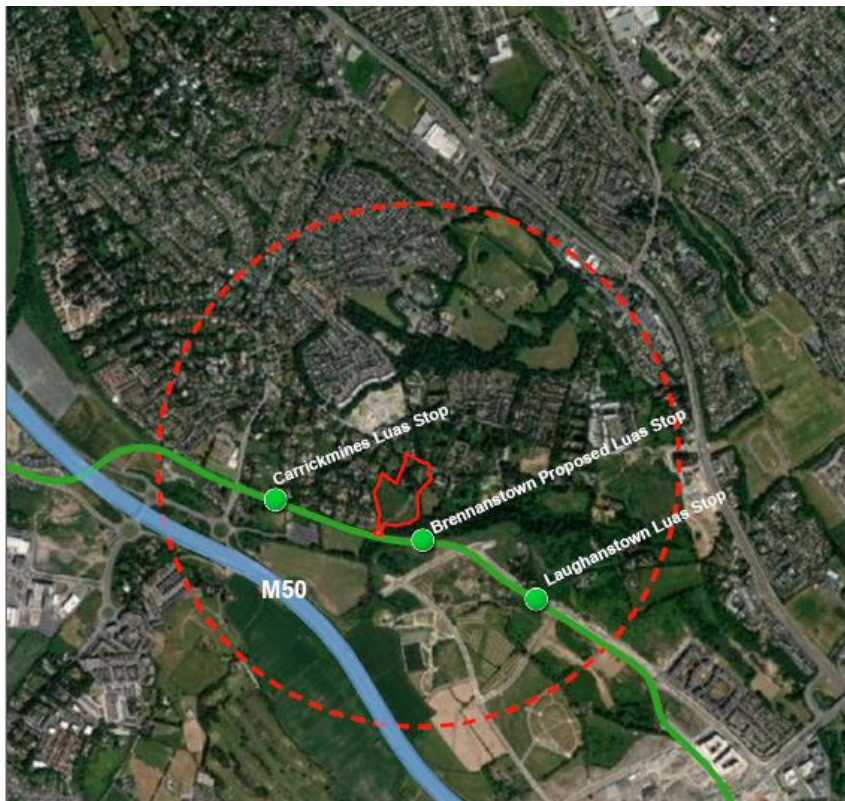


Figure 6 Green Line Luas Stops in close proximity of the subject site

Time	Monday – Friday (Avg. frequency – minutes)	
	Northbound	Southbound
05:39 – 07:00	16	12
07:00 – 10:00	9	9
10:00 – 16:00	13	13
16:00 – 19:00	10	10
19:00 – 00:06	13	13

Time	Saturday (Avg. frequency – minutes)	
	Northbound	Southbound
06:36 – 10:00	16	15
10:00 – 16:00	14	14
16:00 – 19:00	14	14
19:00 – 00:06	14	14

Time	Sunday & Bank Holiday (Avg. frequency – minutes)	
	Northbound	Southbound
07:06 – 12:00	14	14
12:00 – 19:00	12	12
19:00 – 23:06	13	13

Figure 7 Green Line Luas Stops in close proximity of the subject site

BusConnects are proposing new routes within the surrounding area of the subject site. The routes proposed to serve the development are Routes L26 and L27 which are approximately 670 m from the subject site and are planned to connect Kiltarnan to Blackrock and Ballyogan to Dun Laoghaire. The E1 Spine is also available from the N11 Corridor, 19 minutes' walk from the site, services Ballywaltrim through the city centre to Northwood. These routes will further improve connectivity of the site.



Figure 8 Bus Connects Route Map

As a result of both the existing Luas and bus connections and future proposed improvements, the site is highly accessible to all of the prime serviced areas with employment and retail facilities including Sandyford Business Park, Cherrywood, Dundrum Town Centre, Dun Laoghaire, Dublin City Centre. It also has excellent links to third level education including Trinity and Grangegorman DTU.

CYCLE FACILITIES

At present, there are no cycle facilities along the Brennanstown Road. However, there are excellent existing cycle facility lanes provided along Glenamuck Road and the N11. These existing cycle facilities proximate to the site will ensure that the subject site is accessible to the wider cycling network. In addition, given the upgrades permitted in the two earlier SHDs to date (Brennanstown Wood ABP-301614-18 and Doyle’s Nursery ABP-205859-20) and the further upgrades proposed in this application, Brennanstown Road will provide for a low vehicular speed and safe environment for cyclists to/from the development.

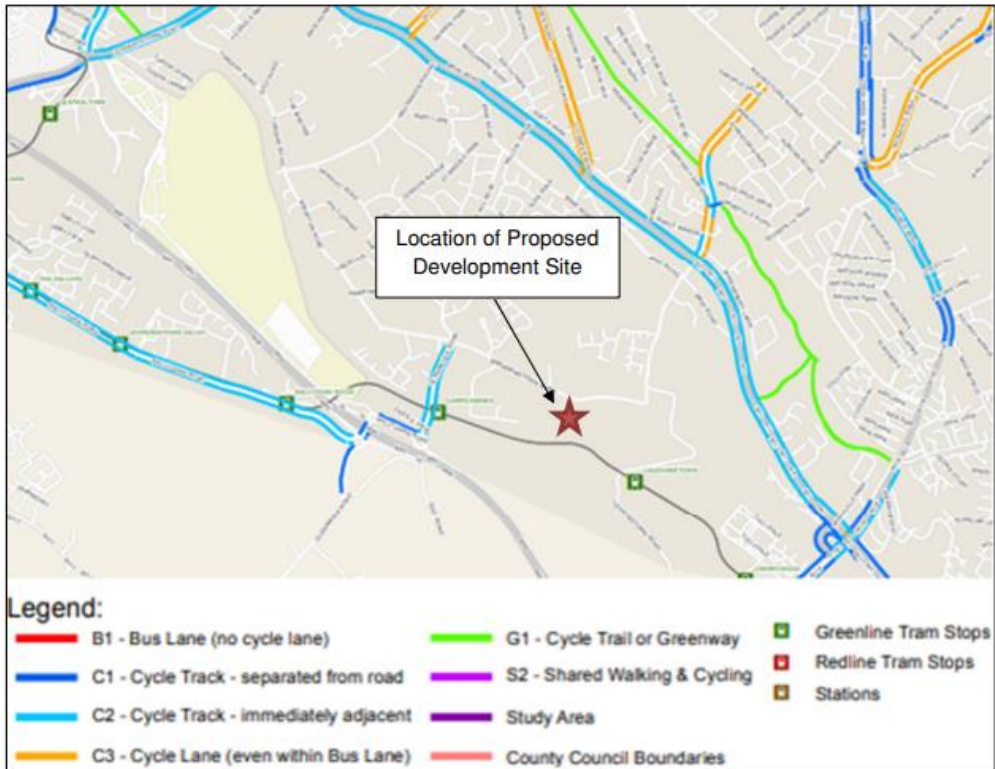


Figure 9 Existing Facilities Map (source: GDA Cycle Network Plan)

The Greater Dublin Area Cycle Network Plan proposes to expand the cycle network to provide new connections between zones. This proposal provides a greenway to the south of Brennanstown connected to Glenamuck Road North which continues on to Sandyford. There will be two feeder cycle routes running to the east and west of the subject development site – one along Glenamuck Road North and one along the eastern portion of the Brennanstown Road, linking to the N11 Corridor, a primary cycle network in the area, connecting to the city centre.

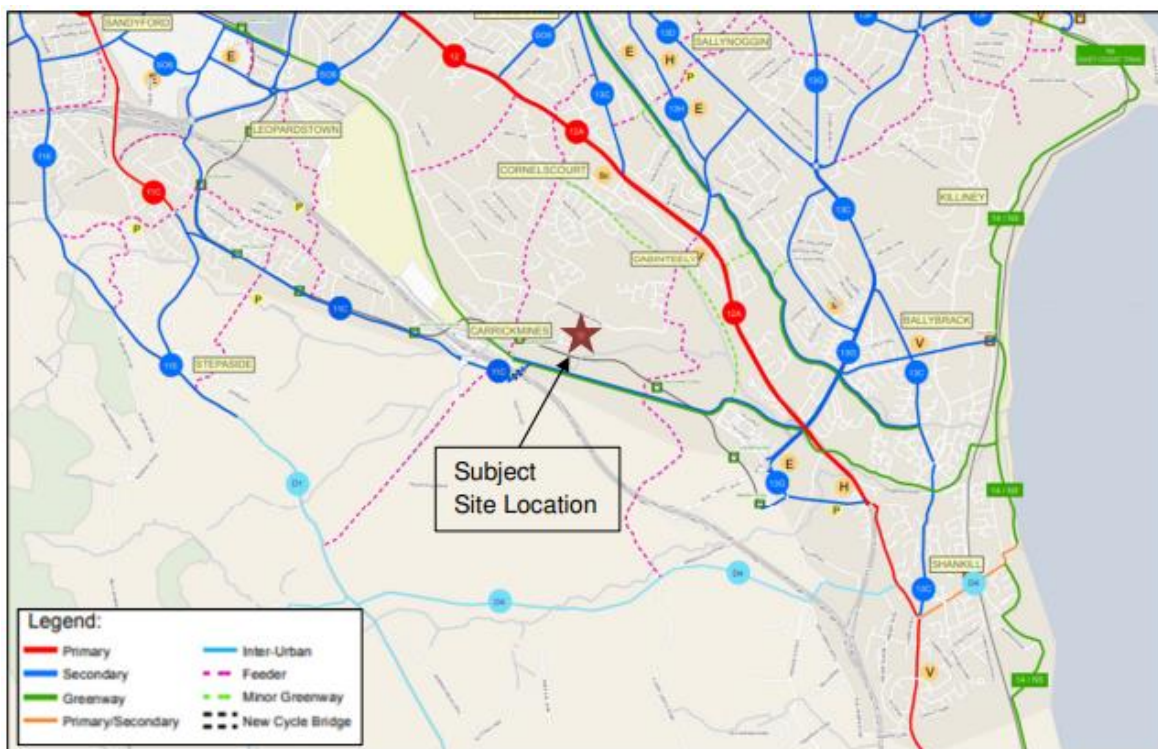


Figure 10 Proposed Cycle Network Upgrades (source: GDA Cycle Network Plan)

PUBLIC PARKS AND AMENITIES

In addition to the public space to be provided within the scheme, the site is located within 800m of Cabinteely Park. There are also a number of other parks in the wider area including Kilbogget Park as well as significant public parks coming on stream within Cherrywood including Beckett Park and Tully Park.

There is a wide range of activities and amenities readily available in the surrounding area as outlined below. These include leisure amenities such as Leopardstown Golf Centre, Carrickmines Equestrian Centre and Dlr Leisure Loughlinstown. These will be further enhanced through the development of Cherrywood in the near future with the significant Town Centre and permitted lifestyle amenities.



Figure 11 Amenities surrounding the subject site

Public Parks and Amenities	Distance from Site Cycling
Carrickmines Golf Club	c. 15 Minute Cycle
Leopardstown Golf Centre	c. 9 Minute Cycle
Carrickmines Croquet & Lawn Tennis Club	c. 5 Minute Cycle
Carrickmines Equestrian Centre	c. 17 Minute Cycle
Dlr Leisure Loughlinstown	c. 15 Minute Cycle
Seapoint Rugby Club	c. 10 Minute Cycle
Stepaside Golf Centre and Driving Range	c. 24 Minute Cycle
DLRCoCo All Weather Pitch	c. 22 Minute Cycle
De La Salle Palmerstown FC	c. 21 Minute Cycle
Cabinteely Park	c. 7 Minute Cycle
Kilbogget Park	c. 9 Minute Cycle

Table 4 Amenities as shown in in Figure 8

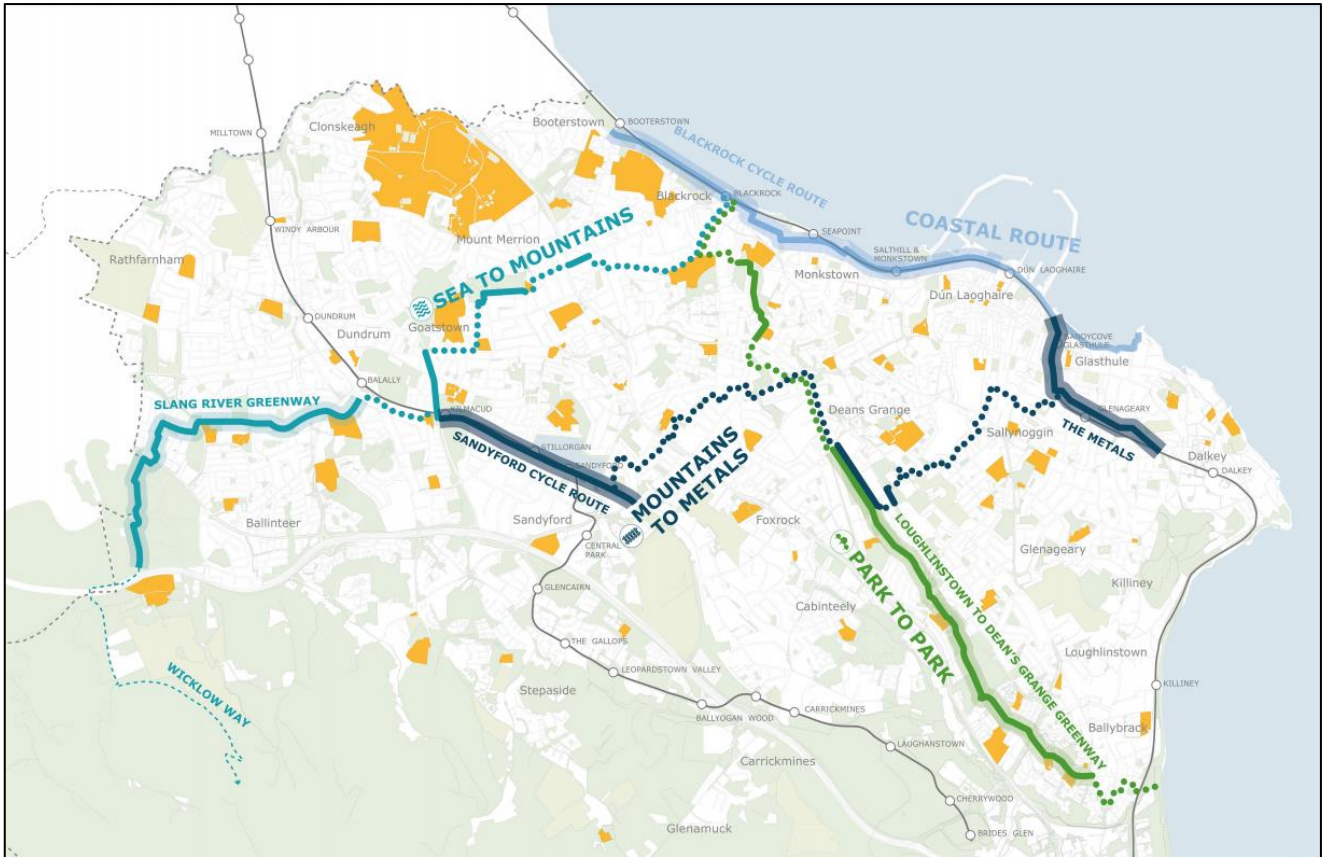


Figure 4 Cycle routes (Update caption)

RETAIL & EMPLOYMENT CENTRES

The site is within an established residential suburb. It is within walking and cycling distance of a multitude of services, local amenities and employment opportunities including a range of retail facilities including Dunnes Cornelscourt, Carrickmines Park, Leopardstown Shopping Centre, as well as Cherrywood Town Centre which is currently under development. As set out above it also has ready access to Dundrum Town Centre, Dun Laoghaire Town Centre and Dublin City Centre.

In terms of employment, it is located central to both Sandford Business Park and Cherrywood Business Park both of which are less than a twenty minute cycle from the site currently (via the N11 for the short term pending completion of the Cherrywood Planning Scheme road/cycle infrastructure), or even quicker on the Luas.

Overall, it is considered that the site is well located and a highly accessible location well served by public transport, bike and walking facilities providing connection to employment, commercial, health and education services within a suburban location.



Figure 5 Retail clusters surrounding the subject site



Figure 6 Business Parks in the surrounding area

Chapter 4 Planning History

McGill Planning have carried out a desktop review of the planning history of the site. The site has been subject to 4 planning applications since 2007. The planning history for the site is set out below.

DLRCC reg. ref.: D07A/0161
Application date: 18 December 2007
Decision: Grant Permission
Appeal ref.: PL 06D.227861
ABP decision: Grant Permission with conditions

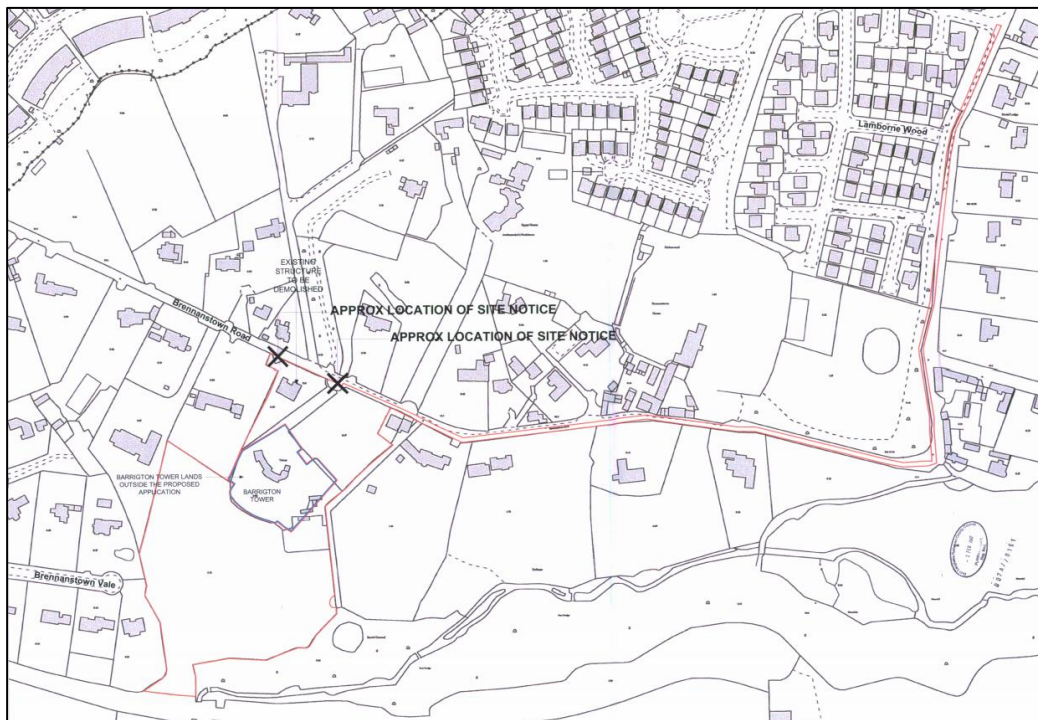


Figure 7 Location of previous application DLRCC Ref: D07A/0161

Demolish dwelling 'Winterbrook', construct 158 no. residential units, 2 new entrances onto Brennanstown Rd and associated works on lands adjacent to 'Barrington Tower', a protected structure. Barrington Tower, Brennanstown Road, Cabinteely, Dublin 18.

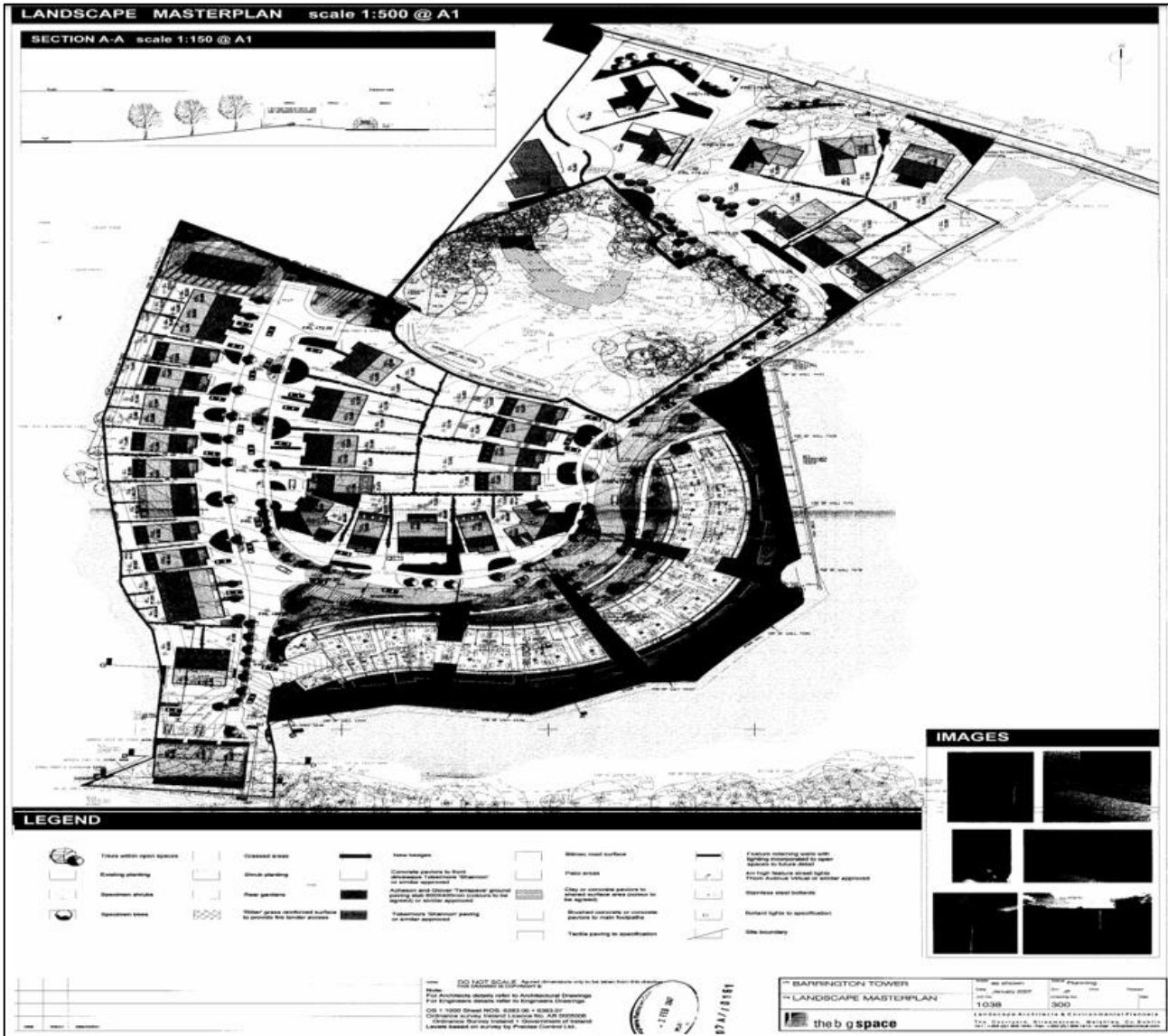


Figure 8 Masterplan of proposed development (Source: DLRC)

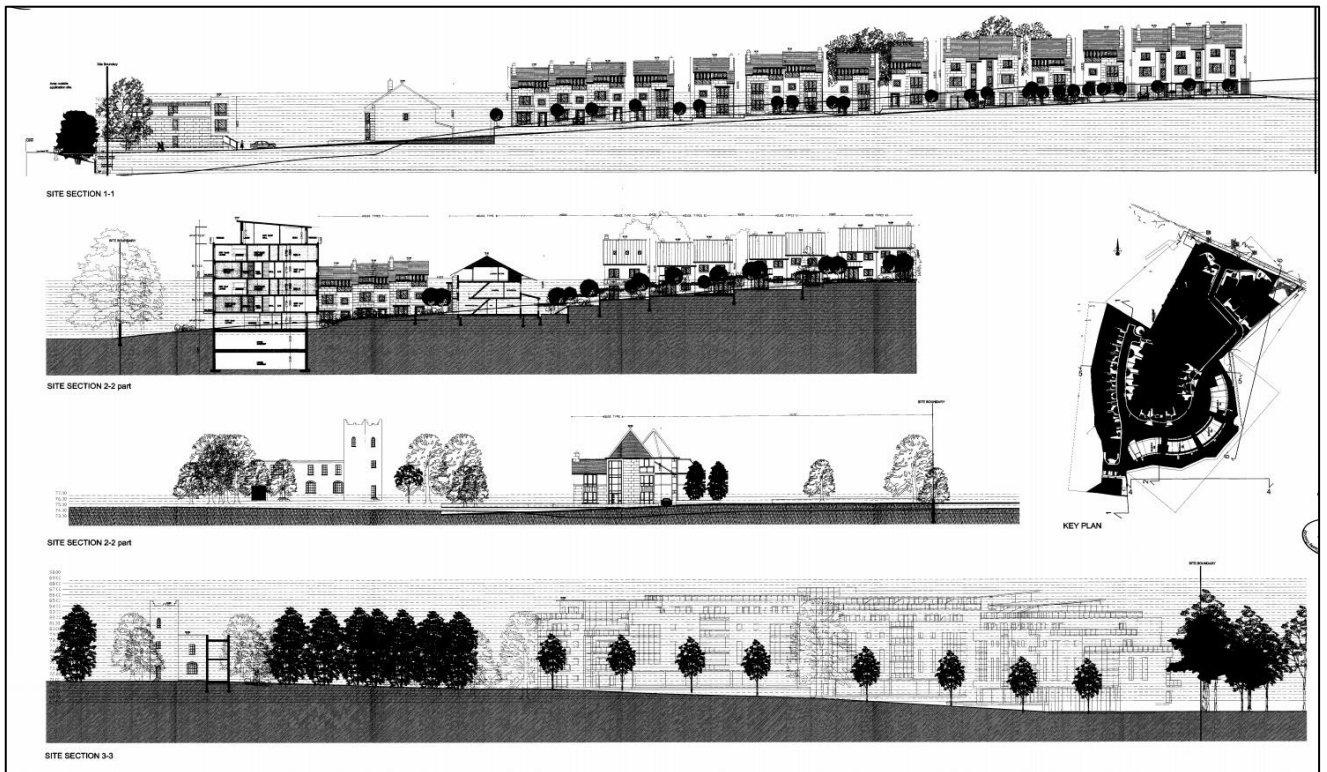


Figure 17 Site sections of proposed development (Source: DLRC)

An Bord Pleanála concluded in their decision to grant permission for the development with 28 conditions attached. The overall reason for the grant of permission was that the development *'would not materially or adversely affect the character or setting of the protected structure, would not seriously injure the amenities of the area or of property in the vicinity'*. It was outlined that the zoning of the site was for residential purposes and that the proposed development was suitable for the site in question. Conditions attached to the Boards decision predominantly related to visual amenity, amenities in the vicinity of the site and public safety. In relation to traffic safety, it was concluded that it would be convenient and acceptable therefore it would be *'in accordance with the proper planning and sustainable development of the area'*.

DLRCC reg. ref.: D07A/0161/E
Application date: 18 June 2013
Decision: Grant Extension of Duration of Permission

This application was for the extension of the planning permission D07A/161. It was granted permission for the extension until the 18th September 2018.

DLRCC reg. ref.: D10A/0104
Application date: 25 February 2010
Decision: Refuse Permission for Retention

This application was for the retention of an electrical substation & ESB room to serve the new Luas Green Line (Line B1) tramway extension comprising a single storey concrete structure approx. area 218sq.m and hard surfaced service compound all within a metal / part timber fence enclosure, surface water drainage and associated site works.

This was refused permission because the structure was constructed over an existing 375mm surface water sewer. The sewer diversion carried out is not as approved under Reg. Ref. D07A/0161 / PL06D.227861. However it is noted that a subsequent permission (D11A/0127) overcame this issue. Furthermore it is noted that the ESB substation is now in place and the presence of the surface water sewer to the south of the site has no

implications for the current design for the remainder of the site.

DLRCC reg. ref.: D11A/0127
Application date: 04 November 2011
Decision: Grant Permission for Retention

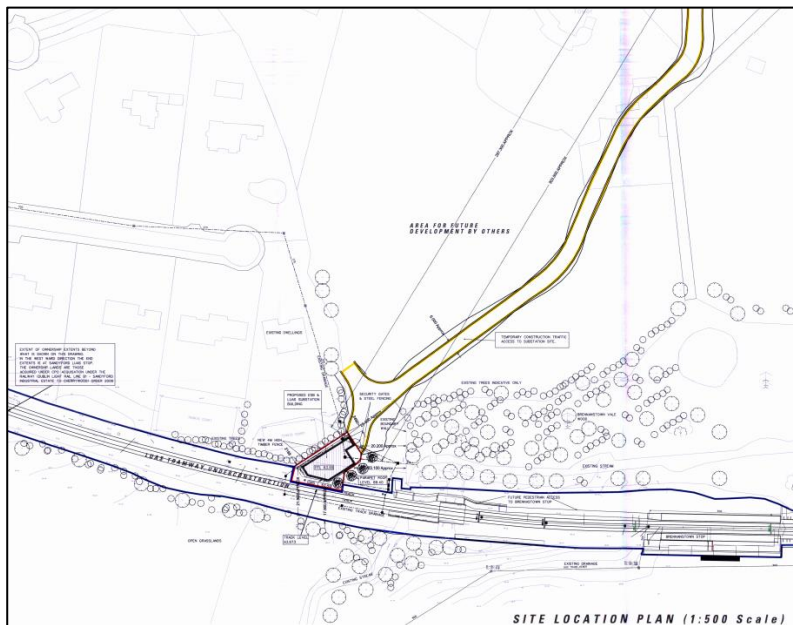


Figure 18 Location of retention of electrical substation & ESB room DLRCC ref: D11A/0127

This is a second application for retention permission and was sought for an electrical substation & ESB room to serve the new Luas Green Line (Line B1) tramway extension comprising a single storey concrete structure approx. area 218 sq.m and hard surfaced service compound all within a metal/part timber fence enclosure, surface water drainage and associated site works. This application overcame the reasons for refusal of DLRCC reg. ref.: D10A/0104. The surface water sewer had been diverted without the prior permission of the Council's Drainage Section. The applicant submitted wayleave agreements from the relevant landowners. This was considered acceptable by the planning authority.

Strategic Housing Developments in the Surrounding Area

Brennanstown Wood Residential Development

ABP reference: ABP-301614

Decision: Granted 31st August 2018

The Board granted permission, subject to 25 conditions, for 136 no. residential units (98 no. apartments and 38 no. houses), crèche facility, works to Brennanstown Road, alterations to the Brennanstown Road/Glenamuck Road North/Brighton Road/Claremont junction, connections to and through Cabinteely Park and associated site works.

The inspector recommended permission be granted subject to conditions. 51 conditions were recommended by the inspector for this SHD where a reoccurring theme was around traffic, mobility, and parking. The board decided to grant permission subject to 25 conditions.

The reasons for a grant of permission were the proposed development had a wide range of social and transport

infrastructure available in the area, the development was consistent with the pattern of existing and permitted development in the area and it was in line with national and regional guidelines.

Two subsequent non-material alterations were submitted to the board both of which were approved.

In relation to permitted junction improvements to Brennanstown Road as part of this SHD permission, we note that these are separate to the additional junction improvements now proposed as part of this current SHD application along a separate stretch of the Brennanstown Road. However both the permitted/constructed and planned improvements are all assessed in combination as part of the Traffic and Transport Assessment carried out by Waterman Moylan.

ABP reference: ABP-304726-19

Decision: Granted 26th August 2019

Permission was sought to amend the permitted developments as follows:

- Replacement of apartment Block 3 containing 10 no. apartments, including 2 no. 1 beds and 8 no. 2 beds, in a two storey building, with 5 no. 2 storey houses (type E2, nos. 39-43 on the site plan) and associated car parking alterations;
- Replacement of 1 no. type E1 house with 1 no. type E2 house (no. 20);
- Replacement of 2 no. type D2 houses (nos. 21 and 22) with 1 no type D1 house (no. 22) and 1 no. type D4 house (no. 21);
- Amendments to the basement layout of Block 1 relating to alterations and reconfiguration of the bin storage, plant and cycle storage areas and including the omission of 6 no. car parking spaces;
- Provision of 2 no. additional surface car parking spaces on the internal access road;
- Amendments to house types A1, A2, B1, B2, D1, D3, D4 and E2 relating to the omission / alterations to chimneys, amendments to materials, addition of velux rooflights and alterations to canopies and fenestration;
- Replacement of side boundary walls in rear gardens with concrete post and panel fencing and minor changes to other boundaries;
- All associated site works, including landscaping alterations and minor changes to finished floor levels and road levels.

ABP reference: ABP-306218-19

Decision: Grant Permission on 7th May 2020

Permission was sought to amend the permitted developments as follows:

The Board granted permission to alter the permitted development in line with the S146B requests.



Figure 9 Site layout plan for Brennanstown Wood Residential Development (Source: DLRCC)

Doyle's Nursery

Demolition of 'Benoni' and extant single storage buildings, construction of 234 no. apartments, creche and associated site works. This included 3 blocks rising up to 8 storeys in height.

ABP reference: ABP-305859-20

Decision: ABP30585919

For this SHD application the Board granted permission subject to 33 conditions. The Inspector, in his/ her report, identified the *“principle of residential development to be acceptable on this site. The site is a zoned, serviceable site within an established suburban area where a range of services and facilities exist...I am satisfied that the proposal will not impact on the visual or residential amenities of the area...”*

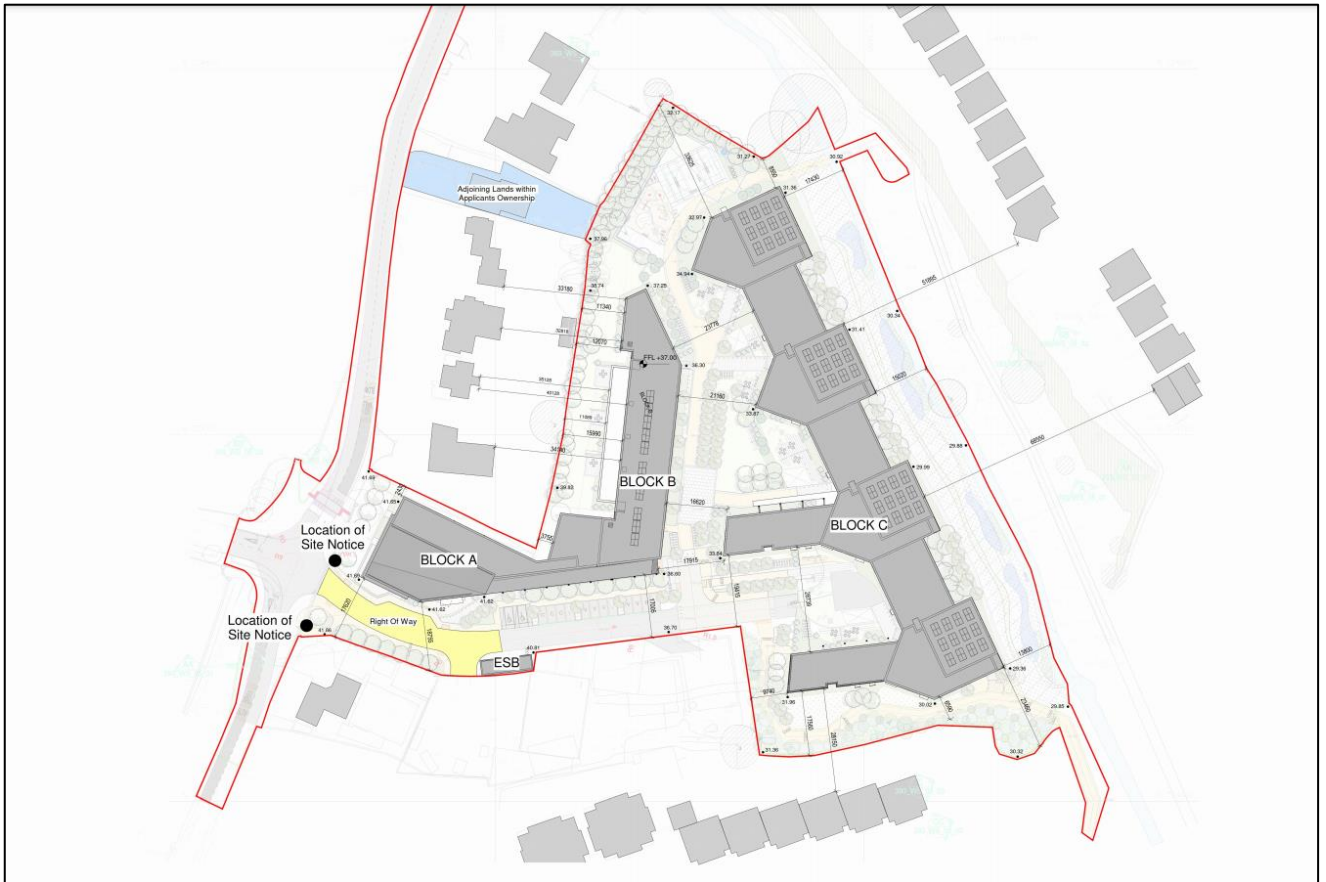


Figure 20 Site layout plan for Former Doyle's Nursery (Source: DLRC)

Brennanstown Road Traffic Management Scheme

A traffic management scheme for Brennanstown Road was originally proposed by DLRC to reduce traffic speeds, improve road safety, provide facilities for vulnerable road users, and facilitate the development of adjoining zoned lands. However, this Part 8 scheme was rejected in 2017 at a council meeting and therefore objectives have not been met with regards to the scheme.. Notwithstanding the refusal of the Part 8 scheme, the Board has since granted permission for two SHD applications along the Brennanstown Road.

As part of the proposed development for Brennanstown Wood Residential Development (ABP-301614-18) the applicant included a proposal to incorporate works to Brennanstown Road which included a roundabout at the site entrance, the widening of the road and footpath, ramps to allow for traffic calming and enhancements to the junction (Brennanstown Road/Glenamuck Road North (R842)/Brighton Road/Claremont Road). Among the inspectors' conditions they recommended that prior *'to commencement of development, full details in respect of the road and footpath improvement works to Brennanstown Road including measures outlined in the Quality Audit shall be submitted to and agreed in writing with the planning authority'* (ABP Inspector's Report).

The Former Doyle's Nurseries SHD application also included upgrades to Brennanstown Road. Works proposed along the road are road widening and realignment works, widening and resurfacing the existing footpath on the western side of the road and the introduction of a four-arm mini roundabout. The inspectors report states that the upgrade of part of Brennanstown Road is justified *'in accordance with sections 37(2)(b)(i),(ii) and (iii) of the Planning and Development Act 2000.'*

Reflecting the approach of the previous SHDs the current proposal includes for additional upgrades to Brennanstown Road along the stretch of the public that passes the site. These works are included with the

application boundary red line and a letter of consent from DLRCC is included in this regard. These improvements will benefit both the scheme itself and general accessibility for the wider public along Brennanstown Road. Furthermore the permitted/constructed improvements and current planned improvements are assessed in combination as part of this application and in the Traffic and Transport Assessment carried out by Waterman Moylan Consulting Engineers.

Chapter 5 Rationale for Development

The development will include the demolition of an existing habitable dwelling “Winterbrook”, and the derelict, former dwelling attached to Barrington Tower protected structure. ‘Barrington Tower’ itself will be retained and restored. It is also proposed to demolish the existing boundary wall to the north of the site along Brennanstown Road.

The development will provide a ‘Build to Rent’ (BTR) apartment development consisting of 8 no. blocks ranging in height up to 10 storeys (including lower ground floor) providing a total of 534 no. apartments. This will comprise of:

- 30 no. studio, 135 no. 1 -beds, 318 no. 2-beds & 51 no. 3-beds. All residential units provided with associated private balconies/terraces to the north/south/east/west elevations.
- Resident Support Facilities & Resident Services & Amenities (total floor area c.1,496 sq.m) including flexible spaces including entertainment rooms, meeting rooms, parcel rooms, media rooms, lounge and workspaces, gyms and studio, chef’s kitchen and dining area.
- A creche (c.356.5 sq.m), and a retail unit (c.336.8 sq.m).
- Car and cycle parking at basement (2 levels) and at ground level. This will provide 419 no. car parking spaces, 1,266 no. cycle parking spaces and 17 no. motorcycle spaces.
- All associated site development works, open spaces and landscaping, boundary treatments, plant areas, waste management areas, cycle parking areas, and services provision (including ESB substations).

Vehicular/pedestrian/cyclist access from Brennanstown Road will be provided along with improvement works to the Brennanstown Road including a new junction and pedestrian crossing facilities. Pedestrian/cyclist access through the site to the Brennanstown Luas Stop will also be provided.

The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant Dun Laoghaire Rathdown County Development Plan 2016-2022 (currently in force), the Dun Laoghaire Rathdown County Development Plan 2022 – 2028 (adopted, due to come into force on the 21st April 2022) and the Cherrywood Planning Scheme 2014 Strategic Development Zone.



Figure 10 Proposed site layout

RATIONALE

Dublin's population continues to expand, despite net outward migration during the economic downturn. According to CSO results in the ten years to 2016, it grew by 13.5% to 1.35 million and in 2019 it was estimated to be over 1.38 million. (Central Statistics Office). As set out in the National Planning Framework, Dublin's population is set to continue expanding due to natural growth and net inward migration, with 2.85 million people expected to live in the region by 2040. This is reflective of the national situation which as recently reported the population of Ireland is now estimated to be 5.01 million in April 2021.

The composition of Dublin households is also changing rapidly. There has also been a shift in household occupancy and composition within existing and new households. This situation represents something of a

'paradigmshift' as different housing profiles and needs have developed that were not historically present. The average household size in Dublin was 2.73 persons per household in 2016. This is down from 2.99 in 1996 and 3.94 in 1971. When isolating just those persons living in apartment units, the average household size is significantly lower at 2.2 persons per household in 2016. In line with this pattern, residential stock in Dublin has grown by approximately 14.0% since 2006 but the share of semi-detached houses of total has remained in and around 35% of stock, increasing in absolute terms by 7.8% on 2006 figures by 2016. Apartments were the highest growing housing type in that same period though, seeing an almost 39% increase on 2006 figures. They are presently just under 24.9% of the total residential stock share, reflecting the new demands of the population.

Occupancy within the housing market also shifted significantly in the last number of years, evidenced by the relative growth of the private rental sector from 14.5% of households in 2002 to account for 23.9% of households in 2016. This equates to over one in five households in Dublin now renting their home. Its absolute growth has been from nearly 55,000 to over 114,000; growth of 109% between 2002 and 2016. Consequently, there is now a greater level of competition amongst those households choosing privately rented housing.

Trends in household size are also influenced by trends in health, longevity and migration; cultural patterns surrounding intergenerational co-residence, home leaving, cohabitation, marriage and divorce, lower mortality; and socioeconomic factors that shape trends in education, employment and housing markets. For example, in 2016 there were 40,271 persons living alone in Dublin over the age of 65, accounting for over 1-in-4 (26.8%) of all persons over 65. This rate increases to 46.8% for persons over 80 years old. Taken as a whole, these trends mean that there is a need to plan for more homes, particularly to meet the accommodation needs of smaller families and single person households (including older people), both of which are likely to increase in number. In parallel with these social changes, the residential development sector has not functioned correctly over the past 10 years. The completion of just 12,596 units in 6 years between 2010 and 2015 (average at 2,099 units per year) has clearly not been sufficient to meet the needs of a growing/changing population given the ongoing housing crisis which exists.

The proposed development, in line with other Private Rental Sector (PRS)/Build-to-Rent (BTR) development will deliver purpose-built residential rental accommodation that is designed with the sole purpose of being used as long-term rental accommodation to meet this housing need. It is designed to accommodate all users, irrespective of age and will meet the demand for smaller one, two and three bed units. It will be professionally owned and managed by an institutional landlord, moving away from the historic practice in Ireland of many accidental landlords. This proposed BTR development is of a very high quality design and with ready access to amenities such as resident lounges, entertainment space, gyms and cinema rooms, while also being located close to good quality public transport.

OVERALL LAYOUT

As set out in the Architectural Design Statement, the buildings are set out in 8 blocks ranging in height up to 10 storeys (9 storey over lower ground level). 50.4% of units are dual aspect with the majority of single aspect units are either facing east, south or west which exceeds the 33% requirement in section 3.17 of the Apartment Guidelines. All units overlook an attractive amenity space within the development. This is in line with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments 2018. All units have direct access from their living room out onto the terraces or balconies.

All blocks are arranged around landscaped courtyards, each with an individual character with seating areas. The variety of landscaped spaces offered throughout the development enable a clear understanding of the area, creating legibility and a sense of place. The proposal also includes additional residential amenities such as a creche, residents' gym, cinema and a convenience shop/ café.

While this is a high-density scheme which equates to c. 140 units per hectare, the proposal is considered appropriate due to location beside high quality public transport (Luas) and given the size, nature and layout of the site which can accommodate a development of this scale. The proposed development is also proximate to a range of existing community facilities and public transport, while also enhancing these facilities through the provision of a new creche, retail, park and routes through the site improving permeability and connectivity for pedestrians and cyclists internally and to the wider area. The breaking up of the blocks, and the creation of space through the centre results in a very open scheme which provides new pedestrian connections throughout the scheme and into the existing wider area.

BUILDING HEIGHT, DESIGN, SCALE AND MASSING

As set out in the Architectural Design Statement by Reddy Architecture, the site has a number of challenges and opportunities to be addressed in the chosen design:

- the significant level changes throughout the site
- the different characters of development to the east, west and south immediately bounding the site, while Cherrywood Development area is located to the south east of the site, resulting in an area in transition
- the protected structures in the centre of the site
- the vehicle access points into the site
- existing mature trees in good condition along the boundaries

All of these challenges, have been addressed and used within the development to enhance the design, creating buildings of interest, attractive urban spaces which take advantage of the levels. The resultant proposed development is a high quality, attractive urban development.

The buildings have been designed to carefully develop a sensitive transition between the proposed Strategic Development Zone in Cherrywood to the south east, the recent permitted developments along Brennanstown Road and the more traditional suburban two storey adjoining residents. The contextual changes within the surrounding area are fully reflected and accommodated within the proposed design within the development, creating an attractive transitional space between the two areas.

The active uses around the main communal gathering space, include the shared facilities, reception, cinema, co-working spaces, function and games rooms amongst many other facilities. These spaces are located centrally in blocks E and I. These are chosen due to their proximity to the main pedestrian access routes into the site. Block I is adjacent to the southern access point of the Luas while block E is beside the northern access route, beside the tower. This enables ease of access of all residents into this space.

The materials and finishes of the proposed blocks are to a high architectural standard and have been considered with regard to the surrounding existing pattern of development and material pallet in the locality.

The subject site is an appropriate site for a development with heights of up to 10 storeys including the lower ground floor. There is also basement parking below. This changing in heights from 3 to 10 including lower ground floor responds to the change in the heights across the site and also the neighbouring adjacent development.

All of the buildings have used changes in heights, setbacks, materials and changing angles to provide interest and to ensure there is no one building which can be considered overbearing. The proposed development has been set away from all of the boundaries to ensure that neighbouring residential developments are not impacted by the development in terms of overlooking, overshadowing or loss of light.

The new vehicular access, terminates at an underground car park, resulting in a largely car free

development, has been designed to open up the context of the site, and enable free flowing pedestrian routes through the site.

The Tower will provide a unique sense of arrival and legibility particularly with the removal of the 20th century derelict property and opening up of the site generally. The previous applications on the site sought to retain a modern element which negatively impacted the original historic setting intended and also, with the significant garden planting, kept the tower largely hidden from public view. With this current development proposal the Tower will, for the first time in the modern era, be opened to the wider area, and will significantly enhance its attractive features, visibility and setting.

The building footprints enable the provision of open space between the buildings providing for large permeable gaps between the buildings within this predominantly car free development. These generous gaps between the buildings enables visibility throughout the development, while also ensuring that the impact in terms of scale and visual impact is minimised. This provides positive views both from within the scheme and when viewed from outside the boundaries of the development site.

The proposed heights and resultant densities are considered to appropriately balance and bridge the conflicting requirements of providing sufficiently high density in this extremely accessible and sustainable site with the requirements to respect and fit in with the existing residential development and protected structures on the neighbouring sites.

DAYLIGHT/SUNLIGHT/SHADOWING

The Daylight Sunlight report prepared by Avison Young, in relation to the impact upon daylight and sunlight for individual units, public open spaces, communal open spaces and private amenity spaces has concluded that: *“The internal daylight amenity assessment indicates that 93% of the habitable rooms assessed will meet the minimum recommended ADF targets of 1% for a bedroom and 2% for an LKD, studio or communal space. This increases to 96% when applying an alternative target of 1.5% for the LKD’s. In our opinion this represents a high level of daylight performance with the majority of rooms meeting the minimum recommended daylight standard, despite isolated transgressions which in our experience are not unusual when assessing modern residential developments such as this.”*

In relation to private amenity space, the assessment found that *“eight of the 10 (80%) proposed amenity areas and 289 of the 535 (54%) proposed balconies/terraces will comply with the BRE’s recommended sun hours on ground analysis on 21st March. Furthermore, all 10 (100%) proposed amenity areas and 480 (90%) of the proposed balconies/terraces will achieve two or more hours of direct sunlight to over 50% of their areas on 21st June and thus will be well sunlit when they are most likely to be in use during the summer months.”*

As demonstrated by the Avison Young report, due to the distance to the boundaries, there will be limited impact on the adjoining neighbours in terms of overshadowing. All of the proposed buildings are laid out in a north – south direction, this ensures that there are high levels of daylight into all the courtyards and apartments ensuring that none are unduly overshadowed within the proposed development. The proposed development, through the siting of the buildings at more than 20m away from adjoining boundaries, and due to the orientation of the blocks compared to their neighbours will ensure there is no direct overlooking between the existing houses and the proposed apartments. There are no direct back-to-back overlooking between the proposed and existing development and adjoining windows.

In relation to neighbouring properties, the report concluded that *“The results of the technical analysis indicate high levels of compliance with the target criteria set out in the BRE guidelines, with 99% VSC compliance; 99% NSL compliance; 98% winter sunlight compliance; and 100% APSH compliance..... The sun hours on ground (overshadowing) assessment found that all 11 private neighbouring gardens assessed (100%) will comply with the recommended BRE Guidelines on 21st March. Furthermore, all 11 (100%) neighbouring gardens will achieve two or more hours of direct sunlight to between 83% and 100% of their*

areas on 21st June when the spaces are mostly likely to be in use during the summer months.”

OVERLOOKING

The proposed development is located at a significant distance away from existing residential development within the surrounding area. The units have been sensitively located to ensure there is no direct overlooking by avoiding direct back-to-back relationship with the existing houses. As a result, the proposed development will not impact on the privacy of existing residential properties in the surrounding area.

Within the scheme all the units have been located and orientated to ensure that there is no loss of privacy to the surrounding neighbouring developments.

ARCHITECTURAL HERITAGE

HHC Conservation Architects have carried out an Architectural Heritage Impact Assessment on the Barrington Tower. This report identifies that Barrington’s tower is “an early nineteenth-century, square planned granite tower with crow-stepped parapets to all four sides, with a collection of arched Gothic and square-headed windows.” It was built as an “ornamental folly and prospect tower, to adorn the landscape”. The interior of the tower was heavily modified during the 1950s when it was converted for use as an entrance vestibule to the adjoining dwelling, and it no longer contains a stair between ground and first floor level. A new off-centre door-way was also created in the south wall of the tower to form a connection with the house.

The conservation Architect advises the removal the 1950s element, *“which is structurally unstable following the fire, should be carefully demolished and the garden remnants cleared from around the tower. Any interiors from Plattin Hall found within the house should be recorded, removed and stored off site.*

With regard to Barrington Tower, the report states that *‘This will facilitate a full remediation of the site, and the opportunity to expose the tower on all four sides to re-establish its original presentation. The tower itself should be fully repaired and conserved, with the removal of modern interventions such as the recent roof, water tank, and damaged internal fabric. Existing windows and doors should be repaired or replaced with accurate replicas if beyond repair. A new internal access stair should be provided, with a new flat lead roof and rooflight. This will allow for the continued maintenance and access within the tower.....The cement pointing should be removed and the structure should be repointed in lime and sand mortar. Repairs to the steps and balustrade should also be undertaken.’*

The trees immediately adjacent to the house and around the garden should be removed, to re-establish the prominence of the tower within the wider landscape, as it is currently quite hidden from view.”

The report concludes that *‘Although the proposed surrounding development will have a significant impact on the distant views of the structure; its original nineteenth-century setting in a wide open landscape; will be maintained as will some views from the tower. While the original setting of the tower has already become compromised in recent years, the proposed new development provides an opportunity to create a wider clear setting for the curtilage of the tower today. This will re-establish the prominence of the tower in the wider landscape, in which it is currently quite hidden from view.’*

ARCHAEOLOGICAL ASSESSMENT

The Archaeological Assessment has been carried out by IAC and the findings are set out in the EIAR accompanying the planning application. Based on the level of disturbance undertaken as a result of the construction of modern houses and the results of geophysical survey and testing, the development

area is considered to possess low-moderate archaeological potential. It is possible that isolated archaeological remains survive outside the footprint of the excavated trenches that may be impacted upon by future development. Furthermore, it is possible that the remains of a medieval castle may survive within the vicinity of the post medieval Barrington's Tower or its environs. It is recommended that as part of the residential development, all ground disturbances associated with the development be monitored by a suitably qualified archaeologist.

VISUAL IMPACT ASSESSMENT

Modelworks have undertaken a Landscape and Visual Impact assessment as part of the EIAR. This has concluded that the potential magnitude of change against the sensitivity of the receiving environment, the significance of the landscape effects is predicted to be 'significant'. The transition in character would be pronounced particularly in the southern part of the site where a dense cluster of tall buildings (for the context) is proposed. However, there are persuasive drivers for this change (proximity to the Luas, in particular) and national policy encourages compact growth. The implementation of compact growth policy will unavoidably result in changes in landscape character as high density development typologies are introduced to previously low density areas. The quality of the development would be commensurate with the character of the area. Therefore, the quality of the effect is classified neutral.

Modelworks have also prepared a set of Photomontages and CGIs which are also submitted as part of this application.

CHILDCARE FACILITIES

McGill Planning have carried out a childcare assessment as part of this application. The assessment has found that there are 18 no. childcare facilities operating within a 2km catchment area of the subject site. We note that there are no vacancies in any of the childcare facilities, therefore the proposed development will cause an increasing demand for childcare spaces in the area. An analysis of the local demographics shows that 6.3% of the local population were within the 0-4 age cohort in 2016. Applying this percentage to the proposed development's expected population, and excluding the one beds and studios, indicates that there will be 53 no. children aged 0-4.

Given the limited capacity of the existing childcare facilities in the area, and the increased demand that this proposed development will create, it is considered appropriate to provide a crèche which can accommodate 99 children. This will not only meet the need of the development but also any existing demand in the wider area.

The proposed location for the crèche is to the North East of the site at ground floor level of Block C-D, off the access road. The overall area of the ground floor is 340m² excluding the bin store (356.5m² including bin store). To address the increased demand the proposed development will generate the proposed crèche will accommodate 99 no. children. This will meet the need of the proposed development and also any existing demand in the wider area.

TRANSPORT

There are 419 no. car parking spaces, of which 400 no. car parking spaces are for the residential component and are located in the basement, while the 19 other spaces are for visitor spaces for staff and visitors to the residential development. This equates to 0.7 spaces per unit. It is also proposed to include 1 no. car club parking within the development. 1,266 no. cycle parking spaces are proposed

which is in line with the New Apartment Guidelines Standards. The rationale for this inversion of the norm of over provision of car parking and under provision of cycle parking is due to the excellent, highly sustainable, location of the proposal with its wide range of transport options including the Green Line Luas.

The southern point of the site is located directly adjacent to the Brennanstown Luas stop. The Brennanstown Luas stop was completed in 2010 to serve development on zoned lands to the north and south of the stop. It is expected to be a functional Luas stop upon completion of the proposed development. In any event, the site is also served by Carrickmines Luas stop which is only a c.13 minute walk from the subject site.

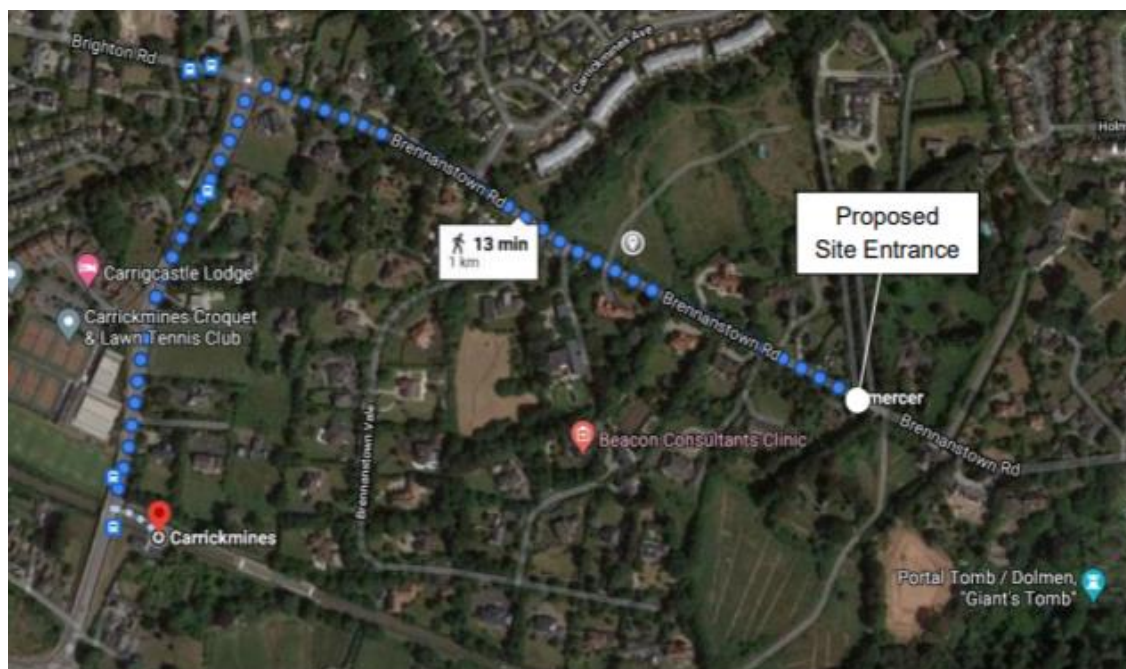


Figure 22 Location of Carrickmines Luas Stop and walking route from entrance of subject site

Waterman Moylan have produced a 'Capacity of Luas Green Line Report' and have submitted it as part of this application. The purpose of the report is to review the capacity of the Luas Green line to accommodate passenger trips generated by the proposed development and to confirm that the Luas Greenline will remain within capacity once all of the committed and proposed development contributing to the service have been completed.

The report concludes that passenger services on the Green Line through the Brennanstown Stop to the City Centre and Brides Glen comprise 100 services per day in each direction with an AM Peak Hour service of 10 trams per hour in each direction. From Sandyford to the City Centre, this service doubles to 200 trams per day and 20 trams per hour in each direction.

The capacity of the Green Line through the Brennanstown Stop during the AM Peak is 3,150 passengers per hour in each direction. From Sandyford to the City Centre, this service doubles to 6,300 passengers per hour in each direction.

Taking into account the existing passenger demand and the future expected demand as part of the proposed development, the predicted spare capacity available on northbound services between Brennanstown Stop and Sandyford during peak occupancy is at 40% capacity. The available capacity between Sandyford and the City Centre is at 22% capacity. Therefore, post development, the Luas Green Line will remain within capacity both at Brennanstown Luas Stop and at the locations of peak loading between Brennanstown and the City Centre.

In addition to the site's excellent access to the Greenline Luas, the site also benefits from bus stops (routes 63A, 84, 145 and the 155), the proximity to the emerging Cherrywood Development area, and the existing areas of Carrickmines, Cornelscourt, Foxrock and ease of access to Dundrum Town Centre, Sandyford and the city centre by public transport. The reduced level of car parking is also consistent with the aim of minimising the traffic impact of nearby junctions. The proposed level of car parking in this scheme will ensure that the proposed development does not have significant car trip potential and will only add a minor amount of traffic to peak time flows in the area.

To enable this lower parking ratio and to supplement the existing excellent public transport facilities in the area, while also allowing people to access cars should they need to, it is proposed to provide dedicated car club spaces. Access to a car club allows people to access cars, at a time when they need them, without having the expense of purchasing a car and having it sit in a parking space during working hours. This represents a very inefficient use of space and resources.

This alternative approach, which caters for the demands of residents in a sustainable manner, and is in line with the advice in section 4.23 of the 2018 Design Standards for New Apartments which states that *"for all types of location, where it is sought to eliminate or reduce car parking provision... provision is to be made for alternative mobility solutions including facilities for car sharing club vehicles."* This is a particularly appropriate solution for this site given its location close to the Luas and the emerging SDZ area and the site constraints relating to:

- the provision of additional car parking would result in the removal of attractive landscaping setting
- the provision of car parking at surface level would have a detrimental visual impact on the character and appearance of the protected structures
- would reduce the amount of communal and public open space within the development
- would result in the introduction of cars within this largely car free scheme between blocks and destroying the attractive tranquil environment.

It is understood from recent studies that 1 no. GoCar vehicle can replace up to 15 private cars. As a result this will be provided as part of the full application. It is also worth noting that the GoCar user profile indicates that their customers comprise 55% apartment dwellers. Please refer to the Go Car letter which is an appendix in the Traffic and Transport Assessment. The car club spaces will result in the following benefits to future resident:

- elimination of the necessity to own a car (and associated expense) where it will be used relatively infrequently
- access to car transport for those using a car infrequently.

Taking all of this evidence into account, and the location of the site in close proximity to the Luas and bus stops, the provision of 419 car parking spaces for residents, including the shared club car spaces, will result in an appropriate provision of "private" transport for the future occupants of these units.

Furthermore, this level of car parking will encourage a positive modal shift to sustainable modes of transport thereby:

- reducing dependence on private car as a means of travel
- increase and facilitate the number of people choosing to walk, cycle or travel by public transport
- enables a unified approach to traffic management of the site.

Basement car park

The majority of the parking is within a basement car park which results in a predominantly car free development at surface level. This results in a pleasant quiet environment which is safe for pedestrian and cyclists to rest in and journey through. The restriction of private vehicle traffic into the basement, away from the surface, will enable the creation of active public open spaces as people travel through the development.

PERMEABILITY

This site is a highly accessible site, which, as set out in the transport section above, can accommodate a reduced level of car parking in favour of increased levels of cycle parking and pedestrian mobility. This proposed development also opens up the site and creates new routes through the site increasing the permeability to and through the site to the Brennanstown Luas station. The landscaping plan, along with the various residential amenities have been located to ensure ease of pedestrian movement through the site following logical routes and enabling clear legibility within the site.

The design and layout of the development is such that it provides attractive, supervised routes through the site providing a safe attractive alternative to the Brennanstown Luas stop once it starts operating and is a preferable route then the route along Brennanstown Road. This will enhance accessibility to the area as a whole.

REPORT ON THE SURROUNDING TREES

An arboricultural assessment was carried out by The Tree File. The report identifies that there are Monterey Cypress on the site which dominate the Barrington Tower area. There is concern about their sustainability and suitability for retention within a development context *“undoubtedly, some must be removed to allow for the efficient development of site space, however the species is intolerant of fragmentation and shelter loss and therefore the effects of such impacts will have repercussions on any trees which might appear retainable. Accordingly, it is advised that an all or nothing approach be taken regarding this particular species.”* The report goes on to highlight that *“it appears unlikely that the central area of the site offers many opportunities for tree retention. This aspect of the development has been appreciated by the project Landscape Architects and addressed by way of an extensive tree planting scheme as part of the landscaping proposals.”*

The report notes that the proposed development has mostly been kept away from the tree supporting boundaries. Nonetheless, various works will be required, though these are generally restricted to landscape works. Such works, including the provision of paths or the creation of new plantings and landscapes can all be achieved with minimal impact to trees.

The report concludes that *‘Sustainable tree retention will be based on the provision of suitable tree protection measures for the duration of site works.’*

Chapter 6 Response to An Bord Pleanála

A Section 5 Pre-Planning Consultation Meeting with An Bord Pleanála and Dún Laoghaire-Rathdown County Council on the 15th November 2021, via Microsoft Teams. Following on from this An Bord Pleanála issued a Direction, dated the 24th November 2021 along with a Notice of Pre- Application Consultation Opinion, dated 24th November 2021 under reg. ref. ABP-311304-21. The Notice of Pre-Application Consultation Opinion stated that *“An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.”*

This clearly indicates that there are no specific issues which need to be addressed as part of this proposed development.

Specific Information Required

The Board also requested, *pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:*

1. A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network, for the overall Brennanstown Road area, in particular the Brennanstown Wood development to the north west, and the future LUAS stop to the south, with regard to vehicular, pedestrian and cycle connections.
2. A detailed statement, with accompanying plans and drawings, setting out in detail, adequate, safe traffic / pedestrian facilities on Brennanstown Road to accommodate the scale and quantum of development proposed.
3. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory Plan for the area 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. Cross-sections at appropriate intervals, photomontages, and any other information deemed relevant, illustrating topography of the site and showing proposal relative to existing development in the vicinity, including Barrington Tower.
5. Justification of tree loss, layout, location and hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards.
6. An up to date Ecological Impact Assessment, inclusive of a Bat Survey.
7. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
8. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.

- Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.
- 9. Supporting design rationale should be given to improving residential amenity for future occupants by demonstrating the maximization of sunlight to apartments and addressing issues to do with daylighting, overlooking and overshadowing.
- 10. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
- 11. Childcare demand analysis by way of assessment and report on demographic profile of the wider area, and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare places resulting from the proposed development.
- 12. A response to matters raised within the PA Opinion submitted to ABP on the 01st of October 2021. Including a response to issues raised in the Parks and Landscape report, the Housing Department report, the Transportation Planning report, the Drainage report and the Conservation Officers Report.
- 13. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
- 14. As per SPPR7 of the Sustainable Urban housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2020 the development must be described in the public notices associated with a planning application specifically as 'Build to Rent' housing development and a covenant/legal agreement is required at application stage for BTR development.
- 15. A rationale or evidence based justification that the proposed resident support facilities and resident services and amenities are appropriate and accord with SPPR7 (b) of the Apartment Guidelines 2020.
- 16. A Microclimate Impact Assessment.
- 17. A response to the matter raised with respect to section 8.2.6.3 of the Dun Laoghaire Rathdown County Development Plan, 2016 – 2022 regarding convenience shops, justification of the type and size of the retail unit proposed.
- 18. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
- 19. Site Specific Construction and Demolition Waste Management Plan.

In addition, the opinion identifies that the applicant shall notify the following authorities in the event of making a planning application:

1. National Transport Authority
2. Irish Water
3. Transport Infrastructure Ireland
4. The Minister for Culture, Heritage and the Gaeltacht,
5. The Heritage Council
6. An Taisce — the National Trust for Ireland
7. Fáilte Ireland
8. Dun Laoghaire Rathdown County Childcare Committee

We can confirm that the prescribed bodies identified by An Bord Pleanála have been notified and a full copy of the planning application under consideration has been furnished to these bodies. It is worth noting that all 8 no. of consultees have requested that only a soft copy be sent to them.

Statement of Response to Specific Information Required

This section addresses the additional specific information requested at the tripartite meeting and in the Opinion by the Board in respect of the proposed development following the pre-application process for a Strategic Housing Development at the subject site (Reg. Ref. ABP-311304-21). Please note that these specific information requests should be read in conjunction with the accompanying detailed documentation prepared by McGill Planning, Reddy Architecture and Urbanism, Cairn Homes Properties Limited, Murray Associates Landscape Architecture, OCSC, Modelworks, Altemar Limited, AWN Consulting, Enviroguide Consulting, Waterman Moylan Consulting Engineers, IAC, Avison Young, IES Consulting, Howley Hayes Cooney Architecture, Traynor Environmental, liv consulting, Bat Eco Services, and The Tree File.

A few key changes have been made to ensure any issues arising from the specific information requested or from discussions in the tripartite meeting have been addressed in the application. Alterations include:

- *Block K has been removed from this proposal due to site specific constraints and Cairn are considering a number of options for the future use of this land. The current proposal includes the realignment of the southern boundary and retention as a standalone dwelling.*
- Revisions to the layout of the open space
- Alterations to blocks A-B and C-D to provide a better relationship with the Tower
- Alterations to the Tower to enable an improved future habitat for bats within the attic space
- Increase in the number of bicycle parking spaces
- Window sizes have been widened throughout the scheme to improve daylight-sunlight performance.
- Vehicular and cyclist circulation along the site has been revised to ensure full compliance with Part M.
- PV panels on building roofs have been now added to the proposed development.

Response to Specific Information Required 1: Surrounding Road Network

An Bord Pleanála stated the following:

1. *A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network, for the overall Brennanstown Road area, in particular the Brennanstown Wood development to the north west, and the future LUAS stop to the south, with regard to vehicular, pedestrian and cycle connections.*

Applicant Response

Waterman Moylan have completed Response to An Bord Pleanála Opinion relation to Transportation document which is submitted with this application. This report sets out in detail how the proposed development will tie into the wider road network and also the connection to the upgrade works at Brennanstown Wood. It also identifies the connection through the site to the future LUAS stop to the south.

The report highlights that this proposed development will deliver new 2m wide footpath will be provided to the north and south of the site for a distance of 113m providing better facilities for pedestrians in this location. Two new signalised facilities will be provided. One is a pedestrianised crossing with a raised table and the second is a signalised junction at the main site entrance. These will reduce cumulative average road speeds of traffic along the Brennanstown Road to 40kph from a cumulative average speed of 45.52kph and will also provide safe crossing for pedestrians and cyclists at these points.

It is noted that between the proposed upgrades as part of this development and the Brennanstown Wood development to the west there is c. 130m which is not to be upgrade and the footpath will remain c. 1.3m wide which is sufficient for two pedestrians to pass safely. It also notes that this area was not proposed for upgrades by DLR as part of the Part 8 proposals either, as such it is considered that this is still satisfactory. Furthermore, it is worth noting that this area is not owned by either the applicant or DLR so it is beyond this application to be able to deliver these upgrades.



Figure 23 Drawing showing upgrade works to Brennanstown Road

Proposed site access for vehicles, pedestrians and cyclists will be from the Brennanstown Road via a new four-armed signal-controlled junction. Brennanstown Road will form the eastern and western approaches of the junction, the southern approach will provide access to the proposed development site and the northern approach will be reserved for a potential future residential development. The access into the site, and throughout the site, are designed in accordance with DMURS and a Quality Audit has been completed, confirming safe access within the development.

The proposed development also provides two access routes to the Brennanstown LUAS stop. One to the eastern boundary of the site, which provides the most direct route and is a shared route between cars, pedestrians and cyclist. Then to the west of the site, there is a more attractive, pedestrian dominated car free route, through the proposed public open space leading down to the luas stop.

The DMURS statement confirms that *“The proposed development has been designed with careful consideration for pedestrians and cyclists. Pedestrian and cycle connectivity is provided throughout the development with good links to the new Brennanstown Luas stop to the south via a new network of footpaths and cycle paths on site.”*

The proposed development will allow the already fully constructed and “ready to go” Brennanstown Road stop on the Luas Green Line to and provision has been made through the development for access to this Luas Stop for both the application site, and also the wider development area.

The DMURS statement goes onto state *“The proposed development has been carefully designed to promote strong levels of connectivity in favour of pedestrians, cyclists and public transport users with vehicular movement taking a secondary role in line with the objectives of DMURS. Connectivity throughout the scheme is heavily weighted towards the pedestrian with only 1 car park access point to the basement car parks. There are no other roads or streets proposed on site with all other areas fully pedestrianised. It is considered that the proposed development is fully compliant with the connectivity objectives of DMURS”*

Please refer to Waterman Moylan's 'Response to An Bord Pleanála Opinion relating to Item, 1,2 and 12' for further detail.

Response to Specific Information Required 2: Plans for Traffic / Pedestrian Facilities

An Bord Pleanála stated the following:

2. *A detailed statement, with accompanying plans and drawings, setting out in detail, adequate, safe traffic / pedestrian facilities on Brennanstown Road to accommodate the scale and quantum of development proposed.*

Applicant Response

As part of the development the existing entrances onto Brennanstown Road will be relocated and improved. A proposed new signalised junction onto Brennanstown Road is also proposed which will include dedicated signalised pedestrian crossings on all arms. New footpaths are also proposed along Brennanstown Road for the full distance of the site frontage, along with upgrades to the road itself. These are described in full in the Response to An Bord Pleanála Opinion relation to Transportation document, the Traffic and Transport **Assessment and the DMURS statement along** with the associated drawings These upgrades are designed to provide for the scale and quantum of development proposed. **Please also refer to Engineering Drawing No. 20-040/P014 which provides details for the proposed upgrade works to Brennanstown Road that are included with the current application.**

Please refer to Waterman Moylan's 'Response to An Bord Pleanála Opinion relating to Item, 1,2 and 12' for further detail.

Response to Specific Information Required 3: Material Contraventions

An Bord Pleanála stated the following:

3. *A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory Plan for the area 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.*

Applicant Response

Please refer to Chapter8 of this planning report which sets out a Statement of Consistency with the current Dun Laoghaire Rathdown County Development Plan 2016-2022 which is the Development Plan in force at the time of lodging this application. Please also refer to 10 of this planning report which sets out a Statement of Consistency with the Dun Laoghaire Rathdown County Development Plan 2022 – 2028 which has been adopted and due to come into force the 21st of April 2022. These two chapters clearly set out how the development complies with both plans.

A Material Contravention Statement for the 2016 – 2022 and the 2022-2028 Development Plans are set out in Chapters 9 and 11 of this report respectively. This sets out what the potential contraventions are of the Development Plan or the Draft Development Plan, how it conforms with National Planning Policy and why, if the Board is minded to, it is acceptable to permit this development. The potential contraventions include:

- Building Height
- Car Parking Standards (Table 8.2.3 and Table 8.2.4)
- Apartment Development Quantitative Standards - Separation between blocks, mix of units
- Brennanstown Road improvements (SLO 130 and ST25)
- Convenience Shop Section (Sections 8.2.6.1 and 8.2.6.3)
- Standalone creche facility

- Retrofit and reuse of buildings

Response to Specific Information Required 4: Topography of site and proposal relative to existing development in the vicinity

An Bord Pleanála stated the following:

4. *Cross-sections at appropriate intervals, photomontages, and any other information deemed relevant, illustrating topography of the site and showing proposal relative to existing development in the vicinity, including Barrington Tower.*

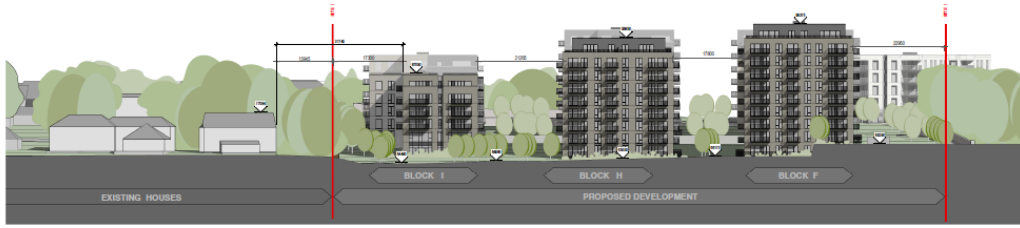
Applicant Response

Please refer to drawings ‘Contiguous Sections AA, BB and CC’ (drawing no. BRT-1-02-ZZZ-ZZZ-DR-RAU-AR-3001) and ‘Contiguous Sections DD, EE, and FF’ (drawing no. BRT-1-02-ZZZ-ZZZ-DR-RAU-AR-3002) by Reddy Architecture and Urbanism which clearly demonstrate the change in topography of the site which falls steeply from north to south. This steep slope has provided challenges to the development of this site in terms of siting of apartment blocks, meeting Part M requirements and ensuring the protection and enhancement of Barrington Tower. The apartments have been sited, as set out in the Design Statement, to frame views and create a series of tree top living rooms. It also sets out how the slope of site has been used to provide basement car parking for the site.

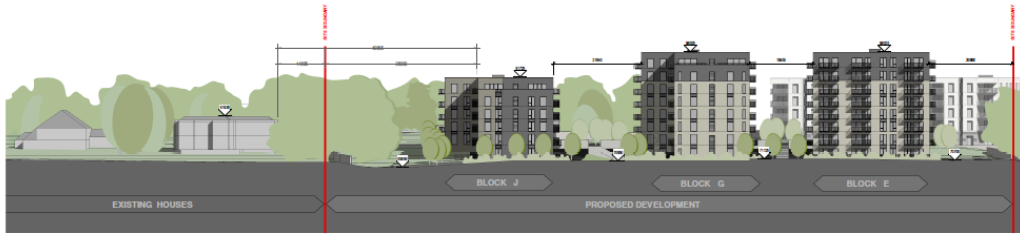
The topography of the site is also demonstrated by the contiguous elevations showing the relationship between the application site and the adjacent neighbours to the east and west, along with the tower.



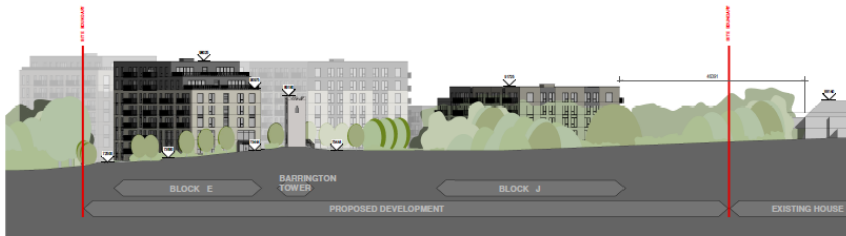
Figure 24 Proposed Contiguous Elevations



① Proposed Contiguous Section D-D
1:500



② Proposed Contiguous Section E-E
1:500



③ Proposed Contiguous Section F-F

Figure 25 Proposed Contiguous Elevations

Finally, the Verified Photomontages and CGIs prepared by Modelworks, along with the Architectural Heritage Statement by Howley Hayes Cooney clearly demonstrate the relationship of the development with the restored Barrington Tower, demonstrating how it will benefit and improve the setting of this protected structure.



Figure 26 Proposed Contiguous Elevations

Response to Specific Information Required 5: Tree loss, layout, location, hierarchy and open space

An Bord Pleanála stated the following:

5. *Justification of tree loss, layout, location and hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards*

The Tree file are the arborists on this site. The report confirms that there are Monterey Cypress on the site which dominate the Barrington Tower area. There is concern about their sustainability and suitability for retention within a development context *“undoubtedly, some must be removed to allow for the efficient development of site space, however the species is intolerant of fragmentation and shelter loss and therefore the effects of such impacts will have repercussions on any trees which might appear retainable. Accordingly, it is advised that an all or nothing approach be taken regarding this particular species.”* The report goes on to highlight that *“it appears unlikely that the central area of the site offers many opportunities for tree retention. This aspect of the development has been appreciated by the project Landscape Architects and addressed by way of an extensive tree planting scheme as part of the landscaping proposals.”*

The report notes that the proposed development has mostly been kept away from the tree supporting boundaries. Nonetheless, various works will be required, though these are generally restricted to landscape works. Such works, including the provision of paths or the creation of new plantings and landscapes can all be achieved with minimal impact to trees. The report concludes that *‘Sustainable tree retention will be based on the provision of suitable tree protection measures for the duration of site works.’*

Murray Associate Landscape Architects have provided a full landscape design statement and landscape drawing pack setting out the strategy in terms of the layout, location and hierarchy of open space throughout the development.

Drawing no. 1815_PL_P_06 Communal and Public Open Space Area identifies the quantum of public open space and communal open space throughout the development. There is c. 13,570 sqm of communal and public open space. This calculation does not include the incidental areas of open spaces along the boundaries of the site, buffer zones, or pathways.

In terms of public open space, there is 9,370 sqm across the development, of which 6,346 sqm is the primary open space, located in the centre of the site providing an open and attractive setting to Barrington Tower. In addition to this there is 3,024sqm of secondary open space which provides an attractive walk through the site within a tiered setting and providing access to the south to the Luas stop.

There is also 4,200sqm of communal open space throughout the development. Blocks AB and CD have c. 1,134sqm of communal open space located centrally between the two blocks and providing a view from Brennanstown Road to Barrington Tower. Blocks E-J have 3,066sqm of communal open space which is located between the blocks, and for blocks E and I adjacent to internal communal open space, providing an indoor – outdoor relationship between these communal areas.

The current Dun Laoghaire Rathdown Development Plan (2016 – 2022) requires that 10% of the site is provided for open space, this equates to 3,810sqm. The 2022-2028 Development Plan requires 15% of the site for open space, which equates to 5,700sqm. This site, with 9,370 sqm of public open space alone is far in excess of this figure. When the communal open space is added to the public open space provision there is c. 13,570sqm or 1.4ha.

The Dun Laoghaire Rathdown current Development Plan (2016-2022) also provides a separate calculation for open space (which is communal and public open space combined) based on a per person calculation.

The table below sets out this calculation below provides this calculation. On the basis of this calculation, there is a minimum requirement of 1.3ha and max of 1.8ha. The open space provided on this site is in line with this minimum requirement. It is also worth noting that the above calculations do not include every area of open space. It is therefore considered to be in line with both policies of the current development plan.

Unit Type	No.	Population Equivalent	Min. Open Space (15 sqm per person)	Max. Open Space (20 sqm per person)
Studios	30	45	675	900
1-bed	135	202.5	3037.5	4050
2-bed	318	477	7155	9540
3-bed	51	178.5	2677.5	3570
Total	534	903	13545 (1.3 ha)	18060 (1.8ha)

Table 5 DLR Open Space Calculations (2016-2022)

In terms of communal open space, there is not a specific communal open space policy in the current Development Plan. However, the Apartment Guidelines do set a standard within their appendices. These require 0.5ha for blocks AB – CD, and 0.11ha is provided and 0.29ha for blocks E, F, G, H, I, and J, for which 0.32 is provided, exceeding the communal open space required for all blocks.

Communal area calculations from Apartment Guidelines BLOCKS AB + CD

Unit Type	No	Area required	Total	COS Provided
Studios			0	
1-bed			0	
2-bed	72	7	504	
3-bed			0	
Total	72		504	1134 (0.11 ha)

Communal area calculations from Apartment Guidelines BLOCKS E, F, G, H, I, J

Unit Type	No	Area required	Total	COS Provided
Studios	30	4	120	
1-bed	135	5	675	
2-bed	246	7	1722	
3-bed	51	9	459	
Total	462		2976	3212 (0.32 ha)

Table 6 Apartment Guidelines Open Space Calculations (2016-2022)

The Dun Laoghaire Rathdown Development Plan 2022 – 2028 does provide specific communal open space standards. These standards are in accordance with the standards in the ‘Sustainable Urban Housing, Design Standards for New Apartments’ Section 28 Guidelines, (2018), see table below. Therefore, the communal open space provision is well in accordance with the new development plan 2022-2028.

Table 12.9 Communal Open Space Standards

Unit Type	Minimum Area per Unit
Studio	4 sq. m
One Bed	5 sq. m
Two bedrooms (3 bed)	6 sq. m
Two bedrooms (4 bed)	7 sq. m
Three bedrooms	9 sq. m
Four +	12 sq. m.

Figure 27 DLR Development Plan 2022-2028 Communal Open Space Standards

Response to Specific Information Required 6: Ecological Impact Assessment & Bat Survey

An Bord Pleanála stated the following:

6. *An up to date Ecological Impact Assessment, inclusive of a Bat Survey.*

Applicant Response

Altamar Limited have completed an Ecological Impact Assessment for this site in February 2022. This has found that there will be no significant impact on biodiversity as a result of the proposed development. The successful implementation of the measures outlined in the EIAR will be essential to the successful mitigation/offsetting of the loss of biodiversity on site.

The proposed development has satisfactorily addressed the current ecology on site into its design so that application of the mitigation measures outlined in this EIAR will help reduce its impact on the local ecology to an adequate level. Where possible biodiversity retention and enhancement measures have been implemented into design to enhance the overall biodiversity value of the site. As a result of the loss of certain biodiversity features on site and the introduction of new buildings and increased human disturbance in addition to the implementation of a sensitive landscaping strategy, with biodiversity enhancement measures it is considered that the overall impact on the ecology of the proposed development will result in a long-term neutral residual impact on the existing ecology of the site and locality overall. This is primarily as a result of the loss of some terrestrial habitats on site, supported by the retention of key biodiversity areas and the creation of additional terrestrial biodiversity features, mitigation measures and a sensitive lighting strategy.

Bat Eco Services have completed a Bat Assessment in February 2022. This identified that the following bat species were identified on the site *“common pipistrelle, soprano pipistrelle, Leisler’s bat, Daubenton’s bat and brown long-eared bat. This represents five of the nine resident bat species known to Ireland. Barrington tower is a roost for brown long-eared bats and common pipistrelle bats and occasionally for Daubenton’s bats. There is a low to medium level of bat activity within the proposed development area.”*

In line with the requirements of the bat assessment reduced lighting has been provided throughout the site. In addition to this, to accommodate the continued occupation of Barrington Tower by bats, Howley Hayes Cooney

Architects, have designed Barrington Tower, in conjunction with Bat Eco Services, to incorporate an appropriate internal attic space for Bats. Finally, a large bat house, of 3m by 3m is proposed as part of the development. Please refer to the Bat Assessment by Bat Eco Services for more detail in relation to mitigation measures.

The Bat Assessment concluded that with bat mitigation measures the proposed development will reduce its impact on local bat populations. If bat mitigation measures are strictly applied, the potential impact of the proposed development will be Permanent Slight Negative impact. Therefore, the Residual Impact of the proposed development will be Permanent Slight Negative impact.

Response to Specific Information Required 7: Landscape drawings

An Bord Pleanála stated the following:

7. *Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.*

Applicant Response

Murray Associate Landscape Architects have provided a full landscape design statement and landscape drawing pack setting out the strategy in terms of the layout, location and hierarchy of open space as well as the hard and soft landscaping throughout the development. All of these open spaces, both communal and public, are overlooked by the proposed apartment blocks, accessible and usable. Any open space which is considered to be peripheral or is filled with vents or services have been excluded from the open space calculations (as set out above in response to item number 5).

The landscape drawings and Design statement provides full details of the play equipment, street furniture and boundary treatments.

A Quality and Wayfinding Audit has been completed by Bruton Consulting and is included as part of this application. Recommendations were provided to help improve the quality of the design with regard to access, walking and cycling.

Response to Specific Information Required 8: Daylight and Shadow Impact Assessment

An Bord Pleanála stated the following:

8. *A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:*
 - *Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.*
 - *Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.*

Applicant Response

The Daylight Sunlight report prepared by Avison Young, in relation to the impact upon daylight and sunlight for individual units, public open spaces, communal open spaces and private amenity spaces has concluded that: *“The internal daylight amenity assessment indicates that 93% of the habitable rooms assessed will meet the minimum recommended ADF targets of 1% for a bedroom and 2% for an LKD, studio or communal space. This increases to 96% when applying an alternative target of 1.5% for the LKD’s. In our opinion this represents a high level of daylight performance with the majority of rooms meeting the minimum recommended daylight standard, despite isolated transgressions which in our experience are not unusual when assessing modern residential developments such as this.”*

In relation to amenity spaces, the assessment found that *“eight of the 10 (80%) proposed amenity areas and 289 of the 535 (54%) proposed balconies/terraces will comply with the BRE’s recommended sun hours on ground analysis on 21st March. Furthermore, all 10 (100%) proposed amenity areas and 480 (90%) of the proposed*

balconies/terraces will achieve two or more hours of direct sunlight to over 50% of their areas on 21st June and thus will be well sunlit when they are most likely to be in use during the summer months.”

As demonstrated by the Avison Young report, due to the distance to the boundaries, there will be limited impact on the adjoining neighbours in terms of overshadowing. All of the proposed buildings are laid out in a north – south direction, this ensures that there are high levels of daylight into all the courtyards and apartments ensuring that none are unduly overshadowed within the proposed development. The proposed development, through the siting of the buildings at more than 20m away from adjoining boundaries, and due to the orientation of the blocks compared to their neighbours will ensure there is no direct overlooking between the existing houses and the proposed apartments. There are no direct back-to-back overlooking between the proposed and existing development and adjoining windows.

In relation to neighbouring properties, the report concluded that *“The results of the technical analysis indicate high levels of compliance with the target criteria set out in the BRE guidelines, with 99% VSC compliance; 99% NSL compliance; 98% winter sunlight compliance; and 100% APSH compliance..... The sun hours on ground (overshadowing) assessment found that all 11 private neighbouring gardens assessed (100%) will comply with the recommended BRE Guidelines on 21st March. Furthermore, all 11 (100%) neighbouring gardens will achieve two or more hours of direct sunlight to between 83% and 100% of their areas on 21st June when the spaces are mostly likely to be in use during the summer months.”*

Response to Specific Information Required 9

An Bord Pleanála stated the following:

9. *Supporting design rationale should be given to improving residential amenity for future occupants by demonstrating the maximisation of sunlight to apartments and addressing issues to do with daylighting, overlooking and overshadowing.*

Avison Young worked closely with Reddy Architecture and the wider design team to maximise the quantum of daylight potential within the units. The following compensatory measures have been included in the design to improve daylight levels:

- Increased head heights and widths of windows, additional windows where possible;
- Reduced room depths;
- Reviewed unit layouts i.e. placing primary habitable living areas where there is higher access to daylight amenity;
- Amending the placement of balconies i.e. off-setting balconies so that they do not over sail the whole window below;
- Access to daylight and sunlight amenity on the balconies themselves; *and*
- A number of apartments have an outlook onto a landscaped context with good levels of sunlight amenity.

Within the development generally all residential blocks are at least 22m between each other’s. In only a few instances, where the distance is shorter, windows have been strategically positioned or have translucent glass to avoid direct views between neighbouring apartments.

All ground floor apartments have hedges or low railings separating them from the communal courtyards or public open spaces. In addition to this privacy buffers are provided within the landscaping around the building. There are pinch points between blocks the south face of Block E and north gable end of Block F; south gable of Block G and north of Block H, and south of Block J and north of Block I where the distance between these units is less than 22m. Due to the levels of the site there is no direct, window to window overlooking, as the southern blocks are generally half a storey lower than the blocks to the north of them. This prevents any direct overlooking between these units.

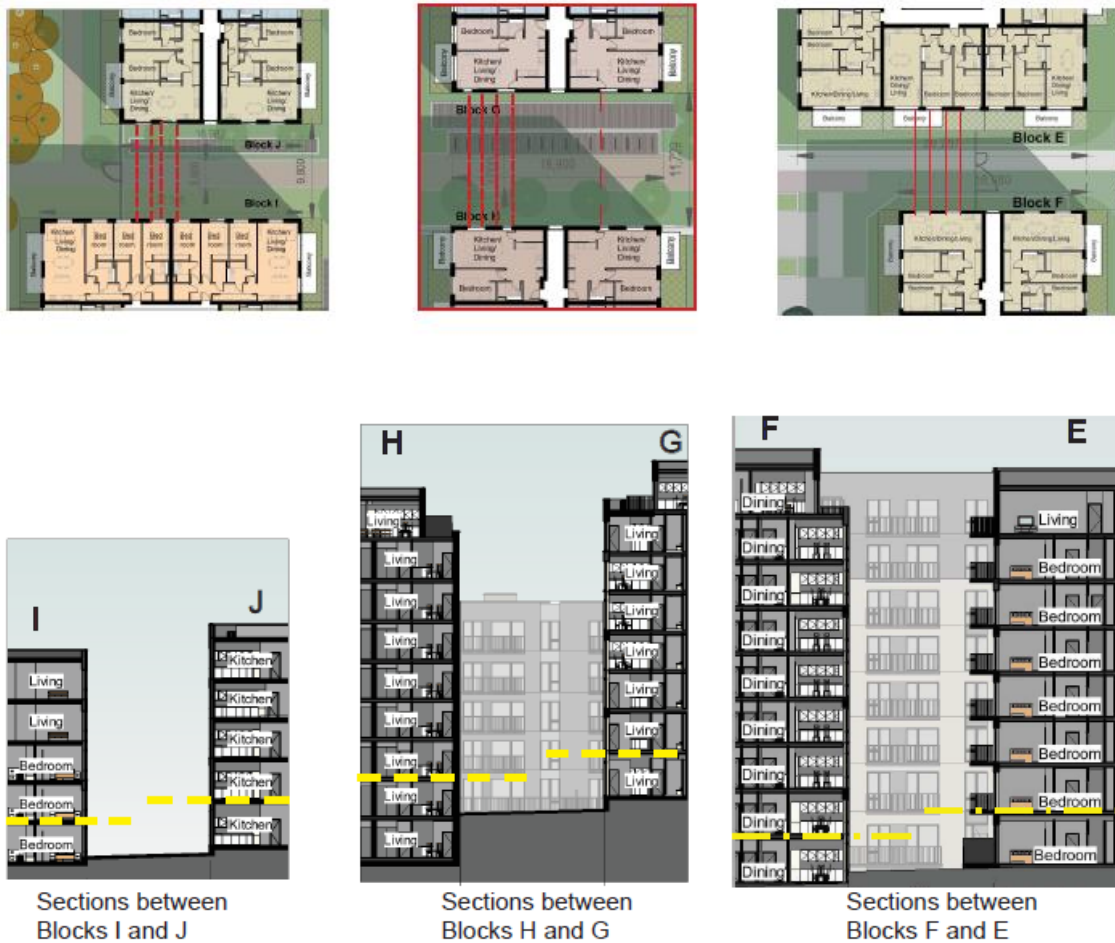


Figure 28 Extract from Reddy Architecture Urban Design Statement

Response to Specific Information Required 10: Long range views / photomontages

An Bord Pleanála stated the following:

10. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.

Applicant Response

Modelworks have completed photomontages and CGI's for the development. This includes both short range and **long-range** views from the surrounding areas. The impact indicated by these photomontages have been assessed by Modelworks and by Howley Hayes Cooney Architects for the impact on the surrounding area, and on Barrington Tower.

The Landscape and Visual Impacts chapter of the EIAR has concluded that the potential magnitude of change against the sensitivity of the receiving environment, the significance of the landscape effects is predicted to be 'significant'. The transition in character would be pronounced particularly the in the southern part of the site where a dense cluster of tall buildings (for the context) is proposed. However, there are persuasive drivers for this change (proximity to the Luas, public open space and the Priorsland Development Area) and national policy encourages compact growth. The implementation of compact growth policy will unavoidably result in changes in landscape character as high density development typologies are introduced to previously low density areas. The quality of the development would be commensurate with the character of the area. Therefore, the quality of the effect is classified neutral.

Response to Specific Information Required 11: Childcare demand analysis

An Bord Pleanála stated the following:

11. *Childcare demand analysis by way of assessment and report on demographic profile of the wider area, and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare places resulting from the proposed development.*

Applicant Response

McGill Planning Limited have conducted a Childcare Assessment which has examined the existing childcare facilities in the area, the demographics of the area, and the expected demand from the proposed development. The assessment found that there are 18 no. childcare facilities operating within a 2km catchment area of the subject site. We note that there are no vacancies in any of the childcare facilities, therefore the proposed development will cause an increasing demand for childcare spaces in the area.

An analysis of the local demographics showed that 6.3% of the local population were within the 0-4 age cohort in 2016. Applying this percentage to the proposed development's expected population, and excluding the one beds and studios, indicates that there will be 53 no. children aged 0-4.

Given the limited capacity of the existing childcare facilities in the area, and the increased demand that this proposed development will create, it is considered appropriate to provide a creche which can accommodate 99 children. This will not only meet the need of the development but also any existing demand in the wider area.

Response to Specific Information Required 12: Response to PA Opinion

An Bord Pleanála stated the following:

12. *A response to matters raised within the PA Opinion submitted to ABP on the 01st of October 2021. Including a response to issues raised in the Parks and Landscape report, the Housing Department report, the Transportation Planning report, the Drainage report and the Conservation Officers Report.*

Applicant Response

Please refer to p. 63 of the Landscape Design Rational prepared by Murray and Associates Landscape Architects for the response to the PA opinion in relation to the Parks and Landscape report

Please refer to the Part V pack in relation to the issued raised by the House Department *“The Planning Authority notes the submission including the contents of the letter dated 27th August 2021 outlining the part V proposals relating to the proposed development. The applicant should submit revised proposals based on current requirements of Part V.”*

Please refer to Waterman Moylan's documentation for a response to the issues raised by the Transportation Planning Report and the Drainage Planning Report.

Please refer to the Architectural Heritage Impact Assessment prepared by Howley Hayes Cooney for a response to issues raised by the Conservation Officers Report.

Response to Specific Information Required 13: Life Cycle Report

An Bord Pleanála stated the following:

13. *A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the*

proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

Applicant Response

Cairn Homes Properties Limited have completed a life cycle report in line with section 6.13 of the Apartment Guidelines. This addresses the materials and finishes of the development including balconies and terraces, landscaped areas, child spaces and boundary treatments.

These details are further set out in both Reddy's Architecture and Urbanism Design Statement and Murray and Associates Landscape Design Statement.

Response to Specific Information Required 14: BTR Development

An Bord Pleanála stated the following:

14. *As per SPPR7 of the Sustainable Urban housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2020 the development must be described in the public notices associated with a planning application specifically as 'Build to Rent' housing development and a covenant/legal agreement is required at application stage for BTR development.*

Applicant Response

In accordance with SPP7 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2020, the development is described in the statutory notices, and all letters to the statutory consultees, as a Build to Rent housing Development. Please see the enclosed Newspaper and Site Notices along with the enclosed cover letters.

A draft covenant/ legal agreement is also enclosed with this application for the BTR development.

Response to Specific Information Required 15: Justification for facilities, services & amenities

An Bord Pleanála stated the following:

14. *A rationale or evidence based justification that the proposed resident support facilities and resident services and amenities are appropriate and accord with SPPR7 (b) of the Apartment Guidelines 2020.*

Applicant Response

Reddy Architecture and Urbanism in association with Cortland Consult have assessed the level of need in terms of type and location for residential support facilities, services and amenities throughout the development. The proposed facilities, services and amenities are fully in accordance with the Apartment Guidelines 2020.

The Cortland Consult report has concluded that the proposed development *"represents a well-located and comprehensively amenities residential proposition for South Dublin. Not only does it occupy a pragmatic and attractive location for prospective renters to access a wide range of amenities and employment hubs across the City and South County, it will also provide high quality accommodation and onsite amenities that will enhance the residential appeal of the local geography"*

"The site's proximity to public transport (Bus and Luas) means that residents will have easy commuting access to key employment zones across the surrounding suburbs and City Centre. This includes some of Dublin's largest employment hubs with occupiers including major technology firms, healthcare companies, education institutions, hospitals and retail centres. which ultimately makes this a location that will attract a broad and diverse cross section of residents. The proposed future 'Brennanstown Luas' Luas Stop, will further enhance the connectivity of this location." Please refer to the BTR Justification report by Cortland Consult for more information.

Response to Specific Information Required 16: A Microclimate Impact Assessment.

An Bord Pleanála stated the following:

15. *A Microclimate Impact Assessment.*

Applicant Response

Please refer to the Wind Microclimate Study prepared by IES. This report concluded that *“The site is still completely safe for pedestrians. It meets the Lawsons’s Walking criteria requirements. It generally meets requirements of Lawsons’s Standing and Sitting criteria in conjunction with each other. Some balconies are seen to experience exceedance of the Lawson’s Sitting and Standing criteria. However, the balcony spaces are the private spaces which are used by the people residing in the respective flat. They will be expected to use their own discretion in judging the comfortable weather conditions. It is not a space that can be treated as a public open space where people have to use it frequently. So, no further mitigation measures required as such.”*

Response to Specific Information Required 17: Convenience shops, justification of the type and size of the retail unit

An Bord Pleanála stated the following:

16. *A response to the matter raised with respect to section 8.2.6.3 of the Dun Laoghaire Rathdown County Development Plan, 2016 – 2022 regarding convenience shops, justification of the type and size of the retail unit proposed*

Applicant Response

It is noted that Section 8.2.6.3 of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 indicates a maximum 100sqm local convenience shops on residential zoned sites. The proposed retail unit is c. 336.8sqm. For this reason, the inclusion of the retail unit has been considered a Material Contravention of the Development Plan and has been included as one below. To support the provision of a retail unit in this location, McGill Planning Limited have completed a Retail Viability Study. This demonstrates that the provision of a retail unit in this location will not only support this proposed development but also the new and existing developments in the wider area, providing a convenience retail area in a location where there is a growing need for same.

Response to Specific Information Required 18: Taken in Charge on Site Layout

An Bord Pleanála stated the following:

17. *A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.*

Applicant Response

None of the site is proposed for Taking in Charge. The area which is currently in the charge of Dun Laoghaire Rathdown (for which we have a letter of consent) will remain in the charge of the Council.

Response to Specific Information Required 19: Construction and Demolition Waste Management Plan

An Bord Pleanála stated the following:

19. *Site Specific Construction and Demolition Waste Management Plan.*

Applicant Response

AWN have completed a site-specific construction and demolition waste management plan. This details the waste that is expected to be generated on site in terms of quantum and type, how it will be dealt with; recycling and disposal strategies.

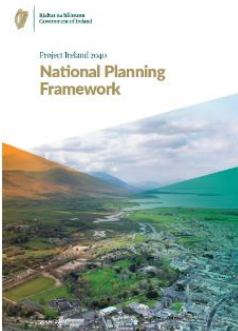
Chapter 7 Statement of Consistency

National & Regional Planning Policy

The key national and regional policies and guidelines (including Section 28 Guidelines) relevant to the proposed development are as follows:

- *Project Ireland 2040 Our Plan - National Planning Framework (2018);*
- *Rebuilding Ireland – Action Plan for Housing and Homelessness 2016;*
- *Urban Development and Building Heights: Guidelines for Planning Authorities on (2018);*
- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)*
- *Urban Design Manual – A Best Practice Guide, 2009*
- *Quality Housing for Sustainable Communities: Best Practice Guidelines for Sustainable Communities (2007);*
- *Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018);*
- *Design Manual for Urban Roads and Streets (2019);*
- *Guidelines for Planning Authorities on Childcare Facilities (2001);*
- *Smarter Travel – A New Transport Policy for Ireland (2009-2020);*
- *The Planning System and Flood Risk Management (2009).*
- *Regional Spatial and Economic Strategy 2019- 2031;*
- *Transport Strategy for Greater Dublin Area 2016-2035*

Project Ireland 2040 Our Plan - National Planning Framework (2018)



The National Planning Framework (NPF) is the Government’s plan to cater for the extra one million people that is anticipated to be living in Ireland within the next 20 years. The Eastern and Midland Region (including Dublin) will, by 2040, be a Region of around 2.85 million people, at least half a million more than today. The NPF includes National Strategic Outcomes and National Policy Objectives to guide development and policy making at regional and local levels, providing an overall framework for the entire country.

The NPF Strategy includes the following planning aims to guide the delivery of this growth:

- 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.
- 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.

The NPF projects that 550,000 additional homes will be required by 2040 to meet future demand. These new homes should be located in *places that can support sustainable development* and in *cities and larger towns*

where large scale housing exists. To achieve this housing target, we will need to build inwards and upwards and apartments will need to become a more prevalent form of housing. The NPF also states that that “to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas”.

Overall, the NPF seeks to avoid continued, untrammelled urban sprawl of our cities into greenfield areas.

“Compact Urban Growth” is the NPF mantra, “making better use of under-utilised land and buildings, ... with higher housing and jobs densities, better serviced by existing facilities and public transport.”

This approach not only makes better use of serviced zoned land but it can also have a “transformational difference” to urban locations bringing new life and footfall to areas and contributing to the viability of services, shops and public transport, increasing the housing supply, and enabling more people “to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less” (section 2.6).

In order to achieve this the NPF recommends a **flexible approach** to planning policies and standards with new developments “**focusing on design led and performance-based outcomes**, rather than specifying absolute requirements in all cases... planning standards should be flexibly applied in response to well-designed development proposals ...”

In particular Section 4.5 highlights that “**general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location**, e.g. city/town centre, public transport hub, inner suburban, **public transport corridor**, outer suburban, town, village etc.”

Key National Policy Objectives (NPOs) which relate to the proposal are set out below:

National Policy Objective	Evaluation of Consistency
<p>National Policy Objective 2a A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.</p>	<p>The proposed development will provide new homes within the existing built up footprint of the Dublin.</p>
<p>National Policy Objective 3a Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements</p>	
<p>National Policy Objective 4 Ensure the creation of attractive, liveable, well-designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.</p>	<p>The proposed development will create a high-quality, attractive, and liveable place for residents. The proposal includes varied open spaces and residential amenity areas which will contribute to the high quality of life for residents.</p>
<p>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</p>	<p>The proposal is located within Dublin suburbs. The site is highly accessible and is well connected with public transport services. The Luas and a high frequency bus service are all within a short walk or cycle from the site.</p>
<p>National Policy Objective 13 In urban areas, planning and related standards, including in particular building height and car</p>	<p>There is clearly a strong emphasis towards increased building heights and reduced car parking standards in appropriate locations within</p>

<p>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.</p>	<p>existing urban centres and along public transport corridors. As such it is respectfully submitted that the proposed building height and car parking ratio is in line with government guidance and emerging trends for sustainable residential developments.</p>
<p>National Policy Objective 27 Ensure the integration of safe and convenient alternative 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.</p>	<p>Walking and cycling are prioritised throughout the scheme with minimal vehicular access into the scheme and a high quality public realm.</p> <p>There is one vehicular route through the site which provides access to the site from Brennanstown Road.</p>
<p>National Policy Objective 32 To target the delivery of 550,000 additional households to 2040</p>	<p>This proposal will provide 534 no. residential units in this sustainable location within Dublin City's metropolitan area.</p>
<p>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.</p>	<p>The proposed scale of development is considered appropriate for this location.</p>
<p>National Policy Objective 34 Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time</p>	<p>All of the apartments will be fully adaptable.</p>
<p>National Policy Objective 35 Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.</p>	<p>The proposed apartment blocks will increase the residential of this highly sustainable site.</p>

Evaluation of Consistency

The subject site is located within the built up area of Dublin which is identified for significant residential growth over the next two decades.

The proposal will provide a high-quality residential scheme in this sustainable location and help to achieve the NPF's overall aims. The proposal is in accordance with the NPF's over-arching aim of consolidated and sustainable growth patterns. The subject site is considered an appropriate location for residential development due to its proximity to a variety of sustainable transport options. The proposal will increase the local population and support the public transport, service, and facilities in the area. The sites highly accessible location will encourage walking, cycling and public transport use as alternatives to the car.

The proposed development of these lands is considered to be fully in accordance with the recommendations of the NPF.

Rebuilding Ireland – Action Plan for Housing and Homelessness 2016



Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021. It was based on 5 no pillars. Pillar 3 – Build More Homes aims to significantly increase the output of private housing to meet demand at affordable prices.

The Action Plan puts locating houses in the right place at the centre as stated in page 24: *“locating housing in the right place provides the opportunity for wider family and social networks to thrive, maximises access to employment opportunities and to services such as education, public transport, health and amenities, while also delivering on sustainability objectives related to efficiency in service delivery and investment provision”*.

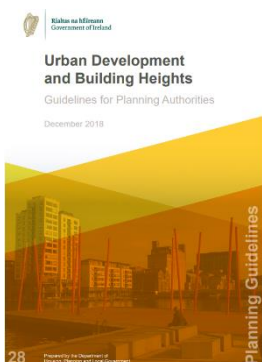
EVALUATION OF CONSISTENCY

The proposed development is consistent with Pillar 3 to build more homes.

The proposed development provides for 534 new build to rent apartment units. This will improve the quantity and mix of residential stock at a location that is particularly well served in terms of public transport, education, local retail, recreational and associated social infrastructure.

The development will provide for the creation of variety among housing types in the area as currently it is primarily low-density housing. Introducing an apartment development to the area will establish variety and a more sustainable community.

Urban Development & Building Heights: Guidelines for Planning Authorities, 2018



The Guidelines set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework (NPF) and Project Ireland 2040.

There is now a presumption in favour of increased building height in appropriate urban locations with good public transport services.

Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. SPPRs as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local areas plan and strategic development zone planning schemes.

Sections 1.13 and 1.14 state:

“These guidelines are issued by the Minister for Housing, Planning and Local Government under Section 28 of the Planning and Development Act 2000 (as amended). Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended), in carrying out their functions.

Accordingly, where SPPRs are stated in this document, they take precedence over any conflicting,

policies and objectives of development plans, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans/ schemes need to be amended by the relevant planning authority to reflect the content and requirements of these guidelines and properly inform the public of the relevant SPPR requirements.

The Guidelines incorporate the principles of the NPF, in particular to need to increase levels of residential development in urban centres and increase building heights and overall density. It identifies the need to focus planning policy on *“reusing previously developed “brownfield” land, building up urban infill sites”*.

They place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors and networks.

“In order to optimise the effectiveness of this investment in terms of improved and more sustainable mobility choices and enhanced opportunities and choices in access to housing, jobs, community and social infrastructure, development plans must actively plan for and bring about increased density and height of development within the footprint of our developing sustainable mobility corridors”.

It goes on to highlight that *“the preparation of development plans, local areas plans, and Strategic Development Zone Planning Schemes and their implementation in the city, metropolitan and wider urban areas must therefore become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights”*.

The following summarises the compliance of the proposed development with the Development Management Principles and Criteria for assessing increased building height outlined in Sections 3.1 and 3.2 of the Guidelines:

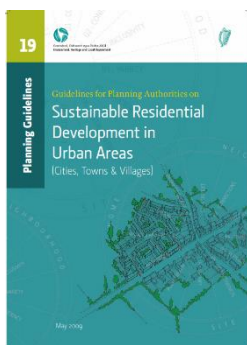
	EVALUATION OF CONSISTENCY
<p><i>Section 3.1 Development Management Principles</i></p> <p><i>In relation to the assessment of individual planning applications and appeals, it is <u>Government policy that building heights must be generally increased in appropriate urban locations</u>. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in <u>other urban locations with good public transport accessibility</u>. Planning authorities must apply the following broad principles in considering development proposals for <u>buildings taller than prevailing building heights in urban areas</u> in pursuit of these guidelines:</i></p> <ul style="list-style-type: none"> <i>Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill</i> 	<p>The proposed development seeks to deliver a significant residential development at a site that is highly accessible in terms of public transport with the Luas stop at Carrickmines and Laughanstown both located less than 1km from the site. The future prospect of the Brennanstown Luas stop opening directly adjacent the site will further cater for increased capacity in the area.</p> <ul style="list-style-type: none"> The proposed development secures the NPF objective of compact urban growth around high quality public transport, The development accords with National Policy Objective (NPO) 33 in delivering an appropriate scale of sustainable residential development at a highly accessible location and with provided with significant social infrastructure and amenities as part of the development. The development accords with NPO 35 in achieving higher density through increased building height of ranging up to 10 storeys in height compared to the

<p><i>development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?</i></p> <ul style="list-style-type: none"> <i>Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?</i> <p><i>Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?</i></p>	<p>existing residential heights of 2-3 storeys within the area.</p> <ul style="list-style-type: none"> The development accords with NPO 13 in terms of increasing building height and reducing car parking to provide a high quality and high amenity residential development that at the same time achieves increased compact growth at an accessible location. The development accords with NPO 27 in providing a development that is self-sustaining in terms of social infrastructure and convenience within walking distance of the new homes, which reduces the need for the car and which also facilitates alternative modes of transport (Luas, bus and cycle) to get to the city centre and local district centres for wider services and employment.
<p>Section 3.2 Development Management Criteria</p> <p>In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies the following criteria:</p>	<p>The site is well connected with public transport services. The Luas Green Line is south of the site with frequent services running between Brides Glen/Cherrywood to the City Centre and to Broombridge. There is a completed Brennanstown Luas stop, immediately south of the site; although it is not currently operational it is anticipated that this would be opened by the time this development is complete and operational. Furthermore positive correspondence between DLRCC and TII in relation to this matter have recently been held as evidenced in the correspondence appended to this Report.</p>
<p><i>At the scale of 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>	<p>The Green Line serves several major employment/retail centres including Cherrywood, Carrickmines, Sandyford, Dundrum and the City Centre. At these route stops there is also the potential to transfer to many Dublin Bus services that provide onward connection to other suburban locations across South Dublin.</p> <p>As set out above the site is also well connected with frequent bus services, with 6 different routes within a twenty minute walk of the site. These connect the site to Wicklow, and the wider Dublin area.</p>
<p><i>At the scale of district/ neighbourhood/</i></p>	<p>The proposed development responds very</p>

<p>street;</p> <ul style="list-style-type: none"> - <i>The proposal responds to its overall natural and built environment and makes a positive contribution.</i> - <i>The proposal is not monolithic and avoids long, uninterrupted walls of building.</i> - <i>The proposal enhances the urban design context for public spaces and key thoroughfares.</i> - <i>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies.</i> 	<p>positively to its context by fully incorporating the natural elements of the site particularly the protected structure on site, Barrington Tower. The development will respectfully provide space around this protected structure forming an attractive public space around this building. Tree planting and landscaping will be incorporated throughout the development to ensure an attractive well landscaped character is provided within the development.</p> <p>A comprehensive landscape and open space design is submitted with this application by the landscape architects which ensure that future residents will have direct access to a wide variety of large open spaces for various recreational uses. Subtle landscaping design are incorporated such as ramps and stairs due to the gently undulating slope of the site.</p> <p>At the same time the development reflects the highly accessible and strategic location of the site with the Luas located directly to the south and the M50 major transport route to the south. The site has the opportunity to create an appropriate scale of development that properly defines this location and makes best use of this scarce resource, housing land.</p> <p>The architectural design is modern and visually interesting with a variety of building designs and varying heights and finishes proposed. It will significantly increase and improve the overall mix of residential types within the Cabinteely/Brennanstown area as a whole and will bring substantial social infrastructure to create a self-contained, sustainable new urban community.</p>
<p><i>At the scale of the site/building:</i></p> <ul style="list-style-type: none"> - <i>Maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</i> 	<p>The submitted Internal Daylight, Sunlight and Overshadowing Spot Test Analysis prepared by Avison Young demonstrates that the <i>"proposed development will perform to a good standard in terms of internal daylight amenity"</i>. This analysis identifies that with regard to internal sunlight amenity <i>"there will be windows that fall below the recommended criteria for sunlight, a number either serve less sensitive bedrooms; or serve LD's LKD's and studios that are restricted by their orientation (north, east, west), which is acknowledged by the BRE Guidelines (paragraph 3.1.6); and are located beneath overhanging</i></p>

	<p><i>balconies which the BRE Guidelines also acknowledge block access to sunlight (paragraph 3.2.9). The BRE Guidelines accept site layout (i.e. orientation) as one of the most important factors affecting the duration of sunlight in buildings and it is appreciated that a site's existing layout and other design constraints may impose orientation or sunlight constraints which may not be possible to overcome."</i></p> <p>Finally with regard to the overshadowing assessment for the 21st March it confirms that <i>"proposed amenity areas within the Site will achieve two hours of direct sunlight to over 50% of their areas on 21st March and thus meet the recommended BRE Guidelines. Future residents will therefore have good access to sun on ground amenity within the Site."</i></p>
<p><i>Specific Assessments:</i></p> <ul style="list-style-type: none"> <i>-Specific impact assessment of the micro-climatic effects such 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> <i>-Development locations in proximity to sensitive bird/bat areas need to consider the potential interaction of the building location, materials and artificial lighting.</i> <i>-Relevant environmental assessment requirements.</i> 	<p>A desktop wind study has been prepared for Stage 2 which outlines potential impacts of winds between a range of blocks, potential mitigation measures include the inclusion of solid balconies in certain building aspects, planting and also siting of the seating areas within the public open space. These will be addressed in full as part of the full planning application.</p> <p>An EIAR will be completed for this site with the full application.</p>
<p><i>SPPR 3</i></p> <p><i>It is a specific planning policy requirement that where; 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise.</i></p>	<p>This proposal is in accordance with the NPF and associated Section 28 Guidelines, in terms of make the optimal residential return of zoned, serviced and highly accessible land which is appropriately located in close proximity to public transport and planned social infrastructure.</p>

Guidelines For Planning Authorities on Sustainable Residential Development in Urban Areas, 2009



The guidelines set out the key planning principles to be reflected in development plans and local area plans, to guide the preparation and assessment of planning applications for residential development in urban areas.

The Guidelines elaborate a range of high-level aims for successful and sustainable residential development in urban areas. These are assessed against the proposed scheme as follows:

	EVALUATION OF CONSISTENCY
<i>Prioritise walking, cycling and public transport, and minimise the need to use cars;</i>	<p>As outlined under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the application site is adjacent to 'Public Transport Corridors' as it is within 1km walking distance of both Luas stops at Carrickmines and Laughanstown. With quick access to the Luas residents will also have quick access to the other main centres in the wider area including Sandyford and Dundrum, as well as the City Centre.</p> <p>The Brennanstown Luas stop is also located to the south of the site, although it is currently not in service.</p> <p>The proposed development has been carefully designed to restrict the presence of cars within the site. The majority of car parking is provided at basement level (upper and lower level) and when cars enter the site, they are guided almost immediately into the basement car park. This ensures that cars are not a dominant presence within the site and allows the creation of safe and attractive open spaces for people.</p> <p>In line with national policy, the scheme provides a reduced car parking ratio of c.0.74 spaces per unit.</p> <p>The subject site is within a highly accessible location with numerous high-frequency public transport options within a short walking distance, with a specific emphasis on the LUAS Green line running south of the site.</p> <p>The reduced car parking combined with the site's accessible location will help encourage a modal shift away from car dependency to more sustainable modes of transport.</p>
<i>Deliver a quality of life which residents and visitors are entitled to expect, in terms of amenity, safety and convenience;</i>	<p>The scheme has been designed in accordance with all relevant quantitative and qualitative residential standards as set down in the Section 28 apartment guidelines and</p>

	<p>the DLRCC County Development Plan.</p> <p>Future residents will live in a uniquely safe residential environment with the residential streets largely free of cars and a multitude of access options to social infrastructure, open spaces and public transport in the area all within or very close to the development.</p>
<i>Provide a good range of community and support facilities, where and when they are needed and that are easily accessible;</i>	The development will consist of apartments with residential support facilities such as a creche, residential support facilities/amenities and a series of public /open spaces.
<i>Present an attractive, well-maintained appearance, with a distinct sense of place and a quality public realm that is easily maintained;</i>	<p>The layout has been designed in response to the existing natural and built environment. The buildings have been positioned to provide strong urban frontages to the street and open spaces.</p> <p>The proposed landscaping has been carefully considered to provide a high-quality attractive scheme that will further contribute to the character of the both the site and the wider area.</p>
<i>Are easy to access for all and to find one's way around;</i>	The layout has been designed to ensure the development is permeable, walkable, and easy to navigate for all users. The development centres around the Barrington Tower which is the main focal point on site. This tower acts as a local landmark to entice wayfinding around the site as well as the precisely landscaped walkways around the site.
<i>Promote the efficient use of land and of energy, and minimise greenhouse gas emissions;</i>	<p>The proposed high residential density is an efficient use of land. The reduced car parking ratio will encourage a modal shift away from private car usage.</p> <p>The proposal seeks to import best practice construction/engineering techniques and use of energy efficient materials to maximise energy capacity and minimise impacts of climate change in accordance with current buildings regulations.</p>
<i>Provide a mix of land uses to minimise transport demand;</i>	The proposed residential development includes residential support facilities and a childcare facility. The scheme is also directly adjacent to the future Brennanstown Luas station, and within 1km of a range of Dublin bus stops and two Luas stops and is accessible to a variety of existing facilities and employment opportunities in the area.
<i>Promote social integration and provide accommodation for a diverse range of household types and age groups;</i>	The proposed typology mix will add to the existing housing stock in the area and will meet the increasing demand from more diverse and smaller household sizes. A range of unit sizes is proposed for the scheme including studios, 1-, 2- and 3-bedroom apartments.
<i>Enhance and protect the green infrastructure and biodiversity;</i> and	The proposal includes the retention of existing trees where possible. The proposed landscaping has been carefully considered to add to the green infrastructure

	and biodiversity in the area.
<i>Enhance and protect the built and natural heritage.</i>	<p>The Barrington Tower is a protected structure on site however the site itself is not located within an ACA.</p> <p>The site is also not within any of the protected views identified in the DLR development plan. There are other protected structures located southeast and towards the entrance of the site but are not on the site. These are a portal tomb to the southeast and protected water pump close to the access. The site is not located within the curtilage or attendant grounds of same and is well screened by mature planting. It is not considered that there will be any significant impact on the setting or character of the protected structures outside of the site boundary.</p>

EVALUATION OF CONSISTENCY

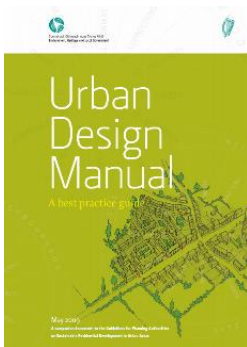
The proposed development is considered in accordance with the policies and objectives of the Guidelines as they relate to large urban development sites within a city location. The site conforms with the “public transport corridor” density location typology outlined in Chapter 5 which refers to sites within walking distance of high quality public transport, which includes sites within 1km of a Luas station.

The Guidelines state that “minimum” densities within such catchments should start of 50 units per ha with the highest densities being located adjacent the public transport stop. The proposed development is directly adjacent the completed Brennanstown Luas expected to be opened shortly, and within 1km of the Luas stop at Carrickmines and Laughanstown which is therefore considered suitable for higher density in this regard. The proposed net density in this instance is 140 units per ha.

The Guidelines also promote urban design to create places of high quality and distinct identity, to provide connectivity, permeability, safety, legibility and sense of place. In this regard, the Guidelines are accompanied by a Design Manual (discussed below) which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.

To ensure sustainable communities the Guidelines stress that community facilities are also to be provided for such as the creche along with a new retail facility as part of the development. A self-contained and highly sustainable residential neighbourhood is proposed in accordance with these National Guidelines. The introduction of apartments enhances the area to form a more sustainable community as it adds to the housing mix by providing accommodation which not only serves family settings but also individuals and couples.

Urban Design Manual – A Best Practice Guide, 2009



The Urban Design Manual is the accompanying document to the Sustainable Residential Development in Urban Areas document which provides policy guidance for the creation of successful neighbourhoods having regard to the 12-point criteria. The proposal complies with the following design criteria:

1. Context –How does the development respond to its surroundings?	
	Evaluation of consistency
<i>The development seems to have evolved naturally as part of its surroundings.</i>	<p>The proposed development accords with the zoning objectives of the DLR development plan to provide for residential development. This development naturally evolves with its residential surroundings as a result of its close proximity to the Luas green line and responds to the fall in the land.</p> <p>The proposed scale and layout of development now proposed seeks to further exploits these natural assets to creates a highly attractive residential development that at the same time optimises the return on zoned and serviced land so close to high quality and highly efficient public transport and planned services.</p>
<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>	<p>The proposal reflects the significant increases in densities and scale achieved at other locations along Luas corridor in recent times as promoted by the NPF and Section 28 Guidelines.</p> <p>The context of the site makes it particularly suitable for higher density residential development given the proximity to the Luas station, the M50 and to services and employment both within the lands and adjoining at Cabinteely, Cherrywood and Carrickmines.</p> <p>The proposed development reflects a renewed trend for consolidated urban development and higher densities and scale on accessible and well serviced urban sites throughout Dublin City as promoted in the NPF and the RSES.</p> <p>The site is unique in its context which has remained greenfield despite the suburbanisation of the wider area.</p>
<i>Form, architecture and landscaping have been informed by the development’s place and time.</i>	<p>The current proposal is a development that is modern not just in terms of design and density but also in terms of promoting an attractive living environment with significant and safe open spaces for future residents.</p>

	The site is of an appropriate size and design to facilitate the scale and layout proposed.
<i>The development positively contributes to the character and identity of the neighbourhood.</i>	<p>The proposal is a striking design and layout which optimise this large infill site and will enhance and develop the character of this residential area.</p> <p>It will remove a vacant, underutilised site and transform it with a development that will contribute positively to the neighbourhood in terms of increased population and wider, more sustainable residential mix for the wider area.</p>
<i>Appropriate responses are made to the nature of specific boundary conditions.</i>	The development has been designed with regard to the existing natural features, particularly the retention of Barrington Tower, the existing trees to retain the Sylvan character and site boundaries. The high quality trees in the main have been retained and set a suitable landscaped boundary around the northern part of the development to ensure the character of Brennanstown Road is retained.

2. Connections – How well connected is the new development	
	Evaluation of consistency
<i>There are attractive routes in and out for pedestrians and cyclists.</i>	<p>The development is connected directly to Brennanstown Road. To the immediate south of the site a connection to the Luas stop at Brennanstown will be provided.</p> <p>The landscaping of the site provides for attractive wayfinding routes in and out of the vicinity which have regard to the naturally sloping contours of the site.</p>
<i>The development is located in or close to a mixed-use centre.</i>	The proposed development is in close proximity to Cabinteely village to the northeast as well as Carrickmines Park southwest of the site.
<i>The development's layout makes it easy for a bus to serve the scheme.</i>	The site is a short walk of the future Brennanstown Luas stop. The proposed routes with BusConnects will further serve the area while the existing route 63 and 63A serve the site currently along Glenamuck Road North.
<i>The layout links to existing movement routes and the places people will want to get to.</i>	Dedicated and safe pedestrian/cyclist permeability through and around the site is enshrined in the specific design and layout proposed to ensure people can travel in and out of the site seamlessly.
<i>Appropriate density, dependent on location, helps support efficient public transport.</i>	The density accords with national guidelines which promote higher density development closer to high quality public transport and local services. The lower levels of private car parking within this scheme also enables this development to support the efficient use and maximise the sustainable use of public transport.

3. Inclusivity – How easily can people use and access the development?	
	Evaluation of consistency
<i>New homes meet the aspirations of a range of people and households.</i>	The proposed scheme will overall improve the mix of 1, 2 and 3 bed units on offer in the wider area and will facilitate a wider range of homeowners including individuals, couples, small families and empty nesters.
<i>Design and layout enable easy access by all.</i>	The proposal has been designed for ease of access throughout the site in accordance with Part M of the building regulations.
<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>	The scheme will provide a variety of open spaces, public, communal and private amenity spaces for a range of different ages including children, adults and the elderly.
<i>Areas defined as public open space that have either been taken in charge or privately managed will be clearly defined, accessible and open to all.</i>	The public open spaces will be easily accessible, clearly defined and open to all.
<i>New buildings present a positive aspect to passers-by, avoiding unnecessary physical and visual barriers.</i>	The layout presents attractive urban edges to the open spaces proposed that will be supervised and overlooked.

4. Variety – How does the development promote a good mix of activities?	
	Evaluation of consistency
<i>Activities generated by the development contribute to the quality of life in its locality.</i>	The proposal will provide for a more sustainable housing mix within the area which reflects current demographic trends and will increase population creating additional demand for services.
<i>Uses that attract the most people are in the most accessible places.</i>	A variety of open spaces are provided throughout the scheme and will be easily accessible to residents and the public.
<i>Neighbouring uses and activities are compatible with each other.</i>	The area is planned for significant residential use close to public transport and employment centres such as Cabinteely village and Carrickmines Park and the future Cherrywood which is compatible with the urban setting envisaged.
<i>Housing types and tenure add to the choice available in the area.</i>	A variety of apartments are provided which will further improve the range of unit types in the area available to various household types. Please refer to the accommodation schedule for more information.
<i>Opportunities have been taken to provide shops, facilities and services that complement those already available in the neighbourhood.</i>	The scheme will be self-sufficient in terms of community services such as providing a creche and café.

5. Efficiency - How does the development make appropriate use of resources, including land?	
	Evaluation of consistency
<i>The proposal looks at the potential of higher density, taking into account appropriate accessibility by public</i>	The proposed net density of 140 units per ha is considered appropriate for this site given the proximity to the Luas, local district centres.

<i>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>	The lower parking provision enables more high quality landscaping to be provided. As a result, significant public open space will be provided across the entire scheme incorporating SuDS, promoting biodiversity and providing residential amenity.
<i>Buildings, gardens and public spaces are laid out to exploit the best solar orientation.</i>	Over 50% of the apartments across the scheme are dual aspect which is in excess of the minimum standard required for developments within Accessible Urban Locations under the Apartment Guidelines. Residential units and open spaces will enjoy sufficient sunlight and daylight provision. This is further demonstrated by the Daylight Sunlight Report.
<i>The scheme brings a redundant building or derelict site back into productive use.</i>	Demolition is proposed for the derelict former dwelling attached to Barrington Tower and the demolition of Winterbrook a habitable dwelling on site. This proposed scheme brings an underutilised site back into productive use by establishing a higher residential density on site.
<i>Appropriate recycling facilities are provided.</i>	Communal recycling facilities are provided in the bin stores strategically located proximate to each apartment block.

6. Distinctiveness - How do the proposals create a sense of place?

	Evaluation of consistency
<i>The place has recognisable features so that people can describe where they live and form an emotional attachment to the place.</i>	The site is encircled by large existing trees along the western, southern and eastern boundaries. Trees are retained where possible and used within the proposed landscaping scheme. The plaza/square and integrated green spaces will form a series of high quality open spaces at the heart of the development where residents will congregate and recreate. This will be a very bespoke development with a unique sense of place created by the dominant presence of the Barrington Tower.
<i>The scheme is a positive addition to the identity of the locality.</i>	The site is currently vacant. The proposal will provide an appropriate scale and quantum of residential development on a key site directly adjoining the Luas.
<i>The layout makes the most of the opportunities presented by existing buildings, landform and ecological features to create a memorable layout.</i>	The proposed layout adapts to the site boundaries and seeks to develop them as a feature within the new residential scheme. It takes advantage of the existing mature trees in order to develop an appropriate, high quality scheme. The buildings are laid out to allow optimum light penetration into the spaces whilst the blocks will also achieve views out

	onto the plaza where Barrington Tower is located.
<i>The proposal successfully exploits views into and out of the site.</i>	The proposal will introduce new views along Brennanstown Road. Barrington Tower, the local folly, which is not visible at the moment, will become the central focal point of the site when entering from the north. The height and design of the buildings will result in an attractive, legible route through the site, making way finding easy.
<i>There is a discernible focal point to the scheme, or the proposals reinforce the role of an existing centre.</i>	Barrington Tower will be the main focal point to the overall development.

7. Layout - How does the proposal create people friendly streets and spaces?	
	Evaluation of consistency
<i>Layout aligns routes with desire lines to create a permeable interconnected series of routes that are easy and logical to navigate around.</i>	Pedestrian permeability across the scheme and between residential apartments blocks within the scheme, and through to the apartment communal facilities is a key design outcome.
<i>The layout focuses activity on the streets by creating frontages with front doors directly serving the street.</i>	The apartment elements provide frontages that contributes to passive surveillance of the public open spaces within the scheme and pedestrian access paths.
<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>	Car parking spaces are provided at basement ensures more quality open spaces to be provided at surface level.
<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 court.</i>	The open space strategy for the scheme creates multiple open spaces of varying uses and sizes. This can be seen in the landscaping strategy by Murray and Associates Landscape Architecture.

8. Public Realm - How safe, secure and enjoyable are the public areas?	
	Evaluation of consistency
<i>All public open space is overlooked by surrounding homes so that this amenity is owned by the residents and safe to use.</i>	All spaces are well distributed and overlooked and supervised by surrounding apartment blocks.
<i>The public realm is considered as a usable integrated element in the design of the development.</i>	Creation of a mainly car free public realm for pedestrians and cyclists to traverse unhindered is a key design outcome and will create a unique residential development. The landscaping and design of the public realm can be solely dedicated to providing the optimum amenity for residents and visitors.
<i>Children's play areas are sited where they will be overlooked, safe and contribute to the amenities of the neighbourhood.</i>	A play area will be facilitated alongside the creche proposed along with other play areas within the various open spaces and will be overlooked.

<i>There is a clear definition between public, semi-private, and private space.</i>	Private open space is provided for each unit. Communal open spaces for residents are located in spaces next to the blocks.
<i>Roads and parking areas are considered as an integral landscaped element in the design of the public realm.</i>	Within this unique scheme the private car is restricted to the immediate Brennanstown road access of the site allowing a car free open space realm elsewhere in the scheme.

9. Adaptability - How will the buildings cope with change?	
	Evaluation of consistency
<i>Designs exploit good practice lessons, such as the knowledge that certain house types are proven to be ideal for adaptation.</i>	N/A. This is an apartment development.
<i>The homes are energy-efficient and equipped for challenges anticipates from a changing climate.</i>	Yes, design practices and proposed materials will militate against the effects of climate change.
<i>Homes can be extended without ruining the character of the types, layout and outdoor space.</i>	N/A
<i>The structure of the home and its loose fit design allows for adaptation and subdivision, such as the creation of an annex or small office.</i>	N/A
<i>Space in the roof or garage can be easily converted into living accommodation.</i>	N/A

10. Privacy and Amenity - How does the scheme provide a decent standard of amenity?	
	Evaluation of consistency
<i>Each home has access to an area of useable private outdoor space.</i>	Yes, each unit has its own private open space (i.e balconies) in accordance with the minimum residential standards as per the national apartment guidelines.
<i>The design maximises the number of homes enjoying dual aspect.</i>	The majority have dual aspect and which exceeds the national policy.
<i>Homes are designed to prevent sound transmission by appropriate acoustic insulation or layout.</i>	All units will be designed to prevent sound transmission in accordance with building regulations.
<i>Windows are sited to avoid views into the home from other houses or the street and adequate privacy is affordable to ground floor units.</i>	Adequate separation distance between opposing windows is achieved and overlooking is not considered an issue of the development particularly in relation to adjoining development.
<i>The homes are designed to provide adequate storage including space within the home for the sorting and storage of recyclables.</i>	All apartments are designed in accordance with national design standards on storage areas.

11. Parking – How will the parking be secure and attractive?	
	Evaluation of consistency
<i>Appropriate car parking is on-street or within easy reach of the home's front door.</i>	Only a small portion of the car parking is provided at surface level for drop off associated with the creche mainly. The remainder are located at basement level. The

	parking is secure and readily accessible for all residents who choose to use this facility. This is a highly accessible location so the demand for car storage is reduced in locations such as these. This is in line with current NPF policy. Please see the Traffic and Transport Assessment for further details.
<i>Parked cars are overlooked by houses, pedestrians and traffic, or stored securely, with a choice of parking appropriate to the situation.</i>	All of the parking is either visible from the apartments or is within a secure underground car park.
<i>Parking is provided communally to maximise efficiency and accommodate visitors without the need to provide additional dedicated spaces.</i>	The majority of the car parking are in communal underground car parks.
<i>Materials used for parking areas are of similar quality to the rest of the development.</i>	Yes, the highest quality materials will be used throughout the scheme.
<i>Adequate secure facilities are provided for bicycle storage.</i>	Dedicated bicycle parking is provided throughout the scheme in line with the Design Standards for New Apartments and cycle standards.

12. Detailed Design – How well thought through is the building and landscape design?	
	Evaluation of consistency
<i>The materials and external design make a positive contribution to the locality.</i>	The proposed development uses an exciting palette of materials to create a unique urban scheme, please see the architect's drawings and design statement.
<i>The landscape design facilitates the use of the public spaces from the outset.</i>	The open spaces can be phased in tandem with the delivery of residential development.
<i>Design of the buildings and public space will facilitate easy and regular maintenance.</i>	This can be achieved and will be provided by the estate management company.
<i>Open car parking areas are considered as an integral element within the public realm design and are treated accordingly.</i>	Parking is predominantly at basement and is limited in favour of providing high quality landscaped open space.
<i>Care has been taken over the siting of flues, vents and bin stores.</i>	Bin stores are located discretely around the site. No other flues or vents are proposed.

Evaluation of Consistency

Based on the above, it is considered that the proposed development is in accordance with the Urban Design Manual.

Quality Housing for Sustainable Communities: Best Practice Guidelines for Sustainable Communities, 2007



The Department’s guidance for Delivering Homes, Sustaining Communities provides the overarching policy framework for an integrated approach to housing and planning. Sustainable neighbourhoods are areas where an efficient use of land, high quality design, and effective integration in the provision of physical and social infrastructure combine to create places people want to live in. The policy statement is accompanied by Best Practice Guidelines that promotes quality sustainable residential development in urban areas having regard to the following:

- *promote high standards in the design and construction and in the provision of residential amenity and services in new housing schemes;*
- *encourage best use of building land and optimal of services and infrastructure in the provision of new housing;*
- *point the way to cost effective options for housing design that go beyond minimum codes and standards;*
- *promote higher standards of environmental performance and durability in housing construction;*
- *seek to ensure that residents of new housing schemes enjoy the benefits of first-rate living conditions in a healthy, accessible and visually attractive environment; and*
- *provide homes and communities that may be easily managed and maintained.*

The following criteria indicate the 7 no. essential requirements new residential developments should have regard to when carrying out development:

	Evaluation of consistency
<p><u>Socially & Environmentally Appropriate</u> <i>“The type of accommodation, support services and amenities provided should be appropriate to the needs of the people to be accommodated. The mix of dwelling type, size and tenure should support sound social, environmental and economic sustainability policy objectives for the area and promote the development of appropriately integrated play and recreation spaces.”</i></p>	<p>The scheme will provide an appropriate mix of studio, 1, 2 and 3 bedroom apartments. The proposal seeks to integrate usable open spaces distributed throughout a number of character areas and all interconnected. All open spaces will be overlooked by adjoining residential blocks.</p>
<p><u>Architecturally Appropriate</u> <i>“The scheme should provide a pleasant living environment, which is aesthetically pleasing and human in scale. The scheme design solution should understand and respond appropriately to its context so that the development will enhance the neighbourhood and respect its cultural heritage.”</i></p>	<p>The design and layout of the scheme creates an attractive and visually pleasing residential environment.</p> <p>The design is appropriate and mindful of the urban edge context, the site constraints, and architectural character of the adjoining residential areas</p>

<p><u>Accessible & Adaptable</u> <i>“There should be ease of access and circulation for all residents, including people with impaired mobility, enabling them to move as freely as possible within and through the development, to gain access to buildings and to use the services and amenities provided. Dwellings should be capable of adaptation to meet changing needs of residents during the course of their lifetime.”</i></p>	<p>This dwellings in this scheme are highly accessible to all due to the provision of lifts within the scheme. The landscaping also is clearly laid out and level ensuring people can navigate easily.</p> <p>Vehicular access will be limited into the residential areas and parking is significantly reduced for this scheme. This will create a safe, pedestrian dominated development.</p>
<p><u>Safe, Secure & Healthy</u> <i>“The scheme should be a safe and healthy place in which to live. It should be possible for pedestrians and cyclists to move within and through the area with reasonable ease and in safety. Provision for vehicular circulation, including access for service vehicles, should not compromise these objectives.”</i></p>	<p>The scheme provides excellent segregation of vehicle and pedestrians/cyclists with the vast majority of the site free from cars.</p> <p>A very safe walking and cycling environment will be provided for residents with a network of paths located around the development.</p> <p>Public open spaces shall be overlooked as far as practicable to achieve maximum passive surveillance.</p>
<p><u>Affordable</u> <i>“The scheme should be capable of being built, managed and maintained at reasonable cost, having regard to the nature of the development.”</i></p>	
<p><u>Durable</u> <i>“The best available construction techniques should be used, and key elements of construction should have a service life in the order of sixty years without the need for abnormal repair or replacement works.</i></p>	<p>The scheme endeavours to use the best available materials and construction techniques in order to minimise the level of refurbishment over the lifetime of the scheme.</p>
<p><u>Resource Efficient</u> <i>“Efficient use should be made of land, infrastructure and energy. The location should be convenient to transport, services and amenities. Design and orientation of dwellings should take account of site topography so as to control negative wind effects and minimise the benefits of sunlight, daylight and solar gain; optimum use should be made of renewable sources of energy, the use of scarce natural resources in the construction, maintenance and management of the dwellings should be minimised.”</i></p>	<p>The scheme is considered to accord with the aforementioned sustainable development principles.</p>

Evaluation of Consistency

It is considered that the proposed development is in accordance with the above policies and criteria.

Sustainable Urban Housing: Design Standards for New Apartments, 2018

The Apartment Guidelines 2018 promote sustainable housing, by ensuring that the design and layout of new apartments provide satisfactory accommodation for a variety of household types and sizes, including families with children over the medium to long term. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.

In relation to appropriate locations for apartment developments and increased density the Guidelines define 3 urban location types as follows:

(1) Central and/or Accessible Urban Locations are identified as follows:

Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- *Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
- *Sites within reasonable walking distance (i.e. up to 10 minutes or 800- 1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.*

(2) Intermediate Urban Locations

Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including:

- *Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;*
- *Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.*

The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

(3) Peripheral and/or Less Accessible Urban Locations

Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including:

- *Sites in suburban development areas that do not meet proximity or accessibility criteria;*
- *Sites in small towns or villages.*

Given the proximity of the site to high frequency public transport with the Luas Green Line, as well as regular bus services and local employment centres (e.g. The Park Carrickmines, Cabinteely and Cornelscourt villages, and also the future Cherrywood Town Centre) within a reasonable walk time catchment of the site, it is considered that the site certainly represents an “Intermediate Urban Location” and arguably is an “Accessible Urban Location” as per the Guidelines.

Furthermore, it is noted that the Board considered the Doyle’s Nursery SHD Development (Ref ABP-305859-19) to the east of the application site to be a “Central/Accessible Urban Location”. We refer to Section 12.1.8 of the ABP Inspectors’ Report on that permission which stated the following:

“I am of the opinion that given its residential zoning, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The site is considered to be located in a central and accessible location; it is within easy walking distance of good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community. The proposed development, which includes for the road upgrade works, will assist in overcoming the barrier to development currently impacting the deliverability of residential development on Brennanstown Road.”

The Board in its “Conclusion on Proper Planning and Sustainable Development” attached to its decision to grant also noted that the Doyle’s Nursery site along Brennanstown Road was an “accessible suburban location.”

In any event, both locational typologies – “Accessible” and “Intermediate” – allow for higher density, apartment developments once proximate to high frequency/capacity public transport, as is the case with the site given the proximity to the Green Luas line and a number of Luas stops.

The Guidelines outline a number of Specific Planning Policy Requirements (SPPRs) which are design standards that apartment developments nationally are expected to adhere to. The proposed development is reviewed against the various SPPRs below:

POLICY	EVALUATION OF CONSISTENCY
<p>Specific Planning Policy Requirement 1 <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>	<p>The current proposal comprises 5.46% studio, 27.34% 1-beds, 57.5% 2-beds, and 9.7% 3-beds. Therefore, this is in line with SPPR 1.</p> <p>However it is noted that this is a Build to Rent Development and therefore this criterion is not applicable.</p>
<p>Specific Planning Policy Requirement 2 <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</i> 	<p>The proposal is for a development consisting of 534 no. apartments with an appropriate mix of units as set out by SPPR 1.</p>

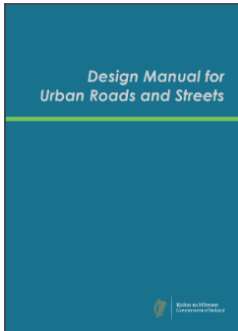
<p>development (i.e. up to 4 units) comprises studio-type units;</p> <ul style="list-style-type: none"> • Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th; • 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: 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</p>	<p>As per the Housing Quality Assessment submitted the proposed unit sizes accord with SPPR3.</p>
<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> <ul style="list-style-type: none"> (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. (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. (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 	<p>Over 50% of the units are dual aspect and accord with SPPR4.</p>

<p>achievement of overall high design quality in other aspects.</p>	
<p>Specific Planning Policy Requirement 5 <i>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.</i></p>	<p>The permitted ground floor apartments have 2.7m floor to ceiling height in accordance with SPPR5.</p>
<p>Specific Planning Policy Requirement 6 <i>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.</i></p>	<p>This development is considered an urban infill scheme and therefore is not subject to SPPR 6 restrictions on maximum no. apartments per floor per core.</p>
<p>Specific Planning Policy Requirement 7 <i>BTR development must be:</i> <i>(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 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> <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> <i>(i) Resident Support Facilities - comprising of facilities related to the</i></p>	<p>In line with SPPR 7(a), the proposed development will be clearly described as a 'Build-to-Rent' development in the public notices for the full Stage 3 application. In addition, the full application will be accompanied by a proposed level agreement to ensure the development remains as BTR for a period of not less than 15 years.</p> <p>In line with SPPR 7(b), the proposed development includes the following resident support facilities:</p> <ul style="list-style-type: none"> - Management - Multipurpose - Relax / Sitting Area - Parcel Locker - Fitness Area - Residents Lounge /Private Dining

<p><i>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>Resident Services and Amenities – 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.</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>(i) The proposed development includes 30 no. studios (5.46%) 135 no. 1 beds (27.34%) 318 no. 2 beds (57.5%) 51 no. 3 beds (9.7%)</p> <p>In relation to ‘all other requirements’ we note that this therefore also applies to dual aspect standards. The current proposal proposes 50.7% which is higher than the minimum 33% required for accessible locations (and some intermediate locations) and is higher than the 50% requirement for intermediate locations.</p> <p>(ii) Notwithstanding that this is a BTR scheme all units are provided with private open space to standard and storage. Communal open space is also provided in excess of standard. The storage space and private amenity space provided for each unit is outlined in the HQA.</p> <p>(iii) The proposed development provides a reduced car parking ratio of c. 0.7 no. car parking spaces per unit. This is considered appropriate for the subject site’s location.</p> <p>(iv) This is noted.</p> <p>(v) Noted</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.	
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Design Manual for Urban Roads & Streets (DMURS), 2019



The Design Manual for Urban Roads and Streets (DMURS) was first published in 2013 and an updated version was released in May 2019. It sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas. DMURS outlines 4 design principles for new developments, which are addressed in the table below:

Design Manual for Urban Roads and Streets	
Design Principle 1	Connected Networks
“To support the creation of integrated street networks which promote higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.”	The proposed layout and design ensure a permeable and legible development for all users. There are pedestrian pathways through the public open spaces which provide clear, accessible routes through the site.
Design Principle 2	Multi-Functional Streets
“The promotion of multi-functional, place-based streets that balance the needs of all users within a self-regulating environment.”	The layout ensures that all open spaces and routes are overlooked providing a strong sense of safety and creating a self-regulating environment.
Design Principle 3	Pedestrian Priority
“The quality of the street is measured by the quality of the pedestrian environment.”	Pedestrian priority is of the utmost importance. The passive surveillance provided by the overlooking apartments creates a strong sense of safety for pedestrians. Vehicular speeds through the development will be reduced to create a safe environment for pedestrians.
Design Principle 4	Multi-Disciplinary Approach
“Greater communication and cooperation between design professionals through the promotion of a plan-led, multidisciplinary approach to design.”	The proposed design results from a multi-disciplinary plan-led approach through the co-operation of architects, engineers, landscape architects, ecologists, and planners.

Evaluation of Consistency

A DMURS Statement prepared by the engineers is included with the planning application. The proposed development achieves the appropriate balance between the functional requirements of different network users whilst enhancing the sense of place. Permeability for pedestrians and cyclists is prioritised throughout the scheme with pathways through the public open spaces.

Guidelines for Planning Authorities on Childcare Facilities, 2001

These guidelines state that Development Plans should facilitate the provision of childcare facilities in larger new housing estates with the standard minimum provision of one childcare facility with 20 places for each 75 dwellings.

Childcare Facilities
Guidelines for Planning Authorities

Section 4.7 of the *Sustainable Urban Housing Design Guidelines for New Apartments, 2018* states the following:

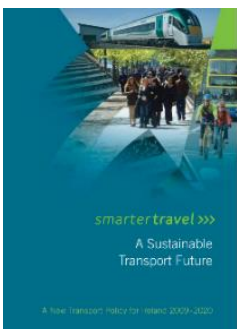
Jan 2011

*“Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. **One-bedroom or 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.**”*

Evaluation of Consistency

The proposed development includes for a creche which will provide space for the need generated by this development as well as for the wider area.

Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009-2020



The Irish Government published *Smarter Travel – A New Transport Policy for Ireland* in 2009 in acknowledgment that the transport trends throughout the country are unsustainable. This national policy document was designed to demonstrate how unsustainable transport and travel patterns can be reversed.

- To support sustainable travel, future population and employment growth will have to predominantly take place in sustainable compact urban areas or rural areas, which discourage dispersed development and long commuting
- Work-related commuting by car will be reduced from a current modal share of 65% to 45%, which will mean that between 500,000 and 600,000 commuters will be encouraged to take means of transport other

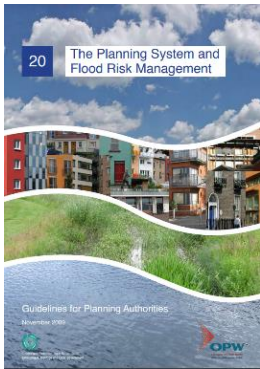
than car driver (of these 200,000 would be existing car drivers). Change in personal behaviour will also be necessary for other travel purposes as most travel relates to non-commuting.

- Car drivers will be accommodated on other modes such as walking, cycling, public transport and car sharing (to the extent that commuting by these modes will rise to 55% by 2020) or through other measures such as e-working.
- The total kilometres travelled by the car fleet in 2020 will not increase significantly from current total car kilometres.

Evaluation of consistency

The proposed development is in line with this overall vision for better integration between land-use and transport. The reduced car parking provision along with the site's proximity to high quality public transport – the Luas and local services and employment ensures that there will be a significant modal shift amongst residence in this scheme to alternative modes of transport and reduce reliance on the private car.

Guidelines For Planning Authorities on The Planning System and Flood Risk Management, 2009



These guidelines require the planning system to avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere.

The Guidelines adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction, and mitigation of flood risk; and incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

Evaluation of Consistency

A Site Specific Flood Risk Assessment has been carried out and submitted with this application and which concludes that the site is within Flood Zone C and there is no predicted flood risk associated with the development.

Regional Policy

The subject site is located within Brennanstown, Dublin 18 which is covered by

- Regional Spatial and Economic Strategy 2019-2031
- Transport Strategy for the Greater Dublin Area 2016-2035

Regional Spatial and Economic Strategy 2019-2031



Under the Local Government Reform Act 2014 the Regional Planning Framework has been revised with the previous Regional Authorities/Assemblies (ten in total) now replaced with three Regional Assemblies. The Regional Authorities for the Greater Dublin Area – The Dublin Region and the Mid-East Region - have been replaced by the Eastern and Midland Regional Assembly. The region covers nine counties, Longford, Westmeath, Offaly, Laois, Louth, Meath, Kildare, Wicklow, and Dublin.

The Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) was adopted in 2019 and is a strategic plan and investment framework to shape the future development of this region to 2031. The RSES will support the implementation of Project Ireland 2040 – the National Planning Framework (NPF) and National Development Plan (NDP). It addresses employment, retail, housing, transport, water services, energy and communications, waste management, education, health, sports and community facilities, environment and heritage, landscape, sustainable development, and climate change.

The vision for the region is to “*create a sustainable and competitive Region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all.*” The three key principles are Healthy Placemaking, Climate Action and Economic Opportunity.

The RSES sets out 16 Regional Spatial Objectives and the most relevant to this site are:

- **Sustainable Settlement Patterns** Better manage the sustainable and compact growth of Dublin as a city of international scale and develop Athlone, Dundalk, Drogheda, and a number of key complementary growth settlements of sufficient scale to be drivers of regional growth. (NSO 1, 7, 10)
- **Compact Growth and Urban Regeneration** Promote the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region’s citizens. (NSO 1)
- **Integrated Transport and Land Use** Promote best use of Transport Infrastructure, existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning. (NSO 2, 6, 8,9)
- **Support the Transition to Low Carbon and Clean Energy** Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focused energy system to support the transition to a low carbon economy by 2050. (NSO 8, 9)

The subject site is located within the Dublin Metropolitan Area. Section 5.3 sets out the guiding principles for the growth of the Dublin Metropolitan Area.

- **Integrated transport and land use** – Target growth along high quality public transport corridors and nodes linked to the delivery of key public transport projects including Bus Connects, DART expansion and Luas extension programmes and the Metro Link, along with better integration between networks.
- **Accelerate housing delivery**– Activate strategic residential development areas and support the steady supply of sites to accelerate housing supply and the adoption of performance-based standards to achieve higher densities in the urban built up areas, supported by better services and public transport.

- **Co-ordination and active land management** - enhanced co-ordination across Local Authorities and relevant agencies to promote more active urban development and land management policies that focus on the development of underutilised, brownfield, vacant and public lands.

Section 5.4 identifies the Metropolitan Area strategy and strategic development corridors. This includes the North South DART expansion corridor, which incorporates a new station at Woodbrook – Shanganagh, and the Metrolink – LUAS Corridor, which consists of upgrades to the LUAS green line to support development in the south county at Sandyford, Cherrywood, and Ballyogan.

The RSES includes Regional Policy Objectives relating to the Dublin Metropolitan Area. RPO 5.3, RPO 5.4 and RPO 5.5 support active transport modes, increased densities, and the consolidation of Dublin city and suburbs.

RSES along with the NTA and Local Authorities have developed Guiding Principles for Integration of Land Use and Transport in the region. They include the following:

- For urban-generated development, the development of lands within or contiguous with existing urban areas should be prioritised over development in less accessible locations. Residential development should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised.
- Planning at the local level should prioritise walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services, and other services at the local level such as schools.
- Support the '10 minute' settlement concept, whereby a range of community facilities and services are accessible in short walking and cycling timeframes from homes or accessible by high quality public transport to these services in larger settlements.
- Cycle parking should be appropriately designed into the urban realm and new developments at an early stage to ensure that adequate cycle parking facilities are provided.
- Support investment in infrastructure and behavioural change interventions to encourage and support a shift to sustainable modes of transport and support the use of design solutions and innovative approaches to reduce car dependency.

Evaluation of Consistency

The subject development seeks to provide for high density, high quality residential development on this key site within the Dublin City Metropolitan Area. The proposed development therefore is compliant with the overall policies and objectives of the RSES in this regard.

The development of a Build to Rent strategic housing development will ensure that residential development is properly integrated with existing and planned public transport.

The scheme will help to encourage a modal shift away from private car usage to more sustainable travel. The creation of multiple attractive pedestrian and cycle routes through the development will promote walking and cycling as viable transport options for both the future residents of the scheme and the wider neighbourhood. The site is also in close proximity to a variety of public transport options which will help to encourage a modal shift away from car dependency and car ownership.

Cabinteely village is within a short distance from the subject site. Larger towns and employment centres, including Dun Laoghaire, Blackrock and Sandyford Business Park, are within a c. 30 minute cycle from the site.

Transport Strategy for the Greater Dublin Area 2016-2035



The Transport Strategy for the Greater Dublin Area promotes the consolidation of the Metropolitan Dublin area allowing for the accommodation of a greater population than at present, with much-enhanced public transport system, with the expansion of the built-up areas providing for well-designed urban environments linked to high quality public transport networks, enhancing the quality of life for residents and workers alike.

The strategy's primary policy notes that *Ireland is required to radically reduce dependence on carbon-emitting fuels in the transport sector and that the strategy must promote, within its legislative remit, transport options which provide for unit reductions in carbon emissions. This can most effectively be done by promoting public transport, walking, and cycling, and by actively seeking to reduce car use in circumstances where alternative options are available.*

Section 7 states that *"the implementation of the Strategy will facilitate a more efficient use of land within the GDA. By focussing public transport investment, and investment in the cycling and pedestrian network, into the city centre, major suburban centres and hinterland growth towns, the Strategy will complement national, regional, and local planning policy by promoting and enabling the consolidation of development into higher order centres... In terms of the provision of housing, the Strategy will directly enable the sustainable development of strategically important residential sites, particularly in Metropolitan Dublin, where demand is highest."*

Evaluation of Consistency

The subject site is located on Brennanstown Road, which links to the N11 c.1km northwest of the site. The N11 is identified in the strategy as a Regional Corridor in the Cork Bus Network. This route is currently served by a high frequency bus service. The site is also within c. 1km of two Luas stops, with a third stop immediately to the south which is complete but not yet operational.

The proximity of the subject site to these high levels of public transport will help to encourage a modal shift away from car usage. The permeability of the site and the provision of safe pathways will encourage walking and cycling as viable transport options.

Chapter 8 DLRCC County Development Plan 2016 - 2022

The site is located within the administrative area of Dun Laoghaire Rathdown County Council and is therefore subject to the land use policies and objectives of the County Development Plan 2016-2022.

Core & Settlement Strategy

The central focus of the Core Strategy is on *'residential development and in ensuring that there is an acceptable equilibrium between the supply of zoned, serviced land for residential development and the projected demand for new housing, over the lifetime of the Plan'*.

A key strand of the overall Settlement Strategy focuses on the *'continued promotion of sustainable development through positively encouraging consolidation and densification of the existing urban/suburban built form – and thereby maximizing efficiencies from already established physical and social infrastructure.'*

In addition, the *'Ongoing incremental infill and densification of the existing urban areas'* is expected to generate significant additional residential quantum particularly where sites are located close to public transport and services.

The Strategy seeks to focus higher density development in suitable strategic nodes along existing or planned public transport corridors. The subject lands occupy a substantial undeveloped greenfield area located in the south-western area of the County in close proximity to a public transport corridor such as the green Luas line.

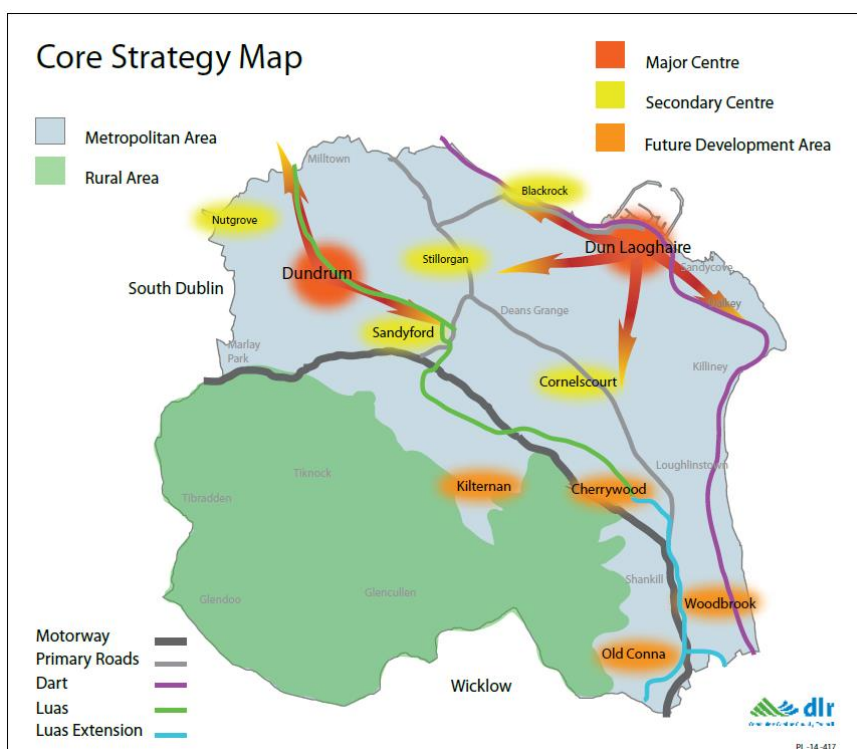


Figure 29 DLR Development Plan Core Strategy Map

Evaluation of Consistency

The site is adjacent to Cherrywood which is identified as a 'Future Development Area' in the Core Strategy Map. A small area of the site (203sqm) falls within the Cherrywood Planning Scheme SDZ area providing access to the Brennanstown luas stop and an ESB substation. The proposal will provide new residential units within this area identified for future growth, in close proximity to numerous high quality public transport services, existing services, facilities and amenities.

Due to the site's close proximity to the Cherrywood SDZ, it will benefit substantially from the developments proposed throughout the scheme. Section 1.1.3.3 of the plan states:

"The Cherrywood area represents the most significant and strategic development node in Dun Laoghaire-Rathdown – extending as it does to c.360 hectares in total. The projected resident population could ultimately be in the order of 18-19,000. The Council proposes to guide the development and implementation of the overall Cherrywood area through the mechanism of the SDZ Planning Scheme recently approved by An Bord Pleanála. The implementation of the Planning Scheme will be subject to very strict phasing protocols directly linked to the commensurate delivery of both physical and community infrastructure – including the high quality Luas public transport system that is already operational in the Cherrywood area."

The overall yield of zoned serviced land in the County is 33,600. The 2016 Development Plan estimated that there was a housing allocation for 30,885 additional residential units in the County between 2014 and 2022, based on the then Regional Planning Guidelines.

The proposed development on zoned and serviced lands accords with the Core and Settlement Strategy for future significant residential growth in the County.

Land Use Zoning

The site is zoned 'Objective A' (To protect and/or improve residential amenity). Residential and the ancillary uses proposed are all permitted uses.

Zoning Objective A
'To protect and/or improve residential amenity'
Permitted in Principle
Assisted Living Accommodation, Open Space, Public Services, Residential, Residential Institution, Travellers Accommodation.
Open for Consideration
Allotments, Bring Banks/Bring Centres, Carpark, Caravan Park-Holiday, Caravan Park-Residential, Cemetery, 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, Hotel/Motel, Household Fuel Depot, Industry-Light, Part Off-License, Office Based Industry , Offices less than 200sq.m., Petrol Station, Place of Public Worship, Public House, Restaurant, Service Garage, Shop Neighbourhood, Sports Facility, Tea Room/Café, Veterinary Surgery.

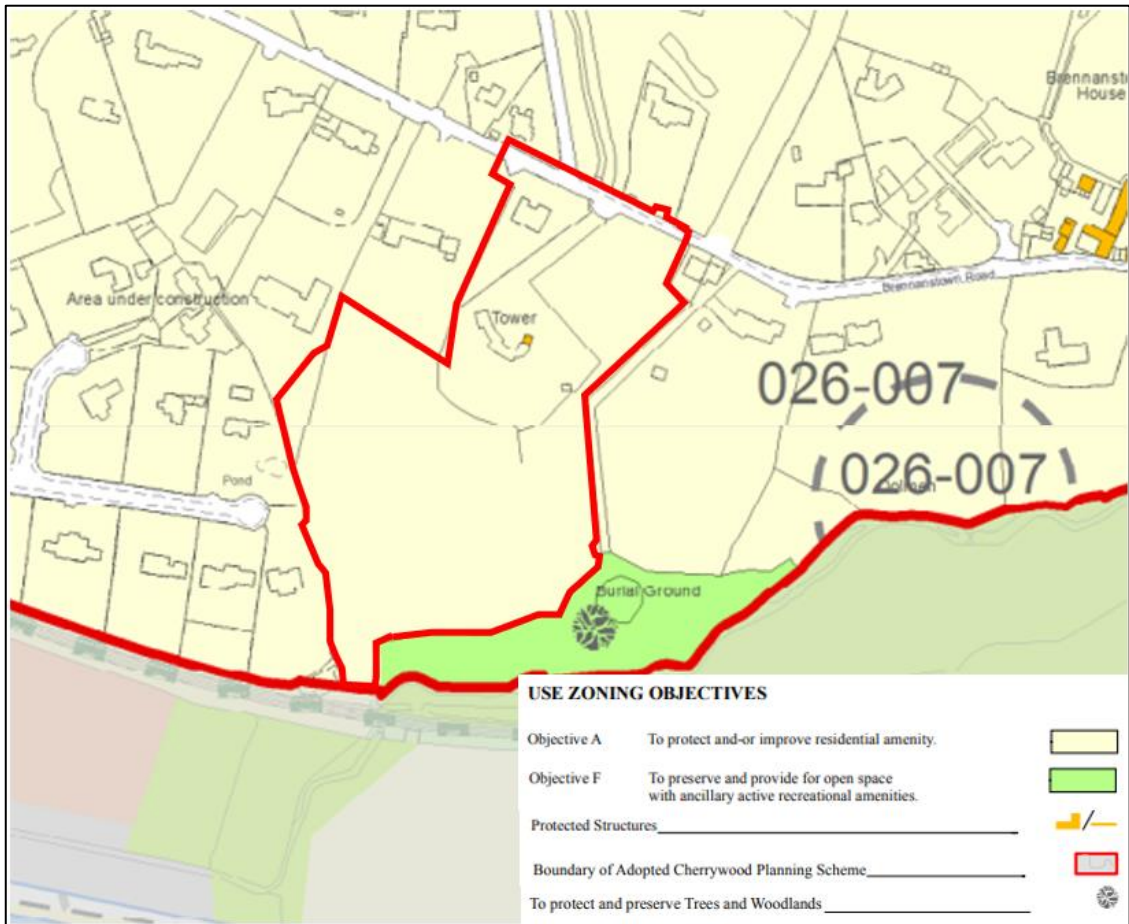


Figure 30 Subject Site zoning in DLR 2016-2022 Development Plan. (Maps 7 & 10)

The subject site is just outside the boundary line for the adopted Cherrywood Planning Scheme but as before mentioned it will benefit from developments which occur throughout this scheme due to its adjacent location north of the boundary line.

There is a protected structure on site as indicated by the map above, this structure will be retained on site. The lands south and southeast of the site are subject to a general objective to protect Trees and Woodland. This is not the same as a Tree Protection Order (as governed under national legislation) and there is the potential for at least some trees to be removed if considered of poor Arboricultural quality and/or if considered necessary to facilitate development.

Evaluation of Consistency

The proposal for residential development on this land zoned for residential development. The proposal is therefore considered to be acceptable in principle on these lands.

There are trees within the site and along the site boundaries. These have been retained where possible and the landscaping masterplan includes the planting of new native trees and plants within the site.

The site layout and open space is laid out to create a focal point of the existing Barrington Tower which is a protected structure on the site. This will open the site and make it a visible feature within the site.

The site provides a new pedestrian link through the site to the south, connecting the site, and the existing residences in the area to public transport.

Building Height

Building Height Strategy for the County (Appendix 9 of the Development Plan) states that for new developments in suburban areas not currently designated by an LAP, SDZ or similar non-statutory plan, then the maximum height range is 3 - 4 storey at prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes, providing they have no detrimental effect on existing character and residential amenity.

The Strategy also acknowledges that minor modification upwards in height (i.e. 1-2 storeys) may be considered in suitable locations on a case by case basis having regard to context, topography, urban design, character, planning gain, accessibility to public transport, site size, etc.

However, with the adoption of the national Building Heights Guidelines (summarised above) in 2018 there is now the potential to achieve greater heights than the 4-6 storeys as suggested in the 2016 Development Plan, at appropriate locations, and most SHDs granted to date in the DLRCC area have been in accordance with the national policy.

Evaluation of Consistency

Please see the Material Contravention Statement for DLRCC Development Plan 2016-2022 of this Planning Report.

Sustainable Residential Communities Policies & Standards

Chapter 2 confirms that in addition to significantly increasing the supply of housing in the County the other vital characteristics of new development will be: ensuring an appropriate mix, type and range of housing; and promoting the development of balanced sustainable communities.

Development Plan 2016 – 2022	
Policy RES1 seeks to ensure sufficient zoned land is available to satisfy housing requirements.	The proposed development will provide a high quality, high density residential development on this land zoned for the protection and improvement of residential amenity.
Policy RES2 seeks to facilitate the implementation and delivery of the Interim Housing Strategy 2016-2022 which requires 10% social housing requirement for residential developments.	The proposed development includes 10% Part V social housing units.
Policy RES3 It is Council policy to promote higher residential	The proposed development of 534 no. apartments within a high-quality scheme on a vacant site which is

densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development	adjacent to public transport is an appropriate proposal that achieves the sustainable residential aims of the Development Plan. The proposed high residential density is appropriate at this location due to its close proximity to high quality public transport options and existing residential amenities including the Cabinteely village and park and Kilbogget Park.
Policy RES4 It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.	The proposed development will increase the residential density of this residential area in line with this policy and national policies for compact growth within existing settlements and built-up areas. The proposed development will also include a creche, retail unit and residential amenity space.
Policy RES5 relates to institutional lands.	Not applicable to the subject site or the proposed development.
Policy RES6 relates to mews lane housing	
Policy RES7 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.	The proposed development will increase the housing mix in the area through the provision of studios, 1 bed, 2 bed and 3 bed apartments. Please see the Material Contravention Statement for Dun Laoghaire Rathdown Development Plan 2016-2022 in relation to the proposed unit mix.
Policy RES8 It is Council policy to promote the provision of social housing in accordance with the projects outlined in the Council's Interim Housing Strategy and Government policy as outlined in the DoECLG 'Social Housing Strategy 2020'.	The proposed development provides 10% social housing in line with the Housing Strategy and the Part V requirements.
Policy RES9 relates to the provision of purpose built or adapted houses for older people and people with disabilities/mental health issues.	The proposed development includes considerations to the accessibility for all building users. The design of the development offers opportunity to be able to modify apartments' layouts if required or merge /split apartments at a future point in time if circumstances dictate.
Policy RES10 relates to the provision of homeless accommodation.	These policies are not applicable to the subject site or the proposed development.
Policy RES11 relates to the provision of traveller accommodation.	
Policy RES12 relates to the provision of student accommodation	
Policy RES13 relates to the provision of Women's and Family Refuge facilities	
Policy RES14 It is Council policy to plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the	The proposed development has been assessed against the 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide' above and is considered in accordance with both documents.

<p>accompanying 'Urban Design Manual – A Best Practice Guide'. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.</p>	<p>The proposed development includes a creche, retail unit, residential amenities and large areas of public and communal open space.</p> <p>The site is a short distance from Cabinteely and Carrickmines and Foxrock/ Leopardstown which provide a range of retail, restaurants, cafes, and facilities.</p>
<p>Policy RES15 In new development growth nodes and in major areas in need of renewal/regeneration it is Council policy to implement a strategy for residential development based on a concept of sustainable urban villages.</p>	<p>The site is within close proximity to various high quality public transport options including the Luas, DART and a high frequency bus service.</p> <p>The development proposes a sustainable community that integrates into the emerging Brennanstown community and that provides for the housing needs of people in a broad range of lifecycle stages.</p> <p>It will provide residential design that inherently prioritises cycling, walking and public transport.</p> <p>A residential layout that ensures high levels of amenity, security and convenience with open spaces and services provided on site or in proximity.</p> <p>An attractive layout with a clear sense of place and which is legible and permeable.</p> <p>Due respect for the natural and built heritage as it retains Barrington Tower and allows for a diameter of 30 metres around the protected structure.</p>
<p>Policy RES16 relates to the management of one-off housing.</p>	<p>Not applicable to the subject site or the proposed development.</p>
<p>Policy ST2 It is Council policy to actively support sustainable modes of transport and ensure that land use and zoning are fully integrated with the provision and development of high public quality transportation systems</p>	<p>The proposed development reflects the councils duty to recognise fundamental links between transport and land use to reduce reliance on car based travel.</p> <p>The reduced provision of car parking spaces at a ratio of 0.78 facilitates this transition forward to the use of sustainable transport modes.</p>
<p>Policy ST5 It is Council policy to support suitable access for people with disabilities, including improvements to buildings, streets and public spaces.</p>	<p>The design and layout of the scheme has addressed accessibility for all building users.</p> <p>The architectural design statement outlines that pedestrian routes around the site will meet the requirements of Part M.</p> <p>Commercial and residential units within the scheme will provide level access and will be compliant with Part M access requirements. Lifts and Part M compliant stairways are proposed throughout all</p>

	<p>circulation cores of the proposed development.</p> <p>Disabled parking bays will be allocated to ease movement at basement and surface levels.</p>
<p>Policy ST5</p> <p>It is Council Policy to secure the development of a high quality walking and cycling network across the County in accordance with relevant Council and National policy and guidelines.</p>	<p>The proposed development prioritising walking and cycling throughout the site and accessibility to alternative modes of public transport, integrating physical activity facilities.</p>
<p>Policy ST6</p> <p>The Council will continue to maintain and expand the footway and pedestrian route network to provide for accessible pedestrian routes within the County in accordance with best accessibility practice</p>	<p>This proposed design creates a safe pedestrian friendly environment with numerous pedestrian and cycle routes through the scheme. This will make walking and cycling attractive with good links into the wider area</p>
<p>Policy ST7</p> <p>It is Council policy to secure improvements to the County Cycle Network in accordance with the Dún Laoghaire-Rathdown Cycle Network Review whilst supporting the NTA on the development and implementation of the Cycle Network Plan for the Greater Dublin Area.</p>	<p>This proposed development will open up new cycle links for the community through the site creating new link from Brennanstown Road to the Luas stop and connectivity that does not currently exist.</p>
<p>Policy ST16</p> <p>It is Council policy to co-operate with the NTA, Iarnród Éireann, Transport Infrastructure Ireland and other relevant authorities to secure the improvement and further development of railway stations and Luas stops in the County</p>	<p>The proposed development will facilitate in the provision of the Brennanstown Luas Stop on the Green Line adjacent to the site.</p>
<p>Policy ST21</p> <p>It is Council policy to support the Government's Electric Transport Programme by facilitating the rollout of Electric Powered Vehicle Recharging Parking Bays for electric vehicles across the County through the planning system and on public roads.</p>	<p>The development will provide suitable electrical vehicle charge points in line with council national policy encouraging the use of electrical vehicles.</p>
<p>Policy ST23</p> <p>It is Council policy to support the set up and operation of Car Club schemes to facilitate an overall reduction in car journeys and car-parking requirements.</p>	<p>GoCar space is provided within the development as set out in the TTA.</p>
<p>Policy ST25</p> <p>Roads It is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities.</p>	<p>This proposed design creates a safe cycling and pedestrian friendly environment with numerous pedestrian and cycle routes through the scheme and bike storage facilities on site. Dedicated cycle ramp provided to access the basement.</p>
<p>Policy ST27:</p> <p>It is Council policy to require Traffic and Transportation Assessments and/or Road Safety Audits for major developments – in accordance with the TII Traffic and Transport Assessment</p>	<p>A Road Safety Audit was carried out by Bruton Engineers and a Traffic and Transport Assessment (TTA) was carried out by Waterman Moylan Consulting Engineers, including a detailed assessment of the transportation systems provided and the</p>

Guidelines 2014 - to assess the traffic impacts on the surrounding road network and provide measures to mitigate any adverse impacts - all in accordance with best practice guidelines.	impact of the proposed development on the surrounding environment and road network.
Policy ST28 It is Council policy to ensure that traffic noise levels are considered as part of new developments along major roads/rail lines in accordance with best practice guidelines.	Chapter 8 of the EIAR submitted with this application addresses traffic noise and provides mitigation measures.
Policy ST30 It is Council policy to introduce traffic management schemes on particular roads and in appropriate areas throughout the County to reduce vehicle speeds to an acceptable level and to reduce the potential for traffic congestion and associated vehicular emissions in urban areas.	The proposed development is implementing works along the Brennanstown Road ensuring it is pedestrian friendly. The traffic and transport assessment outlines road safety measures which incorporates a design to reduce vehicular speeds to an acceptable level.
Retail	
Policy RET1 It is the policy of the Council to have regard to the 'Retail Planning Guidelines for Planning Authorities' published by the Department of the Environment, Community and Local Government in 2012, in determining planning applications for retail development.	The proposal includes a new retail unit as part of the development. A self-contained and sustainable residential neighbourhood is proposed in accordance with 'Retail Planning Guidelines' The inclusion of a retail unit enhances the area to form a more sustainable community
Policy RET3: It is Council policy to have regard to the 'GDA Retail Planning Strategy 2008 – 2016' and the 'GDA Regional Planning Guidelines 2010-2022', in defining the retail hierarchy of the County and defining the role of the retail centres. It is Council policy to promote the viability and vitality of its existing main retail centres while continuing to protect and improve the amenity of surrounding areas.	The GDA Retail Planning Strategy recognises the role of retail in integrated planning models to cater for new large housing developments, to fully equip liveable communities and meet their convenience needs.
Policy RET7 It is Council policy to facilitate the provision of local convenience shops in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity.	The development plan promotes mixed-use potential of new centres to provide for local need within neighbourhood and local centres. This expansion is in line with planned population growth.
Policy RET12 It is Council policy to ensure that applications for new retail development shall accord with the retail policies of the Development Plan and are objectively assessed as set out in Government Guidance in the form of the 'Retail Planning Guidelines' (2012).	Please refer to the retail viability study submitted with this application.
Open Space, Parks & Recreation	
Policy OSR5 It is Council policy to promote public open space standards generally in accordance with	A key feature of the development is the area and design of the public open space which contributes to passive surveillance.

<p>overarching Government guidance documents 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) and the accompanying 'Urban Design Manual – A Best Practice Guide'.</p>	<p>The public open space provided by the development includes 5,900sqm of quality designed Primary Public Open Space. The site also has an additional 3,000 sqm of Secondary Public Open Space which exceeds the standards set out for public open space.</p>
<p>Policy OSR7 It is Council policy to implement the objectives and policies of the Tree Strategy for the County – 'dlr TREES 2011-2015' - to ensure that the tree cover in the County is managed and developed to optimise the environmental, climatic and educational benefits which derive from an 'urban forest'.</p>	<p>There are mature trees on the site, with the retention of some of these trees forming part of the landscape masterplan for the site. There will also be new plantings on site which will contribute to additional tree cover on site. The application includes a tree survey and arboricultural impact assessment in this regard.</p>
<p>Policy OSR14: It is Council policy to support the provision of structured and unstructured play areas with appropriate equipment and facilities throughout the County and to ensure the needs of all age groups and abilities - children, teenagers, adults and older people - are facilitate</p>	<p>A play area will be facilitated alongside the creche, along with other quality design and sited play areas within the various open spaces and will be overlooked. Play areas are provided as detailed in the landscape masterplan.</p>
<p>Climate Change</p>	
<p>Policy CC7 It is Council policy that all new buildings will be required to meet the passive house standard or equivalent, where reasonably practicable. By equivalent we mean approaches supported by robust evidence (such as monitoring studies) to demonstrate their efficacy, with particular regard to indoor air quality, energy performance, comfort, and the prevention of surface/interstitial condensation. Buildings specifically exempted from BER ratings as set out in S.I. No 666 of 2006 are also exempted from the requirements of CC7. These requirements are in addition to the statutory requirement to comply fully with Parts A-M of Building Regulations.</p>	<p>The design of the proposed development will limit the amount of energy required for its operation and the amount of carbon dioxide (CO2) emissions associated with this energy use. New residential units shall meet the energy performance standards, limiting heat loss and where appropriate, and availing of heat gain through the fabric of the building.</p>
<p>Policy CC9 It is Council policy to promote sustainable approaches to the improvement of standards for habitable accommodation, by allowing dwellings to be flexible, accessible and adaptable in their spatial layout and design.</p>	<p>The proposed development incorporates high standard residential amenity, as well as sustainable design, to meet the needs of the local community and the increasing demand of quality housing in this area, while minimizing the negative environmental impact.</p>
<p>Physical Infrastructure</p>	
<p>Policy EI8 It is Council policy to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS).</p>	<p>The entire scheme incorporates Sustainable Drainage Systems (SuDS). Please refer drawings and reports by Waterman Moylan consulting accompanying this application.</p>

<p>Policy EI13 It is Council policy to publish plans for the collection, treatment, handling and disposal of waste in accordance with the provisions of the Waste Management Acts 1996 (as amended) and Protection of the Environment Act 2003 (as amended).</p>	<p>Please refer to documents prepared by AWN Consulting Ltd which outlines the collection and disposal of waste for the scheme.</p>
<p>Policy EI20 It is Council policy to implement the provisions of National and EU Directives on air and noise pollution and other relevant legislative requirements in conjunction with other agencies as appropriate.</p>	<p>An EIAR has been prepared alongside this planning application. Chapter 8 of the EIAR addresses noise and vibration and provides mitigation measures to protect residents and the public against adverse effects.</p>
<p>Policy EI21 It is Council policy to ensure that the design of external lighting schemes minimise the incidence of light spillage or pollution in the immediate surrounding environment and has due regard to the residential amenity of surrounding areas.</p>	<p>A Public Lighting Plan prepared by OCSC is submitted with this application.</p> <p>The Bat Assessment submitted with this application contains a lighting plan also (section 6.1.2).</p> <p>The assessment states <i>“It is important that any proposed lighting for the proposed development is wildlife friendly and that there is a provision for continued dark zones to facilitate movement of light sensitive bat species”</i>.</p>
<p>Heritage</p>	
<p>Policy AR1 It is Council policy to:</p> <ul style="list-style-type: none"> i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS). ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance. iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht ‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011). iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure. 	<p>Retaining the protected structure of Barrington Tower creates a focal point for the residential development which incorporates a protective radius surrounding the Protected Structure.</p> <p>The proposed design includes stepping down of heights to enhance the protected structure, as well as the surrounding public plaza.</p> <p>All works will be carried out by qualified professionals with specialised conservation expertise.</p> <p>Howley Hayes Cooney have also submitted a heritage assessment relating to the protected structure on this site.</p>
<p>Policy AR2 It is Council policy to require all planning applications relating to Protected Structures to</p>	<p>A Heritage Assessment carried out by Howley Hayes Cooney has been submitted with this application.</p>

<p>contain the appropriate level of documentation in accordance with Article 23 (2) Planning Regulations and Chapter 6 and Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities, or any variation thereof.</p>	<p>Chapter 15 of the EIA accompanying this application also assesses the architectural heritage impact of the proposed development.</p>
<p>Community Support and Social Inclusion</p>	
<p>Policy SIC3 It is Council policy to promote and support universal design whereby all environments can be used to the greatest extent possible by all people, regardless of age, ability or disability.</p>	<p>The design and layout of the scheme has addressed accessibility for all building users.</p> <p>The architectural design statement outlines that pedestrian routes around the site will meet the requirements of Part M.</p> <p>Commercial and residential units within the scheme will provide level access and will be compliant with Part M access requirements. Lifts and Part M compliant stairways are proposed throughout all circulation cores of the proposed development.</p> <p>Disabled parking bays will be allocated to ease movement at basement and surface levels.</p>
<p>Policy SIC11 It is Council policy to encourage the provision of affordable and appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. The Council will encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.</p>	<p>The estimated childcare demand arising from the proposed development will be c. 98 no. childcare spaces when based on the 2001 guidelines and the studios and one beds are excluded. When the census data is considered it is estimated that there will be a demand for c. 53 childcare spaces.</p> <p>The proposed creche will provide for 99 childcare spaces, which will accommodate the full development and also provide capacity for the wider area. On this basis the sizing of the creche is considered appropriate for the development.</p> <p>A more detailed assessment is included in the Childcare Assessment submitted with this application</p>
<p>Urban Design</p>	
<p>Policy UD1 It is Council policy to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking,</p>	<p>The proposed development is considered in accordance with principles of the 'Urban Design Manual – A Best Practice Guide' (2009), and the 'Design Manual for Urban Roads and Streets' (2013). Please refer to Waterman Moylan documentation in relation to DMURS compliance.</p> <p>The proposal has been carefully designed to create a high-quality development with a strong sense of place.</p> <p>The apartment blocks have been located to provide glimpse views through the site and to ensure that the</p>

<p>wayfinding and detailed design</p>	<p>adjacent residential developments will not be overlooked or negatively impacted. The proposed blocks will also provide passive surveillance to all the public and communal open areas.</p> <p>The varying building heights will provide nodes and landmarks both within the site and within the wider area which will help with wayfinding. Retaining the protected structure of Barrington Tower creates a focal point for wayfinding around the residential development.</p> <p>The public open spaces will provide destinations and amenity spaces within the site.</p>
<p>Policy UD2 It is Council policy that, for all medium-to-large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq.m. or as required by the Planning Authority) a 'Design Statement' shall be required to demonstrate how the proposed development addresses or responds to the design criteria set out in the 'Urban Design Manual - A Best Practice Guide' (DoEHLG, 2009).</p>	<p>The Architects have prepared a Design Statement for the proposed development.</p> <p>The proposal has also been assessed against Urban Design Manual above.</p> <p>Please see the Design Statement prepared by Reddy Architecture & Urbanism. The design statement demonstrates how the proposed development addresses the criteria set out in the 'Urban Design Manual – A Best Practice Guide'</p>
<p>Policy UD3 It is Council policy that all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved.</p>	<p>The proposed development will provide a new public open space within the development, which is readily overlooked by the proposed development offering passive surveillance to promote safer spaces. It will also provide a creche and a new retail facility.</p> <p>Please see the landscape proposal prepared by Murray & Associates for the detailed public realm design.</p>
<p>Policy UD5 promotes safer and more attractive streets and public realm.</p>	<p>Not applicable to the subject site or the proposed development.</p>
<p>Policy UD4 relates to the implementation of Local Area Plans.</p>	<p>Not applicable to the subject site or the proposed development.</p>
<p>Policy UD6 states that the recommendations and guidance set out within the Building Height Strategy for the County (Appendix 9 of the Development Plan) will be adhered to.</p>	<p>Please see the Material Contravention Statement for DLRCC Development Plan 2016-2022 in relation to the proposed building heights.</p>
<p>Policy UD7 promotes urban tree planting throughout the County in accordance with the provisions of 'dlr TREES: A Tree Strategy for Dún Laoghaire-Rathdown 2011 – 2015' and to preserve existing trees where possible and appropriate</p>	<p>An Arboricultural survey and report and a detailed landscaping plan have been completed for the subject site and the proposed development. Existing trees have been retained where possible and the proposed landscaping includes additional tree planting.</p>
<p>Development Management</p>	
<p>Quality Residential Design</p>	
<p>Section 8.2.3.1 sets out the councils core aim</p>	<p>The architecture and landscape design of the scheme</p>

<p>land-use planning is to ensure that new residential developments offer a high quality living environment for residents, both in terms of the standard of individual dwelling units and in terms of the overall layout and appearance of schemes</p>	<p>will work together to make a high quality scheme.</p> <p>Proportions in elevation, general massing and window and balcony sizes, have all been carefully considered, comprising a high quality simple palette of external building materials. These principles have been thought in a contemporary manner.</p>
<p>Quantitative Standards</p>	
<p>Section 8.2.3.2 and Section 8.2.3.3 sets out quantitative standards for residential development.</p>	<p>Please see the Material Contravention Statement for DLRCC Development Plan 2016-2022 in relation to</p> <ul style="list-style-type: none"> • Section 8.2.3.2 (i) Dwelling Size and Mix • Section 8.2.3.2 (ii) Residential Density • Section 8.2.3.2 (iii) Parking Standards • Section 8.2.3.3 (ii) Dual Aspect • Section 8.2.3.3 (iii) Mix of Units • Section 8.2.3.3 (iv) Separation between Blocks • Section 8.2.3.3 (vii) Minimum Apartment Floor Areas <p>Please see the Housing Quality Audit by Reddy Architects with further reference to quantitative standards for residential developments.</p> <p>Unless stated otherwise the proposed development is considered in accordance with all these quantitative standards.</p>
<p>Section 8.2.3.4 (xiv) Demolition and Replacement Dwellings</p> <p>This section outlines considerations for demolition and replacement dwellings. In larger proposals for demolition of existing structures, the balance between the greater energy efficiency ratios of the new build, its size for running costs/impacts, and resources used for its construction - and those of the existing dwelling and the 'embodied energy' lost in its demolition, will be considered</p>	<p>There are two existing houses on the site which are proposed to be demolished as part of the development and the Barrington Tower which will be retained while the remained of the site is greenfield.</p>
<p>Section 8.2.3.5 outlines General Requirements for Residential Developments Including</p> <ul style="list-style-type: none"> (i) Road and Footpath Requirements (ii) Habitable Room Sizes (iii) Naming of Residential Estates (iv) Phased Development (v) Management Companies and Taking in Charge (vi) Bonds (vii) Hours of Construction 	<p>Roads and footpaths in the proposed development are of quality design to allow permeability through the site and safety of all users.</p> <p>Rooms meet the minimum standards to be met Naming of development shall be agreed with the council.</p> <p>A phasing plan for the development is submitted with this application</p>

	Appropriate Refuse Storage and Services will be provided for residents of the development.
Public Lighting	
Section 8.2.4.4 The lighting of roads and public amenity areas shall be provided in accordance with the requirements of Public Lighting Standards BS 5489-1 EN 13201:2013 and further updates.	A Public Lighting Report has been submitted as part of this application.
Car Parking	
Table 8.2.3 sets out the residential land use car parking standards as follows: <u>Residential Dwellings</u> - 1 space per 1-bed unit and per 2-bed unit - 2 spaces per 3-bed unit + <u>Apartments</u> • 1 space per 1 bed unit • 1.5 spaces per 2 bed unit • 2 spaces per 3-bed unit+ (depending on design and location)	The proposed development includes 419 no. car parking spaces which is considered sufficient for this location. Please see the Material Contravention Statement for DLRCC Development Plan 2016-2022 within this Planning Report for further details.
Cycle Parking	
The development plan points to the standards set out in the Council Cycling Policy Guidelines and Standards for cycle parking requirements. Table 4.1 of this document sets out the cycle parking standards as 1 short stay space per 5 units and 1 long stay space per unit.	There are 1,266 no. bicycle parking spaces proposed. 1058 no. at basement level and 208 no. at surface level. These figures are in line with the cycle parking standards and is considered appropriate for the site.
Motorcycle Parking	
Section 8.2.4.8 requires motorcycle parking at a minimum of four or more spaces per 100 car parking spaces.	Based on the proposed car parking provision, this standard would require the provision of 9 no. motorcycle parking spaces. These are provided in the basement.
Section 8.2.4.9 outlines specifications for vehicular entrances and hardstanding areas (i) General Specifications (ii) Visual and Physical Impacts (iii) Driveways/ Hardstanding Areas (iv) ACAs/Protected Structures (v) Financial Contributions (vi) Access Across Public Open Space	All entrances and hardstanding areas are designed with traffic calming measures to ensure safety for pedestrians, cyclists and passing traffic A letter of consent from Dun Laoghaire Rathdown County Council is submitted as part of the vehicular access points from Brennanstown Road. The vehicular access takes a short route to underground parking to minimise visual and physical impacts on the site or the protected structure.
Section 8.2.4.10 outlines specifications for the design of underground and multi-storey car parks.	The proposed development proposes a basement car park which meets standard requirements in terms of headroom clearance, safety, security etc.
Section 8.2.4.11 Car parking and cycle parking standards for childcare facilities are set out as 1 space per 1 staff member	Please see the Material Contravention Statement for DLRCC Development Plan 2016-2022 within this Planning Report for further detail on car and cycle parking standards

<p>Section 8.2.4.14 Construction Management Plans (CMP) for developments generating construction activity - containing measures to mitigate against the effects of the construction - shall accompany planning applications for development of 3 residential units or more and for all other developments measuring more than 500 sq.m. gross floor area</p>	<p>A Construction Management Plan has been submitted as part of this application.</p>
<p>Section 8.2.4.15 In some circumstances large-scale developments, which could result in a significant level of peak and/or off-peak travel, and residential developments greater than 300 units shall provide for duplicate access or other means approved by the Planning Authority for emergency use/access. This shall also allow access for pedestrians and cyclists</p>	<p>Access off Brennanstown Road northeast of the site connecting the Luas stop to the south will also share access with bicycles and emergency vehicles.</p>
<p>Section 8.2.4.12 Residential developments (with private car spaces including visitor car parking spaces) - A minimum of one car parking space per ten residential units should be equipped with one fully functional Electric Vehicle Charging Point.</p>	<p>The proposed development includes EV charging points within the car parking spaces in line with this policy</p>
<p>Section 8.2.6.1 Applications for new retail development shall:</p> <ul style="list-style-type: none"> - Be consistent with the role and function of the particular retail centre as set out in the Development Plan and accord with the scale and type of retailing identified for that location. - Accord with the fundamental objective to support the vitality and viability of the retail centre and demonstrate compliance with the sequential approach. <p>Be of a high quality and incorporate layouts that encourage active and engaging frontages where appropriate.</p>	<p>A retail viability assessment has been submitted as part of this application.</p> <p>The inclusion of a small/local convenience shop is considered under lands zoned Objective A.</p> <p>Please see the Material Contravention Statement for the DLRCC Development Plan 2016-2022 within this Planning Report for further detail.</p>
<p>Section 8.2.6.3 A small/local convenience shop will be open for consideration within a residential area (lands zoned Objective 'A' – "To protect and/or improve residential amenity"). When assessing any such proposals, the Council will have regard to the distance from the proposed development to established local shopping facilities and to its impact on the amenity of adjoining dwellings. Local convenience shops shall not have a floorspace greater than 100 sq.m. net. (Refer also to Policy RET7, Section 3.2.2.7).</p>	<p>The inclusion of a small/local convenience shop is considered under lands zoned Objective A.</p> <p>Please see the Material Contravention Statement for the DLRCC Development Plan 2016-2022 within this Planning Report for further detail.</p>
<p>Section 8.2.8.1 Planning applications for residential, 30+ units,</p>	<p>A landscape plan and landscape design rationale has been submitted with this application</p>

<p>should submit a landscape design rationale</p>													
<p>Sections 8.2.8.2 and 8.2.8.3 of the Development Plan outline quantitative and qualitative standards for public and communal open space.</p> <p>For all developments of 5+ units, 15 sq.m-20 sq.m of open space per person is to be provided (based on 1.5 persons 1 and 2 bed units and 3.5 persons for 3 bed units).</p> <p>However, the Development Plan also states that an absolute default minimum of 10% of the overall site area may also be applied by the planning authority.</p>	<p>Based on 15sqm-20sqm per person, the proposed development would require the provision of c. 14,407sqm-19,210sqm of open space.</p> <p>The proposal includes a total of 13,250sqm which is made up of c. 5,900sqm primary public open space, 3,000sqm secondary public open space and c. 4,350sqm communal open space. This represents 34% of the site area. The proposal is therefore exceeding the requirements set out in these standards.</p>												
<p>Section 8.2.8.4 (iv) Private Open Space for Apartment Developments</p> <p>Every apartment shall have direct access to its own area of private open space in the form of a balcony, winter garden or patio area</p> <table border="1" data-bbox="177 1039 512 1227"> <thead> <tr> <th colspan="2">Table 8.2.5: Balconies / Winter Gardens: Minimum Private Open Space Standards</th> </tr> <tr> <th>No. of bedrooms</th> <th>Minimum square metres</th> </tr> </thead> <tbody> <tr> <td>One</td> <td>6 sq.m.</td> </tr> <tr> <td>Two</td> <td>8 sq.m.</td> </tr> <tr> <td>Three</td> <td>10 sq.m.</td> </tr> <tr> <td>Four +</td> <td>12 sq.m.</td> </tr> </tbody> </table>	Table 8.2.5: Balconies / Winter Gardens: Minimum Private Open Space Standards		No. of bedrooms	Minimum square metres	One	6 sq.m.	Two	8 sq.m.	Three	10 sq.m.	Four +	12 sq.m.	<p>Please refer to Material Contravention for the DLRC Development Plan 2016-2022 which addresses the private open space for apartments.</p>
Table 8.2.5: Balconies / Winter Gardens: Minimum Private Open Space Standards													
No. of bedrooms	Minimum square metres												
One	6 sq.m.												
Two	8 sq.m.												
Three	10 sq.m.												
Four +	12 sq.m.												
<p>Section 8.2.8.5 Play needs around apartment buildings should be catered for:</p> <ul style="list-style-type: none"> -Within the private open space associated with individual apartments -Within small play spaces (circa 85-100sqm.) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment buildings, in any scheme of 25 or more units. - Within play areas (200-400sq.m.) for older children and young teenagers in a scheme of 150 or more apartments 	<p>Children’s play need areas are of quality design and sited where they will be over looked, and safe as its positioning within a central communal open space is appropriate with controlled access.</p>												
<p>Section 8.2.8.6 outlines incorporation of existing trees and hedgerows with new developments and where necessary to remove trees to facilitate development the council require the commensurate planting or replacement trees and other plant material.</p>	<p>The proposed development includes the retention of existing trees. Please refer to the Landscape Plan for details of tree retention.</p> <p>An ecological impact assessment has also been submitted with this application.</p>												
<p>Section 8.2.9.2 The Planning Authority will use the</p>	<p>An EIAR has been completed and submitted with the application request. This concludes that the</p>												

<p>Development Management process for larger developments:</p> <ul style="list-style-type: none"> • To require developers to produce a Sound Impact Assessment, and Mitigation Plan where deemed necessary, for any new development that the Planning Authority considers will impact negatively on pre-existing environmental sound levels. • To ensure that future developments are designed and constructed in such a way as to minimise noise disturbances. • Placing screens (fences, hedges, mounds) between the noise source and residential units. • Locating bedrooms as far away from noise sources as possible without compromising passive design principles. 	<p>development will not result in any significant negative impact on the environment, it also includes mitigation measures and plans for any possible negative impacts.</p>
<p>Section 8.2.9.3 states the requirement of Environmental Impact Assessments</p>	<p>An Environmental Impact Assessments report has been submitted as part of this application.</p>
<p>Section 8.2.9.4 states the requirement of screening Appropriate Assessment and Appropriate Assessment (AA)</p>	<p>An Appropriate Assessment screening was carried out as part of this application. A Natura Impact Statement is submitted as part of this application.</p>
<p>Section 8.2.9.6 states further guidance and design standards for lighting to eliminate lighting pollution</p>	<p>A public lighting plan is submitted with this application.</p>
<p>Section 8.2.10.3 Design statements which are submitted as part of planning applications for larger/more complex development proposals (comprising of 30+ residential units or 1,000sq.m+ commercial) should include a section in relation to Climate Change adaptation measures thus ensuring that the development is equipped for challenges anticipated from a changing climate. For residential development regard should be had to Criteria 9 of the DoEHLG, 'Urban Design Manual, A Best Practice Guide' (2009) which relates to adaptability.</p>	<p>Waterman Moylan Engineering Reports and the Design Statement by Reddy's address environmental and climate change measures.</p>
<p>Section 8.2.10.4 (ii) Applications for Larger Developments in Areas at Risk of Flooding</p> <p>Checklist for Applications for Larger Developments in Areas at Risk of Flooding:</p> <ul style="list-style-type: none"> • Development Management 'Justification Test' has been passed. • FRA in accordance with the Dún Laoghaire Rathdown Strategic Flood Risk Assessment (SFRA) (Appendix 13) and the 'Planning System and Flood Risk Management Guidelines', to be carried out by an appropriately qualified Engineer with relevant FRA experience (as deemed acceptable by the 	<p>A Flood risk assessment (FRA) of the proposed site was undertaken. The FRA outlines flood risk management strategies and states the proposed development is considered acceptable in terms of flood risk.</p>

<p>Planning Authority). • Flood resilient design and statement to be submitted. • Compliance with GDSDS and inclusion of SuDS. • Assessment of the potential impacts of Climate Change and the adaptive capacity of the development. • Access, egress and emergency plans must be in place, which are appropriate to the vulnerability of the development and its occupiers, the intensity of use and the level of flood risk.</p>	
<p>Section 8.2.9.11 All planning applications submitted shall clearly show proposed water supply arrangements and surface and waste water drainage proposals having due regard to SuDS (Refer also to Section 5.1.1.8).</p>	<p>Water supply, surface and wastewater drainage proposals for the proposed development have been outlined in the Engineering Report carried out by Waterman Moylan in accordance with Irish Water code of practice for Wastewater Infrastructure and Irish Water requirements for taking in charge.</p>
<p>Section 8.2.9.7 Applications for developments of 50+ residential units or ≥1000sq.m. commercial shall:</p> <ul style="list-style-type: none"> • Make provision for composting and recycling. • Incorporate where appropriate local 'Bring Centres' for recyclable materials into development layouts. • Include an assessment of the impacts of climate change on their development and make provision for these impacts - particularly relating to drainage design. • Be designed and constructed in accordance with the provisions of the Greater Dublin Strategic Drainage Study policy document titled 'New Development'. • Applications for developments with a roof area > 300sq.m. shall make use of 'Green Roofs' (and/or living walls) in accordance with Dún Laoghaire Rathdown County Council's 'Green Roofs Guidance Document' (2014). 	<p>Appropriate recycling facilities are included in plans for the proposed development.</p> <p>Assessments of the impacts of climate change on the proposed development has been included in the FRA and Engineering Report, as well as provisions for impacts of climate change.</p> <p>Green Roofs have been incorporated into the development proposals in accordance with Appendix 16 of DLRCC County Development Plan.</p>
<p>Section 8.2.11.2 Owners and occupiers proposing to carry out any works to a Protected Structure can seek a declaration under the provisions of Section 57 of the Planning and Development Act, 2000 (as amended) All planning applications for works to a Protected Structure must include an Architectural Heritage Impact Assessment</p>	<p>An Architectural Heritage Assessment has been submitted as part of this application.</p>
<p>Section 8.2.12.1 In assessing individual planning applications for childcare facilities the Planning Authority will have regard to the following:</p> <ul style="list-style-type: none"> • Suitability of the site for the type and size of facility proposed. • Adequate sleeping/rest facilities. • Adequate availability of indoor and outdoor 	<p>The proposed development includes a Creche/Childcare Facility to cater for the expected demand for childcare spaces created by the proposed development.</p> <p>A childcare assessment has been submitted as part of this application which demonstrates the need for an</p>

<p>play space.</p> <ul style="list-style-type: none"> • Convenience to public transport nodes. • Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff. • Local traffic conditions. • Number of such facilities in the area. In this regard, the applicant shall submit a map showing locations of childcare facilities within the vicinity of the subject site and demonstrate the need for an additional facility at that location • Intended hours of operation <p>For new residential developments, the most suitable facility for the provision of full day care should be a purpose built, ground floor, stand alone property.</p>	<p>additional childcare facility in the area.</p> <p>The location of the crèche has been considered carefully in regard to both the overall scheme. It is located on the ground floor of Block CD off the access road.</p> <p>The location facilitates easy drop off space provision for cars at the east of the building block.</p> <p>While this states that a stand-alone day care facility would be preferable, it does not say that it must be and as such it is not considered a material contravention.</p>
<p>8.3 Land Use Zoning Objectives</p> <p>The site is zoned under Objective A within DLRCC development plan which indicates that the area is zoned 'to protect and-or improve residential amenity.</p>	<p>The land is zoned Residential lands in close proximity to existing employment, community facilities, retail and public transport.</p> <p>Under this zoning Childcare services are permitted in principle and Shop is open for consideration.</p> <p>The proposed creche and retail unit will not have adverse effects on the zoning objective A and will contribute to the improvement of residential amenities of the area.</p>

The development is also in compliance with the following policies in the Development Plan:

- Policy EI1 – Water supply and Appropriate Assessment
- Policy EI2 – Wastewater treatment and Appropriate Assessment
- Policy EI15 - Waste Prevention and Reduction
- Policy EI16 – Waste re use and recycling
- Policy CC15 – Flood Risk Management

Evaluation of Consistency

Overall, the proposed development is line with the objectives of the Development Plan and the land use zoning. Please see the Material Contravention Statement for the DLRCC Development Plan 2016-2022 which addresses any elements of the scheme which are not fully in accordance with the development plan.

Cherrywood Planning Scheme

The subject site in the main is located to the north of the Strategic Development Zone (SDZ) for Cherrywood. The maps below demonstrates the sites location with regards to the SDZ.

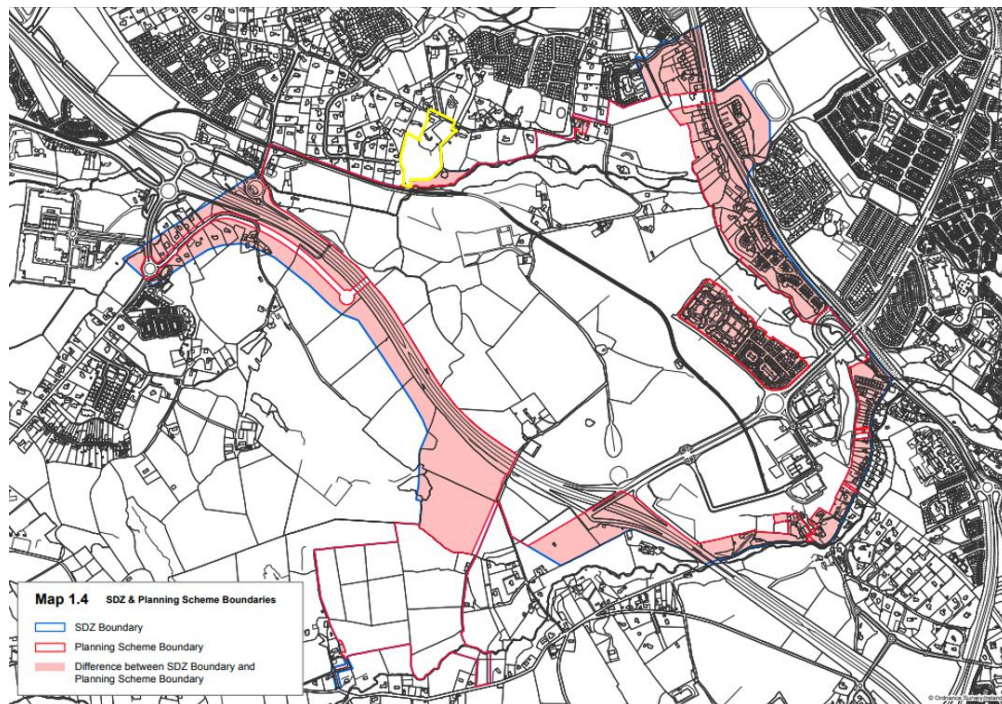


Figure 30 Location of site (outlined in yellow) in relation to SDZ and Planning Scheme.

However, a very small area of the application site located at the very southern end directly adjacent the Brennanstown Luas stop and existing ESB substation is located just inside the boundary of the SDZ Planning Scheme. This area extends to only c.203 sq.m.

Section 1.3.2.1 of the Development Plan notes that ‘Any site that adjoins the Planning Scheme should also refer to the Planning Scheme, but only in order to understand the context of the site in relation to the Scheme’.

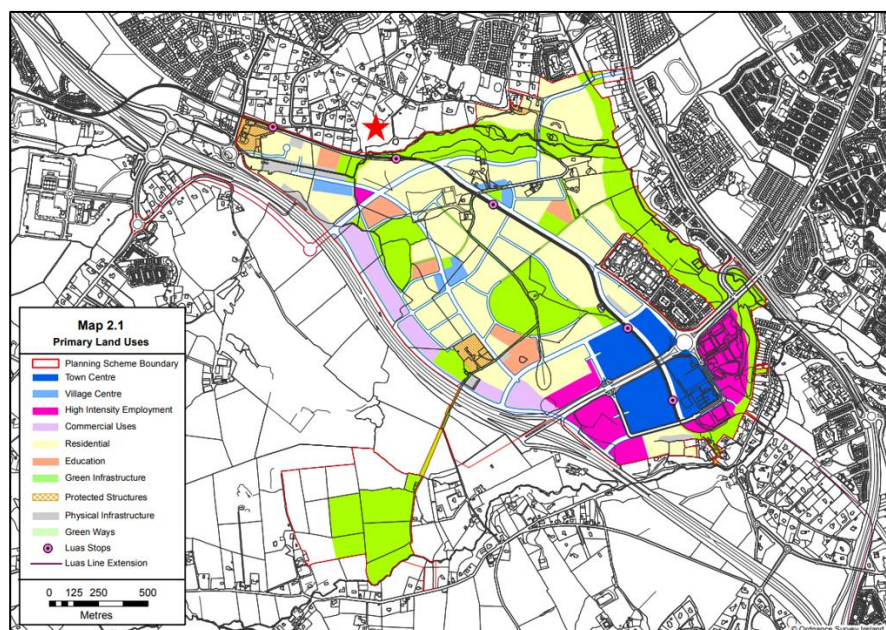


Figure 31 Location of subject site (as indicated by the red star) in relation to the entire Cherrywood SDZ area

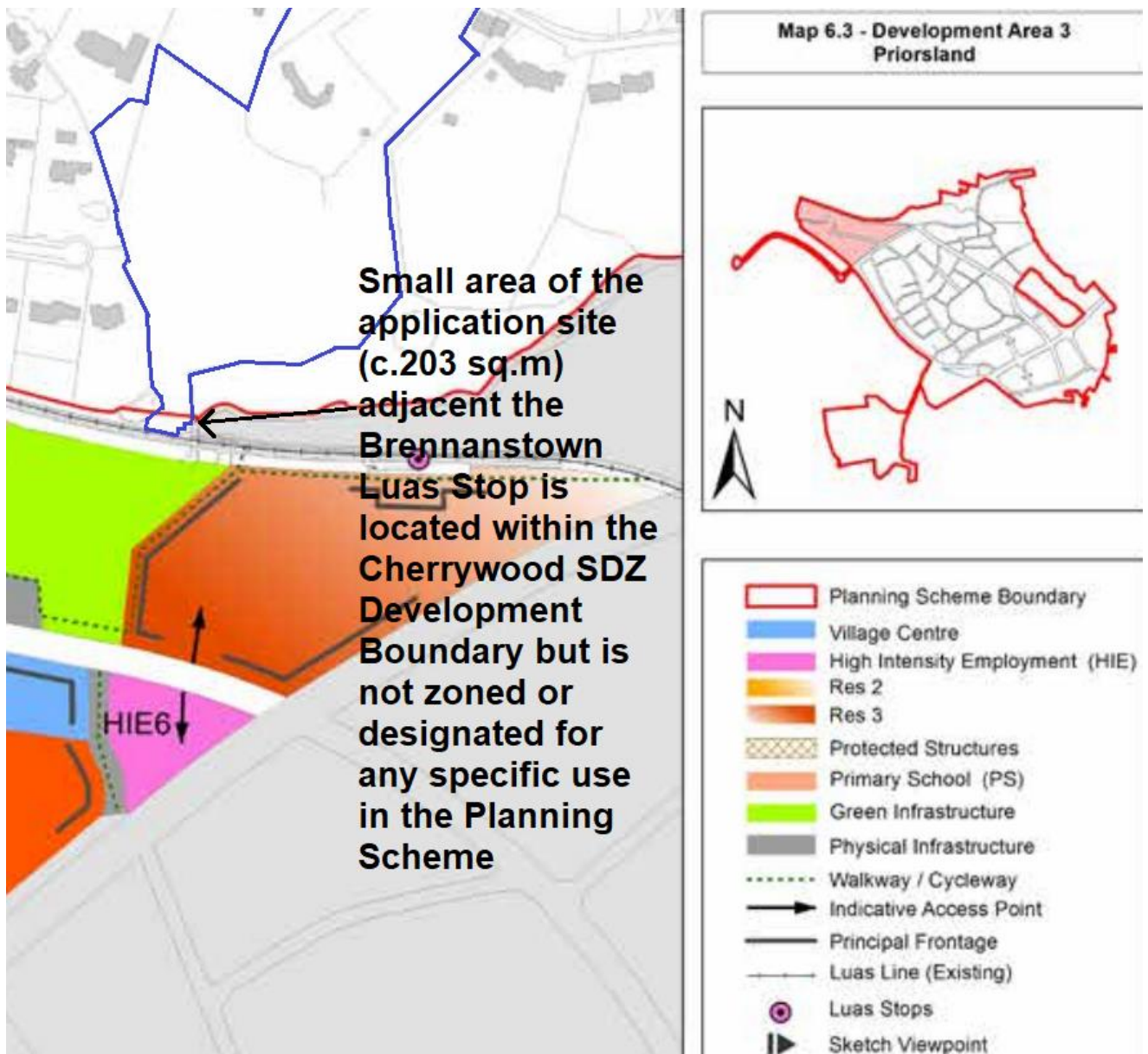


Figure 32 Extract of Map 6.3 from the Cherrywood SDZ Planning Scheme with the boundary of the current SHD application (in blue) superimposed. As highlighted the very southern end of the application site, adjacent to the existing ESB substation and the Brennanstown Luas stop sits just inside the Planning Scheme Boundary (Red Line).

Figure 32 above shows the application site superimposed on Map 6.3 of the Cherrywood SDZ Planning Scheme, which is the zoning map for Priorsland Development Area 3. As can be seen whilst this small portion of the application site, measuring c.203 sq.m, is located within the Planning Scheme Boundary, it is not indicated for any specific use within the Planning Scheme.

The Planning Scheme does not contain any specific policies or objectives relating to this small portion of land to the north of the Luas line. The following general references to Brennanstown Road are noted:

- Section 4.2.5 of the Planning Scheme notes that “The Luas Green Line traverses the Planning Scheme with stations at Carrickmines, Brennanstown, Lehaunstown, Cherrywood and Bride’s Glen.”
- Section 6.3 notes that “Homes that can be accessed from Brennanstown Road can be viewed at the far side of the Luas” (from Priorsland Development Area).
- Objective DA 23 states, in relation to the development of Priorsland Development Area south of the Luas, that: “Access to Brennanstown Luas stop to be achieved through design of the residential plot.”

In this SHD application the area is included to provide a formal access to/from the Brennanstown Luas station, with associated landscaping, as detailed in the Site Layout Plan and Landscape Masterplan submitted. No buildings or other structures are proposed in that portion of the site.

Evaluation of Consistency

The small portion of the site that sits just within the Cherrywood Planning Scheme boundary is not impacted by the policies and objectives of the Planning Scheme. Equally the inclusion of this piece of land within the current SHD application to provide a formal access to the Brennanstown Luas Station does not prejudice or contravene (materially or otherwise) the SDZ Planning Scheme.

Chapter 9 Material Contravention Statement for County Development Plan 2016 - 2022

As required under SHD legislation this statement addresses the issue of potential material contravention in relation to the following sections of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

Legislative Context

The Planning and Development (Housing) and Residential Tenancies Act, 2016 ('the 2016 Act') outlines how the Board may grant permission for a development which materially contravenes a Development Plan or Local Area Plan:

Section 9(6) of the 2016 Act states:

“(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.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(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 2000 Act (as referred in Section 9(6) of the 2016 Act) states:

“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.”

If the Board deems it is appropriate to grant permission the Board must give the main reasons and considerations, by reference to the matters set out in Section 37(2)(b) of the 2000 Act, on which it has relied in order to justify the granting of permission in material contravention of the Development Plan. The main reasons and considerations must appear in the Board's decision, in accordance with Section 10(3)(b) of the 2016 Act.

When making a decision SPPRs under relevant ministerial guidelines issued pursuant to section 28 of the 2000 Act must be considered. Such guidelines include in particular:

- *The Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)*
- *The Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2020*
- *The Guidelines for Planning Authorities on the Sustainable Residential Development in Urban Areas (May 2009)*

Section 9(3) of the 2016 Act refers to SPPRs and provides:

(a) When making its decision in relation to an application under this section, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.

(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

(c) In this subsection “specific planning policy requirements” means such policy requirements identified in guidelines issued by the Minister to support the consistent application of Government or national policy and principles by planning authorities, including the Board, in securing overall proper planning and sustainable development.’ [Emphasis added]

Despite Section 9 of the 2016 Act, it is considered appropriate for this Material Contravention Statement to treat any material breach of the Development Plan as a material contravention, even if the breach is in accordance with an SPPR and in effect superseded by subsection 9(3)(b) above.

The analysis within this material contravention statement sets out the breach of the Development Plan, how it is in compliance with national planning policy and Section 28 Guidelines, and having considered the strategic nature of the site and development, there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the Development Plan, by reference to sub-paragraphs (i), (iii) and (iv) of Section 37(2)(b) for the reasons set out below.

An Bord Pleanála’s Powers and Material Contraventions

With reference to Section 9(6)(c) of the 2016 Act, we hereby set out the criteria in Section 37(2)(b) of the 2000 Act under which the Board can grant a material contravention:

- **Section 37(2)(b)(i) - the proposed development is of strategic or national importance**
- **Section 37(2)(b)(ii) - there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned**
- **Section 37(2)(b)(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**
- **Section 37(2)(b)(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**

In this regard we submit the following under Section 5(6) of the 2016 Act:

Section 37(2)(b)(i) of the 2000 Act	The proposed development is a “Strategic Housing Development”, as defined under Section 3 of the 2016 Act.
--------------------------------------------	------------------------------------------------------------------------------------------------------------

Section 37(2)(b)(ii) of the 2000 Act	Section 37(2)(b)(ii) - there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned
Section 37(2)(b)(iii) of the 2000 Act	<p>Under Section 28 (1C) of the 2000 Act, Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any SPPRs of the guidelines in carrying out their function. SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.</p> <p>Compliance with the Section 28 Guidelines is detailed above in the Statement of Consistency and below in the justification for a material contravention.</p>
Section 37(2)(b)(iv) of the 2000 Act	<p>Section 37(2)(b)(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.</p> <p>There are several other permissions within Dun Laoghaire Rathdown County Council jurisdiction which have been granted permission for increased height, density, block configuration, car parking and open space which are not fully in accordance with the Development Plan requirements.</p>

Potential Material Contraventions

The site is, as set out in the Statement of Consistency above, zoned for residential development and as such this development is fully in accordance with the zoning for this site. The proposed development may be considered by An Bord Pleanála to materially contravene the Development Plan regarding the following matters:

- Building Height (Policy UD6 and Building Height Strategy)
- Dwelling size, mix and density (Res 7, Section 8.2.3.2 (1) and (ii))
- Car Parking Standards (Table 8.2.3 and Table 8.2.4)
- Apartment Development Quantitative Standards (Section 8.2.3.3 – Dual Aspect, Separation between blocks, mix of units and minimum apartment floor areas)
- Brennanstown Road improvements (SLO 130 and ST25)
- Public/Communal Open Space – Quantity (Section 8.2.8.2)
- Convenience Shop Section (Sections 8.2.6.1 and 8.2.6.3)

Each of these potential material contraventions are discussed in more detail below.

Overarching Justification for Material Contraventions

As highlighted above the proposed development is of strategic national importance, and meets the criteria defined as a Strategic Housing Development. This is in compliance with Section 37(2)(b)(i) of the 2000 Act.

This proposed development will help assist in delivering the residential units in line with the objectives set out in *Rebuilding Ireland - Action Plan for Housing and Homelessness*. This document identifies that the “*delivery of housing for the private, social and rented sectors is a key priority for the Government*”. Despite this document being published in 2016, this is an ongoing urgent need and a priority for the Government.

The proposed mix of studios, 1, 2 and 3 No. bed apartments within the proposed development will provide an appropriate mix of dwelling typologies in Dublin City Council which identifies in the Development Plan that there is a deficit of approximately 150% of 1 – 2 person households in the area. It highlights that there “*are approximately two and half times as many 1-2- person households as there are 1-2 person homes.*”

The National Planning Framework plan also clearly identifies the urgent need for additional housing to be provided with the aim of providing an additional 550,000 new houses by 2040. This pressure is further reinforced by the NPF. The following are considered key policies within the NPF to enable the growth of Ireland enabling our population to grow and thrive.

National Policy Objective 2a sets a target of 50% of future population growth to be focused in the existing five cities and their suburbs.

National Policy Objective 3a and National Policy Objective 3b aim to deliver at least 40% of all new homes nationally, within the built-up area of existing settlements and to deliver at least 50% of all new homes that are targeted in the five Cities within their existing built-up footprints.

National Policy Objective 13 outlines that in urban areas, building height and car parking standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

National Policy Objective 33 prioritises the provision of residential development at appropriate scales within sustainable locations.

National Policy Objective 35 sets out the aim to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights.

Justification for Building Height as a Material Contravention

Potential Material Contravention in Relation to Building Height as the Proposed Development Can be Facilitated Through the Section 28 Guidelines (Section 37(2)(b)(iii) of the 2000 Act)

Policy UD6 of the DLRCC County Development Plan 2016-22 states that the recommendations and guidance set out within the Building Height Strategy for the County (Appendix 9 of the Development Plan) will be adhered to.

Whilst the county is generally low-rise (2-3 storeys) the Strategy acknowledges that there are areas where greater height has been achieved.

Appendix 9 Building Height Strategy

The Strategy distinguishes between: (1) smaller infill sites within the established fabric of the built-up urban or suburban area; and (2) larger greenfield or brownfield sites, including Stepaside, Carrickmines, Dundrum, Cherrywood and Sandyford.

Road/public transport corridors are acknowledged in Section 3.3 of the Guidelines as one of the typical locations which have seen a greater intensity and scale of development. It states that the N11 has the ‘*potential to become an attractive urban corridor enclosed by taller buildings of high quality*’.

The Strategy states that for new developments in suburban areas not currently designated by an LAP, SDZ or similar non-statutory plan, then the maximum height range is 3 - 4 storey at prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes, providing they have no detrimental effect on existing character and residential amenity.

The Strategy also acknowledges that minor modification upwards in height (i.e., 1-2 storeys) may be considered in suitable locations on a case by case basis having regard to context, topography, urban design, character, planning gain, accessibility to public transport, site size, etc.

Material Contravention

The proposed general height of the scheme at 3-10 (9 storeys plus lower ground floor) storeys, would, in the main, be in excess of County Building Height Limit of 3-6 storeys (allowing for the additional “upward modifier”) and would therefore be a material contravention of the Development Plan.

Justification for Material Contravention

The Board is referred to current national planning policy is clear and united in its support for increased building height and density to achieve the necessary increase in residential development levels at appropriate urban locations across Ireland, and in particular in Dublin. In particular we refer to Section 28 Ministerial Guidelines – National Planning Framework and *Urban Development and Building Heights: Guidelines for Planning Authorities* (2018).

The National Planning Framework (NPF) includes the following aims to guide the expected population growth in Ireland within the next 20 years:

- 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.
- Targeting a greater proportion (40%) of future housing development to be within and close to the existing ‘footprint’ of built-up areas.

Overall, the NPF seeks to avoid continued, untrammelled urban sprawl of our cities into greenfield areas. It promotes compact growth and *‘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’*.

This approach not only makes better use of serviced zoned land, but it can also have a *“transformational difference”* to urban locations bringing new life and footfall to areas and contributing to the viability of services, shops and public transport, increasing the housing supply, and enabling more people *“to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less”* (Section 2.6).

In order to achieve this the NPF recommends a ***flexible approach*** to planning policies and standards with new developments *“focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases... planning standards should be flexibly applied in response to well-designed development proposals ...”*

In particular Section 4.5 highlights that ***“general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location, e.g., city/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc.”***

The NPF also states that that *“to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, ***increased residential densities are required in our urban areas***”*.

Key National Policy Objectives (NPOs) outlined in the NPF and which are directly relevant to this site and

development proposal are set out below:

National Policy Objective 4

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

National Policy Objective 5

Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment, and prosperity.

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.

National Policy Objective 11

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

National Policy Objective 27

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

National Policy Objective 33

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

National Policy Objective 35

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

The Section 28 Ministerial Guidelines - *Urban Development & Building Heights: Guidelines for Planning Authorities* (2018) set out the national planning policy guidelines on building heights in urban areas in response to the NPF's objectives. **There is now a presumption in favour of increased building height in appropriate urban locations with good public transport services.**

The Guidelines emphasise the policies of the NPF to **increase levels of residential development in urban centres and increase building heights and overall density** by both facilitating and encouraging the development of increased heights and densities by Local Authorities and An Bord Pleanála.

Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are **required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.**

We note the following compliances with the Development Management Criteria in the Guidelines:

Development Management Criteria	
At the scale of the town	
<p>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</p>	<p>The Brennanstown Luas stop is completed and located directly to the south of the site. It is not currently operational due to the lack of access to this stop. This development will provide this access, enabling the stop to become operational.</p> <p>The Carrickmines Luas stop and the Laughanstown Luas stop are a c. 13 minute and 15 minutes from the site.</p> <p>In addition the subject site is a c. 9minute walk from bus stops along Glenamuck Road North and Brighton Road. These bus stops are served by the bus routes 63 and 63A, which connect Kiltarnan to Dun Laoghaire via two different routes.</p> <p>The Bus Connects project currently being promoted by the National Transport Authority aims to deliver a much-enhanced bus service to the Greater Dublin Area (GDA). The routes proposed to serve the development area are Routes L26 and L27, which are approximately 670 m from the subject site, and are planned to connect Kiltarnan to Blackrock and Ballyogan to Dun Laoghaire, respectively.</p> <p>The Bus Connects Route E1 will also be available along the N11 corridor, approximately 1 km from the subject site, providing a service from Ballywaltrim through the City Centre to Northwood.</p>
<p>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.</p>	<p>The apartment blocks have been carefully located to provide an attractive frontage to the Brennanstown Road and large, useable open spaces throughout the development providing views and an appropriate setting to Barrington Tower, which will be restored as part of this development. All of this is achieve by using the height to account for and address the steep slopes within the topography of the site.</p> <p>The proposal includes a public park, a new retail unit, creche and new pedestrian connections through the site and to the south.</p> <p>A key driver of this development is to enhance the setting of Barrington Tower as well as restoring it to create an attractive feature and focal point within the development, while also providing visual interest in the proposed buildings through the stepping of the buildings.</p>
<p>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</p>	<p>A full Landscape Visual Impact Assessment (LVIA) has been prepared for this application as part of the Environmental Impact Assessment Report (EIAR). <i>In this report the significance of the landscape effects is “predicted to be ‘significant’”. The transition in character would be pronounced particularly the in the southern part of the site where a dense cluster of tall buildings (for the context) is proposed. However, there are</i></p>

developments and create visual interest in the streetscape.	<i>persuasive drivers for this change (proximity to the Luas, public open space and the Priorsland Development Area) and national policy encourages compact growth. The implementation of compact growth policy will unavoidably result in changes in landscape character as high density development typologies are introduced to previously low density areas. The quality of the development would be commensurate with the character of the area. Therefore, the quality of the effect is classified neutral.</i>
At the scale of the neighbourhood	
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape	The proposed development has been designed to accommodate the fall in the land from north to south, while also ensuring that the lower buildings provide active frontages at ground level. The layout of the site ensures that appropriate distances between buildings are accommodated, both between the proposed and existing and internally, between the proposed blocks.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.	The apartment blocks have been carefully designed to avoid long uninterrupted walls of buildings. All of the buildings have been broken up through the use of materials, balconies and recesses creating a varied and interesting building design.
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).	The proposed development provides a new public park and amenity space which runs through the site from north to south. This also provides connectivity to the Luas tracks as well as opening up the area around Barrington Tower providing an attractive setting to the tower, public access to the tower and also views of it from the Brennanstown Road. A Flood Risk Assessment has been completed by Waterman Moylan in respect of the subject site. This identifies that “ <i>all of the lands that are proposed to be developed on the site are within Flood Zone C as they are at a low risk of flooding from all sources. Therefore, the proposed development is deemed an appropriate use of the site, following the sequential approach.</i> ”
Makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.	The proposal will provide an attractive urban frontage along the street and the taller buildings will frame the public open spaces providing overlooking, while the restored Barrington Tower will provide a local landmark to improve legibility within the site and wider area.
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	The proposed development will provide a mix of studios, one bed, two bed and three bed apartments, a creche, a retail area, and communal residential amenities. The mix of unit types will add to the mix of housing typologies in the area. The mix of uses will add to the facilities and amenities in the area.
At the scale of the site/building	
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	The proposed apartment blocks have been carefully designed and located to maximise natural light into each residential unit. They are predominantly orientated in a north south direction in order to maximise the number of units facing east/ west. This also enables better penetration of sunlight into the public open spaces provided around the site. The assessment carried out by

	<p>Avison Young confirms good access to daylight for the majority of open spaces and apartments.</p> <p>The layout of the scheme will not result in undue overshadowing or loss of light to any of the neighbouring developments this is due to the siting of the blocks within the site, at a significant distance away from the boundaries.</p>
<p>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'</p> <p>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.</p>	<p>A Daylight Sunlight Assessment has been completed and submitted with this -application. This has found that</p> <p><i>"The internal daylight amenity assessment indicates that 93% of the habitable rooms assessed will meet the minimum recommended ADF targets of 1% for a bedroom and 2% for an LKD, studio or communal space. This increases to 96% when applying an alternative target of 1.5% for the LKD's. In our professional opinion this represents a high level of daylight performance with the majority of rooms meeting the minimum recommended daylight standard, despite isolated transgressions which in our experience are not unusual when assessing modern residential developments such as this.</i></p> <p><i>The NSL analysis indicates that 80% of the rooms will achieve the recommended level of NSL to 80% or more of the room areas. Furthermore, 94% of the rooms will achieve daylight distribution to 50% or more of their areas, with the majority of the front portion of these rooms achieving good levels of daylight distribution.</i></p> <p><i>In our professional opinion, the Proposed Development performs well against the minimum recommended BRE targets, representing a high level of daylight performance, with the significant majority of rooms meeting the minimum recommended daylight standards.</i></p> <p><i>In terms of sun hours on ground overshadowing, the assessment found that eight of the 10 (80%) proposed amenity areas and 289 of the 535 (54%) proposed balconies/terraces will comply with the BRE's recommended sun hours on ground analysis on 21st March. Furthermore, all 10 (100%) proposed amenity areas and 480 (90%) of the proposed balconies/terraces will achieve two or more hours of direct sunlight to over 50% of their areas on 21st June and thus will be well sunlit when they are most likely to be in use during the summer months.</i></p> <p><i>The transient overshadowing assessment indicates that shadow from the Proposed Development will be cast on some of the proposed amenity areas particularly during winter, this is largely due to longer shadows being cast from the low position of the sun in the sky. During spring and summer, a number of the proposed amenity areas assessed will experience isolated times of overshadowing from the Proposed Development, with the shadows moving quickly throughout the days tested and many of</i></p>

	<p><i>the areas will experience limited or no overshadowing for the remainder of the day. In consideration of the transient overshadowing assessments on 21st March, June and December and the SHOG overshadowing assessments on 21st March and June, overall it is our professional opinion that the level of overshadowing to the 10 proposed communal/public amenity areas is acceptable.</i></p> <p><i>The majority of neighbouring windows/rooms assessed will meet the recommended BRE Guidelines for daylight/sunlight. The results of the technical analysis indicate high levels of compliance with the target criteria set out in the BRE guidelines, with 99% VSC compliance; 99% NSL compliance; 98% winter sunlight compliance; and 100% APSH compliance.”</i></p>
Specific Assessment	
<p>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>A micro climate assessment has also been completed by IES. This has shown overall positive results. It has found that “ <i>It was observed that almost 93% of balconies show excellent results and fully meet requirements of the Lawson’s sitting and standing criterion for the full year. The local air speed is generally lower than 4m/s for more than 95% of the year as per the criterion’s requirement.</i>”</p> <p>In relation to the ground amenities it is found that “<i>It was observed that most of the ground amenity spaces show excellent results and fully met requirements of the Lawson’s sitting and standing comfort criterion for the full year. The wind speed is generally lower than 4m/s for more than 95% of the year as per the criterion’s requirement.</i>”</p> <p>The report also notes “<i>excellent compliance with the requirements of the Lawson’s Leisure walking, and Business walking Comfort Criteria. The local air speed does not exceed 8m/s, and 10 m/s for more than 5% of the year, respectively.</i>”</p>
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>An Ecological Impact Assessment By Altemar has been completed and submitted with this application. This EclA and Bat assessment (by Bat Eco Services) includes guidance for the lighting throughout the site, as well as advice regarding the alterations to Barrington Tower to ensure it remains an attractive Bat Roosting location, and a new bat house is proposed to minimise the potential impacts on bats.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>The development is not expected to impact on telecommunications channels</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>An Aeronautical Assessment Report has been prepared by O’Dwyer and Jones Design Partnership. This confirms that it lies outside the obstacle limitation surfaces for aerodromes and is clear of all other flight paths and that it “<i>complies with all aviation and aeronautical considerations and requirements affecting the site.</i>”</p>

<p>An urban design statement including, as appropriate, impact on the historic built environment</p>	<p>The Reddy architect have prepared a design statement which is submitted with this application. Howley Hayes Cooney Conservation Architects have prepared an Architectural Heritage Assessment also submitted with this application. This demonstrates that the proposed development will enhance the setting of the Barrington Tower. It also find the proposed demolition and interventions appropriate for this development</p> <p>The site is not located within an ACA or historical area and the proposed buildings for demolition are not considered of historic importance.</p>
<p>Relevant environmental assessment requirements, including SEA, EIA, AA, and Ecological Impact Assessment, as appropriate.</p>	<p>An EclA, Natura Impact Assessment, and EIAR have been completed in respect of the proposed development. This has found that the proposed development is appropriate to the area, and subject to appropriate mitigation, will have impacts of the same character of any residential development in this location.</p>

We note the following compliances with the Specific Planning Policy Requirements (SPPRs) of the Guidelines:

<p>Specific Planning Policy Requirement</p>	<p>Evaluation of Consistency</p>
<p>SPPR 1 In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.</p>	<p>The subject site is in a highly accessible location with frequent bus services in the area, and Luas stops within a short walking distance from the site.</p>
<p>SPPR 2 In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision, and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities</p>	<p>The proposed development includes a mix of residential units which will add to the housing typologies available in the area.</p> <p>The proposal also includes a creche, retail, and communal residential amenity facilities.</p>
<p>SPPR 3 It is a specific planning policy requirement that where; (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National</p>	<p>The proposal is in accordance with the Development Management Criteria as set out in the table above.</p> <p>This proposal is in accordance with the national and regional guidance as fully</p>

<p>Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.</p>	<p>detailed in the Statement of Consistency that forms part of this Planning Report.</p>
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Conclusion on compliance with criteria under Section 3.2 of the *Building Height Guidelines*:

Having regard to the response to each element of the Development Management Criteria outlined above, it is our considered opinion that the proposed development meets the criteria under Section 3.2 of the *Building Height Guidelines*. The application proposes a development ranging principally ranging in height up to 10 No. storeys.

The proposed development will integrate appropriately with the surroundings, having regard to the zoning of the site, its proximity to public transport and the steeply sloping topography of the site, while also changing in height to address the protected structure appropriately. The set back of the building and the stepping height results in the buildings presenting an attractive and appropriate urban streetscene in the area.

It is our opinion that the subject site is capable of and appropriate for additional height and density having regard to the introduction of the *National Planning Framework* and the *Building Height Guidelines* which encourages increased height and density in highly sustainable and underused sites such as these. The proposed development has been designed to ensure the protection and amenity not only of future occupants of this development but also those of the existing residents in the adjacent properties. To this end the highest elements have been located furthest away from existing residents at the least sensitive locations within the subject site.

Justification for Car Parking as a Material Contravention

Potential Material Contravention in Relation to Car Parking as the Proposed Development Can be Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act) and Section 37(2)(b)(ii) - there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned

Section 8.2.4.5 of the DLRCC County Development Plan 2016-22 provides the context for the Car Parking Standards for Dún Laoghaire Rathdown County Council Area. Table 8.2.3 provides the Residential Land Use – Car Parking Standards. It is highlighted that the requirements set out in this table are considered “standard” parking provision as opposed to a “maximum”.

The Development Plan notes that ‘*the Council considers the application of maximum parking standards for non-residential land uses to be a key measure in influencing the travel mode choice for all journeys*’ and that ‘*parking provision in excess of the maximum standards set out for non-residential land uses in Table 8.2.4 shall only be permitted in exceptional circumstances*’.

Table 8.2.3: Residential Land Use - Car Parking Standards	
Land use	Standards
Residential Dwelling	1 space per 1-bed unit and per 2-bed unit 2 spaces per 3-bed unit+ (depending on design and location).
Apartments, Flats, Sheltered housing	1 space per 1-bed unit 1.5 spaces per 2-bed unit 2 spaces per 3-bed unit+ (depending on design and location)

Table 4 Residential Land Use - Car Parking Standards in Table 8.2.3

Land Use	General	Designated areas along public transport corridors
Retail – Food (Supermarkets)	1 space per 15 sq.m. gross floor area	1 space per 20 sq.m. gross floor area
Childcare Services	1 space per 1 staff member (including set down)	1 space per 1 staff member (including set down)

Table 5 Residential Land Use - Car Parking Standards in Table 8.2.4

However, this ‘standard’ provision of residential car parking spaces is in tension with the supporting text set out in Section 8.2.4.5, which states that the “*principal objective of the application of car parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of Smarter Travel, the Government policy aimed at promoting modal shift to more sustainable forms of transport.*”

The Development Plan goes on to state that ‘*reduced car parking standards for any development (residential and non-residential) may be acceptable*’ dependant on several factors including:

- ‘*The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial/ business areas.*
- *The proximity of the proposed development to public transport.*
- *The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.*
- *Other agreed special circumstances where it can be justified on sustainability grounds.’*

The Development Plan also notes that *in very limited circumstances, the Council may also consider the development of car-free housing on suitable small-scale sites which have with high levels of public transport accessibility, have convenient and safe access to local shops and community facilities and/or are located very close to Town Centres.*”

It is also noted that Section 8.2.4.5 highlights that “*The Planning Authority may require the maximum number of car parking spaces specified in Tables 8.2.3 and 8.2.4 to be further reduced where it is considered that the surrounding road network is not sufficient to cater for the volume of traffic likely to be generated by the proposed development.*”

Finally, **Policy ST3**: Development of Sustainable Travel and Transportation Policies states that *“it is Council policy to promote, facilitate and co-operate with other transport agencies in securing the implementation of the transportation strategy for the County and the wider Dublin Region as set out in Department of Transport’s ‘Smarter Travel, A Sustainable Transport Future 2009-2020’ and the NTA’s ‘Greater Dublin Area Draft Transport Strategy 2016-2035’.* **Effecting a modal shift from the private car to more sustainable modes of transport will be paramount objective to be realised in the implementation of this policy.**” (MCG Planning emphasis in bold)

Material contravention

Based on the car parking standards in Table 8.2.3 and Table 8.3.4 (extracts of which are shown below), the proposed development would require c. 744 no. car parking spaces. The proposed provision of 419 no. car parking spaces including parking for the creche and retail unit could therefore be considered a material contravention of the Development Plan’s car parking standards.

Residential	Car Parking Standards	Proposal Requirement
Apartment	1 space per 1-bed unit 1.5 spaces per 2-bed unit 2 spaces per 3-bed unit+ (depending on design and location)	744 no. car parking spaces

Table 7 Extract from Table 8.2.4

Land Use	Maximum Car Parking Standard	Proposal Requirement
Café / retail	1 space per 15 sq.m. gross floor area	22 no. car parking spaces
Childcare Service	1 space per 1 staff member (including set down)	c. 33 no. car parking spaces

Table 8 Extract from Table 8.2.4

Justification for Material Contravention

The Development Plan’s requirement for this development to provide c. 419 no. car parking spaces is in tension with both Policy ST3 which promotes a modal shift away from private cars and section 8.2.4.5 which promotes reduced car parking standards for any development close to Town Centres and public transport. It appears that the rigid application of Table 8.2.3 does not take into account the circumstances of the site and the circumstances where reduced car parking may be appropriate.

Section 8.2.4.5 POLICY	Evaluation of consistency
Reduced car parking standards for any development (residential and non-residential) may be acceptable dependant on:	
- The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial/ business areas.	This is a highly sustainable location on Brennanstown Road, adjacent to Cabinteely and Cherrywood which has a range of business and employment opportunities, hospitals, schools, restaurants and shops
- The proximity of the proposed development to public transport.	The site is close to excellent public transport including high frequency bus routes and the LUAS

- <i>The precise nature and characteristics of the proposed development.</i>	The proposed development is for Build to Rent residential development in line with the zoning for this site
- <i>Appropriate mix of land uses within and surrounding the proposed development.</i>	The proposed development will fit in with the land uses within the surrounding areas. It will also provide attractive new public open space for the first time
- <i>The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.</i>	A Travel Plan will be provided for future occupants of the development to raise awareness of the transport facilities in the area and to enable future occupants to make a sustainable shift in travel from car to public transport
- <i>Other agreed special circumstances where it can be justified on sustainability grounds</i>	There is currently a housing crisis on going in Ireland. This will provide much needed housing, rented accommodation, in this area. The national planning guidance advises that the use of formulaic prescriptive numbers for carparking should be avoided in favour of reduce car parking and alternative arrangements
<i>In very limited circumstances, the Council may also consider the development of car-free housing on suitable small-scale sites which have with high levels of public transport accessibility, have convenient and safe access to local shops and community facilities and/or are located very close to Town Centres.”</i>	This is a site which has good access to public transport providing access to shops, amenities and employment. It is also a Build to Rent development which is encouraged to provide for reduced car parking in line with the Apartment Guidelines. However, some parking was considered appropriate in the basement to facilitate DLR parking policies.

Therefore, whilst the development does not conform with Table 8.2.3 it is arguably in accordance with policy ST3 and section 8.2.4.5.

We note that national policy has moved away from providing car parking standards and reduced car parking standards are generally encouraged, particularly in sustainable and accessible locations.

- The National Planning Framework states that *‘there should also generally be no car parking requirement for new development in or near the centres of the five cities, and a significantly reduced requirement in the inner suburbs of all five’.*
- National Policy Objective 13 states *‘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’.*
- The Apartment Guidelines (updated in 2020) note that, in central and/or accessible locations such as this one, *‘the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances’.* In Intermediate Urban Locations the Guidelines state that *“planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car*

parking standard.” These guidelines also note the importance of access to a car-sharing club or other non-car based modes of transport.

- SPPR 8 of the Apartment Guidelines also states that there is a default of minimal or significantly reduced car parking provision for BTR developments.

Considering the recent national policies for reduced car parking, the proposed provision of 419 no. car parking spaces is considered appropriate for this sustainable, accessible location within the Dublin Metropolitan Area.

Justification for Quantitative Standards as a Material Contravention

Potential Material Contravention in Relation to Residential Quantitative Standards as the Proposed Development Can be Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act)

Development Plan 2016 – 2022									
Section 8.2.3.3 provides recommendations with regard to the provision of dual aspect apartments and also unit mix and sizes for apartments. These state the following:									
<i>Unit mix 8.2.3.3 (iii)</i> Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1-bed units and a minimum of 20% of units over 80 sq.m.									
<i>Minimum Apartment Floor Area 8.2.3.3 (vii)</i> All apartment developments shall accord with or exceed the prescribed National Guidelines for minimum overall apartment floor areas, as set out in the Table 8.2.2. below. In this regard, the areas listed are minimum standards and should not be taken as the norm for all developments; higher floor areas will be encouraged throughout the County.									
<table border="1"> <thead> <tr> <th colspan="2">Table 8.2.2: Minimum Overall Apartment Floor Areas</th> </tr> </thead> <tbody> <tr> <td>One Bedroom</td> <td>55 sq.m.</td> </tr> <tr> <td>Two Bedroom</td> <td>85 - 90 sq.m.</td> </tr> <tr> <td>Three Bedroom</td> <td>100 sq.m.</td> </tr> </tbody> </table>		Table 8.2.2: Minimum Overall Apartment Floor Areas		One Bedroom	55 sq.m.	Two Bedroom	85 - 90 sq.m.	Three Bedroom	100 sq.m.
Table 8.2.2: Minimum Overall Apartment Floor Areas									
One Bedroom	55 sq.m.								
Two Bedroom	85 - 90 sq.m.								
Three Bedroom	100 sq.m.								
<i>Private open space 8.2.3.3 section (viii) and 8.2.8.4 (iv) and Section 8.2.3.3 (viii)</i>									
<p><i>“Each apartment shall have direct (balcony) access to its own minimum area of private open space in the form of a balcony or patio area. Requirements for balconies are detailed in Table 8.2.5 in Section 8.2.8.4 (iv) Private Open Space for Apartment Developments. Sections 8.2.8.2 and 8.2.8.3 provide details on Quality and Quantity of Public Open Space for apartment developments.”</i></p> <p><i>Section 8.2.8.4 iv states that Apartment developments should be of high quality design and site layout having due regard to the character and amenities of the surroundings. Every apartment shall have direct access to its own area of private open space in the form of a balcony, winter garden or patio area (Table 8.2.5 sets out minimum requirements).</i></p> <p><i>The minimum depth of balconies for all or most of their length should normally be 1.5m and be accessed from living rooms. Larger balconies should be assessed in terms of overshadowing of other units and other visual impacts. Above ground floor units shall also have access to semi-private/communal and other open amenity spaces. No balconies shall overhang the public footpath.</i></p>									

**Table 8.2.5: Balconies / Winter Gardens:
Minimum Private Open Space Standards**

No. of bedrooms	Minimum square metres
One	6 sq.m.
Two	8 sq.m.
Three	10 sq.m.
Four +	12 sq.m.

Note: Adequate landscaped semi-private and communal open space areas should also be provided for above ground floor apartments without any other private open space.

In certain circumstances apartments which have limited or no individual private open space - for example where it is proposed to sub-divide an existing building into apartments - public and private open space requirements may be combined (partially or otherwise) to provide for communal amenity areas. Such developments may also be required to contribute financially towards open space for active recreation being provided elsewhere in the area in accordance with Development Plan standards.

In exceptional cases in 'urban centres', for reasons of maintenance of streetscape character, or the preservation of residential amenity of adjoining property, the Planning Authority may accept the provision of communal open space in lieu of private open space.

In exceptional cases, where the Planning Authority accepts the provision of private open space in the form of semi-private/communal space - the provision of at least 'balconettes' (with inward opening 'French' doors) and/or access to winter gardens, for access to the open air – will be required. This would only be accepted in developments where an existing building is converted for apartment use and the building could not support balcony structures (e.g. a Protected Structure).

Such developments may also be required to contribute financially towards open space being provided elsewhere in the area in accordance with Development Plan standards.

Dual Aspect 8.2.3.3 (ii)

Apartment developments are expected to provide a minimum of 70% of units as dual aspect apartments. North facing single aspect units will only be considered under exceptional circumstances. A relaxation 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.

Separation between blocks 8.2.3.3 (iv)

All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. 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. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable.

Material Contraventions

The proposal provides the following mix:

- 30 no. studios (5.6%) with a floor area measuring from c. 40sqm and a balcony of at least 4sqm
- 135 no. 1 beds (25.3%) with a floor area measuring from c. 49sqm and a balcony of at least 5sqm
- 318 no. 2 beds (59.6%) with a floor area measuring from c. 77sqm and a balcony of at least 7sqm
- 51 no. 3 beds (9.5%) with a floor area measuring from c.103sqm and a balcony of at least 9sqm

Therefore the proportion of 1-beds and 3-beds contravenes the mix outlined in Section 8.2.3.3 (iii) of the Development Plan.

In relation to dual aspect the proposed development achieves 50.4% dual aspect units which is below the 70% standard In Section 8.2.3.3 (ii) of the Development Plan.

Finally, it is noted that, contrary to Section 8.2.3.3(iv) that some of the separation distances between blocks are less than 22m.

Justification for material contravention

SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS, GUIDELINES FOR PLANNING AUTHORITIES, 2020

The Guidelines set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework (NPF) and Project Ireland 2040.

As with density and building height, density and unit mix and size are also linked. The 2020 Apartment Guidelines (updated in 2020) include policies in relation to dual aspect, balcony sizes, unit mix, and minimum floor areas which are more recent compared to the above Development Plan policies.

The Minister's foreword identifies that *"Apartment development has a key role to play in the future sustainable growth of our urban areas, and in particular our cities. Greater availability and choice of well-located apartment development, together with enhanced affordability, will assist in encouraging a move towards apartment living."*

Section 1.6 identifies a housing demand for approximately 600,000 new households in Ireland, half of which need to be provided within the already built up areas of Ireland's cities. It highlights that the *"National Planning Framework (NPF) signals a shift in Government policy towards securing more compact and sustainable urban development, to enable people to live nearer to where jobs and services are located and also requires at least half of new homes within Ireland's cities to be provided within the current built-up area of each, i.e. on sites within the existing urban 'envelope'."*

These guidelines' purpose is to *"strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output."*

These guidelines identify the need for apartment development in Ireland, particularly when compared to the European averages, the identified housing needs of the growing population in the key cities and towns and by building *"inwards and upwards rather than outwards, apartments need to become more and more the norm for urban housing solutions. This need will continue because of on-going population growth, particularly in Ireland's cities, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector."*

Sections 1.19 and 1.20 state that:

"These guidelines have been issued by the Minister for Housing, Planning and Local Government under Section 28 of the Planning and Development Act 2000 (as amended). Planning authorities and An Bord Pleanála are

required to have regard to the guidelines and are also required to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions.

Accordingly, where SPPRs are stated in this document, they take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans should be amended by the relevant planning authority to reflect the content of these guidelines and properly inform the public of the relevant SPPR requirements.”

Section 2.15 states that

“In accordance with Section 28 of the Planning and Development Act 2000, as amended, planning authorities must apply the standards set out as planning policy requirements in these guidelines, notwithstanding the objectives and requirements of development plans, local area plans and SDZ planning schemes.”

The Guidelines incorporate the principles of the NPF, in particular a move away from rigid application of blanket planning standards in favour of performance standards to ensure well-designed outcomes, an aim to need to increase levels of residential development in urban centres and increase the number of apartments, densities and provide a consistent approach to apartment standards. They place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors, existing local services and networks.

“For the reasons outlined earlier, increased housing supply must include a dramatic increase in the provision of apartment development. In general terms, apartments are most appropriately located within urban areas. As with housing generally, the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.”

It goes on to highlight that “Analysis of urban housing need points to the fact that into the future, a majority of households will comprise 1-2 persons and approximately half of the remainder will be three person households. While it is recognised that it will be necessary to provide for a range of incomes, it is critical to accommodate the needs of increasingly more diverse household types in the context of a growing and ageing population”. Section 2.13 states that “as well as being an overriding social issue, urban housing supply, especially the provision of apartments in our key cities, is a critical strategic competitiveness issue that statutory Development Plans must address.”

The following summarises the compliance of the proposed development with the relevant sections and policies of the Guidelines when assessing apartment developments:

Apartment guidelines	Evaluation
<p>Housing Mix</p> <p>Section 2.18 <i>In the context of sustainably increasing housing supply, targeting a greater proportion of urban housing development and matching to the type of housing required, there is a need for greater flexibility, removing restrictions that result in different approaches to apartment mix on the one hand, and to other forms of residential accommodation on the other. This is particularly relevant where comprehensive</i></p>	<p>The proposed development will provide for Build To Rent apartments on a highly sustainable site on Brennanstown Road, close to the luas and bus routes</p> <p>These units will be located on a site that is predominantly surrounded by large, family housing so this will provide a new type of housing mix into the area.</p>

<p><i>housing need and demand assessment (HNDA) has not been undertaken.</i></p>	<p>It is noted the Dun Laoghaire Rathdown County Council have a Housing Need and Demand Assessment in their draft plan however this is broad-brush and applies to the whole of the County Council area and does not look in detail into specific areas. The needs of Brennanstown Road or Cherrywood specifically which would have differing needs to that of Shankill or Dundrum or Sandyford. This HNDA is no area specific enough to address housing need in each area and we are reliant on the census data still to provide this information.</p>
<p>Specific Planning Policy Requirement 1 <i>Housing 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.</i></p> <p><i>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>	<p>The proposed development is a Build to Rent development which provides the following mix of 534 residences comprising</p> <ul style="list-style-type: none"> - 30 no. studios - 135 no. 1 bed units - 318 no. 2 bed units - 51 no. 3 bed units <p>As this is a BTR development SPP8 does not require a specific mix of apartments, however, the above mix is considered to be appropriate.</p>
<p>Building Design</p>	
<p>Section 2.23 and 2.24 <i>The National Planning Framework signals a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance based standards to ensure well-designed high quality outcomes. In particular, general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location.</i></p> <p><i>While it would not be appropriate for these Guidelines to indicate performance criteria for building height or building separation distance relative to location, it is recognised that there is a need for greater flexibility in order to achieve significantly increased apartment development in Ireland's cities. This is subject to separate guidance to planning authorities with regard Urban Development and Building Heights, issued in December 2018.</i></p>	<p>While the apartment blocks are not located more than 22m apart, and in some instances the distance is less, the layout of the site, and the distance between the blocks ensures appropriate protection of the residence in terms of privacy and ensuring no overlooking, particularly given the changes in levels throughout the site, ensuring no direct overlooking between windows and balconies.</p> <p>The Architects Design Statement demonstrates that these building separation distances are appropriate to this site, will provide a high quality visually interesting development at an appropriate density, while ensuring daylight, sunlight and privacy are maintained to an appropriate level.</p>
<p>Apartment floor area</p>	
<p><i>Specific Planning Policy Requirement 3</i></p>	<p>All of the apartments meet these standards.</p>

<p><i>Minimum Apartment Floor Areas:</i></p> <ul style="list-style-type: none"> • <i>Studio apartment (1 person) 37 sq.m</i> • <i>1-bedroom apartment (2 persons) 45 sq.m</i> • <i>2-bedroom apartment (4 persons) 73 sq.m</i> • <i>3-bedroom apartment (5 persons) 90 sq.m</i> 	
<p>Dual Aspect</p> <p><i>Specific Planning Policy Requirement 4</i></p> <p><i>In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:</i></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 in.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>50.7% of these units are dual aspect which exceeds the requirements for an accessibly located - intermediate sites such as this.</p>
<p>Internal storage</p> <p><i>Section 3.30 and 3.31</i></p> <p><i>As part of required minimum apartment floor areas, provision should be made for general storage and utility. Minimum requirements for storage areas are set out in Appendix 1 and are intended to accommodate household utility functions such as clothes washing and the storage of bulky personal or household items.</i></p> <p><i>Storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. In such cases this must be in addition to minimum aggregate living/dining/kitchen or bedroom floor areas. A store off a hallway or landing will facilitate access, but hot presses or boiler space will not count as general storage. As a rule, no</i></p>	<p>The apartments provide sufficient storage in line with these guidelines.</p>

<p><i>individual storage room within an apartment should exceed 3.5 square metres.</i></p> <table border="1" data-bbox="180 280 754 465"> <tr> <td><i>Studio</i></td> <td><i>3sqm</i></td> </tr> <tr> <td><i>One Bedroom</i></td> <td><i>3sqm</i></td> </tr> <tr> <td><i>Two bedrooms (3per)</i></td> <td><i>5sqm</i></td> </tr> <tr> <td><i>Two bedroom (4per)</i></td> <td><i>6sqm</i></td> </tr> <tr> <td><i>3 or more bedroom</i></td> <td><i>9sqm</i></td> </tr> </table>	<i>Studio</i>	<i>3sqm</i>	<i>One Bedroom</i>	<i>3sqm</i>	<i>Two bedrooms (3per)</i>	<i>5sqm</i>	<i>Two bedroom (4per)</i>	<i>6sqm</i>	<i>3 or more bedroom</i>	<i>9sqm</i>	
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<i>3 or more bedroom</i>	<i>9sqm</i>										
<p>Private Amenity space</p>											
<p><i>Section 3.37 and 3.39</i></p> <p><i>A minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines. While deeper balconies might be desirable in certain cases, this has to be balanced against the need to avoid overshadowing. It is preferable that balconies would be primarily accessed from living rooms, although larger apartments may include wrap around and/or secondary balconies, which should also include a screened clothes drying space.</i></p> <p><i>Private amenity space standards for apartments are set out in Appendix 1. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality</i></p> <table border="1" data-bbox="180 1294 754 1473"> <tr> <td><i>Studio</i></td> <td><i>4sqm</i></td> </tr> <tr> <td><i>One Bedroom</i></td> <td><i>5sqm</i></td> </tr> <tr> <td><i>Two bedrooms (3per)</i></td> <td><i>6sqm</i></td> </tr> <tr> <td><i>Two bedroom (4per)</i></td> <td><i>7sqm</i></td> </tr> <tr> <td><i>3 or more bedroom</i></td> <td><i>9sqm</i></td> </tr> </table>	<i>Studio</i>	<i>4sqm</i>	<i>One Bedroom</i>	<i>5sqm</i>	<i>Two bedrooms (3per)</i>	<i>6sqm</i>	<i>Two bedroom (4per)</i>	<i>7sqm</i>	<i>3 or more bedroom</i>	<i>9sqm</i>	<p>All of the balconies and terraces meet, and many exceed, these requirements.</p> <p>The benefit of having the private open space associated with these Build To Rent Apartments is considered to be of significant benefit to the residents and it was decided to provide an area of private open space in accordance with these guidelines for each apartment.</p>
<i>Studio</i>	<i>4sqm</i>										
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<p>BUILD TO RENT EXEMPTIONS</p>											
<p><i>Specific Planning Policy Requirement 8</i></p> <p><i>For proposals that qualify as specific BTR development in accordance with SPPR 7:</i></p> <p><i>(i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;</i></p> <p><i>(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</i></p>	<p>The proposed dwelling mix, as it is a Built to Rent Development is in line with this policy. The proposed mix is considered appropriate to the area.</p> <p>The proposed development meets all of the criteria in terms of storage and private amenity space.</p>										

<p><i>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;</i></p> <p><i>(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.</i></p> <p><i>(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;</i></p> <p><i>(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.</i></p>	<p>In addition to this large internal and external amenity spaces are provided in association with the Build to Rent development.</p> <p>As set out above, and in line with this policy, reduced car parking is proposed as part of this development, given its proposed use as a BTR and also its proximity to public transport.</p> <p>All of the apartments are in line with the apartment size requirements</p> <p>The proposed development is in line with the policy.</p>
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Evaluation of Consistency

It is considered that the subject site is an appropriate well design, high quality development that is in line with the requirements set by the apartment guidelines. The three residential blocks all provide storage, private amenity spaces, communal spaces, dual aspect and appropriately sized units. The mix of units is appropriate for the area, which is dominated by large family housing,

The proposed increase in density, while also providing attractive apartments, which meet the requirements in terms of daylight and sunlight, protection of privacy and large areas of well light communal and public open spaces, is entirely in line with the NPF, national policy guidelines and specifically the Apartment Guidelines which values qualitative assessment over quantitative assessment. The supporting documents in this application demonstrate that this is a high quality, well designed development that meets all other guidelines for an sustainable, accessible site such as this.

Justification for Brennanstown Road as a Material Contravention

Potential Material Contravention in Relation to Brennanstown Road as the Proposed Development Can be Facilitated Through the Section 37(2)(b)(iv) having regard to the pattern of development, and permissions

granted, in the area since the making of the development plan

Policy 25 deals with Roads. This states that *“It is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities.”* The supporting text states that *“It is an objective of the Council to preserve the existing character of Brennanstown Road whilst undertaking a Traffic Management Scheme that will:*

- *reduce traffic speeds and improve road safety.*
- *provide improved facilities for vulnerable road users.*
- *reduce through traffic.*
- *facilitate the development of zoned lands.*

To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

The Brennanstown Road Traffic Management Scheme may determine the future development potential of the area and therefore it is also an objective of the Council to limit developments along Brennanstown Road to minor domestic infills and extensions until the Scheme has been completed and its recommendations implemented (Refer to SLO No. 130 Maps 7 and 9).”

Material Contravention

Giving that the Brennanstown Road Traffic Management Scheme designated under Policy 25 of the Development Plan has not been agreed or implemented by the County Council. As a result the granting of the current development may be considered a contravention of Policy 25 which seeks to “limit developments” along the road until the Scheme has been implemented.

Justification for Material Contravention

The proposed upgrades to the road was originally the subject of a PART VIII agreement with the Council. It is highly unlikely that any traffic management scheme for Brennanstown Road will be implemented as a single package in the near future. It is far more likely that the required works will be implemented incrementally through the planning process over a period of years.

Planning permission has already been granted by An Bord Pleanála for the upgrade of two significant sections at either end of Brennanstown Road. The approvals aggregate to a total length of 880 metres (45% of the overall length of 1,940 metres).

To the west of the subject site, the Park Developments Group have completed the reconstruction of some 460 metres of Brennanstown Road including the provision of a roundabout access to Brennanstown Wood, which was recently constructed (ABP-301614-18).

Location	Development	Distance to Luas	Comment
Brennanstown Wood ABP- 301614-18	136 no. residential units (98 no. apartments and 38 no. houses), crèche with a	800m	Permission was granted for 136 no. units. The inspector’s report notes that the <i>“elected members decided not to proceed with the Part 8 and since the adoption of the new County Development Plan in 2016 the Planning Authority has not been in a position to deliver the Traffic Management</i>

	density of c. 51uph		<p><i>Scheme for the Brennanstown Road as required under Special Objective 130 and Policy ST25.”</i></p> <p><i>The Inspector goes on to state that “Having regard to the proposals put forward by the applicant in this application in conjunction with the previously permitted scheme along Brennanstown Road (File Ref. No. 301044-18) and in the absence of an adopted Part 8 scheme which would allow for the implementation of a traffic management scheme along Brennanstown Road, the only reasonable mechanism to deliver on the requirements of Special Objective 130 and Policy ST25 is a developer-led proposal. The proposal before the Board is considered to offer a reasonable solution to the traffic issues along this stretch (western portion) of Brennanstown Road thus enabling the release of zoned and serviced residential lands. ... in general the proposal will facilitate a significantly improved footpath network along Brennanstown Road than currently exists. Furthermore, the revisions to the roads layout and traffic calming measures will significantly improve safety for drivers, cyclists and pedestrians”</i></p>
Doyle’s Nursery ABP-305859-20	Demolition of 'Benoni', construction of 234 no. apartments, creche rising up to 8 storeys in height with a density of c.126uph	1km	<p><i>The Inspector, in his/ her report, identified “I consider in the absence of a Part 8 scheme, that the proposal for a developer lead delivery of traffic management measures on an incremental basis, and having regard to conditions pertaining to same attached to applications in the area, that this is a reasonable mechanism to deliver the requirements of SLO 130 and policy ST25</i></p>

Similar to the other two developments, as part of the subject development works, it is proposed to upgrade the area to the front of the development along the Brennanstown Road providing a new pedestrian crossing and a new junction which will reduce road speeds and improve safety. It is also proposed to provide a new footpath in this area to the north and south of the road, again providing improvements to the pedestrians in the area. This is in line with the Part 8 proposal by the council. Given the precedent of development in the area and granting of permissions in similar circumstances it is deemed appropriate to grant this permission also.

Justification for Open Space as a Material Contravention

Potential Material Contravention in Relation to Open Space as the Proposed Development Can be Facilitated Through the Section 37(2)(b)(ii) having regard to conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned

Development Plan 2016 – 2022

The Development Plan states the following:

Section 8.2.8.2

“The Planning Authority will require public and/or communal open space to be provided within new residential and large scale commercial developments. This should preferably be located at specific sites or locations that would facilitate the assembly of areas of satisfactory size or usability or would enhance established on-site features.”

Section 8.2.8.2(i) Residential/ Housing Developments

“For all developments with a residential component – 5+ units - the requirement of 15 sq.m- 20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be 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. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site and such schemes may be subject to financial contributions as set out under Section

8.2.8.2 (iii) below. The Planning Authority shall require an absolute 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 irrespective of the occupancy parameters set out in the previous paragraph..”

Section 8.2.8.2(iii) Financial Contributions In Lieu of Open Space

Where a new development is located in close proximity to (within 1km and/or 10 minute walking distance) an established high specification public park, the Planning Authority may, in certain cases, relax standards and seek a financial contribution in lieu of providing the full quantum of open space. Examples may include sites where stands of existing mature tree are required to be retained for amenity value that would otherwise compromise the usability of open space provision. In exceptional circumstances where, in the view of the Planning Authority, proper planning and sustainable development would be facilitated without the delivery of the ‘normal’ open space requirement, a financial contribution in lieu of providing the full quantum of public open space may be made. This will take the form of a contribution on a per capita basis towards capital investment in creating and/or upgrading local parks and spaces and revenue costs for the maintenance of these spaces. Any relaxation of open space provision will be assessed on a case-by-case basis and should not be seen as setting a precedent for future developments. Irrespective of any of the above, the default minimum 10% open space requirement must be provided on site.

For clarity it is noted that the Development Plan refers to “open space” as comprising public and/or communal open space.

Material Contravention

The current proposal is for 534 no. units which results in a requirement for between 1.3ha and 1.8ha of open space based on the population calculation. Drawing no. 1815_PL_P_06 Communal and Public Open Space Area identifies the quantum of public open space and communal open space throughout the development. There is c. 13,570sqm of communal and public open space. This calculation does not include the incidental areas of open spaces along the boundaries of the site, buffer zones, or pathways. It is therefore considered to exceed the minimum amount of open space required.

However, may be considered that the second area of public open space, which runs in a north south direction on the western boundary, may not be “useable” open space due to its steep topography and the footpaths within this area. This area is designed to be a pleasant meandering walk through well planted, and landscaped area, along the western boundary, providing a more attractive alternative to the car based route along the eastern boundary. If this area is excluded then the amount of open space is reduced by 3,024sqm to 10,546sqm which is below the minimum 1.3ha required, but still in excess of the 10% requirement.

As the site is so close to the border line of this per person calculation it was considered judicious to include it as a material contravention.

The table below sets out this calculation. On the basis of this calculation there is a minimum requirement of 1.3ha and max of 1.8ha. The open space provided on this site is in line with this minimum requirement. It is also worth noting that the above calculations do not include ever area of open space. It is therefore considered to be in line with both policies of the current development plan, including the 10% requirement within the Development Plan. Furthermore, it is also in excess of the 15% requirement under the 2022-2028 Development Plan.

Unit Type	No.	Population Equivalent	Min. Open Space (15 sqm per person)	Max. Open Space (20 sqm per person)
Studios	30	45	675	900
1-bed	135	202.5	3038	4050
2-bed	318	477	7155	9540
3-bed	51	178.5	2678	3570
Total	534	903	13,546 (1.3 ha)	18060 (1.8ha)

Table 9 Minimum and maximum open space per person

Justification for a material contravention

While section 8.2.8.2(i) provides a population based calculation, section 8.2.8.2 (iii) requires an *absolute default minimum of 10% of the overall site area for all residential developments* which this site is in line with. In addition to these two conflicting policies, Section 8.2.8.2(iii) allows for a Financial Contributions In Lieu of Open Space which is assessed on a case by case basis.

Conclusion

The siting of the open space, and the provision of a large central areas ensures that an open character is achieved through this development along with the retention of a significant number of trees, natural boundaries, and attractive features for bats.

Furthermore, the development will for the first time make the development lands and the new public spaces fully open as well as a new attractive route to the luas to the public which is a significant planning gain given that private ownership to date with no direct recreational or amenity benefits to the wider area.

The proposal provides for in excess of the 10% Open space required under Section 8.2.8.2 (iii) but depending on how the open space is considered, may be slightly below the population based calculation. Either way, the Development Plan allows for an in lieu contribution if neither of these are met. Given the conflicting sections within the Development Plan it is considered that this can be considered a Material contravention if considered appropriate by ABP.

Justification for Retail as a Material Contravention

Potential Material Contravention in Relation to Retail as the Proposed Development Can be Facilitated Through the pattern of development and permissions granted in the area since the making of the development plan (Section 37(2)(b)(iv) of the 2000 Act) and under section 37(2)(b)(ii) there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed

development is concerned

Section 8.2.6.3 of the County Development Plan states that *“A small/local convenience shop will be open for consideration within a residential area (lands zoned Objective ‘A’ – “To protect and/or improve residential amenity”). When assessing any such proposals, the Council will have regard to the distance from the proposed development to established local shopping facilities and to its impact on the amenity of adjoining dwellings. Local convenience shops shall not have a floorspace greater than 100 sq.m. net. (Refer also to Policy RET7, Section 3.2.2.7)”*

Policy RET7, Section 3.2.2.7 of the County Development Plan states that *“It is Council policy to facilitate the provision of local convenience shops in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity.*

Within residential areas, the Council recognises the need for convenience shopping provision and accepts that a neighbourhood centre may not always be available within easy walking distance. When evaluating proposals for such a use, the Council will have regard to the distance from the proposed development to existing shopping facilities and to its impact on the amenity of adjoining dwellings. Local convenience shops shall not have a floorspace greater than 100 sq.m. net. “

Section 3.2.2.2 highlights the need to *“to set out a co-ordinated and sustainable approach to the assessment and provision of retail within the Greater Dublin Area so that:*

- *Adequate and suitable provision is made to meet the needs of changing population patterns, both overall and locally, and provide for healthy competition and consumer choice.*
- *Retail in suitable locations is provided, integrated within existing growth areas and public transport investments.”*

Material Contravention

A retail unit of c. 366.8sqm is proposed for this development.

Justification for a material contravention

As part of the development, it is proposed to include a small convenience retail store with a gross floor area of c.366.8sqm on the ground floor of Block CD including the retail bin stores which is located at the development’s main entrance along the Brennanstown Road. The net floor space of the proposed retail unit is unknown at this stage in the design process; however it is considered prudent to assume that it would potentially exceed the 100 sq.m net maximum.

The Development Plan’s policy states that when assessing such a proposal, the council will have regard to the distance from the proposed development to established local shopping facilities. A Retail Assessment has been carried out by McGill Planning Limited which demonstrate the need for a retail facility in this area.

The below map demonstrates the site’s location in relation to local retail clusters within 2km of the site. The closest retail cluster is Cabinteely Village which does not contain a grocery store. The second closest retail cluster is the Park Shopping centre which is a c. 15-minute walk from the subject site. This centre contains a grocery store, a medical clinic, a café, a pharmacy and a childcare facility.

As can be seen from the map below, there is very little retail provision within the immediate environs of the

subject site. The proposed convenience store would serve both the existing residents along Brennanstown Road, the future residents of the recently granted Brennanstown Wood Development (ABP-301614-18) to the north west of the subject site and the Former Doyle’s Nursery Site (ABP-305859-20) to the north east of the site, and the future residents of the proposed scheme.



Figure 33 Retail Clusters surrounding the subject site

Map No.	Retail Cluster	Distance from Proposed Development
1.	Carrickmines Park	c.21-minute walk
2.	Leopardstown Shopping Centre	c. 32-minute walk
3.	Cornelscourt Shopping Centre	c. 22-minute walk
4.	Park Shopping Centre	c.15-minute walk
5.	Foxrock Village	c. 20 minute walk
6.	Cabinteely Village	c. 14 minute walk
7.	Ballybrack Shopping Centre	c.30 minute walk

Table 10 Retail clusters as shown in Figure 31

In addition to the above, a crucial element of the scheme is to create activity and animation along Brennanstown Road. It is considered that by providing a retail unit at this location, passers-by will be more likely to be enticed into the scheme’s open space and stay longer, and therefore strengthening the vitality of the open spaces surrounding Barrington Tower.

Conclusion

The proposed retail unit will not only provide animation and activity to the development it will also meet an unmet need for the area which is compounded by the recent grants of permission in the area. RET 7 states

that “It is Council policy to facilitate the provision of local convenience shops in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity” while the size of this unit is in excess of the 100sqm in the support section it is noted that there are no convenience shops within 20 minutes’ walk of the site. It is council policy to “have regard to the distance from the proposed development to established local shopping facilities”. In line with this and section 3.2.2.2 this proposal will provide and meet the needs of the changing population patterns along the Brennanstown Road as a result of recent grants of permission, none of which provide for retail development in this location.

Justification for Density as a Material Contravention

Potential Material Contravention in Relation to Density as the Proposed Development Can be Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act)

Section 8.2.3.2 (ii)

In general the number of dwellings to be provided on a site should be determined with reference to the Government Guidelines document: ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (2009). As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location and accessibility to public transport. However, the overriding concern should be the quality of the proposed residential environment to be created and higher densities will only be acceptable if the criteria which contribute to this environment are satisfied. Higher residential density will not be appropriate in every circumstance and qualitative built form can sometimes be a more important determinant. Higher densities should have regard to surrounding dwellings and should be achieved in tandem with the protection of the amenity of the future residents of the proposed development (Refer also to Policy RES3 in Section 2.1.3.3).

In Dún Laoghaire-Rathdown, apart from in exceptional circumstances, (e.g. where an LAP has identified sites where lower densities may be considered or in sites where mature tree coverage prevents minimum densities being achieved across the entire site) minimum residential densities should be 35 dwellings per hectare. Significant parts of the existing built-up area of the County are, however, readily accessible to public transport corridors – QBCs, Luas, DART. In these circumstances Government guidance is to provide densities at higher than 50 dwellings per hectare. The Council acknowledges the ‘Kickstart’ Incremental Development Approach as outlined in the DoECLG and the NTA study ‘Planning and Development of Large Scale, Rail Focused Residential areas in Dublin’ (2013) in relation to Sandyford, Cherrywood, Stepside and Carrickmines. The purpose of the ‘Kickstart’ approach is not to be used to achieve lower densities in a scheme but rather to ensure eventual overall delivery of higher densities in order to support high capacity public transport modes

RES3 of the County Development Plan which states that:

“It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.”

The policy goes on to state:

“Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.”

Material contravention

The density of this site is 140uph.

Section 8.2.3.2 identifies a minimum density of 50 dwellings per hectare but also requires that “Higher densities should have regard to surrounding dwellings and should be achieved in tandem with the protection of the amenity of the future residents of the proposed development”. In this instance the surrounding area is predominantly low rise, low density housing and as such could be considered a material contravention of this section of the Development Plan.

Justification for Material contravention

However this section of the Development Plan along with policy RES3 set a minimum density and not a maximum density for the area. So while it is contrary to the established character of the area, this character is changing as is demonstrated by the other two grant of permission along the Brennanstown Road. As such the density and material contravention of this development, given its proximity to a LUAS line, Bus Corridor or will be close to the Cherrywood SDZ when it is deliver is appropriate site for an increase in density.

GENERAL SHD PRECEDENT

Potential Material Contravention in Relation to the principle of an SHD development in this location Can be Facilitated Through the pattern of development and permissions granted in the area since the making of the development plan (Section 37(2)(b)(iv) of the 2000 Act)

There are many examples of SHD permissions granted in recent years with greater height, density, reduced car parking, altered unit mix and quantitative sizes, than previously delivered at such locations and which exceed and materially contravene the standards prescribed in the Development Plan in each case.

For the purposes of this report we note the following SHDs, which have similar locational attributes to the current site in terms of proximity to the Green Luas line and being within DLRCC jurisdiction.

Location	Development	Comment
Brennanstown Wood ABP- 301614-18 800m to Luas	136 no. residential units (98 no. apartments and 38 no. houses), crèche Density of c.51uph	Permission was granted for 136 no. units. The inspector’s report stated “ <i>The development site as stated is located within 800m of public transport modes. This in conjunction with the proposed improvements to public footpaths will assist in promoting the use of more sustainable modes of transport.</i> ”
Doyle’s Nursery ABP-305859-20 1km to Luas	Demolition of 'Benoni' and extant single storage buildings, construction of 234 no. apartments, creche and associated site works. This included 3 blocks rising up to 8 storeys in height Density of c.126uph	The Inspector, in his/ her report, states “ <i>I am of the opinion that given its residential zoning, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The site is considered to be located in a central and accessible location; it is within easy walking distance of good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community. The proposed development, which includes for the road upgrade works, will assist in overcoming the barrier to</i>

		<i>development currently impacting the deliverability of residential development on Brennanstown Road."</i>
<p>"Marmalade Lane", Gort Muire, Wyckham Avenue</p> <p>ABP - 308157-20</p> <p>1km to Luas</p>	<p>The proposed development was for 628 no. build to rent apartments,</p> <p>The conditions amended the development to includes</p> <p>466 no. apartments</p> <p>A maximum of 197 no. car parking spaces (0.42 spaces per unit) and</p> <p>A minimum of 982 no. bicycle parking spaces (2.1 spaces per unit).</p> <p>Density of c.111uph (net)</p>	<p><i>ABP inspector noted that "the proposal is acceptable in principle with the zoning objective and while the institutional land designation is noted, it does not override the underlying residential zoning objective." The report goes onto confirm that "the proposal does not represent a material contravention in respect of the zoning."</i></p> <p>The Inspector considered the site to be a 'Central and/or Accessible Urban Location' as described in the Section 28 Guidelines and therefore is suitable for higher density.</p> <p>The inspector states that they <i>"do not have issue with the overall height of the proposal per se.</i></p> <p>The Inspector <i>"consider the parking strategy, as proposed, to be acceptable in this instance. I note the build-to-rent nature of the development and the fact that reduced parking is addressed in the section 28 national guidance for such schemes. I am of the opinion that the proposed site is such that it largely satisfies the criteria set out in section 8.2.4.5 of the operative County Development Plan in relation to reduced car parking standards for appropriate development. I am also satisfied that the proposal is in compliance with Policy ST3 of the operative County Development Plan by effecting a modal shift from the private car to more sustainable modes of transport.</i></p>
<p>Walled Garden, Gort Muire</p> <p>ABP-307545-20</p> <p>900m to Luas</p>	<p>146 No. apartments within 4 no. 6 storey blocks</p> <p>Density of c.130uph</p>	<p>ABP Inspector considered the site to be a 'Central and/or Accessible Urban Location' as described in the Section 28 Guidelines and therefore is suitable for higher density.</p>
<p>Former Aldi Site, Carmanhall Road, Sandyford Business District,</p> <p>ABP-305940-19</p> <p>100m to Luas</p>	<p>564 Build to Rent apartments in 6 no. blocks ranging in height up to 17 storeys.</p> <p>Density of c.365uph</p>	<p>Permission granted for 17 storeys which was a material contravention of the 14 storey limit set down in the Sandyford Urban Framework Plan (SUFP) as part of the DLRCC Development Plan.</p>
<p>Lisieux Hall, Murphystown Road, Leopardstown</p>	<p>200 apartments in 4 no. 5-7 storey blocks</p> <p>Density of c.167uph</p>	<p>This is a current application before the Board. The Board Opinion issued on the proposal at Stage 2 (same height/density) considered the proposal to constitute a <i>"reasonable basis for an application"</i>. The application is</p>

PL06D. 307415		accompanied by a Material Contravention Statement given the 7 storey height exceeds the DLRCC Development Plan Building Heights Strategy.
150m to Luas		

Table 6 SHDs with similar locational attributes to current site

An Bord Pleanála’s Powers and Material Contraventions

Should the Board consider that the proposed development represents a Material Contravention of the DLRCC Development Plan in relation to the above items we submit that the Board can grant permission under Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*, which states:

“(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.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(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 2000 Act states:

“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.”

In this regard we submit the following under Section 5(6) of the 2016 Act:

Section 37(2)(b)(i) of the 2000 Act	The proposed development is a “Strategic Housing Development”, as defined under Section 3 of the 2016 Act.
Section 37(2)(b)(ii) of the 2000 Act	There are also clear conflicts within the Development Plan that allows the development to be granted permission

Section 37(2)(b)(iii) of the 2000 Act	Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. Compliance with the Section 28 Guidelines is detailed above.
Section 37(2)(b)(iv) of the 2000 Act	Notwithstanding the DL RCC Development Plan policies we note there are several grants of permission, similar to this development in terms of height, density, car parking and units mix within the area.

CONCLUSIONS

Under Section 37(2)(b) of the 2016 Act, An Bord Pleanála can materially contravene a development plan where national planning policy objectives take precedence including Section 28 Guidelines.

In particular, Section 9(3)(b) of the 2016 Act states the following:

“Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.”

This report provides a comprehensive justification for why the proposed development can and should be considered suitable for potential material contraventions including

- Building Height (Policy UD6 and Building Height Strategy)
- Dwelling size, mix and density (Res 7, Section 8.2.3.2 (1) and (ii))
- Car Parking Standards (Table 8.2.3 and Table 8.2.4)
- Apartment Development Quantitative Standards (Section 8.2.3.3 – Dual Aspect, Separation between blocks, mix of units and minimum apartment floor areas)
- Brennanstown Road improvements (SLO 130 and ST25)
- Public/Communal Open Space – Quantity (Section 8.2.8.2)
- Convenience Shop Section (Sections 8.2.6.1 and 8.2.6.3)

Reference is made to the specific objectives of the NPF which encourages densification and compact growth. Compliance with the Urban Development and Building Height Guidelines is set out and the report provides an assessment of how the development complies with the criteria for assessing building height at the scale of the city/town; district/neighbourhood/ street and scale of the site/building.

Having regard to the following:

- The location of the site within the built-up area of Brennanstown Road proximate to public transport, to established social, retail and employment facilities in the area,
- Its potential to contribute to the achievement of the Government’s policy to increase delivery of housing and to achieve greater density and height and reduced car parking in residential development in an urban centre close to public transport and centres of employment,
- Its accordance with the provisions of the National Planning Framework (in particular objectives 3a, 3b, 11, 13 and 35),
- Its accordance with the Guidelines for Sustainable Residential Developments in Urban Areas (in particular section 5.8),

It is considered that this statement provides appropriate justification for the Board to grant permission for the development in accordance with national policy and guidelines.

Chapter 10 DLRCC County Development Plan 2022-2028

The site is located within the administrative area of Dun Laoghaire Rathdown County Council and is therefore subject to the land use policies and objectives of the County Development Plan 2022-2028. Dun Laoghaire Rathdown have noted that a consolidated document of this plan and its proposed amendments will not be available until after 21st of April 2022.

As a result, the policies set out below are an amalgamation of the proposed amendments to the draft plan and the draft plan as advertised. The proposed material amendments are indicated in Red and Blue text throughout (as per the text that had been uploaded on the DLR website).

Both of these documents have since been taken down from the DLR website, however it is noted in the proposed amendments to the draft plan, they highlight that “*all subsequent sections / policy objective numbers to be renumbered as required*”. The references to policies, sections and numbering are as provided on the DLR website at the time of our writing and may be subject to change. This chapter is a merged document of the development plan and the proposed amendments

Core Strategy

The central focus of the Core Strategy is on residential development and in ensuring that there is an acceptable equilibrium between the supply of zoned, serviced land for the projected demand for new housing, over the lifetime of the Plan.

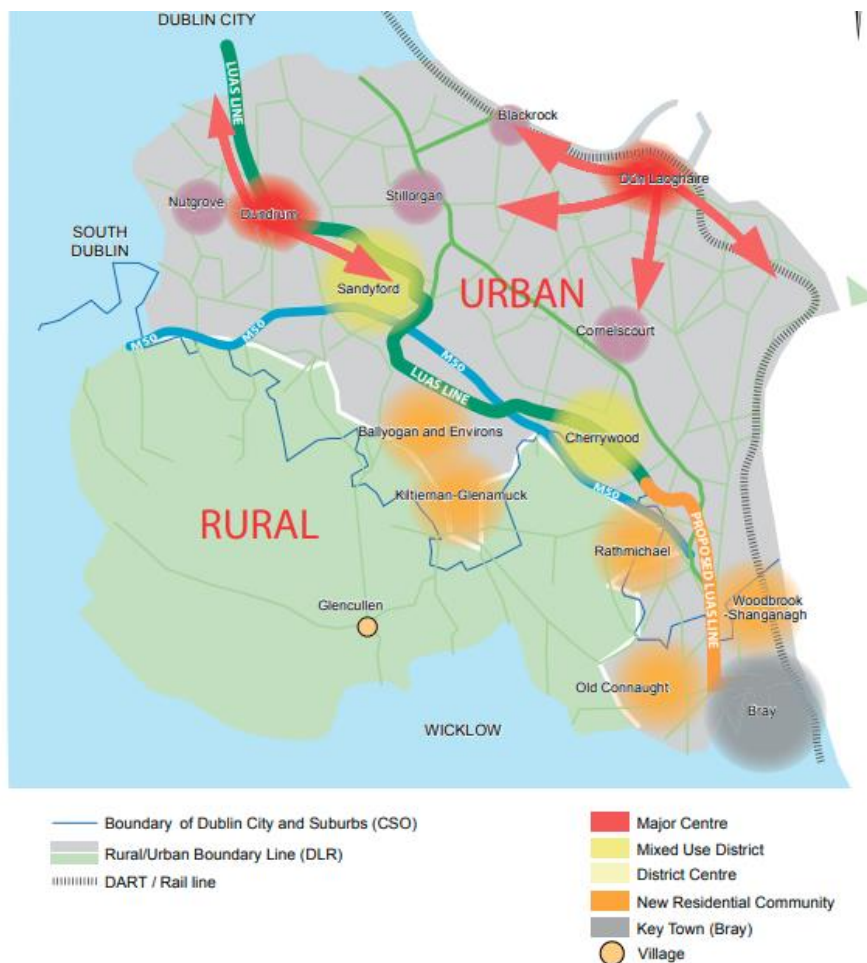


Figure 34 DLR Development Plan Core Strategy Map (Figure 2.9 of Development Plan)

Evaluation of Consistency

The site is adjacent to Cherrywood which is identified as a new and emerging “Mixed use district” on the green line luas and ‘Future Development Area’ in the Core Strategy Map. The proposal will provide new residential units within this area identified for future growth, in close proximity to numerous high quality public transport services, existing services, facilities and amenities.

Due to the site’s close proximity to the Cherrywood SDZ, it will benefit substantially from the developments proposed throughout the scheme. Table 2.14 identifies Cherrywood as a “Key future strategic employment location for High Intensity Employment situated on the Luas Greenline aligning employment growth with both existing and new residential communities. Cherrywood has a significant quantum of undeveloped employment zoned lands. Delivery to accord with the Cherrywood SDZ Planning Scheme.”

The proposed development on zoned and serviced lands accords with the Core and Settlement Strategy for future significant residential growth in the County.

Land Use Zoning

The site is zoned ‘Objective A’ (‘To provide residential development and/or protect and improve residential amenity while protecting the existing residential amenities’). Residential and the ancillary uses proposed are all permitted uses.

ZONING OBJECTIVE ‘A’

‘To provide residential development and/or protect and improve residential amenity while protecting the existing residential amenities’

Permitted in Principle

Assisted Living Accommodation, Community Facility, Childcare Service^a, Doctor/Dentist etc.^a, Education^a, Health Centre/ Healthcare Facility^a, Open Space, Public Services, Residential, Residential Institution, Travellers Accommodation.

Open For Consideration

Allotments, Aparthotel, Bring Banks/Bring Centres, Residential - Build to Rent, Carpark^c, Caravan/Camping Park-Holiday, Caravan Park-Residential, Cemetery, Cultural Use, Embassy, Enterprise Centre, Funeral Home, Garden Centre/ Plant Nursery, Guest House, Home Based Economic Activities, Hotel/Motel, Household Fuel Depot, Industry Light, Part Off-License, Office Based Industry, Offices less than 200sq.m.^a, Offices in excess of 200 sq.m.^c, ~~Petrol Station~~, ‘Service Station’, Place of Public Worship, Public House, Restaurant, Service Garage, Shop Neighbourhood, Student Accommodation, Sports Facility, Tea Room/Café, Veterinary Surgery

a: Where the use will not have adverse effects on the ‘A’ zoning objective, ‘to provide residential development and/or protect and improve residential amenity’.

b: less than 200sq.m.

c: Only applies to A zoned lands subject to Specific Local Objective 122.

c: Only as an ancillary component of and directly connected to the primary use and/or ancillary to public transport and/or active travel modes.

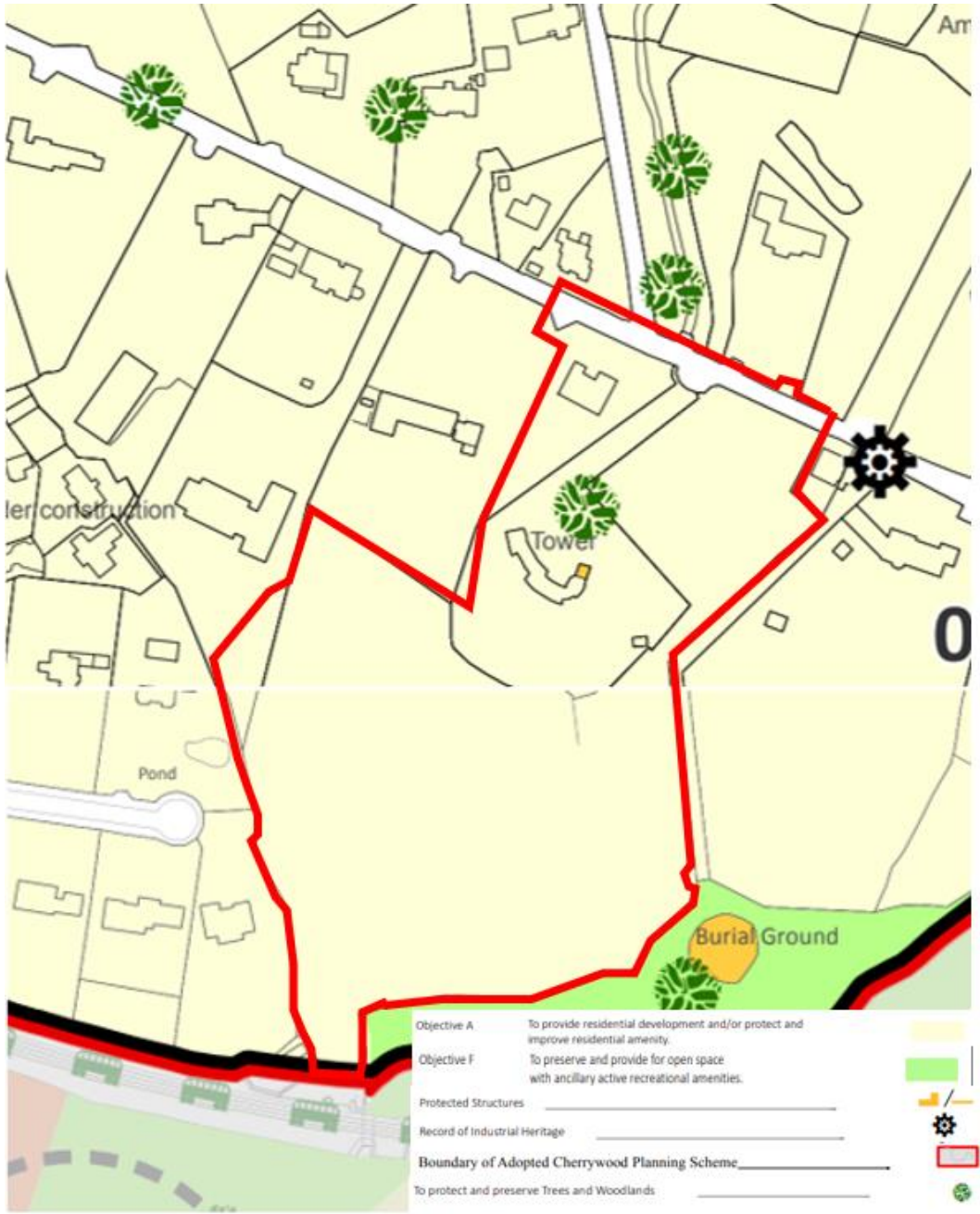


Figure 35 DLR Development Plan 2022-2028 Zoning

Evaluation of Consistency

The proposal for residential development on this land zoned for residential development. The proposal is therefore considered to be acceptable in principle on these lands.

The subject site is just outside the boundary line for the adopted Cherrywood Planning Scheme but will benefit from developments which occur throughout this scheme due to its adjacent location north of the boundary line.

There is a protected structure on site as indicated by the map above, this structure will be retained on site.

The lands south and southeast of the site are subject to a general objective to protect Trees and Woodland.

There are trees within the site and along the site boundaries. These have been retained where possible and the landscaping masterplan includes the planting of new native trees and plants within the site.

The site layout and open space is laid out to create a focal point of the existing Barrington Tower which is a protected structure on the site. This will open the site and make it a visible feature within the site.

The site provides a new pedestrian link through the site to the south, connecting the site, and the existing residences in the area to public transport.

Core Strategy

Chapter 2 places a central focus of the Core Strategy is on residential development and in ensuring that there is an acceptable equilibrium between the supply of zoned, serviced land for the projected demand for new housing, over the lifetime of the Plan.

Development Plan 2022- 2028	Evaluation of Consistency
Policy Objective CS3: Supply of Zoned Land It is a Policy Objective to ensure that sufficient zoned land continues to be available to satisfy the housing requirements of the County over the lifetime of the Plan.	The proposed development will provide a high quality, high density residential development on this land zoned for the protection and improvement of residential amenity.
Policy Objective CS6: Lands for Employment Use It is a Policy Objective to ensure that sufficient serviced lands continue to be available for employment generation.	The proposed development provides opportunity for employment with the inclusion of creche and retail unit. The day-to-day operations of the development will require approximately 8-10 no. staff.
Policy Objective CS8 – Ecosystem Services Approach It is a Policy Objective to promote an Ecosystem Services Approach in the preparation of lower-level Plans, Strategies and Development Management.	The proposed development has considered the use of natural systems through the provision of SUDs measures where appropriate. The proposed landscaping ensures ecosystems are protected. The scheme addresses the management of air

	quality, noise pollution, light pollution, flood risk and water bodies within the EIAR submitted with this application.
<p>Policy Objective CS11: Compact Growth It is a Policy Objective to deliver 100% of all new homes, which pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary.</p>	The proposed development provides a higher density form of residential development within the urban area of the Dun Laoghaire Rathdown county boundary and supports compact development within the region.
<p>Policy Objective CS14: Vacancy and Regeneration It is a Policy Objective to address issues of vacancy and underutilisation of lands within the County and to encourage and facilitate the re-use and regeneration of vacant sites subject to the infrastructural carrying capacities of any area.</p>	The proposed development promotes the use of a vacant and underutilised site that is accessible and supports the better use of land within the urban footprint.
People, Homes and Place	
<p>Policy Objective PHP2: Sustainable Neighbourhood Infrastructure It is a Policy Objective to:</p> <ul style="list-style-type: none"> • Protect and improve existing sustainable neighbourhood infrastructure as appropriate. • Facilitate the provision of new sustainable neighbourhood infrastructure that is accessible and inclusive for a range of users consistent with RPO 9.13 and RPO 9.14 of the RSES. <p>Encourage the provision of multi-functional facilities, space and lands in the delivery and/or improvement of sustainable neighbourhood infrastructure.</p>	<p>The proposed development will provide improved road works on Brennanstown Road as well as new cycle and pedestrian routes through the site connecting Brennanstown Road to the future Brennanstown Luas Stop.</p> <p>Public open space will be provided that is highly accessible and inclusive for future residents and members of the public.</p>
<p>Policy Objective PHP5: It is a Policy Objective to: Support the development, improvement and provision of a wide range of community facilities throughout the County where required. Facilitate and support the preparation of a countywide Community Strategy.</p>	
<p>Policy Objective PHP25: Implementation of the Housing Strategy It is a Policy Objective to facilitate the implementation and delivery of the Housing Strategy and Interim Housing Need Demand Assessment (HNDA) 2022 - 2028.</p>	The proposed development includes 10% Part V social housing units.
<p>Policy Objective PHP18: Residential Density It is a Policy Objective to 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</p>	The proposed development of 534 no. apartments within a high-quality scheme on a vacant site which is adjacent to public transport is an appropriate proposal that achieves the sustainable residential aims of the Development Plan.

<p>to provide for high quality sustainable residential development.</p>	<p>The proposed high residential density is appropriate at this location close to high quality public transport options and existing residential amenities including the Cabinteely village and park and Kilbogget Park.</p>
<p>Policy Objective PHP19: Existing Housing Stock - Adaptation It is a Policy Objective to conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.</p>	<p>The proposed development will increase the residential density of this residential area in line with this policy and national polices for compact growth within existing settlements and built-up areas.</p> <p>The proposed development will also include a creche, retail unit and residential amenity space.</p>
<p>Policy Objective PHP20: Protection of Existing Residential Amenity It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.</p>	<p>The residential amenity of the surrounding area will be protected as the proposed development shall be of high design standards and integrate well into the surrounding environment.</p>
<p>Policy Objective PHP26: Housing Mix It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Interim Housing Need Demand Assessment (HNDA) and any future Regional HNDA.</p>	<p>The proposed development will increase the housing mix in the area through the provision of studios, 1 bed, 2 bed and 3 bed apartments.</p> <p>Please see Material Contravention Statement for Dun Laoghaire Rathdown Development Plan 2022-2028</p>
<p>Policy Objective PHP27: Build-to-Rent and Shared Accommodation It is a Policy Objective to facilitate the provision of Build-to-Rent and Shared Accommodation in suitable locations across the County and accord with the provisions of 'Sustainable Urban Housing: Design Standards for New Apartments', 2018 (and any amendment thereof). Proliferation of Built to rent these housing types should be avoided in any one area. As the HNDA does not support provision of shared accommodation there shall be a presumption against granting planning permission for shared accommodation/co-living development</p>	<p>The proposed development is a Build to Rent scheme that will provide 534 no. residential units.</p>
<p>Policy Objective PHP30: It is a Policy Objective to promote the provision of social housing in accordance with the Council's Housing Strategy and Government policy as outlined in the DoHPLG 'Social Housing</p>	<p>The proposed development provides 10% social housing in line with the Housing Strategy and the Part V requirements.</p>

<p>Strategy 2020' The Affordable Housing Act 2021 provides for 20% for social and affordable homes.</p>	
<p>Policy Objective PHP29 relates to the provision of purpose built or adapted houses for older people and people with disabilities/ mental health issues</p>	<p>The proposed development includes considerations to the accessibility for all building users.</p> <p>The design of the development offers opportunity to be able to modify apartments' layouts if required or merge /split apartments at a future point in time if circumstances dictate.</p>
<p>Policy Objective PHP35: It is a Policy Objective to promote and support the principles of universal design ensuring that all environments are inclusive and can be used to the fullest extent possible by all users regardless of age, ability or disability consistent with RPO 9.12 and 9.13 of the RSES.</p>	<p>These policies are not applicable to the subject site or the proposed development.</p> <p>The proposal, as set out in the architects design statement, has been developed in line with universal design principles</p>
<p>Policy Objective PHP38: It is a Policy Objective to facilitate the promotion and delivery of a safe environment for both the residents of, and visitors to, the County.</p>	<p>The development has been designed to ensure a safe attractive environment is provided to residents and visitors of the site, all public paths,</p>
<p>Policy Objective PHP3: It is a Policy Objective to:</p> <ul style="list-style-type: none"> • Plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide' and any amendment thereof. • Ensure that an appropriate level of supporting neighbourhood infrastructure is provided or that lands are reserved for Sustainable Neighbourhood Infrastructure (SNI), in conjunction with, and as an integral component of, residential development in new residential communities as identified in the Core Strategy (see Figure 2.9, Chapter 2). • Identify, provide and/or improve (as appropriate) supporting sustainable neighbourhood infrastructure in tandem with residential development in renewal/ redevelopment areas and existing residential neighbourhoods. • Create healthy and attractive places to live consistent with NPO 4 of the NPF and RPO 9.10 of the RSES. 	<p>The proposed development has been assessed against the 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide' above and is considered in accordance with both documents.</p> <p>The proposed development includes a creche, residential amenities and large areas of public and communal open space.</p> <p>The site is a short distance from Cabinteely and Carrickmines and Foxrock/ Leopardstown which provide a range of retail, restaurants, cafes, and facilities.</p> <p>The site is within close proximity to various high quality public transport options including the Luas, DART and a high frequency bus service.</p> <p>The development proposes a sustainable community that integrates into the emerging Brennanstown community and that provides for the housing needs of people in a broad range of lifecycle stages.</p> <p>It will provide residential design that inherently prioritises cycling, walking and public transport.</p> <p>A residential layout that ensures high levels of</p>

	<p>amenity, security and convenience with open spaces and services provided on site or in proximity.</p> <p>An attractive layout with a clear sense of place and which is legible and permeable.</p> <p>Due respect for the natural and built heritage as it retains Barrington Tower and allows for a diameter of 30 metres around the protected structure.</p>
<p>Policy Objective PHP4: It is a Policy Objective to:</p> <ul style="list-style-type: none"> • Implement a strategy for residential development based on a concept of sustainable urban villages. • Promote and facilitate the provision of ‘10-minute’ neighbourhoods. 	<p>The proposed development has been assessed against the ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’ above and is considered in accordance with both documents.</p>
<p>Policy Objective PHP23 relates to the management of one-off housing.</p>	<p>The proposed development includes a creche, residential amenities and large areas of public and communal open space.</p> <p>The site is a short distance from Cabinteely and Carrickmines and Foxrock/ Leopardstown which provide a range of retail, restaurants, cafes, and facilities.</p> <p>The site is within close proximity to various high quality public transport options including the Luas, DART and a high frequency bus service.</p> <p>The development proposes a sustainable community that integrates into the emerging Brennanstown community and that provides for the housing needs of people in a broad range of lifecycle stages.</p> <p>It will provide residential design that inherently prioritises cycling, walking and public transport.</p> <p>A residential layout that ensures high levels of amenity, security and convenience with open spaces and services provided on site or in proximity.</p> <p>An attractive layout with a clear sense of place and which is legible and permeable.</p> <p>Due respect for the natural and built heritage as it retains Barrington Tower and allows for a diameter of 30 metres around the protected structure.</p>

	Not applicable to the subject site or the proposed development.
Transport & Mobility	
<p>Policy Objective T1: It is a Policy Objective to actively support sustainable modes of transport and ensure that land use and zoning are aligned with the provision and development of high quality public transport systems.</p>	<p>The proposed development is located north of the Green Luas line and development will facilitate in the provision of the Brennanstown Luas Stop adjacent to the site. This will promote the use of public transport as a sustainable mode of transport.</p> <p>The quality design of the proposed development prioritises walking and cycling throughout the site and accessibility to alternative modes of public transport.</p>
<p>Policy Objective T3: It is a Policy Objective to promote, facilitate and cooperate with other transport agencies in securing the implementation of the transport strategy for the County and the wider Metropolitan Area as set out in Department of Transport's 'Smarter Travel, A Sustainable Transport Future 2009 –2020' including the modal share targets, and subsequent updates and the NTA's 'Greater Dublin Area Transport Strategy 2016-2035' and subsequent updates the RSES and the MASP.</p>	<p>The location of the proposed development directly north of the Green Luas providing access to a sustainable mode of transport effecting the modal shift from the private car to more sustainable modes of transport.</p>
<p>Policy Objective T4: It is a Policy Objective to expand attractive public transport alternatives to car transport as set out in 'Smarter Travel, A Sustainable Transport Future 2009-2020', and subsequent updates the NTA's 'Greater Dublin Area Transport Strategy 2016-2035' and the NTAs 'Integrated Implementation Plan 2019-2024' and subsequent updates by optimising existing or proposed transport corridors and interchanges and by developing new park and rides and taxi ranks and cycling network facilities at appropriate locations.</p>	<p>The proposed development is located north of the Green Luas line and development will facilitate in the provision of the Brennanstown Luas Stop adjacent to the site. This will promote the use of public transport as a sustainable mode of transport.</p>
<p>Policy Objective T6: It is a Policy Objective to facilitate the provision of quality public transport interchanges at strategic rail, Luas stations and Core Bus Corridors within the County in accordance with national and regional guidelines in order to facilitate focussed access to multiple public transport modes and to maximize the movement of people via sustainable modes.</p>	<p>This proposal will provide a footpath to the existing but not operational Brennanstown Luas stop allowing the creating of better use of this public transport facility and maximise the movement of people on the luas</p>
<p>Policy Objective T9 It is a Policy Objective to co-operate with the</p>	<p>The proposed development will facilitate in the provision of the Brennanstown Luas Stop on the</p>

<p>NTA, Iarnród Éireann, TII and other relevant authorities to secure the improvement and further development of railway stations and Luas stops in the County.</p>	<p>Green Line adjacent to the site.</p>
<p>Policy Objective T10: It is a Policy Objective to secure the development of a high quality, fully connected and inclusive walking and cycling network across the County and the integration of walking, cycling and physical activity with placemaking including public realm and permeability improvements. (Consistent with NPO 27 and 64 of the NPF and RPO 5.2 of the RSES)</p>	<p>The proposed development prioritising walking and cycling throughout the site and accessibility to alternative modes of public transport, integrating physical activity facilities.</p>
<p>Policy Objective T11: It is a Policy Objective to maintain and expand the footway and pedestrian route network to provide for accessible, safe pedestrian routes within the County in accordance with best accessibility practice. (Consistent with NPO 27 and 64 of the NPF and RPO 5.3 of the RSES)</p>	<p>This proposed design creates a safe pedestrian friendly environment with numerous pedestrian and cycle routes through the scheme. This will make walking and cycling attractive with good links into the wider area</p>
<p>Policy Objective T12: It is a Policy Objective to secure improvements to the County Cycle Network in accordance with the Dún Laoghaire-Rathdown Cycle Network Review whilst supporting the NTA on the development and implementation of the Greater Dublin Area Cycle Network Plan 2013 and subsequent revisions, subject to environmental assessment and route feasibility. (Consistent with RPO 5.2, 5.3 of the RSES)</p>	<p>This proposed development will open up new cycle links for the community through the site creating new link from Brennanstown Road to the Luas stop and connectivity that does not currently exist.</p>
<p>Policy Objective T15: It is a Policy Objective, in conjunction and cooperation with other agencies, to implement Travel Demand Management measures aimed at reducing the demand for travel and increasing the efficiency of the transport network with due consideration given to the effect of parking controls on nearby residential roads. (Consistent with RPO 8.7 of the RSES)</p>	<p>The proposed scheme aims to reduce the requirement of single use cars and promote the use of sustainable travel modes.</p> <p>The scheme provides 1,266 no. cycle parking spaces encouraging residents and visitors to revert to sustainable transport modes.</p> <p>The schemes close proximity to the Brennanstown Luas stop encourages the use of public transport.</p> <p>The schemes car parking ratio is reduced to ensure this 'Avoid-Shift-Improve' strategic approach will be implemented as set out in section 5.6.1 of the development plan.</p>
<p>Policy Objective T16: It is a Policy Objective to require the submission of Travel Plans for developments that generate significant trip demand (reference also Appendix 3 for Development Management Thresholds). Travel Plans should seek to reduce reliance on</p>	<p>A travel plan will be given to all of the future occupants of the development so that they are aware of the most sustainable modes of transport available within the vicinity of the development</p>

car-based travel and encourage more sustainable modes of transport over the lifetime of a development.	
Policy Objective T17: It is a Policy Objective to support the set up and operation of car sharing schemes to facilitate an overall reduction in car journeys and car parking requirements.	Club cars are provided as part of this development
Policy Objective T18: It is a Policy Objective to manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5.	Please see Material Contravention Statement for Dun Laoghaire Rathdown Development Plan 2022-2028 in relation to car parking standards.
Policy Objective CA16: It is a Policy Objective to support, the Government's Electric Transport Programme by progressively electrifying our mobility systems by facilitating the rollout of Electric Powered Vehicle Recharging Parking Bays across the County and on public roads and other suitable location. The provision of e-bike chargers will be supported subject to the availability of Funding. (Consistent with NSO 4 of the NPF and RPO 7.42 of RSES)	The development will provide suitable electrical vehicle charge points in line with council national policy encouraging the use of electrical vehicles.
Policy Objective T22: It is a Policy Objective, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities, subject to the outcome of environmental assessment (SEA, EIA and AA), flood risk assessment and the planning process (RPO 8.10, RPO 8.16)	This proposed design creates a safe cycling and pedestrian friendly environment with numerous pedestrian and cycle routes through the scheme and bike storage facilities on site.
Policy Objective T25: It is a Policy Objective to require Traffic and Transport Assessments and/or Road Safety Audits for major developments – in accordance with the TII's 'Traffic and Transport Assessment Guidelines' (2014) - to assess the traffic impacts on the surrounding road network and provide measures to mitigate any adverse impacts - all in accordance with best practice guidelines.	A Road Safety Audit was carried out by Bruton Engineers and a Traffic and Transport Assessment (TTA) was carried out by Waterman Moylan Consulting Engineers, including a detailed assessment of the transportation systems provided and the impact of the proposed development on the surrounding environment and road network.
Policy Objective T26: Traffic Noise It is a Policy Objective to ensure that traffic noise levels are considered as part of new developments along major roads/rail lines in accordance with best practice guidelines.	Chapter 8 of the EIAR submitted with this application addresses traffic noise and provides mitigation measures.
Policy Objective T28: Traffic Management It is a Policy Objective to introduce Traffic Management Schemes on particular roads and in appropriate areas throughout the County to	The proposed development is implementing works along the Brennanstown road ensuring it is pedestrian friendly.

reduce vehicle speeds to an acceptable level and to reduce the potential for traffic congestion and associated vehicular emissions in urban areas.	The traffic and transport assessment outlines road safety measures which incorporates a design to reduce vehicular speeds to an acceptable level.
Policy Objective T29: Street Lighting It is a Policy Objective to provide and maintain street lighting on the public road/footway/cycleways throughout the County in accordance with commonly accepted best practice, the Council's public lighting masterplan and the upgrade of sodium lights to LEDs.	A Public Lighting Plan prepared by OCSC is submitted with this application.
Policy Objective T30: It is a Policy Objective to support suitable access for people with disabilities, including improvements to transport, streets and public spaces. Accessibility primarily concerns people with reduced mobility, persons with disabilities, older persons and children.	The proposed development incorporates accessibility for people with disabilities into its design of open spaces and pathways within the site.
Policy Objective T33: Section 48 and 49 Levies It is a Policy Objective to utilise, where appropriate, the provisions of Section 48 and 49 of the Planning and Development Act, 2000, to generate financial contributions towards the capital costs of providing local and strategic transport infrastructure, services or projects in the County. This will be carried out in conjunction with adjoining Local Authorities where appropriate.	It is expected that section 48 and 49 levies will be dealt with by way of condition.
Enterprise and Employment	
Policy Objective E15: Home Working / E-Working It is a Policy Objective to permit home-based economic activities where, by virtue of their nature and scale, they can be accommodated without detriment to the amenities of residential areas.	Resident support facilities & resident services & amenities include flexible spaces such as meeting rooms and workspaces. The BTR Operational Plan prepared by Cortland Consult provides further information on home working facilities within section 4.2.7 of their report.
Retail Development	
Policy Objective RET1: It is a Policy Objective of the Council to have regard to the 'Retail Planning Guidelines for Planning Authorities' and the accompanying 'Retail Design Manual' published by the Department of the Environment, Community and Local Government in 2012 in determining planning applications for retail development.	The proposal includes a new retail unit as part of the development. A self-contained and sustainable residential neighbourhood is proposed in accordance with 'Retail Planning Guidelines' The inclusion of a retail unit enhances the area to form a more sustainable community
Policy Objective RET3: It is a Policy Objective of the Council that in positioning the Local Authority for the preparation of a new GDA retail strategy, the Planning Authority shall commence a broad	This is noted. By providing a creche and a retail facility within the development the proposal is in line with the aims of the ten minute neighbourhood.

<p>assessment of the existing retail floorspace in the County, including comparing the results with the projected figures for 2021 as set out in the Retail Strategy for the Greater Dublin Area 2008-2016 and reflecting the changing role of centres and their importance in meeting the needs of the ten minute neighbourhood.</p>	
<p>Policy Objective RET3: It is a Policy Objective of the Council to have regard to the Retail Strategy for the Greater Dublin Area 2008 – 2016 and the Eastern and Midland Regional Authorities ‘Regional Spatial and Economic Strategy 2019 – 2031’, in defining the retail hierarchy of the County and defining the role of the Major Town, District, and Neighbourhood Centres in the County. It is Council policy to promote the viability and vitality of its existing main retail centres and to also promote their multi-functional role, while continuing to protect and improve the amenity of surrounding areas</p>	<p>The GDA Retail Planning Strategy recognises the role of retail in integrated planning models to cater for new large housing developments, to fully equip liveable communities and meet their convenience needs.</p>
<p>Policy Objective RET7: It is a Policy Objective of the Council to facilitate the provision of local convenience shops in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity</p>	<p>The development plan promotes mixed-use potential of new centres to provide for local need within neighbourhood and local centres. This expansion is in line with planned population growth.</p>
<p>Policy Objective RET8: It is a Policy Objective of the Council to ensure that applications for new retail development shall accord with the retail policies of the Development Plan and are objectively assessed as set out in the Retail Planning Guidelines for Planning Authorities (2012)</p>	<p>Please see the Material Contravention Statement in relation to the proposed retail unit.</p>
<p>Open Space, Parks & Recreation</p>	
<p>Policy Objective OSR2: It is a Policy Objective to provide a hierarchy of attractive parks and public open spaces, which vary in size and nature, are all inclusive, by being readily accessible and at a convenient distance from people’s home and/ or places of work.</p>	<p>The proposed development provides direct access to quality public and communal open space within the site. It is also in close proximity to primary parks of the surrounding area.</p>
<p>Policy Objective OSR4: It is a Policy Objective to promote public open space standards generally in accordance with overarching Government guidance documents ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’, (2009), the accompanying ‘Urban Design Manual – A Best Practice Guide’, and the ‘Sustainable Urban Housing: Design Standards for new Apartments’, (2018).</p>	<p>A key feature of the development is the area and design of the public open space which contributes to passive surveillance. The public open space provided by the development includes 5,900sqm of quality designed Primary Public Open Space. The site also has an additional 3,000 sqm of Secondary Public Open Space which exceeds the standards set out for public open space.</p>

<p>Policy Objective OSR5: It is a Policy Objective to support the objectives of public health policy including Healthy Ireland and the National Physical Activity Plan (NPAP) 2016, to increase physical activity levels across the whole population thus creating a society, which facilitates people whether at home, at work or at play to lead a more active way of life (consistent with RPO 9.16).</p>	
<p>Policy Objective OSR6: It is a Policy Objective to support the provision of additional public allotments and community gardens to improve their provision and distribution across the County.</p>	<p>The proposed development includes a community garden for the future residents.</p>
<p>Policy Objective OSR7 It is a Policy Objective to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and educational benefits, which derive from an 'urban forest', and include a holistic 'urban forestry' approach.</p>	<p>There are mature trees on the site, with the retention of some of these trees forming part of the landscape masterplan for the site. There will also be new plantings on site which will contribute to additional tree cover on site. The application includes a tree survey and arboricultural impact assessment in this regard.</p>
<p>Policy Objective OSR13: It is a Policy Objective to support the provision of structured, and unstructured play areas with appropriate equipment and facilities, incorporating and facilitating Nature-based Play with respect to the provision of Play Opportunities throughout the County. These play facilities will also seek to maximise inclusivity and accessibility, to ensure that the needs of all age groups and abilities - children, teenagers, adults and older people - are facilitated in the public parks and open spaces of Dún Laoghaire – Rathdown.</p>	<p>A play area will be facilitated alongside the creche, along with other quality design and sited play areas within the various open spaces and will be overlooked.</p> <p>Play areas are provided as detailed in the landscape masterplan.</p>
<p>Climate Action</p>	
<p>Policy Objective CA5: It is a Policy Objective to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing and new buildings, including retro fitting of energy efficiency measures in the existing building stock.</p>	<p>The design of the proposed development will limit the amount of energy required for its operation and the amount of carbon dioxide (CO2) emissions associated with this energy use.</p> <p>New residential units shall meet the energy performance standards, limiting heat loss and where appropriate, and availing of heat gain through the fabric of the building.</p>
<p>Policy Objective CA6: It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible</p>	<p>The proposed development includes plans for the demolition of two existing buildings on site, an unoccupied dwelling (Winterbrook) and the other which is a derelict former dwelling</p>

<p>recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES)</p>	<p>attached to Barrington Tower.</p> <p>The demolition of both buildings allows for a greater density on the site of this highly sustainable site.</p> <p>The protected structure of Barrington Tower is to be retained and restored as part of the sites main focal point.</p>
<p>Policy Objective CA7: It is a Policy Objective to support the use of structural materials in the construction industry that have low to zero embodied energy and CO2 emissions. (Consistent with the RPO 7.41 of the RSES)</p>	<p>It is presumed that by way of condition construction materials will be chosen prior to construction stage and submitted within a Construction Management Plan.</p>
<p>Policy Objective CA8 It is a Policy Objective to promote sustainable approaches to the improvement of standards for habitable accommodation, by allowing dwellings to be flexible, accessible and adaptable in their spatial layout and design.</p>	<p>The proposed development incorporates high standard residential amenity, as well as sustainable design, to meet the needs of the local community and the increasing demand of quality housing in this area, while minimizing the negative environmental impact.</p>
<p>Policy Objective CA10: It is a Policy Objective to support County, Regional, National and International initiatives and pilot schemes to encourage the development and use of renewable energy sources, including the SEAI Sustainable Energy Community initiatives, as a means of transitioning to a low carbon climate resilient County in line with national renewable energy targets.</p>	<p>An Energy and Sustainability Report prepared by OCSC is submitted with this application.</p> <p>Renewable energy sources which are proposed for this scheme are solar photo-voltaic systems, solar thermal system, CHP units and heat pumps. Please see the Energy and Sustainability Report for further details.</p> <p>DLR development plan supports the <i>“use of renewable energy and low carbon resources, namely solar photovoltaic, geothermal, heat pumps, district heating, solar thermal, hydro, tidal power, offshore and small scale onshore wind and biomass.”</i></p>
<p>Policy Objective CA13 It is a Policy Objective to encourage and support the development of solar energy infrastructure, including photo voltaic (PV) and solar thermal and seasonal storage facilities infrastructure in appropriate locations, as a renewable energy resource which can contribute to the transition to a low carbon climate resilient County. It is also a policy objective to support Ireland’s renewable energy commitments by facilitating utility scale PV installations for the production of electricity provided they do not negatively impact upon the environmental quality, amenity or heritage of the area.</p>	<p>Please see the Energy and Sustainability Report prepared by OCSC which provides information on the provision of solar photovoltaics throughout the development.</p>
<p>Policy Objective CA15:</p>	<p>The development will provide suitable electrical</p>

<p>It is a Policy Objective to support and facilitate the rollout of alternative low emission fuel infrastructure through the Development Management process, prioritising electric vehicle infrastructure.</p>	<p>vehicle charge points in line with council national policy encouraging the use of electrical vehicles.</p>
<p>Policy Objective CA16: It is a Policy Objective to support, the Government's Electric Transport Programme by progressively electrifying our mobility systems by facilitating the rollout of Electric Powered Vehicle Recharging Parking Bays across the County and on public roads and other suitable location. The provision of e-bike chargers will be supported subject to the availability of Funding. (Consistent with NSO 4 of the NPF and RPO 7.42 of RSES)</p>	<p>The proposed development includes EV charging points within the car parking spaces in line with this policy.</p>
<p>Policy Objective CA17 It is a Policy Objective to promote urban greening - as an essential accompanying policy to compact growth - which supports the health and wellbeing of the living and working population, building resilience to climate change whilst ensuring healthy placemaking. Significant developments shall include urban greening as a fundamental element of the site and building design incorporating measures such as high quality biodiverse landscaping (including tree planting), nature based solutions to SUDS and providing attractive routes and facilities for the pedestrian and cyclist (Consistent with RPO 7.6, 7.22, 7.23, 9.10 of the RSES).</p>	<p>The entire scheme incorporates Sustainable Drainage Systems (SuDS). The schemes landscaping offers high quality public open space as well as communal open space for residents. Hard and soft landscaping is used to make for an attractive development which incorporates a diverse range of plants and species into the environment.</p>
<p>Environmental Infrastructure and Flood Risk</p>	
<p>Policy Objective EI6 It is a Policy Objective to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS).</p>	<p>The entire scheme incorporates Sustainable Drainage Systems (SuDS). Please refer drawings and reports by Waterman Moylan consulting accompanying this application.</p>
<p>Policy Objective EI4: It is a Policy Objective to require all development proposals to provide a separate foul and surface water drainage system – where practicable</p>	<p>A foul and surface water drainage systems shall be provided for the site. Please see Waterman Moylan reports for further detail.</p>
<p>Policy Objective EI9: It is a Policy Objective to ensure that all new development proposals include a Drainage Impact Assessment that meets the requirements of the Council's Development Management Thresholds Information Document (see Appendix 3) and the Stormwater Management Policy (See Appendix 7.1).</p>	<p>Please see Waterman Moylan Infrastructure Report confirming this point</p>
<p>Policy Objective EI15: Air and Noise Pollution It is a Policy Objective: To implement the</p>	<p>An EIAR has been prepared alongside this planning application. Chapter 8 of the EIAR</p>

<p>provisions of national and EU Directives on air and noise pollution and other relevant legislative requirements in conjunction with other agencies as appropriate. (Consistent with RPO 10.10 of the RSES)</p> <p>To maintain and manage a Dublin County ambient air quality monitoring network in conjunction with the EPA and TII and to make available to the public the resulting air quality measurements via the EPA website www.epa.ie/air/quality.</p> <p>To support the implementation of objectives of the 'Dublin Agglomeration Environmental Noise Action Plan 2018-2023'.</p>	<p>addresses noise and vibration and provides mitigation measures to protect residents and the public against adverse effects.</p> <p>Chapter 9 of the EIAR addresses air and climate and provides mitigation measures to protect residents and the public against adverse effects.</p>
<p>Policy Objective EI16: Light Pollution</p> <p>It is a Policy Objective to ensure that the design of external lighting schemes minimise the incidence of light spillage or pollution in the immediate surrounding environment and has due regard to the residential amenity of surrounding areas.</p>	<p>A Public Lighting Plan prepared by OCSC is submitted with this application.</p> <p>The Bat Assessment submitted with this application contains a lighting plan also (section 6.1.2).</p> <p>The assessment states <i>"It is important that any proposed lighting for the proposed development is wildlife friendly and that there is a provision for continued dark zones to facilitate movement of light sensitive bat species"</i>.</p>
<p>Policy Objective EI17:</p> <p>It is a Policy Objective to implement the provisions of water pollution abatement measures in accordance with national and EU Directives and other legislative requirements in conjunction with other agencies as appropriate.</p>	<p>Please see Waterman Moylan Infrastructure Report confirming this point.</p>
<p>Policy Objective EI23:</p> <p>It is a Policy Objective to support, in cooperation with the OPW, the implementation of the EU Flood Risk Directive (20010/60/EC) on the assessment and management of flood risks, the Flood Risk Regulations (SI No 122 of 2010) and the Department of the Environment, Heritage and Local Government and the Office of Public Works Guidelines on 'The Planning System and Flood Risk Management' (2009) and relevant outputs of the Eastern District Catchment and Flood Risk Assessment and Management Study (ECFRAMS Study). Implementation of the above shall be via the policies and objectives of the Strategic Flood Risk Assessment set out in Appendix 16 of this Plan.</p>	<p>A Flood risk assessment (FRA) of the proposed site was undertaken. The FRA outlines flood risk management strategies and states the proposed development is considered acceptable in terms of flood risk.</p>
<p>Heritage and Conservation</p>	
<p>Policy Objective HER7</p>	<p>Retaining the protected structure of Barrington</p>

It is a Policy Objective to include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures

Policy Objective HER8

It is a Policy Objective to:

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.
- iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.
- iv. Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.
- v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.
- vi. Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.
- vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

Tower creates a focal point for the residential development which incorporates a protective radius surrounding the Protected Structure.

The proposed design includes stepping down of heights to enhance the protected structure, as well as the surrounding public plaza.

All works will be carried out by qualified professionals with specialised conservation expertise.

Howley Hayes Cooney have also submitted a heritage assessment relating to the protected structure on this site.

<p>ix. Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.</p> <p>x. Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).</p>	
<p>Policy Objective HER9: It is a Policy Objective to require all planning applications relating to Protected Structures to contain the appropriate level of documentation in accordance with Article 23 (2) of the Planning Regulations and Chapter 6 and Appendix B of the 'Architectural Heritage Protection Guidelines for Planning Authorities', or any variation thereof.</p>	<p>A Heritage Assessment carried out by Howley Hayes Cooney has been submitted with this application. This confirms that the proposed interventions are appropriate and comply with all relevant regulations as appropriate.</p> <p>Chapter 15 of the EIAR accompanying this application also assesses the architectural heritage impact of the proposed development.</p>
<p>Policy Objective HER10: It is a Policy Objective to protect the character and special interest of Protected Structures when considering or carrying out interventions to comply with the requirements of the Building Regulations - with particular reference to Part B and Part M.</p>	<p>A Heritage Assessment carried out by Howley Hayes Cooney has been submitted with this application. This confirms that the proposed interventions are appropriate and comply with all relevant regulations as appropriate.</p> <p>Chapter 15 of the EIAR accompanying this application also assesses the architectural heritage impact of the proposed development.</p>
<p>Childcare</p>	
<p>Policy Objective PHP6: It is a Policy Objective to: Encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general, at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. Encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.</p>	<p>The estimated childcare demand arising from the proposed development will be c. 98 no. childcare spaces when based on the 2001 guidelines and the studios and one beds are excluded. When the census data is considered it is estimated that there will be a demand for c. 53 childcare spaces.</p> <p>The proposed creche will provide for 99 childcare spaces, which will accommodate the full development and also provide capacity for the wider area. On this basis the sizing of the creche is considered appropriate for the development.</p> <p>A more detailed assessment is included in the Childcare Assessment submitted with this application</p>
<p>Urban Design</p>	
<p>Policy Objective PHP34:</p>	<p>The proposed development is considered in</p>

<p>It is a Policy Objective to: Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES.</p> <p>Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013).</p> <p>Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.</p>	<p>accordance with principles of the 'Urban Design Manual – A Best Practice Guide' (2009), and the 'Design Manual for Urban Roads and Streets' (2013).</p> <p>Please refer to Waterman Moylan documentation in relation to DMURS compliance.</p> <p>The proposal has been carefully designed to create a high-quality development with a strong sense of place.</p> <p>The apartment blocks have been located to provide glimpse views through the site and to ensure that the adjacent residential developments will not be overlooked or negatively impacted. The proposed blocks will also provide passive surveillance to all the public and communal open areas.</p> <p>The varying building heights will provide nodes and landmarks both within the site and within the wider area which will help with wayfinding. Retaining the protected structure of Barrington Tower creates a focal point for wayfinding around the residential development.</p> <p>The public open spaces will provide destinations and amenity spaces within the site.</p>
<p>Policy Objective PHP41</p> <p>It is a Policy Objective that, all medium to-large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq.m. or as otherwise required by the Planning Authority) submit a 'Design Statement' and shall be required to demonstrate how the proposed development.</p>	<p>The Architects have prepared a Design Statement for the proposed development.</p> <p>The proposal has also been assessed against Urban Design Manual above.</p> <p>Please see the Design Statement prepared by Reddy Architecture & Urbanism. The design statement demonstrates how the proposed development addresses the criteria set out in the 'Urban Design Manual – A Best Practice Guide'</p>
<p>Policy Objective PHP36:</p> <p>It is a Policy Objective that all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved.</p>	<p>The proposed development will provide a new public open space within the development, which is readily overlooked by the proposed development offering passive surveillance to promote safer spaces. It will also provide a creche and a new retail facility.</p> <p>Please see the landscape proposal prepared by Murray & Associates for the detailed public realm design.</p>

<p>Policy Objective PHP37: It is a Policy Objective to promote safer and more attractive streets and public realm for all road users throughout the County by proactively engaging with, and adhering to, the 'shared space' concept and guidance set out in the 'Design Manual for Urban Roads and Streets' (2013). It is a policy objective to preserve and enhance the public realm offering in our towns and villages. Dún Laoghaire-Rathdown County Council recognises the social and non-commercial value of the public realm and commercial activity is not the sole objective of outdoor public realm improvements. The Council will develop an outdoor realm policy that will enhance offerings including, but not limited to, street furniture; pedestrianisation of streets; outdoor vendors; safe, public breastfeeding spaces and litter management. All ages and backgrounds should be included in the consideration of public realm improvements.</p>	<p>The proposed development will provide a new public open space within the development, which is readily overlooked by the proposed development offering passive surveillance to promote safer spaces. It will also provide a creche and a new retail facility.</p> <p>Please see the landscape proposal prepared by Murray & Associates for the detailed public realm design.</p>
<p>Policy Objective PHP40 relates to the implementation of Local Area Plans</p>	<p>Not applicable to the subject site or the proposed development.</p>
<p>Policy Objective PHP39: It is a Policy Objective to:</p> <ul style="list-style-type: none"> Encourage high quality design of all new development. <p>Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).</p>	<p>Please see the Material Contravention Statement, Chapter 11 in relation to the proposed building heights.</p>
<p>Policy Objective OSR7: It is a Policy Objective to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and educational benefits, which derive from an 'urban forest', and include a holistic 'urban forestry' approach.</p>	<p>An Arboricultural survey and report and a detailed landscaping plan have been completed for the subject site and the proposed development. Existing trees have been retained where possible and the proposed landscaping includes additional tree planting.</p>
<p>Green Infrastructure</p>	
<p>Policy Objective GIB1: Green Infrastructure Strategy It is a Policy Objective to continue to implement, and update, the DLR Green Infrastructure (GI) Strategy, to protect existing green infrastructure and encourage and facilitate, in consultation with relevant stakeholders, the development, design and management of high quality natural</p>	<p>The proposed development provides open spaces and includes access to woodland and Carrickmines Stream, with green spaces and routes through this site will add to the Green Infrastructure of the county.</p>

<p>and semi-natural areas. This recognises the ecosystems approach and the synergies that can be achieved with regard to sustainable transport, provision of open space, sustainable management of water, protection and enhancement of biodiversity.</p>	
<p>Policy Objective GIB6: It is a Policy Objective to preserve, protect and encourage the enjoyment of views and prospects of special amenity value or special interests, and to prevent development, which would block or otherwise interfere with Views and/or Prospects.</p>	<p>The proposed development incorporates framing and valuing surrounding views into its design. This includes taking advantage of the topography to frame views to the Dublin mountains.</p>
<p>Policy Objective GIB18: It is a Policy Objective to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas (SPAs), Special Areas of Conservations (SACs), proposed Natural Heritage Areas (pNHAs) and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as locally important areas which also serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive.</p>	<p>Please see the Natura Impact Statement submitted as part of this application.</p>
<p>Policy Objective GIB22: It is a Policy Objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/avoidance measures will be implemented. In implementing this policy, regard shall be had to the Ecological Network, including the forthcoming DLR Wildlife Corridor Plan, and the recommendations and objectives of the Green City Guidelines (2008) and 'Ecological Guidance Notes for Local Authorities and Developers' (Dún Laoghaire-Rathdown Version 2014).</p>	<p>A bat roost was identified on site and has informed the design of the site. The site includes measures for bat conservation.</p> <p>An Ecological Impact Assessment and Bat Report was carried out in line with this application.</p>
<p>Policy Objective GIB24:</p>	<p>The proposed development includes measures</p>

<p>It is a Policy Objective to maintain and protect the natural character and ecological value of the river and stream corridors in the County and where possible to enhance existing channels and to encourage diversity of habitat and nature-based solutions that incorporate biodiversity features. It is also policy (subject to the sensitivity of the riverside habitat), to provide public access to riparian corridors, to promote improved passive recreational activities.</p>	<p>to ensure the protection of the ecological value and natural character of Carrickmines Stream south of the site. Significant reprofiling works are proposed on site to prevent contamination of the stream.</p> <p>Please see Waterman Moylan reports accompanying this application for details.</p>
<p>Policy Objective GIB25: It is a Policy Objective to retain and protect hedgerows in the County from development, which would impact adversely upon them. The Council will promote the County's hedgerows by increasing coverage, where possible, using locally native species and to develop an appropriate code of practice for road hedgerow maintenance.</p>	<p>The proposed development proposes to retain and protect the boundary hedges across the site, except on Brennanstown Road where hedges will be removed for sightlines and road safety reasons. New planting of hedgerows or improvement to existing hedgerows will include locally native species.</p>
<p>Policy Objective GIB30: It is a Policy Objective to promote biodiversity by avoiding the widespread use of chemical weedkillers, herbicides and pesticides such as glyphosate for routine road and park maintenance.</p>	<p>Please see Murray & Associates Landscape Management Plan for proposed maintenance procedures, including minimising the use of chemicals for maintenance.</p>
<p>Development Management</p>	
<p>Section 12.1 of the development plan outlines specific requirements to ensure the proper planning and sustainable development of the county.</p> <p>These specific requirements include:</p> <ul style="list-style-type: none"> 12.1.1.1 Pre-Application Consultation 12.1.1.2 Design Statements 12.1.1.3 Landscape Plans 12.1.2.1 Environmental Impact Assessment 12.1.2.2 Appropriate Assessment 12.1.2.3 Ecological Impact Assessment 	<p>12.1.1.1: Details of the pre planning application are outlined within designated sections of the SHD application form submitted with this application.</p> <p>12.1.1.2: An Urban Design Report prepared by Reddy Architecture is submitted with this application. It outlines the proposed developments context and aims as well as demonstrating how the proposal is suitable located within the surrounding environment.</p> <p>12.1.1.3 A Landscape Design Statement prepared by Murray & Associates is submitted with this application. The landscape architectural design proposal seeks to harmonise with existing and permitted development in neighbouring areas in an appropriate manner and will create a high-quality landscape setting for the development.</p> <p>12.1.2.1</p>
<p>Quality Residential Design</p>	
<p>Section 12.3.1 A core aim of land-use planning is to ensure that new residential developments offer a high</p>	<p>The architecture and landscape design of the scheme will work together to make a high quality scheme.</p>

<p>quality living environment for residents, both in terms of the standard of individual dwelling units and in terms of the overall layout and appearance of streets and outdoor spaces. In considering applications for new developments the Planning Authority will refer to Government guidelines that offer specific guidance in relation to design, including those listed in Appendix 13.</p>	<p>Proportions in elevation, general massing and window and balcony sizes, have all been carefully considered, comprising a high quality simple palette of external building materials. These principles have been thought in a contemporary manner.</p>
<p>Quantitative Standards</p>	
<p>Sections 12.3.3 outlines Quantitative Standards for All Residential Development. Applications for residential schemes shall comply with all relevant requirements set out in PHP20: Protection of Existing Residential Amenity (see Section 4.3.1.3).</p> <p>That the requirement for certain percentages of 3-bed units in apartments shall apply to Build To Rent developments to accord with mix on page 233.</p>	<p>Please see the Material Contravention Statement for the Dun Laoghaire Rathdown 2022-2028 Development Plan in Chapter 11 in relation to proposed housing mix</p> <p>Unless stated otherwise the proposed development is considered in accordance with all these quantitative standards.</p>
<p>Section 12.3.10 outlines considerations for demolition and replacement dwellings. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered simply on the grounds of replacement numbers only but will be weighed against other factors.</p>	<p>There are two existing houses on the site which are proposed to be demolished as part of the development and the Barrington Tower which will be retained while the remainder of the site is greenfield.</p> <p>A material contravention statement has been provided in this regard</p>
<p>Section 12.3.4 outlines general requirements to be considered for both housing and apartment developments including:</p> <p>12.3.4.1 Road and Footpath Requirements</p> <p>12.3.4.2 Habitable Rooms</p> <p>12.3.4.3 Naming of Residential Estates</p> <p>12.3.4.4 Phased Development</p> <p>12.3.4.5 Management Companies and Taking in Charge</p> <p>12.3.4.6 Bonds</p> <p>12.3.4.7 Refuse Storage and Services</p>	<p>Roads and footpaths in the proposed development are of quality design to allow permeability through the site and safety of all users.</p> <p>All apartments comply fully with the Apartment Guidelines</p> <p>Naming of development shall be agreed with the council.</p> <p>A phasing plan for the development is submitted with this application</p> <p>A management company will be established as set out in the Operational Management plan to ensure all areas are maintained to a high standard</p> <p>A bond shall be provided if required by condition.</p> <p>Appropriate Refuse Storage and Services will be</p>

	provided for residents of the development.																								
Public Lighting																									
<p>Section 12.4.4</p> <p>The lighting of roads and public amenity areas shall be provided in accordance with the requirements of Public Lighting Standards BS5489-1 EN 13201:2015 and further updates and also the Council's 'Public Lighting Installations in Residential and Industrial Areas Guidance Document'</p>	A Public Lighting Report has been submitted as part of this application.																								
Open Space																									
<p>Sections 12.8.3 outlines quantitative and qualitative standards for public and communal open space.</p> <p>All residential schemes must provide a minimum provision of public open space in accordance with the table below, which has regard to the content of the Section 28 Guidelines 'Sustainable Residential Development in Urban Areas' (2009)</p> <table border="1"> <thead> <tr> <th>Location:</th> <th>Public Open Space Standards (minimum):</th> </tr> </thead> <tbody> <tr> <td>Residential Development in new residential communities as shown in the Core strategy – figure 2.9.</td> <td>15% (of site area)</td> </tr> <tr> <td>Residential Development in the existing built up area.</td> <td>15% (of site area)</td> </tr> <tr> <td>Institutional lands and Redevelopment of SNI use</td> <td>25% (of site area)</td> </tr> <tr> <td>Redevelopment of SNI lands</td> <td>20% (of site area)</td> </tr> </tbody> </table> <p>Communal open space must also be provided for apartments and in some instances for houses, in accordance with the minimum standards set out in the table below.</p> <table border="1"> <thead> <tr> <th>Unit Type</th> <th>Minimum Area per Unit</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 sq. m</td> </tr> <tr> <td>One Bed</td> <td>5 sq. m</td> </tr> <tr> <td>Two bedrooms (3 bed)</td> <td>6 sq. m</td> </tr> <tr> <td>Two bedrooms (4 bed)</td> <td>7 sq. m</td> </tr> <tr> <td>Three bedrooms</td> <td>9 sq. m</td> </tr> <tr> <td>Four +</td> <td>12 sq. m.</td> </tr> </tbody> </table>	Location:	Public Open Space Standards (minimum):	Residential Development in new residential communities as shown in the Core strategy – figure 2.9.	15% (of site area)	Residential Development in the existing built up area.	15% (of site area)	Institutional lands and Redevelopment of SNI use	25% (of site area)	Redevelopment of SNI lands	20% (of site area)	Unit Type	Minimum Area per Unit	Studio	4 sq. m	One Bed	5 sq. m	Two bedrooms (3 bed)	6 sq. m	Two bedrooms (4 bed)	7 sq. m	Three bedrooms	9 sq. m	Four +	12 sq. m.	<p>The proposal includes a total of 13,250sqm which is made up of c. 5,900sqm primary public open space, 3,000sqm secondary public open space and c. 4,350sqm communal open space. This represents 34% of the site area. The proposal is therefore exceeding the requirements set out in these standards.</p>
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Car Parking																									
<p>Section 12.4.5 addresses car parking standards. Car parking within new developments will be in accordance with the standards set out in Table 12.6.</p> <p>Parking Zone 1 is generally comprising the Major Town Centre areas of Dun Laoghaire and Dundrum together with the Blackrock District Centre area.</p> <p>These are areas, which are generally characterised by:</p>	<p>The proposed development includes 419 no. car parking spaces which is considered sufficient for this location.</p> <p>Please see Material Contravention Statement for the Dun Laoghaire Rathdown 2022-2028 Development Plan in relation to car parking.</p>																								

<ul style="list-style-type: none"> - Access to a high level of existing and planned public transport services (rail and bus) with good interchange potential. - A high level of service accessibility, existing and planned, by walking or cycling. - A capacity to accommodate high density retail, office and residential developments. <p>Within parking zone 1 Maximum car parking standards have been set for all uses including residential.</p> <p>Table 12.6 sets out the parking requirement as follows:</p> <ul style="list-style-type: none"> - 1 space per 1 bed unit - 1 space per 2 bed unit - 1 space per 3-bed unit+ <p>Section 12.4.5.7</p> <p>Residential developments of more than 50 units should have at least one loading bay and there shall be a ratio of not less than 1 loading bay per 100 units in larger developments. Loading bays shall be situated so as to minimise traffic hazard, reduce distance to carry goods and encourage its use for home deliveries. This standard may be relaxed if the planning authority consider it is appropriate based on the location and the nature/design of both the street and the residential development</p>	
<p>Requirements for New Development</p>	
<p>Section 12.4.6.1</p> <p>It is a requirement that, new residential developments of 5 residential units or more or non-residential type developments of 400 sq. m. or over, submit a Cycle Audit as part of the planning application. The Cycle Audit must be prepared by a suitably qualified person and shall clearly demonstrate, in plan format, how all the requirements of Council’s Standards for Cycle Parking and Associated Cycling Facilities for New Developments, are met within the development.</p>	<p>Waterman Moylan have prepared a Traffic and Transport Assessment submitted with this report.</p>
<p>Cycle Parking</p>	<p>Evaluation of Consistency</p>
<p>The draft development plan also points to the standards set out in the Council Cycling Policy Guidelines and Standards for cycle parking requirements.</p> <p>Table 4.1 of this documents sets out the cycle parking standards as 1 short stay space per 5 units and 1 long stay space per unit.</p> <p>The draft development plan states that in car</p>	<p>There are 1,266 no. bicycle parking spaces proposed. 1058 no. at basement level and 208 no. at surface level.</p> <p>These figures are in line with the cycle parking standards and is considered appropriate for the site.</p>

parking Zones 1 and 2 these minimum standards should be exceeded.	
Motorcycle Parking	Evaluation of Consistency
Section 12.4.7 outlines the objective of the Council to require developments to provide motorcycle parking spaces at a minimum of four or more spaces per 100 car parking spaces.	Based on the proposed car parking provision, this standard would require the provision of 9 no. motorcycle parking spaces. These are provided in the basement.
Section 12.4.8 outlines the following 12.4.8.1 General Specifications 12.4.8.2 Visual and Physical Impacts 12.4.8.3 Driveways/Hardstanding Areas 12.4.8.4 ACAs/Protected Structures 12.4.8.5 Financial Contributions 12.4.8.6 Access Across Public Open Space	All entrances and hardstanding areas are designed with traffic calming measures to ensure safety for pedestrians, cyclists and passing traffic A letter of consent from Dun Laoghaire Rathdown County Council is submitted as part of the vehicular access points from Brennanstown Road. The vehicular access takes a short route to underground parking to minimise visual and physical impacts on the site or the protected structure.
Section 12.9.4 Construction Management Plans (CMP) for developments generating construction activity - containing measures to mitigate against the effects of the construction - shall accompany planning applications for development of 3 residential units or more and for all other developments measuring more than 500 sq.m. gross floor area. Construction in the vicinity of the Luas needs to appropriately take the light rail infrastructure into consideration. In this regard construction management should be guided by the TII's 'Light Rail Environment – Technical Guidelines for Development PE-PDV-00001', December 2020 and any subsequent updates of same.	A Construction Management Plan has been submitted as part of this application.
Section 12.4.13 In some circumstances large-scale developments, which could result in a significant level of peak and/ or off-peak travel, and residential developments greater than 300 units shall provide for duplicate access or other means approved by the Planning Authority for emergency use/access. This shall also allow access for pedestrians and cyclists	Access off Brennanstown Road northeast of the site connecting the Luas stop to the south will also share access with bicycles and emergency vehicles.
Section 12.4.11 Residential multi-unit developments of new buildings (with private car spaces including visitor car parking spaces) - a minimum of one car parking space per five car parking spaces should be equipped with one fully functional EV	The proposed development is to provide multiple of EV charging points both at surface and in basement level in line with this policy.

Charging Point.															
<p>Section 12.6.1 Applications for new retail development shall:</p> <ul style="list-style-type: none"> - Be consistent with the role and function of the particular retail centre as set out in the Development Plan and accord with the scale and type of retailing identified for that location. - Accord with the fundamental objective to support the vitality and viability of the retail centre and demonstrate compliance with the sequential approach. Provide a detailed retail impact assessment and a transport impact assessment to accompany the application where appropriate. - Be of a high quality and incorporate layouts that encourage active and engaging frontages where appropriate. <p>There shall be a general presumption against large out-of-town retail centres - in particular those located adjacent or close to existing, new or planned national roads/motorway</p>	<p>A retail viability assessment has been submitted as part of this application.</p> <p>The inclusion of a small/local convenience shop is considered under lands zoned Objective A.</p> <p>Please see the Material Contravention Statement for the Development Plan 2022 - 2028</p>														
<p>Section 12.6.3 A small/local convenience shop will be open for consideration within a residential area (lands zoned Objective 'A' – "To protect and/or improve residential amenity"). When assessing any such proposals, the Council will have regard to the distance from the proposed development to established local shopping facilities and to its impact on the amenity of adjoining dwellings. Local convenience shops shall not have a floorspace greater than 100 sq.m. net. (refer also to Policy RET7, Section 7.5.5.1).</p>	<p>The inclusion of a small/local convenience shop is considered under lands zoned Objective A.</p> <p>Please see the Material Contravention Statement for further detail.</p>														
<p>Section 12.8.3.3 (ii) Private Open Space for Apartment Developments:</p> <table border="1" data-bbox="177 1570 568 1827"> <thead> <tr> <th>Type/No. of bedrooms</th> <th>Minimum square metres</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 sq. m.</td> </tr> <tr> <td>One</td> <td>5 sq. m.</td> </tr> <tr> <td>Two (3 persons)</td> <td>6 sq. m.</td> </tr> <tr> <td>Two (4 persons)</td> <td>7 sq. m.</td> </tr> <tr> <td>Three</td> <td>9 sq. m.</td> </tr> <tr> <td>Four +</td> <td>12 sq. m.</td> </tr> </tbody> </table>	Type/No. of bedrooms	Minimum square metres	Studio	4 sq. m.	One	5 sq. m.	Two (3 persons)	6 sq. m.	Two (4 persons)	7 sq. m.	Three	9 sq. m.	Four +	12 sq. m.	<p>This proposed development meets all of these requirements</p>
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<p>Section 12.8.9 Children's play needs around the apartment building should include:</p> <ul style="list-style-type: none"> -Within the private open space associated with individual apartments. -Within small play spaces (about 85 – 100 sq. metres) for the specific needs of toddlers and 	<p>Children's play need areas are of quality design and sited where they will be over looked and safe as its positioning within a central communal open space is appropriate with controlled access.</p>														

<p>children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms; and,</p> <p>- Within play areas (200–400 sq. metres) for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms.</p>	
<p>Section 12.8.11 outlines incorporation of existing trees and hedgerows with new developments and where necessary to remove trees to facilitate development the council require the commensurate planting or replacement trees and other plant material.</p> <p>An ecological assessment of existing hedgerows shall be required where new developments potentially impact on their ecological importance.</p>	<p>The proposed development includes the retention of existing trees. Please refer to the Landscape Plan for details of tree retention.</p> <p>An ecological impact assessment has also been submitted with this application.</p>
<p>Section 12.9 Residential development should be set back from roads/rail lines such that amenities of residents are not unduly impacted upon by reason of noise. To address potential noise issues at post development stage, mitigation measures should be undertaken, where appropriate, between the residential development and road/rail line. At design stage consideration should be given to the location of bedrooms so as to ensure the least possible impact from noise sources.</p>	<p>The proposed development provides appropriate distances between the residential blocks and the Green Luas line to the south of the site and to Brennanstown Road north of the site. This has been incorporated at the design stage to minimise noise impact.</p>
<p>Section 12.9.2 The Planning Authority will use the Development Management process for larger developments or developments close to residential developments:</p> <ul style="list-style-type: none"> • To require the Planning Authority to acknowledge its legal responsibility to attach planning conditions on permissions granted to prevent the development from causing a noise nuisance for adjacent occupiers. • To attach planning conditions on relevant permissions granted to reduce or prevent the development from causing any noise or vibration that might give reasonable cause for annoyance to persons in any premises in the neighbourhood, as per Section 34(4)(c) of the Planning Act. 	<p>An EIAR has been completed and submitted with the application request. This concludes that the development will not result in any significant negative impact on the environment, it also includes mitigation measures and plans for any possible negative impacts.</p>

<ul style="list-style-type: none"> • To require developers to produce a Sound Impact Assessment and Mitigation Plan where a noise-generating use is proposed and specialist input is deemed necessary, for any new development that the Planning Authority considers will impact negatively on pre-existing environmental sound levels. • To require developers to produce an Acoustic Design Assessment (informed by guidance such as is set out in 'ProPG Planning and Noise', 2018, as referenced in the 'Dublin Agglomeration Noise Action Plan 2018 – 2023'), where a noise-sensitive use is proposed in an area that may have high pre-existing environmental sound levels. • To ensure that future developments are designed and constructed in such a way as to minimise noise disturbances and prevent noise nuisance. • Placing acoustic barriers between the noise source and residential units. • Locating family homes and gardens as far away from noise sources as possible without compromising passive design principles. • Locating windows away from noise sources if possible. • Avoid hard exterior surfaces such as concrete paving that reflect sound rather than absorbing it. • Locating noise sources away from property boundaries and noise sensitive areas. • To incorporate 'Shared Spaces'/ 'Home Zones'/ or 'Streets for People' in new developments, which recognize that residential streets have multi- function uses for pedestrians, cyclists and vehicles - in that priority order. <p>To interposing less-sensitive uses between noise sources and sensitive uses.</p>	
<p>Section 12.1.2.1 states the requirement of an Environmental Impact Assessment (EIA)</p>	<p>An Environmental Impact Assessments report has been submitted as part of this application.</p>
<p>Section 12.1.2.2 states the requirement of screening Appropriate Assessment and Appropriate Assessment (AA)</p>	<p>An Appropriate Assessment screening was carried out as part of this application</p>
<p>Section 12.10.1 Applications shall adhere to the policies and objectives set out in Appendix 16 Strategic Flood Risk Assessment and Section 10.7 Flood Risk while having regard to 'the 'Planning System and Flood Risk Management' Guidelines for Planning Authorities' DEHLG (2009) and DECLG Circular</p>	<p>A Flood risk assessment (FRA) of the proposed site was undertaken. The FRA outlines flood risk management strategies and states the proposed development is considered acceptable in terms of flood risk.</p>

PL2/2014.	
<p>Section 12.10 All planning applications submitted shall clearly show existing and proposed water supply arrangements and surface and wastewater drainage proposals having due regard to SuDS (Refer also to Section 10.2.2.6).</p>	<p>Water supply, surface and wastewater drainage proposals for the proposed development have been outlined in the Engineering Report carried out by Waterman Moylan in accordance with Irish Water code of practice for Wastewater Infrastructure and Irish Water requirements for taking in charge.</p>
<p>Section 12.9.6 Applications for developments with a site area measuring 0.5ha, or greater and above 50+residential units shall include a Stormwater Audit in accordance with the Council’s Stormwater Management Policy. (See Appendix 7.1 Stormwater Management Policy)</p> <p>Applications for developments of 50+ residential units or ≥1000sq.m. commercial shall (in addition to the above):</p> <ul style="list-style-type: none"> • Incorporate where appropriate land for the development of local ‘Bring Centres’ for recyclable materials, accessible to the general public. • Include an assessment of the impacts of climate change on their development and make provision for these impacts - particularly relating to drainage design, waste management, and energy use. • Be designed and constructed in accordance with the provisions of the Greater Dublin Strategic Drainage Study policy document titled ‘New Development’. <p>All developments shall incorporate:</p> <ul style="list-style-type: none"> - Designs and layouts for basements and underground car parks - SuDs <p>Waste storage facilities</p>	<p>Appropriate recycling facilities are included in plans for the proposed development.</p> <p>Assessments of the impacts of climate change on the proposed development has been included in the FRA and Engineering Report, as well as provisions for impacts of climate change.</p> <p>Green Roofs have been incorporated into the development proposals in accordance with Appendix 16 of DLRCC County Development Plan.</p>
<p>Section 12.11.2 Owners and occupiers proposing to carry out any works to a Protected Structure can seek a declaration under the provisions of Section 57 of the Planning and Development Act, 2000, as amended.</p> <p>All planning applications for works to a Protected Structure must include an Architectural Heritage Impact Assessment</p>	<p>An Architectural Heritage Assessment has been submitted as part of this application.</p>
<p>Section 12.3.2.4 “Where it is proposed or required to provide a new childcare facility as part of a new residential or commercial development, the facility shall be constructed in tandem with the overall scheme.</p>	<p>The proposed development includes a Creche/Childcare Facility to cater for the expected demand for childcare spaces created by the proposed development.</p>

To address the need for childcare and make childcare more accessible to everybody in the County, the developer shall seek to secure an operator and open the facility at an early stage preferably prior to the occupation of the residential units. In this regard, the developer shall and submit phasing details for the development and include details of the intended operation of the facility relative to the completion and occupation of dwellings / commercial buildings.

In assessing individual planning applications for childcare facilities, the Planning Authority will have regard to the following:

- Suitability of the site for the type and size of facility proposed.
- Adequate sleeping/rest facilities.
- Adequate availability of indoor and outdoor play space.
- Convenience to public transport nodes.
- Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff.
- Local traffic conditions.
- Number of such facilities in the area. In this regard, the applicant shall submit a map showing locations of childcare facilities within the vicinity of the subject site and demonstrate the need for an additional facility at that location.
- Intended hours of operation.
- Applications for childcare facilities in existing residential areas will be treated on their merits, having regard to the likely effect on the amenities of adjoining properties, and compliance with the above criteria.
- Detached houses or substantial semi-detached properties are most suitable for the provision of full day care facilities. Properties with childcare should include a residential component within the dwelling, and preferably should be occupied by the operator or a staff member of the childcare facility.
- For new residential developments, the most suitable facility for the provision of full day care should be a purpose built, ground floor, standalone property.
- In considering applications for new Childcare Facilities the Planning Authority will refer to Section 4.7 of the Design Standards for New

A childcare assessment has been submitted as part of this application which demonstrates the need for an additional childcare facility in the area.

The location of the crèche has been considered carefully in regard to both the overall scheme. It is located on the ground floor of Block CD off the access road.

A phasing plan for the development has been submitted with this application.

The location facilitates easy drop off space provision for cars at the east of the building block.

Apartments Guidelines for Planning Authorities, (2018), specifically the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, as detailed in Section 4.7, with the exception for one-bedroom or studio type units, which 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 development is also in compliance with the following policies in the Draft Development Plan:

Policy Objective EI1: Sustainable Management of Water

Policy Objective EI2: Irish Water Enabling Policies

Objective EI7: Water Supply and Wastewater treatment and Appropriate Assessment

Policy Objective EI8: Groundwater Protection and Appropriate Assessment

Policy Objective EI3: Wastewater Treatment Systems

Policy Objective EI13: Waste Management Infrastructure, Prevention, Reduction, Reuse and Recycling

Evaluation of Consistency

Overall, the proposed development is line with the objectives of the Development Plan and the land use zoning. Please see the Material Contravention Statement in the next section 8 which addresses any elements of the scheme which are not fully in accordance with the development plan.

Chapter 11 Material Contravention Statement for DLRCC County Development Plan 2022 - 2028

As required under SHD legislation this statement addresses the issue of potential material contravention in relation to the following sections of the Dun Laoghaire Rathdown County Development Plan 2022-2028:

Legislative Context

The Planning and Development (Housing) and Residential Tenancies Act, 2016 ('the 2016 Act') outlines how the Board may grant permission for a development which materially contravenes a Development Plan or Local Area Plan:

Section 9(6) of the 2016 Act states:

“(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.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(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 2000 Act (as referred in Section 9(6) of the 2016 Act) states:

“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.”

If the Board deems it is appropriate to grant permission the Board must give the main reasons and considerations, by reference to the matters set out in Section 37(2)(b) of the 2000 Act, on which it has relied in order to justify the granting of permission in material contravention of the Development Plan. The main reasons and considerations must appear in the Board's decision, in accordance with Section 9(3)(b) of the

2016 Act.

When making a decision SPPRs under relevant ministerial guidelines issued pursuant to section 28 of the 2000 Act must be considered. Such guidelines include in particular:

- *The Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)*
- *The Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2020*
- *The Guidelines for Planning Authorities on the Sustainable Residential Development in Urban Areas (May 2009)*

Section 9(3) of the 2016 Act refers to SPPRs and provides:

(a) When making its decision in relation to an application under this section, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.

(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

(c) In this subsection “specific planning policy requirements” means such policy requirements identified in guidelines issued by the Minister to support the consistent application of Government or national policy and principles by planning authorities, including the Board, in securing overall proper planning and sustainable development.’ [Emphasis added]

Despite Section 9 of the 2016 Act, it is considered appropriate for this Material Contravention Statement to treat any material breach of the Development Plan as a material contravention, even if the breach is in accordance with an SPPR and in effect superseded by subsection 10(3)(b) above.

The analysis within this material contravention statement sets out the breach of the Development Plan, how it is in compliance with national planning policy and Section 28 Guidelines, and having considered the strategic nature of the site and development, there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the Development Plan, by reference to sub-paragraphs (i), (iii) and (iv) of Section 37(2)(b) for the reasons set out below.

An Bord Pleanála’s Powers and Material Contraventions

With reference to Section 9(6)(c) of the 2016 Act, we hereby set out the criteria in Section 37(2)(b) of the 2000 Act under which the Board can grant a material contravention:

- **Section 37(2)(b)(i) - the proposed development is of strategic or national importance**
- Section 37(2)(b)(ii) - there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned
- **Section 37(2)(b)(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**
- **Section 37(2)(b)(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**

In this regard we submit the following under Section 5(6) of the 2016 Act:

Section 37(2)(b)(i) of the 2000 Act	The proposed development is a “Strategic Housing Development”, as defined under Section 3 of the 2016 Act.
Section 37(2)(b)(ii) of the 2000 Act	Section 37(2)(b)(ii) - there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned
Section 37(2)(b)(iii) of the 2000 Act	Under Section 28 (1C) of the 2000 Act, Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any SPPRs of the guidelines in carrying out their function. SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. Compliance with the Section 28 Guidelines is detailed above in the Statement of Consistency and below in the justification for a material contravention.
Section 37(2)(b)(iv) of the 2000 Act	Section 37(2)(b)(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. There are several other permissions within Dun Laoghaire Rathdown County Council jurisdiction which have been granted permission for increased height, density, block configuration, car parking and open space which are not fully in accordance with the Development Plan requirements.

Potential Material Contraventions

The site is, as set out in the Statement of Consistency above, zoned for residential development and as such this development is fully in accordance with the zoning for this site. The proposed development may be considered by An Bord Pleanála to materially contravene the Development Plan regarding the following matters:

- Building Height
- Car Parking Standards (Table 8.2.3 and Table 8.2.4)
- Apartment Development Quantitative Standards - Separation between blocks, mix of units
- Brennanstown Road improvements (SLO 130 and ST25)
- Convenience Shop Section (Sections 8.2.6.1 and 8.2.6.3)
- Stand-alone creche facility
- Retrofit and reuse of buildings

Each of these potential material contraventions are discussed in more detail below.

Overarching Justification for Material Contraventions

As highlighted above the proposed development is of strategic national importance, and meets the criteria defined as a Strategic Housing Development. This is in compliance with Section 37(2)(b)(i) of the 2000 Act.

This proposed development will help assist in delivering the residential units in line with the objectives set

out in *Rebuilding Ireland - Action Plan for Housing and Homelessness*. This document identifies that the “*delivery of housing for the private, social and rented sectors is a key priority for the Government*”. Despite this document being published in 2016, this is an ongoing urgent need and a priority for the Government.

The proposed mix of studios, 1, 2 and 3 No. bed apartments within the proposed development will provide an appropriate mix of dwelling typologies in Dublin City Council which identifies in the Development Plan that there is a deficit of approximately 150% of 1 – 2 person households in the area. It highlights that there “*are approximately two and half times as many 1-2- person households as there are 1-2 person homes.*”

The National Planning Framework plan also clearly identifies the urgent need for additional housing to be provided with the aim of providing an additional 550,000 new houses by 2040. This pressure is further reinforced by the NPF. The following are considered key policies within the NPF to enable the growth of Ireland enabling our population to grow and thrive.

National Policy Objective 2a sets a target of 50% of future population growth to be focused in the existing five cities and their suburbs.

National Policy Objective 3a and National Policy Objective 3b aim to deliver at least 40% of all new homes nationally, within the built-up area of existing settlements and to deliver at least 50% of all new homes that are targeted in the five Cities within their existing built-up footprints.

National Policy Objective 13 outlines that in urban areas, building height and car parking standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

National Policy Objective 33 prioritises the provision of residential development at appropriate scales within sustainable locations.

National Policy Objective 35 sets out the aim to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights.

Justification for Building Height as a Material Contravention

Potential Material Contravention in Relation to Building Height as the Proposed Development Can be Facilitated Through the Section 28 Guidelines (Section 37(2)(b)(iii) of the 2000 Act)

Development Plan 2022 – 2028
<i>The development plan states that the recommendations and guidance set out within the Building Height Strategy for the County (Appendix 5 of the draft Development Plan) will be adhered to.</i>
Appendix 5 appears to be the same as Appendix 9 in the current plan
4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity. It is a Policy Objective to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.
On all developments with a units per hectare net density greater than 50, the applicant must provide an assessment of how the density, scale, size and proposed building form does not represent over development of the site. The assessment must address how the transition from low density to a higher density scheme is achieved without it being overbearing, intrusive and without negatively impacting on the amenity value of existing dwellings particularly with regard to the proximity of the structures proposed. The assessment should demonstrate how the proposal respects the form of buildings and landscape around the site’s edges and the amenity enjoyed by neighbouring uses.

On all developments with height proposals greater than 4 storeys the applicant should provide a height compliance report indicating how the proposal conforms to the relevant Building Height Performance Based Criteria “At District/Neighbourhood/Street level” as set out in Table 5.1 in Appendix 5.

On sites abutting low density residential development (less than 35 units per hectare) and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden boundary lines of existing private dwellings.

Where a proposal involves building heights of four storeys or more, a step back design should be considered so as to respect the existing built heights.

Material Contravention

The proposed general height of the scheme at 3-10 (9 storeys plus lower ground floor) storeys, would, in the main, be in excess of County Building Height Limit of 3-6 storeys (allowing for the additional “upward modifier”) and would therefore be a material contravention of the Development Plan.

Justification for Material Contravention

The Board is referred to current national planning policy is clear and united in its support for increased building height and density to achieve the necessary increase in residential development levels at appropriate urban locations across Ireland, and in particular in Dublin. In particular we refer to Section 28 Ministerial Guidelines – National Planning Framework and *Urban Development and Building Heights: Guidelines for Planning Authorities* (2018).

The National Planning Framework (NPF) includes the following aims to guide the expected population growth in Ireland within the next 20 years:

- 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.
- Targeting a greater proportion (40%) of future housing development to be within and close to the existing ‘footprint’ of built-up areas.

Overall, the NPF seeks to avoid continued, untrammelled urban sprawl of our cities into greenfield areas. It promotes compact growth and *‘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’*.

This approach not only makes better use of serviced zoned land, but it can also have a *“transformational difference”* to urban locations bringing new life and footfall to areas and contributing to the viability of services, shops and public transport, increasing the housing supply, and enabling more people *“to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less”* (Section 2.6).

In order to achieve this the NPF recommends a ***flexible approach*** to planning policies and standards with new developments *“**focusing on design led and performance-based outcomes**, rather than specifying absolute requirements in all cases... planning standards should be flexibly applied in response to well-designed development proposals”*

In particular Section 4.5 highlights that ***“general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location, e.g., city/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc.”***

The NPF also states that that “to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas”.

Key National Policy Objectives (NPOs) outlined in the NPF and which are directly relevant to this site and development proposal are set out below:

National Policy Objective 4

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

National Policy Objective 5

Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment, and prosperity.

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.

National Policy Objective 11

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

National Policy Objective 27

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

National Policy Objective 33

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

National Policy Objective 35

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

The Section 28 Ministerial Guidelines - *Urban Development & Building Heights: Guidelines for Planning Authorities* (2018) set out the national planning policy guidelines on building heights in urban areas in response to the NPF’s objectives. **There is now a presumption in favour of increased building height in appropriate urban locations with good public transport services.**

The Guidelines emphasise the policies of the NPF to **increase levels of residential development in urban centres and increase building heights and overall density** by both facilitating and encouraging the development of increased heights and densities by Local Authorities and An Bord Pleanála.

Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are **required to have regard to the guidelines and apply any specific planning policy**

requirements (SPPR's) of the guidelines in carrying out their function. SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.

We note the following compliances with the Development Management Criteria in the Guidelines:

Development Management Criteria	
At the scale of the town	
<p>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</p>	<p>The Brennanstown Luas stop is completed and located directly to the south of the site. It is not currently operational due to the lack of access to this stop. This development will provide this access, enabling the stop to become operational.</p> <p>The Carrickmines Luas stop and the Laughanstown Luas stop are a c. 13 minute and 15 minutes from the site.</p> <p>In addition the subject site is a c. 9minute walk from bus stops along Glenamuck Road North and Brighton Road. These bus stops are served by the bus routes 63 and 63A, which connect Kiltarnan to Dun Laoghaire via two different routes.</p> <p>The Bus Connects project currently being promoted by the National Transport Authority aims to deliver a much-enhanced bus service to the Greater Dublin Area (GDA). The routes proposed to serve the development area are Routes L26 and L27, which are approximately 670 m from the subject site, and are planned to connect Kiltarnan to Blackrock and Ballyogan to Dun Laoghaire, respectively.</p> <p>The Bus Connects Route E1 will also be available along the N11 corridor, approximately 1 km from the subject site, providing a service from Ballywaltrim through the City Centre to Northwood.</p>
<p>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.</p>	<p>The apartment blocks have been carefully located to provide an attractive frontage to the Brennanstown Road and large, useable open spaces throughout the development providing views and an appropriate setting to Barrington Tower, which will be restored as part of this development. All of this is achieve by using the height to account for and address the steep slopes within the topography of the site.</p> <p>The proposal includes a public park, a new retail unit, creche and new pedestrian connections through the site and to the south.</p> <p>A key driver of this development is to enhance the setting of Barrington Tower as well as restoring it to create an attractive feature and focal point within the development, while also providing visual interest in the proposed buildings through the stepping of the buildings.</p>
<p>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</p>	<p>A full Landscape Visual Impact Assessment (LVIA) has been prepared for this application as part of the Environmental Impact Assessment Report (EIAR). <i>In this report the significance</i></p>

<p>required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p><i>of the landscape effects is “predicted to be ‘significant’. The transition in character would be pronounced particularly the in the southern part of the site where a dense cluster of tall buildings (for the context) is proposed. However, there are persuasive drivers for this change (proximity to the Luas, public open space and the Priorsland Development Area) and national policy encourages compact growth. The implementation of compact growth policy will unavoidably result in changes in landscape character as high density development typologies are introduced to previously low density areas. The quality of the development would be commensurate with the character of the area. Therefore, the quality of the effect is classified neutral.”</i></p>
<p>At the scale of the neighbourhood</p>	
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape</p>	<p>The proposed development has been designed to accommodate the fall in the land from north to south, while also ensuring that the lower buildings provide active frontages at ground level. The layout of the site ensures that appropriate distances between buildings are accommodated, both between the proposed and existing and internally, between the proposed blocks.</p>
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<p>The apartment blocks have been carefully designed to avoid long uninterrupted walls of buildings. All of the buildings have been broken up through the use of materials, balconies and recesses creating a varied and interesting building design.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>The proposed development provides a new public park and amenity space which runs through the site from north to south. This also provides connectivity to the Luas tracks as well as opening up the area around Barrington Tower providing an attractive setting to the tower, public access to the tower and also views of it from the Brennanstown Road.</p> <p>A Flood Risk Assessment has been completed by Waterman Moylan in respect of the subject site. This identifies that <i>“all of the lands that are proposed to be developed on the site are within Flood Zone C as they are at a low risk of flooding from all sources. Therefore, the proposed development is deemed an appropriate use of the site, following the sequential approach.”</i></p>
<p>Makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>The proposal will provide an attractive urban frontage along the street and the taller buildings will frame the public open spaces providing overlooking, while the restored Barrington Tower will provide a local landmark to improve legibility within the site and wider area.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>The proposed development will provide a mix of studios, one bed, two bed and three bed apartments, a creche, a retail area, and communal residential amenities. The mix of unit types will add to the mix of housing typologies in the area. The mix of uses will add to the facilities and amenities in the area.</p>
<p>At the scale of the site/building</p>	
<p>The form, massing and height of proposed developments should be carefully modulated so as to</p>	<p>The proposed apartment blocks have been carefully designed and located to maximise natural light into each residential unit. They are predominantly orientated in a north south direction in</p>

<p>maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light</p>	<p>order to maximise the number of units facing east/ west. This also enables better penetration of sunlight into the public open spaces provided around the site. The assessment carried out by Avison Young confirms good access to daylight for the majority of open spaces and apartments.</p> <p>The layout of the scheme will not result in undue overshadowing or loss of light to any of the neighbouring developments this is due to the siting of the blocks within the site, at a significant distance away from the boundaries.</p>
<p>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'</p> <p>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.</p>	<p>A Daylight Sunlight Assessment has been completed and submitted with this -application. This has found that</p> <p><i>"The internal daylight amenity assessment indicates that 93% of the habitable rooms assessed will meet the minimum recommended ADF targets of 1% for a bedroom and 2% for an LKD, studio or communal space. This increases to 96% when applying an alternative target of 1.5% for the LKD's. In our professional opinion this represents a high level of daylight performance with the majority of rooms meeting the minimum recommended daylight standard, despite isolated transgressions which in our experience are not unusual when assessing modern residential developments such as this.</i></p> <p><i>The NSL analysis indicates that 80% of the rooms will achieve the recommended level of NSL to 80% or more of the room areas. Furthermore, 94% of the rooms will achieve daylight distribution to 50% or more of their areas, with the majority of the front portion of these rooms achieving good levels of daylight distribution.</i></p> <p><i>In our professional opinion, the Proposed Development performs well against the minimum recommended BRE targets, representing a high level of daylight performance, with the significant majority of rooms meeting the minimum recommended daylight standards.</i></p> <p><i>In terms of sun hours on ground overshadowing, the assessment found that eight of the 10 (80%) proposed amenity areas and 289 of the 535 (54%) proposed balconies/terraces will comply with the BRE's recommended sun hours on ground analysis on 21st March. Furthermore, all 10 (100%) proposed amenity areas and 480 (90%) of the proposed balconies/terraces will achieve two or more hours of direct sunlight to over 50% of their areas on 21st June and thus will be well sunlit when they are most likely to be in use during the summer months.</i></p> <p><i>The transient overshadowing assessment indicates that shadow from the Proposed Development will be cast on some of the proposed amenity areas particularly during winter, this is largely due to longer shadows being cast from the low position of the sun in the sky. During spring and summer, a number of the proposed</i></p>

	<p><i>amenity areas assessed will experience isolated times of overshadowing from the Proposed Development, with the shadows moving quickly throughout the days tested and many of the areas will experience limited or no overshadowing for the remainder of the day. In consideration of the transient overshadowing assessments on 21st March, June and December and the SHOG overshadowing assessments on 21st March and June, overall it is our professional opinion that the level of overshadowing to the 10 proposed communal/public amenity areas is acceptable.</i></p> <p><i>The majority of neighbouring windows/rooms assessed will meet the recommended BRE Guidelines for daylight/sunlight. The results of the technical analysis indicate high levels of compliance with the target criteria set out in the BRE guidelines, with 99% VSC compliance; 99% NSL compliance; 98% winter sunlight compliance; and 100% APSH compliance.”</i></p>
<p>Specific Assessment</p>	
<p>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>A micro climate assessment has also been completed by IES. This has shown overall positive results. It has found that “ <i>It was observed that almost 93% of balconies show excellent results and fully meet requirements of the Lawson’s sitting and standing criterion for the full year. The local air speed is generally lower than 4m/s for more than 95% of the year as per the criterion’s requirement.”</i></p> <p>In relation to the ground amenities it is found that “<i>It was observed that most of the ground amenity spaces show excellent results and fully met requirements of the Lawson’s sitting and standing comfort criterion for the full year. The wind speed is generally lower than 4m/s for more than 95% of the year as per the criterion’s requirement.”</i></p> <p>The report also notes “<i>excellent compliance with the requirements of the Lawson’s Leisure walking, and Business walking Comfort Criteria. The local air speed does not exceed 8m/s, and 10 m/s for more than 5% of the year, respectively.”</i></p>
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>An Ecological Impact Assessment By Altemar has been completed and submitted with this application. This EclA and Bat assessment (by Bat Eco Services) includes guidance for the lighting throughout the site, as well as advice regarding the alterations to Barrington Tower to ensure it remains an attractive Bat Roosting location, and a new bat house is proposed to minimise the potential impacts on bats.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>The development is not expected to impact on telecommunications channels</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>An Aeronautical Assessment Report has been prepared by O’Dwyer and Jones Design Partnership. This confirms that it lies outside the obstacle limitation surfaces for aerodromes and is</p>

	clear of all other flight paths and that it <i>“complies with all aviation and aeronautical considerations and requirements affecting the site.”</i>
An urban design statement including, as appropriate, impact on the historic built environment	<p>The Reddy architect have prepared a design statement which is submitted with this application. Howley Hayes Cooney Conservation Architects have prepared an Architectural Heritage Assessment also submitted with this application. This demonstrates that the proposed development will enhance the setting of the Barrington Tower. It also find the proposed demolition and interventions appropriate for this development</p> <p>The site is not located within an ACA or historical area and the proposed buildings for demolition are not considered of historic importance.</p>
Relevant environmental assessment requirements, including SEA, EIA, AA, and Ecological Impact Assessment, as appropriate.	An EclA, Natura Impact Assessment, and EIAR have been completed in respect of the proposed development. This has found that the proposed development is appropriate to the area, and subject to appropriate mitigation, will have impacts of the same character of any residential development in this location.

We note the following compliances with the Specific Planning Policy Requirements (SPPRs) of the Guidelines:

Specific Planning Policy Requirement	Evaluation of Consistency
<p>SPPR 1</p> <p>In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.</p>	<p>The subject site is in a highly accessible location with regular bus services in the area, and particularly a number of Luas stops on the Green Line within a short distance of the site.</p>
<p>SPPR 2</p> <p>In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision, and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities</p>	<p>The proposed development includes a mix of residential units which will add to the housing typologies available in the area.</p> <p>The proposal also includes a creche, retail, and communal residential amenity facilities.</p>
<p>SPPR 3</p> <p>It is a specific planning policy requirement that where;</p> <p>(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria</p>	<p>The proposal is in accordance with the Development Management Criteria as set out in the table above.</p>

<p>above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.</p>	<p>This proposal is in accordance with the national and regional guidance as fully detailed in the Statement of Consistency that forms part of this Planning Report.</p>
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Conclusion on compliance with criteria under Section 3.2 of the *Building Height Guidelines*:

Having regard to the response to each element of the Development Management Criteria outlined above, it is our considered opinion that the proposed development meets the criteria under Section 3.2 of the *Building Height Guidelines*. The application proposes a development ranging principally ranging in height up to 10 No. storeys.

The proposed development will integrate appropriately with the surroundings, having regard to the zoning of the site, its proximity to public transport and the steeply sloping topography of the site, while also changing in height to address the protected structure appropriately. The set back of the building and the stepping height results in the buildings presenting an attractive and appropriate urban streetscene in the area.

It is our opinion that the subject site is capable of and appropriate for additional height and density having regard to the introduction of the *National Planning Framework* and the *Building Height Guidelines* which encourages increased height and density in highly sustainable and underused sites such as these. The proposed development has been designed to ensure the protection and amenity not only of future occupants of this development but also those of the existing residents in the adjacent properties. To this end the highest elements have been located furthest away from existing residents at the least sensitive locations within the subject site.

Justification for Car Parking as a Material Contravention

Potential Material Contravention in Relation to Car Parking as the Proposed Development Can be Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act) and Section 37(2)(b)(ii) - there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned

<p>Development Plan 2022 – 2028 Car parking</p> <p>Section 12.4.1 states that</p> <p><i>To provide for pedestrians and cyclists as part of the development management process, all new development will be required to maximise permeability and connectivity for pedestrian and cyclists and to create direct links to adjacent roads and public transport networks in accordance with the provisions of the ‘Urban Design Manual – A Best Practice Guide’ (2009), ‘Sustainable Urban Housing: Design Standards for Apartments’ (2018) and the ‘Design Manual for Urban Roads and Streets’ (DMURS, 2019).</i></p> <p><i>On existing roads, traffic management measures may be required to create a pedestrian and cycle friendly environment. Road safety interventions may also be required to create a safe road environment for all road users such as the provision of accessible pedestrian facilities and segregated cycle tracks.</i></p>

Section 12.4.5 states that

Car parking standards provide a guide on the number of required off-street parking spaces for new developments. The principal objective of the application of car parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of Smarter Travel, the Government policy aimed at promoting modal shift to more sustainable forms of transport.”

Section 12.4.5.2 states that

In relation to the maximum standards, any proposals exceeding these standards will be permissible only in exceptional circumstances; such as where the Planning Authority consider that there is a specific requirement for a higher number of spaces. An example of this would be in instances where there are demonstrable benefits for the wider area through regeneration or similar urban and civic improvement initiatives. In certain instances, within all zones, applicants may be required to provide the maximum number of spaces.

In certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.6 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in zones 1 and 2 along with some locations in zone 3 (in neighbourhood or district centres) may be likely to fulfil these criteria. In all instances, where a deviation from the maximum or standard specified in Table 12.6 is being proposed, the level of parking permitted and the acceptability of proposals, will be decided at the discretion of the Planning Authority, having regard to criteria as set out below:

- (i) *Assessment Criteria for deviation from Car Parking Standards (set out in Table 12.6)*
- *Proximity to public transport services and level of service and interchange available.*
 - *Walking and cycling accessibility/permeability and any improvement to same.*
 - *The need to safeguard investment in sustainable transport and encourage a modal shift.*
 - *Availability of car sharing and bike / e-bike sharing facilities.*
 - *Existing availability of parking and its potential for dual use.*
 - *Particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals).*
 - *The range of services available within the area.*
 - *Impact on traffic safety and the amenities of the area.*
 - *Capacity of the surrounding road network.*
 - *Urban design, regeneration and civic benefits including street vibrancy*
 - *Robustness of Mobility Management Plan to support the development.*
 - *The availability of on street parking controls in the immediate vicinity.*
 - *Any specific sustainability measures being implemented including but not limited to:*
- *The provision of bespoke public transport services.*
 - *The provision of bespoke mobility interventions.*

Where a development site is located on the boundary of two or more parking zones, the level of parking provision will be decided at the discretion of the Planning Authority having regard to the criteria set out above. In Zones 1 and 2, where a deviation from the parking standards set out in Table 12.6 is being proposed, the applicant should engage with the Council at pre-planning stage regarding the acceptability of the proposal

Section 12.4.5.6

For the purposes of the parking standards set out in Table 12.6 Built to Rent development are considered to be residential apartments. Where a Built to Rent scheme avails of lower car parking based on the nature of the use a condition should be attached to any grant of permission to state that planning permission shall be sought for a change of tenure to another tenure model following the period specified in the covenant. ~~A lower car parking standard may be acceptable for Shared Living having regard to the assessment criteria for parking provision and location in terms of parking zones as set out above.~~

Land Use		Zone 1 MTC Areas and Blackrock	Zone 2 Near Public Transport	Zone 3 Remainder of County (non-rural)	Zone 4 Rural
Houses:	Criterion	Maximum	Standard	Standard	Standard
House 1 bed	unit	1	1	1	Case by case
House 2 bed	unit	1	1	1	Case by case
House 3 bed or more	unit	1	2	2	Case by case
Apartments and Sheltered Housing:					
Apt 1 bed	unit	1	1	1*	Case by Case
Apt 2 bed	unit	1	1	1*	Case by Case
Apt 3 bed +	unit	1	2	2*	Case by Case
Retail:	Criterion	Maximum	Standard	Standard	Standard
Retail Conv > 100sqm	GFA	1 per 60	1 per 40	1 per 30	n/a
Retail Conv < 100sqm	GFA	none	none	1 per 30	n/a
Childcare	GFA (including set down)	1 per 80	1 per 60	1 per 40	1 per 40

Figure 11 Table 12.6 of the development plan 2022 - 2028

Section 12.4.5.7 also notes:

Residential developments of more than 50 units should have at least one loading bay and there shall be a ratio of not less than 1 loading bay per 100 units in larger developments. Loading bays shall be situated so as to minimise traffic hazard, reduce distance to carry goods and encourage its use for home deliveries. This standard may be relaxed if the planning authority consider it is appropriate based on the location and the nature/design of both the street and the residential development.

Residential developments of more than 50 units should have at least one loading bay and there shall be a ratio of not less than 1 loading bay per 100 units in larger developments. Loading bays shall be situated so as to minimise traffic hazard, reduce distance to carry goods and encourage its use for home deliveries. This standard may be relaxed if the planning authority consider it is appropriate based on the location and the nature/design of both the street and the residential development

Material contravention

The proposed provision of 419 no. car parking spaces including parking for the creche and retail unit could therefore be considered a material contravention of the Development Plan's car parking standards.

The Development Plan now sets a maximum standard for car parking within zone 1 and a standard requirement in zone 2. As such the proposed parking is below the standard requirements.

Justification for material contravention

However, this table is in tension with sections 12.4.5 which allows for reduced parking 's requirement for Build to Rent Developments and 12.4.5.6 criteria which also allow for a deviation from the maximum parking standards where criteria are met. Given the sites proximity to both bus and luas transport, and the potential for Brennanstown Luas stop to become operational as a result of this development it is considered that this development meets the criteria. It is also noted the permeability of the site and the high levels of cycle parking proposed. This is set out in full in the TTA. It is also noted the Development Plan to enable a modal shift away from private transport as a core strategy within this Development Plan.

Section 12.4.5.2	Evaluation of consistency
Reduced car parking standards criteria	
<i>Proximity to public transport services and level of service and interchange available.</i>	This is a highly sustainable location on Brennanstown Road, adjacent to Cabinteely and Cherrywood which has a range of business and employment opportunities, hospitals, schools, restaurants and shops
<i>Walking and cycling accessibility/permeability and any improvement to same.</i>	The site is close to excellent public transport including regular bus routes and the LUAS Green line. The layout of the design of the site is highly permeable providing better connections to the Brennanstown luas stop, if it becomes operational, as a direct result of this development
<i>The need to safeguard investment in sustainable transport and encourage a modal shift.</i>	The reduced parking will encourage people to more to more sustainable forms of transport
<i>Availability of car sharing and bike / e-bike sharing facilities.</i>	Car sharing and high levels of bike parking are proposed within the development
<i>Existing availability of parking and its potential for dual use</i>	There is only private parking within the curtilage of existing houses so this is not impacted
<i>Particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals).</i>	The proposed development is for Build to Rent residential development in line with the zoning for this site There is currently a housing crisis on going in Ireland. This will provide much needed housing, rented accommodation, in this area. The national planning guidance advises that the use of formulaic prescriptive numbers for carparking should be avoided in favour of reduce car parking and alternative arrangements
<i>The range of services available within the area.</i>	This is a site which has good access to public facilities, shops, amenities, public transport and employment. It is a site which could be car free given its level of access to services. However, some parking was considered appropriate in the basement to facilitate DLR parking policies.
<i>Impact on traffic safety and the amenities of the area</i>	The proposal will improve the traffic safety of the area by providing improvements to the Brennanstown Road in the form of pedestrian footpaths, new junctions and crossing points
<i>Capacity of the surrounding road network.</i>	This is set out in the TTA which finds the proposed parking appropriate for the surrounding road network

<i>Urban design, regeneration and civic benefits including street vibrancy</i>	A driving aim of the development is to make a car free environment, with only vehicular access along the eastern edge of the development
<i>Robustness of Mobility Management Plan to support the development.</i>	A Travel Plan has been prepared by Waterman Moylan Consulting Engineers
<i>The availability of on street parking controls in the immediate vicinity.</i>	There are no on street parking controls in the area
<i>Any specific sustainability measures being implemented including but not limited to: - The provision of bespoke public transport services. The provision of bespoke mobility interventions.</i>	Car club sharing is proposed through this development and also this will provide to the existing (not operational) Brennanstown Luas stop.

Therefore, whilst the development does not conform with Table 12.6 it is arguably in accordance with section 12.4.5.2.

We note that national policy has moved away from providing car parking standards and reduced car parking standards are generally encouraged, particularly in sustainable and accessible locations.

- The National Planning Framework states that *‘there should also generally be no car parking requirement for new development in or near the centres of the five cities, and a significantly reduced requirement in the inner suburbs of all five’*.
- National Policy Objective 13 states *‘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’*.
- The Apartment Guidelines (updated in 2020) note that, in central and/or accessible locations such as this one, *‘the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances’*. In relation to Intermediate Urban locations served by public transport the Guidelines state that *“planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.”* These guidelines also note the importance of access to a car-sharing club or other non-car based modes of transport.
- SPPR 8 of the Apartment Guidelines also states that there is a default of minimal or significantly reduced car parking provision for BTR developments.

Considering the recent national policies for reduced car parking, the proposed provision of 419 no. car parking spaces is considered appropriate for this sustainable, accessible location within the Dublin Metropolitan Area.

Justification for Quantitative Standards as a Material Contravention

Potential Material Contravention in Relation to Residential Quantitative Standards as the Proposed Development Can be Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act)

Development Plan 2022 – 2028
Section 12.3.5 addresses these
12.3.3.1 Residential Size and Mix <i>The finding of the Housing Strategy and Interim HNDAs have informed policy PHP26 in relation to mix (refer to Appendix 2 Housing Strategy and Interim HNDAs 2022 – 2028).</i>

The proposed provision of residential units (both houses and apartments), shall provide a mix that reflects existing, and emerging household formation, housing demand patterns and housing demand patterns and trends identified locally and/ or within the County. New residential communities (as set out in the Core Strategy and Figure 2.9 of the Core Strategy Map) shall ensure an appropriate mix including a proportion of larger units. Applications received in both new residential communities and within the residual built up area shall include:

- Details of existing and permitted unit types within a 10-minute walk of the proposed development.
- A detailed breakdown of the proposed unit type and size including a percentage split between 1/2/3+ bed units which in the case of apartments (and duplexes) shall generally be in accordance with Table 12.1.
- A site and/or floor plans that clearly identify proposed units that:
- Are designed and located having regard to the needs of older people and/or persons with a disability. Are designed having regard to the concept of lifetime adaptable and/or multigenerational homes.
- A statement outlining how the scheme has been designed for the needs of older people/ or persons with a disability *and / or* lifetime homes.
- No more than 10% of the total number of units in any private residential development may comprise of two-bedroom three-person apartment types.

Table 12.1 Apartment Mix Requirements

Area	Threshold	Mix Studio/1/2 bed Requirement (Apartments and duplexes)	3+ bed Requirement (Apartments)
New Residential Community (See figure 2.9 Core Strategy Map)	Schemes of 50+ units	Apartment Developments may include up to 60% studio, one and two bed units and 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	Minimum 40% 3+ bedroom units
Lands within SUFP	Schemes of 50+ units	Apartment Developments may include up to 60% 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	Minimum 40% 3+ bedroom units
Existing Built up area.	Schemes of 50+ units	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	Minimum 20% 3+ bedroom units

Table 12.1 sets out the mix requirements for apartment developments. Duplexes are considered to be apartments for the purposes of mix.

Reference is also made to following additional paragraph added to Section 12.3.3 ‘Quantitative Standards for All Residential Development’: “That the requirement for certain percentages of 3-bed units in apartments shall apply to Build To Rent developments to accord with mix on page 233.” This is a reference to Table 12.1 as extracted above and which would require 20% 3-beds in residential developments in existing built-up areas. We note that this added policy is clearly

contrary to national policy, specifically SPPR8(i) of the Apartment Guidelines which state “No restrictions on dwelling mix” for Build to Rent developments.

References is also made to added Table 12.3b which sets standards for External storage. In the case of this development all of the units are provided with internal storage to the standard required in the national guidelines.

12.3.5.2 Separation Between Blocks

All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces.

A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development.

12.3.5.3 Internal Storage and External Storage

Internal storage standards for apartments shall accord with, or exceed the levels outlined in Table 12.3 below:

Minimum Requirements
One Bedroom 3 sq.m.
Two Bedroom (3 person) 5 sq. m.
Two Bedroom (4 person) 6 sq. m.
Three Bedroom 9 sq.m.

External storage standards shall accord with or exceed the levels outlined in Table 12.3b

Number of Bedrooms	Storage area (cubic metres)
Studio/1 bedroom	4m cubed
2 bedroom (3 person)	6m cubed
2 bedroom (4 person)	8m cubed
3 bedroom	10m cubed

SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS, GUIDELINES FOR PLANNING AUTHORITIES, 2020

The Guidelines set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework (NPF) and Project Ireland 2040.

As with density and building height, density and unit mix and size are also linked. The 2020 Apartment Guidelines (updated in 2020) include policies in relation to dual aspect, unit mix, and minimum floor areas which are more recent compared to the above Development Plan policies.

The Minister’s foreword identifies that “Apartment development has a key role to play in the future

sustainable growth of our urban areas, and in particular our cities. Greater availability and choice of well-located apartment development, together with enhanced affordability, will assist in encouraging a move towards apartment living.”

Section 1.6 identifies a housing demand for approximately 600,000 new households in Ireland, half of which need to be provided within the already built up areas of Ireland’s cities. It highlights that the *“National Planning Framework (NPF) signals a shift in Government policy towards securing more compact and sustainable urban development, to enable people to live nearer to where jobs and services are located and also requires at least half of new homes within Ireland’s cities to be provided within the current built-up area of each, i.e. on sites within the existing urban ‘envelope’.”*

These guidelines’ purpose is to *“strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output.”*

These guidelines identify the need for apartment development in Ireland, particularly when compared to the European averages, the identified housing needs of the growing population in the key cities and towns and by building *“inwards and upwards rather than outwards, apartments need to become more and more the norm for urban housing solutions. This need will continue because of on-going population growth, particularly in Ireland’s cities, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector.”*

Sections 1.19 and 1.20 state that:

“These guidelines have been issued by the Minister for Housing, Planning and Local Government under Section 28 of the Planning and Development Act 2000 (as amended). Planning authorities and An Bord Pleanála are required to have regard to the guidelines and are also required to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions.

Accordingly, where SPPRs are stated in this document, they take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans should be amended by the relevant planning authority to reflect the content of these guidelines and properly inform the public of the relevant SPPR requirements.”

Section 2.15 states that

“In accordance with Section 28 of the Planning and Development Act 2000, as amended, planning authorities must apply the standards set out as planning policy requirements in these guidelines, notwithstanding the objectives and requirements of development plans, local area plans and SDZ planning schemes.”

The Guidelines incorporate the principles of the NPF, in particular a move away from rigid application of blanket planning standards in favour of performance standards to ensure well-designed outcomes, an aim to need to increase levels of residential development in urban centres and increase the number of apartments, densities and provide a consistent approach to apartment standards. They place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors, existing local services and networks.

“For the reasons outlined earlier, increased housing supply must include a dramatic increase in the provision of apartment development. In general terms, apartments are most appropriately located within urban areas. As with housing generally, the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and

other services, are also particularly suited to apartments.”.

It goes on to highlight that “Analysis of urban housing need points to the fact that into the future, a majority of households will comprise 1-2 persons and approximately half of the remainder will be three person households. While it is recognised that it will be necessary to provide for a range of incomes, it is critical to accommodate the needs of increasingly more diverse household types in the context of a growing and ageing population”. Section 2.13 states that “as well as being an overriding social issue, urban housing supply, especially the provision of apartments in our key cities, is a critical strategic competitiveness issue that statutory Development Plans must address.”

The following summarises the compliance of the proposed development with the relevant sections and policies of the Guidelines when assessing apartment developments:

Apartment guidelines	Evaluation
<p>Housing Mix</p> <p>Section 2.18 <i>In the context of sustainably increasing housing supply, targeting a greater proportion of urban housing development and matching to the type of housing required, there is a need for greater flexibility, removing restrictions that result in different approaches to apartment mix on the one hand, and to other forms of residential accommodation on the other. This is particularly relevant where comprehensive housing need and demand assessment (HNDA) has not been undertaken.</i></p>	<p>The proposed development will provide for Build To Rent apartments on a highly sustainable site on Brennanstown Road, close to the luas and bus routes.</p> <p>These units will be located on a site that is predominantly surrounded by large, family housing so this will provide a new type of housing mix into the area.</p> <p>It is noted the Dun Laoghaire Rathdown County Council have a Housing Need and Demand Assessment in their draft plan however this is broad-brush and applies to the whole of the County Council area and does not look in detail into specific areas. The needs of Brennanstown Road or Cherrywood specifically which would have differing needs to that of Shankill or Dundrum or Sandyford. This HNDA is no area specific enough to address housing need in each area and we are reliant on the census data still to provide this information.</p> <p>A justification for the Build to Rent Development has been included with this application which is site specific rather than broad based and demonstrates not only the need for a BTR in this location but also that the mix is appropriate given the context of the site and the area.</p>
<p>Specific Planning Policy Requirement 1 <i>Housing 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</i></p>	<p>The proposed development is a Build to Rent development which provides the following mix of 534 residences comprising</p> <ul style="list-style-type: none"> - 30 no. studios - 135 no. 1 bed units - 318 no. 2 bed units

<p>for apartments with three or more bedrooms.</p> <p>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).</p>	<p>- 51 no. 3 bed units</p> <p>As this is a BTR development SPP8 does not require a specific mix of apartments, however, the above mix is considered to be appropriate.</p> <p>As highlighted above the current County Development Plan does not include a HDNA.</p>
<p>Building Design</p>	
<p><i>Section 2.23 and 2.24</i></p> <p><i>The National Planning Framework signals a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance based standards to ensure well-designed high quality outcomes. In particular, general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location.</i></p> <p><i>While it would not be appropriate for these Guidelines to indicate performance criteria for building height or building separation distance relative to location, it is recognised that there is a need for greater flexibility in order to achieve significantly increased apartment development in Ireland's cities. This is subject to separate guidance to planning authorities with regard Urban Development and Building Heights, issued in December 2018.</i></p>	<p>While the apartment blocks are not located more than 22m apart, and in some instances the distance is less, the layout of the site, and the distance between the blocks ensures appropriate protection of the residence in terms of privacy and ensuring no overlooking.</p> <p>The Architects Design Statement demonstrates that these building separation distances are appropriate to this site, will provide a high quality visually interesting development at an appropriate density, while ensuring daylight, sunlight and privacy are maintained to an appropriate level.</p>
<p>Internal storage</p>	
<p><i>Section 3.30 and 3.31</i></p> <p><i>As part of required minimum apartment floor areas, provision should be made for general storage and utility. Minimum requirements for storage areas are set out in Appendix 1 and are intended to accommodate household utility functions</i></p>	<p>The apartments provide sufficient storage in line with these guidelines.</p>

such as clothes washing and the storage of bulky personal or household items.

Storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. In such cases this must be in addition to minimum aggregate living/dining/kitchen or bedroom floor areas. A store off a hallway or landing will facilitate access, but hot presses or boiler space will not count as general storage. As a rule, no individual storage room within an apartment should exceed 3.5 square metres.

Studio	3sqm
One Bedroom	3sqm
Two bedrooms (3per)	5sqm
Two bedroom (4per)	6sqm
3 or more bedroom	9sqm

BUILD TO RENT EXEMPTIONS

Specific Planning Policy Requirement 8

For proposals that qualify as specific BTR development in accordance with SPPR 7:

- (vi) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;**
- (vii) 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 proposed dwelling mix, as it is a Built to Rent Development is in line with this policy. The proposed mix is considered appropriate to the area.

The proposed development meets all of the criteria in terms of storage and private amenity space.

In addition to this large internal and external amenity spaces are provided in association with the Build to Rent development.

<p><i>the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;</i></p> <p><i>(viii) 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.</i></p> <p><i>(ix) 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;</i></p> <p><i>(x) 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.</i></p>	<p>As set out above, and in line with this policy, reduced car parking is proposed as part of this development, given its proposed use as a BTR and also its proximity to public transport.</p> <p>All of the apartments are in line with the apartment size requirements</p> <p>The proposed development is in line with the policy.</p>
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Evaluation of Consistency

It is considered that the subject site is an appropriate well design, high quality development that is in line with the requirements set by the apartment guidelines. The residential blocks all provide storage, private amenity spaces, communal spaces, dual aspect and appropriately sized units. The mix of units is appropriate for the area, which is dominated by large family housing,

The proposed increase in density, while also providing attractive apartments, which meet the requirements in terms of daylight and sunlight, protection of privacy and large areas of well light communal and public open spaces, is entirely in line with the NPF, national policy guidelines and specifically the Apartment Guidelines which values qualitative assessment over quantitative assessment. The supporting documents in this application demonstrate that this is a high quality, well designed development that meets all other guidelines for an sustainable, accessible site such as this.

Justification for Brennanstown Road as a Material Contravention

Potential Material Contravention in Relation to Brennanstown Road as the Proposed Development Can be Facilitated Through Section 37(2)(b)(ii) - there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned

5.7 Road & Street Network

It is also an objective to carry out a Traffic Management Scheme on the Brennanstown Road (refer also to SLO73).

The Traffic Management Scheme will:

- Provide improved facilities for vulnerable road users;
- Reduce traffic speeds and improve safety;
- Reduce through traffic; and,
- Ensure boundary treatment and landscaping solutions mitigate the impacts on the Sylvan setting of Brennanstown Road.

SLO 73: It is an Objective of the Council: To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

Material Contravention

The Brennanstown Road Traffic Management Scheme has not been agreed or implemented by the County Council thereby restricting the quantum of development in this area. Policy 25 of the previous Development Plan had a similar policy, however, despite this policy being in place for over 6 years the Part VIII agreement has never been adopted and there is no revised Part VIII policy before the Council. Therefore, given SLO 73 the granting of permission for the current development may be considered a material contravention.

Justification for Material Contravention

The proposed upgrades to the road was originally the subject of a PART VIII agreement with the Council. However, as recognised in the Brennanstown Wood SHD (301614) the elected members decided not to proceed with the Part 8. This is still the case now and as a result the Planning Authority has not been in a position to deliver the Traffic Management Scheme for the Brennanstown Road either under the previous plan 2016 – 2022 and under this new Development Plan 2022 – 2028. It is highly unlikely that any traffic management scheme for Brennanstown Road will be implemented as a single package in the near future. It is far more likely that the required works will be implemented incrementally through the planning process over a period of years. This is demonstrated by both the Brennanstown Wood SHD application ABP- 301614-18 and the Doyle's Nursery SHD ABP-305859-20 both of which have been granted permission for incremental upgrades to the Brennanstown Road.

As set out in both of these previous inspectors reports in the absence of an adopted Part 8 scheme which would allow for the implementation of a traffic management scheme along Brennanstown Road, the only reasonable mechanism to deliver on the requirements of this policy is a developer-led proposal. The proposal before the Board is considered to offer a reasonable solution to the traffic issues along this stretch (western portion) of Brennanstown Road thus enabling the release of zoned and serviced residential lands. The proposal will facilitate a significantly improved footpath network along Brennanstown Road than currently exists. Furthermore, the revisions to the roads layout and traffic calming measures will significantly improve safety for drivers, cyclists and pedestrians. Given this conflict and the benefits proposed it is considered appropriate to grant this material contravention.

Justification for Retail as a Material Contravention

Potential Material Contravention in Relation to Retail as the Proposed Development Can be Facilitated under section 37(2)(b)(ii) there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned

Section 7.5.5.1 states the need for convenience shopping provision and accepts that a Neighbourhood Centre may not always be available within easy walking distance.

A small/local convenience shop will be open for consideration within a residential area (lands zoned Objective 'A' – "To protect and/or improve residential amenity"). When assessing any such proposals, the Council will have regard to the distance from the proposed development to established local shopping facilities and to its impact on the amenity of adjoining dwellings. Local convenience shops shall not have a floorspace greater than 100 sq.m. net. (refer also to Policy RET7, Section 7.5.5.1).

Policy Objective RET7:

It is a Policy Objective of the Council to facilitate the provision of local convenience shops in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity

Policy PHP4: Villages and neighbourhoods

It is a policy objective to:

- *Implement a strategy for residential development based on a concept of sustainable urban villages.*
- *Promote and facilitate the provision of '10-minute' neighbourhoods*

The supporting text under this identifies that

"The sustainable urban village concept is based on the premise that people should be able to access most of their daily living requirements within easy reach, preferably within a short walking or cycle timeframe of their homes. This concept, which focuses on reducing the need to travel by private car, is central to the principles of sustainable development and aids the reduction of greenhouse gases. It involves the commensurate and concurrent provision of social infrastructure, local shopping, and recreational facilities in conjunction with housing. Where existing village centres are located within new growth areas these should be respected and their character protected or enhanced by any new development. The implementation of this policy will require the careful phasing of larger developments to ensure that services become available as residential areas are constructed.

A '10-minute' neighbourhood incorporates the principles of a sustainable urban village in terms of being able to walk or cycle to neighbourhood support facilities within a 10 minute timeframe. It is recognised however that not every house will have all such facilities located within this timeframe. In this regard the 10-minute neighbourhood includes access to high quality public transport within a short walk from homes which in turn can provide sustainable access to neighbourhood support facilities and employment opportunities that may not be available within the local community."

Material Contravention

A retail unit of c. 366.8sqm is proposed for this development.

Justification for a material contravention

As part of the development, it is proposed to include a small convenience retail store with a gross floor area of c.366.8sqm on the ground floor of Block CD including the retail bin stores which is located at the development's main entrance along the Brennanstown Road. The net floor space of the proposed retail unit is unknown at this stage in the design process; however it is considered prudent to assume that it would potentially exceed the 100 sq.m net maximum.

The Development Plan's policy states that when assessing such a proposal, the council will have regard to the distance from the proposed development to established local shopping facilities. A Retail Assessment has been carried out by McGill Planning Limited which demonstrate the need for a retail facility in this area.

The below map demonstrates the site’s location in relation to local retail clusters within 2km of the site. The closest retail cluster is Cabinteely Village which does not contain a grocery store. The second closest retail cluster is the Park Shopping centre which is a c. 15-20-minute walk from the subject site. This centre contains a grocery store, a medical clinic, a café, a pharmacy and a childcare facility. This is contrary to the concept of the 10 minute neighbourhood.

As can be seen from the map below, there is very little retail provision within the immediate environs of the subject site. The proposed convenience store would serve both the existing residents along Brennanstown Road, the future residents of the recently granted Brennanstown Wood Development (ABP-301614-18) to the north west of the subject site and the Former Doyle’s Nursery Site (ABP-305859-20) to the north east of the site, and the future residents of the proposed scheme.



Figure 36 Retail Clusters surrounding the subject site

Map No.	Retail Cluster	Distance from Proposed Development
1.	Carrickmines Park	c.21-minute walk
2.	Leopardstown Shopping Centre	c. 32-minute walk
3.	Cornelscourt Shopping Centre	c. 22-minute walk
4.	Park Shopping Centre	c.15-minute walk
5.	Foxrock Village	c. 20 minute walk
6.	Cabinteely Village	c. 14 minute walk
7.	Ballybrack Shopping Centre	c.30 minute walk

Table 11 Retail clusters as shown in Figure 31

In addition to the above, a crucial element of the scheme is to create activity and animation along Brennanstown Road. It is considered that by providing a retail unit at this location, passers-by will be more likely to be enticed into the scheme's open space and stay longer, and therefore strengthening the vitality of the open spaces surrounding Barrington Tower.

Conclusion

The proposed retail unit will not only provide animation and activity to the development it will also meet an unmet need for the area which is compounded by the recent grants of permission in the area. RET 7 states that *"It is Council policy to facilitate the provision of local convenience shops in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity"* while the size of this unit is in excess of the 100sqm in the support section it is noted that that there are no convenience shops within 20 minutes' walk of the site. It is council policy to create 10 minute neighbourhoods and develop compact development. In line with this this proposal will provide and meet the needs of the *changing* population patterns along the Brennanstown Road as a result of recent grants of permission, none of which provide for retail development in this location.

Justification for Childcare as a Material Contravention

Potential Material Contravention in Relation to Childcare as the Proposed Development Can be Facilitated under section 37(2)(b)(ii) there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned

Section 12.3.2.4

In assessing individual planning applications for childcare facilities, the Planning Authority will have regard to the following:

- Suitability of the site for the type and size of facility proposed.*
- Adequate sleeping/rest facilities.*
- Adequate availability of indoor and outdoor play space.*
- Convenience to public transport nodes.*
- Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff.*
- Local traffic conditions.*
- Number of such facilities in the area. In this regard, the applicant shall submit a map showing locations of childcare facilities within the vicinity of the subject site and demonstrate the need for an additional facility at that location.*
- Intended hours of operation.*
- Applications for childcare facilities in existing residential areas will be treated on their merits, having regard to the likely effect on the amenities of adjoining properties, and compliance with the above criteria.*
- Detached houses or substantial semi-detached properties are most suitable for the provision of full day care facilities. Properties with childcare should include a residential component within the dwelling, and preferably should be occupied by the operator or a staff member of the childcare facility.*
- For new residential developments, the most suitable facility for the provision of full day care should be a purpose built, ground floor, standalone property.*

ANOTHER POLICY STATES

Policy Objective PHP6:

It is a Policy Objective to: Encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare

facilities across the County. In general, at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. Encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.

Material contravention

The proposal does not include a standalone property, rather it is at the ground floor of block CD.

Justification for Material Contravention

The proposal includes a childcare facility, it has been carefully located to the front of the development to provide access to the existing and future residents of the area. The location facilitates easy drop off space provision for cars at the east of the building block. However, while it is a purpose-built facility it is not a stand-alone facility. However it is noted that the policy states that a stand-alone is the “most suitable” however it does not say that has to be a stand-alone facility.

Justification for retrofit and reuse of buildings as a Material Contravention

Potential Material Contravention in Relation to retrofitting and reuse of a building as the Proposed Development Can be Facilitated under section 37(2)(b)(ii) there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned

Policy Objective CA6: Retrofit and reuse of buildings

It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).

Section 3.4.1.2 states that

Where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority (See also Section 12.3.10. Demolition and Replacement Dwellings).

Section 12.3.10 outlines considerations for demolition and replacement dwellings.

The Planning Authority has a preference for the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation)

*Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered **simply** on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.*

The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.

Applications for replacement dwellings shall also have regard to Policy Objectives HER20 and HER21 in Chapter 11. In this regard, the retention and reuse of an existing structure will be ~~encouraged over~~ preferable to replacing a dwelling, and the planning authority will encourage the retention of exemplar nineteenth and twentieth century dwellings on sites in excess of 0.4 hectares.

Policy HER8 Works to Protected Structures

It is a Policy Objective to:

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.*
- iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.*
- iv. Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.*
- v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.*
- vi. Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.*
- vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*
- viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.*
- ix. Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- x. Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).*

Material Contravention

The development will include the demolition of an existing habitable dwelling "Winterbrook", and the derelict, former dwelling attached to Barrington Tower protected structure. 'Barrington Tower' itself will be retained and restored. It is also proposed to demolish the existing boundary wall to the north of the site along Brennanstown Road.

Given the proposal to demolish existing dwellings, this may be considered a material contravention of Objective CA6.

Justification for a material contravention

An Architectural Design Statement and a Heritage Impact Assessment has been carried out for the removal of both buildings. Neither of which were considered of any particular architectural merit.

Section 12.3.10 does not set out clearly what the criteria are for demolition of existing buildings. However it is noted that the proposed building attached to Barrington Tower is uninhabitable and takes away from the character and appearance of the protected structure. The removal of this building and creation of an attractive setting to this folly is in line with heritage policy HER8.

Winterbrook is a vacant uninhabited (for some time) dwelling which is of poor construction and would require significant retrofitting to bring it up to a habitable standard. It is of no particular architectural merit.

An Bord Pleanála’s Powers and Material Contraventions

Should the Board consider that the proposed development represents a Material Contravention of the DLRC Development Plan in relation to the above items we submit that the Board can grant permission under Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*, which states:

“(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.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(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 2000 Act states:

“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.”

In this regard we submit the following under Section 5(6) of the 2016 Act:

<p>Section 37(2)(b)(i) of the 2000 Act</p>	<p>The proposed development is a “Strategic Housing Development”, as defined under Section 3 of the 2016 Act.</p>
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Section 37(2)(b)(ii) of the 2000 Act	There are also clear conflicts in the new Development Plan which is more in line with National and Regional Planning Policy
Section 37(2)(b)(iii) of the 2000 Act	Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. Compliance with the Section 28 Guidelines is detailed above.
Section 37(2)(b)(iv) of the 2000 Act	N/A

CONCLUSIONS

Under Section 37(2)(b) of the 2016 Act, An Bord Pleanála can materially contravene a development plan where national planning policy objectives take precedence including Section 28 Guidelines.

In particular, Section 9(3)(b) of the 2016 Act states the following:

“Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.”

This report provides a comprehensive justification for why the proposed development can and should be considered suitable for development in accordance with the plans submitted with this application.

Reference is made to the specific objectives of the NPF which encourages densification and compact growth. Compliance with the Urban Development and Building Height Guidelines is set out and the report provides an assessment of how the development complies with the criteria for assessing building height at the scale of the city/town; district/neighbourhood/ street and scale of the site/building.

Having regard to the following:

- The location of the site within the built-up area of Brennanstown Road proximate to public transport, to established social, retail and employment facilities in the area,
- Its potential to contribute to the achievement of the Government’s policy to increase delivery of housing and to achieve greater density and height and reduced car parking in residential development in an urban centre close to public transport and centres of employment,
- Its accordance with the provisions of the National Planning Framework (in particular objectives 3a, 3b, 11, 13 and 35),
- Its accordance with the Guidelines for Sustainable Residential Developments in Urban Areas (in particular section 5.8),

It is considered that this statement provides appropriate justification for the Board to grant permission for the development in accordance with national policy and guidelines.

Chapter 12 Conclusions

The proposed development will provide an appropriate form of high-quality residential development on this residential zoned site which meets the changing need of the population which require a stable renting environment which is professional managed and meets the smaller housing sizes required.

The provision of a Built to Rent Apartment strategic housing development will result in an attractive development which will provide significant improvements in the area including

- The provision of a new pedestrian routes through the site providing permeability to the area as a whole
- The provision of a new creche and retail facility can be used by the residents and the wider area
- Providing more visibility to the attractive historic Tower building within the site making it a focal point of the site, it is currently hidden from view
- the creation of additional homes on a highly sustainable site, making the best use of this scarce resource (zoned land).

This is achieved while also taking advantage of its excellent location in sustainability terms (great access to public transport, community facilities, shopping facilities, employment and leisure facilities) ensuring that an appropriate density of development, in an appropriate scale and form is realised.

The proposed development will provide an appropriate form of high-quality residential development on residential zoned site within the context of the Dun Laoghaire Rathdown Development Plan.

The statement of consistency submitted with the application submission demonstrates that the proposed development complies with relevant national, regional and local planning policies and guidelines and that it will provide for an effective and efficient use of this serviced site located within this area, which is currently undergoing significant change, with Cherrywood area to the south, resulting in it having excellent access to public transport and employment zones.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area.

Appendix A: Email Correspondence

From: Aidan McLernon <aidan.mclernon@cairnhomes.com>
Sent: Tuesday 29 March 2022 16:21
To: Walsh Liam <lwalsh@DLRCOCO.IE>
Cc: Cliona Eogan <cliona.eogan@cairnhomes.com>; Brenda Butterly <Brenda@mcgplanning.ie>
Subject: Brennanstown Luas Station
Importance: High

Hi Liam,

Further to our conversation, I understand that representatives of the Planning and Roads sections of Dun Laoghaire & Rathdown met with Transport Infrastructure Ireland yesterday (16th March 2022) to discuss the existing, completed, but as yet unopened, Brennanstown Luas Stop which directly abuts the southern boundary of the Cairn land at Barrington.

TII confirmed that the necessary infrastructure associated existing station is in place and that it can be opened without any further statutory permissions required. Notwithstanding this, TII requested additional information on how the public will access the station platform from the north and south in a safe manner.

I would appreciate if you could confirm by response that this broadly reflects the content of the meeting.

For clarity, as part of our planning application documentation, Cairn intend to demonstrate the accessibility of various Luas stops to their associated catchment areas and where applicable, how the public can access the Brennanstown Luas Stop via our development. The proposed Cairn development includes upgrades to parts of Brennanstown Road, consistent with the previous, abandoned Part 8 scheme together with a new junction to the site and vehicular drop off zone close to the public road. Further to this, our application will illustrate the provision of clear cycle and pedestrian route through the development to the Luas which will facilitate clear wayfinding for the general public seeking to access the Luas stop from the Brennanstown Road area. It is also envisaged that the public route through the development may ultimately be taken in charge.

I trust the above is clear but please let me know if you have any queries.

Kind regards,

Aidan McLernon
Head of Planning



CAIRN PLC