Statement of Consistency / Planning Report

In respect of

Proposed Build to Rent Apartment and Commercial Development

at

Newtown, Malahide Road, Dublin 17

Prepared for

Claregrove Developments Limited

Prepared by

John Spain Associates

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1.0 INTRODUCTION

1.1 On behalf of the applicant, Claregrove Developments Limited, GEM Group, Athlone Road, Longford, Co. Longford, we hereby submit this statement of consistency with planning policy and planning report to accompany a planning application for a Strategic Housing Development in accordance with the provisions under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. This strategic housing development application relates to a proposed Build to Rent Apartment and Commercial Development at Clarehall, Malahide Road, Dublin 17.

1.2 The application site contains a petrol filling station and vacant commercial buildings, including a former motor showroom (Crossan Motors) with offices, a tyre centre and a commercial workshop and office. The site is bound by a local residential access road and Clare Village residential apartments to the east and south east, Grove Lane to the south west, a tyre centre (First Stop) to the north and Malahide Road (R107) to the west.

1.3 The application site has a total area of c. 1.22 hectares. This application site area includes lands within the ownership of the Planning Authority, Dublin City Council, on which works will be carried out including upgrading of a pedestrian crossing and connections to water services. The site area of the proposed development excluding the area of works on DCC lands is c. 1.054 hectares, and this is the site area which is considered relevant for calculating density, plot ratio etc. as set out below.

1.4 This statement of consistency and planning report, prepared by John Spain Associates, demonstrates that the proposed development is consistent with the relevant national planning policy, guidelines issued under Section 28 of the Planning and Development Act (2000), as amended (hereinafter referred to as the ‘2000 Act), and with local planning policy (in particular the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018, as extended to 2022).

1.5 As the proposed development is a Build to Rent residential development, this application is accompanied by a draft BTR agreement and a BTR Management Plan in accordance with SPPR 7 of the 2018 Apartment Guidelines.

1.6 For greater detail in respect of compliance and consistency with quantitative standards for residential apartment units as outlined within the 2018 Apartment Guidelines, the Schedule of Accommodation / Housing Quality Assessment (HQA), relevant floor plans, and Design Statement prepared by John Fleming Architects should be referred to.

1.7 The proposed development as submitted to An Bord Pleanála (ABP), is the product of an analysis of the subject site, its settings and characteristics, surrounding planning history, national, regional and local planning policy, and an iterative design process guided by formal pre-application consultation with Dublin City Council (the planning authority) and An Bord Pleanála. The reader is referred to the Statement of Response to the Board’s Opinion for details of how the final development proposal responds to the points raised by the Board in their Opinion.
Summary of Planning Rationale and Key Points

1.8 The planning rationale for the proposed development, and the key details pertaining thereto can be summarised briefly as follows:

• Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 support the delivery of residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas.
• It is noted that in the short term to 2020, the Housing Agency has identified a need for at least 25,000 new homes every year up to 2020, which does not include for additional pent-up demand arising from undersupply of new housing in recent years. The subject lands are zoned, located within the built up area of the city and in the ownership of a housebuilding company who can provide a small element of this provision over the short to medium term.
• In the longer term to 2040, the NPF projects a need for a minimum of 550,000 new homes, with up to half of this number targeted for provision in existing urban settlements outside Ireland’s five cities. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland’s cities to be provided within existing urban areas. A significant and sustained increase in housing output and apartment type development (including Build to Rent development) is necessary to meet such targets;
• The proposed development constitutes an appropriate use of this brownfield, underutilised site which is strategically located to accommodate development at a sustainable density while also delivering a mix of residential and commercial uses.
• The proposed development is in accordance with the Z14 zoning of the subject site, and is appropriate given the site’s location within a Key District Centre (KDC) and a Strategic Development Regeneration Area (SDRA).
• The height and scale of the proposed development accords broadly with the guidance for this location within a KDC and on the Malahide Road as set out within the North Fringe LAP with a justification for the proposed building heights also provided under the criteria relating to SPPR 3 of the 2018 Urban Development and Building Height Guidelines (see Statement of Material Contravention).
• In the event that the Board consider that the height of the proposed development constitutes a material contravention of the height policies set out within the Development Plan and / or the LAP, a statement justifying such a material contravention has been prepared and is submitted herewith.
• The subject site is well served by public transport, with high frequency bus services running along Malahide Road, and a bus stop directly adjacent to the site boundary.
• The Malahide Road also forms part of a core bus corridor which is scheduled to be upgraded to a core bus corridor under the forthcoming Bus Connects proposals.
• The development will see the delivery of 331 no. Build to Rent residential units within two high quality buildings, along with commercial uses, residents’ amenities, and public, private, and communal open space.
• The design of the proposed development is informed by its context, providing for activity and visual interest on all frontages, stepping up towards Malahide Road to provide an appropriate response to the width of this thoroughfare. In this respect the scheme responds to the more recent reasons for refusal for a
lower density development, and more closely reflects a permission granted on the site in 2007.

- The Build to Rent residential units accord fully with the 2018 Apartment Guidelines.
- The scheme provides for a positive design response to the roadway to the east of the site, which is in private ownership and which has not yet been taken in charge by the Planning Authority to date – the design of the development acknowledges a future scenario whereby this roadway is eventually taken in charge, providing for future linkages therewith.
- The scheme includes a childcare facility to cater for the needs of future residents as required under the 2001 Guidelines on Childcare Provision and a Social and Community Infrastructure Audit / Assessment (including detailed childcare assessment) is submitted herewith, which provides an evidence base which demonstrates the suitability of the scale of the proposed childcare facility.
- Active uses are provided within the proposed development onto Malahide Road, in addition to the provision of a centrally located public open space within the scheme and the introduction of a high-quality public realm along the Malahide Road and Grove Lane frontage.
- The design of the proposed development seeks to ameliorate impacts on surrounding properties, whilst seeking to strike a balance that provides for an appropriate scale and density of development on the subject site (noting a previous refusal for a lower density scheme on these lands). Please refer to the Daylight and Sunlight Assessment for a detailed analysis and justification for the scheme in the context of the relevant BRE Guidelines.
- Pre-application consultations have been undertaken with Dublin City Council and An Bord Pleanála prior to the lodgement of this application, and the scheme now submitted reflects updates and improvements made on foot of comments by the Planning Authority and An Bord Pleanála during the pre-application process.

2.0 SITE LOCATION AND CONTEXT

Subject Site and Surrounding Context

2.1 The subject site is located on the eastern side of the Malahide Road (R107). The subject site adjoins the R107 for a distance of c. 200 metres and is currently occupied by existing areas of hardstanding / surface car parking, a petrol / filling station and a car repair centre / garage. The application site has a total site area of 1.22 hectares. This application site area includes lands within DCC ownership on which works will be carried out. The site area of the proposed development excluding the area of works on DCC lands is 1.054 hectares, and this is the site area which is considered relevant for calculating density, plot ratio etc. as set out below.
2.2 Part of the site was originally the headquarters of the Crossan Motor Group which included offices, car showrooms and workshop. This use ceased in 2006 when the southern portion of the site was cleared and it has been vacant or brownfield since that time. This area is secured from public access by a combination of high walls, palisade fences (towards Clarehall) and a low stone wall and paladin fence on Malahide Road.

2.3 The boundary to the south of the petrol filling station is defined by a paladin fence onto which (now degraded) ply-board has been attached.

2.4 The subject site is relatively flat and is currently completely under hard surfaces or existing buildings (i.e. it constitutes a brownfield site). None of the buildings on the subject site are of any architectural merit and the southern portion of the site (covered by surface car parking) is in poor physical condition.

2.5 The site is bound to the west / northwest by the R107 Malahide Road and to the south by an access road, which has been confirmed as being taken in charge by DCC (see land ownership map, beyond which is Grove Park, an existing residential area. To the east / southeast by a private roadway and existing area of residential development (Clare Village) and to the north by a tyre centre (First Stop) beyond which is the Clarehall Shopping Centre.

2.6 The roadway to the east of the subject site, between the site and the nearby Clare Village development, is under a separate ownership (Tesco Ireland). The applicant has attempted to seek the cooperation of the adjoining landowner to allow for access across this roadway, however this has not come to fruition to date. It is considered that if / when this roadway is taken in charge by the Planning Authority, the current development proposal provides a suitable design response which will integrate the scheme with this roadway by allowing for pedestrian and cycle connections.

2.7 Clarehall Shopping Centre, situated to the north, includes a wide range of retail and retail service uses, over c. 30 units, including a large Tesco supermarket, post office, grocery stores, fashion retail, technology stores, bookshops, cafes and restaurants.
2.8 The immediate surrounding context comprises a range of existing uses, with varying scale and design of existing development. A site to the north east of the subject site (currently occupied by a surface car park) has been recently granted permission on 19/07/2019 under Reg. Ref.: ABP-304196-19, for a scheme comprising of 132 build to rent residential units within a single building of up to nine storeys in height.

2.9 The Malahide Road / R107, where it is fronted onto by the subject site, includes pedestrian facilities and an on-street cycle route. The adjacent section of the R107 / Malahide Road comprises a dual-carriageway with a central grass verge. A grass verge is located on the east side of the road set between the kerb and the low wall and retailing that defined the former property. The road-scape including footpaths extend to approximately 30m wide.

2.10 There is an existing pedestrian crossing point adjacent to the subject site, with bus stops on either side of the roadway at this location. These stops are served by the 43, 27, 42 and 15 bus routes, providing a high frequency of services linking with a range of locations and termini, including Dublin City Centre. The Howth Junction DART station is c. 2.5 kilometres from the subject site via the most direct route, which is within a 10 minute cycle of the subject site.
2.11 The Malahide Road / R107 forms part of the BusConnects core bus corridor upgrade programme – route 1, Clongriffin to City Centre corridor. This will see the delivery of significant upgrades along this route, benefiting the subject site, including the introduction of full bus priority lanes and upgraded segregated cycling facilities, thereby enhancing the accessibility of the subject site. The design of the proposed development has regard to the emerging proposals for this corridor as set out in the Transportation Report accompanying the application.

Figure 2.3: Bus and rail routes in the vicinity of the subject site (Source: Openstreetmap.org)

Figure 2.4: Extract from Bus Connects Map with the subject site labelled
Figure 2.5: Extract from BusConnects Core Bus Corridor 1, Map 7. The approximate extent of the subject site is outlined in red.

**Wider Surrounding Context**

2.12 The wider surrounding context of the subject site comprises a broad range of uses, including those represented by the nearby Clarehall Shopping Centre, employment uses within the Malahide Road Industrial Park to the southwest, recreational uses including O’Tooles GAA club to the south, and significant areas of existing residential development.

2.13 The Clare Village residential area to the east is a high-density apartment development facing onto internal areas of green space. On the western side of the R107 Malahide Road, opposite the subject site, are areas of open green space and future development lands, beyond which lies the Darndale residential area. The medium-density Clarehall residential area lies beyond the Clare Village residential development to the east.

2.14 To the north of the subject site, beyond the Clarehall Shopping Centre is the Clarehall Retail Centre, which accommodates a further range of retail occupiers. Further north is the Northern Cross mixed-use area and the Belmayne Residential area.

2.15 There are a significant number of primary and secondary schools in the surrounding area, including *inter alia* the following:

- Belmayne Educate Together National School
- St Paul’s National School
- The Donahies Community School
- St Kevin’s National School
• OLI National School
• Darndale Community School
• St Malachys School
• St Eithnes National School
• St Michael’s School
• Ardscoil La Salle
• Coláiste Dhúlaigh School

2.16 The area is well served by parks and recreational facilities, including *inter alia* Belcamp Park, less than 500 metres from the subject site, O’Tooles GAA club (less than 100 metres to the south), and Ayrfield Community Club and pitches (c. 250 metres to the Southwest). A Social and Community Infrastructure Audit / Assessment has been prepared and is submitted herewith, which provides further details in respect of facilities and amenities in the area, and which concludes that there is ample social and community infrastructure to support the proposed development and its future residents.

Figure 2.6: Wider context of the subject site
3.0 PLANNING HISTORY

3.1 The most relevant past planning decisions relating to the subject site or adjacent lands are set out below, which have informed the proposed scheme on the subject site.

Subject Site

Reg. Ref.: 3584/16 & ABP Ref.: PL29N.248050 – Retail and Nursing Home Development

3.2 A decision to grant permission was issued by the Planning Authority on the 27th of September 2016 at the subject site for a development consisting of the following:

“…demolition (c. 1,556 sq m GFA) of all existing structures on site to provide for a mixed use development (total GFA c. 11,394 sq m) comprising a 2-3 storey convenience retail store of c. 2,351 sq m GFA (c. 2,109 sq m NFA) with subsidiary alcohol sales area, undercroft car parking at ground floor area and new entrance plaza; a 6-7 storey c.161 bedroom nursing home facility (c. 8,754 sq m GFA) with associated ground floor garden and first floor terrace areas; a single storey café/restaurant (c. 183 sq m GFA); and a single storey retail workshop (c. 106 sq m GFA). The overall development shall also provide for 126 no. car parking spaces (46 no. located at undercroft level and 80 no. located at surface level); 9 motorcycle parking spaces; 45 no. bicycle parking spaces; substation; bin stores; the closing off of existing vehicular entrance and the creation of a new single vehicular access and egress point to the site via the Malahide Road (R107); and all associated site development, services, and landscape works.”

3.3 An Bord Pleanála overturned Dublin City Council’s decision to grant permission in an order dated 21st August 2017 for the development of a 161 no. bed nursing home, convenience store and other small retail and café Newtown, Malahide Road, (R107), Dublin 17. The reasons and considerations for the refusal reads as follows:

“Having regard to the location of the site in an area zoned Key District Centre, which is to be a strong spatial hub, providing sustainable city living and good urban place making, with a comprehensive range of commercial and community services and where there are specific requirements in relation to active frontages, height, density, permeability and connectivity as set out in the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012-2018, it is considered that the proposed development would be contrary to the objectives for this area, would be a barrier to their achievement, and would accordingly be contrary to the proper planning and sustainable development of the area.” (emphasis added)

3.4 The development now proposed on the subject site responds to the previous planning history pertaining to these lands, and to the previous reason for refusal set down by An Bord Pleanála as included above.

3.5 In assessing the previous proposal on the subject site, the Board’s Inspector stated:

“The proposed development does not achieve either the required height or the density expected from this important Main Street location. The portion comprising the nursing home achieves the required height but it does not provide an active frontage. The remainder of the development is low rise, low density development
and a large part of the frontage between the nursing home and the retail store is comprised of vehicular access and surface parking.” (emphasis added)

3.6 The Board’s Inspector also noted that a further previous permission on the subject site (discussed below) which provided for heights of 6-8 storeys would have represented a better and more appropriate urban edge to Malahide Road.

3.7 The applicant and design team have taken cognisance of the Board’s consideration of this previous application on the subject site and have aimed to produce a scheme which responds in full to the Board’s concerns in relation to the previous proposal by others as set out above.

3.8 The current proposal provides for heights of 8-10 storeys, representing a better proportional framing of the Malahide Road’s wide street cross section and providing a strong urban edge at this important and prominent location. This will ensure an appropriate sense of enclosure and visual interest along this important frontage.

3.9 The current proposal incorporates development at a sustainable density on a public transport corridor, and also provides for a good mix of uses within the scheme, in recognition of the location of the scheme within a KDC.

Figure 3.1: Extract from elevation drawings for application Reg. Ref.: 3584/16 (Refused at appeal).

Reg. Ref.: 3758/14 / ABP Reg. Ref.: PL29N.244821 – Convenience Retail Store Development

3.10 On the 11th of December 2015, An Bord Pleanála issued an order to refuse permission on a portion of the subject site (overturning a decision to grant permission by DCC). The development consisted of the following:

“The proposed development comprises a convenience retail store and subsidiary alcohol sales area (c.2223m2 GFA in total). The proposed two storey convenience store is located at first floor level with undercroft parking at ground floor level. Permission is also sought for all associated site development, landscaping and boundary treatment works including a public entrance plaza at the Malahide Road pedestrian entrance, open space, ancillary plant and sub-station, waste management and storage areas and the provision of 11 no. bicycle spaces and 75 no. car parking spaces and all associated signage. The development will include, (with the exception of the service station) the demolition of all existing buildings on site (c. 1435m2) - the existing service station is maintained by way of this application with no revisions proposed to this structure. The proposed convenience store and service station is accessed and egressed from existing entrances (to be widened
and enhanced) on the Malahide Road and with internal circulation vehicular routes proposed within the site.”

**Figure 3.2: Extract from site layout plan of Reg. Ref.: 3758/14, ABP Reg. Ref.: PL29N.244821**

3.11 The Board’s Order to refuse permission provided two refusal reasons relating to traffic safety, and to the quality of the scheme design. The Board found that the scheme did not incorporate an adequate mix of uses and that it would prejudice the Z14 zoning objective.

3.12 The first reason for refusal indicated that, having regard to the nature of Malahide Road, the provision of access to the proposed development would have resulted in an intensification of use of a private access onto a major route, thereby interfering with traffic flows and potentially impacting on the operation of bus and cycle routes.

3.13 This reason for refusal was addressed in the more recent application on the subject site under Reg. Ref.: 3584/16 & ABP Ref.: PL29N.248050. In assessing that application, the Board’s Inspector noted that that development provided for a reduction in the existing number of vehicular entrances, and that there would be no conflict with the operation of the Malahide Road (Paragraphs 7.17-7.20 refers). The Inspector further noted the following:

“The creation of a Main Street along this site, with the focus on pedestrians, will only be achieved with the implementation of the by-pass of the R107/R139. However there is no reason why this site should not be developed as if the road in front was a street. As it currently stands it is an opportunity site. If developed as proposed, the opportunity to create a Main Street along urban design principles would be lost and the development would become a barrier to the achievement of the objectives for the built form of the District Centre, as set out in the LAP and City Development Plan.”
3.14 Noting the foregoing, the current application is accompanied by a TTA report prepared by NRB Consulting Engineers, which demonstrates that the road network in the vicinity of the site, and the proposed vehicular access junction arrangement is more than adequate to accommodate the worst case traffic scenario associated with the proposed development.


3.15 On the 15th of February 2008, an order to grant permission was issued by An Bord Pleanála for a development on the subject site comprising of the following:

“The development with a gross floor area of 32,533sqm approx. (over two basement levels totalling 17,560 sqm approx.), will range in height from 5 to 8 storeys and will comprise :198 no. residential units (including balconies, roof gardens and terraces)(comprising 3 no. 1 bedroom apartments; 118 no. 2 bedroom apartments; 18 no. one bedroom duplex units; 12 no. 2 bedroom duplex units; 37 no. 3 bedroom duplex units and 10 no. live-work units) totaling 18,090sqm of residential accommodation, 6510sqm of retail accommodation, consisting of 6 no. retail units ranging in size from 367sqm to 1672 sqm including an anchor convenience retail unit and comparison and non-retail services floorspace; 6150sqm of office accommodation; 325sqm of creche accommodation and 140sqm of associated outdoor play area; open space in the form of landscaped internal courtyards, roof terraces and internal atrium space; and two basement levels including 422 no. car parking spaces and 282 no. cycle parking spaces; ancillary plant and associated substations and switchrooms; trolley bays; waste management and storage areas…”

3.16 Prior to the Board’s Order to grant permission for the development, Dublin City Council had also issued a decision to grant permission (following consideration of Further Information submitted by the applicant) which was then subject to third party appeal. The Board’s Inspector concluded that the development would represent an appropriate use of the subject lands, would provide for a good standard of residential amenity, and would not have any significant impact on the amenity of adjoining properties.
Adjacent Site to the North East

ABP Reg. Ref.: ABP-304196-19

3.17 A Strategic Housing Development was recently granted permission by An Bord Pleanála in relation to the adjacent site to the north east of the subject site, which is currently occupied by surface car parking. The development comprises of the construction of a 4 to 9 storey building, over basement level, of 132 no. build-to-rent apartments, including ancillary resident support facilities, services and amenities, car parking, plant, bicycle and bin storage, 1 no. electricity sub-station and all associated site development and infrastructural works on a 0.38 ha site. The total GFA, including basement level, of the proposed building is 13,826 sq.m..
3.18 This adjacent development has a net density of 347 dwellings per hectare. A decision to grant was issued by the Board on 19th July 2019 subject to 19 no. conditions.

3.19 In considering this adjacent permitted development, the Board’s Inspector noted that the height of the proposal, stepping up to 9 storeys, would be appropriate based on the surrounding context, prevailing heights, and the strong policy support provided under the 2018 Urban Development and Building Heights Guidelines for densification and greater heights at such locations.

3.20 In terms of impacts on adjoining development and residences in the Clare Village development, the Board’s Inspector noted that while the site was currently underutilised and adjoining properties therefore benefitted from an unimpeded view and access to light from the site, the planning policy framework, including the zoning of the SHD site, called for its development. It was concluded that the proposal would result in these adjoining properties still having a reasonable outlook.

3.21 This adjoining development, which provides a recent and relevant precedent for the current proposal, was identified as having a material impact on light access to existing adjoining development. In this regard, the Inspector’s Report sets out that such impacts must be balanced against the broader planning objectives of providing for appropriate, compact development on accessible sites. In this regard, the Inspector considered that on balance, the proposed development was acceptable, notwithstanding that there would be impact on light access for adjoining development. It was also noted that the adjoining Clare Village development was developed up to close to its site boundary, and this was considered to contribute to the level of impact, notwithstanding that the SHD development provided for setbacks of its building line where possible.

Figure 3.6: Verified view of the development permitted under ABP Reg. Ref.: ABP-304196-19, with the northern end of the subject site visible in the right middle-ground
An application for the construction of an 8 to 10 storey building comprising 217 no. apartments, a gym, pool and associated infrastructure was refused by Dublin City Council on the 1st of September 2018 for the following reason:

“It is considered that the proposed development which will contravene the Development Plan’s height strategy for outer city locations would by way of its excessive extent, height, bulk and design in very close proximity to existing site boundaries would constitute significant overdevelopment of the subject site, would be visually dominant and overbearing on adjoining properties, would reduce access to daylight and sunlight and overlook adjacent properties, and would thereby seriously injure the residential and visual amenities of properties in the vicinity and depreciate their value and by itself and by the precedent it would set, would be contrary to the proper planning and sustainable development of the area.”

A CGI extract from the application is included overleaf for information purposes.
Figure 3.8: Image extract from application Reg. Ref.: 3301/16 (Refused by DCC). Proposed 8 to 10 storey block of 217 apartments on site to the east, looking south.

**Clare Village Residential Development**

3.24 The parent permission for the adjacent Clare Village residential scheme to the east and southeast, is under DCC Reg. Ref.: 5441/03 and ABP Ref.: PL29N.207391, to Albany Homes Ltd for development of 386 residential units comprising of 64 no 1 bed, 281 no 2 bed and 41 no 3 bed apartments in 3 separate buildings in a range of 3 to 6 storeys in height; a single storey creche (c. 235sqm).

3.25 A total of 487 car parking spaces together with ancillary facilities are located at basement level, accessed off permitted entrance (0989/01). Vehicular access to serve the development is proposed via two existing access points onto the Malahide Road both of which were permitted under Reg Ref. 0989/01, to include traffic management improvement measures at Grove Lane junction with Malahide Road; site development and landscape works on c 2.7 ha site bounded generally to the north by the N32 Northern Cross Route and site of Permitted Tesco Shopping centre ( Reg Ref 0989/01), to the south by Grove Lane, to the east by existing Clare Hall residential area, and to the west by the Malahide Road, on lands at Clare Hall, Malahide Road, Dublin 17.

3.26 The Daylight and Sunlight Assessment includes a detailed analysis of the impact of the proposed development on this adjacent development, with particular reference to the dual aspect units located on the western portion of the development, which was designed with primary living spaces into internal courtyards.

**Reg. Ref.: 3583/18 & ABP Ref.: 302781-18- Clare Village Crèche**

3.27 An Bord Pleanála upheld Dublin City Council’s decision to refuse permission for a change of use from the permitted creche to 6 no. residential units within the adjacent...
Clare Village development in an order dated 3rd of January 2019 for 2 no. reasons. Refusal reason no. 2 states the following:

“Having regard to the provision of the current Dublin City Development Plan and to the provisions of the Childcare Facilities Guidelines on Planning Authorities issued by the Department of the Environment and Local Government in June 2001, it is considered that the change of use of the creche unit to residential units in a residential complex substantially in excess of 75 no. units would result in the loss of residential amenity to the existing and future residents of the residential complex and to the vicinity. The proposed development would also set an undesirable precedent for other similar developments. The proposed development would, therefore, seriously injure the amenities of the apartment complex and of the vicinity would be contrary to the provisions of the development plan and to the proper planning and sustainable development of the area.”

Figure 3.9: Site Layout Plan Illustrating Creche in Adjacent Clare Village Development
3.28 Thus, this existing creche facility remains available to serve some of the childcare needs of the area subject to an operator being identified to operate the facility, in addition to the proposed childcare facility incorporated into the current development proposal. For further details in this regard, please refer to the accompanying social and community infrastructure audit / assessment, which includes a detailed assessment of childcare need and demand, versus childcare provision in the area, concluding that the level of provision within the proposed development is appropriate.

Other Relevant SHD Decisions

3.29 We also note that the Board granted permission for a SHD development at the Former Chivers site to the west of Malahide Road, under ABP Ref.: 304346-19, for a BTR Apartment Scheme with permitted heights ranging from 4 to 9 storeys, as amended by condition. We note the following extracts from the Board’s Direction under its considerations for granting permission for the development:

“Th e height of the proposed building exceeds the limit of 16m for this area set down by section 16.7.2 of the Dublin City Development Plan and that the proposed development would materially contravene this provision of the plan. Nevertheless the Board considered that a grant of permission is warranted in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to the provisions in favour of higher buildings set out in the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Minister under section 28 of the Act in December 2018 and the compliance of the proposed development with SPPR 3 of those guidelines.

In deciding not to accept the Inspector’s recommendation to refuse permission, the Board considered that the proposed development was located within sufficient...
distance of several major employment centres including Beaumont Hospital and the City centre and also within 1km of a high capacity integrated public transport system and was satisfied that the development at the scale and density proposed would be fully in accordance with the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, 2018. It further considered that the proposed development would not set an undesirable precedent for similar developments and had regard to recent decisions in the area. The Board was also satisfied that the proposed design strategy as it relates to scale, mass and height of the proposed structures, represents an appropriate design response to the site’s locational context and to the established character and pattern of development of the area and was satisfied that the large open space/parkland to the northern reach of the site provided an appropriate setting for increased height at this location.”

Conclusions

3.30 The proposals brought forward in this planning application have considered the planning history on the subject site and other relevant planning history on the adjacent site and seek to provide a suitable density and design of development in this location, which has regard to the surrounding context.

4.0 PRE-APPLICATION CONSULTATIONS

4.1 The evolution of the design for the proposed development has been guided and informed by the planning history of the subject site and surrounding lands as set out above, and the issues and points raised during the pre-application discussions with the Planning Authority and An Bord Pleanála; and the proposals now submitted to the Board are considered to be in accordance with the proper planning and sustainable development of the area, while responding to the points raised in the pre-application discussions.

S. 247 Pre-Application Consultation

4.2 A formal pre-application meeting under s. 247 of the Act was undertaken with Dublin City Council (the Planning Authority) on the 8th of February 2019. The meeting was attended by several members of relevant DCC departments including the Planning, Transport, and Parks Departments, and members of the project design team.

4.3 The main points raised and discussed during the course of the formal pre-application meeting are summarised below, and the description of the proposed development provided within Section 5 of this report (below) describes the scheme as now submitted for pre-application consultation with the Board. The current scheme reflects amendments and improvements made on foot of the comments made by the Planning Authority at the meeting of February 8th.

4.4 The main points discussed during the course of the meeting with DCC can be summarised as follows:

- The application should include details pertaining to mobility strategy and the allocation of parking.
- The development cannot interrupt the quality bus corridor or the future Bus Connects upgrades.
- The development should provide for adequate bike parking for residents and visitors.
• The central plaza should be given a more public feel, including the removal of car parking from that area.
• An active frontage should be provided on both sides of the development, with access points for residential units on the eastern side too.
• The application should include contextual elevations and a VIA.
• An EIA Screening Report should be submitted.

4.5 The foregoing issues and points raised by the Planning Authority have been fully considered by the design team, resulting in considerable update and improvement to the scheme in the intervening period since the pre-application meeting.

Tripartite Meeting and Opinion of the Board

4.6 The separate Statement of Response Report outlines how the issues raised during the SHD pre-application consultation meeting with the Board have been addressed in this final application submission.

5.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

5.1 The proposed development submitted to the Board in this application comprises a Strategic Housing Development of 331 no. residential units across a range of unit sizes and types, along with residential amenities, three commercial units, a childcare facility, parking, and all associated development. The brief description of the proposal as set out within the public notices is as follows:

• “Demolition of all existing structures on the site;
• Provision of 331 no. Build to Rent residential units (82 no. 1 bed units, 13 no. 2 bed-3 person units, 226 no. 2 bed-4 person units, 8 no. 2 bed duplex units and 2 no. 3 bed duplex units), in two no. blocks (Block A, containing 93 units, to the south west and Block B, containing 238 units, to the north east), ranging in height from 8 to 10 no. storeys (including ground and mezzanine floor levels);
• Block A contains a double height ground floor level containing two no. commercial units (for Class 1 - Shop / Class 2 - Office / Restaurant / Café use), a reception area, and an internal / undercroft ground floor car park accessed off Grove Lane incorporating bicycle parking and refuse storage areas. 2 no. duplex units over two levels are located to the rear of Block A;
• Block B contains a double height ground floor level containing ancillary communal support facilities and amenities, which includes a reception area, a shared work space, a gym and a laundry, a commercial unit (for Class 1 - Shop / Class 2 - Office / Restaurant / Café use), a childcare facility, with associated outdoor play area. 8 no. duplex units are located to the rear of Block B over two levels. Block B includes an internal / undercroft car park area over four levels (including partial basement) to be accessed from the Malahide Road and incorporating car, motorcycle, bicycle parking and refuse storage areas;
• Block B contains an internal communal amenity space at seventh floor level, lettable storage space from first to eighth floor level and office space from first to sixth floor level and eighth floor level;
• The proposal contains a total of 201 no. car parking spaces, 640 no. cycle spaces and 11 no. motorcycle spaces;
• Public realm improvements are proposed along the Malahide Road and Grove Lane frontage and a central area of public open space is proposed between Block A and B. Outdoor communal open space areas are proposed at podium level and roof level;
• The proposed development will provide balconies / terraces on all elevations, boundary treatments and landscaping, two no. ESB substations, drainage and service works, the closing off of existing vehicular entrances, the creation of a vehicular access and egress point from the Malahide Road (R107) and from Grove Lane, an enhanced pedestrian / cycle crossing on the Malahide Road and other associated works, and all ancillary site development works necessary to facilitate the development.”

SHD Details

5.2 Having regard to the requirements of the An Bord Pleanála SHD application form and the relevant legislation, the following provides a concise breakdown of all the relevant development details for this project.

Density

5.3 The residential density of the proposed development will be c. 314 units per hectare, based on the net site area (applicant landholding of c 1.054 ha). This density of development is considered to be well suited for the subject site, having regard to its strategic location adjacent to existing and planned public transport provision, its location within a Key District Centre and SDRA, and the range of services and amenities available within the vicinity. The scale and density of the proposed development, and the mix of uses provided for, also address the previous reason for refusal by An Bord Pleanála on the subject site, under Reg. Ref.: 3584/16 & ABP Ref.: PL29N.248050.

5.4 As noted above a similar density and scale of development has been permitted on the adjacent site to the north east, which is partly located within the KDC. In addition, the former Chivers Factory site located further to the south east, but at a greater remove from Malahide Road, has recently received a grant of permission from the Board for a high density BTR apartment scheme ranging in heights from 4 to 9 storeys, as amended by the Board.

Plot Ratio and Site Coverage

5.5 The plot ratio of the proposed development is 3.12, while the site coverage is 59%, based on the relevant application site area of 10,540 sq.m (i.e. excluding lands within the red line within DCC ownership).

Unit Mix / Residential Development

5.6 The proposed development provides for a mix of unit types and sizes, including 82 no. 1-bedroom, 2-person apartments, 13 no. 2-bedroom, 3-person apartments, and 226 no. 2-bedroom, 4-person apartments. The development includes 8 no. 2-bedroom duplex units and 2 no. 3-bedroom duplex units, along the eastern boundary of the subject site. It is considered that the mix of units proposed is appropriate to provide for an adequate level of choice within the proposed Built to Rent scheme, and is consistent with SPPR7, which does not specify a unit mix requirement for BTR schemes.
Building Heights

5.7 The building heights within the proposed development respond to the surrounding context and the prominent location of these lands, with heights of eight to ten storeys provided for, in addition to some elements of the scheme which comprise of two storeys with podium level communal gardens above. The heights of the buildings in the proposed development have been amended and modulated in response to Item 1 of the Board’s Opinion. Block A is now two floors higher. This allows the overall composition to read more clearly with a 'bookend' at the north and south ends. Further enhancements have been incorporated to the central corners (north end of Block A and south end of Block B) so as to more clearly define and delineate the central public open space/plaza and the upper levels of both blocks have been reduced in height centrally to provide for greater modulation to the street.

5.8 The Clongriffin – Belmayne (North Fringe) LAP specifies heights of at least 5 storeys within the KDC (Page 39 of the LAP refers) and along this section of the Malahide Road corridor, which the subject site falls within. In relation to building height standards, the general policies of the Development Plan yield to the more area-specific policies of the LAP.

5.9 On this basis, it is considered that the proposal does not materially contravene the height policy set down in the LAP (particularly having regard to the justification provided herein under SPPR 3 of the 2018 Urban Development and Building Heights Guidelines).
5.10 However, having regard to the SHD Opinion and pre-application discussions a separate Material Contravention Statement is included with this application justifying the proposed building heights in the context of the LAP, CPD and the Building Height Guidelines 2018. We refer the Board to this separate report for the planning policy context supporting the proposed heights in particular the criteria listed under SPPR3.

Non-Residential Uses

5.11 The proposed development includes a range of resident’s amenities and support facilities; however, these are ancillary to and form part of the residential element of the proposed development. These are discussed in further detail below. In addition to these facilities, the development does include a range of other uses, which seek to respond to the location of the subject site within a Key District Centre and an SDRA as identified within the City Development Plan and the Z14 zoning of the subject site.

5.12 These uses ensure the provision of active frontages at ground floor level, promoting a sense of visual interest and an attractive streetscape. Block A incorporates two commercial units of 62 sq.m and 267 sq.m at ground floor level (both of which are double height spaces). These units take in the majority of the frontage of this building onto Malahide Road and its attendant public realm, and also turn the corners of the building, providing for passive surveillance of the public realm and open space to the north and south of Block A.

5.13 Block B includes a large childcare facility at ground and first floor levels towards the southern end of the building. The childcare facility has a GFA of 198 sq.m and is also served by a 70 sq.m outdoor play area. The childcare facility fronts onto the central public open space area within the scheme. In addition, Block B incorporates a further double height commercial unit of 132 sq.m, which turns the corner of the building, thereby providing a frontage to Malahide Road and the central open space area.

5.14 Along the remainder of the frontage of Block B to Malahide Road, activity and interest are provided by virtue of the resident’s amenities (i.e. facilities ancillary to the residential element of the scheme) located along this frontage include a reception area with concierge, offices, shared work space, gym, and laundry area.

5.15 The non-residential uses provided as part of the proposed development comprise a total floor area of 659 sq.m. whilst the residential amenities within the scheme also contribute to a sustainable use mix at this location.

5.16 These uses are considered appropriate in order to provide for a suitable mix of uses at this strategic location within a KDC and on lands zoned Z14, while being cognisant of the significant quantum of commercial / retail floorspace existing in the vicinity, including within Clarehall Shopping Centre which is located immediately to the north of the subject site.

BTR Residential Amenities and Support Facilities

5.17 As required under SPPR 7 of the 2018 Apartment Guidelines, the proposed development (which is a Build to Rent residential development) includes the provision of residential support facilities and residential services / amenities.
5.18 In terms of residential support facilities, the scheme includes provision of generous reception/concierge areas, laundry facilities, management offices, lettable storage rooms, a parcel and delivery storage area, and waste management facilities.

5.19 With regard to residential services and amenities, the scheme includes a gym, shared working space, lettable office space, and a communal amenity room. In addition, substantial outdoor open space areas are proposed at ground, podium and roof level.

5.20 The level of resident’s amenity space and support facilities proposed within the development has been improved in quality within the final application vis a vis the scheme as presented for pre-application consultation with the Board, including the provision of a high quality mixed amenity space for socialising, entertaining, and relaxing at seventh floor level, which opens directly onto a landscaped outdoor terrace.

5.21 As set out within the accompanying architectural drawings and the JFA schedules documents, the internal residents’ facilities and amenities provided within the proposed development are as follows:

- Reception and concierge areas of 274 sq.m
- Shared work space of 154 sq.m
- Gym of 154 sq.m
- Laundry facilities of 32 sq.m
- Lettable office space of 79 sq.m
- Lounge and mixed amenity area (210 sq.m), fronting onto outdoor roof terrace space at 7th floor level

5.22 Cumulatively, 903 sq.m of indoor residents amenities are provided within the building. These are supplemented by areas of quality communal open space at podium, seventh and eighth floor levels. These figures also do not include the additional secure storage spaces for use by residents which are provided on each level of the scheme, and which constitute an additional facility which will be common to all residents.

5.23 In terms of external amenity space, the provision of outdoor communal amenity space has been significantly augmented in the final application submission. High quality landscaped terrace areas have been included at the seventh and eighth floor levels of Block B, which provide for an additional 1,607 sq.m of outdoor communal amenity space.

**Car Parking**

5.24 The scheme incorporates 201 no. car parking spaces, located within a two level car park within Block B, and a single level carpark within Block A. This results in a car parking ratio of c. 0.61 spaces per residential unit within the scheme. As set out in further detail below, this level of car parking provision is considered appropriate having regard to the guidance contained within the 2018 Apartment Guidelines on parking in BTR schemes and based on the location of the proposed development on an existing high quality public transport corridor, which is also destined for upgrade under Bus Connects. The rationale for the proposed car parking provision is set out in further detail within the accompanying transportation report prepared by NRB Consulting.
Bicycle Parking

5.25 The proposed development includes provision of 474 secure bicycle spaces, located within secure bicycle storage areas accessed from the internal car parking areas. Furthermore, 166 visitor bicycle parking spaces are located within the public realm areas on site, to serve visitors to the residential scheme and to the commercial units proposed at ground floor level. It is considered that this level of bicycle parking provision will encourage the use of this active transit mode to access the city centre (a c. 20-25 minute cycle), the nearby DART line (Howth Junction station is within a c. 10 minute cycle), and other facilities and amenities within the vicinity of the scheme.

Phasing of Development

5.26 The development is to be delivered as a single phase over the duration of the planning permission being sought. This will represent the delivery of a significant quantum of housing to meet the established and increasing housing need in Dublin, along with the provision of a mix of uses in response to the location of the subject site within a KDC.

Proposals to Integrate with Surrounding Uses

5.27 The proposed development incorporates a range of measures to effectively incorporate the scheme into the surrounding context, including a careful consideration of surrounding uses.

5.28 In response to the comments of the Planning Authority and An Bord Pleanála at pre-application stage, the scheme incorporates active frontages on all sides, with the eastern side of the site incorporating activity and visual interest via the introduction of duplex units accessed at ground level along this frontage, which have been further enhanced from the SHD pre-application stage.

5.29 The scheme incorporates high quality public open space and public realm improvements, which will ensure that the proposal integrates effectively and improves the setting of surrounding uses.

5.30 The architectural design of the scheme takes its cues from the existing context of the site and seeks to respond to the site’s location on Malahide Road, while maintaining the amenity of surrounding developments.

5.31 In accordance with the requirements of the Planning Authority, the design takes account of future Bus Connects upgrades to Malahide Road at this location. The proposed development will not prejudice the future delivery of these upgrades.

5.32 The design of the proposed development intends to introduce an open and permeable layout on all frontages, with areas of high-quality public realm surrounding the two buildings within the scheme.

5.33 To the eastern boundary of the subject site, the lands are bound by an existing private roadway which has not yet been taken in charge. The scheme provides for high quality boundary treatments along this frontage, and includes the provision of sliding gates, which will remain closed for the time being, but which can be brought into use at such a time as the adjoining roadway will be taken in charge by the Planning Authority, allowing for the proposed development to integrate with this
adjoining route and improve the permeability of the area. The applicant has attempted to engage with the adjoining landowner in order to provide for connections with the adjacent private road immediately as part of the development, however no agreement was forthcoming in this regard.

5.34 The design of the proposed development has taken into account the lands to the north of the subject site (currently occupied by the First Stop garage), in order to ensure that the future development of those lands is not prejudiced by the current development proposal.

5.35 In this regard, the applicant has consulted with the adjoining landowner who, it is understood, does not intend to seek to redevelop their property in the immediate term, with the site to remain in use as a garage / tyre centre. Notwithstanding this, the proposed development is set back from the boundary with the adjoining site along the entirety of the frontage, primarily by virtue of the existing access road which will be retained between the current SHD proposal and any future development on the adjoining lands will therefore benefit from this setback.

5.36 Alternatively, should the adjoining site form part of the same ownership as the SHD site at a point in the future, the JFA design statement illustrates how the current BTR residential scheme could potentially extend into the adjoining site, subject to a separate future planning application. The apartments closest to the boundary with the adjoining site as proposed under the current application are all dual aspect, allowing for the potential extension onto the adjoining site in the event that that site became part of the same ownership.

Design

5.37 The design of the proposed development has been informed by the planning history of the subject site, the surrounding context, and the planning policy context contained within the City Development Plan, LAP, and national and regional planning policy.

5.38 The scheme takes the form of two distinct blocks, with a central area of open space which includes an active play area forming a clear break between the blocks. The facades of both buildings are animated by a mix of uses at ground floor level, with variations in parapet height ensuring a sense of visual rhythm. The design responds effectively to the context onto Malahide Road by stepping up at the site and building corners to improve the legibility of the scheme.

5.39 The facades of the buildings are modulated to break down the massing of the buildings to form an effective architectural composition. The provision of entrances to the ground floor commercial units and the residential elements of the development ensure a level of activity on all frontages.

5.40 To the rear of the scheme, facing the private roadway owned by Tesco Ireland, the buildings step up around communal courtyards which are provided at second floor level. This design approach ensures a sensitive relationship with existing and proposed residential development to the east. 10 no. duplex units, each with own-door access at ground level, are provided along this frontage, adding a further level of activity and passive surveillance eastwards towards the private roadway. This ensures that the proposed development responds not only to the current context, but to a future scenario whereby the adjoining roadway may be taken in charge.
5.41 The height of the scheme along the rear elevation generally rises to 8 storeys total height. There are podium courtyards at second floor level, and further communal gardens have been provided at seventh and eighth floor level, in order to enhance the amenity of the scheme for future residents.

5.42 The proposed buildings will be executed in high quality, durable materials befitting the prominent location of the subject site. As set out within the accompanying Statement of Response and the JFA Architectural Design Statement, the design of the proposed development has undergone significant further development and consideration following the receipt of the Board’s Opinion on the pre-application stage. The design of the final proposal reflects a range of enhancements, which ensure that the scheme responds appropriately to its prominent site, and that it will contribute positively to the appearance and amenity of the KDC and the Malahide Road corridor.

5.43 Within the proposed development, the design of individual residential units seeks to maximise their utility and amenity for future occupants, by providing generous apartment sizes and associated areas of private open space in the form of balconies and terraces. The scheme also seeks to maximise sunlight and daylight access for the proposed BTR residential units, while including a strong ratio of dual aspect units within the development.

Public, Communal and Private Open Space

Public Open Space

5.44 The Dublin City Development Plan 2016-2022 sets down a requirement that residential developments provide for public open space at a standard of 10% of the site area. The proposed development meets this requirement with a provision of 1,711 sq.m of public open space (c. 17.5% of the red line site area). This open space provision comprises a large central open area including an active play area. The public open space provision also includes new public realm around the perimeter of the site including new off-street pedestrian space, planted areas and hard landscaped areas, which is acknowledged as being acceptable within the City Development Plan, i.e. streetscape and public realm improvements can contribute to open space provision. For details of the management of the central open space please refer to Parkhood’s landscape design and access statement and accompanying drawings. A play space for children is also proposed within the central open space, which will be supplemented by the facilities at podium level.

Communal Open Space

5.45 The proposed development incorporates communal open space in excess if the minimum requirements outlined under the 2018 Apartment Guidelines. In total, 6,634 sq.m of external communal amenity space is provided, which is significantly more than the 1,328 sq.m which would be required if the minimum standard was applied, as illustrated in the extract below from JFA’s schedules sheet.
Private Open Space

5.46 The proposed development incorporates an area of private open space for the large majority of residential units which meets or exceeds the standards for private open space provision set out within the 2018 Apartment Guidelines in relation to regular (i.e. non BTR) apartments. The table below demonstrates how each relevant unit meets or exceeds the minimum private amenity space as set out in the Apartment Guidelines 2018. Please refer to the HQA prepared by JFA for a detailed breakdown of these figures.

5.47 A small number of units (i.e. 4 per floor) at 1st-4th floor levels do not have balconies provided as part of the units. These have been omitted in order to ensure that these units, which are located near the inner corner of the cut outs above podium level will receive adequate light. These units will benefit from significant opening windows where they overlook the outdoor terrace below, providing for good access to fresh air and light. Furthermore, the development provides for compensatory measures in the form of high-quality community support facilities and amenities at ground and upper floor levels, and provision of high quality communal open space at a rate above the minimum standard required.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Apartment Guidelines</th>
<th>Range Proposed</th>
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</thead>
<tbody>
<tr>
<td>1 bed</td>
<td>5 sq.m</td>
<td>5.2 – 21 sq.m</td>
</tr>
<tr>
<td>2 bed (3 persons)</td>
<td>6 sq.m</td>
<td>7 sq.m</td>
</tr>
<tr>
<td>2 bed (4 persons)</td>
<td>7 sq.m</td>
<td>7 – 21 sq.m</td>
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Daylight Assessment

5.48 A sunlight and daylight analysis of the proposed development, its impact on neighbouring properties, and the level of light which will be enjoyed by the units within the scheme has been undertaken by 3D Design Bureau. A Daylight and Sunlight Analysis Report is submitted along with this application.

5.49 The Daylight and Sunlight Analysis report notes that there will be a perceptible level of reduction in daylight received by some accessible windows in adjoining development. As is further detailed and demonstrated within the report, however, to provide a development on the subject site which would avoid having any impact outside the BRE guidance parameters for these windows would not result in an
appropriate form of development on the site (it would allow for development of just three storeys in height).

5.50 In the first instance it is important to recognise that the guideline targets published by the BRE are intended to be employed with a degree of discretion and flexibility. The flexibility available in the BRE guide is outlined in the introductory section as follows:

“The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical targets these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.”

5.51 This approach is recognised within planning guidance which has been published by Government. On page 43 of the Urban Design Manual 2009 the following advice is provided:

“Where design standards are to be used (such as the UK document Site Layout Planning for Daylight and Sunlight, published by the BRE), it should be acknowledged that for higher density proposals in urban areas it may not be possible to achieve the specified criteria, and standards may need to be adjusted locally to recognise the need for appropriate heights or street widths.”

5.52 While it is accepted that the minimisation of impact levels on neighbouring buildings should always be aspired to, the associated imperatives which exist to create sustainable levels of urban density, to encourage the development of compact urban form, and to make best use of scarce urban land will always place restrictions on the degree to which it is appropriate to pursue full compliance with BRE guidelines.

5.53 Further details and justification in this regard are contained in the Sunlight and Daylight Assessment report prepared by 3D Design Bureau and the Statement of Response to the Board’s Opinion prepared by John Spain Associates.

**Appropriate Assessment**

5.54 An Appropriate Assessment Screening Report has been prepared by Openfield Ecological Services. The AA Screening report concludes that significant effects to the Natura 2000 network are not likely to arise as a result of the proposed development, either alone or in combination with other plans or projects.

**Archaeological Assessment**

5.55 An Archaeological Impact assessment has been prepared by IAC Archaeology which accompanies this planning application. The assessment concludes that there is a low potential for archaeological remains to be located within the site and no further archaeological investigations are deemed necessary, subject to a standard condition of planning.

**Waste Management**

5.56 This application is accompanied by a Demolition, Construction, and Operations Waste Management Plan and a separate Operational Waste Management Plan prepared by JOR Consulting Engineers. The document outlines the principles of how the waste generated during the demolition, construction and operational phase will
be managed and disposed of in a way that ensures the provisions of the Waste Management Acts 1996 - 2013 and associated Regulations and the Waste Management Plan for the Dublin Region 2005 – 2010 are complied with. It will also ensure that optimum levels of waste reduction, re-use and recycling are achieved.

**BTR Management Plan and Draft Legal Covenant**

5.57 To address the requirements of the Apartment Guidelines 2018 in respect to BTR schemes, and in particular SPPR 7 and 8, the application is accompanied by a BTR Management Plan and draft legal covenant prepared on behalf of the applicant.

**6.0 CONSISTENCY WITH NATIONAL AND REGIONAL PLANNING POLICY**

6.1 The key provisions of national (including relevant Section 28 guidelines) and regional planning policy context relating to the proposed development are set out in the following sections. The policy and guidance documents of relevance to the proposed development are listed below:

- Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly
- Rebuilding Ireland – Action Plan for Housing and Homelessness
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and accompanying Urban Design Manual (2009)
- Urban Development and Building Heights Guidelines 2018
- Guidelines for Planning Authorities on ‘The Planning System and Flood Risk Management (November 2009)’
- Transport Strategy for the Greater Dublin Area 2016 - 2035
- Guidelines for Planning Authorities on Childcare Facilities (2001)
- Birds and Habitats Directive – Appropriate Assessment

6.2 An evaluation of the consistency of the proposed development in the context of the relevant policies and objectives set out in the above-referenced documents is included within each section.

**The National Planning Framework (NPF) – Ireland 2040**

6.3 Project Ireland 2040 National Planning Framework was published on the 16th February 2018. The National Planning Framework (NPF) is the Government’s high-level strategic plan for shaping the future growth and development of Ireland out to the year 2040. The plan will guide national, regional and local planning opportunities together with investment decisions for at least the next two decades.

6.4 The companion to this document is the National Development Plan, a ten-year strategy for public capital investment of almost €116 billion. The NPF notes the documents align ‘our investment strategy with our strategic planning documents to, for the first time in the history of our State, create a unified and coherent plan for the country’.

6.5 It is stated that the NPF will be given ‘full legislative support within the planning system’, including regular review with the future potential to make adjustments where
necessary. Each of the three regions will prepare their own strategy in accordance with the Framework set by the NPF, known as Regional Spatial and Economic Strategies (RSES). County and City Development Plan review cycles will then fall in line with their respective regional strategies, ensuring alignment between the hierarchy of plans.

6.6 The National Strategic Outcomes set out in the NPF are:

- Compact Growth
- Enhanced Regional Accessibility
- Strengthened Rural Economies and Communities
- High-Quality International Connectivity
- Sustainable Mobility
- A Strong Economy, supported by Enterprise, Innovation and Skills
- Enhanced Amenities and Heritage
- Transition to a Low Carbon and Climate Resilient Society
- Sustainable Management of Water, Waste and other Environmental Resources
- Access to Quality Childcare, Education and Health Services

6.7 In relation to residential development, the plan states:

‘A major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. The target is for at least 40% of all new housing to be delivered within the existing built up areas of cities, towns and villages on infill and/or brownfield sites’.

6.8 A core objective of the NPF is achieving compact growth and the Framework targets a ‘significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas’.

6.9 The NPF seeks to achieve ‘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’. National Policy Objective 3a targets the delivery of at 40% of future housing development to be within the footprint of built-up footprint of existing settlements.

6.10 National Policy Objective 4 aims to ‘ensure the creation of attractive, liveable, well designed, high urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.

6.11 National Policy Objective 6 seeks to ‘Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area’.

6.12 National Policy Objective 11 states: ‘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’.
6.13 The NPF advocates compact urban development and focuses maximising existing uses onsite and maximising potential with respect to connections to transport links.

6.14 National Policy Objective 13 states that: ‘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.’

6.15 National Policy Objective 27 seeks to ‘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’.

6.16 The proposed development is located at an accessible location with access to a number of bus routes along Malahide Road directly adjacent to the subject site. The scheme also provides access to existing cycle facilities on Malahide Road, which are destined to be upgraded under the forthcoming BusConnects scheme for this route.

6.17 National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.

6.18 Objective 35 of the National Planning Framework aims to: ‘Increase residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area of site-based regeneration and increased building heights.’

6.19 It is considered that the current use of the subject lands constitutes an underutilisation of an urban space at a highly accessible location. The development of the site for the purposes of residential use will deliver a high-quality scheme of an appropriate scale and density which is sensitive to existing surrounding properties. This will optimise the use of the site and ensure sustainable development at an appropriate location in close proximity to a range of services and public transport facilities.

6.20 In summary, the NPF shows broad policy support for residential development as proposed in an existing settlement area on appropriately zoned land, within the metropolitan area of the GDA and in close proximity to good quality public transport. The proposals will achieve compact growth and densification of urban areas and ensure efficient use of zoned land under which residential development is permissible and constitutes effective land and transport planning.

6.21 The NPF also states 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”.

6.22 The NPF continues to state that:

“Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development
proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.

This is in recognition of the fact that many current urban planning standards were devised for application to greenfield development sites and struggle to take account of evolved layers of complexity in existing built-up areas.

In particular, general restriction 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 locations e.g. city/ town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc”.

6.23 The existing site is underutilised and presents a key opportunity site as identified in the NPF for redevelopment as a residential scheme. The proposed building heights range from 8 to 10 storeys. The proposed density and height of the development is considered appropriate for the location of the site and the availability of public transport facilities and proximity to a Key District Centre.

6.24 Thus, having regard to the above, It is respectfully submitted that the proposal is a suitable form, design and scale of development for this strategically located underutilised site, within an existing urban settlement which is designated as a SDRA and a KDC, situated adjacent to a quality bus corridor (designated Bus Connect Corridor 1 - Clongriffin to the City Centre) and in close proximity to the M50 and Dublin Airport.

6.25 The proposed development will provide for high quality residential units in accordance with the Apartment Guidelines 2018. The proposed materials and finishes will also be of a high quality standard in order to create a unique quality urban place. It is considered that the proposed development provides for the creation of an attractive, high quality, sustainable new Build to Rent development within the existing built up area of the city. The provision of the new sustainable development is therefore consistent with the relevant NPF objectives.

Rebuilding Ireland – Action Plan for Housing and Homelessness

6.26 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, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector.

6.27 The Action Plan seeks to address the ongoing housing and homelessness crisis in the state via the pursuit of a broad range of actions and objectives set out under five ‘pillars’. The fourth of these pillars is to ‘Improve the Rental Sector’, and one of the key actions set out thereunder is to encourage the development of a build to rent sector with institutional ownership of developments designed specifically for the rental market.

6.28 The Action Plan notes, that at the time of its publication, one in five households in Ireland rented their homes. However, it is noted that the existing housing stock in Ireland was not developed with such a significant proportion of renters in mind. Build to rent development is envisaged as one of the potential solutions to this issue by providing for professionally managed accommodation for the rental market.
6.29 A *Strategy for the Rental Sector* was published in December 2016 under the auspices of Rebuilding Ireland, setting out a series of key objectives for the future development of the sector to meet increased demand and urgent need for housing. One of the key objectives set out therein was to maintain “existing levels of rental stock and promoting additional supply through encouraging new investment and bringing unused capacity to the market”.

6.30 One of the ‘key actions’ put forward in the Strategy to achieve this objective was as follows:

“Increase new supply through the build to rent model so that a significant proportion of overall delivery specifically targets the rental sector.”

6.31 The Strategy further notes that guidance was issued to Planning Authorities in October 2016, requesting that priority be given to Build to Rent projects. The Strategy states that build to rent projects tend to be constructed in urban locations close to major centres of employment and transport nodes.

6.32 The proposed build to rent development is wholly in accordance with the general direction and specific objectives of the Rebuilding Ireland Action Plan and the December 2016 Strategy for the Rental Sector. The proposal will see the delivery of a significant quantum of quality rental accommodation and associated facilities in a highly accessible urban location directly adjacent to existing bus services and a future BusConnects core corridor.

6.33 Rebuilding Ireland is set around five pillars of proposed actions summarised as follows:

**Pillar 1 – Address Homelessness:** Provide early solutions to address the unacceptable level of families in emergency accommodation; deliver inter-agency supports for people who are currently homeless, with a particular emphasis on minimising the incidence of rough sleeping, and enhance State supports to keep people in their own homes.

**Pillar 2 – Accelerate Social Housing:** Increase the level and speed of delivery of social housing and other State-supported housing

**Pillar 3 – Build More Homes:** Increase the output of private housing to meet demand at affordable prices.

**Pillar 4 – Improve the Rental Sector:** Address the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

**Pillar 5 – Utilise Existing Housing:** Ensure that existing housing stock is used to the maximum degree possible – focusing on measures to use vacant stock to renew urban and rural areas.

6.34 The proposed development is consistent with Pillar 3 and Pillar 4 to improve the rental sector. The proposed development provides for 331 no. new residential units as part of a Build-To-Rent Scheme. The provision of the 331 no. residential units will substantially add to the residential accommodation availability of the area and cater for the increasing housing demand as well as providing 10% social housing in accordance with the Planning & Development Act 2000, as amended.

6.35 The proposed development will play a part in responding to significant need and demand for housing with residential units which will be professionally managed and which will remain within the rental market for the long term in accordance with the requirements of the 2018 Apartment Guidelines.
Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly

6.36 The Regional Spatial and Economic Strategy (RSES) is a strategic plan and investment framework to shape the future development of the eastern regional to 2031 and beyond. The RSES was adopted at the meeting of the Eastern and Midland Regional assembly on the 5th of May 2019 and was published / came into effect on the 28th of June 2019.

6.37 The Eastern and Midland Regional assembly (EMRA) was established in 2015 as part of the regional tier of governance in Ireland. The region covers nine counties, Longford, Westmeath, Offaly, Laois, Louth, Meath, Kildare, Wicklow, and Dublin. The principle function of the assembly is the delivery of a Regional Spatial and Economic Strategy (RSES), a new concept in Irish planning where not only the spatial but also the economic factors that go into the future of the region are brought together into one all-encompassing strategy.

6.38 The vision for the RSES 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’.

6.39 The RSES supports the consolidation and re-intensification of infill sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

6.40 The subject development seeks to provides for residential development on a key urban infill site to increase densities, heights and urban consolidation in this strategic location adjacent to high frequency public transport. The proposed development therefore is compliant with the overall policies and objectives of the RSES in this regard.

6.41 The vision for the RSES 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.

6.42 The RSES supports the consolidation and re-intensification of infill, brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

6.43 The subject development seeks to provides for residential development on a key urban infill site to increase densities, heights and urban consolidation in this inner suburban location. The proposed development therefore is compliant with the overall policies and objectives of the RSES in this regard.

6.44 It is therefore considered that provision of 331 no. Build to Rent units, is acceptable given that the site is zoned for residential and a mix of other uses and in close proximity to high quality public transport. The subject site is located within 5 minutes' walk of the No. 15 and No. 27 high-frequency bus services, and adjacent to a QBC / Bus Connects Corridor. The subject site therefore constitutes a 'central and / or accessible urban location' as defined within the 2018 Apartments Guidelines. The
site is located within KDC 1 and SDRA 1, with significant existing and future employment in the area.

**Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2018**

6.45 The Sustainable Urban Housing Design Standards for New Apartment were published in March 2018. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.

6.46 This document includes provision for build to rent apartment developments. Build to rent (BTR) are rental only developments that are subject to centralised management arrangements, on a specified long-term basis, where individual housing units may not be separately sold for a specified period. They are also more likely to include the provision of added amenities for residents and other factors that allow for more communal lifestyles.

**Location**

6.47 The ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, identify a number of locations suitable for apartment development such as ‘Central and / or Accessible Urban Locations’ and ‘Intermediate Urban Locations’. It is considered that the subject site falls into the category of ‘Accessible Urban Locations’ as set out below.

6.48 Central and/or Accessible Urban 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, and are classified as follows:

- ‘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’.

6.49 The subject site is located within 5 minutes’ walk of the No. 15 and No. 27 high-frequency bus services, and adjacent to a QBC / Bus Connects Corridor. The subject site therefore constitutes a ‘central and / or accessible urban location’ as defined within the 2018 Apartments Guidelines. The site is adjacent to a KDC 1 and within a SDRA, with significant existing and future employment in the area, and is therefore a suitable location for a BTR scheme.

**Build to Rent – (Specific Planning Policy No. 7 & 8)**

6.50 The Apartment Guidelines 2018 set out specific planning policies (No’s 7 & 8) which relate to BTR schemes. The following is a summary of how the proposed scheme complies with the policies relating to BTR schemes.
Specific Planning Policy Requirement 7

"BTR development must be:

(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"

Response

6.51 The proposed development is described in the public notices as a Build to Rent development. The proposal will comply with the management structure for build to rent developments and will remain in operation for a minimum of 15 years, as addressed in the BTR Management Plan and Draft Legal Covenant accompanying the application. The applicant is willing to enter into the 15 year covenant agreement subject to a grant of planning permission as confirmed in the Draft Legal Covenant, which will also be included as a condition of planning. The proposal therefore complies with item (a) of SPPR7.

(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) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) 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.

Response

6.52 The proposed BTR accommodation is supported by a range of communal and recreational amenities which have been incorporated into the proposed development. The ancillary resident support facilities, services and amenities have a total floor area of 903 sq.m comprising shared work space, gym, laundry areas, reception and concierge areas, parcel delivery / storage areas, office space, lettable storage rooms, and communal amenity / social areas. Further details of the proposed facilities are illustrated in the application drawings and design statement.

6.53 The proposed communal/ancillary areas are designed to be flexible spaces and could be utilised for other ancillary residential uses depending on the occupier’s requirements and operator of the Build to Rent scheme.
6.54 We note that the Apartment Guidelines 2018 do not include a specific quantitative standard for calculating the amount of internal communal facilities for BTR developments. It is respectfully submitted that the proposed internal communal space measuring 903 sq.m is adequate and appropriately located throughout the development to ensure a high level of residential amenity. In addition, the majority of all residential units are provided with private amenity space in accordance or exceeding the minimum standards as set out within the accompanying HQA and communal open space is also provided comprising well in excess of the minimum applicable standard for same. It is submitted that the provision of communal areas is more than adequate for the 331 no. proposed BTR units.

6.55 A Management Company will control the car parking/car share spaces, storage areas and the communal amenity spaces.

Specific Planning Policy Requirement 8

“For proposals that qualify as specific BTR development in accordance with SPPR 7:

(i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise

Response

6.56 The 331 no. apartments will consist of 8 no. two-bedroom duplex units, 2 no. three-bedroom duplex units, 82 no. 1-bedroom 2-person apartments, 13 no. 2-bedroom 3-person apartment, and 226 no. 2-bedroom 4-person apartments, which is considered an appropriate mix for this location, i.e. within a KDC, SDRA and adjacent to a high quality public transport corridor, and which is acceptable under the provisions of the Apartment Guidelines 2018 for Build to Rent schemes.

(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;

Response

6.57 As outlined in the Housing Quality Assessment prepared by JFA, the proposed BTR units meet or exceed the minimum requirements for a standard apartment scheme as set out in Appendix 1 of the Apartment Guidelines 2018 so the applicant is not seeking any derogation from the minimum standards for this particular scheme. This will ensure a high-quality residential scheme which is attractive to a range of people / households in accordance with the principles of the Guidelines.

6.58 In relation to private amenity space, the large majority of units within the scheme provide for more than the significant requirement for private open space set down for regular apartment development. A small number of units (i.e. 4 per floor) at 1st-4th floor levels do not have balconies provided as part of the units. These have been omitted in order to ensure that these units, which are located near the inner corner
of the cut outs above podium level will receive adequate light. These units will benefit from significant opening windows where they overlook the outdoor terrace below, providing for good access to fresh air and light. Furthermore, the development provides for compensatory measures in the form of high-quality community support facilities and amenities at ground floor level, and provision of high quality communal open space at a rate above the minimum standard required.

6.59 The proposed BTR accommodation is supported by a strong provision of communal and recreational amenities.

(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;

Response

6.60 The proposed BTR scheme provides 201 no. spaces (equating to c. 0.61 spaces per unit). This is considered to be an appropriate ratio of car parking for this location, which has been the subject of detailed discussion with the Planning Authority prior to lodgement and has regard to the accessible location of the subject site, access to high quality transport and the provisions of the Apartment Guidelines 2018 for a reduced car parking requirement for BTR schemes.

6.61 The development site is situated within walking distance of existing high-quality bus services into and through Dublin City; these include 2 no. Dublin Bus routes with peak hour service intervals of 10 minutes or less, which are within a 5-minute walk, being located immediately adjacent to the subject site. All Dublin Bus services within a 5-minute walk of the development site run along the Malahide Road Quality Bus Corridor, which is located to the west of the site (this corridor is also identified for upgrade under BusConnects). The site is also approximately 10 minutes’ cycle from both Clongriffin DART station and Howth Junction / Donaghmede DART station.

6.62 In addition, the site is located within KDC1, which includes Clarehall Shopping Centre, and therefore it is considered appropriate for a reduced car parking provision in accordance with the standards and guidelines set out by Dublin City Council and the Department of Housing, Planning and Local Government. A similar car parking ratio was approved in the Clarehall SHD permission to the north east.

6.63 The scheme is also provided with 474 secure bicycle parking spaces for residents, along with a further 166 visitor spaces and 11 no. motorcycle spaces within the undercroft car park.

(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;

Response

6.64 Notwithstanding the above derogation for Build to Rent developments, and to ensure a high quality residential environment, the units proposed meet or exceed the minimum floor area standards as set out in Appendix 1 of the Apartment Guidelines 2018. The size of 1 bed apartments within the scheme ranges from 46.2 sq.m (103%
of the standard) to 53.2 sq.m (118% of the standard), while 2 bed units range from 76.3 sq.m (105% of the standard) to 95.3 sq.m (131% of the standard). Please refer to the schedules included in the HQA prepared by JFA for further information.

(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.

Response

6.65 The proposed scheme provides for less than 12 no. units per floor per core and is therefore in accordance with the maximum standard of 12 no. units per floor per core for typical apartment schemes, i.e. again no derogation is sought to ensure a high quality of residential amenity.

Dual Aspect

6.66 The Apartment Guidelines 2018 state under SPPR4 that “it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design.”

Response

6.67 The proposed scheme provides for 129 no. dual aspect units which equates to 39% of the overall scheme. This is in excess of the minimum requirement of 33% as provided for under SPPR4 of the Apartment Guidelines 2018, which would apply to the subject site and proposed development given the site’s location adjacent to a high quality public transport corridor, within a KDC / SDRA and the need to provide good street frontage and high quality design to Malahide Road, in particular, and also the residential access road to the south east.

6.68 In addition, the single aspect apartments to Malahide Road have a north easterly aspect, rather than a northerly aspect, as illustrated on the architectural floor plans and therefore meet the requirements of page 15 of the Apartment Guidelines 2018. The daylight and sunlight assessment illustrates that the proposed residential units will achieve a good level of daylight in accordance with the recommendations of the BRE Guidelines.

Private Amenity Space

6.69 The proposed development incorporates an area of private open space for the large majority of residential units which meets or exceeds the standards for private open space provision set out within the 2018 Apartment Guidelines in relation to regular (i.e. non BTR) apartments. The table below demonstrates how each relevant unit meets or exceeds the minimum private amenity space as set out in the Apartment Guidelines 2018. Please refer to the HQA prepared by JFA for a detailed breakdown of these figures.

6.70 A small number of units (i.e. 4 per floor) at 1st-4th floor levels do not have balconies provided as part of the units. These have been omitted in order to ensure that these units, which are located near the inner corner of the cut outs above podium level will receive adequate light. These units will benefit from significant opening windows
where they overlook the outdoor terrace below, providing for good access to fresh air and light. Furthermore, the development provides for compensatory measures in the form of high-quality community support facilities and amenities at ground floor level, and provision of high quality communal open space at a rate above the minimum standard required.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Apartment Guidelines</th>
<th>Range Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed</td>
<td>5 sq.m</td>
<td>5.2 – 21 sq.m</td>
</tr>
<tr>
<td>2 bed (3 persons)</td>
<td>6 sq.m</td>
<td>7 sq.m</td>
</tr>
<tr>
<td>2 bed (4 persons)</td>
<td>7 sq.m</td>
<td>7 – 21 sq.m</td>
</tr>
</tbody>
</table>

**Urban Development and Building Height Guidelines 2018**

6.71 The Building Height Guidelines were published on the 7th of December 2018 under Section 28 of the Planning and Development Act 2000, as amended. Therefore, the Strategic Planning Policy Requirements (SPPRs) in these Guidelines will take precedence over local planning policy including Development Plans, particularly in respect of the specific planning policy requirements set out within the guidelines. Development Plans and Local Area Plans are to be reviewed to reflect the new Guidelines.

6.72 The Building Height Guidelines espouse a move away from blanket caps on building heights and seek to encourage greater height in central and/or accessible urban locations, such as the subject site, to encourage compact urban form and the delivery of housing and employment at accessible urban locations.

6.73 The Guidelines emphasise the policies of the NPF to greatly increase levels of residential development in urban centres and significantly increase building heights and overall density.

6.74 In relation to redevelopment and enhancement of Dublin City, the guidelines state that “to meet the needs of a growing population without growing out urban areas outwards requires more focus in planning policy and implementation term on reusing previously developed “brownfield” land, building up urban infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings that may not be in the optimal usage or format taking into account contemporary and future requirements”.

6.75 The Guidelines also 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”.

6.76 In addition, the Guidelines states 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”.

6.77 The proposed development seeks to provide an 8 – 10 storey development on a site which is subject to policy in the North Fringe LAP that heights should be at least five storeys in the KDC within which the site is situated. On this basis the proposed development is considered to accord with the local planning policy context, however, having to the Board’s Opinion the application is accompanied by a Material Contravention Statement in respect to proposed building heights. It includes a justification under the relevant criteria relating to SPPR 3 of the Height Guidelines for the proposed development.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

6.78 The role of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas is to ensure the sustainable delivery of new development throughout the country. The Guidelines focus on the provision of sustainable residential development, including the promotion of layouts that:

- Prioritise walking, cycling and public transport, and minimise the need to use cars;
- Are easy to access for all users and to find one’s way around;
- Promote the efficient use of land and of energy, and minimise greenhouse gas emissions;
- Provide a mix of land uses to minimise transport demand.

6.79 The Guidelines also provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines recommend that planning authorities should promote high quality design in their policy documents and in their development management process. 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.

6.80 These Guidelines support a plan-led approach to development as provided for in the Planning and Development Act 2000. Section 2.1 of the Guidelines note that ‘the scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy’.

6.81 The Guidelines reinforce the need to adopt a sequential approach to the development of land and note in Section 2.3 and ‘the sequential approach as set out in the Departments Development Plan Guidelines (DoEHLG, 2007) specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities…’.

6.82 The subject site is zoned Z14, located within a KDC, a SDRA and adjacent to an existing and proposed public transport corridor. The proposed development is therefore appropriate as it seeks to make the most efficient use of the subject site, increasing the housing stock in an existing urban area and providing for high density residential development in a strategic location which is well served by existing public transport and local services. The proposed development is therefore compliant with the guidelines in terms of the sequential approach to development.
6.83 Sustainable neighbourhoods require a range of community facilities, and each
district/neighbourhood will need to be considered within its own wider locality, as
some facilities may be available in the wider area while others will need to be
provided locally. The proposed development is located adjacent to at Clarehall
Shopping Centre, the core retail area of Key District Centre 1 and includes communal
facilities for the residents of the proposed development, along with a mix of uses at
ground floor area to serve the scheme and its surrounding area.

6.84 The subject lands are located adjacent to ‘Public Transport Corridors’ in the context
of the density recommendations of the Guidelines for Planning Authorities on

6.85 Section 5.8 of the Guidelines recommends that ‘in general, minimum net densities
of 50 dwellings per hectare, subject to appropriate design and amenity standards,
should be applied within public transport corridors, with the highest densities being
located at rail stations / bus stops, and decreasing with distance away from such
nodes’. The proposed development provides for a density of 314 no. units per
hectare. It is considered that given the location of the site in close proximity to a
number of surrounding services, including public transport links, existing local
facilities and education and employment centres that the proposed density on site is
appropriate in this instance.

6.86 In addition to recommending appropriate densities, the Guidelines focus on the
provision of sustainable residential development, including the promotion of layouts
that:

- Prioritise walking, cycling and public transport, and minimise car use;
- Easy to access for all users and to find one’s way around;
- Promote the efficient use of land and of energy, and minimise greenhouse gas
  emissions; and
- Provide a mix of land uses to minimise transport demand.
- Reduce traffic speeds in housing developments

6.87 The layout is highly accessible for future occupants as well as the existing community
with a permeable layout within the site.

6.88 The Guidelines also provide advice on the core principles of urban design when
creating places of high quality and distinct identity. The Guidelines are accompanied
by a Design Manual 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.

6.89 The proposed development also has regard to the advice set down in the ‘In Practice’
section of the Urban Design Manual (2009), which recommends the following
approach in progressing scheme up to full application stage:

- **Development Brief**: An analysis of the site has been carried out which includes
  reviewing the existing residential development to the south and east of the
  subject site and an analysis of the surrounding land uses and site context
  including the Clarehall shopping centre and retail centre to the north of the
  subject site, and the Malahide Road and its context to the west. The proposed
development has been designed to ensure that the development responds
effectively to the surrounding context, while achieving an appropriate density
development with landmark qualities on the subject site. The proposed
development has also had regard to the existing site conditions such as access and egress and the provision of services and utilities. For further details in relation to the site analysis undertaken, please refer to the JFA Design Statement.

- **Site Analysis**: The characteristics of the subject lands and surrounding context has been established and potential linkages and vistas to adjoining lands has been analysed.

- **Concept Proposals**: This application is accompanied by an Architectural Design Statement which outlines the concept design proposal. The Design Statement outlines the progression of the scheme design in terms of land use and density range, boundary conditions and connections which is discussed in greater detail below.

- **Pre-planning**: Pre-application discussions were held with Dublin City Council (the relevant Planning Authority) and An Bord Pleanála as part of the SHD process. Details of these consultations are outlined in this Statement of Consistency and the separate Statement of Response.

6.90 The Design Manual sets out a series of 12 criteria which it recommends should be used in the assessment of planning applications and appeals. The Architectural Design Statement, prepared by JFA Architects, demonstrates how the proposed development has regard to and has been developed in accordance with best practice in respect to urban design. The Design Statement should be read in conjunction with this Statement of Consistency and with the plans and particulars accompanying this application.

**Urban Design Manual (2009)**

6.91 The Urban Design Manual is a companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. The Manual sets out 12 criteria for sustainable residential development.

6.92 This application is accompanied by a Design Statement prepared by John Fleming Architects which provides an evaluation of the proposal against the Manual’s 12 criteria for sustainable residential development. The table below provides a text response to each of the 12 criteria.

**Table 2: Evaluation of the proposal against the 12 criteria for sustainable development contained within the Urban Design Manual**

<table>
<thead>
<tr>
<th>Design Criterion</th>
<th>Evaluation</th>
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<tbody>
<tr>
<td>1. Context How does the development respond to its</td>
<td>• The height, scale and massing of the proposed development has been informed by pre-application consultations with DCC and ABP, the surrounding context of the development in particular the existing residential units to the east and southeast of the subject site. The proposed development ranges in height from 8 no. storeys surrounding the courtyard gardens to 10 no. storeys along the frontage with Malahide Road. The scheme effectively steps up toward the western side of the site, in order to</td>
</tr>
<tr>
<td>surroundings?</td>
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</tbody>
</table>
provide for a strong edge and sense of enclosure to Malahide Road at this location.

- The scale, height and layout of the proposed development adequately addresses both the existing residential properties in the area and provides for an appropriate scale and use of the development fronting onto Malahide Road.

<table>
<thead>
<tr>
<th>2. Connections</th>
<th>How well connected is the new neighbourhood?</th>
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<tbody>
<tr>
<td></td>
<td>• The development site is situated directly adjacent to existing high-quality bus services into and through Dublin City; these include 2 no. Dublin Bus routes with peak hour service intervals of 10 minutes or less. All Dublin Bus services within a 5-minute walk of the development site run along the Malahide Road Quality Bus Corridor / Proposed Bus Connects Corridor. The site is also approximately 10 minutes’ cycle distance from Clongriffin DART station, Howth Junction and Donaghmede DART station.</td>
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<td>• The proposed development itself provides for a good level of permeability, notwithstanding the fact that the roadway to the east has not yet been taken in charge.</td>
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<tr>
<th>3. Inclusivity</th>
<th>How easily can people use and access the development?</th>
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<tr>
<td></td>
<td>• The proposed development includes public realm improvements along the street edge and will also provide for concierge / reception areas for the future residential development which will act as the main entry points into the scheme, creating a common area for the future residents.</td>
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<tr>
<th>4. Variety</th>
<th>How does the development promote a good mix of activities?</th>
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<tbody>
<tr>
<td></td>
<td>• The site provides for 331 no. Build to Rent units and ancillary facilities, in addition to commercial and childcare uses at ground floor level. The ancillary resident support facilities, services and amenities will consist of laundry facilities, gym facilities, shared work space, reception areas, storage spaces, office space, and amenity rooms.</td>
</tr>
<tr>
<td></td>
<td>• The scheme also incorporates commercial units for shop, office, restaurant or café use at ground floor level. A large childcare facility is also provided at ground floor level within the scheme. This mix of uses will ensure that the proposed development is a vibrant and attractive place to live or visit.</td>
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<tr>
<th>5. Efficiency</th>
<th>How does the development make appropriate use of resources, including land?</th>
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<tr>
<td></td>
<td>• The proposed development is located on an underutilised site in an existing urban area. The proposed density makes efficient use of these valuable zoned lands along a good quality Dublin bus route.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
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</tr>
<tr>
<td>6. Distinctiveness</td>
<td>The proposed development has been designed to address the prominent street frontage along the adjacent Malahide Road. The scale, massing and design of the proposed buildings will ensure that the development is imbued with a strong sense of place. Further details in relation to the design and materiality of the proposed development can be reviewed within the JFA Design Statement document which is submitted herewith.</td>
</tr>
<tr>
<td>7. Layout</td>
<td>The scheme has been designed to provide activity and passive surveillance to communal and public open spaces within the scheme, and onto the surrounding roadways and public realm. The active street frontages provided for within the scheme, incorporating mixed uses, in addition to the significant public realm and public open space upgrades associated with the development will ensure the creation of spaces which are comfortable to pass through and occupy for future residents and visitors to the scheme alike.</td>
</tr>
<tr>
<td>8. Public realm</td>
<td>The scheme has been designed to provide activity and passive surveillance of the public realm and to enhance it through the landscape proposals.</td>
</tr>
<tr>
<td>9. Adaptability</td>
<td>The buildings are of a high quality design and include generous apartment sizes and communal areas. There is potential for future amalgamation or subdivision of units by the BTR owner of the scheme if the need arises, subject to separate planning approval.</td>
</tr>
<tr>
<td>10. Privacy and amenity</td>
<td>The majority of units are provided with private balconies or terraces. In addition, internal communal facilities and communal outdoor space is provided. The scheme has been designed to include suitable setbacks to adjacent residential properties to minimise the extent of overlooking and loss of light.</td>
</tr>
<tr>
<td>11. Parking</td>
<td>The car and cycle parking is provided in a secure setting that is accessible to all residents. Please refer to NRB’s Transportation Report for further details of car and cycle parking facilities and likely management arrangements.</td>
</tr>
</tbody>
</table>
12. Detailed design
How well thought through is the building and landscape design?

- The building and landscape design has been carefully considered by JFA Architects, Park Hood Landscape Architects, and JOR Consulting Engineers. Please refer to the accompanying documentation from each consultant for further information.

6.93 Having regard to the Design Statement prepared by JFA Architects which is submitted herewith, and the evaluation contained within Table 1, the proposed development is considered to meet the Manual’s 12 criteria for sustainable residential development.

**Guidelines for Planning Authorities on ‘The Planning System and Flood Risk Management (November 2009)’**

6.94 *The Planning System and Flood Risk Management* Guidelines were published by the Minister for the Environment, Heritage & Local Government in November 2009 under Section 28 of the Planning & Development Act 2000 (as amended). The Planning System And Flood Risk Management Guidelines require the planning system at all levels 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; 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.

6.95 In order to comply with these Guidelines a Flood Risk Assessment has been prepared JOR Consulting Engineers, which demonstrates no risk of flooding to the proposed development. The JOR Consulting Engineers Flood Risk Assessment Report concludes as follows:

“…the site is not at risk from tidal, fluvial, pluvial or groundwater flooding due to its geographic location and topography. In all cases it was found that the development is at low risk of flooding and the development is deemed appropriate in the proposed site location, regardless of the vulnerability class of the proposed development.”


6.96 The Design Manual for Urban Roads and Streets (DMURS), 2013, 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. The Transportation Assessment and associated appendices prepared by NRB Consulting Engineers provides further detail in respect of the compliance of the proposed development with DMURS and having regard to the surrounding road / street network.

6.97 In addition, this Statement of Consistency sets out how the proposal will positively contribute to the public realm, noting that the adjacent roads are in private ownership (Tesco) and therefore pedestrian / cycle connections to these roads cannot be made until the Planning Authority take this road in charge or consent is provided by the landowner (the applicant has liaised with the adjacent landowner but consent was
not forthcoming on providing a connection to the private road and associated footpaths to the south east).

Transport Strategy for the Greater Dublin Area 2016 – 2035

6.98 This strategy has been prepared by the National Transport Authority. The Vision of this strategy is for Dublin to be a competitive, sustainable city-region with a good quality of life for all by 2030.

6.99 The Strategy includes five overarching objectives to achieve the vision which are as follows:

- Build and strengthen communities
- Improve economic competitiveness
- Improve the build environment
- Respect and sustain the natural environment
- Reduce personal stress

6.100 The Strategy sets out measures to achieve the vision and objectives for the GDA. These include better integration of land use planning and transportation, consolidating growth in identified centres, providing more intensive development in designated town and district centres and control parking supply.

6.101 The Strategy builds on previous strategies and investment programmes, and for this reason several major infrastructure schemes that are included in the government’s Transport 21 investment framework are included in all of the strategy options.

6.102 The proposed residential development, which provides for a density in the order of 314 units per hectare and located adjacent to existing good quality public transport is considered to be consistent with the vision and objectives of the Transport Strategy for the GDA.

Guidelines for Planning Authorities on Childcare Facilities (2001)

6.103 The Guidelines for Planning Authorities on Childcare Facilities (2001) indicate that Development Plans should facilitate the provision of childcare facilities in appropriate locations. These include larger new housing estates where planning authorities should require the provision of a minimum of one childcare facility with 20 places for each 75 dwellings. The threshold for provision should be established having regard to existing location of facilities and the emerging demography of the area where new housing is proposed. The Guidelines advise that sites should be identified for such facilities as an integral part of the pre-planning discussions.

6.104 The following definition of Childcare is included in the Guidelines:

“In these Guidelines, “childcare” is taken to mean full day-care and sessional facilities and services for pre-school children and school-going children out of school hours. It includes services involving care, education and socialisation opportunities for children. Thus services such as pre-schools, naíonrái (Irish language playgroups), day-care services, crèches, playgroups, and after-school groups are encompassed by these Guidelines. Conversely childminding, schools, (primary, secondary and special) and residential centres for children are not covered by these Guidelines.”
6.105 The proposed BTR scheme includes the provision of a creche and associated play area at ground floor level. The proposed creche has a GFA of c. 198 sq.m, providing space for c. 40 children as set out and justified fully within the accompanying Social and Community Infrastructure Audit / Assessment, which incorporates a detailed assessment of the childcare demand arising from the proposed development in the context of existing childcare provision in the vicinity.

6.106 The recommendations of the 2001 Childcare Facility Guidelines must also be considered in the context of the Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2018 which state that:

“Notwithstanding the Department’s Planning Guidelines for Childcare Facilities, which are currently subject to review and recommend the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision in apartment scheme 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 for the area”.

6.107 The Apartment Guidelines also state that “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”.

6.108 On this basis, the proposed development would require provision of c. 62 childcare spaces, as set out in the SCIA. This need will be primarily met within the facility proposed as part of the development.

6.109 We also note that the subject site is located in an area with several childcare facilities in proximity to the site. Thus, it is considered that the childcare provision in the area of the development, including the significant childcare facility proposed within the development, is adequate to meet the existing needs of the area and the needs of the residents of the proposed development itself.

6.110 It is also noted that an application was submitted for a change of use from a creche facility to residential use in the adjacent Clare Village under Reg. Ref.: 3583/18 & ABP Ref.: 302781-18, as noted in the planning history section. The crèche building is located in the centre of the Clare Village development and is directly accessed from the basement/ lower ground floor level and also by steps from the concourse/ level. The current crèche is a 1-2 storey building with an area of 235 sq.m and is currently vacant.

6.111 Thus, this vacant creche facility in the immediately adjoining development (as illustrated in Section 3) remains available to serve some of the childcare needs of the area and proposed developments in the area subject to an operator being identified to operate the facility.

6.112 The reader is respectfully referred to the accompanying Social and Community Infrastructure Audit / Assessment prepared by John Spain Associates for a detailed assessment and justification of the childcare provision within the proposed development.
Birds and Habitats Directive – Appropriate Assessment

6.113 Under Article 6 (3) of the EU Habitat Directive and Regulation 30 of SI no. 94/1997 "European Communities (Natural Habitats) Regulations (1997)" any plan or project which has the potential to significantly impact on the integrity of a Natura 200 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment. This requirement is also detailed under the Planning and Development Act 2000, as amended.

6.114 An Appropriate Assessment Screening Report, prepared by Openfield Ecological Consultants, is submitted with this planning application. The report establishes that none of the habitats and species listed as ‘qualifying features’ in the Natura 2000 site designations will be affected by the proposed development and it has been assessed that the development of the project will ‘not result in any likely significant effects’ on Natura 2000 sites. The concludes by stating:

'It can be concluded on the basis of objective information that the proposed development is not likely to have any significant effect on any European site, either alone or in combination with other plans and projects.'

6.115 In addition, an EIA Screening Report has been prepared to accompany this planning application. The report demonstrates that an EIAR is not required in respect of the proposed development as it is sub threshold and that there is no potential for significant impacts on the environment arising from the project.

7.0 LOCAL PLANNING POLICY

7.1 The key provisions of local planning policy relating to the proposed development are set out in the following sections. Reference is made to the following documents:

- The Dublin City Development Plan 2016-2022

7.2 An evaluation of the proposed development in terms of the relevant policies, objectives and standards is included below. We note that the building height and apartment standards are superseded by the 2018 Apartment Guidelines and 2018 Building Height Guidelines which have been discussed above. ‘Specific Planning Policy Requirements’ set out in Section 28 Guidelines supersede the relevant sections of the Development Plan. In this respect, please refer to Section 6 above and the HQA for compliance with the Apartment Guidelines 2018. Although the heights proposed are considered to be permissible under the LAP objectives for the KDC / Malahide Road, a Statement of Material Contravention in respect to the proposed building heights is included which provides a justification for the heights within the proposed development in the context of SPPR 3 of the Urban Development and Building Height Guidelines.

Dublin City Development Plan 2016-2022

Core Strategy

7.3 Part of the vision and core strategy of the Plan is to deliver over 29,500 new residential units in the period 2016 - 2022. This is to be achieved 'in a variety of ways, including infill and brownfield development, regeneration and renewal of the inner city; redevelopment of strategic regeneration areas; and the encouragement of
development at higher densities, especially in public transport catchments’ (Section 2.2.1 of the Plan).

7.4 The proposal complies with the above strategic objective for the city given the site’s location within a KDC, SDRA and adjacent to a good quality Public Transport Corridor which is destined for upgrade as part of BusConnects.

**Land Use Zoning and Designations**

7.5 The site, as illustrated in the zoning map extract below, is zoned Objective Z14 with a stated objective to “seek the social, economic and physical development and/or rejuvenation of an area with a mixed use of which residential and ‘Z6’ would be the predominant uses.”

7.6 New residential development is permissible in principle under the Z14 zoning objective, as are the childcare and commercial uses proposed.

7.7 The site is within the North Fringe West KDC 1 and within the North Fringe SDRA 1. It is respectfully submitted that build-to-rent apartment development including retail / café / restaurant and childcare provision should be considered acceptable in principle at the subject site.

**Figure 7.1: Annotated Extract from City Development Plan Zoning Map (subject site identified with red dashed line)**

**North Fringe Strategic Development and Regeneration Area**

7.8 The site forms part of the North Fringe Strategic Development and Regeneration Area (SDRA 1). The North Fringe SDRA was first designated in 2000 and significant development has since taken place, including over 3,400 new homes and 41,000 sq. m. of commercial floorspace. This is in addition to water and drainage infrastructure,
a new DART station and public square, sections of a new main street and a large public park.

7.9 Chapter 15 of the City Development Plan sets out guiding principles for development in SDRAs, of which the key principles relevant to the proposed redevelopment are summarised below:

- To create a highly sustainable, mixed use urban district, based around high quality public transport nodes, with a strong sense of place.
- To achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities.
- To establish a coherent urban structure, based on urban design principles, as a focus for a new community and its integration with the established community.

Figure 7.2: Site context within the SDRA

7.10 It is respectfully submitted, as referenced throughout this statement, that the proposed development will deliver upon the above principles on a strategically located site within the KDC / Malahide Road area of the SDRA.

7.11 The SDRA contains two designated ‘key district centres’ (KDCs) (planned mixed use / town centre areas). As shown in Figure 13, the subject site is situated within the boundary of KDC 1.
Figure 7.3: Annotated Extract from City Development Plan Map K, showing the subject site in relation to the boundaries of KDC 1 and within the SDRA

Building Heights

7.12 Section 16.7.2 states proposals for high buildings should be in accordance with the provisions of the relevant LAP/SDZ/SDRA in addition to the assessment criteria for high buildings and development plan standards, which in the outer city limit heights to 16m. As addressed in greater detail in the Statement of Material Contravention, the proposed heights are considered to be consistent with those set down in the LAP for this site, however, the heights are also justified in the context of SPPR3 should they be considered to be a material contravention of the Development Plan / LAP.

Public Open Space

7.13 Section 16.10.3 sets a standard that 10% of the site area of residential schemes should be provided as open space. As set out in Section 5 above the public open space for the scheme is provided in the form of a central open space and public realm improvements to Malahide Road and Grove Lane.

Plot Ratio and Site Coverage

7.14 Section 16.5 sets an indicative plot ratio standard of 1.0 - 3.0 and site coverage of 50% for the Z14 zone. The proposed scheme provides a plot ratio of 3.12 and a site coverage of 59%. Whilst this is above the indicative standards outlined above, the CDP acknowledges that higher standards may be proposed on sites such as the subject site, which are adjoining public transport corridors, to facilitate comprehensive redevelopment and to maintain existing streetscape profiles. The subject site is considered a suitable location for the plot ratio and site coverage proposed.
**Residential Amenity**

7.15 Section 16.10.2 of the plan refers to houses and states that at the rear of dwellings there should be adequate separation between opposing first floor windows. Traditionally, a separation of about 22m was sought between the rear of 2-storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupants.

7.16 The proposed scheme has been designed to have regard to the residential amenity of adjacent uses, whilst this providing a high density redevelopment on the subject site, and the design rationale for the proposed layout and relationship to adjoining uses is discussed in the submitted JFA Design Statement.

7.17 It is noted that the Guidelines on ‘Sustainable Residential Development in Urban Areas’ states the following in Section 6.10:

> ‘The emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets. While a 22 metre separation distance between opposing above ground floor windows is normally recommended for privacy reasons, this may be impractical and incompatible with infill development. In these cases, innovation and flexibility will be essential in the interpretation of standards so that they do not become inflexible obstacles to the achievement of an attractive village and small town character in new development’.

7.18 Thus, while the recommended separation distance of 22 metres between directly opposing windows as set out in the City Development Plan is not always achieved, this is considered acceptable in this instance.

**Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018 (extended to 2022 in November 2017)**

7.19 The North Fringe SDRA is covered by the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018 (‘the LAP’). The Planning Authority extended the life of the LAP to 2022 at a meeting of November 2017. The relevant area subject to the LAP, as illustrated below, includes the subject site.
7.20 The consistency of the proposed development with the relevant policies and objectives of the LAP is discussed below. In summary, mixed-use, medium to high density developments with an emphasis on good urban design are promoted within the LAP area, which the proposed development is considered consistent with.

**Building Height**

7.21 The subject site is within the LAP area and subject to LAP height policies (the LAP takes precedence over the City Development Plan in this respect (City Development Plan Page 319 refers)).

7.22 Permissible heights under the LAP are generally low (4 storeys) with 5-6 storeys supported in the two KDCs.

7.23 However, the LAP recognises that heights of five plus storeys are permissible along the Malahide Road corridor, in order to respond appropriately to the wide profile of this corridor. The proposed development provides for heights of 8-10 storeys facing onto this important corridor, providing an appropriate sense of enclosure and introducing a strong urban edge which has been lacking at this location heretofore. The LAP states at Section 7.8:

“In recognition of this character, the LAP identifies three areas for potential future height, which are the Key District Centre's at Clongriffin rail station and the R139/Malahide Road Junction and the axis of the Main Street Boulevard connecting the two.

These locations have been identified based on the understanding of the existing urban structure of North Fringe and the vision to create a compact and sustainable urban neighbourhood.”
The LAP recommends that in general, minimum heights for new developments in the designated Key District Centres of five storeys, and four to five storeys along the Main Street Boulevard are achieved."

7.24 As the subject site is within the Key District Centre identified at the junction of the R139 / Malahide Road, minimum heights of five storeys apply. The proposed development will introduce an appropriate scale of development under this framework, with heights of 8-10 storeys onto the Malahide Road corridor.

7.25 Notwithstanding the above, and as discussed earlier, this application is accompanied by a Statement of Material Contravention which justifies the proposed building heights, should the Board consider them to be a material contravention of the City Development Plan / LAP height policies / standards.

Mix of Uses

7.26 Mixed-use development is an important overarching principle for development within SDRA’s. The proposed development includes a range of uses including commercial units and a childcare facility, along with communal facilities for future residents which will complement the residential uses and ensure activity at street level and add vibrancy to the area.

7.27 In the wider context, the surrounding uses in the KDC provide for a mix of uses including a number of retail and restaurant units at Clarehall Shopping Centre which will cater for the needs of the residents of the proposed Build to Rent scheme.

Streetscape

7.28 The LAP aims for new buildings to address the street appropriately at ground floor level. The proposed development includes a range of ground floor uses, including a childcare facility, commercial units, resident’s amenities, and entrance foyers / reception areas for the residential elements of the scheme. The streetscape will be enhanced by the provision of this use mix, including double height spaces fronting Malahide Road and wrapping around the corners of the scheme.

7.29 The public realm is also to be enhanced significantly, with new high quality hard and soft landscaping along the Malahide Road frontage of the scheme. The building design and layout has been informed by adjacent residential land uses and seeks to provide an appropriate quantum of development whilst respecting adjacent land uses.

7.30 On the eastern side of the site, the development provides for a series of own-door duplex units facing onto the public realm and the private roadway further to the east, thereby ensuring an appropriate level of activity, interaction, and passive surveillance along that frontage.

Residential Development Management Criteria

7.31 As set out in the section above the scheme has been designed to meet the requirements of the 2018 Apartment Guidelines.
Parking

7.32 The proposed development includes provision of 201 car parking spaces, equating to c. 0.6 spaces per residential unit within the scheme. This is considered to be consistent with Specific Planning Policy Requirement No. 8 of the 2018 Apartments Guidelines, which states:

‘For proposals that qualify as specific BTR development in accordance with SPPR 7;

(i) 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’

7.33 The site is directly adjacent to the high-frequency No. 15 and No. 27 bus services serving Dublin city centre, and approximately 10 minutes’ cycle from Clongriffin, Howth Junction and Donaghmede DART stations. Suitable bicycle parking facilities will be provided as part of the development. Shared mobility measures are intended for inclusion within the management regime for the proposed development.

8.0 COMPLIANCE WITH PART V OF THE PLANNING AND DEVELOPMENT ACT REGARDING SOCIAL HOUSING

8.1 This SHD application is accompanied by an indicative Part V proposal for the proposed development and includes a Site Layout Plan drawing indicating the location of the Part V units, an estimate of costs prepared on behalf of the applicant and a Part V validation letter from DCC.

8.2 The proposal is to provide 33 no. Build to Rent units on the subject site for Part V social housing comprising 10% of the total 331 no. units proposed. This constitutes over 10% of the residential floor area within the scheme. This provision comprises of 8 no. 1 bed units, 16 no. 2 bed units, located on floors 1 and 2 of Block A, 8 no. stand-alone 2 bed duplex units, and 1 no. 3 bed duplex unit.

8.3 The applicant would agree to accept a condition on a grant of planning permission for any subsequent SHD application to the Board that requires the applicant to enter into a Part V agreement with Dublin City Council as per their requirements prior to the commencement of development.

9.0 SUMMARY AND CONCLUSIONS

9.1 The statement set out herein demonstrates that the proposed development is consistent with the relevant national, regional and local planning policy context.

9.2 At a national and regional level, this statement has demonstrated consistency with the following:

- The Regional Planning Guidelines for the Greater Dublin Area 2010 - 2022
- Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly
- Rebuilding Ireland – Action Plan for Housing and Homelessness
9.3 Consistency is also demonstrated with the relevant policies and provisions of the Dublin City Development Plan 2016-2022 and Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018 (extended to 2022 in November 2017).

9.4 It is respectfully submitted that the proposal is a suitable form, design and scale of development for this strategically located underutilised site, within an existing urban settlement which is designated as a SDRA and a KDC, situated adjacent to a quality bus corridor (designated Bus Connect Corridor 1- Clongriffin to the City Centre) and in a strategic location which is suited to the scale and nature of development proposed.

9.5 The proposed development also has regard to the established and emerging pattern development in the area; to the objectives of the National Planning Framework in particular objectives 3b, 11, 27, 33 and 35; and to the provisions of the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018, the Sustainable Urban Housing: Design Standards for New Apartments issued by the minister in March 2018 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by minister in May 2009.