

# **Statement of Response to Pre-application Consultation Opinion**

**Lands at the Former Dulux Factory Site,  
Davitt Road, Dublin 12, D12 C97T**

**Residential Development**

**On behalf of  
Durkan (Davitt Road) Ltd**

December 2018



Planning & Development Consultants

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## 1 Introduction

We, Brock McClure Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin are instructed to submit this application on behalf of Durkan (Davitt Road) Ltd., 63 York Road, Dun Laoghaire, Co. Dublin, for a ‘Build-To-Rent’ development proposal at a site generally located at the former Dulux Factory site, Davitt road, Dublin 12.

This report is a response to the issues raised in the An Bord Pleanála (ABP) Opinion dated the 15<sup>th</sup> November 2018 following the pre-application process and with regard to the consultation meeting for the application for a Strategic Housing Development on the subject site.

The Opinion states that ABP *‘is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development’*.

The Opinion further states that *‘An Bord Pleanála, considers the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development’*.

The issues to be addressed are as follows:

- Design and Amenity

Further consideration and / or justification of the documents as they relate to the proposed design and amenity of the proposed development specifically in relation to the following; a comprehensive justification of the scale of the proposed development at this location; and the elevational treatment of the eastern and western elevations of the proposed development which are highly visible along the Grand Canal. Furthermore, the documents should address, in detail, the potential impact on the residential amenity of adjoining residential amenity of adjoining residential properties to the east and west of the proposal as well as the amenity of the proposed ground floor units along Davitt Road.

Section 2 of this report sets out how the Applicant has responded to each of the issues raised by ABP in its Consultation Opinion, with particular reference to the reports and drawings prepared by the design team, which accompany this application.

The pre-application consultation opinion has also requested the following specific information:

1. A report addressing the proposed materials and finishes of the proposed structures, including details of openings and privacy screening, landscaped areas, pathways, entrances, boundary treatments, public space lighting and the character of the site. The documents should also have regard to the long-term management and maintenance of the development.
2. A car park management plan detailing the parking proposed, the assignment, management, bicycle and motorcycle parking and visitor parking.
3. A report addressing residential amenity with detailing of how potential overlooking and overshadowing will be limited, levels and cross sections, the developments relationship to the adjacent areas, a daylight and sunlight analysis and a noise impact and mitigation report.

4. A covenant or legal agreement in ensure the development remains build to rent accommodation, requiring an institutional entity to own and operate the development for a minimum of 15 years without individual residential units.

A response to each item as numbered 1 to 4 above accompany the application and are discussed in Section 3 of this report.

In addition, the following bodies have been notified of the application for the proposed development:

- National Transport Authority
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce- the National Trust for Ireland
- Irish Water
- Dublin City Childcare Committee.

## 2 Response to Issues Raised

### 2.1 Introduction

The following sets out how the applicant has addressed the issues raised in ABP’s notice of pre-application consultation opinion with reference to additional documentation submitted, to ensure the subject application constitutes a reasonable basis for an application for strategic housing development.

### 2.2 Design and Amenity

*Further consideration and/or justification of the documents as they relate to the proposed design and amenity of the proposed development specifically in relation to, the following: a (1) comprehensive justification of the scale of the proposed development at this location; and (2) the elevational treatment of the eastern and western elevations of the proposed development which are highly visible along the Grand Canal. Furthermore, the documents should address, in detail, (3) the potential impact on the residential amenity of adjoining residential properties to the east and west of the proposal as well as (4) the amenity of the proposed ground floor units along Davitt Road. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.*

#### *(1) Justification of scale and elevational treatment.*

The proposed development comprises 4 no. blocks of ‘Build-To-Rent’ accommodation on the site at the Former Dulux Factory, Davitt Road, Dublin 12 immediately adjacent to the Goldenbridge Luas stop. The development comprises 265 no. ‘Build-To-Rent’ units.

The Board is asked to refer to the CGI’s prepared by 3D Design Bureau which demonstrate how the proposal successfully assimilates into its surrounds.

Furthermore, the justification for the design and amenity of the proposed development, including scale is rationalised within the accompanying Design Statement and Response to Opinion by John Fleming Architects.

AIT Landscape Architects provide details in respect of the public realm quality and contribution of the proposed development to the immediate area.

The scale and massing of the proposed development has been informed by the height of adjoining properties and in consideration of the recent Department Guidelines on Building Height and the express direction of all government guidance to increase densities at locations such as that occupied by the subject site.

The subject development is 3 storeys in height at the eastern and western boundaries to provide a transition with buildings adjoining the site, with the building rising to 7 storeys at the centre of the site.

We note the recent Guidelines in relation to “Urban Development and Building Heights” that introduces a number of criteria which proposals for higher buildings will be required to satisfy. This guidance document provides a number of criteria which will allow the scale of the subject proposal to be justified.

A number of ‘Development Management Criteria’ apply when making an application. The applicant is required to illustrate to the Planning Authority/An Bord Pleanála that the development satisfies a number of criteria under the following headings:

#### City / Town:

*The site is well served by public transport.*

*Development proposals incorporating increased building height should successfully integrate into/ enhance the character and public realm of the area.*

*On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using*

*massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

The subject development provides for the revitalisation of a long vacant site that is well served by both the LUAS and Dublin Bus. The proposal integrates into the surrounding area through the gradual increase of height across the site to take due cognisance of surrounding building heights and built form. It is considered that the proposed development will complement and enhance the residential environment into which it is located due to compatible the residential use. The graduation of height from the site boundaries to the centre of the site ensures the impact of the proposed development is minimised and assimilate successfully into the surrounding scale and character of the area.

It is our submission that the proposed development will introduce a building of architectural merit to this site adjacent to the Goldenbridge LUAS Stop.

The proposed central courtyard area will provide enhanced connectivity through the area and will improve the overall public realm and this is supported by a Landscape Design Statement by Áit Landscape Architects. This will improve the surrounding urban environment, providing passive surveillance and a sense of place to the public transport corridor. The subject proposal is not considered to be a large development site but does provide sufficient variety in height and scale to maintain visual interest and provides an appropriate response to the scale of adjoining, existing developments.

District / Neighbourhood / Street:

*The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*

*The proposal avoids long, uninterrupted walls of building in the form of perimeter blocks or slab blocks with materials / building fabric well considered.*

*The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*

The proposal makes a positive contribution to the improvement of legibility through the site and wider urban area within which the development is situated and integrates in a cohesive manner by providing improved connections in a north south direction connecting surrounding residential areas with the LUAS stop. This is considered a significant improvement on the existing vacant industrial buildings at this location.

The subject proposal responds to the existing natural and built environment through an appropriate design that assimilates into the existing neighbourhood, while also providing an appropriate level of development for this regeneration site that is well connected to public transport and a range of services and amenities.

A variety of designs, block formation and materials are utilised in the subject proposal to avoid any long uninterrupted walls in the subject proposal. The proposed materials are high quality and low maintenance.

***(2) the elevational treatment of the eastern and western elevations of the proposed development which are highly visible along the Grand Canal.***

The eastern and western blocks at the Davitt Road frontage have been amended to provide an increased setback from the boundary with adjoining properties to protect residential amenity and provide active ‘living wall’ elevations at these locations, which are highly visible along the Grand Canal. The buildings are gradually setback at upper levels to protect

residential amenity in adjoining properties – particularly at the east, Benbulbin Road end.

To enliven these elevations, a green/ living wall is proposed to eastern and western elevations. A pattern has been designed consisting of sections of high quality timber effect aluminium louvered panels and sustainable green wall elements. In addition to extensive green roof, raised bed planters are provided to roof terraces on third floor, which provide another type of planted edge. A CGI image of the proposed elevations is provided below.



**Proposed Eastern Elevation Treatment**



**Proposed Eastern Elevation Treatment**

***3) the potential impact on the residential amenity of adjoining residential properties to the east and west of the proposal***

The 4 residential blocks and associated open spaces have been designed to maximise the use of this site while providing appropriate amenity to existing neighbouring residents and

future occupants of the development.

Site / Building:

*The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*

*Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.*

*Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution. (Extract from Height Guidance)*

It is clear that there is strong emphasis towards increased density and building height at appropriate locations within existing urban centres and in close proximity to public transport links within Government Policy. A commercially viable scheme at this development site requires the number of apartment units proposed. This can only be achieved through the building heights and block formation now put forward.

The subject proposal achieves appropriate levels of sunlight and daylight access as shown through detailed assessment by 3D Design Bureau attached to this application. The development of the site has been amended to ensure that it does not have an impact on access to daylight and sunlight in surrounding properties, however, we submit that this must be balanced against the requirements of wider planning objectives and the appropriate urban regeneration of sites zoned for residential development. The subject development has been assessed against BRE Guidelines for access to sunlight and daylight and the majority of recommended standards are complied with. We refer the Board to the attached assessment by 3D design Bureau for full details which demonstrate existing residential amenity is maintained.

Furthermore, since receipt of the Board opinion, the scheme has increased the set-back distances to properties to the east and west of the proposed development. This has ensured further protection of existing residential amenity.

We wish to confirm, for the record, that no undue overlooking of private amenity areas or habitable rooms occur. This is evidenced on drawings prepared by John Fleming Architects.

**(4) the amenity of the proposed ground floor units along Davitt Road.**

Please refer to the attached response from John Fleming Architects for a response to design detail issues including the eastern and western elevation treatment.

Balconies that front onto Davitt Road will be raised a minimum of 700mm from path level to balcony level to protect residential amenity. A raised planter is used in place of a balustrade to the ground floor balconies, which provides a visual separation from passers-by and also provides acoustic screening and protection from dust. Triple glazed windows will also be specified at detailed design stage to mitigate any noise impacts to ground floor units. A typical section of a ground floor balcony is provided below.



#### Typical Balcony Layout at Ground Floor Level

Based on the above details, and in conjunction with the extensive documentation accompanying this application, it is considered that the proposed design, scale and amenity provided in the subject application are appropriate at this location. The proposal meets the criteria for higher buildings as set out within the Guidelines on Building heights and the gradual increase in height allows the site to absorb a high density development which is appropriately scaled and designed in the context of the urban surroundings.

We refer An Bord Pleanála to the attached Response to Opinion by John Fleming Architects for further detail on the design rationale in terms of scale and elevation treatment. In this respect, the proposed development is considered to have responded appropriately to point 1 as raised within An Bord Pleanála's Notice of Opinion in relation to the subject proposal.

### 3 Response to Specific Information Required

#### 3.1 Introduction

The following sections set out how the applicant has addressed An Bord Pleanála's request for specific additional information in respect of the proposed development.

#### 3.2 Materials and Finishes Report

An Bord has requested a report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of materials and finishes, openings and privacy screening, landscaped areas, pathways, entrances and boundary treatment/s. The lighting of public spaces should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development given its strategic location and the visibility of the site. The documents should also have regard to the long term management and maintenance of the proposed development.

We refer the Board to the attached Architectural Design Statement and Response to Opinion by John Fleming architects that includes samples of materials. These documents provide details of the materials and finishes as proposed. High quality, low maintenance brick has been chosen for the building facades to reduce maintenance costs and to give the building longevity. A mix of red/orange brick and buff brick façade with zinc and grey cladding detailing provided to create verticality. The façade will be broken up with a zinc clad and glazed top floor set back behind parapets.

While the front elevation is divided into bays, differentiated with two contrasting brick types and glazed stairwells on each block to also emphasise verticality. Each apartment will have a balcony or winter garden.

A high quality landscape scheme has been designed by AIT Landscape Architects and we refer the Board to their report and drawings for full details of landscaped areas, pathways, entrances and boundary treatments.

The proposed development features three primary courtyard spaces of varying characters. The three main landscape spaces are:

- The Central Courtyard
- Private Courtyards
- Rooftop Terrace

The central courtyard is the primary space and opens up a new access from Galtymore Road through to Davitt Road, forming the primary circulation route to the Goldenbridge Luas stop. The central courtyard represents significant planning gain as it provides a new north south link between Galtymore Road and Davitt Road. A plan of the central courtyard area is shown below.

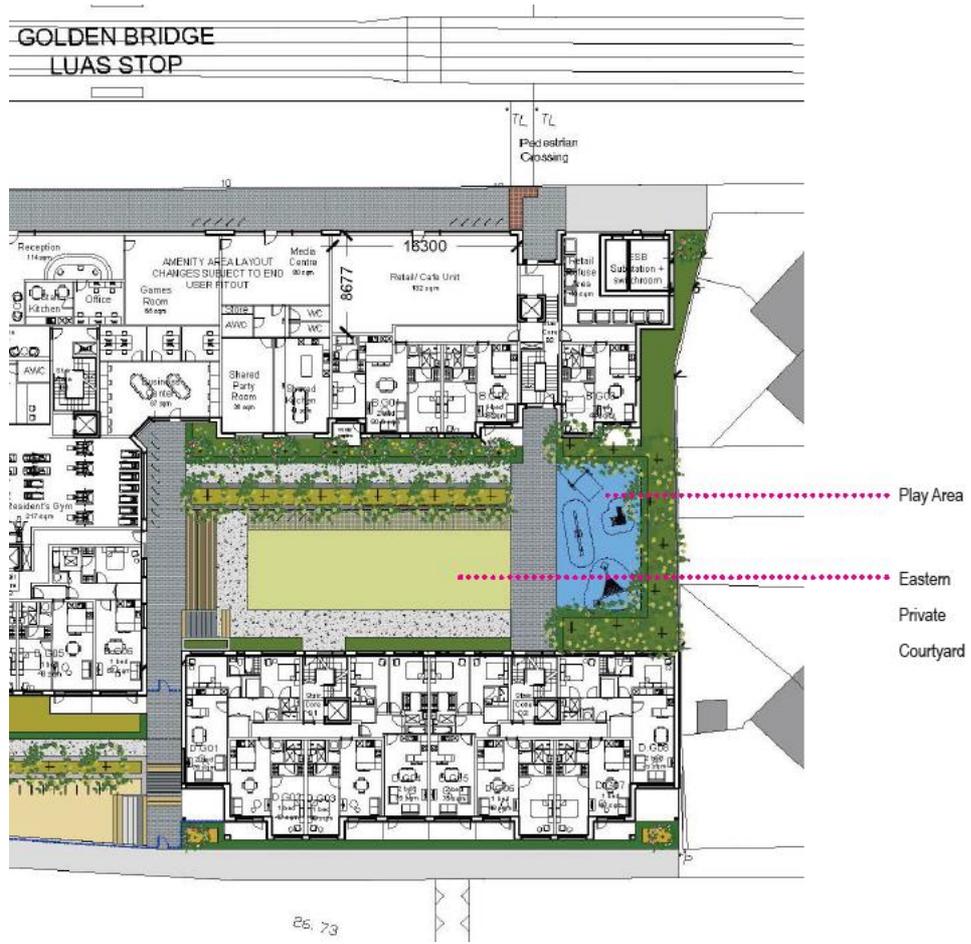


Central Courtyard Landscape Plan

The private courtyards are made up of two separate spaces within the eastern and western block of the development. The western courtyard is c.770sqm in area and is primarily made up of raised lawn area and a dining terrace. The eastern private courtyard is approximately 920sqm and comprises a tiered seating area, a flat central lawn and a formal children’s play area. The two private courtyards are shown below.

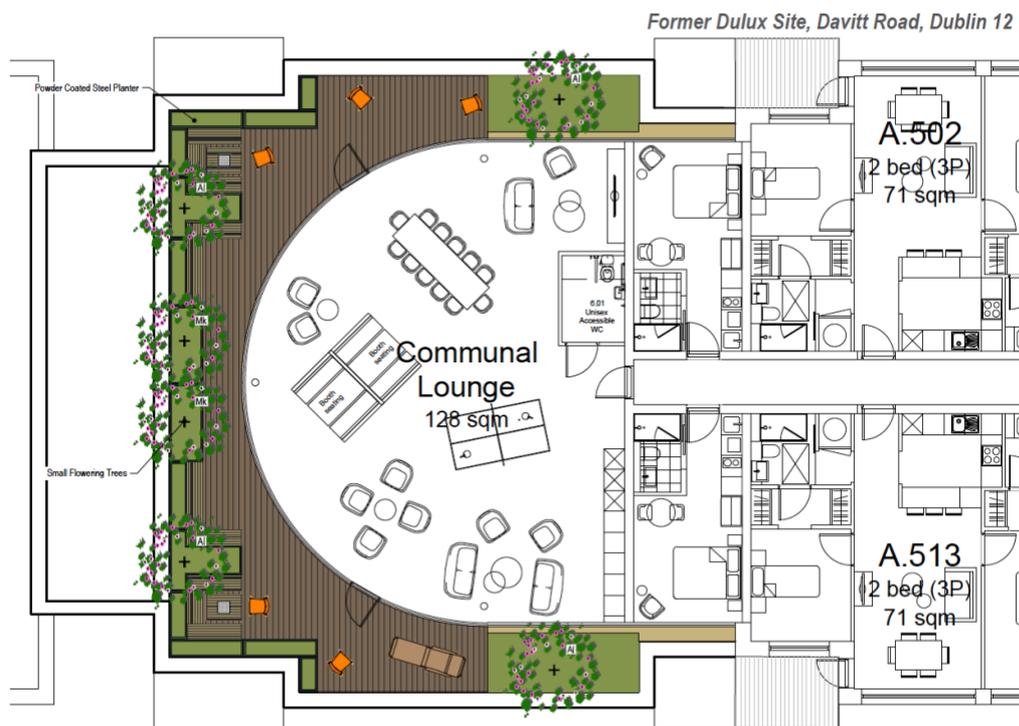


Western Courtyard Landscape Plan



Eastern Courtyard Landscape Plan

The 150sqm roof terrace at fifth floor level is designed to function as an outdoor annex of the communal lounge at this level. Planters and seating will be provided for the enjoyment of residents. A plan of the rooftop terrace is shown below.



Fifth Floor Landscape Plan

We refer The Board to the landscape plan by Áit Landscape Architects enclosed herewith which contains details of the landscaping proposals put forward for the site.

A lighting strategy and access strategy by Fallon design is also attached to the application documentation. This provides details of the lighting scheme for the public areas and means of access including key pads and fob access. Access to public areas will be in line with Dublin City Council park opening hours and will be managed by the on site management company. The private courtyards will be for the use of residents of the scheme with gated access control.

We submit to An Bord Pleanala that the above details are sufficient to address Item 1 of the Further Information/Details to be submitted with the application.

### 3.3 Car Park Management Plan

An Bord Pleanala has requested a car park management plan which outlines in detail the level of parking proposed, how it is intended that it is assigned and managed, and measures proposed to address visitor parking, bicycle parking and motorcycle parking.

A comprehensive report on the proposed car parking strategy has been provided by TPS Transport Consultants and we refer the Board to that document for full drawings and details.

The basement carpark is gated and will be accessed via controlled access for residents and allocated visitors only. The proposed layout of the car park incorporates the following:

- 119 Resident car parking spaces
- 10 visitor car parking spaces
- 10 car sharing spaces
- 10 motorbike spaces
- 560 bicycle parking spaces (440 basement level and 120 ground level)

Parking spaces will not be allocated to apartments and instead, potential residents will be made aware that the extent of parking is limited, and they will be rented under a separate contract to residents who request a space. The supply and demand for parking will be reviewed annually by the management company.

In relation to visitor parking, residents will be required to book a visitor's parking space in advance with the management company. This will be a short term booking and operation will be reviewed regularly.

We refer the Board to the attached correspondence between Go Car and TPS Transport Consultants. Go Car have expressed their interest in the possibility of providing their services to the proposed development. This will be agreed post planning. We refer the Board to the attached response from TPS for full details in relation to car parking.

### 3.4 Residential Amenity report

An Bord has requested a report that addresses residential amenity (both existing residents of adjoining development and future occupants of the proposed development), specifically how the development will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining public pathways. Details in relation to noise impact and mitigation for same shall also be included. A daylight and sunlight analysis should also be included.

We refer the Board to the attached response from John Fleming Architects for a full response in relation to residential amenity of existing and future residents. The proposed scheme was amended on a number of occasions to reflect the preliminary results of daylight, sunlight and overshadowing analysis.

Boundaries to existing neighbours were given careful consideration and any windows overlooking adjoining properties have been removed. Some high level glazing is maintained in some units but this will be at too high a level within each unit to allow overlooking to occur. Any balconies at the east and west elevations are appropriately screened to remove instances of overlooking also. Buildings are setback from the site boundaries at upper levels and 'living walls' provided to activate the end elevations and to reduce any negative, blank wall treatments.

A sunlight and daylight analysis has been prepared by 3D Design Bureau and is attached to this application. As stated above the scheme now before the Board was amended throughout the design process and as confirmed in their report the BRE Guidelines are all met.

- The impact on sun lighting to neighbouring property rear gardens at Benbulbin Road meets BRE Guidelines;
- The vertical sky component of neighbouring houses at Benbulbin Road and Galtymore Road meets BRE Guidelines;
- The APSH of neighbouring windows at Benbulbin Road with southerly aspect meets BRE Guidelines;

We note the guidelines are not mandatory and should not be used as an instrument of planning policy. There are a number of competing objectives on the subject site and an appropriate balance must be found to allow a suitable development solution for this site. The units that fall below BRE Guideline standards only do so marginally and we submit this is overall acceptable in the context of the high quality proposal put forward. We refer the Board to the Daylight and Sunlight analysis prepared by 3D Design Bureau for all details.

#### **Residential Amenity within the Proposed Development**

We refer the Board to the attached details from John Fleming Architects including drawings, Architectural Design Statement and Response to Board Opinion for full details in relation to the residential amenity provided in the proposed scheme.

The scheme incorporates a mixture of external and internal amenity areas for future residents. External amenity areas include semi public green spaces along Galtymore Road, a new north-south plaza linking Galtymore Road to the Goldenbridge Luas Stop and two private garden courtyards to the east and west within the development blocks to provide amenity for residents only. Overall a total of 3,356sqm of high quality external amenity space is provided within the development, which far exceeds statutory requirements.

Internal amenity areas at ground floor level include the following:

- 114sqm Reception Area
- 65sqm Games Room
- 87sqm Business Centre
- 235sqm Gym
- 80sqm Media Centre
- 38sqm Shared Party Room
- 41sqm Shared Kitchen
- 132sqm Café

Additional internal amenity areas are provided at fifth floor level to include:

- 128sqm Communal Lounge
- 37sqm (Total for 2no.) Bookable Guest Rooms
- 150sqm Roof Terrace

The layout and typology for the fifth floor amenity area is shown below.



### Fifth Floor Communal Area

All of the above details serve an appropriate level of external and internal amenity space for the subject development. The applicant has consulted extensively with “Build-To-Rent” providers to gauge the appropriate level and location of amenities within the development. The amenity spaces are considered to be more easily managed if located centrally within the development rather than dispersed throughout.

The details of the internal residential amenity should be read in conjunction with the results of the daylight analysis of the overall scheme, as prepared of 3D Design Bureau. 90% of the rooms in the study met the required standard, and we refer the Board to the compensatory rationale directly referred to in their report.

We also wish to add that that principle of ‘Build to Rent’ schemes, unlike traditional apartment blocks, allow residents to utilise many amenity areas outside of their individual unit. This allows access to all high quality residential areas , including living areas with terraces, views, and additional space to be enjoyed by all residents on a 24-hour basis.

### **Noise Mitigation**

The subject proposal has been designed to provide residential units at the ground floor frontage to Davitt Road in Block A. It was considered more appropriate to provide residential units at this level than commercial, which has been shown to remain vacant at other locations along Davitt Road owing to low levels of footfall along this corridor.

The proposed residential units are designed to maximise privacy including noise mitigating measures such as raised balconies, screen planting and noise eliminating double glazed windows. The applicant has used this approach on other developments with high traffic volumes nearby with great success. We submit that the landscaping and glazing treatment proposed will be sufficient to mitigate any noise impacts at this level. We refer the Board to the attached Response to Opinion Response by John Fleming Architects for further details.

### **3.5 Build to Rent Covenant**

An Bord has requested 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 in use as Build to Rent accommodation. There shall be 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 residents units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018).

We refer the Board to the attached letter from Cathal N. Young, O'Reilly & Co. Solicitors for Brian Durkan of Durkan (Davitt Road) Ltd. in relation to the ownership and operation of this development as a "Build-To-Rent" scheme for a period of no less than 15 years. The applicant will execute a deed of covenant following any grant of permission to ensure no Individual units will be sold or rented separately during that period in line with the provisions of Special Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments. It would not be prudent to enter into a legal agreement at this stage without approval for a development, therefore we trust the attached letter is sufficient to ensure the Planning Authority that appropriate legal agreements will be put in place at a suitable stage.

### **3.6 Public Body Responses**

An Bord has requested the following specific authorities should be notified of any application for permission:

1. National Transport Authority
2. Minister for Culture, Heritage and the Gaeltacht
3. Heritage Council
4. An Taisce-the National Trust for Ireland
5. Irish Water
6. Dublin City Childcare Committee

The above authorities have been formally notified in accordance with relevant legislation. Copies of the letters sent to these authorities is attached to the application documentation.

## **4 Conclusion**

We trust that the above report and enclosed documentation address the issues raised in An Bord Pleanála's Opinion. All relevant details are further addressed in the revised design, now proposed and we ask The Board to refer to the complete application package for full details of the proposal now put forward.

