



SENATOR VICTOR BOYHAN

Agricultural Panel

Member of the Oireachtas Committee on Housing, Planning & Local Government



An Bord Pleanála
Marlborough Street,
Dublin 1.

Date: 09 May 2022

Planning Ref: 313220 - SHD

Site Location: Old Dundrum Shopping Centre, Dublin 14

Planning Authority: Dun Laoghaire Rathdown.

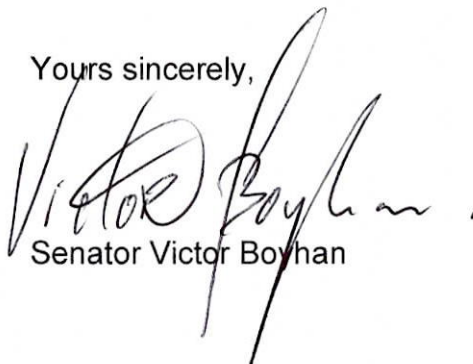
Dear Sir / Madam,

I enclose my planning submission (6 pages) in relation to the above SHD application.

I also enclose (7 page) extract from the Dun Laoghaire Rathdown County Development Plan which I would ask the board to read and consider in the context of my submission also.

Payment of fee €20.00

Yours sincerely,


Senator Victor Boyhan

AN BORD PLEANÁLA	
LDG-	<u>052681-22</u>
ABP-	
09 MAY 2022	
Fee: €	<u>20.</u> Type: <u>cheque</u>
Time:	By: <u>hand</u>

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An Bord Pleanála
Marlborough Street
Dublin 1.

Planning Ref: 313220

Site Location: Old Dundrum Shopping Centre, Main Street Dundrum, Dublin 14

Dear Sir / Madam,

I refer to the above SHD Planning Application.

I have considered in detail the proposed planning application and accompanying documents, drawings, and visuals.

UP I am well acquainted with the site, its zoning and planning history and the context of this applications in the context of national planning policy and the policies and objectives of the DúnLaoghaire Rathdown County Development Plan 2022 – 2028

I enclose An Bord Pleanála (bord) fee of €20.00 required to accompany this submission.

Commentary:

VS National policy has evolved over the years, broadening, and deepening the concept of proper planning and sustainability as it applies to residential and mixed-use development in urban areas.

The quality of the mixed housing development is central to creating a sustainable community.

The quality of residential developments has long-term impacts, both on existing communities and on the surrounding neighbourhoods.

New developments are far more than simply bricks and mortar. Where they are, how well designed and built they are and how well they knit into the fabric of existing or new communities, are factors which can, in a very real way, impact on future generations, so it's important to get it right from the start.

This Dundrum site the subject of this SHD application provides a new canvass, new opportunities, and a new start to develop a new heart at the centre for Dundrum, the second major town centre within Dun Laoghaire Rathdown.

The bord will be fully aware as to the range of relevant national policies summarised below which can be distilled into a series of high-level aims for successful and sustainable residential development at this location.

The applicant Hammerson, their design team, the planning system, and the community they serve, are expected to share a common goal to create high quality places which:

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- Present an attractive development, with a distinct sense of place and a quality public realm that is easily maintained.
 - Promote and provide accommodation for a diverse range of household types and age groups.
 - Deliver a quality-of-life which residents and visitors are entitled to expect, in terms of amenity, safety and convenience.
 - Prioritise walking, cycling and public transport, and minimise the need to use cars.
 - Provide a good range of community and support facilities, that are easily accessible for all.
 - Promote the efficient use of energy.
 - Provide a mix of uses and good public and private Open Space
 - Enhance and protect the built and natural heritage.

Sustainable neighbourhoods should be guided by the principle of universal design.

Planning authorities including An Bord Pleanála have a statutory responsibility to plan for the sustainable development.

I would appeal on the bord to focus strongly on the relationship and linkages between the area to be redeveloped, established neighbourhoods including the availability or lack of existing community facilities. The benefits that mixed-use development can bring and the need to create an overall framework for the sustainable redevelopment of the area.

Community Facilities

I would appeal to the bord to carefully take account of the needs of the community and the critical need for the provision of community facilities.

Dundrum requires a range of community facilities and in this context, the bord should seek to ensure that facilities for social and cultural use, such as community centres, and personal and community development, such as resource centres, are available

Community centres can act as a focus in helping to create a vibrant community, and their timely and accessible provision will contribute to the quality of life to be enjoyed by the residents. *and the wider community.*

There are several approaches that can be taken to ensure their provision.

This application presents an opportunity to be given to locating a significant community centre / hub beside, near or integrated with other local facilities on this site to assist in generating and reinforcing the 'genus loci' of the area and to assist in the facilities being accessible to all by walking or using public transport thus promoting a steady stream of patronage which will facilitate the operational viability in the heart of Dundrum.

Imaginative planning *again* and or development contribution schemes can assist with funding new community facilities this option should be strongly considered in the context of this application.

Hammerson should be asked to consider various options to provide community facilities in the context of this application.

Protected Structures / ACA / Heritage

Another issue to arise in the context of this proposed plan relates to potential impacts on protected structures including curtilages, heritage building and the architectural conservation area.

There is a need to be creative in re-using protected buildings and in making them accessible to people with disabilities, whilst fully respecting their architectural integrity, as this is the most likely way that they will be properly maintained and retained as part of our cultural heritage.

A primary consideration for the board must be how this proposed development relates to the existing character and heritage of Dundrum.

In terms of overall design, each aspect of this application should be assessed to:

- make a positive contribution to its surroundings and take the best advantage of its location using site topography, i.e., levels, views, context, landscape, design orientation (sunlight and daylight), to optimise sustainability.
- ensure a sense of identity and place appropriate to the character of the area and a logical hierarchy of places within the scheme working from streets to semi-private and private areas.
- provide for effective connectivity, become especially amenable to circulation by walking and cycling rather than building up reliance on the car.
- include a design approach to public areas such as streets, plazas and open spaces that is guided by the best principles of passive surveillance to encourage a safe sense of place and discourage anti-social behaviour. Reason for Refusal / Dundrum

Refuse Planning Permission

This Planning Application should be refused permission as it would:

Constitute overdevelopment of the site and result in a visually discordant feature in the old quarter of Dundrum which would be intrusive and overbearing.

It would detract from the visual amenities of the surrounding residential architectural conservation area.

The planning proposal is excessive and over-bearing in height and would have a significant and seriously injurious impact on the architectural character, setting and amenity of the area and impact adversely on the residential amenities of these properties the Protected Structures and the Architectural Conservation Area.

The general planning scheme is incompatible with sustainable development due to its scale, density and lack of on-site amenities and its failure to incorporate the policies, objectives and mixed-use zoning set out in the Dún Laoghaire Rathdown County Development Plan

The application should also be refused permission as it would constitute gross overdevelopment on the site in relation to surrounding development. *VB*

The proposal will severely impact on the rear of a terrace of protected structures and would fail to protect the amenities, setting and special interest of this terrace.

VB The subject site "represents a unique opportunity to transform and create something special, sustainable, viable and imaginative in the heart of Dundrum this proposal fails to do just that. *"*

VB The proposal is premature, given that a Local Area Plan (LAP) is underway, an issues paper has been prepared as part of the LAP process for Dundrum this will present a more granular analysis for what's best for this site. *opportunity* "Time on everyone's side – better to get it right, we only have one opportunity."

The highest standards of quality mixed size residential accommodation is required on this site including 3 bed units, this has not been adequately addressed in this application.

The proposal requires a greater mix of uses for the site's location.

The scheme does not provide imaginative age friendly living' units or childcare facilities. *adequate*

The scheme fails to provide high quality residential amenities or imaginative and sufficient private or public Open Space on site.

VB A very detailed *Plan* covering hard and soft landscaping and planting plan is required that is sustainable and practical to maintain is required, with a heavy focus on greening the creating new biodiversity on site. Grounds for refusal *Dundrum* *and* *VB*

Material contravention of the zoning provisions of the Dun Laoghaire Rathdown County Development Plan. *VB*

Material contravention of the stated policies and objectives of the development plan.

Failure to adequately protect and respect national and local policies around Protected Structures and structures within the ACA

The proposed building of "high-rise" over "high-density" and proper planning and sustainable development is therefore not in accordance with national or local policy.

VB The proposed scheme would materially contravene the provisions for the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area. *"*

VB This SHD scheme must not be permitted to given it seeks to contravene the county development plan for the area, failure to fully comply with the zoning objectives of the area, fails to adequately address the Specific Local Objectives for the Area *"*

Development Plan over Planning Scheme

The courts have distinguished between a development plan and a planning scheme. The courts have taken the view which permits SHDs to contravene development plans in certain circumstances, shall not be construed to equally apply to planning schemes. This case law is apparent, given the rate at which planning permissions are being quashed and the outcomes of judicial reviews to SHD's by the courts.

The barrage of successful judicial reviews to SHDs only serves to undermine confidence in the planning system, of both the public and developers.

Requesting a court to review a decision of a planning authority is now commonplace.

As the bord knows this can include any of the following and more:

- ✓ reviews of An Bord Pleanála decisions to approve Strategic Housing Developments (SHDs)
- ✓ planning approvals that impact upon protected animal species; and
- ✓ planning approvals that have a detrimental impact on conservation areas and protected structures.

It is my earnest hope that An Bord Pleanála will refuse planning permission for this particular set of proposals.

The possibility of exploring new and improved plans is always a better option and one that can secure support.

than litigation

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Public Participation

I want to thank the organisation "Imagine Dundrum" for their responsible leadership, engagement, and collaboration on promoting and assisting public consultation and engagement on a new vision for Dundrum under the banner **Imagine Dundrum**.

The site the subject of this SHD Planning Application presents us all an opportunity to imagine and create a substantiable and attractive place and future for Dundrum where citizens can live, work, and play in the very heart of Dundrum. Imagine !

with

Conclusion

Many people are losing confidence the bord, I am confident that can be addressed.

Strategic Housing Development (SHD) 'fast track' system has allowed developers to by-pass Councils and lodge their plans direct to An Bord Pleanála – much to the frustration and annoyance of citizens, communities, local planners and elected City and County Councillors.

Many decisions have been given consent by the bord sometimes against the advice of their own inspectors, judicial reviewed at great personal expense to individuals or community groups, *even* over-turned. We need another way that seeks to take on board citizens genuine concerns.

I hope the bord will recognise the community buy into Imagine Dundrum, and that it will give this powerful and resourceful community initiative a full hearing on its genuine concerns for the future of Dundrum.

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Appeal to the bord

I respectfully say to the bord.

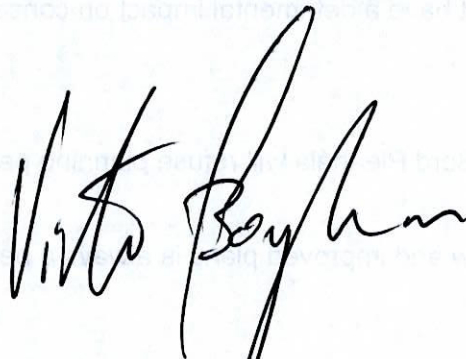
"This "fast-track" Strategic Housing Development proposal should be refused as it is strongly opposed by local residents and public representatives, the high-rise proposal, scale, bulk, massing in the heart of the old Dundrum quarter is "excessive, unimaginative and fails in ambition to realise the enormous potential of the site given its location, zoning and site status within a Major Town Centre and fails to meet the policy threshold and stated planning policies and objectives clearly enunciated in the Dun Laoghaire Rathdown County Development Plan."

Senator Victor Boyhan

Leinster House

Kildare Street

Dublin 2



9 May 2022.

Senator Victor Boyhan is a former County Councillor and a member of the Joint Oireachtas Committee on Housing, Local Government and Heritage

Extract from Dun Laoghaire Rathdown County Development Plan 2022-2028 to be read in conjunction with grounds for refusal submitted by – Senator Victor Boyhan (9 May 2022)

Chapter 4: People, Homes and Places

PHP 4.1.1

Embed the concept of neighbourhood and community into the spatial planning of the County by supporting and creating neighbourhoods and ensuring that residential development is delivered in tandem with the appropriate commensurate enabling infrastructure, including access to sustainable neighbourhood infrastructure, sustainable modes of transport, quality open space and recreation, and employment opportunities

PHP 4.2

Place making is about people and a critical part of this is providing the environment to assist in the creation of successful communities and neighbourhoods. An inclusive planning system that promotes and facilitates a balance between the provision of additional housing units and protection and improvement of amenities will ensure that sustainability is central to an existing, or indeed, an emerging community

4.2.1.1 Policy Objective PHP2:

Sustainable Neighbourhood Infrastructure

It is a Policy Objective to: Protect and improve existing sustainable neighbourhood infrastructure as appropriate. Facilitate the provision of new sustainable neighbourhood infrastructure that is accessible and inclusive for a range of users consistent with RPO 9.13 and RPO 9.14 of the RSES. Encourage the provision of multi-functional facilities, space, and lands in the delivery and/or improvement of sustainable neighbourhood infrastructure.

4.2.1.3 Policy Objective PHP4:

Villages and Neighbourhoods

It is a Policy Objective to: Implement a strategy for residential development based on a concept of sustainable urban villages. Promote and facilitate the provision of '10-minute' neighbourhoods

The sustainable urban village concept is based on the premise that people should be able to access most of their daily living requirements within easy reach, preferably within a short walking or cycle timeframe of their homes. >

> This concept, which focuses on reducing the need to travel by private car, is central to the principles of sustainable development and aids the reduction of

greenhouse gases. It involves the commensurate and concurrent provision of social infrastructure, local shopping, and recreational facilities in conjunction with housing.

At application stage, applicants will be required to demonstrate how new residential developments can contribute to the creation of sustainable urban villages and the 10-minute neighbourhood, this should be demonstrated within a design statement as required under policy objective PHP44

4.3.1.1 Policy Objective PHP18:

Residential Density

It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in **Chapter 12. Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.**

In some circumstances higher residential density development may be constrained by Architectural Conservation Areas (ACA) and Candidate Architectural Conservation Areas (cACA) designations, Protected Structures and other heritage designations. To enhance and protect ACAs, cACAs, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings, new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity. There may be some specific areas of the County where higher densities, which would normally be encouraged by virtue of proximity of the site to high public transport corridors, cannot realistically be achieved as a consequence of other infrastructural shortcomings – such as the capacity of the local road network. The number of such sites would, however, be limited.

4.3.1.3 Policy Objective PHP20:

Protection of Existing Residential Amenity.

It is a Policy Objective to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

On all developments with a units per hectare net density greater than 50, the applicant must provide an assessment of how the density, scale, size, and proposed building form does not represent over development of the site. >

>The assessment must address how the transition from low density to a higher density scheme is achieved without it being overbearing, intrusive and without negatively impacting on the amenity value of existing dwellings particularly with regard to the proximity of the structures proposed. The assessment should demonstrate how the proposal respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring uses.

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

On sites abutting low density residential development (less than 35 units per hectare) and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden boundary lines of existing private dwellings. Where a proposal involves building heights of four storeys or more, a step back design should be considered so as to respect the existing built heights.

4.3.2.3 Policy Objective PHP27:

Housing Mix

It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA

4.3.2.6 Policy Objective PHP30:

Housing for All

It is a Policy Objective to: Support housing options for older people and persons with disabilities/mental health issues consistent with NPO 30 in the NPF, RPO 9.1 and 9.12 of the RSES. Support the provision of specific purpose-built accommodation, including assisted living units and lifetime housing, and adaptation of existing properties. Promote 'aging in place' opportunities for 'downsizing' or 'right sizing' within their community

In all cases, development must be in accordance with the principles of Universal Design and the National Disability Authority's publication 'Building For Everyone: A Universal Design Approach' and shall have regard to the Government's 'National Disability Inclusion Strategy 2017-2021 >

Chapter 7: Towns, Villages and Retail Development

7.2.3 Fostering Accessible Multifunctional Centres with a Sense of Place

Whilst acknowledging the retail role of our various centres, their multifunctional role (encompassing transport, employment, leisure, culture, heritage, health and wellbeing, and community uses) should also be supported and developed having regard to the overarching vision of this CDP to build a climate resilient county.

7.2.3.1 Policy Objective MFC1: Multifunctional Centres It is a Policy Objective of the Council to embrace and support the development of the County's Major Town Centres, District Centres and Neighbourhood Centres as multifunctional centres which provide a variety of uses that meet the needs of the community they serve

7.2.3.3 Policy Objective MFC3: Placemaking in our Towns and Villages It is a Policy Objective of the Council to support proposals for development in towns and villages that provide for a framework for renewal where relevant and ensure the creation of a high-quality public realm and sense of place. Proposals should also enhance the unique character of the County's Main streets where relevant.

7.5.1 Summary of Overall Strategy

Dundrum Old shopping centre and adjoining lands – to include appropriate level of complementary non-retail uses and activities in respect to community, cultural and civic uses. Public realm upgrade of Main Street.

7.5.2 Major Town Centres In its discussion of the role of different types of centres, the RSGDA describes how retail is one element in the role of Major Town Centres as multi-functional, lively, and vibrant places. Major Town Centres provide a full range of all types of retail services from newsagents to specialist shops and boutiques, department stores, foodstores of all types and a high level of mixed uses including the arts and culture to create vibrant, living places. Major Town Centres should be well connected and served by high quality public transport and should be serving population catchments in excess of 60,000 people. **7.5.2.1 Policy Objective RET5: Major Town Centres** It is a Policy Objective of the Council to maintain the two Major Town Centres - Dún Laoghaire and Dundrum – as the primary retail centres in the County and to support their evolving multifunctional role. The vitality of the towns will be enhanced by their mixed-use nature. In addition to retail, these centres must include community, cultural, civic, leisure, restaurants, bars and cafes, entertainment, employment and residential uses. Development shall be designed so as to enhance the creation of a sense of place.

As the two Major Town Centres in DLR, both Dún Laoghaire and Dundrum have, in addition to their important retail role, a vital social, community, cultural, civic and employment function that needs to be catered for in the context of their future growth.

Dundrum {extracts from detailed section in Chapter 7}

Dundrum Major Town Centre should provide the full range of amenities and services expected and required by its local catchment population, including a wide range of employment, leisure, community, cultural and civic uses, as well as catering for day-to-day shopping needs. It is acknowledged that in recent years, there has been a trend toward providing complementary facilities such as leisure, food, and beverage, as well as experiential retail.

Ongoing work on the [Dundrum]Local Area Plan addresses, inter alia, many of the projects and initiatives which were initially identified in the 2003 UFP as well as emerging issues, including:

The need to ensure an appropriate balance of retail and non-retail uses is achieved in Dundrum Major Town Centre, taking account of the centre's requirement to serve the day to day needs of its local catchment in addition to continuing its role as a leading comparison retail destination with a regional catchment. The provision of a wide range of uses in Dundrum Major Town Centre, including employment, leisure, entertainment, cultural, hotel and restaurant uses, in addition to residential development, will create additional activity and enliven the area.

The provision of a pedestrian-friendly and traffic-calmed environment along Dundrum Main Street, with particular care being paid to paving materials, modern public lighting, hard and soft landscaping, and street art. There is a particular need for improved soft landscaping along the Main Street.

The development of a new community, cultural and civic hub that consolidates and expands existing facilities and services in Dundrum. The new hub should both encourage more activity on Main Street and diversify the range and extent of uses within the Dundrum Major Town Centre area. The hub should be of an appropriate scale to serve the needs of Dundrum's current and future population, based on a detailed assessment of the area. The provision of additional residential uses in Dundrum Major Town Centre including 'Living Over the Shop' and standalone developments including schemes for older people where appropriate. In this way the existing residential uses in Dundrum Major Town Centre can be strengthened and consolidated.

The provision of appropriate community infrastructure to meet the needs of the current and future population in accordance with the recommendations of a detailed study of the broader Dundrum area. With its high-quality transport links, Dundrum Major Town Centre should provide community facilities to cater to a population catchment greater than that of the more narrowly defined LAP boundary. The redevelopment of the old Dundrum Shopping Centre and the Central Mental Hospital site represents an opportunity to achieve additional community infrastructure in this regard. >

>The promotion of Dundrum Major Town Centre in general, and the Millpond Square, Pembroke District, and Main Street/Sandyford Road in particular, as an important focus of restaurant, leisure and evening uses - subject to the safeguarding of surrounding residential amenity.

The reinstatement and strengthening of the urban fabric along Dundrum Main Street and the Sandyford Road – including infilling gap sites and reducing setbacks where appropriate and encouraging new buildings close to the public footpath. This applies especially to the northern edge of Dundrum Major Town Centre where a lively and mixed commercial presence is required. Similar regeneration criteria apply to the refurbishment of the remaining dwellings and businesses on Sandyford Road immediately south of the Dundrum Cross.

The conservation, preservation and re-use of historic buildings and buildings of particular interest, including groups or blocks of such buildings like existing terraces. These form an established part of the town and contribute to its overall character.

The redevelopment of the Central Mental Hospital site also creates opportunities for the sensitive, appropriate, and innovative reuse of historic structures including for community purposes.

The requirement that new development should be cognisant of the extended Dundrum Architectural Conservation Area (ACA) area and respect the traditional and established character of Dundrum Main Street. All development in the vicinity of the ACA should be carefully considered and should integrate effectively with existing, while allowing for the provision of appropriate, high-quality, innovative architecture on adjoining sites.

The requirement that all new building interventions shall respect and take cognisance of the existing established scale, materials, and character (especially of the Main Street/ Sandyford Road to include the Upper Kilmacud Road and Ballinteer Road between the Luas line and the Dundrum Bypass) and the residential amenity of the surrounding area

The development of a comprehensive pedestrian walkway network connecting and linking key destinations - including the Dundrum Town Centre (Shopping Centre), the Dundrum and Ballaly Luas stops, Main Street/ Sandyford Road, Sweetmount Park and a series of internal Town Squares. There is a recognition that the construction of the Dundrum and Wyckham Bypasses inevitably creates a degree of severance – both physical and perceived – between Dundrum Major Town Centre and its, generally, residential hinterland. The proposed footpath network should, therefore, seek to mitigate this severance using a variety of mechanisms including pedestrian bridges at key locations, pedestrian priority-controlled junctions, and other mechanisms.

CHAPTER 14: SPECIFIC LOCAL OBJECTIVES

SLO 8 To ensure Dundrum develops beyond just a retail shopping destination. Any future redevelopment of the old shopping centre lands shall provide for residential use and a range of complementary non-retail uses including - but not limited to - employment, restaurant, leisure, entertainment, creche facilities, remote working hubs, cultural, community and civic uses – to supplement that already provided for within the wider Dundrum Town Centre.

SLO 9 To ensure that any future redevelopment of the old shopping centre lands, and adjoining /nearby properties on Main Street, take cognisance of the character and streetscape of the Old Main Street, and maintain where appropriate, and possible existing buildings and/or facades. Building Heights alongside Main Street must be sensitive to the original streetscape, in keeping with its character, scale and Architectural Conservation Area status

SLO 114 To ensure any future redevelopment of the Old Shopping Centre site addresses the need for the provision of a future Dundrum Community, Cultural and Civic Centre facility, which also integrates into a civic square/plaza area.

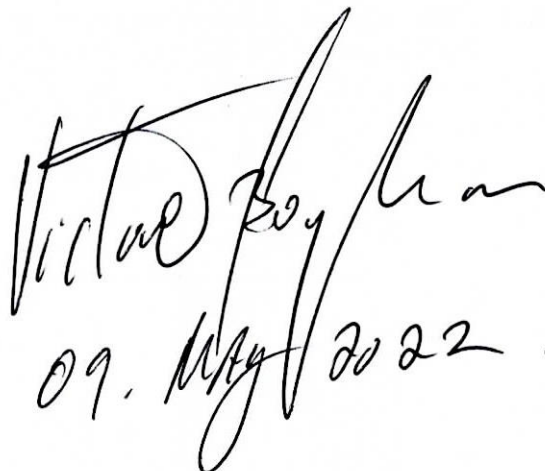
BUILDING HEIGHTS STRATEGY: APPENDIX 3, P217

3.4 Dundrum

Dundrum also has a Major Town Centre designation. The arrival of the LUAS and the opening of Dundrum Town Centre (shopping Centre) in 2004 transformed the existing town and surrounding area with the emergence of higher density apartments and office schemes with heights up to 8 storeys. The upcoming Local Area Plan will provide more specific guidance for building heights in the town particularly on what is called the Town Centre phase 2 site taking cognisance of the need to protect the existing character of the Main Street while providing for stepped back buildings of scale.

Extract from Dun Laoghaire Rathdown County Development Plan 2022-2028 to be read in conjunction with grounds for refusal submitted by – Senator Victor Boyhan

(9 May 2022)


09. May 2022.