

SLA

Stephen Little
& Associates

SHD Planning
Application to
An Bord
Pleanála

Material
Contravention
Statement

Proposed Strategic
Housing Development

Woodbrook –
Strategic Housing
Development at
Woodbrook Lands,
Shankill, Co. Dublin

For Aeval Unlimited
Company

OCTOBER 2019

Document Control: -


Author	Checked by	Purpose	Date
CA	MO'S	Draft	17.10.2019
CA	MO'S	Final Draft	22.10.2019
CA		Final	30.10.2019

TABLE OF CONTENTS

1 INTRODUCTION 1

 1.1 BUILDING HEIGHT 2

 1.2 DWELLING MIX 3

2 CONTEXT OF PROPOSED DEVELOPMENT 4

3 JUSTIFICATION FOR MATERIAL CONTRAVENTION 4

 3.1 BUILDING HEIGHT 4

 3.1.1 Visual Impact of Proposed Height..... 5

 3.1.2 SPPR 1 7

 3.1.3 SPPR 3 8

 3.2 UNIT MIX 10

 3.2.1 SPPR 1 11

4 CONCLUSION 12

1 INTRODUCTION

This document has been prepared by Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, to address matters that may be considered to materially contravene the Development Plan, in accordance with Section 8 (1)(iv)(II) of the Planning & Development (Housing) and Residential Tenancies Act 2016.

Under Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), then the SHD application must include a statement indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2) (b) of the Act of 2000.

The following is a statement on Material Contravention in accordance with Section of 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

In accordance with Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the Board may grant permission for a proposed strategic housing development that materially contravenes the development plan or local area plan, other than in relation to zoning, i.e. '(6)(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.'

Furthermore, Section 9(6)(c) of the 2016 Act, states that the Board may only grant permission for a development that materially contravenes a development plan (other than in relation to the zoning of the land) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.

Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

"(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan."

In the first instance we would consider that the development in question is both of strategic and of national importance. The development in question has been confirmed as being strategic housing development in line with the specific legislative provisions pertaining to Strategic Housing Development and is therefore of strategic import.

The specific provisions relating to Strategic Housing Development were introduced in to order redress the nationally significant shortfall in housing output. Therefore, we submit that the development in question is also of national importance as a result.

We note that the Board Inspectors and the Board themselves have arrived at similar conclusions with regard to other recent SHD cases (for example An Bord Pleanála Ref. ABP-304710-19).

The application site is in close proximity to existing or planned high frequency high public quality transport routes within an existing urban area, as such it is considered to be in line with the National Planning Framework – Ireland 2040. In line with Objective 3a of the NPF the proposed development represents a significant increase in proposed residential development, with a focus upon apartment type housing.

In addition, the RSES for the region identifies Woodbrook as one example of where rail-based development should be encouraged and where a new rail station is to be provided.

The proposals have been framed having regard to the tri-partite dialogue with An Bord Pleanála and Dun Laoghaire Rathdown County Council in which both the National Planning Framework and Ministerial Guidelines were cited as the basis for determining the appropriate density and height of development at this location. Specifically, the *'Urban Development and Building Heights – Guidelines for Planning Authorities'* and the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'* provide for Specific Planning Policy Requirements and where these conflict with Development Plan objectives that the Guidelines shall be applied.

The proposed development is considered to be consistent with the policies and intentions of current Government policy in the form of the National Planning Framework, is consistent with the RSES objectives for Dublin and is in accordance with relevant Ministerial Guidelines due to its density, height, use of an underutilised prime site and well designed units within a compact form and should be granted permission as a result, even were it deemed a material contravention in our professional opinion.

The *'Planning and Development (Housing) and Residential Tenancies Act, 2016'* confirms that An Bord Pleanála may grant permission for a development which materially contravenes a Development Plan, other than in relation to the zoning of land, as follows:

"(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

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

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2) (b) of the Act of 2000 were to apply, it would grant permission for the proposed development."

On the basis of the above, we consider that sufficient justification exists for An Bord Pleanála to grant permission for the proposed development, notwithstanding that a material contravention of the Development Plan may occur.

This Statement provides a justification for the material contraventions of the Woodbrook-Shanganagh Local Area Plan 2017-2023 and Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 in relation to the following: -

- Building Height.
- Dwelling Mix.

1.1 Building Height

Appendix 9 of the current Development Plan identifies building heights for the Dun Laoghaire Rathdown area and identifies a building height cap of 6 storeys for development in this location.

The subject site is governed by the Woodbrook – Shanganagh Local Areas Plan 2017 – 2023 which sets out generally that: -

*"It is proposed to apply a building height range of circa 3-5 storeys, plus a setback level, generally in the LAP Area having regard to its location and the need to cater for a diverse range of housing typologies, **albeit with the provision for potential greater height at certain key or landmark locations.**"*

Furthermore, Objective WB3 sets out that: -

"A general building height range of 3-5 stories will be sought, with appropriate heights along any sensitive site boundaries (2-4 stories) and thereafter a transition to higher building heights towards the centre of the site and along the main avenue; with a general building height range of 3-4-5 stories (plus setback), and rising to a maximum of 6 stories, unless a compelling urban design case is otherwise made for reasons of legibility, place-making and identity."

However, it is submitted that the rationale for increased height at this location goes beyond the specific height limits set out in the Development Plan and Local Area Plan and should be considered in the context of the wider height policies of the Development Plan and the site context.

We note in this context that the policy document *'Urban Development and Building Heights – Guidelines for Planning Authorities'* was adopted in December, 2018. This document establishes the principle for the re-examination of height limits and is to be considered over the Development Plan height limits on a site-specific contextual basis and provides the ability through a *specific planning policy requirement* (SPPR) for either the Planning Authority or An Bord Pleanála to grant permission for a building height notwithstanding where this breaches a cap set by a Development Plan where this can be justified.

1.2 Dwelling Mix

Objective WB13 of the Local Area Plan sets out the requirements in relation to the mix of dwellings provided as part of new apartment developments, which are as follows: -

"Apartment developments to cater for a mix of household sizes and as such proposals shall comply with the following mix of units: 10% Studio Units (as part of build to let development); not more than 20% of Units shall be 1 Bed Units (30% with reallocation of the Studio Units); a range of Min. 40% - Max. 60% shall be 2 Bed Units; and a range of Min. 20% - Max. 40% shall be 3 Bed Units."

We note in the context of these requirements that the policy document *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'* (adopted in March 2018) contains a *"Specific Planning Policy Requirement"* in relation to dwelling mix requirements (SPPR 1), which takes precedence over any conflicting policies and objectives of Development Plans.

2 CONTEXT OF PROPOSED DEVELOPMENT

The development proposed comprises 685 no. residential units (207 no. houses, 430no. apartments and 48 no. duplexes), a childcare facility a temporary surface car park and 2no. replacement golf holes on a site at Woodbrook Lands that is zoned *Objective A1* under the Dun Laoghaire Rathdown Development Plan 2016 – 2022. In respect of this zoning objective, the Development Plan confirms this as being: -

“Objective A1: To provide for new residential communities in accordance with approved local area plans.”

The proposed development ranges in height from 2 to 8 storeys.

The development consists of 685no. units in a mix of 134no. 3-bed housing units, 48no. 4-bed housing units, 25no. 5-bed housing units, 130no. 1-bed apartment units, 319no. 2-bed apartment units, and 29no. 3-bed apartment units.

3 JUSTIFICATION FOR MATERIAL CONTRAVENTION

3.1 Building Height

The National Planning Framework 2040 seeks to increase densities and building heights in appropriate urban locations to consolidate urban sprawl and increase the sustainability of public transport networks. The NPF states in respect of ‘Performance-Based Design Standards’ that: -

“To enable brownfield development, planning policies and standards need to be flexible, focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases. 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 cannot account for the evolved layers of complexity in existing built-up areas.

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

The proposed development is located within outer suburban lands in close proximity to existing established areas with a range of employment uses such as Cherrywood, Dun Laoghaire and Bray. The subject site is proximate to quality public transport and major employment centres. It is therefore considered that the subject site is an appropriate location for increased building heights and increased densities to support the objectives of the NPF. The emerging DART Station on site will bolster the public transport connections and options to this well served site.

Objective 11 of the NPF 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.”

The subject development provides for a residential led development including residential, residential amenities and a childcare facility (429 sq. m gross floor area).

The proposed development will provide for a mix of uses, jobs and activity within the area thus creating the need for increased heights and densities at this location to meet targeted growth rates.

The proposed development seeks to make the most of these outer suburban lands in order to promote increased densities and population growth in existing urban areas adjacent to city and town cores.

The proposed net density at c. 78no. units per Ha and height of the development at 8 storeys at its tallest (Apartment Block A) is therefore considered to be consistent with the objectives of the NPF by utilising this strategically located land to provide for the critical mass to support the surrounding services, commercial centres, employment nodes and the high quality public transport infrastructure. The height range for proposed buildings is between 2 to 8 storeys. Generally, this in accordance with the spirit of the Local Area Plan.

Subject to Pre-Planning Consultation discussions with An Bord Pleanála consideration was given to additional height, in excess of the Local Area Plan requirements along the eastern and north east corner of the application site.

3.1.1 Visual Impact of Proposed Height

A full set of photomontages, prepared by Brady Shipman Martin are included with this application as well as a Landscape and Visual Impact Assessment Chapter prepared as part of the enclosed EIAR. This opines that, at construction phase: -

“Notwithstanding the proposed ameliorative and mitigation measures, it is considered that the initial development of the Site, including removal of trees and hedgerows and general construction activity will result in overall residual effects that are significant, negative temporary impacts and on-going residual effects that will be moderate negative short-term impacts.

Landscape and visual effects from general construction activity and traffic, earthworks, provisions of roads and services, progressive emergence of buildings and associated works, use of cranes, site lighting, etc. will have residual effects that are significant, negative and temporary to short-term impacts from the grounds of Crinken Church and from the adjoining residential property south of Crinken Church.

Landscape and visual effects from construction works will have residual effects that are moderate, negative and temporary short-term impacts on views along the R119 Dublin Road, from Beauchamp Lodge, from Shanganagh Park and Cemetery; from Woodbrook Golf Course and from properties to the south of the Site, including the residential property in the former Woodbrook Estates Office.

The Woodbrook Golf Development Area is generally isolated and well screened and as such landscape and visual effects associated with the construction of the 2 new replacement golf holes, and the modest modifications required to other golf holes, will have residual construction effects that are localised slight, negative and temporary impacts from adjoining golf course areas.

Otherwise, construction works will generally be well-screened and any potential landscape or visual effects will be slight, negative temporary or short-terms impacts.”

And at Operational Phase: -

“In this regard it is considered that the Proposed Development on the Woodbrook Residential Development Area of the Site will have a residual moderate local impacts on the landscape character of its environs. These impacts will be viewed as being negative in the short-term, but the effect of the establishment of the new residential neighbourhood also has the potential to be viewed as a neutral or positive intervention in the longer-term.

This assessment on the significance and character of the change and effect must be viewed against the context of the appropriateness of the Proposed Development in relation to the residential zoning of the lands in the DLRCDP and in relation to the detailed urban structure envisaged for the lands in the WSLAP. Both envisage the provision of a significant residential development, in-keeping with the physical and visual character and scale of that set out in the Proposed Development.

Landscape and visual effects from the operation stage will have residual effects that are moderate, neutral and permanent from the grounds of Crinken Church and from the grounds of the adjoining residential property south of Crinken Church.

Landscape and visual effects from construction works will have residual effects that are slight, neutral permanent impacts on views from along the R119 Dublin Road, from Beauchamp Lodge, from Shanganagh Park and Cemetery; from Woodbrook Golf Course and from properties to the south of the Site, including the residential property in the former Woodbrook Estates Office.

During operation, the residual landscape and visual impact of the development of 2 new golf holes and the modest realignment of others, will be slight imperceptible and permanent.”

In terms of the impact of the proposed height on the Architectural Heritage of the surrounding area, the Cultural Heritage (Architectural Heritage) Chapter of the EIAR, prepared by Cathal Crimmins Conservation Architects states that, provided the suggested mitigation measures are taken into account, *“the residual impacts of the proposed development on the local architectural resource would be imperceptible.”*

Objective 13 of the National Planning Framework also 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.”

In response to Objective 13 of the Apartment Guidelines, the proposed development will provide for increased heights and densities in a high-quality urban design to achieve targeted growth of the area.

The NPF also states that that *“to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas”*. Objective 35 states that it is an objective to: -

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

It is clear that there is a strong emphasis towards increased building heights in appropriate locations within existing urban centres and along public transport corridors in order to provide for the critical mass needed to make the public transport services viable. As such, it is respectfully submitted that the proposed uppermost building height at 8 storeys is in line with government guidance and emerging trends for sustainable residential developments.

The subject lands are also located adjacent to ‘Public Transport Corridors’ in the context of the densities required under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). These areas are defined as being located within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station.

The category of accessible urban location classified as being located within 5 minutes walking distance of high frequency bus service is also further clarified in the Apartment Guidelines 2018 which states that these specific locations are suited for high density apartment development with car parking substantially reduced. The subject site is located directly opposite to a city bound bus stop along the Old Dublin Road and the south bound stop is directly adjacent to the site also, which provides a frequent Bus services to the City Centre. The proposed development is also located along the proposed BusConnects corridor which will provide for a rapid bus service into the city centre.

Details of the available public transport services are set out in the material submitted with this application. Restricting the height of the development at such a location well served by public transport under the Dun Laoghaire-Rathdown County Development Plan 2016-2022 is a direct contravention of National policy which promotes increased densities at well served urban sites, and discourages universal height standards in certain urban areas, such as the subject site.

The NTA have committed to the delivery of Woodbrook DART station. This will add to the connectivity of these lands, which is also located relatively close to the M50.

As outlined above, the Development Plan Height Strategy identifies a building height cap of 6 storeys for development in this location. However, it is submitted that the rationale for increased height at this location goes beyond the specific height limits set out in the Development Plan and should be considered in the context of the height policies of the Building Height Guidelines. The Building Height Guidelines establish the principle for the re- examination of height limits and should now be considered over the Development Plan height limits on a site-specific contextual basis.

The Guidelines note that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact urban growth which is a key objective of the National Planning Framework (NPF). The Guidelines set out a number of Strategic Planning Policy Requirements (SPPR) which are noted as taking precedence over any conflicting policies and objectives in the Development Plans.

These SPPRs take precedence over any conflicting policies and objectives of Development Plans. Where such conflicts arise, the Development Plan needs to be amended by the relevant Planning Authority to reflect the content and requirement of these guidelines and properly inform the public of the relevant SPPR requirements.

3.1.2 SPPR 1

SPPR 1 states the following:

“In accordance with Government policy to support increased building height in location with good public transport accessibility, particularly town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height”.

The Development Plan currently states that a maximum building height of 6 storeys is permissible on the subject site. However, in accordance with SPPR 1 of the Guidelines, that blanket restriction as set out in the Development Plan should be avoided and a building height appropriate for the subject site and location be applied. The proposed development in this regard provides for an appropriate scale of development given the location of the site along a major public transport corridor, Dublin Road, and the availability of services and public transport infrastructure to support the viability of accessible urban centres.

The Guidelines state that the implementation of the NPF requires increased density, scale and height of development in town and city cores with an appropriate mix of uses. In relation redevelopment and enhancement of the city core, 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”.

The Guidelines place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors and networks, stating that: -

“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”.

The proposed development is located at a strategic location along an existing and proposed public transport corridor. The proposed 3 - 5 storey buildings located along the Old Dublin Road edge provide a strong frontage. Given the context of the proposed development and its location adjacent to quality public transport services, it is considered that the greater heights proposed within the site in the form of apartment blocks with 4 – 8 storey elements along the proposed Woodbrook Avenue.

3.1.3 SPPR 3

SPPR 3

It is a specific planning policy requirement that where;

- (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;*

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

- (B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme*

- (C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.*

SPPR 3 notes that, where the applicant sets out compliance with the criteria for assessing building height at the scale of the relevant town / city, at the scale of district / neighbourhood / street and at the scale of a site / building, the Planning Authority or the Board may approve such development even where specific objectives of the Development Plan indicate otherwise.

We refer to the Architects Design Statement, prepared by O'Mahony Pike Architects that also presents a rationale for the development now being proposed.

At the scale of the relevant city/town

The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. This site is currently on a high frequency serviced bus route with a bus stop directly adjacent the site. It is served by the following bus routes: 45a, 45b, 84, 84a, 145, 155.

It is also part of the BusConnects initiative for Bray to City Centre providing an upgraded high quality Bus corridor with associated cycle lane. The development is also located adjacent to the Old Dublin Road with clear access to the M50 and the national road network. It is also within c.2.5km of Bray Dart Station and c.2.3km from Shankill Station.

The Guidelines state that development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect. 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 proposed development has gone through a number of iterations to develop a height profile that achieves a satisfactory density for the location between Bray and Shankill.

At the scale of 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 development has been situated as far as practical to the front of the site to maximise the usable open space provided.

The proposed development responds to the site and the surrounding developments in several ways.

The proposal has been designed so that each element of each building reads as an individual component with the selection of materials / building fabric being well considered so as to ensure an overall quality of architectural expression is achieved. In general, brick facades are used onto the primary public spaces with rendered facades being used within the secondary spaces. It is proposed to use a variety of brick types to create variety within the scheme, and occasionally render is also used in facades that address primary public spaces in order to introduce variation and contrast.

The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.

While providing a level of enclosure to the Old Dublin Road, the proposed development also sits on a key route into and out of the city centre

The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

The proposed development will provide for a greater range of two and three bed dwelling typologies in an ideal location between Shankill and Bray and adjacent to a high quality bus corridor. The development will also provide a creche in the neighbourhood that can cater for both the children within the development and the wider area.

Specific Assessments

The Guidelines state that at some scales, specific assessments may be required for taller buildings. These include: -

Assessment of Micro-climatic Effects: It is submitted that the scale of the proposed buildings are not such that micro-climatic impacts are expected to result.

An 'Air (Noise and Vibration)' Chapter has been prepared by AWN Consulting Ltd in the EIAR. This assessment included the undertaking of a baseline noise survey on the subject site, on the basis of which a noise model was developed. The assessment includes an analysis of the likely noise impact of both external and internal areas of the proposed development. The proposed site for the mixed-use and residential development is primarily located within zoned development lands on a greenfield site between the suburbs of Bray town to the south and Shankill to the north. There are a small number of noise sensitive properties located in close proximity to the development, predominately located along the western boundary. The noise environment at the off-site noise monitoring locations was noted to be influenced by road traffic along the Old Dublin Road, rustling foliage, birdsong and intermittent local sources from vehicles in residential areas. Overhead aircraft was also audible in the distance. Along the eastern boundary of the proposed development site immediately against the rail line, passing rail dominated the ambient noise environment.

Potential Impacts on Birds/ Bats: An ecological assessment to determine any impacts on birds/ bats has been undertaken by Brady Shipman Martin and accompanies the Biodiversity Chapter of the EIAR accompanying this application. This assessment provides mitigation measures which will be implemented to ensure that the proposed development will have no significant effects on birds or bats.

Potential Impacts on Aviation: Stephen Little and Associates Chartered Town Planners & Development Consultants sought formal response from the Irish Aviation Authority in relation to the proposed development. In response by Letter dated 26 July 2019, the Irish Aviation Authority stated that they had no observation to make in relation to the proposed development.

Urban Design Statement: We refer the Board to the Architectural Design Statement provided by O'Mahony Pike Architects, which accompanies this application and addresses the urban context of the site in greater detail.

Relevant Environmental Assessments: An EIAR and an Appropriate Assessment Screening Report is enclosed with the application.

3.2 Unit Mix

The National Planning Framework 2040 seeks to increase densities and building heights in appropriate urban locations to consolidate urban sprawl and increase the sustainability of public transport networks. The NPF states in respect of 'Performance-Based Design Standards' that: -

"To enable brownfield development, planning policies and standards need to be flexible, focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases. 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 cannot account for the evolved layers of complexity in existing built-up areas.

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

The proposed development is located in the outer suburbs of Dublin City and is also in close proximity to other major employment hubs such as Cherrywood and Bray. As the subject development is located in an area that has significant employment centres in its immediate locale, it would be appropriate for increased building heights and residential density adjacent to quality public transport. It is therefore considered that the subject site is an appropriate location for increased building heights and increased densities to support the objectives of the NPF.

The NPF notes that "7 out of 10 households in the state consist of three people or less" and also that "Household sizes in urban areas tend to be smaller than in the suburbs or rural parts of the country". In respect of Dublin, the NPF notes in addition that "In Dublin city, one, two and three person households comprise 80% of all households."

In this regard, it is an NPF objective in respect of 'Housing Demand' that: -

"Between 2018 and 2040, an average output of at least 25,000 new homes will need to be provided in Ireland every year to meet people's needs for well-located and affordable housing, with increasing demand to cater for one- and two-person households. Within this figure, there is a wide range of differing housing needs that will be required to be met."

Within the context of the site on the Old Dublin Road, this is located in the Shankill-Shanganagh DED. According to the results contained on the CSO web site (<http://census.cso.ie/sapmap/>) the immediate area around the site had an average household size of 3.21 persons in 2016. This compares to a City wide average household size of 2.49 persons in 2016. This highlights the need for greater numbers of 2, 3 and 4+ bedroom units in the outer suburbs to cater for household sizes of around 2-4 people in this particular area.

The NPF targets a significant proportion of future urban development on infill / brownfield development sites within the built footprint of existing urban areas. Objective 11 of the NPF 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."

The subject development provides for a residential led development including residential, resident amenities and childcare facilities. The proposed development will provide for a mix of uses, jobs and activity within the area thus creating the need for increased heights and densities at this location to meet targeted growth rates.

The proposed development seeks to make the most of this suburban lands in order to promote increased densities and population growth in existing urban areas adjacent to city and town cores. The proposed density at c. 78no. units per Ha and height of the development at 8 storeys at its tallest is therefore considered to be consistent with the objectives of the NPF by utilising this strategically located land to provide for the critical mass to support the surrounding services, commercial centres, employment nodes and the high quality public transport infrastructure.

Objective 13 of the National Planning Framework also 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.”

Objective WB13 of the Local Area Plan sets out the requirements in relation to the mix of dwellings provided as part of new apartment developments, which are as follows: -

“Apartment developments to cater for a mix of household sizes and as such proposals shall comply with the following mix of units: 10% Studio Units (as part of build to let development); not more than 20% of Units shall be 1 Bed Units (30% with reallocation of the Studio Units); a range of Min. 40% - Max. 60% shall be 2 Bed Units; and a range of Min. 20% - Max. 40% shall be 3 Bed Units.”

The unit mix proposed as part of this development is as follows: -

Unit Type	No. of Units	Percentage of Total
1 Bed Apartment	130	19%
2 Bed Apartment	319	47%
3 Bed Apartments	29	4%
3 Bed House	134	20%
4 Bed House	48	7%
4+ Bed House	25	4%
Total	685	100%

Overall, the proposed development provide a broad mix of unit types which encourages establishment of a sustainable community.

3.2.1 SPPR 1

As the Dun Laoghaire Rathdown Development Plan objective on dwelling mix was adopted in 2016, it can therefore be considered to have been superseded by the requirements set out in SPPR 1 of the Apartment Guidelines, which states as follows:

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

(SLA emphasis in bold)

The proposed development is compliant with SPPR 1 of the Apartment Guidelines, for the following reasons: -

- No more than 19% of the proposed units are one-bedroom / studio type units.

- Over 50% of the apartment units are 2-bed units and range in size between 66.3 – 113.8m² in area thereby providing a variety of possible accommodation and are capable of catering for households ranging in size between 3 – 4 people in line with the provisions of the Apartment Guidelines 2018.

The proposed unit mix of 1, 2, and 3-bed units is supported by the guidance and SPPRs set out in the Apartment Guidelines (2018), which specify that no minimum requirement shall apply in respect of the provision of apartments with three or more bedrooms.

Notwithstanding the development's compliance with the Apartment Guidelines, the proposed development will enhance the variety of dwelling types available in the local area, which is predominantly characterised by low density, low-rise housing (of three bedrooms or more) to the north, east and south of the subject site.

4 CONCLUSION

We respectfully submit that, should the Board consider the proposed development a material contravention of the Development Plan, an appropriate justification is set out within this statement demonstrating that the proposed development should be considered for increased building heights and more flexible unit mix due to the location of the subject site, the overall context of the development adjacent to quality public transport corridors and the policies and objectives set out within the Section 28 Guidelines.

As such, we respectfully request that the Board have regard to the justification set out within this statement and permit the proposed height and unit mix in this instance, even were the Board to consider a material contravention of the County Development Plan, or Local Area Plan were to arise in this case.

Stephen Little & Associates are committed to progressing and achieving sustainable development goals.

**Chartered Town
Planners and
Development
Consultants**

Address:
26/27
Upper Pembroke Street
Dublin 2, D02 X361

Contact:
t: 353-1 676 6507
info@sla-pdc.com
sla-pdc.com