

STRATEGIC HOUSING DEVELOPMENT  
PLANNING APPLICATION  
**RESPONSE TO AN BORD  
PLEANALA OPINION**  
FOR SHORELINE GA03  
LANDS AT BALDOYLE- STAPOLIN, DUBLIN 13

**BSM**

Est.  
1968

**Brady Shipman  
Martin**

**Built.  
Environment.**

Place  
Making  
**Built  
Environment**

CLIENT

**The Shoreline Partnership**

DATE

**July 2021**

## SHORELINE GA03 BALDOYLE SHD

Response to ABP Opinion

### Brady Shipman Martin

#### DUBLIN

Mount Pleasant Business Centre  
Ranelagh  
Dublin 6  
+353 1 208 1900

#### CORK

Penrose Wharf Business Centre  
Penrose Wharf  
Cork

+353 21 242 5620

#### LIMERICK

11 The Crescent  
Limerick

+353 61 315 127

mail@bradyshipmanmartin.com

[www.bradyshipmanmartin.com](http://www.bradyshipmanmartin.com)

TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b> .....	<b>4</b>
<b>2</b>	<b>SPECIFIC INFORMATION REQUESTED BY AN BORD PLEANALA</b> .....	<b>4</b>
2.1	Justification of Height & Density.....	4
2.2	Design & Materials Strategy .....	6
2.3	Transfer of Lands at Racecourse Park.....	6
2.4	Future and Existing Residential Amenity .....	7
2.5	Landscape & Permeability.....	8
2.6	Housing Mix Justification .....	8
2.7	Building Lifecycle Report.....	9
2.8	Phasing Plan .....	10
2.9	Taken In Charge.....	10
2.10	Child Demand Report.....	10
2.11	Schools Demand Report.....	11
2.12	Transportation Planning Division Comments .....	11
2.13	Water Services Department Comments.....	11
2.14	Material Contravention.....	12
<b>3</b>	<b>CONCLUSION</b> .....	<b>12</b>

## 1 INTRODUCTION

Brady Shipman Martin has prepared this Report in Response to the Opinion of An Bord Pleanála of 16<sup>th</sup> March 2021. This Response has been prepared under Article 285(5) (b) of the Planning and Development (Strategic Housing Development) Regulations 2017 in association with the Applicant and Design Team and also provides the specific information as requested by the Board.

In its Opinion, An Bord Pleanála concluded that having ‘*considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.*’

## 2 SPECIFIC INFORMATION REQUESTED BY AN BORD PLEANALA

In its Opinion of 16<sup>th</sup> March 2021, ABP set out 14 No. items of specific information that should be enclosed with the application under Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017.

### 2.1 Justification of Height & Density

Item 1 of the ABP Opinion requests:

*Notwithstanding that the proposal constitutes a reasonable basis for an application demonstrate and / or justify the suitability of the proposed site to accommodate the proposed height and residential density with regard to the provisions of the current Fingal County Development Plan, the Baldoyle - Stapolin Local Area Plan 2013 – 2019 (as extended), and relevant national and regional planning policy including the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’); The ‘Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020) and the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’ (2018).*

#### Response:

As set out in the Planning Report accompanying this application, the subject lands are located immediately adjacent to a high frequency public rail station at Clongriffin (Dart station) providing direct connection into Dublin City and onwards to the wider Dublin Area. Clongriffin is also served by Dublin Bus No. 15.

It is also planned that Clongriffin will be served by the upgraded BusConnects route (Core Bus Corridor Route No. 1<sup>1</sup>, H Spine).

The site is within walking distance of the Baldoyle Industrial Estate providing a large amount of employment and commercial activity and proximate to Dublin Airport.

As set out in Section 4.6 of the Planning Report accompanying this application, the recently permitted Clongriffin SHD applications, west of the rail line within Dublin City Council area, serve to inform the scale of the proposed development in this part of the wider Clongriffin/ North Fringe / Baldoyle Stapolin area. The proposed development will provide a transition between the existing residential areas to the south and east at GA01 Lands, Red Arches, Myrtle and beyond, and the large scale permitted development to the west at Clongriffin. As such the proposal responds to the site's context and scale ensuring no negative impacts on existing or future residents, and critically, responds to Government policy in relation to achieving increased residential density at "central and/or accessible urban locations", and in this case "sites within reasonable walking distance (ie. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas)".

This is further set out in the HJL Architectural Design Statement (Section 3) accompanying this application, which sets out the urban design rationale for the proposed development, and at Section 6, which outlines fully the architectural approach to each of the blocks.

The proposed scheme has a density of c.177 units per hectare which is considered that this represents a development aligned to National Policy since the permitted development was granted in 2017, and specifically aligns with Government policy of: National Planning Framework; Urban Development and Building Heights, Guidelines for Planning Authorities (2018); Sustainable Urban Housing, Design Standards for New Apartments Guidelines for Planning Authorities (2020); and Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009).

As the proposed height contravenes the Local Area Plan this is considered in the accompanying Material Contravention Statement which sets out reasoned rationale for An Bord Pleanála to permit the development even in the instance of a Material Contravention having taken place.

---

<sup>1</sup> <https://busconnects.ie/media/1816/01-clongriffin-to-city-centre-preferred-route-180220-fa-web.pdf>

## 2.2 Design & Materials Strategy

Item 2 of the ABP Opinion requests:

*A report that addresses and provides a clear design rationale for the proposed design, scale, layout and character of key buildings / street frontages and details of the materials and finishes of the proposed development, and the maintenance of same. Particular regard should be had to the requirement to provide high quality, robust and sustainable finishes and details which seek to create a distinctive character for the development.*

### Response:

This is set out in the HJL Architectural Design Statement (Section 3 & 5) accompanying this application, which sets out the urban design rationale for the proposed development, and outlines fully the architectural approach to each of the blocks.

The proposed building materials are detailed and set out in Section 6 of the Architectural Design Statement prepared by Henry J Lyons, and further in Section 6 as it pertains to each block. Please see CGIs of the proposed development in Section 7.1 of the Architectural Design Statement which illustrates the quality of the proposed residential units put forward in this application.

## 2.3 Transfer of Lands at Racecourse Park

Item 3 of the ABP Opinion requests:

*A report that addresses and provides a clear rationale and timeframe for the transfer of lands (within the applicant ownership) to the planning authority for the provision of a regional park / public open space.*

### Response:

The lands within the ownership of the applicant at Baldoyle are being delivered in accordance with the requirements of Fingal Development Plan 2017-2023 and the Baldoyle – Stapolin Local Area Plan 2013 (as extended). Specifically, residential development areas in the applicant's ownership lie within Growth Area 1 (GA1) and Growth Area 3 (GA3), while lands beyond to the north and east are identified as open space, to include for 'Racecourse Park'. In relation to the open space lands it is noted in the LAP that '*... the Council has secured a significant portion of the open space lands (c.40 ha). As part of this, playing fields, changing facilities and a playground have been provided to the southeast of the plan lands just to the north of Admiral Park. Over time, the remainder of the parkland will come into Council ownership.*' (Section 2.3.1.3, pg.8).

For the purposes of compliance with Development Plan and LAP standards, the application identifies how requirements for Class 1 open space can be accommodated within the wider future open space lands in the control / ownership of the applicant which will form part of the future Racecourse Park.

In respect of the Racecourse Park Lands, the applicant has come to an agreement with Fingal County Council for future transfer of ownership of the open space lands / Racecourse Park lands to the Council in conjunction with its plans for the delivery of the Racecourse Park. Through on-going liaison with Fingal County Council, the applicant is fully aware and supportive of the plans of the Council to design, seek permission for, and eventually deliver proposals within the future 'Racecourse Park'. In this regard the applicant has provided Fingal County Council with a letter of consent to support the Council's forthcoming application to An Bord Pleanála for planning approval for the Racecourse Park.

A letter from Fingal County Council committing to the delivery of Racecourse Park upon transfer of lands to Fingal County Council is included in Appendix 2 of the Planning Report.

#### 2.4 Future and Existing Residential Amenity

Item 4 of the ABP Opinion requests:

*A report which addresses existing and future residential amenity and which includes matters such as daylight/sunlight analysis, micro-climate/wind impacts and noise impacts, together with proposals to address any such impacts, if necessary. A daylight/sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, should include details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. A month-by-month assessment of average daylight hours within the public open space should be provided within the daylight and sunlight analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation areas for the development should be submitted.*

**Response:**

The consideration of matters relevant to residential amenity such as daylight/sunlight analysis, micro-climate/wind impacts and noise impacts are set out in the accompanying Environmental Impact Assessment Report (EIAR). The EIAR concludes that there is no impact to existing adjacent residential properties and their residential amenity, given proximity from the proposed development to any adjacent residential units, and that future residents will have a high quality of residential amenity.

## SHORELINE GA03 BALDOYLE SHD

### Response to ABP Opinion

With specific regards to the daylight/sunlight analysis this is also considered in the dedicated report prepared by OCSC and includes a month by month assessment of sunlight hours in public open spaces. We note An Bord Pleanála's Opinion referenced daylight hours but we submit that as sunlight penetration is the assessment against which open spaces are assessed this is what An Bord Pleanála would be requesting, and is provided accordingly.

### 2.5 Landscape & Permeability

Item 5 of the ABP Opinion requests:

*A landscape and permeability plan of the proposed open spaces within the site clearly delineating public, semi-private and private spaces, areas to be gated and proposed boundary treatments, in particular the western boundary at the interface with the railway line.*

#### Response:

The accompanying Landscape Design Report prepared by Bernard Seymour Landscape Architects (BSLA) and the HJL Architectural Design Statement provide a full response to Item 5 as per above.

Details of the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments is set out in the Landscape Design Report and Drawings prepared by Bernard Seymour Landscape Architects.

### 2.6 Housing Mix Justification

Item 6 of the ABP Opinion requests:

*A report that addresses and provides a justification for the proposed housing mix.*

#### Response:

The Baldoyle-Stapolin Local Area Plan 2013 (as extended) sets out the following objectives in relation to housing mix:

**Objective RS 1** *Require that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographics, social changes and the human life cycle patterns.*

**Objective RS 2** *Ensure that one bedroom dwellings are kept to a minimum within the development and are provided only to facilitate choice for the homebuyer. In any event, no more than 5% of units in any application or over the whole development, shall be one bedroom units.*



The unit mix proposed as part of this application is as follows:

- Studios 0.1 %
- 1 beds 41.1%
- 2 beds 52.1%
- 3 beds 6.7 %

We note however that ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (December 2020) 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 or Local Area Plans.

SPPR 1 of the Apartment Guidelines (2020), 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)’;*

As such, given the proposed alteration application is subject to the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (December 2020)* the scheme is compliant with SPPR 1 as required taking precedence over the Local Area Plan and as such the inclusion of 41.1% studio and 1 beds as part of the overall scheme mix is acceptable. Please see Section 5.3 of this Report for summary overview of residential provision, and the accompany HJL Architects Design Statement. This is also considered in the accompanying Material Contravention Statement.

## 2.7 Building Lifecycle Report

Item 7 of the ABP Opinion requests:

*A building life cycle report in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).*

### Response:

A Building Lifecycle Report, prepared by Aramark, is also included as part of the planning application.

## 2.8 Phasing Plan

Item 8 of the ABP Opinion requests:

*A phasing plan for the proposed development, includes the phasing arrangements for the delivery of the public open spaces and Part V provision.*

### Response:

A Phasing Plan is indicated in Section 4.2 of the Outline Construction Management Plan prepared by Cronin & Sutton Consulting.

## 2.9 Taken In Charge

Item 9 of the ABP Opinion states

*A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces.*

### Response:

A taking in charge drawing prepared by Bernard Seymour Landscape Architects, Drawing Ref. DN1910-07, is included with the application. It is considered that this will be subject to agreement with Fingal County Council in terms of the phasing.

## 2.10 Child Demand Report

Item 10 of the ABP Opinion states

*Childcare Demand Report, which identifies demand for childcare places likely to be generated by the proposal and the capacity of the childcare facility previously granted on the subject site and existing facilities in the vicinity to cater for such demand.*

### Response:

A Schools Demand and Childcare Facilities Assessment Report, prepared by BSM, is included in this planning application documentation. It concludes that, in terms of crèche provision, that the proposed crèche, in the provision of c. 113 no. child places, in addition to crèche provision (both existing and permitted) in the wider area, meets the requirements of delivering this proposed scheme of development.

## 2.11 Schools Demand Report

Item 11 of the ABP Opinion states

*School Demand Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.*

### Response:

A Schools Demand and Childcare Facilities Assessment Report, prepared by BSM, is included in this planning application documentation.

In terms of school demand, it is concluded that there is sufficient capacity in the area in both existing and permitted school facilities, including on a site immediately to the south of the proposed development, to meet demand arising from this proposed development.

## 2.12 Transportation Planning Division Comments

Item 12 of the ABP Opinion states

*A report addressing the issues raised in the planning authority's Transportation Planning Section's report dated 10th December 2020.*

### Response:

A response to the issues raised by the Transportation Planning Division as contained within the Access and Transportation Section of PA Opinion is addressed in Section 8 of the Transport Assessment prepared by Cronin & Sutton Engineers. Additional engagement has taken place since the Pre-Application Consultation meeting with the Transportation Planning Division on these matters.

## 2.13 Water Services Department Comments

Item 13 of the ABP Opinion states

*A report addressing the issues raised in the planning authority's Water Services Department report dated 8th December 2020.*

### Response:

A response to the issues raised by the Water Services Department as contained within the Water Services Section of PA Opinion is addressed in Section 7 of the Engineering Services Report prepared by Cronin & Sutton Engineers. Additional

engagement has taken place since the Pre-Application Consultation meeting with the Drainage Department on these matters.

#### 2.14 Material Contravention

Item 14 of the ABP Opinion states

*Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.*

#### Response:

A Material Contravention Statement is included with the Planning Application. This Statement provides a justification for the material contraventions of the above referenced statutory planning documents, in relation to the Local Area Plan: (i) building height, (ii) density and (iii) unit mix; and in relation to the Development Plan (iv) core strategy and (v) parking provision.

It is considered, as is set out in the Statement and the supporting planning application documentation, that sufficient justification exists for An Bord Pleanála to grant permission for the proposed development notwithstanding the proposed material contraventions of the Local Area Plan in relation to height density and unit mix, and the proposed material contravention of the Fingal County Development Plan in relation to the core strategy and parking provision, having regard to the considerations specified in section 37(2)(b) of the Act of 2000.

### 3 CONCLUSION

The Response set out herein outlines that the specific items requested by An Bord Pleanála to be contained within an SHD Application for development at GA03 Baldoyle, have been both considered and included.

It is respectfully submitted that the proposed development will provide an appropriate form of high quality residential development for this under-utilised site which is highly accessible and well served by public transport.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional and local planning policies and guidelines and that the proposal should be permitted by An Bord Pleanala.