

STATEMENT OF MATERIAL CONTRAVENTION



BUILD-TO-RENT RESIDENTIAL & COMMERCIAL DEVELOPMENT DEVELOPMENT

Former Chadwicks Site, Greenhills Road,
Walkinstown, Dublin 12

MARCH 2022

SUBMITTED ON BEHALF OF:
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1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have prepared this Statement of Material Contravention on behalf of our clients, Steeplefield Limited, to accompany a planning application to An Bord Pleanála for a proposed Strategic Housing Development at the Former Chadwicks Site, Greenhills Road, Walkinstown, Dublin 12.

The subject application involves a large parcel of land located to the south of Greenhills Road. The subject site comprises a total area of 2.79 hectares and forms part of the Greenhill Industrial Estate. There are existing low-rise disused industrial units on the subject site that are proposed for demolition as part of the subject proposal. The site is currently accessed off a road within the Greenhill Industrial Estate, with 3 no. vehicular accesses along the site's southern boundary. A strong level difference exists between the Greenhills Road interface and the subject southern site boundary of 8m.

The site is located within an area comprising industrial land use immediately surrounding the site.

The proposed development involves the demolition of the existing industrial buildings on site and the construction of a build-to-rent mixed-use development comprising 633 no. of units, 5,020 sq.m of communal open space, a 360 sq.m childcare facility and 1330 sq.m of commercial space with internal communal amenity space to serve the future occupants of the development.

This statement has been prepared to set out the justification for the building height, housing mix and tenure mix involved in the proposed mixed-use development. While the applicant does not consider the proposed building height, housing mix and tenure mix to be a material contravention of the South Dublin County Development Plan 2016-2022, it is a matter for An Bord Pleanála to determine if the proposed development in fact materially contravenes this plan and if minded to do so, grant permission for the proposed development pursuant to Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) (the "**2016 Act**") and by reference to the provisions of Section 37(2)(b) of the Planning and Development Act 2000 (as amended) (the "**Act of 2000**"). Where a proposed strategic housing development materially contravenes a development plan or local area plan, an applicant must state in its newspaper notice that the application contains 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. Therefore, the Applicant has taken a conservative approach to compliance with the above requirement regarding the statutory newspaper notice and the provision of a justification for the proposed building height, housing mix and housing tenure mix in the context of the provisions of Section 37(2)(b) of the Act of 2000.

The Draft South Dublin County Development Plan 2022-2028 may be adopted and in force, at the time the Board is making a decision on this application. After this application is made, we will not have a further opportunity to address the Board on the adopted plan. For this reason, out of an abundance of caution, we propose to address the expected new plan by reference to the current draft. These remarks would only be relevant considerations for the Board, where the new plan is adopted and in force, at the time the Board is making a decision on this application.

It is respectfully requested therefore that An Bord Pleanála have regard to the following justification for a potential material contravention of the South Dublin Development Plan 2016-2022 (as it relates to building height, housing mix and housing tenure mix), having regard to the fact that the proposed development is by definition of 'strategic importance', the pattern of development approved in the area and having regard to the compliance of the proposed development with national planning policy and section 28 Guidelines as outlined herein. These include the National Planning Framework 2040, Urban Development and Building Heights Guidelines for Planning Authorities, 2018, and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018, which fully support and reinforce the need for urban infill residential development at appropriate densities on sites in close proximity to public transport and within existing urban areas.

2.0 Legislative Context

Pursuant to Section 9(6) of the 2016 Act, 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), the Board can determine that permission should, nonetheless, be granted, having regard to a consideration specified in Section 37(2)(b) of the Act of 2000 as amended. Section 9(6)(c) of the 2016 Act states that:

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.

Section 37(2)(b) of the Act of 2000 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.*

It is respectfully requested that An Bord Pleanála, should they determine the proposal materially contravenes the South Dublin County Development Plan 2016-2022 or the South Dublin County Development Plan 2022-2028, should it be in force, have regard to the justification for the proposed building height, housing mix and housing tenure mix provided in the subsequent sections. It is considered that the policies and objectives stated in the Section 28 Government Guidelines, including the National Planning Framework 2040, Urban Development and Building Heights Guidelines for Planning Authorities, 2018, and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018, justify the proposed building height, housing mix and tenure mix. These policies, among others, are discussed in the below justification section. Further to this, the proposal can also be justified having regard to the strategic importance of Strategic Housing Developments and the permissions recently granted in the area.

3.0 Potential Material Contraventions

3.1 Building Height

Section 5.1.5 of the South Dublin County Development Plan 2016-2022 details objectives regarding development heights in urban areas. While the Development Plan notes the importance of increasing building heights to create a sense of place and visual diversity while providing for more sustainable use of land, there are objectives in place with regard to building heights that limit the scale of developments to the prevailing building height already established in the surrounding area. The following objectives are relevant to the proposed development:

H9 Objective 1 *To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.*

The proposed building heights are considered appropriate as they add to varied buildings heights of existing and recently approved developments in the immediate area.

H9 Objective 2 *To ensure that higher buildings in established areas respect the surrounding context.*

The proposed development is located in an area characterised by low rise industrial units. The area is subject to major redevelopment in the coming years and is currently zoned 'REGEN'. The proposed heights will not negatively impact the existing buildings in the area.

H9 Objective 3 *To ensure that new residential developments immediately adjoining existing one and two-storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).*

The proposed development steps down towards the site boundaries to prevent any negative impacts on existing amenities and to appear less overbearing when viewed from Walkinstown.

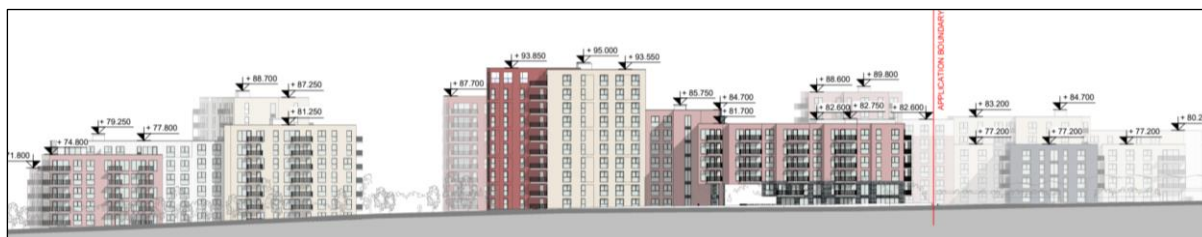


Figure 1.0 Proposed contextual elevation of development as viewed from the Greenhills Road.

We note the following objective of the Development Plan which limits the locations of taller buildings:

H9 Objective 4 *To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use Zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.*

The subject lands are not within locations referred to in the above objective, however, in our professional assessment, the subject lands have the capacity to facilitate taller buildings due to the zoning objective for the site, site size and proximity to public transport access.

Section 2.2.2 of the Development Plan sets out the following with regard to residential densities of developments:

'Densities should take account of the location of a site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high-capacity public transport facilities'.

Further to this, Section 11.2.7 'Building Height' of the Development Plan provides guidance on building height in relation to the surrounding context:

The appropriate maximum or minimum height of any building will be determined by:

- *The prevailing building height in the surrounding area.*
- *The proximity of existing housing - new residential development that adjoins existing one and/or two-storey housing (backs or sides onto or faces) shall be no more than two storeys in height unless a separation distance of 35 metres or greater is achieved.*
- *The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to the width of the street, or area of open space.*
- *The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.*

The proposed development ranges in heights of 5-12 no. storeys. Noting that the proposal is situated in an area that has a prevailing height of 1-3 no. storeys mainly comprised of industrial units with some

housing, it is considered that the proposed development exceeds that of the existing development in the area. Further to this, we note that the subject site is zoned as 'REGEN' under the Development Plan and as such, development can be of heights that exceed those prevailing and densities of a larger scale than may be considered appropriate. This is in part due to the site's proximity to public transport and zoning designation.

3.2 Density

Section 2.2.2 of the South Dublin County Development Plan 2016-2022 written statement outlines the following in relation to density:

“Government policy as outlined in the Sustainable Residential Development in Urban Areas Guidelines recognises that land is a scarce resource that needs to be used efficiently. These guidelines set out a range of appropriate residential densities for different contexts based on on-site factors and the level of access to services and facilities, including transport. Densities should take account of the location of a site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high capacity public transport facilities.

HOUSING (H) Policy 8 Residential Densities It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

H8 Objective 1: To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

H8 Objective 2: To consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009)

H8 Objective 6: To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to an SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County.”

The proposed development provides for a total of 633 no. apartments on a nett site area of 2.79 ha which equates to a residential density of 226.9 units per hectare on lands zoned REGEN. The development plan does not provide for densities higher than 50 units per hectare nor does it set out a specific density policy for REGEN zoned lands.

It is considered that the density proposed could be considered to be a material contravention of this aspect of the Development Plan.

3.3 Housing Mix

The proposed development seeks to provide 633 no. apartments comprising 292 no. one-bed, 280 no. two-bed and 61 no. three-bed units. Section 2.2.4 of the development plan seeks to ensure a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022. The following policy relates to the housing mix:

H10 Objective 1 *To ensure that new residential developments provide for a wide variety of housing types, sizes and tenures in line with the Interim South Dublin County Council Housing Strategy 2016-2022.*

Section 2.2.4 'Mix of Dwelling Types' of the Development Plan details the objectives set out with regard to housing mix. We note the following from this section which states:

'This Plan sets out to ensure that new residential development provides a wide variety of housing types that cater for the diverse housing needs of the County's population and counteract segregation between different household types. This is supported by the Interim South Dublin County Council Housing Strategy 2016-2022, which recognises the need to provide a range of house types in all residential developments and to meet different categories of housing needs.'

The proposed development comprises of 292 no. one bedroom, 280 no. two-bedroom, and 61 no. three-bedroom apartments. In order to assess the required housing of the South Dublin County Council administrative area, an Interim report on housing needs has been prepared. With regard to Housing Type, the Interim Report states that:

'The Council will continue to require residential schemes to provide a housing mix based on a range of house-types. The inclusion of combinations of detached, semi-detached, terraced, single-storey and apartment units is essential.'

It is noted that the Council has not specified a breakdown requirement of housing to be provided in residential developments however, it is submitted that the proposed development includes apartment units and does not include the provision of detached, semi-detached, terraced or single-storey house types as this is a mixed-use build-to-rent development.

Section 11.3.1 provides the following statement on the mix of dwellings in the county:

The overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of household types. On smaller infill sites, the mix of dwellings should contribute to the overall dwelling mix in the locality. With the exception of student accommodation, proposals that include a high proportion of one-bedroom dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area. Design Statements for residential or mixed-use development proposals with a residential element (see Section 11.2.2 Design Statements) will be required to address the mix of dwelling types.

The number of one-bed units in the proposed development accounts for 46.1% of the housing mix. A Build-to-Rent Justification Report has been prepared by JLL and included with this application.

It is considered that the proposed housing mix could be considered to be a material contravention of this aspect of the Development Plan.

3.4 Tenure Mix

Schedule 2 of the Development Plan which includes the Interim South Dublin County Council Housing Strategy 2016-2022 details the need for a variety of housing tenures in the administrative area based on previous data and projected need. The projected housing requirement detailed in this report are included in the table below:

Council Stock Turnover (200 a year)	1,200
Building Programme (infill & PPP)	800
RAS/Leasing/HAP	4,003
Capital Assistance Scheme	300
Part 5 (10%)	2,000
Private Housing	24,346
Total	32,649

Figure 2.0 Projected Housing Requirement 2016-2022.

In terms of its residential component, the proposed development comprises 10% units for social housing (Part V) and 90% Built-to-Rent units which differ from the projected housing requirements. It is considered that the proposed housing mix tenure could be considered to be a material contravention of this aspect of the Development Plan.

3.5 Apartment Standards – Ground to Ceiling Floor Heights, Residential Unit Mix, Unit Size and Aspect

The South Dublin County Development Plan 2016 – 2022 notes the following in relation to residential apartment schemes:

H14 Objective 1: To ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency

The Sustainable Urban Housing: Design Standards for New Apartments (2015) have been superseded by the Design Standards for New Apartments 2020. The proposed development has been designed in accordance with the 2020 Guidelines. Therefore, where the 2020 guidelines deviate from the 2015 guidelines, and to the extent, the proposed development relies on the deviated standards, this could be seen to be a material contravention of the Development Plan. The following aspects of the proposed development may be seen to be a material contravention:

Residential Unit Size

Section 11.3.1 (iv) of the Development Plan states that all apartments must accord with or exceed the open space and floor area standards set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2015) and the minimum floor areas set out in Table 11.21.” The required floor areas from Table 11.21 are found below in Figure 3.0.

TYPE OF UNIT	APARTMENTS	PRIVATE OPEN SPACE	COMMUNAL OPEN SPACE	STORAGE
Studio	40 sq.m	4 sq.m	4 sq.m	3 sq.m
One Bedroom	45 sq.m	5 sq.m	5 sq.m	3 sq.m
Two Bedroom	73 sq.m	7 sq.m	7sq.m	6 sq.m
Three Bedrooms	90 sq.m	9 sq.m	9 sq.m	9 sq.m

Figure 3.0 Minimum spaces standards for apartments as listed in Table 11.21 of the South Dublin County Development Plan 2016-2022

The appendix of the Apartment Guidelines 2015 sets out the required minimum floor areas and standards which have been updated by the 2020 Apartment Guidelines. The proposed development has been designed in line with the 2020 Guidelines and meets all of the standards of these guidelines. The 2020 guidelines introduce the inclusion of two-bed three-person apartments which is not included in the 2015 guidelines.

The proposed development provides for 25 no. 2 bed apartments for 3 persons. Furthermore, the 2020 Guidelines provides for minor amendments to floor area, bedroom width, and living/dining room widths.

Minimum overall apartment floor areas

Studio	37 sq m (<i>n/a</i>)*
One bedroom	45 sq m (<i>38 sq m</i>)*
Two bedrooms (3 person)**	63 sq m (<i>n/a</i>)*
Two bedrooms (4 person)	73 sq m (<i>55 sq m</i>)*
Three bedrooms	90 sq m (<i>70 sq m</i>)*

Minimum storage space requirements

Studio	3 sq m
One bedroom	3 sq m
Two bedrooms (3 person)	5 sq m
Two bedrooms (4 person)	6 sq m
Three or more bedrooms	9 sq m

Minimum floor areas for private amenity space

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms (3 person)	6 sq m
Two bedrooms (4 person)	7 sq m
Three bedrooms	9 sq m

Minimum floor areas for communal amenity space

Studio	4 sq m
One bedrooms	5 sq m
Two bedrooms (3 person)	6 sq m
Two bedrooms (4 person)	7 sq m
Three bedrooms	9 sq m

Figure 4.0 Minimum spaces standards for apartments as listed in Appendix 1 of the Apartment Guidelines 2020

The proposed development meets the standards as set out in the 2020 guidelines with nearly all of the 2015 standards also met. Please refer to the Housing Quality Assessment prepared by C+W O'Brien Architects for further details. Noting the provision of 2 bed 3 persons apartments in the 2020 guidelines and the proposal for 25 no. units to provide same, it is considered that the proposed unit sizes could be considered to be a material contravention of this aspect of the Development Plan.

Dual Aspect

Section 11.3.1 (vi) of the Development Plan states that “Dual aspect ratios in apartment schemes shall be provided in accordance with Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2015)”

The 2015 Guidelines note that the minimum number of dual aspect apartments that may be provided in any single apartment scheme shall be 50%.

The proposed development provides for 47% dual aspect which falls slightly short of the 2015 guidelines. It is considered that the dual aspect ratio proposed could be considered to be a material contravention of this aspect of the Development Plan.

Residential Unit Mix

Section 11.3.1 (i) of the Development Plan states that with the exception of student accommodation, proposals that include a high proportion of one-bedroom dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area.

The proposed development provides for 292 no. one-bedroom units or 46%. In accordance with the Build-to-Rent Justification Report prepared by JLL Property Managers, there is a growing need for 1 and 2 bedroom apartments in Dublin due to falling household sizes and poor access to mortgages for younger people. It is considered that the unit mix proposed could be considered to be a material contravention of this aspect of the Development Plan.

3.6 Separation Distance

With regards to separation distances Section 11.3.1 (v) states that a separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. H15 Objective 4 states:

H15 Objective 4 *To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.*

The distance between the proposed apartments ranges from 20m to 23m. However, it is noted that the Apartment Guidelines 2020 recognises that *‘the National Planning framework signals a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance-based standards to ensure well-designed high-quality outcomes. In particular, general blanket restrictions on building height or building separation distance that may be specified in development plans should be replaced by performance criteria, appropriate to location’.*

It is considered that the design of the proposed development has been carefully considered to ensure adequate separation distances are in place which respects the amenity afforded to future residents. However, the proposed separation distances could be considered to be a material contravention of this aspect of the Development Plan.

3.7 Car Parking Standards

Section 11.4 of the development plan provides the maximum parking rates for residential developments. The subject site is located in Zone 2 and as per Table 11.4.2 of the development plan, the following rates apply:

DWELLING TYPE	NO. OF BEDROOMS	ZONE 1	ZONE 2
Apartment	1 Bed	1 space	0.75 space
	Duplex		
	2 bed	1.25 space	1 space
	3 bed+	1.5 spaces	1.25 space
House	1 Bed	1 space	1 space
	2 Bed	1.5 space	1.25
	3+ bed	2 space	1.5

Figure 5.0 Maximum parking rates for residential development in the South Dublin Development Plan 2016-2022

Based on the figures in Table 11.4.2 above, the proposed development requires a maximum of 575 no. car parking spaces.

The proposed development will have 439 no. spaces which is far below the maximum standard. This is considered appropriate given the site's proximity to public transport and amenities, however, it could be considered to be a material contravention of this aspect of the Development Plan.

4.0 Justification having regard to South Dublin County Development Plan 2016-2022

Justification for the proposed building height, housing mix and housing tenure mix having regard to the South Dublin County Development Plan 2016-2022 is set out in the following sections.

4.1 Building Height

We note that the proposed development ranges in height from 5 – 12 storeys. However, it is considered that due to the zoning of the site and the proximity of the site to several public transport routes, the lands present as a location that can facilitate the development of heights greater than those in the receiving environment. While the proposed building heights are greater than those in the area, Section 11.3.2 'Residential Consolidation' of the Development Plan states that with regard to infill sites, '*where the proposed height is greater than that of the surrounding area a transition should be provided*'. Referring to the elevation included in Figure 1.0 of this report, it is considered that the transition element of the development is appropriately scaled for the area as it progresses naturally from lower to taller buildings within the development site between existing buildings in the area and also allows for appropriate development of the adjacent sites.

Further to this, the subject site is located within close proximity to the Walkinstown Roundabout (c. 430 metres northeast of the subject site). Here, several Dublin Bus Route Nos. converge providing a site with high-quality public transport connectivity throughout between the site, the city centre and area to the north-east and south-west of the county, including Route Nos. 9, 27, 56A and 77A. Considering this, it is submitted that the provision of buildings heights higher than the prevailing area is considered appropriate due to the connectivity of the site and the zoning as 'REGEN' under the Development Plan.

It is noted in the Development Plan that certain sites can accommodate increased building heights stating, '*proposals for 'tall buildings', that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along with the main street network and along with principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme*'. The subject site is located in lands that come under the remit of the City Edge project, a major redevelopment project for west Dublin.

As the site is well-connected and is situated in lands zoned for regeneration it is considered that the proposed heights which exceed those of the surrounding area are consistent with the Development

Plan and constitute a land-use that is more efficient providing for a higher level of amenity than what currently exists on site.

The subject site's location within the Greenhills industrial estate is situated nearly 130 metres north-west of existing housing comprising of a mix of terraced and semi-detached housing. Due to this wide separation distance, it is considered that the proposed development is at an acceptable scale despite it being of a height greater than that of the receiving environment. In support of this, we note the following from the Development Plan which states that *'the proximity of existing housing - new residential development that adjoins existing one and/or two-storey housing (backs or sides onto or faces) shall be no more than two storeys in height unless a separation distance of 35 metres or greater is achieved.*

Although the proposed higher built form elements featuring in the proposed scheme exceed the prevailing building heights of the area, we would contend that they are consistent with the aforementioned guidance on taller buildings. Further to this, we note the following objective of the Development Plan:

H8 Objective 1 *To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).*

It is submitted that the development on the subject lands will facilitate a development which is of more efficient use than at present. The development is considered to be consistent with the zoning objective for the subject site and residential development at this location will be able to utilise the surrounding services and amenities providing for a development that is sustainable and also necessary to meet housing demands.

With regard to the plot ratio and site coverage of the subject site, it is submitted that the Development Plan does not include guidance concerning this, due to the size and location of the site, the plot ratio of 2.61 and size coverage of 52% is considered to be acceptable.

Further to this, it is submitted that the subject proposal achieves a high level of residential amenity for future residents. This is achieved through the provision of communal open spaces, and the mix of commercial and residential uses creating a space that is active and contributes to the public realm on a wholly underutilised site. The proposal provides for a development that includes high-quality residential units and will positively contribute to the quality of life of future occupants.

The application is accompanied by a Sunlight, Daylight and Shadow Assessment Report, prepared by 3D Design Bureau, which confirms that the development proposed does not result in inappropriate levels of amenity to residents of the proposed apartments or users of the proposed central courtyards or adjacent properties.

It is considered that the blanket height restrictions in the Development Plan are contrary to the Urban Development and Building Height Guidelines, specifically SPPR 1. This supports the incorporation of increased building height and density in locations with good public transport accessibility in development plans.

The subject site is located within proximity to several high-quality public transport networks including Dublin Bus routes and the Kilmore Luas Stop. The proposal is of a high-quality design that will make a positive contribution to the area and create visual interest in the streetscape. The proposed development has been designed to improve the visual quality and public realm of Greenhills Road.

Although the proposed development exceeds the recommended building height included in the South Dublin County Development Plan 2016-2022, we consider that the building heights of 5-12 no. storeys would be an appropriately scaled building and are compliant with the Development Plan's guidelines given the size of the site, its locational context and the availability of public transport.

In addition, the South Dublin County Development Plan 2016-2022 was adopted before the publication of the:

- National Planning Framework 2040;
- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities, 2020; and
- Urban Development and Building Heights - Guidelines for Planning Authorities, 2018.

4.2 Housing Mix

With regard to the housing mix, we note that the Development Plan does not provide a breakdown on the need for developments to provide for a certain mix of housing. The subject site is situated in the Terenure-St. James Electoral Division and the townland of Greenhills. Therefore, we consider there to be ample justification for the housing mix proposed within the subject development. The table below illustrates the change in the population of the relevant Electoral Division in comparison to that of South County Dublin and the State.

Settlement/Province	2006	2011	2016	Percentage Change		
				06-11	11-16	06-16
Ireland - State	4,239,848	4,588,252	4,761,865	8.2	3.8	12.3
South Dublin County	246,935	265,205	278,767	7.4	5.1	12.9
Electoral Division of Terenure-St. James	2,822	2,623	2,568	-7.1	-2.1	-9

Table 1.0 Population Trends 2006-2016

On analysis of these findings from the CSO figures, it is revealed that the Electoral Division of Terenure-St. James is in population decline. In contrast to this, the South County Dublin area is experiencing a large population increase. With this growing population, it is considered essential to provide for housing as this growth continues. Further to this, the provision of mixed-use development is vital to this population growth to provide future residents of South County Dublin with the amenities and services they require.

The below table details the existing household composition of the Terenure-St. James Electoral Division:

Type of Household	No. of Households	% of Overall Households
One Person	297	27.5
Two People	404	37
Three People	154	14.2
Total	855	79%

Table 2.0 Household composition of Terenure-St. James Electoral Division.

The 2016 census data revealed that 79% of households living in the Electoral Division of Terenure-St. James comprised 1, 2 and 3 person households/families. This is 13.3% above the national figure, which is 65.7%. We would contend that the proposed housing mix appropriately responds to the age demographic and household sizes in the Electoral Division of Terenure-St. James.

Based on SPPR 1 included in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018, the provision to specify a mix for apartments may be done under statutory development plans and then only further to an evidence-based Housing Need and Demand Assessment (HNDA). The Development Plan does not include a breakdown of the housing mix for developments in the South County Dublin Area. We note also the Interim Report on the need for housing does not include this breakdown and therefore the breakdown of apartments should be assessed against the Urban Housing: Design Standards for New Apartments Guidelines for Planning

Authorities 2018. Further to this, we note SPPR7 amends to the mix required by SPPR1 in the context of Build-to-Rent developments and removes the limitation on one-bed units.

Further justification for the provision of 1-bed units in this Build-to-Rent development has been provided in the BTR Justification report prepared by JLL Property Managers.

4.3 Housing Tenure Mix

With regard to the housing tenure mix, we would first note the Interim Report included in the Development Plan which guides the housing requirements of the administrative area. We note that there are no specific requirements regarding housing tenure mix however guidance is provided by way of housing need projections for the South County Dublin area. These projections are included in the table below:

Council Stock Turnover (200 a year)	1,200
Building Programme (infill & PPP)	800
RAS/Leasing/HAP	4,003
Capital Assistance Scheme	300
Part 5 (10%)	2,000
Private Housing	24,346
Total	32,649

Table 3.0 Projected Housing Requirement 2016-2022.

The proposed development comprises 10% social housing units (Part V) and 90% build-to-rent units. We note that although the development does not consist of the other elements of the projected housing requirements as outlined in the table above, the Interim Report does not require developments to comprise units that are solely in line with these projections. It is therefore considered that the proposed development is submitted as being consistent with the housing needs for the area and that the development will make a positive contribution to the area providing much-needed homes for the county.

As noted in the Interim Report, the importance of rental properties in the State has grown exponentially in recent years with more people opting to rent over homeownership. The report states the following regarding this growing sector:

'The private sector supplies around 65% of rented homes in the market in comparison to around 35% provided by Local Authorities and Approved Housing Bodies. This equates to over 308,000 rented properties being provided by private landlords and given the continued uncertainty about capital funding to the public sector and house prices nationally the reliance on private rented accommodation is likely to continue in the future.'

It is considered that the private rental sector can give those looking to rent the opportunity to do so where housing provided by Local Authorities cannot provide for the demand. The proposed development which includes the construction of 633 no. of build-to-rent units offers those who are in the transition period between leaving their family home and looking to buy their first home the opportunity to experience living independently. The provision of amenities within these developments makes them more attractive than traditional apartment developments as build-to-rent includes on-site services such as childcare, communal open space, gyms, cinema rooms and conference rooms making these developments more liveable.

As detailed in Table 2.0 of Section 4.2 of this report, 64.5% of households in the Terenure-St. James Electoral Division comprises one and two-person households. Build-to-Rent developments are particularly suited to these types of households due to the level of on-site amenities offered, including a creche and children's play area, as well as the majority of maintenance responsibility falling to the management companies. The proposed development offers younger people/small families in the area a suitable accommodation option during the transitional period between vacating their family home and purchasing their first home.

4.4 Apartment Standards – Residential Unit Mix, Unit Size and Aspect

The development plan guides apartment standards based on the Apartment Guidelines 2015 which have been superseded by the Apartment Guidelines 2020. Therefore, in accordance with section 37(2)(b) of the Act, there are conflicting objectives in the development plan. The proposed development is to provide for a high-quality mixed-use scheme at an appropriate location whilst having due regard for the character and existing built context of the surrounding area, as well as the amenity of adjacent properties. It is submitted that the proposal accords with the proper planning and sustainable development of the area and will facilitate the provision of much needed additional residential units at an accessible location.

The proposed development provides for the development of a disused industrial site which will facilitate the provision of quality, sustainable housing for individuals and families who require it. The proposed development will revitalise the subject site through the provision of well designed residential units and maintain a commercial/ employment component, which will rejuvenate the site and its immediate surroundings.

Furthermore, the proposed development provides an opportunity to strengthen and consolidate through a brownfield redevelopment. The proposed development has been designed in light of the unit size and mix that is in accordance with the current Design Standards for Apartment developments that are being applied nationally to apartment schemes. The proposed unit sizes, unit mix and aspect accord with current standards and comprise a high quality and standard of apartments for a refurbishment and infill scheme within the urban footprint of Dublin.

4.5 Separation Distances

The proposed development is seeking to provide a high-quality mixed-use development on an underutilised site close to public transport and amenities. The separation distances are generally compliant except for Block A and B. Where the separation distance falls below 22m to 20.39m, C+W O'Brien Architects have used careful consideration and design techniques, such as offsetting windows, use of frosted glazing etc. to ensure no overlooking or reduction in amenity. Figure 3.0 below illustrates the separation distance between the western and eastern sections of Block A which currently measures 20.39m. It is considered that the shortfall is negligible and will not pose a threat to residential amenity.

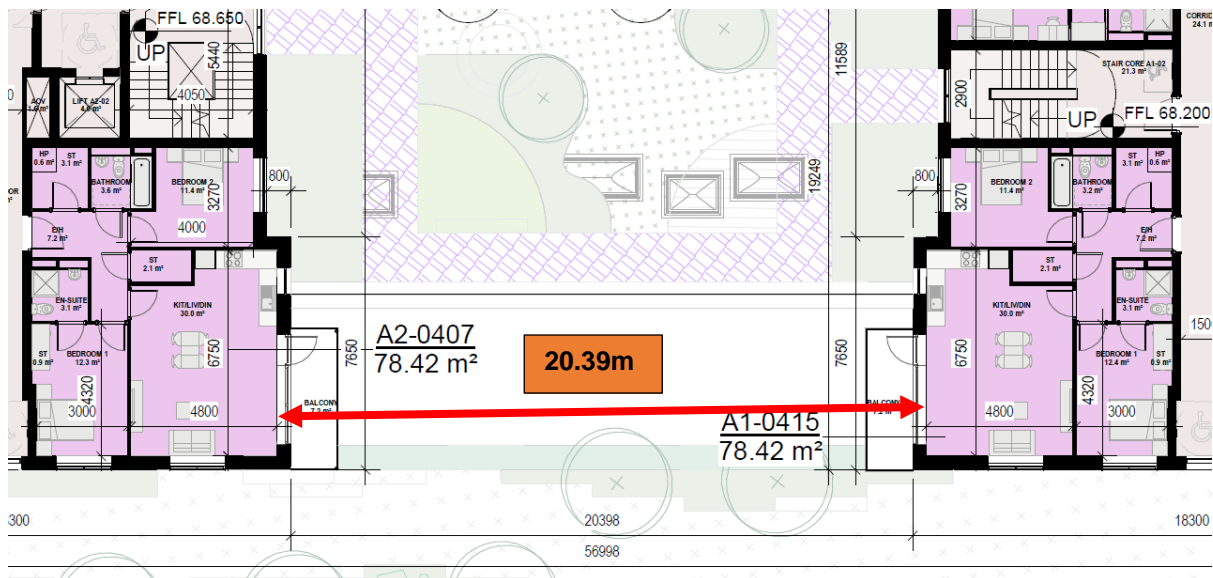


Figure 6.0 The separation distance between the western and eastern sections of Block A which currently measures 20.39m

The proposed separation distance between the corner units located on the northern side of Block A measures 21.6m. It is considered that will negatively affect a threat to residential amenity or privacy.

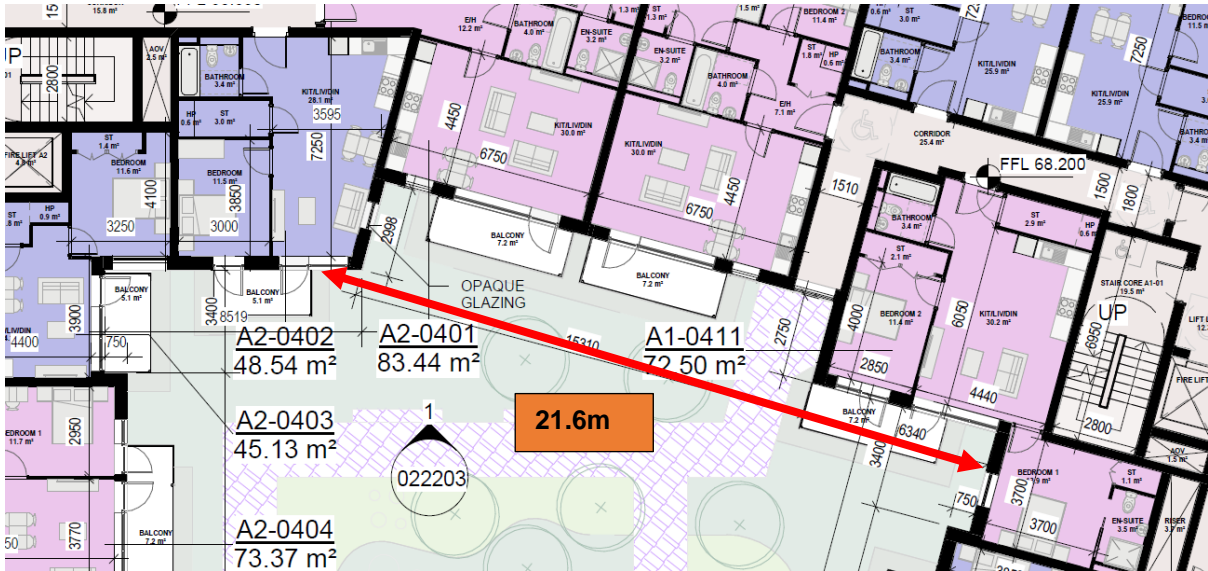


Figure 7.0 The separation distance between the northern corner units of Block A which currently measures 21.6m

On Block B, 2 no. units are located 8.3m from one another on each floor. C+W O'Brien Architects have used careful consideration and design techniques to ensure no overlooking or reduction in amenity. The windows on the eastern units contain opaque glass and prevent overlooking of the living area. These units have north-facing windows and balconies, so the opaque glass will not reduce daylight entering the units in question.

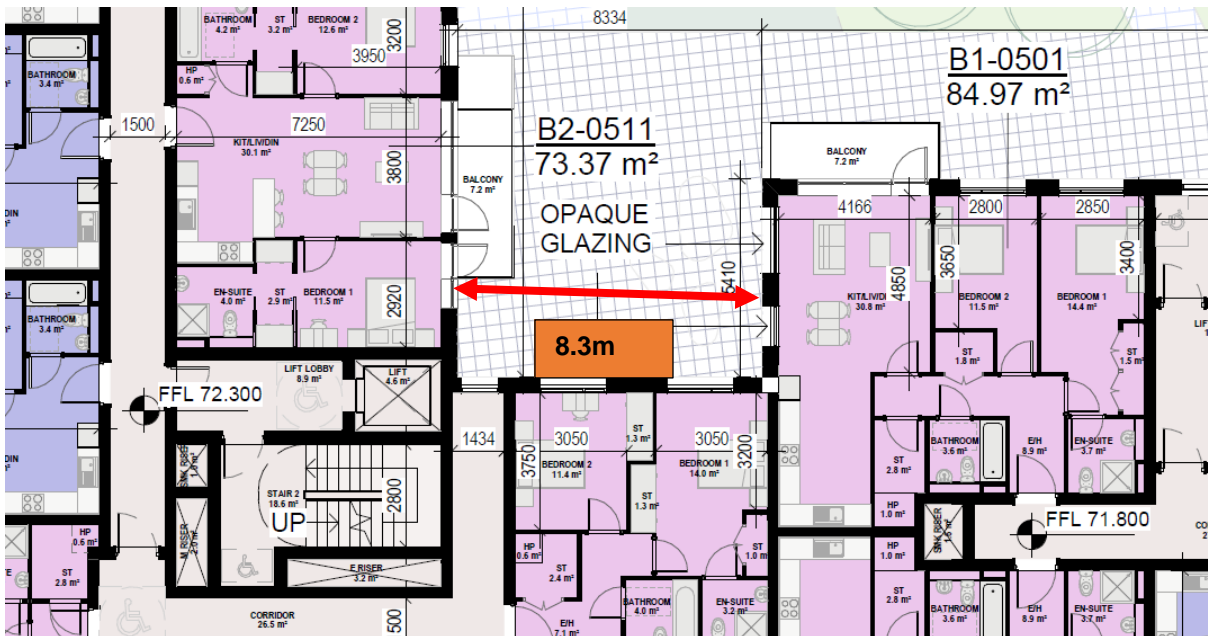


Figure 8.0 The separation distance between units of Block B currently measures 8.3m

Given the proposed design techniques and the minor shortfalls noted, it is submitted that the relaxation in standards for refurbishment schemes or infill schemes that the Planning Authority and An Bord Pleanála may exercise discretion on a case-by-case basis in relation to separation distances subject to

overall design quality. It is submitted that the overall design quality of the proposed development is such that a relaxation in standards is warranted.

5.0 Justification for Potential Material Contraventions pursuant to Section 37(2)(b) of the 2000 Act.

A justification for the potential material contraventions of the South Dublin County Development Plan 2016-2022 is set out below, under the relevant parts of Section 37(2)(b) of the 2000 Act.

5.1 Part (i) - Proposed Development is of Strategic or National Importance

The proposed development comprises a build-to-rent residential and commercial development that features 633 no. units on a 2.79 hectare site. The proposed development falls within the definition of a Strategic Housing Development in accordance with the definition of same provided under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. On this basis, it is submitted that the proposed development is, of strategic importance with respect to the timely delivery of urban housing and implementation of the current Government's Action Plan for Housing and Homelessness – Rebuilding Ireland.

5.2 Part (ii) - There are conflicting objectives in the Development Plan or the objectives are not clearly stated, insofar as the proposed development is concerned

In the context of housing mix, the Development Plan's objectives with regard to this are not clearly stated and as per Part (ii) of Section 37(2)(b) of the 2000 Act, the Board may grant permission with regard to developments where there are conflicting objectives which are not clearly stated. We note that the Development Plan included housing need projections in the Interim Report however these are merely to be used as guidance to respond to the housing need of the area and to ensure development meets these requirements but is not outlined as a strict regulation.

The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)' will be discussed in greater detail subsequently in Section 5.3.3 of this report. However, at this stage of the report, we would like to highlight part (i) of Specific Planning Policy Requirement 8 which specifically removes the restriction on dwelling mix in the context of Build-to-Rent developments. Part (i) of Specific Planning Policy Requirement 8 reads as follows:

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

- i. No restrictions on dwelling mix and all other requirements of these Guidelines shall apply unless specified otherwise;*

Therefore, any guidance on housing requirements in the Development Plan regarding housing mix can be assessed in conjunction with the development requirements as outlined in the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)'.

In the context of building height: - The South Dublin County Development Plan 2016-2022 contains a number of policies and objectives relating to residential buildings heights with Policy 9 stating that it is the policy of the Council to support varied building heights across residential areas and mixed-use areas in South Dublin County.

However, the height policy also restricts this varied height to buildings 5 storeys or less with Policy H9 objective 4 stating that tall buildings that exceed 5 storeys in height should be directed to strategic and landmark locations in Town Centres, Mixed Use Zones and Strategic Development Zones and subject to an approved LAP.

The blanket restrictions in the Development Plan are fully contrary to the Urban Development and Building Height Guidelines, specifically SPPR 1 which is set out further in Section 5.3 below. However, it is considered that there are additional objectives in the Development Plan which seek to increase

densities and heights that also conflict with Housing Policy 9 of the South Dublin Development Plan 2016-2022 including:

H8 Objective 1:

To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

H8 Objective 2:

To consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

H9 Objective 1:

To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.

Furthermore, Section 2.0 of the Development Plan states that in a predominantly urban county such as South Dublin, new housing will be delivered in established areas through sustainable intensification, infill development and the re-use of brownfield lands while respecting the amenity value of existing public open spaces. The expansion will focus on the creation of sustainable new communities at locations that can be served by high-quality public transport.

It is submitted that the strategic location of the site close to Walkinstown, the Kylemore LUAS Stop and Dublin Bus services immediately adjoining the site is such that the proposal accords with policies and objectives for increased density. The proposal also seeks to regenerate and utilise a disused industrial site to provide for high-quality development.

It is evident from the above policies that the site is an appropriate location for higher density and taller development to reflect the proximity to Walkinstown, public transport, and also in terms of urban design and providing for improved urban legibility, placemaking and visual diversity in the area.

5.3 Part (iii) - Permission for the proposed development should be granted having regard to regional planning guidelines 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

The following section shall demonstrate how the proposed building height, housing mix and housing tenure mix are justified in the context of the recent national planning policy and Section 28 Government Guidelines.

5.3.1 Project Ireland: National Planning Framework 2040

The National Planning Framework 2040 (NPF) seeks to increase densities and building heights in appropriate urban locations to consolidate urban sprawl, increase the sustainability of public transport networks and meet the housing needs of our growing population. The NPF seeks to influence the location of new housing development and future population growth and targets the location of 40% of new housing development within and close to the existing 'footprint' of built-up areas over the lifetime of the framework.

The following objectives and guidance regarding brownfield development in the NPF are of particular relevance:

- National Policy Obj. 3a** *Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.*
- National Policy Obj. 3b** *Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.*
- National Policy Obj. 13** *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.*
- National Policy Obj. 35** *Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*

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.

The proposed building heights are considered appropriate given the size, location, and zoning designation of the subject site. Further to this, the proximity of the subject site to surrounding amenities and services as well as a number of Dublin Bus Routes which are accessible to the site including Route Nos. 9, 27, 56A and 77A.

The proposed development is therefore in accordance with the objectives of the NPF in this regard. Restricting development building heights at such a location, well served by public transport, under certain policies contained within the South Dublin 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.

National Planning Framework states the following in relation to changing family size:

Currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. Household sizes in urban areas tend to be smaller than in the suburbs or rural parts of the country. In Dublin city, one, two and three-person households comprise 80 per cent of all households. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms.

Having regard to the above, the proposed unit mix responds to the identified strategic need for smaller units in the housing stock in urban areas. The proposed development will include one-bedroom, two-bedroom, and three bedroom apartments which will improve the variety of house types in the area, consistent with national policy guidance.

5.3.2 Urban Development and Building Heights Guidelines for Planning Authorities, 2018

The Urban Development and Building Height Guidelines, 2018, are intended to set out national planning policy guidelines on building heights and development intensity in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. Under Section

28(1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function.

The Height Guidelines emphasise the policies of the National Planning Framework to greatly increase levels of residential development in urban centres and to increase building heights and overall density, and to ensure that the transition towards increased heights and densities are not only facilitated but actively sought out and brought forward by the planning process and particularly at Local Authority level and An Bord Pleanála level.

The Height Guidelines, 2018, state that the:

Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.

The Guidelines also note that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development and it notes that the planning process must actively address how this objective will be secured. Chapter 3 of the Height Guidelines, 2018 expressly seeks increased building heights in urban locations:

In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is, therefore, a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.

Under Section 28(1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. The Height Guidelines state that *'the preparation of development plans, local areas plans, and Strategic Development Zone Planning Schemes and their implementation in the city, metropolitan and wider urban areas must therefore become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights.*

The Height Guidelines note Local Authorities have set generic height limits within their functional areas and state the following:

Such limits have resulted from local-level concerns, like maintaining the character of an existing built-up area, for example. However, such limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby many of our cities and towns continue to grow outwards rather than consolidating and strengthening the existing built-up area. Such blanket limitations can also hinder innovation in urban design and architecture leading to poor planning outcomes.

The Guidelines state that it is appropriate to support heights of at least six storeys at street level with scope for greater height subject to design parameters. This contravenes guidance as detailed in the South Dublin County Development Plan 2016-2022. It is further stated that in some cases Development Plans have set out overly restrictive maximum heights limits which leads to development being displaced to less suitable locations resulting in a lost opportunity for key urban areas. Section 2.8 of the Guidelines identify examples of locations with potential for comprehensive development which could accommodate a cluster of tall buildings with brownfield former industrial districts being cited as an example. This is wholly applicable to the subject site which represents a serious underutilisation of zoned and serviced land with the capability to facilitate a housing development.

Chapter 3 of the Guidelines sets out the following Specific Planning Policy Requirement:

Specific Planning Policy Requirement 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.

We have demonstrated how the proposed development satisfies the specified criteria set out in Specific Planning Policy Requirement 3 of the Height Guidelines as follows:

Development Management Criteria		
	Assessment Criteria	Comment
At the scale of the relevant city/town	<i>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</i>	The subject site is suitably served by a high-frequency bus route running along Greenhills Road. Dublin Bus Services 77a and 27 provide 10-minute services connecting the site with the city centre and Tallaght. Further bus services are available near the Walkinstown Roundabout which is located c. 315m from the subject site. Furthermore, Kylemore LUAS Stop has located c. 1.6km from the subject site or 6 minutes by bicycle and 20minutes on foot. As noted in the Traffic and Transport Assessment, there is sufficient capacity to serve this development.
	<i>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</i>	With regards to the effects of the proposed development on the character of the surrounding area, it is noted that Greenhills Road is dominated by industrial units and warehouses and lacks any quality public realm. The stretch road abutting the northern boundary of the site contains one footpath and I was not overlooked by buildings due to the topography of the sites on either side of the road. As such, there is no passive surveillance along this stretch of road and pedestrians and cyclists would be discouraged from using it in its present form. The proposed development seeks to transform this stretch of road by providing footpaths on the southern side of the road which will be overlooked by apartments

		<p>within the development, thus providing a safer environment for pedestrians. The northwestern corner of the site will front the front directly and will contain two commercial units at street level as well as a public plaza. Together with landscaping and pedestrians and vehicular entrances into the subject site, this stretch of Greenhills Road will be greatly improved and provide a strong street front and linkage to Walkinstown.</p> <p>A Landscape Plan and Design Statement, a Visual Impact Assessment have been prepared and submitted with this application.</p> <p>The Visual Impact Assessment found that the proposed development is regarded as being permanent or long term in landscape and visual terms. The most appreciable effects relate to the scale and nature of the proposed development which will occupy the majority of the site footprint although a significant proportion is to be set out as a public open space and part of a wider landscape development proposal. While substantial, the new facades, architecture, building form, usage and enhanced urban realm will be <i>positive</i> and significant contributions to the townscape character of this area.</p> <p>Further, the active frontages at ground level will equate to a significantly improved architectural relationship with the adjacent streetscape and reinvigorate use and activity on giving it a more productive and appropriate land-use for this nodal and gateway point.</p>
	<p><i>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.</i></p>	<p>The proposed development makes a positive contribution to place-making, incorporating communal open spaces and new commercial development. It is also submitted that the development in itself will make a positive contribution to place-making as the taller element of this development will act as a way-finder creating visual interest. The proposed development incorporates a public open space at the centre of the development site facilitating passive activities and providing space for people to meet and interact, incorporating designated play areas as detailed within the accompanying Landscape Masterplan and Landscape Strategy and Design Report, prepared by Park Hood.</p> <p>We note that the sites adjacent to the subject site comprise commercial warehouses/industrial buildings, thus there are no concerns for impacts on existing residential amenities. The high-quality design including a palette of simple materials will allow the scheme to successfully integrate with the surrounding area.</p>

		<p>The proposed buildings step towards the boundaries to provide a softer integration with adjoining buildings.</p> <p>The architectural design has ensured a variety of building materials, forms and massing to ensure visual interest from the street. The heights of the development range from 5 – 12 storeys and are composed of multiple materials such as brick, metal, and glass as shown in the Architectural Design Statement prepared by C+W O'Brien Architects.</p>
<p>At the scale of district/ neighbourhood/ street</p>	<p><i>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape</i></p>	<p>The proposed development greatly improves Greenhills Road by providing strong street frontage, spacious footpaths, a public plaza and commercial units fronting the road. In addition, the development increase activity along this section of road making it more user-friendly. The development also addresses the road along the southern boundary by creating a high-quality public realm with connecting streets through the development.</p> <p>The site and immediate area are characterised by its industrial setting which is mostly void of nature. The proposed development seeks to introduce parks, rain gardens, green roofs and a variety of native planting throughout the site as shown in the Landscape Plan prepared by Park Hood Landscape Architects.</p> <p>No material impacts on residential amenity will occur as a result of the proposed development, having regard to the results of the Visual Impact Assessment and Sunlight, Daylight and Shadow Assessment Report and the absence of any sensitive residential receptors in the vicinity. The high-quality materials utilised in the scheme ensures that the development will make a positive contribution to the streetscape.</p>
	<p><i>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials/building fabric well considered.</i></p>	<p>We note that this high-quality scheme provides adequate relief, the blocks proposed varying in height with a maximum height of 12 no. stories have been broken up.</p> <p>A comprehensive Design Statement has been prepared by C+W O'Brien Architects and is submitted with this planning application which demonstrates the rationale for the design approach and how conscious efforts have been made to provide architecturally interesting forms and spaces.</p>
	<p><i>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System</i></p>	<p>We note that the scheme will provide active surveillance of the public and communal open spaces throughout the development with the provision of own door access apartments, retail/commercial units, a creche and resident support facilities providing animated daytime uses.</p>

	<p><i>and Flood Risk Management – Guidelines for Planning Authorities” (2009)</i></p>	<p>Furthermore, we submit that the scale of the development is appropriate to its location as set out within the accompanying Statement of Consistency and Planning Report, prepared by Hughes Planning and Development Consultants.</p> <p>We note that a Flood Risk Assessment has been carried out by Lohan & Donnelly Consulting Engineers (discussed in the Engineering Services Report) which has due regard to the Flood Risk Management Guidelines.</p>
	<p><i>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 cohesively.</i></p>	<p>The high-quality design of the scheme will ensure the development will be a legible and attractive addition to the area designated for regeneration. The provision of taller buildings at the site will facilitate wayfinding and contribute to a sense of place.</p> <p>Further to this, we note that the proposed communal open spaces within the development will contribute to the wider urban area providing additional amenities to the surrounding population as well as future residents. Footpaths on the southern side of the road will be overlooked by apartments within the development, thus providing a safer environment for pedestrians. The northwestern corner of the site will front the front directly and will contain two commercial units at street level as well as a public plaza.</p> <p>Together with landscaping and pedestrians and vehicular entrances into the subject site, this stretch of Greenhills Road will be greatly improved and provide a strong street front and linkage to Walkinstown.</p>
	<p><i>The proposal positively contributes to the mix of uses and/or building/ dwelling typologies available in the neighbourhood.</i></p>	<p>As set out in Section 1.0 of this report, the proposed application seeks permission for a strategic housing development comprising a mixed-use development featuring 633 no. 'build-to-rent' apartments (292 no. 1-bed, 280 no. 2-bed and 61 no. 3-bed) with ancillary resident facilities, 1330sq.m. of commercial space and a 360sq.m. crèche. The proposed apartments comprise 80 no. apartment types across the development, all of which are accessible via wheelchair users. 10% of the units will be provided as Part V units, thus providing a diverse mix of residents in this development.</p> <p>The mix of uses proposed on the subject site will ensure the creation of a sustainable community with ease of access to services and facilities on the subject site as well as the nearby Walkinstown area.</p>
<p>At the scale of the site/building</p>	<p><i>The form, massing and height of proposed developments should be carefully modulated to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</i></p>	<p>All apartments and communal/public open spaces will have adequate daylight and ventilation due to the design of the buildings and the specific location of taller elements of the development. We can confirm that the design team has taken appropriate and</p>

		<p>reasonable regard for relevant standards and this is reflected in a development.</p> <p>The location of vents has been carefully thought out to ensure apartments receive adequate fresh air and any odours being omitted from cooking etc. do not cause a negative impact.</p> <p>Please refer to the Daylight, Sunlight and Overshadowing Analysis prepared by 3D Design Bureau and the Architectural Design Statement prepared by C+W O'Brien Architects included with this application.</p> <p>In conclusion, the steps taken by the project team during design have ensured that levels of daylight and sunlight within the development have been safeguarded.</p>
	<p><i>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'</i></p>	<p>As discussed above all apartments will have adequate daylight and ventilation due to the design of the buildings and the specific location of taller elements of the development. The development has been designed to limit the effects of overshadowing on itself as well as adjoining sites, thus allowing for the future development of those sites.</p> <p>We can confirm that the design team has taken appropriate and reasonable regard for relevant standards and this is reflected in a development that is fully compliant with BRE and BS8206 guides</p> <p>The development has been assessed in accordance with BS EN 17037 and was found to be compliant.</p> <p>Please refer to the Daylight, Sunlight and Overshadowing Analysis prepared by 3D Design Bureau and included with this application.</p>
	<p><i>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</i></p>	<p>The recommended minimum for Average Daylight Factor (ADF) is based on the function of the room being assessed. The recommendations as per the BS8206-2:2008 are as follows: 2% for kitchens; 1.5% for living rooms; and 1% for bedrooms. BS 8206-2:2008 also recommends that where a room serves more than one purpose, such as the modern day apartment design of the living/kitchen/dining (LKD) space, the minimum average daylight factor should be taken for the room with the highest value.</p> <p>Following this advice, a target ADF value of 2.0% has been applied to LKDs within the proposed scheme, however compliance rates have also been calculated for the scheme with a reduced ADF target value for LKDs of 1.5%. This alternative compliance rate is in recognition of the primary function</p>

		<p>for LKDs being that of a living space, with the kitchens located towards the rear of the room with lower expectation of daylight.</p> <p>Where ADF compliance rates are stated, target values of 2.0% and 1.5% have been considered for LKDs. The compliance rate with and ADF target of 2.0% applied to LKDs should be viewed as the primary study.</p> <p>The compliance rate with and ADF target of 1.5% applied to LKDs should be regarded as supplementary information. Some internal spaces (e.g. studio apartments, shared communal areas etc..) can possibly be of a nature that do not have a predefined target values in the BS8206-2:2008. In such instances, 3DDB have applied a target value they deem to be appropriate. The criteria for lux levels as recommended in EN 17037 and BS EN 17037 have been calculated for the proposed habitable rooms across all floors of the proposed development, as per the BRE study, and are contained within section "6.4 Appendix Results - Alternative Daylight Standards" on page 124 of 3DDB's Daylight and Sunlight Report.</p> <p>Please refer to the accompanying daylight and sunlight report prepared by 3DDB for further information.</p>
<p>Specific Assessments</p>	<p><i>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</i></p>	<p>A Wind and Micro-climate Report has been prepared by Awn Consulting and included under a separate leaf. The report found that mitigation measures were necessary for this instance and these have been incorporated into the proposed development.</p>
	<p><i>In development locations in proximity to sensitive bird and/or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and/or collision</i></p>	<p>A bat survey has been carried out by Enviroguide Environmental Consultants in preparing the Biodiversity Chapter of the EIAR. The survey found that no bats were present at the time of surveying and no evidence of bats living in the area were found.</p> <p>Enviroguide has examined the proposed building facades to determine their suitability for birds in the area. As noted in the Biodiversity Chapter, the façade has been adequately designed. In the case of the Proposed Development, the potential collision risk is considered to be significantly reduced by the location of the Proposed Development, i.e., remote from any important habitats for birds (e.g., wetlands, SPAs) within a well-lit urban centre. Please refer to the Biodiversity Chapter of the EIAR for further details.</p> <p>A Lighting Plan has been prepared by Homan O'Brien Consulting Engineers and included under a separate leaf. This plan has been reviewed by Enviroguide Ecology to ensure</p>

		suitable lighting is used on the site to mitigate ecological impacts.
	<i>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</i>	We have surveyed the site and found no telecommunication network equipment or other sensitivities. The site is therefore assessed as not material for the retention of important telecommunications channels.
	<i>An assessment that the proposal maintains safe air navigation.</i>	We have surveyed the site and found no threat to air navigation in the area. The site is therefore assessed as not material for the safe air navigation in the area.
	<i>An urban design statement including, as appropriate, impact on the historic built environment.</i>	An Urban Design Statement prepared by C+W O'Brien Architects has been submitted with the application. The industrial buildings featuring on-site currently are not considered to be of any historical or architectural merit.
	<i>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</i>	An Appropriate Assessment Screening Report, prepared by Enviroguide Environmental Consultants, and Environmental Impact Assessment Report, compiled by Hughes Planning and Development Consultants, are submitted with the planning application.

The Guidelines incorporate the principles of the NPF, in particular, to need to increase levels of residential development in urban centres and increase building heights and overall density. It identifies the need to focus planning policy on "reusing previously developed 'brownfield' land, building up urban infill sites". They place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors and networks.

The building heights/densities set out in the South Dublin County Development Plan 2016-2022 are considered to be a conservative and inefficient use of zoned land and is considered to be contrary to the objectives of the Urban Development and Building Height Guidelines, 2018. As discussed previously, the subject site is close to Walkinstown Village, the Kylemore Luas stop and multiple bus services running along Greenhills Road and the Walkinstown Roundabout. The proposal seeks to increase density and height through the redevelopment of existing brownfield industrial lands within the existing urban footprint. The proposed development, therefore, represents an opportunity to provide for increased height and densities in accordance with national planning policy.

5.3.3 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018

The following guidance is provided in regard to Central and/or Accessible Urban Locations in the Apartment Guidelines:

'In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such as rail and bus stations located close.

These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10-minute peak hour frequency) bus services.'

In addition to the existing Dublin Bus Routes serving the subject site every 10 no. minutes offering regular bus services to the employment centres of Tallaght and the city centre, the proposed development is located immediately south of the Greenhills Road and c. 400 metres south-west of the Walkinstown Roundabout. Under the revised Dublin Bus network plan, Bus Connects, Routes D2, D4

and D4 are proposed to run along the Greenhills Road providing for a frequency of every 15 no. minutes with the S4 route passing through the Walkinstown Roundabout at a frequency of every 10 no. minutes. The subject site, therefore, constitutes a 'central and/or accessible urban location' as defined within the 2018 Apartments Guidelines. Therefore, the subject site is considered appropriate to accommodate higher density development and a suitable location for a build-to-rent scheme. Kylemore LUAS Stop is located c. 3km or a 40 min walk/12 min cycle from the subject site.

As noted in the Traffic and Transport Assessment, the existing bus networks in the area has sufficient capacity to serve this development. The Assessment states:

With the present bus system along Greenhills Road yielding 14 No. buses per hour during the morning peak, and assuming a maximum capacity of 80 No. passengers, an overall hourly capacity towards town of 1120 No. passengers is derived.

Assuming the D spine on the Bus Connects route contains the D2, D4 and D5 routes, extending to Tallaght along the Walkinstown Road and Greenhills Road. In Tallaght, D2 would extend past The Square to Jobstown and Citywest, with some similarity to existing Route 27, D4 would extend past The Square to Killinarden Heights and Kiltipper Way, and D5 would split off at Castletymon Road to serve Tymon North and Seskin View on the way to The Square in Tallaght.

In addition, the F spine will be accessible to commuters living at the proposed development, as the F3 route passes through Walkinstown Roundabout immediately east of the site.

These proposed routes will provide capacity commensurate with the existing network, but with significantly reduced journey times, providing uplift to the desirability of the bus as a preferred modal choice for commuters.

In order to estimate the level of demand the proposed development will place on the existing / proposed bus network, we can assume a figure of 2.7 persons per apartment unit of a suitable age to travel to school/college or work. This is a robust figure given the development has an average of 1.6 bedrooms per unit and is based on 2016 Census figures derived for a standard household of 2.7 persons per household in total. It yields a population for the proposed residential component of the development at 1709.

If we assume 21% travelling by bus (as detailed within Mobility Management Plan document), this translates into 359 No. bus commuters. If one assumes these journeys are spread over 3 hours in the morning, this translates into an hourly demand on the bus network of 120 No. commuters per hour.

This figure is only 11% of the computed maximum capacity of the existing bus network. Thus, based on frequency and capacity, it can be assumed that the bus network in place will cope more than adequately with the demand induced by the residential component of the proposed development.

The proposed development is also within walking and cycling distance of many amenities and employment centres as follows:

- | | | |
|--------------------------------|-------------|--------------|
| • Walkinstown Village | 6 min Walk | 1 min Cycle |
| • Greenhills Industrial Estate | 1 min Walk | 1 min Cycle |
| • Tallaght Town Centre | 50 min Walk | 16 min Cycle |
| • St Stephen's Green | 75 min Walk | 21 min Cycle |
| • Tymon Park | 12 min Walk | 3 min Cycle |
| • Ashleaf Shopping Centre | 30 min Walk | 9 min Cycle |

The subject site is considered to be a Central/ Accessible Location as per the Guidelines. We note that another site, located c. 250m north of the subject site was considered a Central/Accessible Site under ABP. Ref. 309658-21. The Inspector's Report noted the following:

The site is c. 150 metres from a designated local centre at Walkinstown and is c. 450 metres from high-frequency bus services on the Walkinstown Road (Dublin Bus 27 and 77A). Proposed Bus Connects Route No. 9 Greenhills to City Centre will also run along the Greenhills and Walkinstown Roads with stops proposed within 500 metres of the SHD site. The site is c. 1.2 km from a Luas stop at Kylemore Road (Red Line) that offers direct connections to Dublin City, Tallaght Town Centre and to employment destinations such as St. James Hospital and the National Children's Hospital (under construction). In addition, the Ballymount / Nass Road area is a significant employment location. On the basis of the foregoing, I accept the applicant's assertion that the site is within a 'Central and Accessible Urban Location' based on the definitions in the Apartment Guidelines.

The Apartment Guidelines includes the following specific planning policy requirements (SPPRs) pertaining to the unit mix:

Specific Planning Policy Requirement 1

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).

Specific Planning Policy Requirement 7

BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a 'Build To-Rent' housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

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

(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

Specific Planning Policy Requirement 8

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

ii. No restrictions on dwelling mix and all other requirements of these Guidelines shall apply unless specified otherwise;

- iii. *Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;*
- iv. *There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;*
- v. *The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;*
- vi. *The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.*

The need to align development with the projections for housing needs as contained in the Interim Report on housing in the Development Plan can be overruled by the Specific Planning Policy Requirements as contained within the Apartment Guidelines. Further to this, we refer to SPPR 8 which requires no restriction on dwelling mix in the context of Build-to-Rent developments. It is therefore considered that the proposed development is consistent with these guidelines and any contravention with regard to this in the Development Plan be disregarded.

With regards to unit size, the Apartment Guidelines 2020 sets out the required minimum floor areas and standards which have updated the 2015 Apartment Guidelines. The proposed development has been designed in line with the 2020 Guidelines and meets all of the standards of these guidelines. The 2020 guidelines introduced the inclusion of two-bed three-person apartments which is not included in the 2015 guidelines. The proposed development provides for 292 no. one-bed, 280 no. 2 bed apartments, and 61 no. three-bed apartments. Furthermore, the 2020 Guidelines provides for minor amendments to floor area, bedroom width, and living/dining room widths.

The proposed development meets the standards as set out in the 2020 guidelines with nearly all of the 2015 standards also met. Please refer to the Housing Quality Assessment prepared by C+W O'Brien Architects for further details. The proposed development fully complies with current guidelines.

Similarly, the proposed development provides appropriate dual aspect units with 47% dual aspect units achieved. This is slightly below the 2015 standards of 50% but above the 33% requirement in the 2020 guidelines for accessible locations. It is noted that the subject site will benefit from generously sized communal and public open space within the site.

5.3.4 Housing for All - A New Housing Plan for Ireland

Housing for All was launched in 2021 with the objective to build good quality homes which are available to purchase or rent at an affordable price and to offer a high quality of life. The objective of the plan is to respond to the need for 33,000 new homes to be constructed annually from 2021 to 2030 while also addressing vacancy and efficient use of existing stock.

Housing for All is set around 4 no. pathways. Each pathway explores how the deficit in housing can be addressed efficiently and effectively. The 'Pathway to Increasing New Housing Supply' explores the different ways in which the demand for housing can be met through building and increasing supply. The increased building height and unit mix put forward in the proposal will deliver much-needed housing within the Dublin Metropolitan Area in accordance with the aims of Housing for All and in particular, the 'Pathway to Increasing New Housing Supply'.

5.3.5 Regional Spatial and Economic Strategy for the Eastern and Midlands Region, 2019

The Regional and Spatial Economic Strategy for the Eastern and Midlands Region (RSES) was adopted in 2019. It is a strategic plan and investment framework to shape future development and to better

manage regional planning and economic development throughout the Region to 2031 and beyond. It identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. The RSES builds on the foundations of Government policy in Project Ireland 2040 and replaces the current Regional Planning Guidelines (RPGs). The following commentary from section 4.7 'Self-Sustaining Growth Towns and Self-Sustaining Towns'. We note the following commentary from Regional Policy Objective 4.3 'Consolidation and Re-intensification' of the RSES:

'Support the consolidation and intensification of infill/brownfield sites to provide high density and people-intensive uses within the existing built-up area of Dublin city and suburbs and ensure that the development of future development areas is coordinated with the delivery of key water infrastructure and public transport projects.'

The proposed development is consistent with the above as it will provide 633 no. residential apartments on a brownfield site through the development of a derelict site. The proposed development thus allows for the efficient intensification of a site within a built-up area and is thus in accordance with the aims of the Regional and Spatial Economic Strategy for the Eastern and Midlands Region.

5.4 Part (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

We would contend that permission for the proposed development should be granted having regard to the pattern of development approved in the surrounding area. The pattern of development and permissions granted in the area of the subject site are key considerations in the rationale for the current Strategic Housing Development proposal. The pattern of development in the surrounding area is of relevance to the current development proposal.

Several Strategic Housing Developments have been approved in the area which involves similar building heights as the subject proposal. These are set out in the following sections.

5.4.1 Surrounding Area

CHM Premises, Ballymount Road Lower, Walkinstown, Dublin 12

Reg. Ref. ABP-309658-21 Permission granted by An Bord Pleanála on 23rd June 2021 for Demolition of an existing warehouse/factory building and ancillary outbuildings/structures and the construction of a residential development of 171 apartments with supporting tenant amenity facilities (gym, lounges and meeting room), café, creche, landscaping, public realm improvements, and all ancillary site development works. The proposed development will consist of 2 x studio apartments, 59 x 1-bedroom apartments, 103 x 2-bedroom apartments and 7 x 3-bedroom apartments contained in two apartment blocks ranging in height from 1 to 8 storeys. The proposed development provides for outdoor amenity areas, landscaping, under-podium car parking, bicycle racks, bin stores, ancillary plant, and roof-mounted solar panels.

The approved development ranged in heights from 1 to 8 storeys across the subject site, in contravention of the South Dublin Development Plan 2016-2022. The Inspector's Report, dated 18th June 2021, notes that the County Development Plan does not provide for buildings more than 5 stories in height in the area in question. The Inspector noted, however, that the proposed 8 storeys were consistent with national policy:

The proposed development is consistent with objectives 33 and 35 of the NPF which encourage increased scale and densities in settlements.

The Inspector tested the scheme against SPPR3 of the Building Height Guidelines and concluded with the following statement:

I consider that the criteria above are appropriately incorporated into the development proposal and on this basis that SPPR3 of the Building Height Guidelines can be applied. I am satisfied that the proposal positively assists in securing National Planning Framework objectives to focus development into key urban centres, fulfilling targets related to brownfield, infill development and to deliver compact growth in our urban centres.



Figure 9.0 Site layout plan of development approved under Reg. Ref. ABP-309658-21



Figure 10.0 Elevation of development approved under Reg. Ref. ABP-309658-21



Figure 11.0 Photomontage of development approved under Reg. Ref. ABP-309658-21

Lands immediately east of the Assumption National School, Long Mile Road, Walkinstown, Dublin 12 (Dublin City Council)

ABP Ref. ABP-304686-19

Permission was granted by An Bord Pleanála on 18th September 2019 for a Strategic Housing Development at Lands immediately east of the Assumption National School, Long Mile Road, Walkinstown, Dublin 12. In summary, the development involved the construction of 153 no. residential units (comprising of 15 no. Duplex/Maisonettes and 138 no. apartments) and associated site works. Of particular note, the development will have 129 no. car parking spaces, 5 no. motorbike parking spaces 198 no. secure bike parking spaces, the majority of which will be at undercroft level, with 2 no. disabled car parking spaces and 4 no. car parking spaces at grade to the front of the development along with some visitor cycle parking spaces.



Figure 12.0 Ground floor plan approved under ABP Ref. ABP-304686-19.



Figure 13.0 Landscape plan, including proposals for first-floor courtyard, approved under ABP Ref. ABP-304686-19

Carragelea Industrial Estate, Muirfield Drive, Naas Road, Dublin 12 (Dublin City Council)

Reg. Ref. 3940/17 Permission was granted by Dublin City Council for amendments to a previously permitted development of 306 units, which comprises of a development of 5 to 7 storeys in height. The description of development was as follows: amendments to previously permitted residential development, Reg. Ref. 4244/15 and Reg. Ref. 2438/17. The proposed amendments comprise of: (i) the provision of an additional floor on permitted Block AC (Reg. Ref. 2438/17) increasing the height of the block from 6 no. storeys with a 7 no. storey pop up corner element to 7 no. storeys on the north-west elevation (ii) the provision of 2 no. additional floors on Block D and L, increasing the height of the Blocks

from 5 no. storeys to 7 no. storeys. (iii) the reconfiguration of permitted basement increasing the car parking provision from 316 no. to 346 no. car parking spaces and 545 no. to 552 no. cycle parking spaces, (iv) Revised hard and soft landscaping masterplan, (v) provision of new balconies to serve each of the proposed 32 no. units; together with all necessary site development work to facilitate the proposed development. The proposed amendments will provide for 12 no. additional units in Block D (8 no. 2 bed, 4 no. 3 bed units), 12 no. additional units in Block L (10 no. 2 bed, 2 no. 3 bed units) and 8 no. additional units in Block AC (1 no. 1 bed, 6 no. 2 bed, 1 no. 3 bed units), increasing the total provision within the development from 306 to 338 no. units comprising of (55 no. 1 bed, 222 no. 2 bed, 61 no. 3 bed units).



Figure 14.0 Site layout plan as approved under Reg. Ref. 3940/17

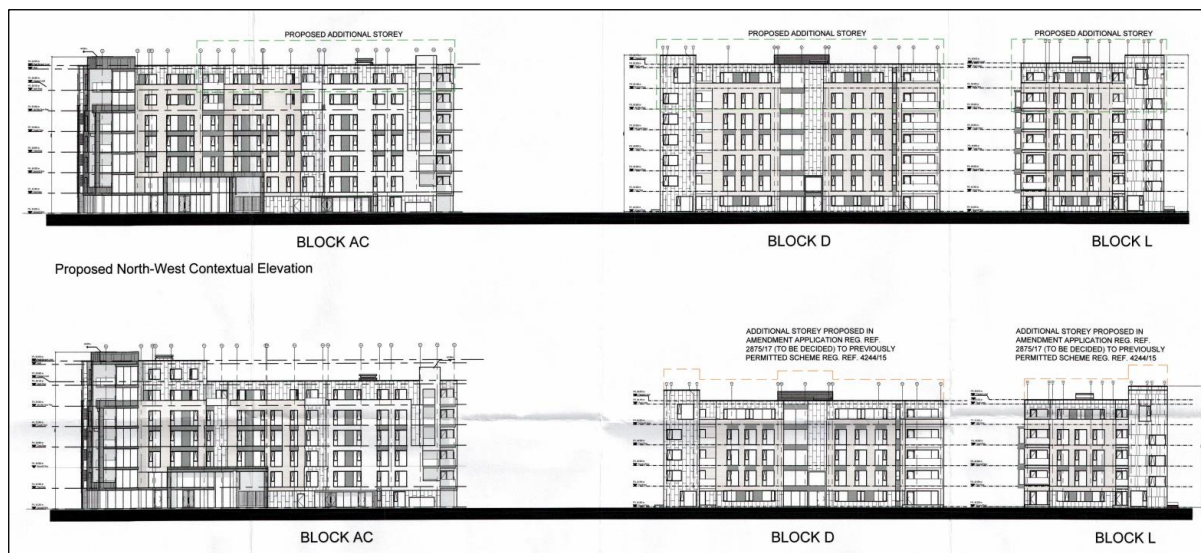


Figure 15.0 Elevations as approved under Reg. Ref. 3940/17

Lands at the Former Concorde Industrial Estate, Naas Road, Walkinstown, Dublin 12 (Dublin City Council)

ABP Ref. ABP- 304383-19

Permission was granted by An Bord Pleanála on 15th August 2019 for a for a mixed-use development comprising of a Build to Rent Residential Development and commercial units including the construction of 492 residential units (104 no. studios, 136 no. 1 bed units and 252 no. 2 bed units), ranging in height from 4 no. storeys (12 m) to 8 no. storeys (24.1 m) over basement level.

The development with a density of c. 262 units per hectare was considered to be an acceptable level due to the site's zoning and proximity to public transport in the area. Due to the build-to-rent nature of the development, the unit mix and provision of private amenity spaces are offered flexibility due to SPPR 7 and SPPR 8 of the Design Guide for New Apartments. It is considered that this development sets a precedent for suitably designed residential developments in this area. In the Inspector's Report prepared for a review of the application, it is noted that the proposed development with its height and scale, was considered to be acceptable at this site:

'I am satisfied that the integration of the development as proposed and the scale of the apartment blocks is justifiable at this location.'

Further to this, we note the following commentary in the Report which details the positive contributions of the development to the area:

'I am satisfied that the proposed development will enhance the urban form at this location directly overlooking the Naas Road and will result in the removal of low quality and low-intensity commercial units and provide structures of strong architectural merit so as to create a better sense of place at this location. The redevelopment of the site for residential and commercial purposes will also greatly assist in the creation of a more lively and active streetscape along the Naas Road.'

The development with which this Statement of Material Contravention pertains to is submitted to make similar contributions to the Greenhills Road and wider Walkinstown area as the proposal includes a mixed-use development providing much-needed apartments to future occupants as well as commercial units on a site currently underutilised in a high-amenity area. We consider that the proposed development is similar to that as granted under ABP Ref. ABP- 304383-19 and request the Board review the application under similar criteria.

It is considered that both proposals contribute to more sustainable and concentrated development within the existing built footprint of Dublin and so, therefore, presents itself as a more appropriate land use than which currently is in place.



Figure 16.0 Front elevation of development granted under ABP Ref. ABP- 304383-19.



Figure 17.0 Site layout plan of development granted under ABP Ref. ABP- 304383-19.

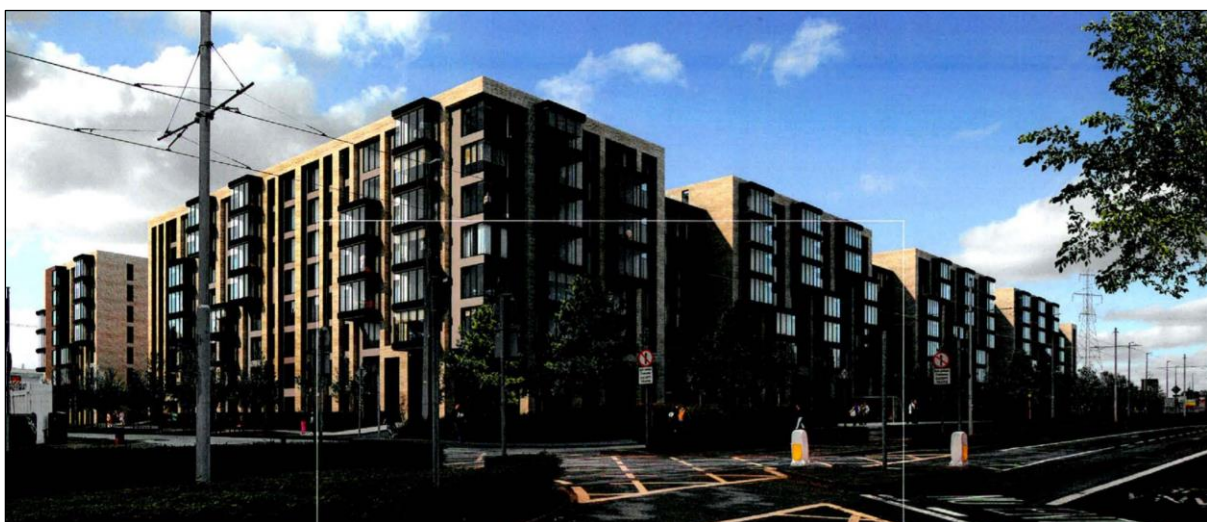


Figure 18.0 CGI of development granted under ABP Ref. ABP- 304383-19

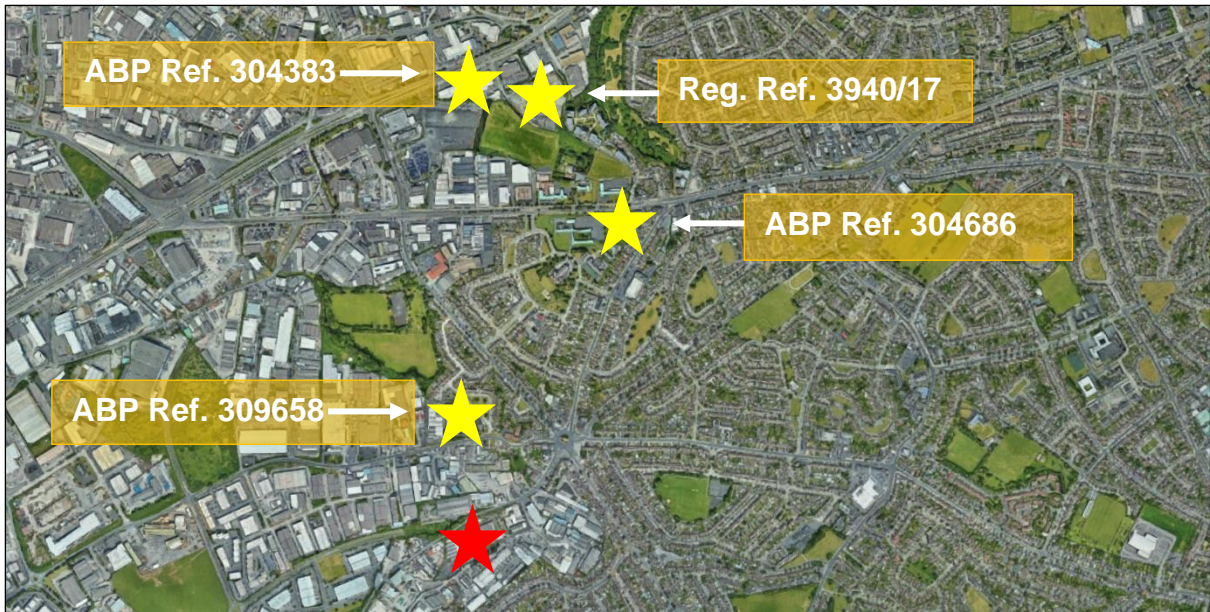


Figure 19.0 Locations of SHD applications (yellow stars) in relation to the subject site (red star) in Dublin 12

5.4.2 Wider South County Dublin

Belgard Gardens, Belgard Square North and Belgard Road, Tallaght, Dublin 24

ABP Ref. ABP-303306-18

Permission was granted by An Bord Pleanála on 15th April 2019 for a Strategic Housing Development on lands at Belgard Gardens, Belgard Square North and Belgard Road, Tallaght, Dublin 24 (immediately east and south-east of the subject site). In summary, the proposed Strategic Housing Development involves the demolition of all existing buildings and construction of a mixed-use residential development (total GFA 55,180 sq.m.) comprising a new urban quarter and streets with 5 no. blocks to provide 438 no. apartment units (including live/work units) and associated amenity facilities, a 403 no. bedspace student accommodation scheme and associated amenity facilities, childcare facility (c.380 sq.m.), 6 no. retail / commercial units (c.632 sq.m. in total) and a security room (c.52 sq.m.). This will comprise phase I of the overall development of the c.7.2 ha. the site and will be located on a net site area of 3.45 ha. (excluding proposed temporary car park at grade).

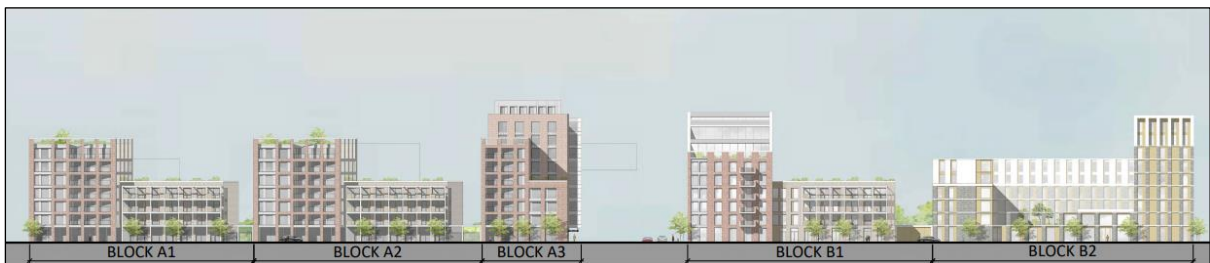


Figure 20.0 South contextual elevation of development proposed under An Bord Pleanála Case No. 303306.



Figure 21.0 Site layout plan of development approved under An Bord Pleanála Case No. 303306-18 including the second phase of development which is to follow

This planning permission remains in force until July 2029 and sets a precedent for the construction of suitably designed residential developments in the South Dublin area. This development proposes building heights of 4-10 storeys which exceeds the 3-4 storey height earmarked for the site's northern boundary and 4-6 storey height earmarked for the site's western and eastern boundaries, as detailed in the Tallaght Town Centre Local Area Plan 2020-2026.

In the Inspector's Report, dated April 2019, it is noted that the site is suitable for the construction of 10 storeys. The Inspector states:

'In relation to urban design, I consider that the site is wholly capable of establishing its height. It addresses two public roads with suitable separation distances and in addition to the further phase of development, it effectively is a new urban quarter in the area given the size of the site. The higher elements of the proposed scheme are located at pivotal corners and junctions which create a presence for the development and wayfinding for the wider area. The design of the

buildings which is discussed elsewhere provides that the height can be appropriately absorbed into the overall design and the wider area. I consider therefore that in urban design terms the height strategy for the site is appropriate.'

The Inspector's Report notes that the development was in contravention of the Development Plan regarding the proposed height of the development. Further to this, the report notes that it is also in contravention of the 2006 Tallaght Town Centre Local Area Plan. However, it is noted that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: where development is of strategic or national importance; conflicting objectives in the development plan; regional planning guidelines or guidelines under Section 28 etc. or the pattern of development permissions granted in the area since the adoption of the development plan. The Inspector's Report notes that the development is a Strategic Housing Development Application and is therefore of significant or national importance. It is noted:

'The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. Government policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. This site would meet these requirements.'

Based on the criteria set out in Section 37(2)(b), the Inspector made the following comment regarding increased height:

'Furthermore, as the applicant points out in their statement, National Policy 13 and 35 refer to building height and car parking being based on performance criteria and increasing density through an area or site-based regeneration and increased building height. Therefore, it is clear that a significant and sustained increase in housing output and apartment type development is not only necessary but is Government Policy in order to meet the need for residential units. Therefore, I consider that the proposal herein would meet the requirements of Section 37(2)(b)(i).'

Regarding the proposed unit mix of the development, the Report notes that a mix submitted of c. 11.5% three-bedroom units with the remaining 88.5% comprising of one and two-bedroom units. The Report states the following in relation to this:

'I would refer the Board to page 20 of the socio-economic assessment where it is stated that two-person families, of which there are 7,866 in the study area, is the largest cohort comprising 38% of the total within the study area with three-person families comprising 26% in total. Furthermore, the average household size in Ireland in 2016 was 2.75 persons.'

'Notwithstanding the concerns expressed by both observers and the PA I consider that the unit mix and typology of unit proposed is acceptable.'

Similarly, the development proposed at the subject site includes 633 no. units comprising of 292 no. one-beds, 280 no. two beds and 61 no. three beds are an acceptable unit mix based on the availability of housing mix in the area and the existing population demographic both locally and nationally. It is therefore submitted that where the proposal may contravene the objectives of the Development Plan regarding developments requiring a mix of unit typologies, to be acceptable and assessed similarly to that of the development granted under ABP Ref. ABP-303306-18.

Site at the corner of Airton Road and Belgard Road, Tallaght, Dublin 24

ABP Ref. ABP-305763-19 Permission was granted by An Board Pleanála on 20th February 2020 for a Strategic Housing Development on a site at the corner of Airton Road and Belgard Road, Tallaght, Dublin 24. In summary, the proposed Strategic Housing Development involves the demolition of the existing industrial buildings on site and the construction of 2 no. blocks comprising 328 no. apartments (93 no. 1 bed, 222 no. 2 bed and 13 no. 3 bed),

ancillary residential support facilities and commercial floorspace measuring 31,147sq.m gross floor space above a single basement level measuring 5,861sq.m.

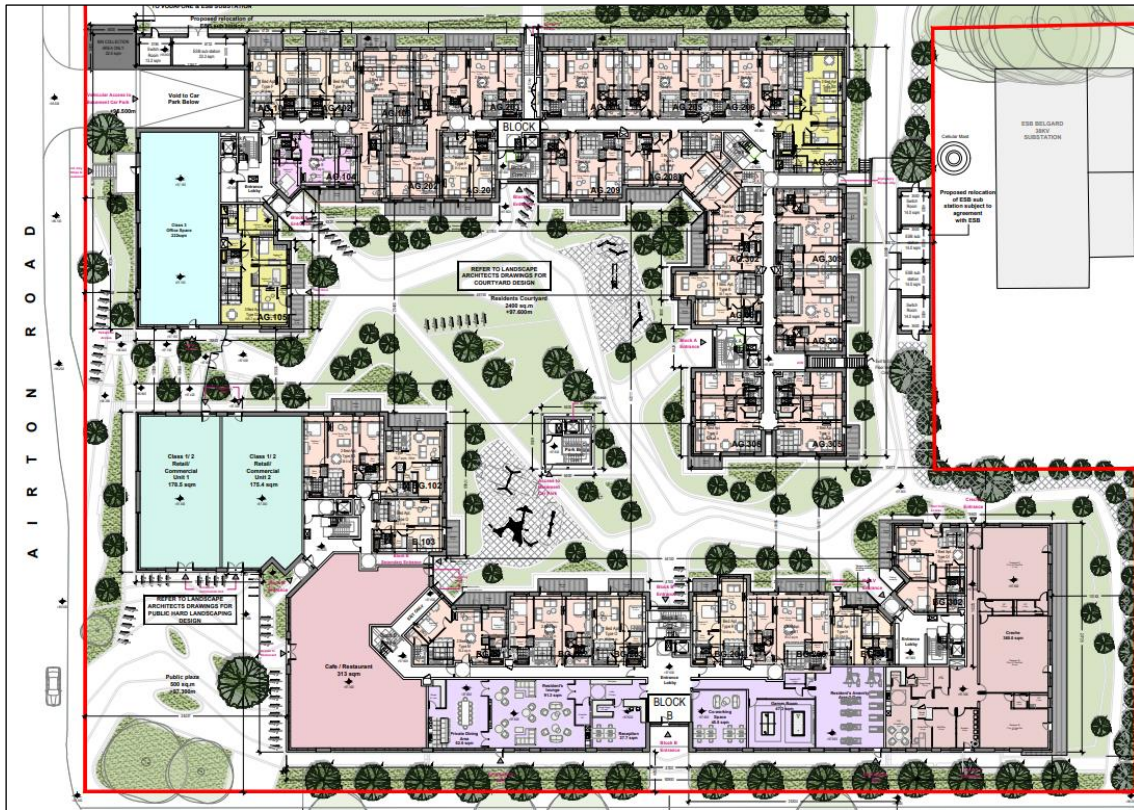


Figure 22.0 Ground floor layout plan approved under ABP Ref. ABP-305763-19

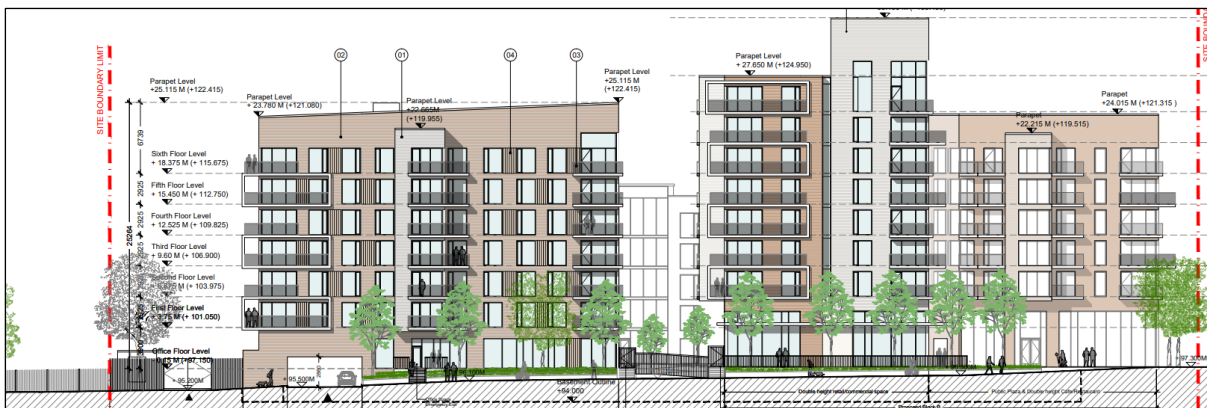


Figure 23.0 Northern elevation (fronting Airton Road) approved under ABP Ref. ABP-305763-19

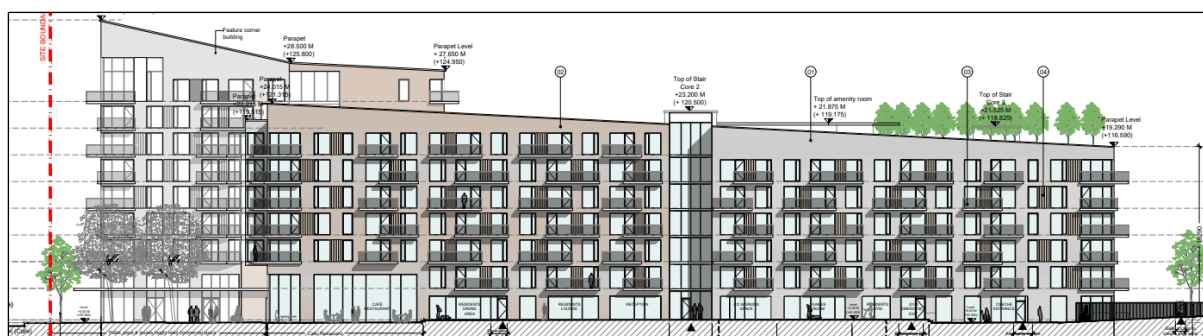


Figure 24.0 Western elevation (fronting Belgard Road) approved under ABP Ref. ABP-305763-19.

This planning permission remains in force until 2025 and sets a precedent for the construction of suitably designed residential developments in this area. This development proposes building heights of 5-9 storeys which exceeds the 3-4 storey height earmarked for the site's eastern boundary, 4-6 storey height earmarked for the site's northern boundary and 6 to 7 storey height earmarked for the site's western boundary, as illustrated in the Overall Urban Structure (Broomhill) Diagram included in Figure 3.13 of the Tallaght Town Centre Local Area Plan 2020-2026.

Furthermore, the proposed development is submitted to contravene the South Dublin County Development Plan 2016-2022 concerning building heights and density as it is noted that the Planning Authority states the development would constitute 'an overdevelopment of the site, with excessive height, plot ratio and site coverage'. The proposal is principally 5-7 no. storeys with a 9 no. storey element although contravening the Development Plan was considered to be acceptable due to the surrounding pattern of development and grant of permission for other SHDs in the area of a similar scale. The Inspector's Report prepared for the development noted that although possibly contravening the Development Plan, development which includes increased heights are sometimes essential:

'My view is that, and as per the view of the reporting Inspector in relation to SHD application 303306-18, to achieve sustainable densities at locations proximate to town centres adjoining public transport corridors, I would consider that some heights in excess of 5 storeys are required.'

Following, this, the Report refers to Section 32 (2)(b) of the Planning and Development 2000 (as amended) whereby developments that contravene local development plans, regarding context and surrounding development, the Board has the authority to grant permission for such developments. In this regard, this was exercised and an order to grant permission for the development was made.

The proposal included a unit mix of 21.6% one bed, 9.6% two bed (3 no. person), 62.9% two bed (4 no. person) and 5.9% three-bed. Regarding the unit mix of the development, it is noted that the planning authority raised no objections.

Former Gallaher's Cigarette Factory Site at the junction of Airton Road & Greenhills Road, Tallaght, Dublin 24

ABP Ref. ABP-306705-20 Permission was granted by An Board Pleanála on 16th June 2020 for a Strategic Housing Development at the Former Gallaher's cigarette factory site at the junction of Airton Road & Greenhills Road, Tallaght, Dublin 24. In summary, the proposed Strategic Housing Development involves the demolition of existing factory/warehouse buildings on-site; construction of 502 no. apartments (comprising 197 no. 1-bed; 257 no. 2-bed; and 48 no. 3-bed units) within 6 no. blocks ranging in height from 4 to 8 storeys, 3 no. retail units, creche, and provision of road improvements and pedestrian crossings; and all associated site development works and services provision.



Figure 25.0 Contextual Site Elevation (Greenhills Road) approved under ABP Ref. ABP-306705-20.



Figure 26.0 Contextual Site Elevation (Airton Road) approved under ABP Ref. ABP-306705-20.

This planning permission remains in force until 2025 and sets a precedent for the construction of suitably designed residential developments in this area. This development proposes building heights of 4-8 storeys which exceeds the 4-6 storey height earmarked for the sites northern, southern and eastern boundaries, as illustrated in the Overall Urban Structure (Broomhill) Diagram included in Figure 3.13 of the Tallaght Town Centre Local Area Plan 2020-2026. The development is considered to be consistent with the South Dublin County Development Plan 2016-2022.

The development includes a housing mix of 39% one bed, 51% two bed and 10% three-bed. This is considered to be acceptable although in contravention of the Local Area Plan.

Unit 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24

ABP Ref. ABP-303803-19 Permission was granted by An Board Pleanála on 25th July 2019 for a Strategic Housing Development Unit 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24. In summary, the proposed Strategic Housing Development involves the demolition of the existing industrial building and construction of a ‘build-to-rent’ housing development providing a total of 196 no. residential apartments (comprising 45 no. studio units, 48 no. one-bed units, 8 no. two-bed (3-person) units and 95 no. two-bed (4-person) units) in 4 no. six-nine storey blocks over the basement. The development also includes 1 no. commercial unit (248sq.m.), 1 no. office unit (111sq.m.), a crèche (192sq.m.) and a gym (18sq.m.).



Figure 27.0 Ground floor plan of development approved under ABP Ref. ABP-303803-19



Figure 28.0 Western elevation (fronting onto Cookstown Way) of development approved under ABP Ref. ABP-303803-19.



Figure 29.0 Northern elevation (fronting onto Second Avenue) of development approved under ABP Ref. ABP-303803-19.

This planning permission remains in force until July 2024 and sets a precedent for the construction of suitably designed residential developments in this area. This development proposes building heights of 6-9 storeys which exceeds the 6 to 7 storey height earmarked for the sites northern, southern and western boundaries, as illustrated in the as shown in the Overall Urban Structure (Cookstown) Diagram included in Figure 3.7 of the Tallaght Town Centre Local Area Plan 2020-2026.

Further to this, the development is considered the be in contravention of the Development Plan with regard to its surrounding context. The Inspector’s Report for the proposed development includes the following comments concerning the proposed height of the development:

‘The overall height is also considered to accord with the provisions of national policies in terms of achieving more compact urban form’.

We note that although in contravention of the Development Plan, the proposal is consistent with the national policy regarding building heights and so can therefore be considered an acceptably scaled development. Similarly to the development proposed with which this report pertains, we could consider the same as the proposed development which includes a total height of 10 no. storeys are consistent with national policy and constitute sustainable development, promoting compact urban form and efficient land use.

With regard to unit mix, the proposal comprises 23% studio, 24.5% one bed and 52.5% two bed. It is submitted that this mix is consistent with local and national demographics with regard to household size and is considered to be acceptable. Commentary provided in the Inspector’s Report regarding unit mix states the following:

‘The proposal by reason of unit mix and tenure will enhance the offering for future residents in the area’.

Similarly to the development proposed, we would request the Board assess the unit mix proposed at the subject site similarly and deem the unit mix as being acceptable for the site based on location, provision of amenities and the nature of the development being build-to-rent.

We would contend that similar merits exist in relation to the subject proposal’s exceedance of the recommended building heights.

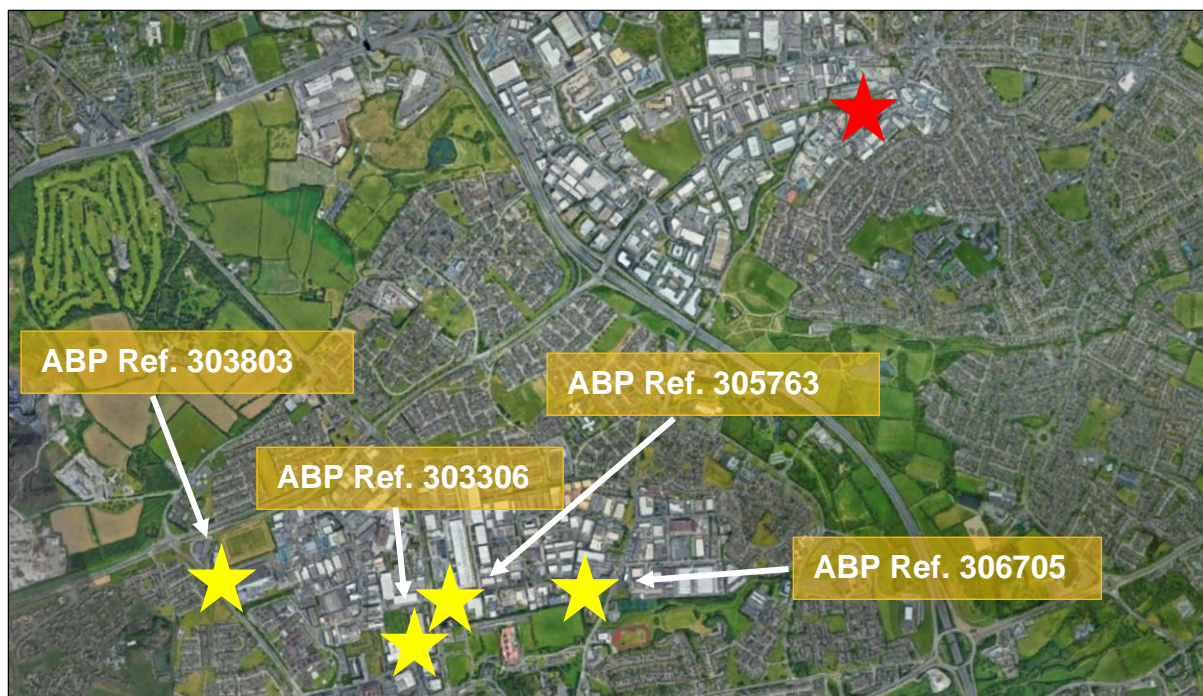


Figure 30.0 Locations of SHD applications (yellow stars) in relation to the subject site (red star).

6.0 Conclusion

Having regard to the foregoing, including the SHD precedent developments referenced above, it is considered that the proposed building heights, housing mix and housing tenure mix are justified in this instance. It is submitted that the proposed development is consistent with the proper planning and sustainable development of the area and is consistent with all relevant national and regional planning policies and guidelines.

It is respectfully submitted that should An Bord Pleanála consider the proposed development a material contravention of the South Dublin County Development Plan 2016-2022 that an appropriate justification is set out within this statement demonstrating that the proposed building height, housing mix and housing tenure mix is appropriate having regard to the contents of the South Dublin County Development Plan 2016-2022, the policies and objectives set out within the Section 28 Guidelines, as well as the strategic nature of the development and the pattern of development approved in the surrounding area.

Kevin Hughes (MIPI MRTPI)
Director
For HPDC Ltd.