

Planning Report

Including: Statement of Consistency,
Material Contravention Statement
Response to An Bord Pleanála Opinion

For a Strategic Housing Development

At 'Hartfield Place', Swords Road, Whitehall, Dublin 9

March 2022

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CHAPTER 1 INTRODUCTION

On behalf of the applicant, Eastwise Construction Swords Limited., this planning report accompanies a planning application to An Bord Pleanála under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act (2016) for a proposed Strategic Housing Development at 'Hartfield Place, Swords Road, Whitehall, Dublin 9 in accordance with the Planning and Development (Housing) and Residential Tenancies Act 2016.

This application has been prepared by a multi-disciplinary team as set out in the table below:

Company Name	Documents Prepared
McGill Planning Ltd	Planning Report including <ul style="list-style-type: none"> - Material Contravention Statement - Statements of Consistency - Response to An Bord Pleanála Opinion
	Environmental Impact Assessment Report
	Planning Notices
C+W O'Brien Architects	Design Statement
	Housing Quality Assessment
	Building Life Cycle Report
	Architectural Drawings
AECOM	DMURS Statement
	Traffic and Transport Assessment
	Drawings
PUNCH Consulting Engineers	Construction and Environmental Management Plan
	Structural Report
JOR	Engineering Services Report
	Drawings
Hydrocare	Flood Risk Assessment
Parkhood Chartered Landscape Architects	Landscape Design Strategy
	Landscape Drawings
JBA Consulting	AA Screening Report
Avison Young	Daylight, Sunlight and Overshadowing Report
Modelworks	Photomontages
AGL Consulting Geotechnical Engineers	Tunnel Impact Assessment
AWN	Waste and Resource Management Plan
	Operational Waste Management Plan
Fallon M&E Consulting Engineers	Flood Lighting Report

Table 1 Design Team and Documents Prepared

This planning report is intended to assist with the overall assessment of the application by outlining the physical and planning context for the proposal, outlining the rationale for the proposed design and layout, and also address planning policy and how the proposal is consistent with same. Whilst every effort is made to ensure accuracy in this report, the various specialist technical reports and drawings enclosed with this application should be relied upon as the primary source material.

This planning report is set out into 9 chapters:

- Chapter 2 outlines the development description as set out in the statutory notices and provides a brief summary of the proposed development

- Chapter 3 sets out the site location and context
- Chapter 4 outlines the relevant planning history for the subject site and the surrounding area.
- Chapter 5 provides the rationale for the proposed development
- Chapter 6 includes the response to An Bord Pleanála's Opinion
- Chapter 7 assesses the proposed development against national, regional, and local planning policy
- Chapter 8 includes the material contravention statement
- Chapter 9 provides an overall conclusion

An Environmental Impact Assessment Report is also included as a separate document.

CHAPTER 2 PROPOSED DEVELOPMENT

Development Description

The proposed development is described in the statutory notices as follows:

Eastwise Construction Swords Ltd intend to apply to An Bord Pleanála for permission for a strategic housing development at ‘Hartfield Place’, Swords Road, Whitehall, Dublin 9. The site is bound to the west by Swords Road, to the south by Highfield Hospital, to the north by vacant land and GAA pitches, and to the east by Beechlawn Nursing Home. To facilitate water services and road infrastructure connections/upgrades the application site red line extends to include a portion of Swords Road (including junctions with Iveragh Road and Collins Avenue), High Park and Grace Park Road (including junctions with Grace Park Heights and Sion Hill Road).

The proposed development will consist of the construction of 7 no. apartment blocks, ranging in height up to 8 storeys (over single level basement). This will provide 472 no. residential units (comprising 32 no. studios, 198 no. 1 beds, 233 no. 2 beds, and 9 no. 3 beds). All with associated private balconies/terraces to the north/south/east/west elevations. A creche (c.445.76sqm), a café unit (c.99sqm), and internal residential amenity space (c.511sqm), providing a sun lounge, gym, screening room, lounge, and meeting rooms, will also be provided.

The proposed development will include 337 no. car parking spaces, 982 no. cycle parking spaces, and 14 no. motorcycle spaces at basement/surface levels, public open space, and communal open spaces at ground and roof levels.

Vehicular access from Swords Road will be provided with associated works/upgrades to the existing public road layout, junctions, bus lane and footpath network to facilitate same. Two pedestrian/cyclist only access are provided from the Swords Road as well as a separate pedestrian and cyclist access to the southwest which also facilitates emergency vehicular access.

The application will include for all development works, landscaping, ESB substations, plant areas, bin storage, surface water attenuation, and site services required to facilitate the proposed development. Upgrades to the Irish Water network to facilitate the development are also proposed.

The proposed development will be facilitated by the following road and water services infrastructure works

1. Introduction of a signalised fourth arm to the existing Swords Road / Iveragh Road junction.
2. Provision of pedestrian crossings to all arms of the new junction, and a pedestrian refuge island on the southern arm of the junction
3. Removal of one existing street car parking space from the western side of Swords Road to facilitate the new junction and pedestrian crossings.
4. Provision of a right turn pocket on the northbound approach of Swords Road and a left turn filter lane on the southbound approach into the development site.
5. Replacement of the existing public footpath along Swords Road along with a new grass verge and a cycle path.
6. 225mm diameter watermain connection to the existing watermain on Collins Avenue.
7. Foul and surface water connections to existing mains at High Park.
8. Surface water connection to existing mains on Swords Road.

The key development statistics are set out in the table below:

Development Proposal	Site Statistics
No. of Units	472 no. units
Unit Breakdown	<ul style="list-style-type: none"> • 32 no. studios (6.8%) • 198 no. 1 beds (41.9%) • 233 no. 2 beds (49.4%) • 9 no. 3 beds (1.9%)
No. of Blocks	7 no. blocks
Site Area	2.73 ha (net developable area) 3.89 (gross including road works and services connections)
Density	172.6 units per hectare (net)
Site Coverage	29.2 %
Plot ratio	1.47
Building Height	<ul style="list-style-type: none"> • Block A: 5 - 8 storeys • Block B: 5 - 6 storeys • Block C: 4 – 6 storeys • Block D: 7 - 8 storeys • Block E: 1 – 8 storeys • Block F: 5- 6 storeys • Block G: 4 – 6 storeys
Aspect	55.6 % dual aspect. No single aspect north facing units.
Open Space	Public: 6,165 sq.m net (22.55% of site area) (Public Park & Public Plaza) Communal: 3,280 sq.m (9% above minimum standards) <ul style="list-style-type: none"> • 2,939 sq.m at ground level • 341 sq.m at roof garden level.
Facilities	Creche (c. 445.76 sqm) Café unit (c. 99 sqm) Residential Amenity Space (c.511 sqm)
Car Parking	337 no. car parking spaces <ul style="list-style-type: none"> • 249 no. resident spaces at basement level • 37 no. resident spaces at surface level • 22 no. accessible spaces • 5 no. car share spaces • 19 no. visitor spaces • 5 no. creche staff spaces
Cycle Parking	982 no. cycle parking spaces <ul style="list-style-type: none"> • 732 no. secure residential spaces • 236 no. visitor spaces • 14 no. cargo bike spaces
Motorcycle Parking	14 no. spaces

Table 2 Key Development Statistics

CHAPTER 3 SITE LOCATION AND CONTEXT

The subject site is located within Dublin City Council administrative area. The development site is located along the Swords Road (R132), Dublin 9, which provides access to the site. Highfield Hospital is to the immediate south, also fronting onto the Swords Road.

There are vacant lands owned by Dublin City Council and Whitehall GAA pitches to the north of the site, facing onto the Swords Road and Collins Avenue. Beech Lawn Nursing home is located to the rear (east) of the site, accessed from Grace Park Road via High Park.

The subject site is zoned 'Z12 Institutional Land' within Dublin City Development Plan 2016-2022. The objective of this zoning is 'to ensure that existing environmental amenities are protected in the predominantly residential future use of these lands'. The subject site is not within an Architectural Conservation Area (ACA) and does not contain any protected structures directly on site. DCC Zoning Map B outlines protected structures which surround the subject site, these are Whitehall Grand Cinema (RPS Ref no. 8740) far north of the site and RPS Ref. 3239 High Park Church and projecting portion of original convent buildings located southeast of the site.

Swords Road is a wide north-south artery into Dublin City, which features Quality Bus corridors and part-segregated cycle lanes. Directly across the Swords Road from the subject site is a strip of neighbourhood level mixed-use activities. Similarly, to the north of the site on Collins Avenue, a 5-minute walk, is another neighbourhood level centre for the Whitehall area.

The subject site is located a 15-minute walk from the main campus of Dublin City University, a major centre of higher education and employment in the area. The nearest large-scale retail and services is 20 minutes walking distance to the northwest in Santry. The Omni Park Shopping Centre and the neighbouring industrial estate are large scale employers in the area.

There was formerly a gatehouse to the southwest of the site which was associated with the Manor house that once tied the surrounding lands together, but both have since been demolished.

Port Tunnel

The site formed part of the site compound works for the construction of the Dublin Port Tunnel and the tunnel is located beneath the site on a line north/south. The proposed layout has been designed with the proposed public open space and only Block G, located to the southern corner of the site, over the Port Tunnel.

A Tunnel Impact Assessment (prepared by AGL Consulting Engineers and independently assessed by Byrne Looby) confirms that the construction of the proposed development does not exceed the surcharge limit on the tunnels and will have no detrimental impact on the lining of the tunnel.

Framework plans and masterplan

The subject site was included on lands within the Whitehall Framework Plan (WFP) prepared in 2008. The WFP includes the lands north of the subject site. The eastern portion of these lands have been developed as a GAA pitch, in line with the WFP, and the western portion of these lands have remained undeveloped. The WFP vision for these sites is to provide a "vibrant mixed use urban development structured by strategic views/ vistas and connectivity, highlighted by a series of landmark/ feature corner buildings.

A new neighbourhood focus within the city, well connected to its surroundings with new pedestrian and cycle links and good accessibility to public transport and facilities for existing and future residents.

A high level of quality public open space, both hard surfaced urban plazas and well landscaped green spaces including sports and play facilities for the community.

Strong active frontage onto main streets and public domain, providing security through passive surveillance."

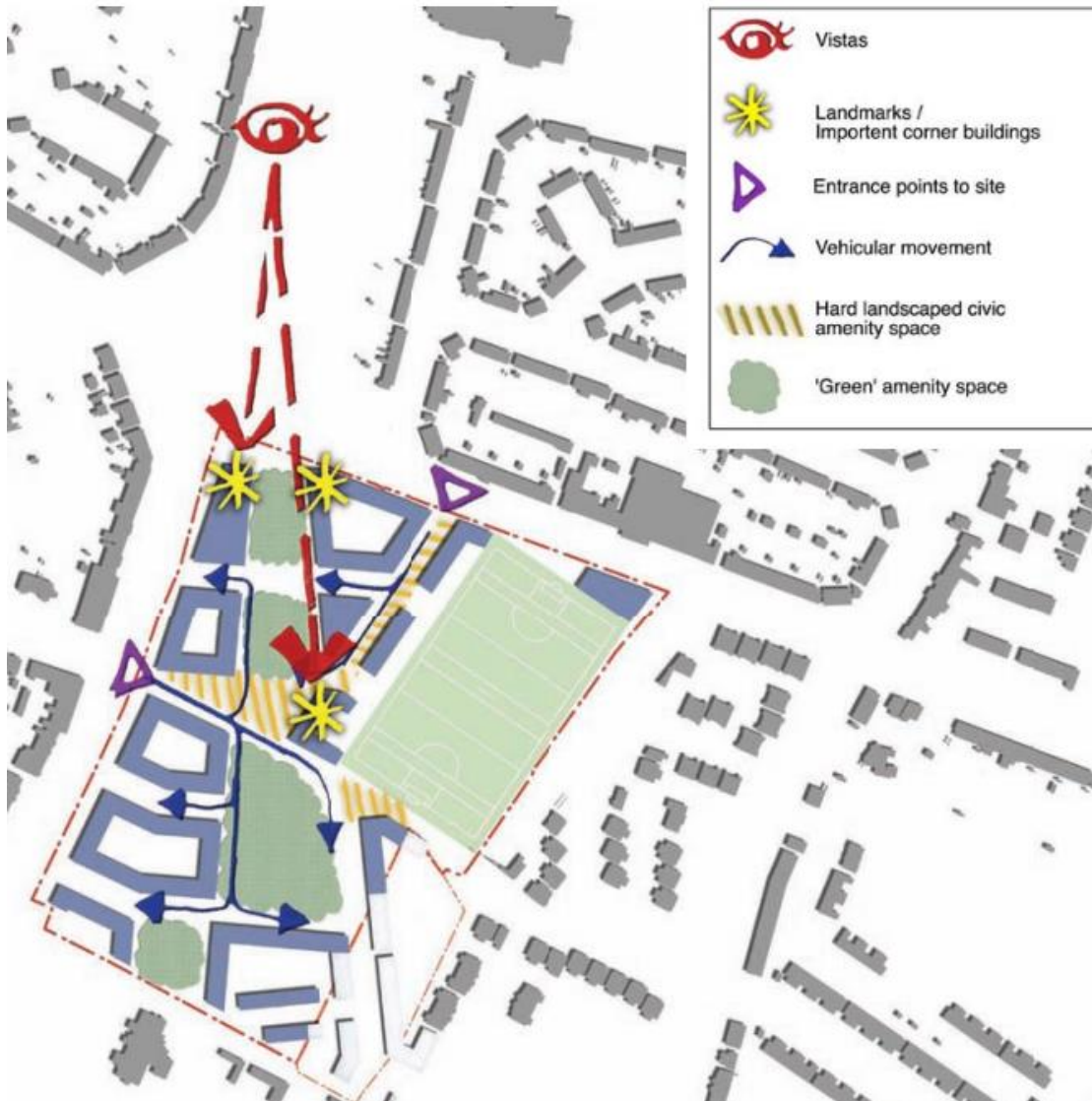


Figure 1 Vision and structuring concept



Key




- | | | | |
|-----|--|---|--|
| ① | Linear / Sensory Garden:
gathering, relaxing, lunch break ... | | |
| ② ④ | Play: Boule, table tennis,
Golf / putting ... | | |
| ③ | Skateboard park | | |
| ⑤ | MUGA, Astro Pitch | | |
| ⑥ | Playground | | |
| | |  | Civic space / pedestrian strip
(hard, landscaped) |
| | |  | Shared surface |
| | |  | Green open space |

Figure 2 Proposed site layout with hierarchy of open space

This Framework Plan indicates a building layout either side of significant open space provided predominantly within the centre of the sites above the Port Tunnel. The indicative framework also includes a vehicular movement plan, a Quality Bus Corridor and vehicle access to the southern part of the main site from the Swords Road. It also identifies the need to maximise pedestrian and cycle connections from all directions including through the site to minimise walking distance to shops and neighbourhood facilities. It also identified the need for connections to lands south of the site to extend access and connectivity of the wider area.

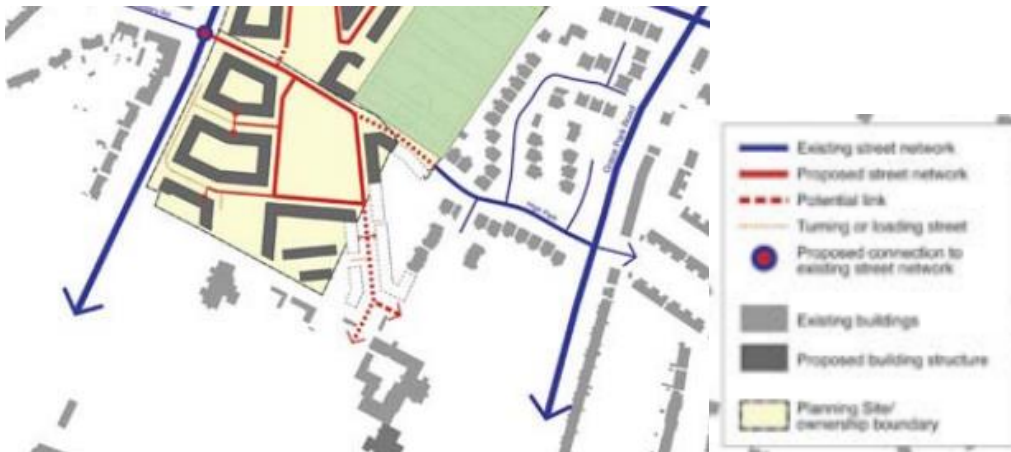


Figure 3 Extract from Whitehall Framework Plan showing street network



Figure 4 Extract from Whitehall Framework Plan showing pedestrian connection

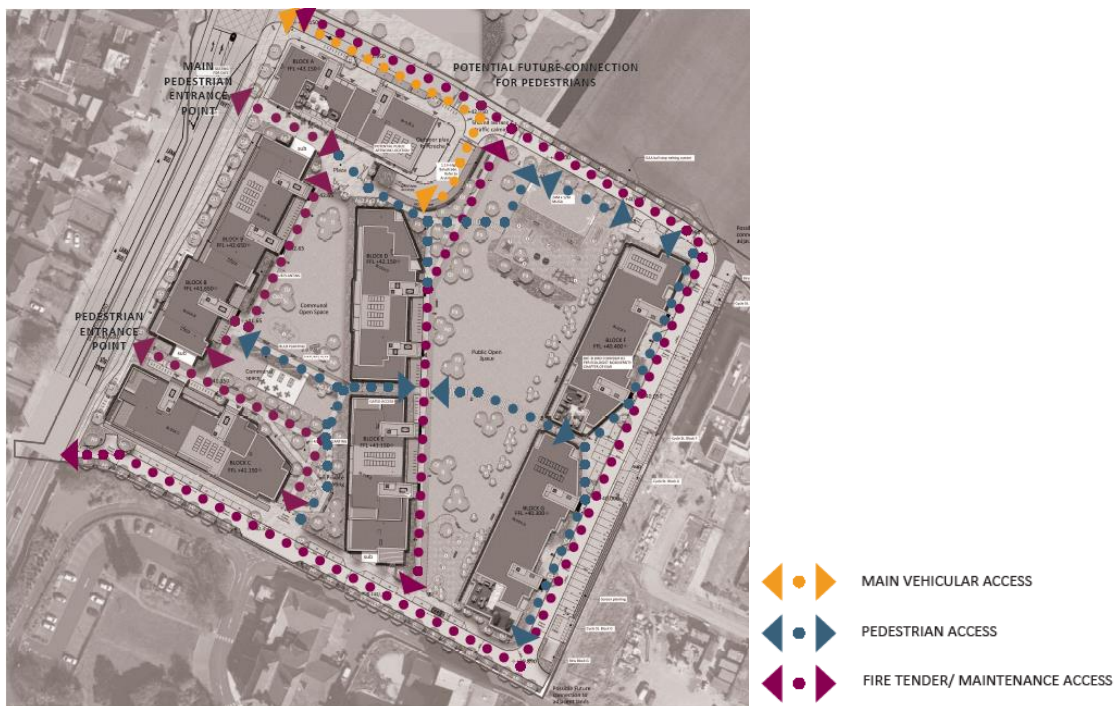


Figure 5 Extract from Parkhood Landscape Design Statement showing proposed street and pedestrian network

In line with the indicative framework plan the current proposal includes a vehicle access to the north of the subject application site, directly off the Swords Road. In addition to this 3 no. pedestrian/ cycle accesses are provided from the Swords Road all in similar positions to those identified in the Framework Plan. Potential future accesses to the north, east and south as required in the Framework Plan has also been provided within this proposed layout. The Public Open Space has also been centrally located in line with the Framework Plan and as originally agreed under the extant planning permission. The buildings have also been set back to allow for the future delivery of BusConnects, along with cycle paths and improvements to road junctions and footpaths along the Swords Road.

Area	Owner	Gross Area m2	Gross Area excluding Gaa pitch		Public Open Space m2 20% requested		Dwelling Units/Ha (nett Area)	Dwelling Units/Ha (Gross Area)		
A	DCC	36,908	36,908	A I	506	A1				
				A II	2,795					
				A III	1,337					
				GAA pitch				A2		
								A3		
								A4		
								A5		
								A6		
								A7		
								A8		
				A9						
A	Total	36,908	23,048		4,638		159	79		
4610 requested										
B	Barina Site	25,920		B I	4,200	B1				
				B II	1,300					
							B2			
							B3			
							B4			
						B5				
B	Subtotal	25,920			5,500		143	112		
A+B	Subtotal	62,828			10,138		151	96		

Figure 6 Extract from Whitehall Framework plan indicating quantum of development

The Framework Plan also identifies the need to deliver a hierarchy of open spaces. It aims to provide "A major wedge of open space running diagonally across the site, amounting to just under 20% of the site will serve both existing and future residents, landscaped to provide a succession of different spaces as listed below and facilitating a range of passive (and active) amenity and play and sensory experience." It suggests that this site should provide c. 5,500sqm of public open space within this

development and achieve a net density of c. 143 uph. The proposal includes for 5,679sqm of public open space within the central wedge and c. 486sqm within the plaza with an overall net density of c. 172.6uph.



Figure 7 Proposed site layout landscape plan

In line with the indicative open space plan in the Framework Plan. A MUGA has been provided on this site within the wedge shape within the heart of the development, overlooked by all the apartments. The public open space and a communal open space extend to the southern end of the site, with a children’s play area to the southern end of the public open space, again broadly similar to the indicative plan for a play space in this location.

The Framework Plan also identifies that this site is appropriate for higher buildings on the site ranging in height up to 8+ storeys across the Framework Plan. It also identifies the need to create a strong urban frontage along the Swords Road with increased height and exceptional architectural design quality. It is considered that this proposed development is in line with these ambitions as set out in the indicative building heights for the site.



Figure 8 Extract from Whitehall Framework Plan showing building heights

The Framework Plan also sets out Urban Design Standards in terms of ease of movement; legibility; adaptability; diversity; accessibility and energy efficiency; sustainable buildings; and accessibility. All of these are clearly achieved and demonstrated through this planning application and as set out in the CWOB Architects Design Statement. This site will deliver a unique and attractive residential development, with its own identity at an appropriate density and height for its highly accessible and strategic location close to the city centre and the airport without impacting negatively on neighbouring developments. It also has been cognisant of the development potential of the site to the north including providing potential access, while providing permeability and accessibility through the site as it will be developed, with a high-quality public domain that are accessible, attractive and interesting.

It is noted that a Masterplan prepared by Coady Architects has recently been presented to DCC Elected Members for approximately half of the site to the north west of the application site, which is owned by Dublin City Council. This layout by Coady Architects acknowledges the permitted development for this application site and as a result provides connectivity to the public open space within the subject application site to align with the line of the Port Tunnel and the open space as set out in this subject application (which is in the same location as the permitted development). It is noted that this of the DCC Lands has a density of c. 118uph and provides 1,670sqm of public open space.

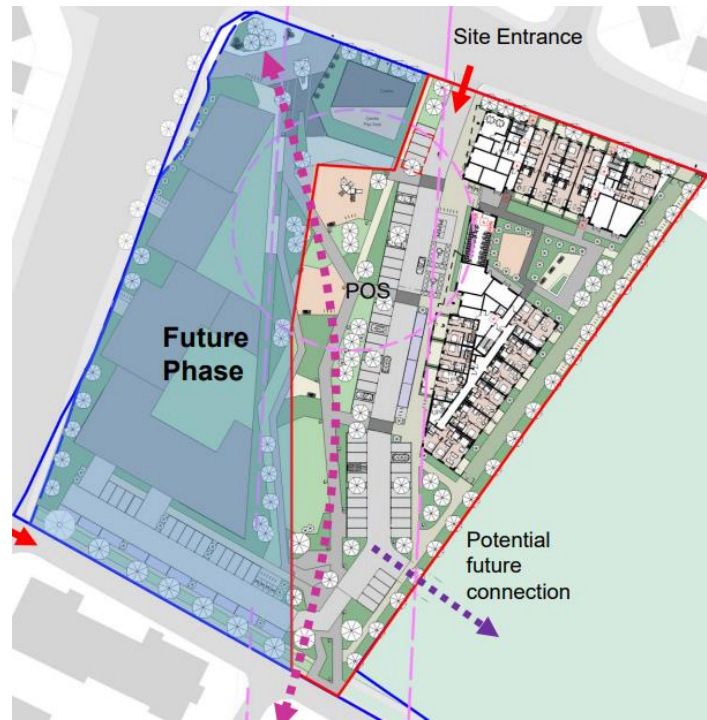


Figure 9 Extract from Coady Architecture presentation to DCC

An indicative masterplan for the subject site and the remaining lands to the north has also been prepared by CWOB Architects as part of this application and is included in their Design Statement. This is to demonstrate how the development could integrate with any potential development to the north should this site be delivered. The indicative masterplan is broadly similar to that proposed separately by Coady Architects, with a proposed connection for the subject application site to the north in a similar location to both the Coady Architects layout and the Whitehall Framework plan, ensuring that pedestrian connectivity is achieved from the subject application site.



Figure 10 Extract from CW+OB Architects Design Statement

Local health services such as doctors, clinics and pharmacies are well provided for in the vicinity of the site, whilst Beaumont Hospital, Bon Secours, and the Mater Hospital are all within 2-3 km of the site.

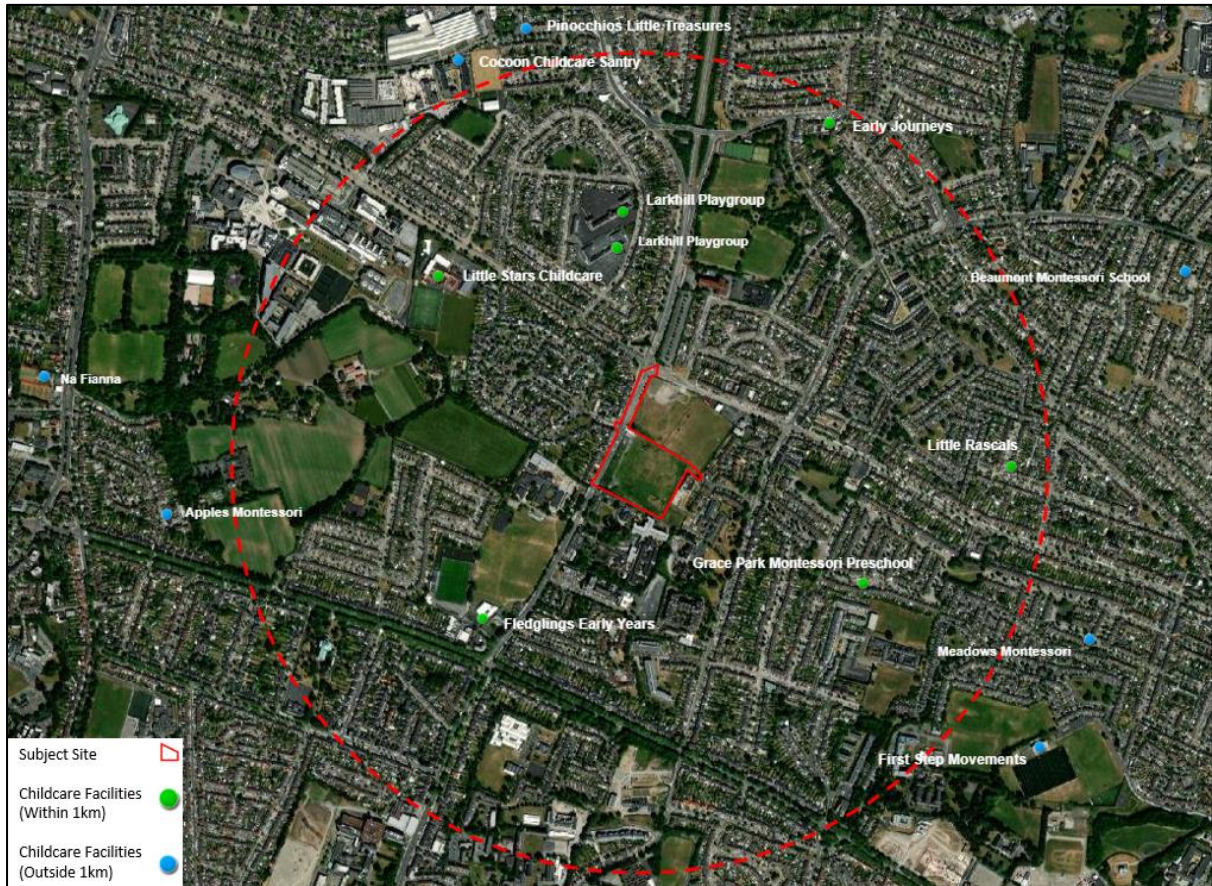


Figure 12 Childcare Facilities within 1km from the Subject Site

Childcare Facilities within 1km
Larkhill Playgroup
Larkhill Playgroup
Early Journeys
Little Stars Montessori
Little Rascals – Clever Cloggs
Grace Park Montessori
Fledgings Early Years Whitehall College Creche
Childcare Facilities outside 1km displayed in Figure 3
Pinocchio's Little Treasures
Cocoon Childcare Santry
Beaumont Montessori School
Meadows Montessori
First Step Movements
Apples Montessori
Na Fianna

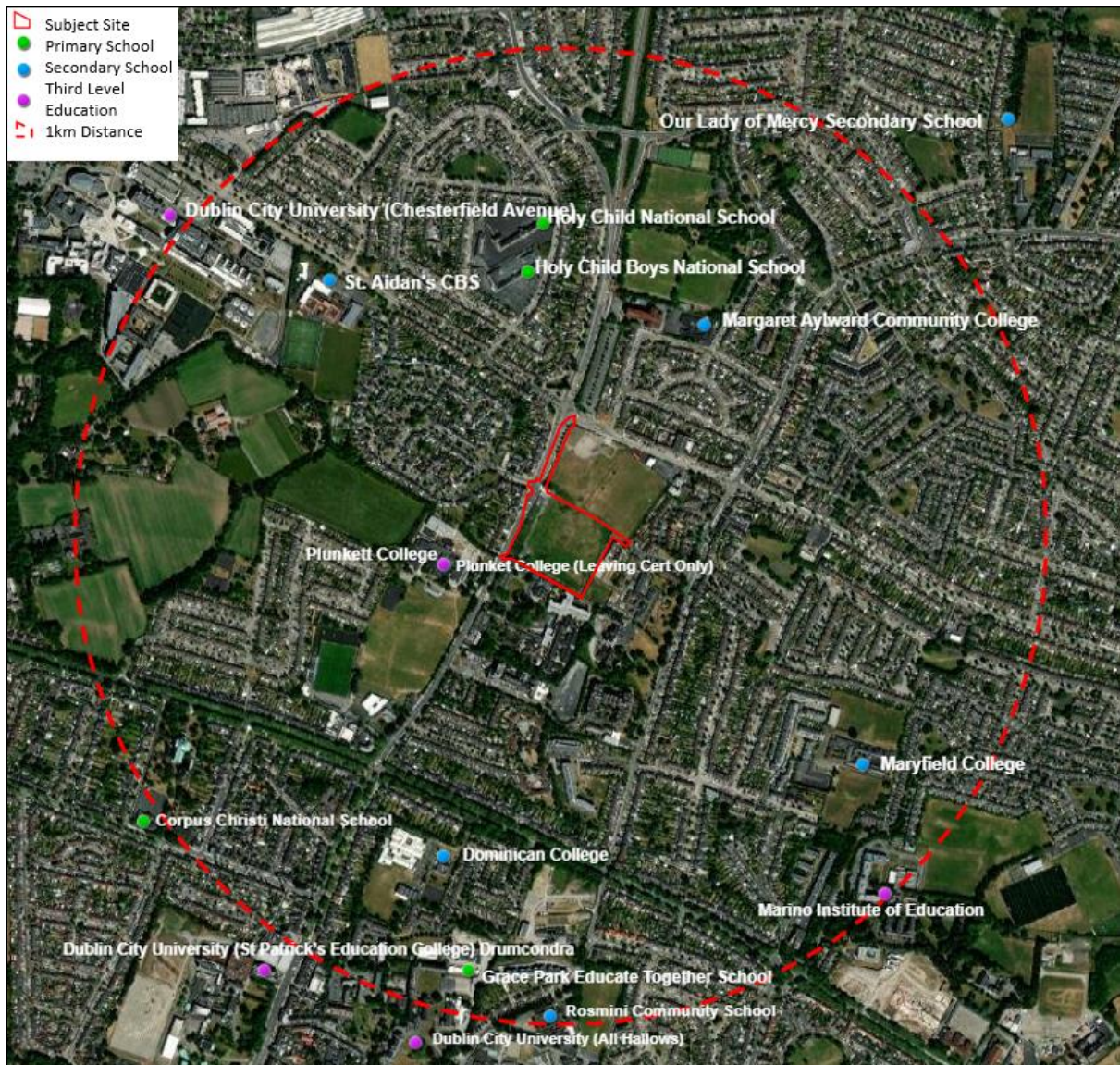


Figure 13: Schools within 1km of subject site

Primary Schools
Holy Child National School
Holy Child Boys National School
Grace Park Educate Together School
Corpus Christi National School
Secondary Schools
Our Lady of Mercy Secondary College
Margaret Aylward Community College
Maryfield College
Dominican College
Rosmini Community School
Plunkett College (Leaving Certificate Only)
St. Aidan's CBS
Third Level Education
Dublin City University (Chesterfield Avenue)

Dublin City University (St Patrick's Education College) Drumcondra
Dublin City University (All Hallows)
Plunket College
Marino Institute of Education

Table 4 Education Facilities within 1km of the Subject Site



Figure 14 Park, recreational and sports facilities within 1km distance of the Subject Site

Map Ref	Open Space	Location
No. 1	Ellenfield Park	Glencorp Road
No. 2	Courtlands Park	Walnut Avenue
Map Ref	Sports Grounds and Facilities	Location
No. 1	DCU Sports Grounds (Chesterfield Avenue)	Glasnevin
No. 2	St Kevin's Boys Football Club	Shanowen Road
No. 3	Marino College of Education and St Vincent's GAA Club	Gracepark

No. 4 (a)(b)	Whitehall Colmcille GAA (Pitch and Clubhouse)	Collins Avenue
No. 5	Plunket College/Rosmini Gaels GAA	Swords Road
No. 6	Home Farm Football Club	Swords Road
Map Ref	Cultural and Recreational Facilities	Location
No. 1	The Helix Theatre DCU	Collins Avenue
No. 2	The Church of the Holy Child (Whitehall)	The Thatch Road
No. 3	Corpus Christi Roman Catholic Church	Home Farm Road
No. 4	Bonnington Hotel (Leisure Club and Conference Centre)	Swords Road
No. 5	The Goose Tavern (Public House)	Sion Hill Road
No. 6	The Viscount (Public House)	Swords Road
No. 7	The Comet (Public House)	Swords Road
No. 8	Beaumont House (Public House)	Beaumont Road

Table 5 Parks, Recreational and Sports facilities as shown in Figure 5

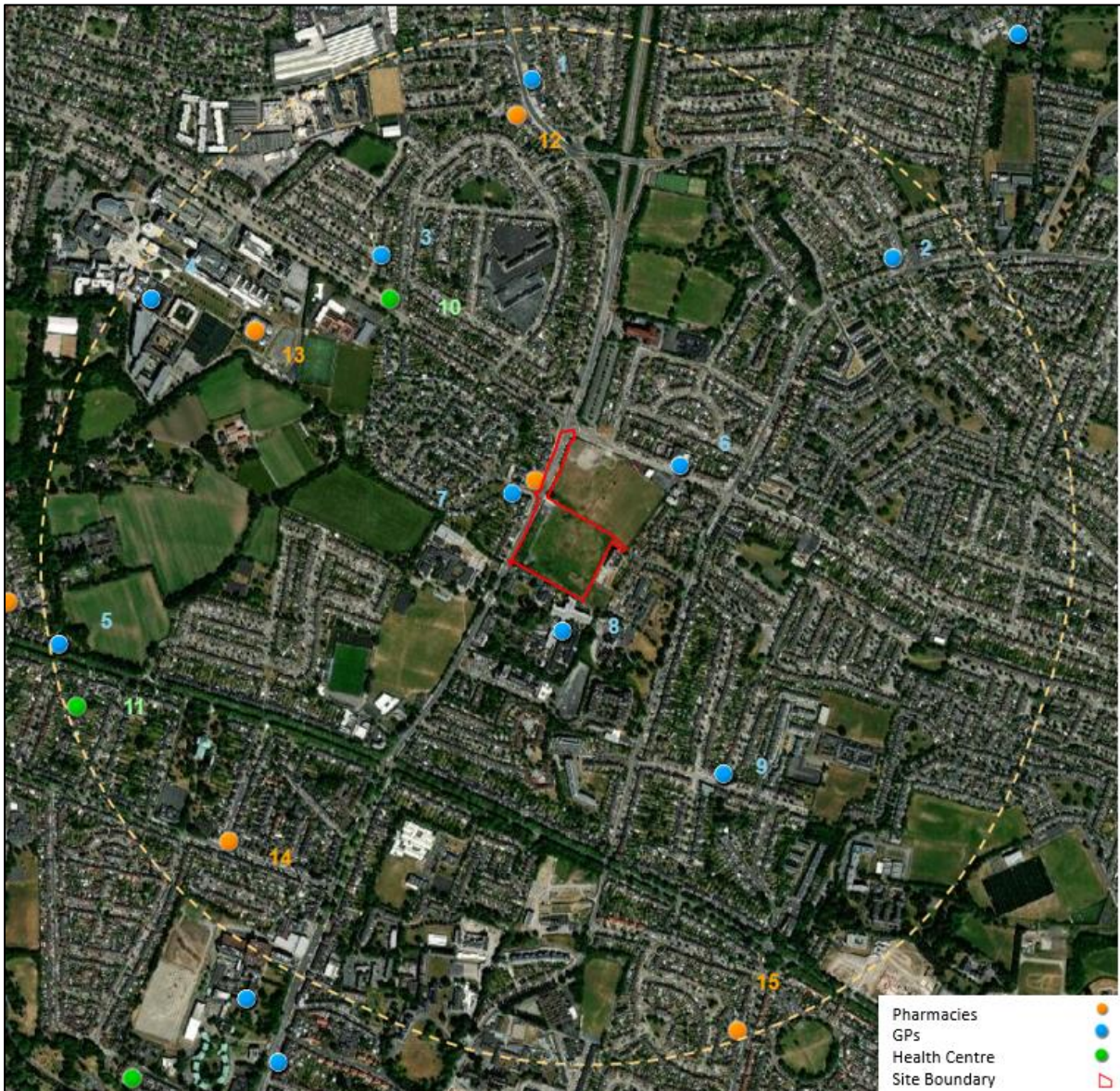


Figure 15 Healthcare facilities 1km from the Subject Site

Map Ref	Health Facilities	Location
No. 1	Swords Road Medical Practice	Swords Road
No. 2	Doherty's Pharmacy Ltd	Shantalla Road
No. 3	Crestfield Medical Practice	Crestfield Drive
No. 4	Student Health Service – DCU	Glasnevin Campus
No. 5	Griffith Avenue Practice	Griffith Avenue
No. 6	Devines Pharmacy Limited	Collins Avenue
No. 7	Dr. Cox General Practitioner	Iveragh Road
No. 8	Highfield Healthcare	Swords Road
No. 9	Calderwood Family Clinic	Sion Hill Road
No. 10	Larkhill Health Centre	Collins Avenue
No. 11	Marino Heath Centre	Griffith Avenue
No. 12	Life Pharmacy	Swords Road
No. 13	Pharmhealth Integrative Pharmacy	Henry Grattan Building (DCU)

No. 14	Homepharm Limited	Homefarm Road
No. 15	Bank's Pharmacy	Philipsburgh Avenue

Table 6: Healthcare facilities within 1km from the subject site



Figure 16: Neighbourhood centres surrounding the subject site within a 1km buffer distance

Neighbourhood Centres	Facilities
Swords Road (Whitehall)	Food & Beverages, Health and Beauty, Local Services
Collins Avenue (Whitehall)	Convenience Retail, Local Services, Food & Beverages, Health & Beauty
Beaumont Road	Convenience Retail, Food & Beverages, Health & Beauty, Local Services
Swords Road (Santry)	Convenience Retail, local Services, Health & Beauty, Food & Beverages
Sion Hill Road	Health & Beauty, Food & Beverages, Local Services
Shantalla Road	Convenience Retail, Food & Beverages

Table 7: Neighbourhood centres within 1km from the Subject Site

Notwithstanding that the development will include a new public park the area is also well provided for in terms of existing parks and recreational facilities. Home Farm Football Club, Whitehall Colmcille

GAA, St. Vincent's GAA, Rosmini Gaels and DCU all have sports grounds/facilities within walking distance of the site.

Ellenfield Park, a 9.34ha/23-acre public park 400m north of the site. Recreational facilities for football, Gaelic football, camogie, and tennis, as well as a children's playground. It is used by a variety of sports clubs such as St. Kevin's Boys Club, and Whitehall Colmcille GAA club and by Holy Child National School for sports.

Retail and retail services are also in abundance in vicinity of the site. Directly across from the site on the opposite side of the Swords Road is a Local Centre including a pharmacy, take away, a bar, hairdressers, and other services.

On Collins Avenue 300m from the site, is another local centre with 2 convenience shops, take away, hairdressers, barber, florist, bank and other services. Similar centres at Shantalla Road, and Santry Road, are c.1km from the site.

1.25km to the north of the site is the District Omni Park Shopping Centre, which is anchored by Tesco, and includes Lidl and over 100 other stores.

Please see Chapter 4 *Population and Human Health* of the EIAR submitted with this application for further details of the social infrastructure in the area.

CHAPTER 4 PLANNING HISTORY

Subject Site Planning History

The following applications are relevant to the site.

DCC Reg. Ref 3269/10 (as extended)

ABP Reg. Ref.: PL29N.238685

Granted

Barina Construction Ltd applied for permission in 2010 for 402 no. apartments within 7 no. apartment blocks in heights up to 8 storeys. The application also included a creche and retail/commercial units. Dublin City Council granted permission for this development in March 2011 subject to 40 no. conditions. The application was subject to a third-party appeal to An Bord Pleanála who subsequently granted permission subject to 26 no. conditions.

The development, as initially proposed, was amended during the planning process with reduced heights, reduced unit numbers, and improved open spaces. As a result, the granted permission consisted of 358 no. residential units in 7 no. blocks ranging in heights from 4 to 7 storeys, 3 no. retail/commercial units, and a two-storey self-contained creche building.

An extension of duration was subsequently granted until 12th February 2022 under Reg Ref 3269/10/X1, which has since been amended to 9th April 2022 as a result of Covid 19.



Figure 17 Extract from Site Location map submitted with DCC Reg. Ref.: 3269/10

DCC Reg. Ref.: 3405/19 Amendments to Block F

Granted

Permission granted on 19th March 2020 for amendments to PL29N.238685 for increase in overall permitted quantum of apartments to 374 no. units with Block F increasing from 60 no units to 76 no. units. The development involved the rationalisation of the existing floor plans and amendments to the footprint of Block F to increase the no. of apartment units. The height of Block F remained unchanged at 6 storeys. This permission is valid until August 2025.

DCC Reg. Ref.: 3766/20 Block A

Withdrawn

Permission sought for amendments to Block A including rationalisation of existing floor plans and an additional storey resulting in an increase in the no. of apartment units within Block A by 18 no. units to a total of 61 no. units and an amendment to the previously permitted 3 no. retail/commercial units to provide a cafe unit (97.6 sq.m.) and a communal amenity space and external garden terrace (79.7 sq.m.) at 6th floor level. The development also proposes revised elevational treatments; amendments to underground services; PV panels; green roofs; bin store; and all associated works above and below ground. The overall height of Block A is to increase from a 5-7 storey block to a 5-8 storey block.

Dublin City Council (DCC) issued a Further Information request on 22nd January 2021 and a Clarification of Further Information request on 23rd March 2021. There has been no response to the latter to date. A time extension for a response was granted until 21st October 2021. No response was submitted by the applicant and therefore the application can be considered withdrawn.

ABP Reg. Ref.: ABP 309608-21

Refused

Permission was refused for a Strategic Housing Development including the construction of 475 apartments, creche, café and public open space and associated works.

This was refused permission on the basis that the minimum area 20% of the site was retained as open space was not achieved.

Addressing Previous Reason for Refusal (ABP 309608)

On 5th March 2021 the applicant lodged an SHD planning application on the subject site comprising the following:

- 475 No. apartments and 1 No. café unit arranged in seven blocks and a separate purpose built creche facility, which can be described as follows:
 - Block A – A part 5 No. to part 8 No. storey block containing 61 No. apartments and 1 No café unit (99 sq m). The residential units are comprised of 5 No. studio units, 19 No. one bedroom units, 30 No. two bedroom units and 7 No. three bedroom units.
 - Block B - A part 5 No. to part 6 No. storey block containing 78 No. apartments comprised of 15 No. studio units, 15 No. one bedroom units and 48 No. two bedroom units.
 - Block C – A part 4 No. to part 6 No. storey block containing 54 No. apartments comprised of 6 No. studio units, 16 No. one bedroom units, 31 No. two bedroom units and 1 No. three bedroom units.
 - Block D – A part 7 No. to part 8 No. storey block containing 76 No. apartments comprised of 36 No. one bedroom units, 39 No. two bedroom units and 1 No. three bedroom units.

- Block E – A part 4 No. to part 8 No. storey block containing 58 No. apartments comprised of 16 No. one bedroom units and 42 No. two bedroom units.
- Block F – A 6 No. storey block containing 76 No. apartments comprised of 27 No. one bedroom units and 43 No. two bedroom units and 6 No. three bedroom units.
- Block G – A part 4 No. to part 6 No. storey block containing 72 No. apartments comprised of 50 No. one bedroom units, 18 No. two bedroom units and 4 No. three bedroom units.
- A 2 No. storey purpose built creche (c. 414 sq m) with an outdoor play area (c. 146 sq m).
- The provision of 348 No. car parking spaces comprised of 284 No. spaces located at basement level and 64 No. spaces located at surface level; 11 No. motorcycle parking spaces; 527 No. bicycle parking spaces comprised of 480 No. secure cycle parking spaces and 47 No. visitor cycle parking spaces.
- Hard and soft landscaping; bin storage; ESB substations and switch rooms; and all other necessary associated site works above and below ground.
- Associated Road and Water Services infrastructure works

The statutory notices referenced the fact that the proposed development was replicating the layout and footprint of the original scheme on the site permitted under DCC Reg. Ref. 3269/10 / ABP Ref. PL29N.238685 (as extended under DCC Reg. Ref. 3269/10/X1 and DCC Reg. Ref. 3405/19). The main differences being the slight relocation of the creche building to the west and additional height of up to one storey on a number of the blocks and the alteration to some of the internal floorplans, which resulted in an increase in the overall quantum of residential units from 374 No. apartments to 475 No. apartments.

It is noted that the ABP Opinion issued following the Pre-Application Consultation stated that the proposed development as presented constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised to submit specific information with any application to address:

- A detailed landscaping plan illustrating the quantum and functionality of all areas designated for communal and public open space.
- A Sunlight/Daylight analysis showing an acceptable level of residential amenity for future occupiers.
- A rationale for the proposed car parking provision.
- A report that addresses issues of residential amenity.
- A Site-Specific Management Plan on management of the communal areas, public space, residential amenity, and apartments.



Figure 18 Previously Refused SHD Application



Figure 19 Previously Refused SHD Application

However, permission was ultimately refused for one reason, as follows:

“The development site is zoned Z12 ‘Institutional Land (Future Development Potential)’ under the Dublin City Development Plan 2016-2022, with the objective ‘To ensure that existing environmental amenities are protected in the predominantly residential future use of these lands’. Section 14.8.12 of the Dublin City Development requires that developments on lands

with the Z12 zoning objective shall retain a minimum of 20% of the site as accessible public open space, incorporating landscape features and the essential open character of the site, which shall not be split up into sections and shall be comprised of soft landscape suitable for relaxation and children's play.

Having regard to the quantum, design and layout of the proposed public open space on the eastern side of the development, the Board is not satisfied that the development meets this requirement.

In addition, having regard to the quantum, design and layout of the communal open space on the western side of the development, the Board is not satisfied that the development meets the quantitative standards set out in development plan section 16.10.1 in relation to the provision of communal open space for apartment developments.

The development is therefore considered to materially contravene the development plan in relation to the provision of public and communal open space to serve the proposed apartments.

These issues have not been addressed in the applicant's Material Contravention Statement or mentioned in site notices and the subject application therefore does not meet the requirements of section 8(1)(a)(iv)(I) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board therefore cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) in this instance and is precluded from granting permission."

In essence, permission was refused due to the quantum of public open space not achieving the 20% of the site area as is required for Z12 zoned lands under Section 18.8.12 of the City Development Plan. Failure to meet this minimum standard was considered a Material Contravention of the City Development Plan, and as this had not been identified or justified as such in the application, then the Board were precluded from granting permission.

The quantum and design of the communal open space was also considered to be deficient.

Despite the refusal of permission, it is important to emphasise that the previous proposal development in all other aspects were considered acceptable by the Board.

In this instance we note the following:

- The development was otherwise considered in accordance with the Z12 **Zoning Objective** and the Whitehall Framework Plan, including in relation to Building Height and Part V requirement.
- The **building height** of up to 8 storey was acceptable and justified under the Development Criteria in the Urban Development and Building Heights Guidelines for Planning Authorities, 2018 (notwithstanding that it represents a material contravention of the City Development Plan and Whitehall Framework Plan).
- The **housing mix** complies with SPPR1 of the Section 28 Design Standards for New Apartments Guidelines for Planning Authorities (2020) (notwithstanding that it represents a material contravention of the City Development Plan).
- The **Density** of Development, **Plot Ratio** and **Site Coverage** were all considered acceptable in principle and suitable for this site and location.

- The **apartment designs and layouts** are consistent with the standards of the Section 28 Design Standards for New Apartments Guidelines for Planning Authorities (2020) .
- There will be **no significant overlooking** between blocks within the development, subject to provision of some obscure glazing on secondary windows in a limited number of locations.
- The applicant's **Daylight and Sunlight Assessment** is based on a robust methodology, and that the standards achieved are acceptable, all site factors and the requirement to secure comprehensive urban regeneration of this highly accessible and serviced site within the Dublin Metropolitan Area with a positive and active urban edge. The development would not have any significant adverse impact on residential amenities or sensitive receptors by way of overshadowing or adverse impacts on daylight/sunlight.
- The **aspect of units was acceptable** noting that the overall proportion of dual aspect units was 55.6%, which exceeds the 33% requirement for central and/or accessible areas as required by SPPR 4 of the Apartment Guidelines. Also noting no north facing single aspect units.
- Having regard to the nature and scale of the proposed and permitted development on site, it was considered that the **visual impact** of the development on the surrounding area would generally have a low-negligible visual impact.
- On the basis of the information provided and response from TII it was accepted that the development would not have any significant adverse impacts on the Dublin Port Tunnel (including cumulative impacts), subject to detailed construction management measures, which may be required by condition.
- The overall **parking ratio** was considered acceptable given the highly accessible location of the site in close proximity to Dublin City Centre and having regard to the recommendations of the Apartment Guidelines for car parking at 'central and/or accessible' sites.
- There were no issues outstanding in relation to drainage, flood risk, archaeology.

The current proposal has had full regard to the previous scheme and ultimate reason for refusal. It proposes a scheme that is essentially similar in layout, form, height, scale, access but which has been modified in order to directly address the reason for refusal in relation to the quantity and quality of open space.

The proposed changes, to overcome the previous SHD reason for refusal can be summarised as follows:

Public Open Space Measures

- Blocks F & G have to been moved further eastward on the site compared to the previous SHD application and extant permission. A previous "dog-leg" element proposed at the southern end of the Block G has also been removed. These measures have increased the width and expanse of the public open space proposed.
- The previous creche block to be located within the northern area of the public open space has been omitted with a new creche now proposed at the ground floor of Block A. This measure increases further the area of public open space provided. By removing the creche building this also opens up the public park to the north and allows for future connectivity and integration with a future public open space to be delivered on the DCC Z12 site to the north (as intended by the Whitehall Framework Plan), thus increasing the accessibility of the park overall. This potential is illustrated in the application including the Context Masterplan prepared by Parkhood Landscape Architects.
- In order to facilitate the creche in Block A, and as result of the other design changes to the blocks the overall number of units now proposed has decreased from 475 previously to 472. The mix of units has also changed slightly.

- As a result of the above physical changes, the gross open space between Blocks D & E to the west and F & G to the east is increased to 6,466 sqm. However, unlike with the previous SHD application, all of this space between the blocks is not claimed as useable public open space in order to meet the Z12 open space requirement.
- Rather, a clearly defined and demarcated public park area is now outlined in the Landscape Masterplan and Site Layout Plan submitted. This public park area is exclusive of the residential defensible spaces and marginal areas along each of the 4 apartment blocks which overlook the park. The “actual” public park area measures c. 5,679sqm as clearly defined in the Landscape Design Report prepared by Parkhood Landscape Architects. This represents 20.77% of the total net site area of 2.73 ha (which excludes the areas of infrastructural works proposed outside the development site on the public road). **This enlarged, and now correctly measured public park space accords with the 20% open space requirement of the Z12 zoning objective.**



Figure 20 Extract from Landscape Design Report showing open space calculations

- In addition to increasing its size, the design of the new public park has also been reconsidered. As per Parkhood Landscape Architects design the new park will be predominantly soft landscaping and set out as a large green park with teenage play/ outdoor gym area and MUGA provided at the northern end and a second children’s play area to the south. This revised design accords with the open space qualitative requirements of the Z12 objective which refers

to providing an “essential open character” and not splitting the open space up into sections and providing predominantly soft landscape for relaxation and children’s play.



Figure 21 Extract from CGI 04 showing proposed public open space

- There is also an additional public plaza proposed between Blocks A, B & D. This measures 486sqm and provides an additional public space available to the wider area and future residents of this development. When added to the main park then the total net public open space in the development is 6,165sqm, which represents 22.55% of the net site area.



Figure 22 Extract from CGI 01 showing public plaza

- In terms of accessibility of the public park to the wider public it is noted there will be 3 options from the Swords Road – (1) via the footpaths along the main access road into the development to the north: (2) via the public plaza and (3) via the pedestrian/cyclist route at the south-western corner.
- Additional future access for pedestrians/cyclists is indicated at the southern boundary and south-eastern corner of the development; however, it is noted that the adjoining Highfield Car Centre and Beech Lawn Nursing Home are in private ownership and public access through either campus is not available at present.
- As noted above, the current design also facilitates potential future access to and connectivity with the DCC Z12 lands to the north with a shared surface design imposed along the access road/emergency access route which runs to the north of the proposed public park. As a result, pedestrian/cyclist movement north-south will be prioritised between the two public open spaces.
- The shared surface arrangement is continued along the full length of the internal perimeter road and will optimise public accessibility from the Swords Road at the south-western entrance to the development.
- Increased levels of cycle parking including significant visitor parking at the public open space are now provided within the site along with cargo bike spaces enabling more visitors to access the development and enjoy the public open space and public plaza area with local amenities provided.



Figure 23 Extract from CGI 05 showing access route at south-western corner



Figure 24 Extract from CGI 07 showing access to public plaza

Communal Open Space Measures

- The ground level communal open space in the west of the scheme has also been significantly improved through a number of design changes including relocation of the ESB substations out of the open space and repositioning of necessary basement vents away from the heart of the open space. Both of these measures has increased the net open space available for residents.
- In the previous SHD application the ground level communal open space area, which again had included all residential defensible spaces and marginal areas, as well as walking areas between Blocks B & C, and D & E), was stated as 3,542 sq.m.
- As with the revised public open space, the communal open space in the current application has been redesigned and recalculated to exclude the residential defensible spaces along each adjoining block. The net communal open space at ground floor is now correctly measured at 2,939 sq.m as detailed in the Parkhood Landscape Design Report.
- In addition, three roof gardens are also proposed to provide additional spaces for future residents. These roof gardens provide a total of 341 sqm of communal open space which when added to the main communal space of 2,939 sq.m gives a total of 3,280sqm.
- The minimum communal open space requirement for the 472 units is 2,830 sqm calculated as follows (as per the 2020 Apartment Guidelines (Appendix 1) and Section 16.10 of the DCC Development Plan):

Unit Type	No. Units Proposed	COS Requirement	Total COS Required
Studio	32	4 sq.m	128 sq.m
1-bed	198	5 sq.m	990 sq.m
2-bed	233	7 sq.m	1,631 sq.m
3-bed	9	9 sq.m	81 sq.m
Total	472		2,830 sq.m

Table 8 Communal Open Space Requirement Calculations

- The 3,280 sq.m communal open space provision is therefore 450 sq.m or 16% above the minimum standard required for the development.



Figure 25 Extract from CGI 02 showing proposed communal open space at ground level.

- In the assessment of the previous SHD (Ref. ABP-309553-21) reference was made by DCC and the ABP Inspector to a previous planning application on the site – Ref. 3405/19 - which had stated the communal open space between Blocks A/B/C as 2,602 sq.m. That figure conflicted significantly with the 3,542 sq.m area stated in the previous SHD, particularly, as there had been no change to the footprint of the buildings between the 2019 and SHD applications.
- To avoid any further confusion for the Board in the adjudication of the current application, we have also included for reference below an extract of the Open Space map taken from the 2019 application where the 2,602 sq.m figure was stated:

REQUIREMENT: 20% (*Institutional Lands*)
SITE AREA: 2.73 Hectares | 6.74 Acres
OPEN SPACE PROVISION: 6,529m² | 24%

P.O.S. A 760m²
P.O.S. B 4,005m²
P.O.S. C 1,764m²

COMMUNAL
AMENITY SPACE:

C.A.S. D 2,602m²



OPEN SPACE | AMENITY LEGEND

- As can be seen the area that was measured 2,602 sq.m (area 'D') in the 2019 application was a smaller area than the communal open space now defined in the current application. In the 2019 application, the southern area adjoining Blocks C and E (marked "C" on the above map) was being claimed as public open space for that application (bearing in mind again that the main open space ('B') in that application was smaller than in the current application given that Blocks F and G are now moved further east and the previous creche has been omitted from the northern area and located in Block A).
- We refer again to the clear Open Space calculation map now produced by Parkhood Landscape Architects for this application and which clearly defines and measures the public and communal open spaces, and excludes defensible spaces and marginal areas.
- Notwithstanding the above, even if the previous stated 2,602 sq.m figure for the ground floor communal open space was to be applied, we note that when the 3 roof garden spaces are added (341 sq.m), then total communal open space would be 2,943 sq.m. This still exceeds the 2,830 sq.m minimum figure required for the 472 units.
- Overall, therefore, it is considered that the communal open space quantum and design in the current proposal addresses the previous reason for refusal and accords with the quantitative standards of Section 16.10 of the City Development Plan and the 2020 Apartment Guidelines.

Finally it is noted that, save for the changes noted above the proposed development in terms of block layout, form, range of heights, aspect and architectural design reflects broadly the previous scheme which, as noted above was considered acceptable to the Board in the previous SHD application.



Figure 26 Extract from Proposed Landscape Masterplan prepared by Parkhood

CHAPTER 5 RATIONALE

Delivering added benefits

This site has an extant permission on it which was approved by both Dublin City Council and An Bord Pleanála in 2010. This proposed development builds upon this extant permission and delivers clear improvements as a result of the modifications to enhance the benefits for both the existing community and for the future community of this development. In brief these benefits are:

- High permeability envisaged through the site for cyclists and pedestrians resulting in a pedestrian and cyclist dominated environment.
- There is only one vehicular access point to the site with immediate access to the basement car park where the majority of car parking spaces are provided removing as many cars as possible from the ground level as soon as possible.
- The alteration to the perimeter road to a narrower shared surface route, with a change in the surfacing material, and the inclusion of raised tables, to enforce the dominance of non-car-based traffic in this area.
- Through the increase in height, the provision of a stronger urban edge, particularly along the Swords Road which is a key artery into the city.
- The Public Open Space has been enlarged and has been designed to provide one large attractive space with multiple facilities. By avoiding a fragmented design it allows for greater flexibility over time and given its scale, Hartfield will resonate locally. This provides great amenity space for the locality with potential direct linkages to the heart of Whitehall once the site to the north is developed out (under DCC ownership). Both the Public Open Space areas along with the Communal Open Space areas all achieve a high level of access to sunlight in excess of the BRE recommendations
- The public open space also includes a MUGA, teenage play, toddler play for the whole community to use.
- There is additional communal open space at ground floor and roof levels provided within this development for the future community, as well as the internal communal spaces.
- The positioning of the creche beside the plaza and commercial café unit provides for better activity in the plaza and increase in dual uses for the space. This will ensure activity within the plaza.
- The number of dual aspect units increase to 55.6% of all units which is far in excess of the 33% required for central, accessible sites such as this and there are no single aspect north facing units.
- In line with the increased permeability, the development also includes higher levels of cycle parking provided within the site, along with cargo bike spaces which is far in excess of the permitted development and also the quantum required by Dublin City Council.
- The change in the mix of units has enabled an alteration to the sizes of the units. This has resulted in a larger than average units size with the average size of a one bed unit at 51.9sqm (6.9sqm larger than apartment guidelines), a two bed is on average 82.8sqm (c.9.8sqm larger than the apartment guidelines) and a three bed is on average 104.9sqm (c.14.9sqm larger than the apartment guidelines).

These are further expanded on below and within the other documents submitted with this application.

Addressing the Housing Crisis

Dublin's population continues to expand, despite net outward migration during the economic downturn. According to CSO results in the ten years to 2016, it grew by 13.5% to 1.35 million and in 2019 it is estimated to over 1.38 million. As set out in the National Planning Framework, Dublin's

population is set to continue expanding due to natural growth and net inward migration, with 2.85 million people expected to live in the region by 2040. This is reflective of the national situation which as recently reported the population of Ireland is now estimated to be 5.01 million in April 2021.

The composition of Dublin households is also changing rapidly. There has also been a shift in household occupancy and composition within existing and new households. This situation represents something of a 'paradigm shift' as different housing profiles and needs have developed that were not historically present. The average household size in Dublin was 2.73 persons per household in 2016. This is down from 2.99 in 1996 and 3.94 in 1971. When isolating just those persons living in apartment units, the average household size is significantly lower at 2.2 persons per household in 2016. In line with this pattern, residential stock in Dublin has grown by approximately 14.0% since 2006 but the share of semi-detached houses of total has remained in and around 35% of stock, increasing in absolute terms by 7.8% on 2006 figures by 2016. Apartments were the highest growing housing type in that same period though, seeing an almost 39% increase on 2006 figures. There are presently just under 24.9% of the total residential stock share as apartments, indicating a clear demand of the population for more apartments.

Occupancy within the housing market also shifted significantly in the last number of years, evidenced by the relative growth of the private rental sector from 14.5% of households in 2002 to account for 23.9% of households in 2016. This equates to over one in five households in Dublin now renting their home. Its absolute growth has been from nearly 55,000 to over 114,000; growth of 109% between 2002 and 2016. Consequently, there is now a greater level of competition amongst those households choosing privately rented housing.

Trends in household size are also influenced by trends in health, longevity and migration; cultural patterns surrounding intergenerational co-residence, home leaving, cohabitation, marriage and divorce, lower mortality; and socioeconomic factors that shape trends in education, employment and housing markets. For example, in 2016 there were 40,271 persons living alone in Dublin over the age of 65, accounting for over 1-in-4 (26.8%) of all persons over 65. This rate increases to 46.8% for persons over 80 years old. Taken as a whole, these trends mean that there is a need to plan for more homes, particularly to meet the accommodation needs of smaller families and single person households (including older people), both of which are likely to increase in number. In parallel with these social changes, the residential development sector has not functioned correctly over the past 10 years. The completion of just 12,596 units in 6 years between 2010 and 2015 (average at 2,099 units per year) was not sufficient to meet the needs of a growing/changing population.

The proposed development is designed to accommodate all users, irrespective of age and will meet the demand for smaller one, two and three bed units. This proposed development is of a very high quality design while also being located close to good quality public transport.

Overall Layout

Blocks A, B and C will front onto Swords Road and will be directly accessible from Swords Road forming a clearly defined and attractive urban edge to the development.

Block A provides an urban frontage to Swords Road and the northern access road into the site. The corner location of Block A makes it an appropriate location for a café, creche, and residential amenity space at the ground floor level forming a vibrant street frontage and entrance to the development. The remaining upper levels of Block A will consist of residential units. A sun lounge and roof terrace

for residents are also provided on the sixth floor level of Block A. This block steps up from 5 storeys along Swords Road to 8 storeys within the subject site, providing a strong urban frontage to both Swords Road and the proposed public open space within the development.

A public plaza is proposed south of Block A which will complement the proposed ground floor uses and create a welcoming environment for the residents of the scheme and the wider area.

Block B is located south of block A and the public plaza, along Swords Road, and continues the frontage along Swords Road. It is orientated in a northeast-southwest direction, perpendicular to Block A. The block helps frame the communal open space to the east of the block. The block steps up from 5 storeys at either end of the block to 6 storeys and steps down again to 5 storeys in the centre of the block. This variation in height provides a strong frontage to Swords Road to the west and the communal open space to the east while also ensuring the elevation does not become monotonous.

Block C is located to the south of the site, south of Block B, and continues the frontage along Swords Road. It also provides frontage to the southern access road to the site. The block is orientated in a northwest-southeast direction, perpendicular to Block B, and frames the communal open space north of the block. The block steps up from 5 storeys along Swords Road to six storeys and steps down to 4 storeys on the eastern elevation.

Block D and Block E are located centrally within the site and are orientated in a north-south direction. The blocks provide frontage and passive surveillance to the communal open space to the west and the public open space to the east. Block D is generally 8 storeys in height and steps down to 7 storeys at the northern and southern elevations. Block E steps up from 4 storeys at its southern elevation to 8 storeys and then down to 7 storeys at its northern elevation. There is stair core and lift located adjacent to the southern elevation of Block E which provides access to the basement car park. The heights of Block D and E have been carefully considered with the higher heights proposed where they are unlikely to have a negative impact on adjoining developments and the streetscape.

Block F and G are located along the south-eastern boundary of the site and are orientated in a northeast-southwest direction. They provide frontage and passive surveillance to the public open space to the west of the blocks. Block F steps up from 4 storeys at the northern elevation to 5 storeys. Block G steps up from 4 no. storeys at its southern elevation to 6 no. storeys. A roof terrace providing communal open space for the apartment blocks is located in the south-western corner of both blocks (at fifth floor level in Block F and at fourth floor level in Block G).

Blocks F and G are located in closer proximity to the southern and eastern boundaries. It is proposed to provide heights of four to 6 storeys to these buildings in keeping with the scale of the existing buildings on neighbouring sites.

A large public open space is provided east of Blocks D and E and west of Blocks F and G. This space has been carefully designed to provide a large, useable open space, with native planting and minimal hard surfacing. A Multi-Use Games Area (MUGA) is provided in the northern corner of the site, which will provide active recreational space for the residents of the development and the wider area. This open space has also been designed to allow a possible future connection to the lands to the north which are currently undeveloped. The location of the MUGA also complements the adjacent GAA pitch where people already come to for active leisure.

A large communal open space is provided east of Block B. This space is framed in plan by Blocks A, B, C, D, and E and adjoins the public plaza. It will provide a high-quality open space for all future residents

of the proposed development. Residents from Blocks A, B, C, D and E can access the space directly from the apartment blocks and residents from Blocks F and G can access the space through the proposed public open space.

A basement is proposed to the west of the site, under Blocks A, B, C, D and E and the communal open space. This will be accessed from a basement ramp immediately east of Block A.

One of the guiding principles of the layout of the development is due to recognition of the Dublin Port Tunnel which runs under the site and the open space provision required for former institutional lands and it is for those reasons that the major areas of public open space are located over the tunnel, which also accords with the masterplan set out in the Whitehall Framework Plan.



Figure 27 Extract from Proposed Site Layout Plan

It is important to note that the site layout reflects the established permission on the site under DCC Reg. Ref. 3269/10 / ABP Ref. PL29N.238685 which also comprised of seven no. apartment blocks. The layout also reflects that of the most recent SHD on the site, which was generally well received by the ABP Inspector as noted in Chapter 2 above.

Daylight/Sunlight

The proposed apartment buildings are designed to minimise any negative impact of overshadowing through the predominant north-south orientation of the buildings on site. The highest buildings are placed furthest away from existing residential development, tapering down towards the boundaries of the site where the proposed development is in close proximity to existing buildings.

A Daylight, Sunlight and Overshadowing assessment of the proposed development has been completed by Avison Young. This is discussed in further detail in response to ABP Opinion section.

Overlooking

The layout of the seven proposed apartment buildings on the site places five of the buildings around the perimeter with two buildings centrally to form two large open spaces within the centre of the development. The buildings around the perimeter are generally separated from existing neighbouring buildings by a roadway, either existing or proposed.

The proposed buildings are placed on the site overlooking the public and community open spaces achieving good separation distances between opposing windows above ground floor.

Overall there is sufficient separation distances between opposing windows and balconies of the proposed buildings to the existing buildings.

Mitigation measures have been incorporated to avoid any potential overlooking of balconies or living room windows that are located within the acceptable separation distances to existing buildings through the use of privacy screening or building form to limit direct line of sight between windows of buildings.

There are a number of gable ends of buildings present where buildings are in closer proximity to one another. Careful positioning of the windows that are located on gable ends ensure minimal overlooking by staggering windows.

It is considered that with the mitigation measures in place for windows and balconies at gable ends, the separation distances between the proposed blocks within the development are acceptable.

This is discussed in further detail in the Response to An Bord Pleanála's Opinion.

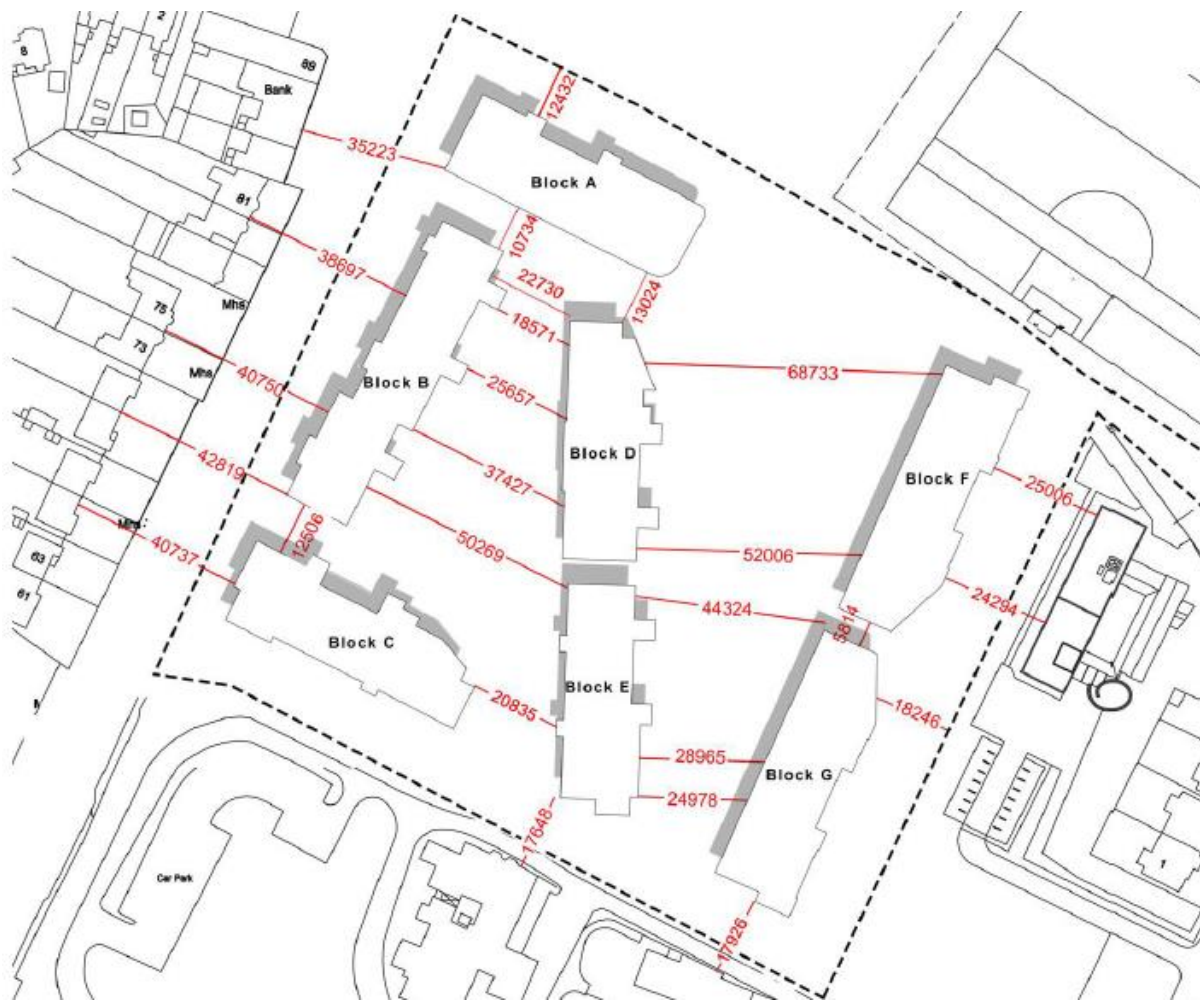


Figure 28 Extract from CW+OB Design Statement showing dimensions

Open Space

A total of c. 9,445sqm open space is provided within the development as public/communal open space. This equates to c. 34.54% of the net site area (2.73 ha).

The proposal includes a total of c. 6,165sqm public open space. This equates to c. 22.55%, which is in excess of the 5,486sqm or 20% required for this site.

- A large public open space is provided to the west of the site, framed by Blocks D, E, F, and G. This public open space provides large kick about areas, a multi-use games area (MUGA), gym equipment, and children's play equipment.
- A public plaza is provided in the northern corner of the site, adjacent to Block A.

The proposal includes a total of c. 3,280 sqm of communal outdoor amenity space for the residents.

- Roof terraces on Block A, Block F, and Block G.
- A large communal open space at ground floor level, framed by Blocks B, C, D and E. This communal open space provides a play area, seating, and passive amenity areas.

All of the areas as calculated exclude the shared surface perimeter route around the site, all defensible spaces for the ground floor units as well as an incidental paths and connections between blocks that provide access around and through the site but that run adjacent to the areas of public open space.

To provide a comparison of the public open space provided it is worth noting that this space proposed is larger the Wilton Square, Cabbage Garden, Square Park or Dubh Linn, all of which are popular, well used spaces within Dublin. This proposed public open space, which is larger then all of these will provide a useable, attractive open space within the heart of this development.

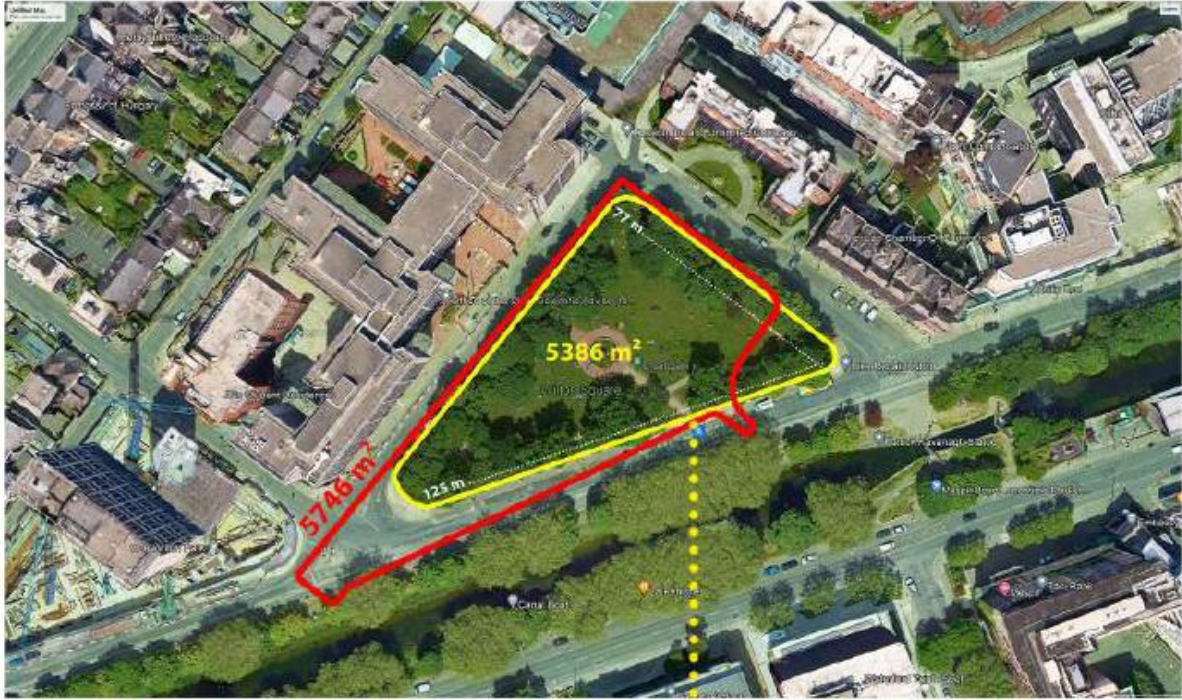


Figure 29 Wilton Square Dublin



Figure 30 Cabbage Garden, Dublin

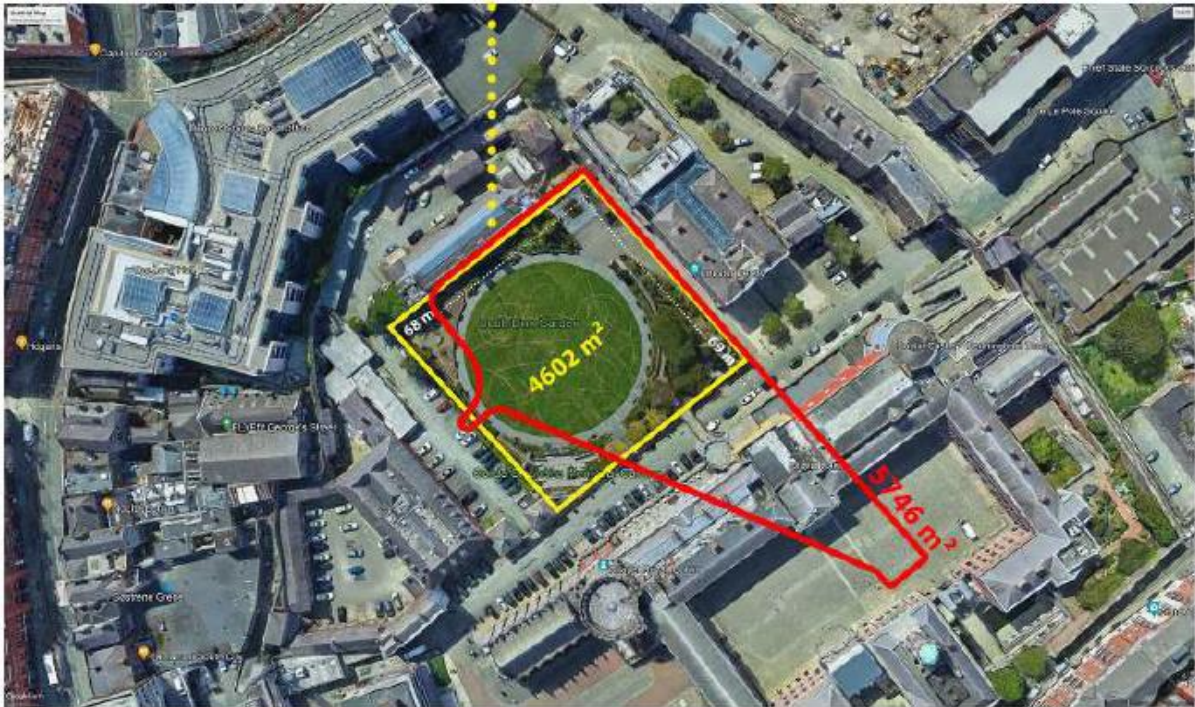


Figure 31 Dubh Linn Garden, Dublin



Figure 32 Square Park, Dublin



Figure 33 Extract from Parkhood Design Statement indicating open space

It is important to note that the layout and design of the Public Open Space surrounded by blocks D, E, F and G has been altered significantly compared to the previously refused SHD development. The alterations include the

- Removal of the creche from this space
- Rationalisation and simplification of the open space to ensure the provision of large open green areas without any paths dividing it
- provision of 2 play area
- Multi-Use Games Area
- Altering the position and layout of blocks F and G to provide more Open Space.



Figure 34 Extract from Parkhood Design statement showing main area of public open space

As a result of these changes this central area of Public Open Space provides for c. 5,679sqm or 20.77% of the total area. This is separate to the plaza area, located off the Swords Road, which measures 486sqm and provides an attractive space for both residents and people using either the creche or cafe facility. The total quantum of public open space between these two areas is c.6,165 sq.m which represents 22.55% of the net site development area.



Figure 35 Comparison of the subject application public open space and the open space in the previously refused SHD

It is also noted that the Communal Open Space has been redesigned and expanded to achieve greater quantum of useable communal open space for future residents, which is in addition to the internal communal spaces. The ground floor open space has also been simplified with many of the footpaths omitted from these areas of open space making larger, more useable green open spaces.



Figure 36 Comparison of the subject application public open space and the open space in the previously refused SHD

In addition to the rationalisation of the communal open space new roof terraces are proposed on blocks F and G, as well as on block A. These will provide an additional 341sqm of communal open space, providing a total of 3,280sqm of communal open space provided throughout the development, 450sqm of open space in excess of the Apartment Guideline requirements.

The open spaces will all be fully overlooked providing surveillance and security from the apartments. There is a clear benefit from quality materials to define the hierarchy of the space. The communal open spaces will be clearly defined and distinguishable from private and public open space. Ground floor apartments adjoining the public and communal open spaces are set off by an approximately 1.5 to 2m wide band to provide a defensible space between the apartments and the open spaces.

The public and communal open spaces will also benefit from an extensive planting scheme including feature tree planting, shrub and herbaceous planting, lawns and meadow all with a focus on including

native species to enhance the biodiversity benefits of the development. Species have been carefully selected to respond to the various orientations of open spaces within the development and to perform key functions such as creating a gateway statement or providing screening from the adjacent road network.

Overall, the proposed open space scheme will provide quality, well proportioned, safe, usable spaces that contribute to a sense of place. Please see the landscaping drawings and rationale prepared by Parkhood for further detail.

The applicant/developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws for public open space of the Planning Authority at all times.

Visual Impact Assessment

A Landscape and Visual Assessment has been carried out by Macroworks as part of the EIAR submitted with this application. This chapter concludes as follows:

“This assessment has considered both the Landscape / Townscape impacts of the proposed development as well as its visual impact. This assessment compares the proposed development to both the existing baseline environment and the previously permitted scheme on site.

In terms of Landscape / Townscape impacts it is considered that the proposed development will not result in a marked increase in the intensity and scale of the development when compared to the previously permitted scheme on site. Critically it will not push a threshold whereby the development appears over-scaled or inappropriate to the surrounding urban fabric, which already contains substantial scale institutional facilities such as a Hospitals, Nursing Homes and schools closely aligned to major north city transport routes. Thus, the significance of Landscape / Townscape impact is deemed to be Moderate and Positive relative to the current brownfield scenario and the effects of the proposed development Slight-imperceptible relative to the extant permission.

Nine viewpoints were used for the purposes of the visual impact assessment with verifiable views prepared for each of them. In several instances, the proposed development is not readily visible from the particular viewpoint and the significance is Imperceptible by default (VP3, VP4, VP7). In the case of VP6, which is relatively close to the eastern side of the development, the only visible block is Block F. For the remaining viewpoints (VP1, VP2, VP2a, VP3a and VP5) the significance of visual impact is deemed to be Slight-imperceptible for very similar reasons in each case. These include only a very minor increase in the scale and intensity of the permitted development from the proposed additional upper levels. A change that although perceptible has little material consequence for visual amenity or a sense of scale conflict and/or overbearing relative to the previously permitted development or in its own right.”

In terms of the overall significance of impact the chapter finds that “Overall, it is considered that the proposed development is of an appropriate scale to its receiving environment and will not result in significant and negative impact once complete. Instead, the contribution of the proposed development is deemed to be a positive one in the context of the urban fabric of this area.

Childcare Facilities

An assessment of the childcare facilities in the area and the expected childcare demand resulting from the proposed development was completed as part of Chapter 4 Population and Human Health of the EIAR submitted with this application.

This assessment found that there 7 no. existing childcare facilities within 1km which at 40 no. spaces available when surveyed in January 2022. As this survey was carried out when Covid-19 restrictions it is expected that there would be less spaces available as restrictions eased. The proposed development is expected to require c. 33 no. childcare spaces. As a result, the proposed development includes a creche of 445.76sqm on the ground floor of Block A which can accommodate 63 full time spaces. An outdoor play area of c. 118sqm is also provided.

Transport and Access

The proposal for the roads includes improvements to the footpaths, cycle ways and also the junctions on the Swords Road, improving the road environment for all users. The buildings along the Swords Road have been carefully sited to ensure that they work with the road as it currently exists but can also incorporate BusConnects should it be commissioned.

The main vehicular access to the site is provided from Swords Road at the northern western corner of the site, north of Block A. Vehicular access to the basement car park is provided immediately east of Block A which will ensure that cars are removed early from the shared surface areas.

A shared surface is provided along the northern, eastern and southern boundaries which will provide a route around the site for cyclists and pedestrians and limited number of vehicles. This will provide access to the open spaces, the apartment blocks and the surface car and cycle parking.

A fire tender and emergency access to Swords Road is provided in the south western corner of the site. This will be controlled by bollards and will generally function as a pedestrian and cyclist access only.

Two further pedestrian access points are provided from Swords Road – one between Blocks A and B, which provides access to the public plaza and on to the public open space, and a second between Blocks B and C.

Footpaths are provided alongside the proposed apartment blocks which provide pedestrian access to the public open space, the MUGA, the public plaza, and the communal open space. The positioning of the pathways have been carefully considered to ensure access is provided while also providing large uninterrupted areas of open space.

The proposal includes a total of 337 no. car parking spaces. 313 no. car parking spaces are provided for residents (at basement and surface level, including 5 no. car share spaces and 22 no. accessible spaces) which provides a residential car parking ratio of 0.66 which is considered an appropriate ratio for this accessible site in Dublin city. The proposal also includes 5 no. creche staff spaces at basement level and 19 no. visitor spaces at surface level (including 4 no. drop off spaces for the creche).

The proposal includes a total of 982 no. cycle parking spaces. 732 no. secure bike spaces are provided for the residents and 236 no. spaces are provided for visitors as Sheffield stands. In addition, 14 no. cargo bike spaces are provided. This provision of cycle parking spaces will help make cycling a viable mode of transport by providing adequate parking facilities for both residents and visitors. The inclusion of the cargo bike spaces will ensure the needs of a variety of bike users are catered for.

14 no. motorcycle parking spaces are also proposed.

Port Tunnel

AGL Consulting Geotechnical Engineers have prepared a Tunnel Impact Assessment, submitted with this application, assessed the impact of the proposed development on the Dublin Port Tunnels using the 3D finite element program PLAXIS. This program enables structural elements as well as soils to be modelled to develop sophisticated soil/ structure interaction analyses and the 3D modelling allows for the combined effect of the development on the Dublin Port Tunnels to be analysed. It takes account of all aspects of the development including the excavation for the basement carpark under Blocks A to E, the loads for the buildings Blocks A to G and the unloading due to construction of the attenuation tanks.

The Hardening Soil model with small-strain stiffness (HSS) and the Mohr Coulomb (MC) material models have been used to model the behaviour of the Boulder Clays. The latter model (MC) provides a more conservative estimate of the impact of the development on the tunnel, however, the HSS model has been shown to closely model the behaviour of the very stiff Dublin Boulder Clays (Lawlor et. al, 2011).

The assessment was also carried out in accordance with the NRA (now TII) criteria for any development proposed in the vicinity of the Dublin Port Tunnels in the document titled *Guidance Notes for Developers, The assessment of surface and sub-surface developments in the vicinity of the Dublin Port Tunnel*. The analysis carried out in AGL Tunnel Impact Assessment report assesses the results with respect to the criteria set out by TII above. In addition, checks of the tunnel lining for Ultimate Limit and Serviceability Limit State have been made in respect to tunnel distortion such as ovalisation/squatting and longitudinal tunnel deformations, as well as shear force, axial force and bending moment in the tunnel lining (both in the longitudinal and transverse directions) and the tunnel lining bolt connections. The analysis also accounted for various design situations and different excavation depths and loading combinations for the development that would impact on the Dublin Port Tunnels.

The assessment concludes that *'the construction of the proposed residential development at Hartfield Place does not exceed the TII surcharge limit on the tunnels and is also found to have no detrimental effect on tunnel lining'*.

The Tunnel Impact Assessment has been independently assessed by Byrne Looby who have issued a Cat III Design Check Certificate. This confirms that the assessment was carried out appropriately, in line with the correct methodologies. It highlights that the proposal is "not detrimental to the integrity of the Dublin Port Tunnels". This is included with the application.

EASTWISE GROUP

Hartfield Place Residential Development

HARTFIELD PLACE RESIDENTIAL DEVELOPMENT

Design Check Certificate

Design Element: Hartfield Place Residential Development, Swords Road

Reference No: 19-196-CE01-Rev 2

1. We hereby certify to the Client in respect of the check of the Design of the above Design Element, that reasonable professional skill, care and diligence has been taken by us with a view to securing that this Design Element:
- (i) complies with the Agreement (see below definition);
 - (ii) is not detrimental to the integrity of the Dublin Port Tunnels;
 - (iii) has been accurately translated into the Tunnel Impact Assessment Report bearing the unique reference numbers listed below:

Document Number	Rev	Document Title	Scheme no.
19-196-R05	2	Tunnel Impact Assessment Hartfield Place Residential Development, Swords road Impact of Construction of the Development on Dublin Port Tunnels	472

2. We agree that the words and phrases stated herein, unless otherwise stated, have the same meaning as attributed to them in the Agreement between the Client and the Independent Checker.

Independent Checker (Partner or Director)

Byrne Looby Consulting Engineers Ltd. dated 24th February, 2021

Signed ... *Maurice Ryan* Date 28/03/2022

Name ... Maurice Ryan Firm ByrneLooby

3. Receipt of this Certificate is Acknowledged/Acknowledged by

Client

Eastwise Group

Signed *K Gannon* Date 28/03/2022

Name ... K GANNON

Definitions: The Agreement referred to in this document is the works outlined in the fee proposal dated 24th February, 2020 (document reference no. T2053D_FEE_LT01_00).

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Ref No. 19-196-CE01

Figure 37 Byrne Looby CE Cat III Certificate

Archaeological Assessment

An archaeological assessment of the site has been carried out by John Purcell Archaeological Consultancy and is included in Chapter 14 of the EIAR submitted with the application. This assessment concluded that there are no recorded monuments on the site and the potential for archaeological remains to exist at the site are very low. As a result, there are 'no predicted impacts on the cultural heritage landscape by the proposed development'.

CHAPTER 6 STATEMENT OF RESPONSE TO AN BORD PLEANÁLA OPINION

A section 5 Pre-Planning Consultation Meeting with An Bord Pleanála and Dublin City Council took place on the 25th January 2022 via Microsoft Teams. Following on from this An Bord Pleanála issued a Direction and a Notice of Pre- Application Consultation Opinion dated the 26th January 2022 under reg. ref. ABP-311749-21, which stated that it is *“of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.*

Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:”

SPECIFIC INFORMATION REQUIRED

1. Drawings and documentation clearly describing the design and layout of the proposed junction with the Swords Road / Iveragh Road and proposed modifications to the existing road, footpath and cycle path networks. The application should demonstrate how the proposed development, will facilitate, and not interfere with, the implementation of Bus Connects proposals at this location.
2. Any subsequent planning application should address the matters raised in the report of the Dublin City Council Transportation Planning Division dated 14th November 2021 and should be accompanied by the following:
 - (i) Drawings clearly showing the proposed public footpath and cycle path along the Swords Road frontage of the site. Evidence of consent for all works to the public realm on lands outside of the applicant’s landholdings should be provided.
 - (ii) A detailed Traffic and Transport Assessment (TTA).
 - (iii) A Mobility Management Plan and a Parking Management Strategy.
 - (iv) An operational service plan including a detailed swept path analysis. The plan should address inter alia, the management of car parking and drop-off movements associated with the proposed creche.
 - (v) Details of the quantum and design of bicycle parking / storage, in accordance with the provisions of the guidelines on Sustainable Urban Housing: Design Standards for New Apartments.
 - (vi) A Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit. The Road Safety Audit should consider, inter alia, the design and layout of parking within the development, design of the Swords Road junction, and the movement of pedestrians and cyclists through the site.
 - (vii) A construction traffic management plan.
3. A Draft Construction and Waste Management Plan.
4. A Tunnel Impact Assessment having regard to Policy MT22 of the Dublin City Development Plan and Appendix 6 thereof, with regard to the Dublin Port Tunnel. This assessment should be accompanied by a Construction Management Plan and Method Statement in accordance with the requirements of Transport Infrastructure Ireland (TII).

5. An assessment of the noise environment and an Acoustic Design Statement demonstrating that adequate levels of residential amenity will be achieved for future residents of the development and of adjoining properties.
6. A report which addresses the matters raised in the report of the Dublin City Council Drainage Division dated 4th November 2021.
7. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision, including in particular accommodation at ground and first floor levels. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified, and their effect appropriately described and / or quantified.
8. A report that addresses issues of residential amenity (of both future occupants and occupants of adjacent development), specifically with regard to overlooking, overshadowing, visual impact and the potential effects of flood lighting of adjoining playing fields. The report shall include cross-section drawings showing the relationship between the proposed development and adjoining development.
9. A detailed rationale for the proposed housing mix having regard to the provisions of the current Dublin City Development Plan and relevant national and regional planning policy.
10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
11. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.
12. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development.
13. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

In addition, the opinion identifies that the applicant shall notify the following authorities in the event of making a planning application:

1. Minister for Housing, Local Government and Heritage
2. An Taisce – The National Trust for Ireland
3. The Heritage Council
4. Irish Water
5. National Transport Authority (NTA)
6. Transport Infrastructure Ireland (TII)
7. Dublin City Childcare Committee

We can confirm that the prescribed bodies identified by An Bord Pleanála have been notified and a full copy of the planning application under consideration has been furnished to these bodies. It is worth noting that all the consultees have requested that only a soft copy be sent to them.

STATEMENT OF RESPONSE TO SPECIFIC INFORMATION REQUIRED

This section addresses the additional specific information requested at the tripartite meeting and in the Opinion by the Board in respect of the proposed development following the pre-application process for a Strategic Housing Development at the subject site (Reg. Ref. ABP-311749-21). Please note that these specific information requests should be read in conjunction with the accompanying detailed documentation prepared C+W O'Brien Architects, Parkhood Landscape Architects, Aecom Consulting Engineers, Avison Young Consulting, JOR Consulting Engineers, PUNCH Consulting Engineers, AWN Consulting, Fallon Consulting Engineers, McElligott Consulting Engineers, JBA Consulting; AGL Consulting, Macroworks, Hydrocare Environmental, Joe McConville and Modelworks.

A few key changes have been made to ensure any issues arising from the specific information requested or as a result of discussion in the tripartite meeting have been addressed in the application. Alterations include:

- Revisions to the car and bicycle parking to improve the bicycle parking within the development
- Alterations to the window sizes and locations to ensure appropriate levels of light throughout the development
- Alterations to the public open space to ensure it's the appropriate quantum is met and that it is fully accessible and useable.
- Alterations to the road layout along Swords and Iveragh Road following discussions with Dublin City Council
- Alterations to the southwest corner to ensure more openness for the general public to encourage more access into and through the site

RESPONSE TO SPECIFIC INFORMATION REQUIRED 1: ROAD INFRASTRUCTURE

An Bord Pleanála stated the following:

Drawings and documentation clearly describing the design and layout of the proposed junction with the Swords Road / Iveragh Road and proposed modifications to the existing road, footpath and cyclepath networks. The application should demonstrate how the proposed development, will facilitate, and not interfere with, the implementation of Bus Connects proposals at this location.

APPLICANT RESPONSE

AECOM have completed a "Response to ABP Opinion and DCC Comments on Pre-application consultation". In Section 3 of the report they identify the new signalised access off Swords Road opposite Iveragh Road, changing this three armed priority junction into a 4 armed signalised junction. This is shown on Aecom Drawing PR379360-ACM-XX-XX-DR-CE-10-0001C. This also accommodates all footpath and cyclepath networks.

The Aecom Drawings and reports also demonstrate how the development will operate with the existing road arrangements and also incorporating the requirements of BusConnects. Section 3 of the Response to ABP Opinion and DCC Comments on Pre-application consultation" confirms that this development can incorporate any future works to accommodate BusConnects and is demonstrated in AECOM Drawing PR379360-ACM-XX-XX-DR-CE- 20-0003.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 2: TRANSPORTATION

An Bord Pleanála stated the following:

Any subsequent planning application should address the matters raised in the report of the Dublin City Council Transportation Planning Division dated 14th November 2021 and should be accompanied by the following:

- (i) *Drawings clearly showing the proposed public footpath and cycle path along the Swords Road frontage of the site. Evidence of consent for all works to the public realm on lands outside of the applicant's landholdings should be provided.*
- (ii) *A detailed Traffic and Transport Assessment (TTA).*
- (iii) *A Mobility Management Plan and a Parking Management Strategy.*
- (iv) *An operational service plan including a detailed swept path analysis. The plan should address inter alia, the management of car parking and drop-off movements associated with the proposed creche.*
- (v) *Details of the quantum and design of bicycle parking / storage, in accordance with the provisions of the guidelines on Sustainable Urban Housing: Design Standards for New Apartments.*
- (vi) *A Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit. The Road Safety Audit should consider, inter alia, the design and layout of parking within the development, design of the Swords Road junction, and the movement of pedestrians and cyclists through the site.*
- (vii) *A construction traffic management plan.*

APPLICANT RESPONSE

Section 3 of the "Response to ABP Opinion and DCC Comments on Pre-application consultation" by AECOM also responds to this item, and is also covered in detail in section 2 of the same report. It highlights that "a detailed TTA was submitted to DCC in October 2021 and this has been revised to take account of changes such as those to the internal road and parking, as described in the DCC response, therefore the list of transport related reports submitted as part of this application" includes:

- An updated TTA, including DMURS statement
- An MMP and Parking Management Strategy will be submitted as part of this application
- An Operational Service Management Plan included Swept Path analysis
- Quality Audit including RSA

It is also noted that an Outline Construction Traffic Management Plan is contained within Section 10 of the TTA.

The TTA also details the quantum and design and management of bicycle parking and storage which is also reflected in the Architects Design Statement.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 3: CONSTRUCTION & WASTE

An Bord Pleanála stated the following:

A Draft Construction and Waste Management Plan.

APPLICANT RESPONSE

A Resource and Waste Management Plan has been prepared by AWN Consulting in line with best practice. This is submitted with this application.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 4: PORT TUNNEL

An Bord Pleanála stated the following:

A Tunnel Impact Assessment having regard to Policy MT22 of the Dublin City Development Plan and Appendix 6 thereof, with regard to the Dublin Port Tunnel. This assessment should be accompanied by a Construction Management Plan and Method Statement in accordance with the requirements of Transport Infrastructure Ireland (TII).

APPLICANT RESPONSE

AGL Consulting Geotechnical Engineers have completed a Tunnel Impact Assessment and have also completed the Construction Environmental Management Plan in conjunction with PUNCH Consulting Engineers.

The Tunnel Impact Assessment assesses the proposal with respect to the criteria set out in the TII document for surcharge loading of the tunnels.

The Assessment states the following:

“In addition, checks of the tunnel lining for Ultimate Limit and Serviceability Limit State have been made in respect to tunnel distortion such as ovalisation/squatting and longitudinal tunnel deformations, as well as shear force, axial force and bending moment in the tunnel lining (both in the longitudinal and transverse directions) and the tunnel lining bolt connections.

The analysis has been carried out for various design situations (DS-1 to DS-5) to account for the different excavation depths and loading combinations for the development that would have an impact on the Dublin Port Tunnels. The following is a summary of the results of the assessment of the proposed development on the tunnels from the numerical analysis presented herein:

1. The analyses showed that the increase in vertical total stress on the tunnel lining does not exceed the TII limit of 22.5 kN/m² at any point on the main tunnels or pedestrian cross passage. The maximum increase in stress on the tunnel lining is calculated to be 19.3 kN/m² for Design Situation DS-2 for the Mohr Coulomb material model. We note that TII does not require any further assessment of the tunnel lining and its components (i.e., in respect to the Ultimate Limit and Serviceability Limit States) where the surcharge loading on the tunnel does not exceeded 22.5 kN/m².

2. The design bending moments and axial forces derived from the Plaxis 3D model indicate that the combined design axial forces and bending moments plot within the design envelope for the tunnel lining both in the transverse and longitudinal directions and are therefore acceptable.

3. The design shear forces exerted on the tunnel lining in the transverse and longitudinal directions are less than the design shear resistance of the tunnel lining and are therefore acceptable.

4. The change in ovalisation, joint rotation, radial joint eccentricity and longitudinal curving of the tunnel due to the proposed development are considered to have negligible effect on the integrity of the Dublin Tunnels.

5. Consideration has been given to the impact on the tunnel of the different construction sequences that could be adopted during construction. The construction sequences analysed as part of this report must be adopted by the Contractor during the works. No other construction sequences shall be permitted.

In conclusion, it is found that the construction of the proposed residential development at Hartfield Place does not exceed the TII surcharge limit on the tunnels and is also found to have no detrimental effect on tunnel lining."

This assessment has been confirmed by Byrne Looby CE as appropriate and in line with requirements.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 5: NOISE

An Bord Pleanála stated the following:

An assessment of the noise environment and an Acoustic Design Statement demonstrating that adequate levels of residential amenity will be achieved for future residents of the development and of adjoining properties.

APPLICANT RESPONSE

An Acoustic Design Statement has been completed by Aecom Consulting. This report concludes the following:

"...desired indoor ambient noise levels for future occupant of the proposed development can be achieved through appropriate acoustic design of external building fabric. The outline sound insulation requirements of the external building elements have been provided in the statement. These are based on the results of the noise survey.

Recommendations for building services noise and vibration are provided in order to achieve suitable internal noise and vibrations levels. Noise emission limits has been provided based on DCC EHO requirement in order to avoid impact on adjoining properties."

RESPONSE TO SPECIFIC INFORMATION REQUIRED 6: DRAINAGE

An Bord Pleanála stated the following:

A report which addresses the matters raised in the report of the Dublin City Council Drainage Division dated 4th November 2021.

APPLICANT RESPONSE

JOR Consulting Civil and Structural Engineers have continued to consult with Dublin City Council. Following on from these consultations agreement has been reached on all matters raised by Dublin City Council Drainage Division. Details of the proposal and a response to the DCC Drainage Division is provided at Appendix A of their Engineering Services Report.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 7: DAYLIGHT & SUNLIGHT

An Bord Pleanála stated the following:

A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision, including in particular accommodation at ground and first floor levels. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified, and their effect appropriately described and / or quantified.

APPLICANT RESPONSE

Avison Young (AY) have completed a comprehensive Daylight & Sunlight Assessment for the proposed development.

The assessment has been undertaken with regard to Dublin City Council's (DCC) planning policy and, the advice and recommendations set out in the Building Research Establishment (BRE) report - 'Site layout planning for daylight and sunlight: A guide to good practice - 2011' (*referred to in this report as the "BRE guidelines"*). Avison Young have also run climate-based daylight modelling (CBDM) against European Standard EN 17037, and British Standard BE EN 17037.

The **First Section** of the Report considers the potential daylight and sunlight effects that may occur to neighbouring residential properties as a result of the Proposed Development.

In accordance with the BRE guidelines, detailed daylight and sunlight assessments have been undertaken to quantify any alteration in light that may occur because of the proposed development within existing residential habitable rooms and windows. VSC (Vertical Sky Component), NSL (No Sky Line) compliance; and APSH (Annual Probable Sunlight Hour) compliance is assessed.

In assessing these compliances, regard is had to the fact that this large regeneration site currently has no development on it which is positively impacting existing daylight and sunlight results for existing properties.

The assessment also factors in the consented scheme on the site (Ref. PL29N.238685 Reg. Ref 3269/10), which is of a very similar layout, scale and density as the current proposal.

Regard is also had to the previous SHD application on this site (Ref. ABP-309608.21), which is of the same height and very similar layout, which was assessed in detail by ABP in 2021 in relation to daylight/sunlight and was considered would "*not have any significant adverse impact on residential amenities or sensitive receptors by way of overshadowing or adverse impacts on daylight/sunlight.*"

Whilst the detailed analysis notes that some windows of existing properties will experience lower levels of light with the proposed scheme in place compared to the current, vacant site condition, the impacts are considered isolated and/or not unusual within the specific urban context and established planning precedent on this large redevelopment site.

In summary Avison Young *“are of the opinion that the alterations and retained levels of light are acceptable in terms of the impact on neighbouring daylight and sunlight based upon the flexibility afforded by the BRE Guidelines, the comparable results with the consented scheme and the fact that there are impacts to a small number of windows and rooms.”*

The **Second Section** of the Report considers the potential levels of daylight and sunlight that will be enjoyed within the Proposed Development and the potential overshadowing to the proposed amenity spaces.

The results across all proposed blocks show that approximately 85% of habitable residential rooms will enjoy acceptable levels of daylight amenity when using the target criteria of 2% for a Living/Kitchen/Dining room (full room depth). This increases to 93% if applying an alternative target criterion of 1.5% ADF for a Living/Kitchen/Dining (full room depth).

The Sun Hours on Ground (“SHOG”) analysis to balconies indicates that high levels of sunlight amenity will be available to inhabitants, with 84% meeting the March test and 96% meeting the June test.

The report also notes that the majority of units will overlook shared amenity space that achieve high levels of sunlight amenity with 100% of Communal Open Space, 75.86% Community Space, 100% Private Seating and 100% Public Open Space meeting the BRE criteria for SHOG on 21st March.

In accordance with the BRE guidelines the Report also outlines a number of compensatory measures within the development. Firstly the Report outlines the architectural measures that have been implemented within the final architectural design (following Avison Young advice) to achieve higher levels of daylight and sunlight into the residential units, and which makes for a further improvement over the extant permitted development on the site. These measures include:

- Increased head heights to windows;
- Increased window widths;
- Ensuring each unit has a balcony and ensuring good levels of sunlight where possible by amending the placement of balconies and the removal of columns/side panels from the balcony ;
- The addition of new windows where possible;
- Reductions in the depth of rooms.

The report also identifies compensatory measures throughout the development which will benefit future residents of the development. These include:

- Whilst the Apartment Guidelines require the majority (i.e. 51%) of the apartments to exceed the minimum floor area standards; in this scheme 70% of the units exceed the minimum. This is outlined in the Housing Quality Audit prepared by CW O’Brien Architects. The average size of a one bed unit is 51.9sqm (6.9sqm larger than apartment guidelines), a two bed is on average 82.8sqm (c.9.8sqm larger than the apartment guidelines) and a three bed is on average 104.9sqm (c.14.9sqm larger than the apartment guidelines);
- 55.6% of all units are dual aspect which is well in excess of the 33% minimum required for central accessible sites such as this site. Furthermore, there are no single aspect north facing units.

- The provision of 9,445sqm of open space (comprising public open space (c. 6,165sqm) and communal open space (c. 3,280sqm)) which equates to c. 34.5% of the net site area. This will provide a significant quantum of recreational spaces on site well above the norm for an urban apartment development along with high levels of daylight and sunlight within the areas.
- Provision of internal communal space (c. 511sqm) which includes a gym, lounges and flexible spaces. Also the provision of a café on site. These additional on-site, internal amenities are provided notwithstanding that this is not a Build to Rent development;
- Higher than minimum levels of cycle parking provided within the site, along with cargo bike spaces;

All of these compensatory measures will result in a better quality of life for future occupants of the development.

In summary the Avison Young Report concludes that, given the wider planning objectives for the site, including its zoning, and established planning precedent for higher density/scale apartment development, that the the daylight and sunlight results, in combination with the compensatory measures are considered acceptable.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 8: RESIDENTIAL AMENITY

An Bord Pleanála stated the following:

A report that addresses issues of residential amenity (of both future occupants and occupants of adjacent development), specifically with regard to overlooking, overshadowing, visual impact and the potential effects of flood lighting of adjoining playing fields. The report shall include cross-section drawings showing the relationship between the proposed development and adjoining development.

APPLICANT RESPONSE

Residential amenity:

As set out above there is a wide range of new facilities provided by this development. For the wider community there is a

- New public plaza located off the Swords Road
- Creche
- Commercial unit
- Large Public Park which includes a MUGA, two children's playgrounds and two large kick about areas
- New public footpath along the Swords Road.

These new public facilities will compliment and add to the existing community facilities in the wider area and are readily accessed from the Swords Road. There are also potential for new linkages to the north, to connect into the future development site owned by Dublin City Council and also to the GAA pitches to the north east and in the heart of Whitehall.

Separately to these public amenity facilities, communal amenity facilities are provided for the future occupants of the apartment blocks. These facilities are being provided despite the fact that the development proposed is a Build to Sell development and not a Build to Rent. These facilities include:

- A gym

- Sun lounge
- Resident's lounge
- Screen Room,
- Meeting rooms
- Flexi space
- Roof terraces to blocks A, F and G
- Ground floor communal open space

It is noted that there is c. 3,791sqm of internal and external communal open space provided throughout this development, which is c. 961sqm more than the quantum required by the apartment guidelines.

Overlooking:

The site is laid out with 5 perimeter buildings with two buildings located centrally, along with the public open space and the communal open space. The buildings along the perimeter are generally separated from the existing neighbouring buildings by a roadway, creating appropriate distances between the existing and the proposed buildings.

Blocks A, B and C address Swords Road and are all more than 30m away from the neighbours to the west of the site. Block B is c. 38.697m from the existing buildings to the west at its nearest point, while block C is c. 40.7m away from this boundary. Given these distances, and the fact that Swords Road is a public main road, there is no undue levels of overlooking because of this proposal.

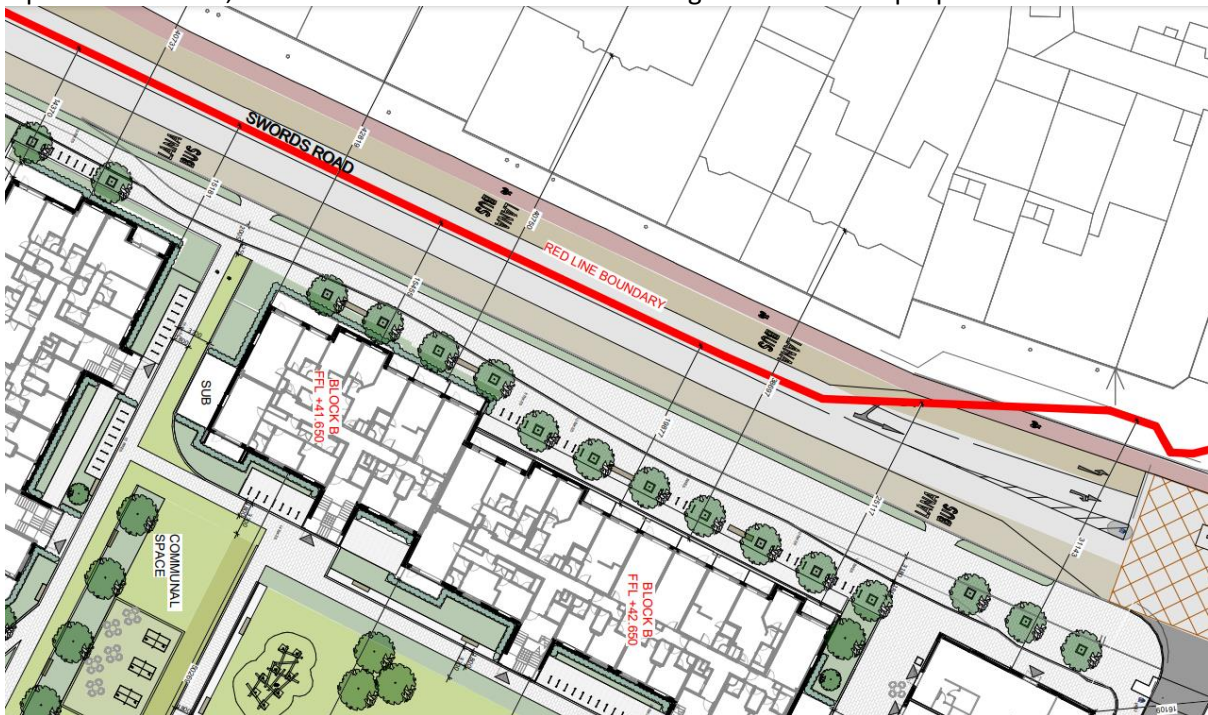


Figure 38 Extract from architects drawings indicating distances across the Swords Road

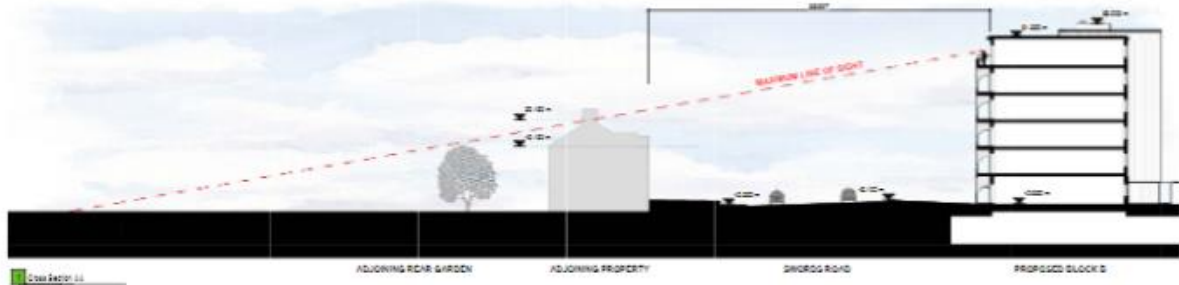


Figure 39 Extract from Design Statement demonstrating distances between buildings

Blocks C, E and G address the boundary to the south. There is no building immediately adjacent to block C on this boundary, while the gable ends of blocks E and G front onto the gable ends of the buildings within Highfield Healthcare. Block E is c. 17.648m at its closest point to the adjacent building, while block G is c. 17.926m from the building to the south. Given that these are gable ends, facing adjacent gable ends and the that the primary orientation of both block G and E are East – West, it is not considered to give rise to any undue levels of overlooking between these adjacent buildings.



Figure 40 Extract from architects drawings indicating distances to the buildings to the south

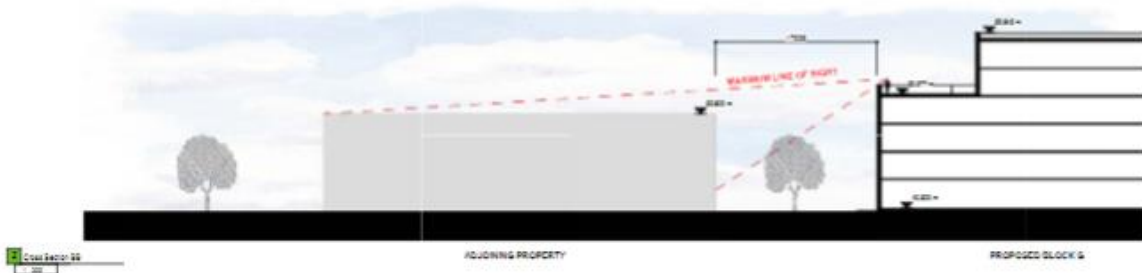


Figure 41 extract from the design statement indicating distances between buildings

Blocks G and F front onto the eastern boundary. There are no buildings immediately opposite block G along this boundary. While block F faces onto Beech Lawn Nursing Home. The nearest building to block F is c. 24.294m at its closest point (a stairwell) from the Nursing home building with the proposed apartments recessed further back. The distances between block F apartments and the nursing home ensures there is no undue overlooking between the proposed and existing development.



Figure 42 Extract from architects drawings indicating distances to the east

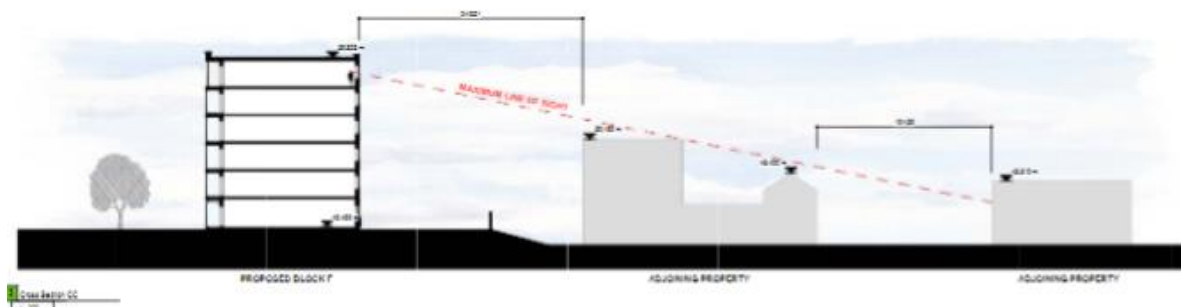


Figure 43 extract from the design statement showing distance between buildings

The gable end of block F fronts onto the GAA pitches to the north, with no immediately adjacent residential. While block A fronts onto the vacant site to the north which is the subject of a framework plan but does not have any extant permissions on the site. This building is set back from the boundary by c. 12.432m at its closest point. This is considered an appropriate distance to enable the development of the site to the north while also ensuring good urban design is achieved within this site.



Figure 44 Extract from architects drawings indicating distances to the north

It should also be noted that the site layout and relationship between proposed and existing buildings is similar to that permitted under the extant permission (at the time of writing) DCC Reg. Ref 3269/10 and ABP Reg. Ref.PL 29N 238685 which did not highlight any concerns about overlooking.

Within the development there are pinch points between the gable end of Block B and Block A to the north. There is a gap of c. 10.734m. however the windows have been sited to ensure that there is no direct overlooking between the secondary windows in block B gable end and the primary windows in block A.



Figure 45 Relationship between blocks A and gable end of block B

There is a similar pinch point between block B southern gable end and block C. Again, the balconies for block C are overlooking the Swords Road while the window in block C are not directly in line with the gable end windows in block B, which again are secondary windows to these units. This arrangement ensures that there is no direct overlooking between these apartments despite the proximity of c. 12.506m between the buildings.

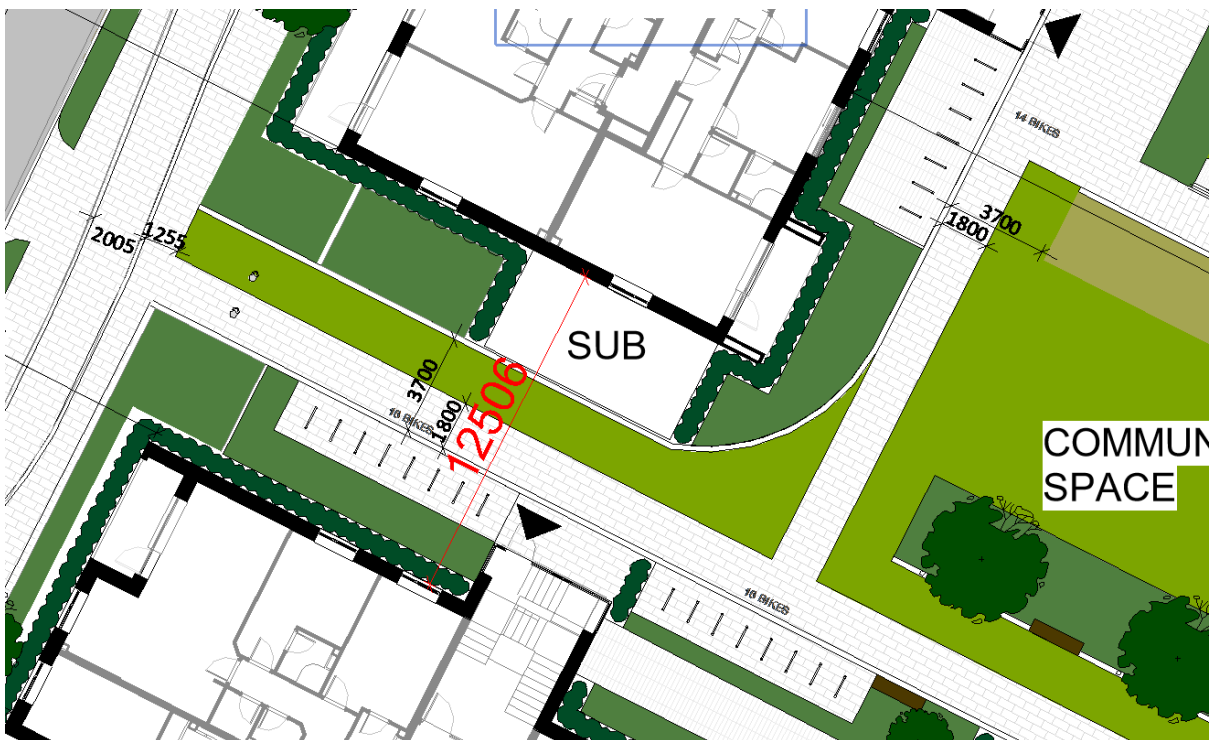


Figure 46 Relationship between blocks C and gable end of block B

The gable end of block C faces the western elevation of block E but there is a distance of over c.20.835m at its nearest point and again there are no directly facing windows between these elevations ensuring no overlooking between these two buildings.

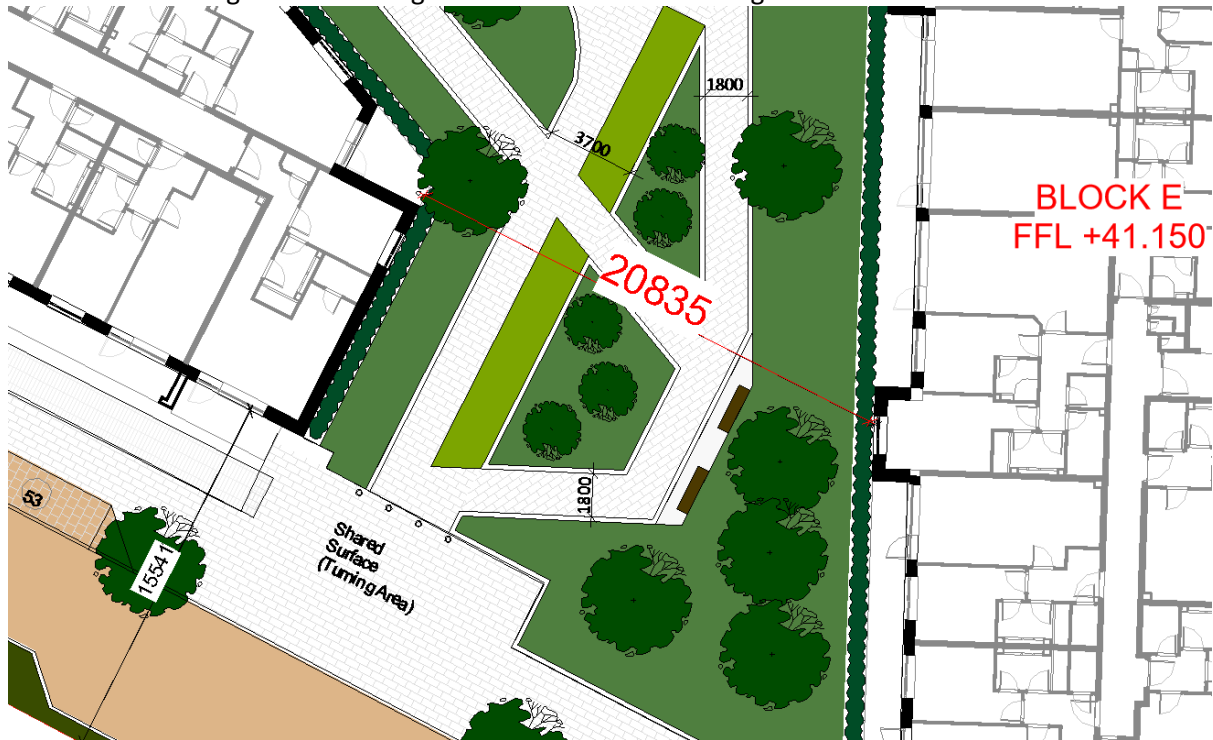


Figure 47 Relationship between blocks E and gable end of block C

There is a final pinch point for block D with its gable end to the north and block A and also between its western front and block the eastern elevation of block B.

There is c.13.024m between block A and the gable end of block D, which is at an obtuse angle from block A. The windows in both elevations have been positioned to avoid direct overlooking between them, while the angle between the two blocks further mitigates any potential overlooking between the two blocks.



Figure 48 Distance between block B and D.

Between block B and block D, there is c.22.730sqm at the nearest point, which is a stairwell, widening to over c.37m between these blocks, with block D angling further to the east away from block D. The angle between the buildings along with the distance, prevents any direct overlooking between blocks.

Overshadowing:

Avison Young have completed an Overshadowing Assessment as part of their overall Daylight, Sunlight and Overshadowing Report for the entire development. The Overshadowing Assessment was run on hourly intervals on the 21st March and the 21st June to assess the instances and duration of the additional shadow caused by the Development to the neighbouring gardens and amenity spaces. This is set out in section 8.100 of the report and in appendix VII of the report.

The report finds that as the site is largely vacant it is “it is inevitable that some additional shadow will be cast upon neighbouring gardens with the Proposed Development in situ.

However, all neighbouring amenity spaces will continue to enjoy in excess of 2 hours of sun to at least 50%+ of their areas on the 21st of March and 21st of June, meaning they will accord with the sun hours on ground criteria set out in the BRE guidelines.”

Visual Impact:

A Landscape Visual Impact Assessment by Macroworks has been included within the EIAR Chapter 10. This report examines the development in the context of the extant permission, at the time of writing, from DCC Reg. Ref 3269/10 and ABP Reg. Ref.PL 29N 238685 as well as the impact that the development in its entirety will have on the area against the baseline of the existing environment. The conclusions of this chapter are as follows:

In terms of the overall significance of impact the chapter finds that “Overall, it is considered that the proposed development is of an appropriate scale to its receiving environment and will

not result in significant and negative once complete. Instead, the contribution of the proposed development is deemed to be a positive one in the context of the urban fabric of this area."

Flood Lighting:

Fallon Design M & E Engineering have completed a Flood Lighting Report of the lights associated with the adjoining GAA Playing Fields. The flood lights in question were granted permission by Dublin City Council (Reg Ref 4190/18) and An Bord Pleanála (Reg Ref 304997-19) in 2019 and we understand have been constructed in accordance with the plans and particulars and conditions attached with the grant.

The conditions associated with that grant of permission, in conjunction with the reports and drawings submitted with the application, control the type of lights and ensure that there are spill lighting control louvres installed on the lights enabling directional floodlights onto the playing surface and avoiding light scatter over adjacent lands, houses and gardens and ensure that there is no glare caused to users of public roads. Furthermore, the conditions on the permission restrict the use of floodlighting, with 2200 hours automatic cut off time. These measures will ensure that the lights will not impact on the amenity of the future occupants of this development.

It was noted by the ABP Inspector at the time that:

"The lighting assessment undertaken reveals that the extent of light overspill into neighbouring properties arising from the installation of the proposed floodlights would be most pronounced within the rear gardens of properties to the southeast along High Park. The extent of light spilling into these areas would result in a lux level of 0.2 to 0.8, which would generally be akin to the standard lux level of lighting arising from street lights. Conditions can be attached to ensure that the floodlighting system operates to the levels described and, while the appellant has sought a daily cut-off time of 2130 hours, I am satisfied that given the likely extent of use, the estimated light overspill and the immediate urban context, an automatic daily cut-off time of 2200 hours would be appropriate.

In conclusion, I am satisfied that the extent of controls and design features proposed would suitably alleviate the potential extent of light spill into the immediate areas. Consequently, I am satisfied that the proposed development would be in line with relevant Development Plan policies SI26 and SI27 and would not result in undue impacts on the residential amenities of neighbouring properties, both existing, and permitted."

The report by Fallon Design M & E Engineering have confirmed that the ABP opinion stating "the extend of light spilling into these areas would result in a lux level of 0.2 to 0.8, which would generally be akin to the standard lux level of lighting arising from street lights" is an accurate assessment of the installation.

The summary of the Flood Lighting Report states that "From review of the documentation the existing sports LED floodlighting at the St. Colmcille's GAA, Whitehall has been sufficiently designed to mitigate any adverse light spill into the proposed Hartfield development and surrounding property. Due process and adherence to the planning and appeal process has taken place to ensure this remains the case with prescribed operation, maintenance and replacement conditions. Based on the design documents Fallon Design's opinion is the GAA sports flood lighting will not have any adverse effects on the proposed Hartfield Development."

RESPONSE TO SPECIFIC INFORMATION REQUIRED 9: HOUSING MIX

An Bord Pleanála stated the following:

A detailed rationale for the proposed housing mix having regard to the provisions of the current Dublin City Development Plan and relevant national and regional planning policy.

APPLICANT RESPONSE

The proposal is for 32 no studios; 198 no. one bedroom apartments; 233 no. 2 bedroom apartments and 9 no. 3 bedroom apartments. This equates to c. 48.7% studio and one-bedroom apartments, c.49.4% of two bedroom apartments and c. 1.9% three bedroom apartments. This mix is a material contravention of the Dublin City Development Plan Section 16.10.1 which states that in proposals of 15 units or more each development shall contain a maximum 25-30% one bedroom units and a minimum of 15% three or more bedroom units.

However, the mix is in line with National Planning Guidance including “Sustainable Urban Housing: Design Standards for New Apartments” (The Apartment Guidelines 2020) which requires under Specific Planning Policy Requirement 1 that:

“Housing 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).”

The change in mix as set out in national policy is justified as set out in the National Planning Framework (NPF). The NPF identifies there will be roughly an extra one million people living in Ireland by 2040. It calls for managing growth appropriately identifying that: *“more balanced growth also means more concentrated growth. We have five cities in Ireland today in terms of population size (>50,000 people): Dublin, Cork, Limerick, Galway and Waterford. In our plan we are targeting these five cities for 50% of overall national growth between them”*. The NPF sets a challenging target of *“at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites”*.

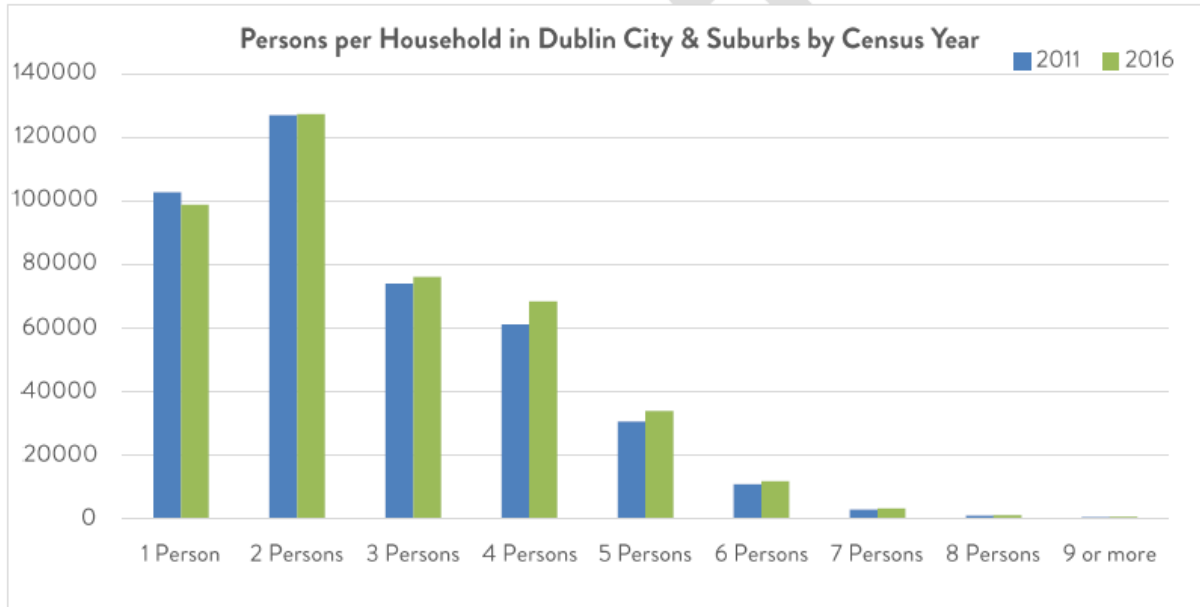
The NPF also identifies that currently 7 out of 10 households consist of three or less people and an average household size of 2.75 people. The NPF states:

“This is expected to decline to around 2.5 people per household by 2040.” It also forecasts that between 2018 and 2040 “an average output of at least 25,000 new homes will need to be provided in Ireland every year to meet people’s needs for well-located and affordable housing, with increasing demand to cater for one- and two-person households.”

The NPF also identifies that *“In Dublin City, one, two and three person households comprise 80 percent of all households. Yet the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three and four bedrooms.”*

Within Dublin City and its suburbs, 1 and 2 person households account for over 53% of all households when combined (CSO, 2016). Moreover, the CSO (2016) highlights that within Dublin City and its

suburbs, one person households accounted for the second largest proportion of all households after married couples with one child. The range of households by composition is illustrated in the graph below.



While the number of 3, 4, and 5 person households has seen a marked increase between 2011 and 2016 they still only represent a marginal proportion of total households, hence the provision of primarily studio, 1 and 2 bed units with some three bed units within this proposed scheme, which is deemed sufficient to meet the current level of demand and provide balance to the area which is dominated by larger traditional housing in the area and does not meet the identified growing need for smaller houses and a more diverse housing mix within the area. Clearly 1 and 2 person households continue to dominate Dublin’s housing composition and so the quantum of units in this development are designed for smaller households is reflective of this current market conditions and future population projections.

It is noted that within the Electoral Division areas as set out in chapter 4 of the EIAR, and taken from the census, it demonstrates that one the largest growth areas since 2011 for this area is in the 20-34 age bracket. There are c. 26.8% people living in the area in this age group. This age bracket provides for people who are more likely to not have a family, or are small family units, and are either living alone, couples or shared accommodation with a preference for studio, one and two bed apartments. This reflects the sites proximity to DCU, Beaumont Hospital and its proximity to Dublin City Centre. As such, and as a response to this increased population in this age bracket, this housing mix is considered appropriate for the development.

Age	2011	2016	Change	Percentage Change
0-4 Pre-school	1375	1583	+208	15.13% increase
5-19 School Children	4827	4606	-221	4.58% decrease
20-34 Adults	7966	8390	+424	5.32% increase
35-64 Adults	10148	10955	+807	7.95% increase
65+ Adults	5342	5776	+434	8.12% increase

Table 4-6 CSO Census Data – Local Area Population age groups

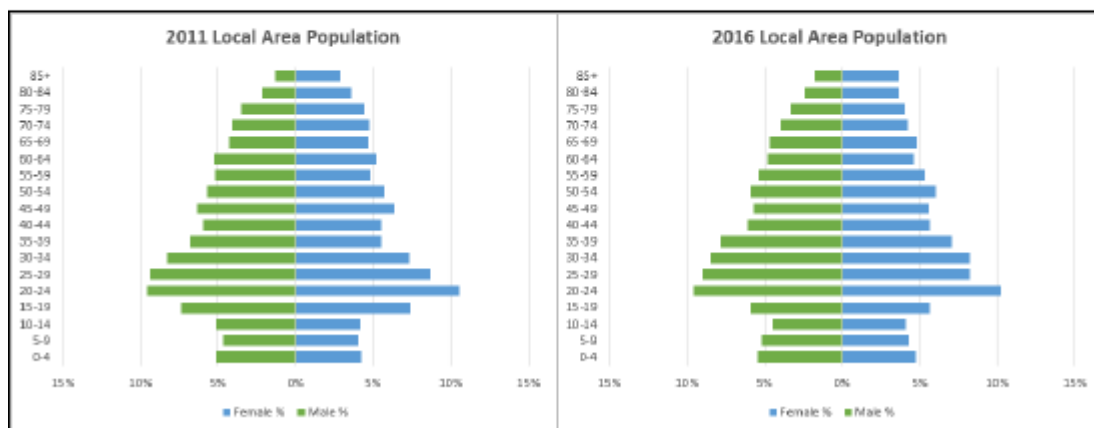


Figure 4-2 Local Area 2011 and 2016 Population Pyramids. Data Source: CSO

Figure 49 extract from Chapter 4 of the EIAR

Furthermore, the Apartment Guidelines, 2020, identify the use of apartments with a variation in mix and sizes are appropriate to meet the existing housing need in Ireland. It also recognises in section 1.13 that there is a long term move towards smaller average household size.

Section 2.6 cites the 2016 Census that *“if the number of 1-2 person dwellings is compared to the number of 1-2 person households, there is a deficit of approximately 150%, i.e. there are approximately two and half times as many 1-2 person households as there are 1-2 person homes. The 2016 Census indicates that 1-2 person households now comprise a majority of households and this trend is set continue, yet Ireland has only one-quarter the EU average of apartments as a proportion of housing stock.”*

To reflect this changing need, SPPR1 of the Apartment Guidelines allows up to 50% one bedrooms and no minimum requirement for three bed units.

It is noted that the Dublin City Development Plan 2016- 2022 does not include an evidence-based Housing Need and Demand Assessment. Therefore, the basis of the DCC proposed housing mix is not justified on evidence-based need for the area as set out in SPPR1.

The 2016 Census identifies that the Whitehall Electoral Division, where the site is located, is dominated by own door housing with c. 70% of the 1,113 residential units in this area comprising houses. Which means c.30% are apartments. This provision is lower than the 35% average for the Dublin City area identified in the National Planning Framework (NPF) which states the following:

“while apartments made up 12% of all occupied households in Ireland and 35% of occupied households in the Dublin City Council area in 2016 (Census data), we are a long way behind European averages in terms of the numbers and proportion of households living in apartments,

especially in our cities and larger towns. In many European countries, it is normal to see 40%-60% of households living in apartments.”

This demonstrates that the housing mix in terms of apartments is below the average for the Dublin City Council area and that there is a need for more apartments within this Electoral Division to facilitate the greater number of smaller households in the city.

We note that the provision of studio, 1 and 2 No. bedroom units will cater for smaller households such as single people, young couples and older empty nesters in an area dominated by low density semi-detached and terraced dwellings. This will enable greater choice for a wider cohort of persons which provide a direct response to the existing acknowledged housing crisis in Ireland and also the future housing need identified in recent planning policy.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 10: TAKEN IN CHARGE

An Bord Pleanála stated the following:

A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

APPLICANT RESPONSE

Drawing no. 000506 “Taking in Charge Diagram” by CW+OB Architects and the Taking in Charge Drawing by AECOM indicates the area along the Swords Road which is proposed to be Taken in Charge by Dublin City Council. All other areas are proposed to be privately maintained by the management company associated with the site.

It is worth noting that all areas already in the control of Dublin City Council will remain within their charge.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 11: MATERIALS & FINISHES

An Bord Pleanála stated the following:

A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.

APPLICANT RESPONSE

C+W O’Brien Architects have completed an Architectural Design Statement. Section 16.2 of the Design Statement includes details on the proposed materials and finishes to the development including treatment of the balconies. These treatments are also reflected in the elevational drawings submitted with this application.

Parkhood Landscape Architects have completed a Landscape Design Statement. Section 16.2 of this report sets out the boundary treatments for the site. Furthermore, drawing no. 7335-L-2005 also shows the boundary treatments around the site.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 12: BUILDING LIFECYCLE REPORT

An Bord Pleanála stated the following:

A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development.

APPLICANT RESPONSE

C+W O'Brien Architects have completed a Building Lifecycle report and is enclosed with this application. This report includes an assessment of long term running and maintenance costs as they apply to each apartment and also sets out how the design effectively manages and reduce costs for the benefit of future occupants in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments.

RESPONSE TO SPECIFIC INFORMATION REQUIRED 13: EIAR

An Bord Pleanála stated the following:

The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

APPLICANT RESPONSE

An EIAR has been completed for this site and is submitted with the application. Please see the enclosed documentation.

CHAPTER 7 STATEMENT OF CONSISTENCY AND PLANNING POLICY REVIEW

This chapter provides an overview of national, regional, and local planning policy which are relevant to this development and includes:

- Statement of Consistency with National and Regional Policy
- Statement of Consistency with Relevant Section 28 Guidelines
- Statement of Consistency with Dublin City Development Plan, 2016-2022
- Statement of Consistency with Whitehall Framework Plan (2008) (as extended)
-

Statement of Consistency with National and Regional Planning Policy

The key national and regional policies relevant to the proposed development are as follows:

- *Ireland 2040 Our Plan - National Planning Framework (2018);*
- *Project Ireland 2040: National Development Plan (2018-2027)*
- *Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)*
- *Housing for All – A New Housing Plan for Ireland (2021)*
- *Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities;*
- *Quality Housing for Sustainable Communities (2007);*
- *Smarter Travel – A New Transport Policy for Ireland (2009-2020);*
- *Climate Action Plan (2019);*
- *Climate Action Plan (2021);*
- *Regional, Spatial and Economic Strategy 2019-2031;*
- *Transport Plan for the Greater Dublin Area 2016-2035;*
- *Draft Transport Strategy for the Greater Dublin Area 2022-2042.*

Ireland 2040 Our Plan – National Planning Framework (2018)

The National Planning Framework (NPF) is the Government’s plan to cater for the extra one million people that is anticipated to be living in Ireland. The Eastern and Midland Region (including Dublin) will, by 2040, be a Region of around 2.85 million people, at least half a million more than today.

The NPF Strategy includes the following aims:

- Supporting the future growth and success of Dublin as Ireland’s leading global city of scale, by better managing Dublin’s growth to ensure that more of it can be accommodated within and close to the city.
- Enabling significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.
- Targeting a greater proportion (40%) of future housing development to be within and close to the existing ‘footprint’ of built-up areas.
- Making better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.

This major new policy emphasis on renewing and developing existing settlements aims to prevent the continual expansion and sprawl of our cities. This aim for Compact Growth promotes “*Making better use of under-utilised land and buildings, ... with higher housing and jobs densities, better serviced by existing facilities and public transport.*” This approach not only makes better use of land, but it can also have a “*transformational difference*” to towns and villages bringing new life and footfall to an area and contributing to the viability of services, shops and public transport, and by increasing the

housing supply, enables more people “to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less” (section 2.6NPF).

As a result of this new policy approach, and as set out in section 4.5 of the NPF, there is a recognition that infill, and brownfield development is more challenging to deliver across multiple streams including land management and integration within existing communities who prefer the status quo to be maintained. As a result, to enable development a flexible approach to planning policies and standards needs to be “**focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases... 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.**” In particular, Section 4.5 highlights that “**general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location, e.g., city/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc.**” It highlights that there “**should also generally be no car parking requirement for new development in or near the centres of the five cities, and a significantly reduced requirement in the inner suburbs of all five.**”

The NPF also states that that “to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas”. In terms of Dublin City and the Metropolitan Area, the NPF focuses “on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.”

National Policy Objective	Evaluation of Consistency
<p>National Policy Objective 2a <i>A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.</i></p>	<p>The proposed development will provide new homes within the existing built up footprint of the Dublin.</p>
<p>National Policy Objective 3a <i>Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements</i></p>	
<p>National Policy Objective 4 <i>Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.</i></p>	<p>The proposed development will create a high-quality, attractive, and liveable place for residents. The proposal includes varied open spaces which will contribute to the high quality of life for residents.</p>
<p>National Policy Objective 6 <i>Regeneration and rejuvenate cities, towns and villages of all types of scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.</i></p>	<p>The proposed development provides a café unit, creche and 472 no. residential units which will positively contribute towards increased population and employment activity in the surrounding area.</p>

<p>National Policy Objective 11 <i>In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.</i></p>	<p>The proposal is located within Dublin suburbs. The site is highly accessible and is well connected with public transport services. A high frequency bus service is within a short walk from the site.</p>
<p>National Policy Objective 13 <i>In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected</i></p>	<p>There is clearly a strong emphasis towards increased building heights and reduced car parking standards in appropriate locations within existing urban centres and along public transport corridors. As such it is respectfully submitted that the proposed building height and car parking ratio is in line with government guidance and emerging trends for sustainable residential developments.</p>
<p>National Policy Objective 27 <i>Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.</i></p>	<p>Walking and cycling are prioritised throughout the scheme with minimal vehicular access into the scheme and a high quality public realm.</p> <p>A reduction in car parking spaces ensures public realm is placed at the forefront of this scheme. A larger quantity of bicycle spaces are supplied to ensure a modal shift to a more sustainable mode of transport.</p>
<p>National Policy Objective 32 <i>To target the delivery of 550,000 additional households to 2040</i></p>	<p>This proposal will provide 472 no. residential units in this sustainable location within Dublin City's metropolitan area.</p>
<p>National Policy Objective 33 <i>Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.</i></p>	<p>The proposed scale of development is considered appropriate for this location.</p>
<p>National Policy Objective 34 <i>Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time</i></p>	<p>All of the apartments will be fully adaptable.</p>
<p>National Policy Objective 35 <i>Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.</i></p>	<p>The proposed apartment blocks will increase the residential density of this highly sustainable area.</p>

EVALUATION OF CONSISTENCY

The subject site is located within a well-established suburban area of Dublin City which is identified for significant residential growth over the next two decades.

The proposed development seeks to deliver a significant quantum of residential development at a site that is located within a well-established inner suburban location of the city within walking distance of a multitude of services, exceptional public transport options and very good local amenities. The proposed apartment development is considered in line with the Governments guidance for compact city development and ensures sustainable development in this well serviced urban area.

The site is well connected to excellent public transport services. Dublin Bus Stops 213, 205, 214 and 204 are all within c. 100m of the subject site. Bus routes which serve this area are 1, 16, 16D, 33, 41, 41B, 41C, 41D, 44, 740 and 740A. These existing bus routes connect the area to Sandymount, Monkstown, Charlestown, Sandymount Business District, Dundrum, Dublin Airport, Dublin City Centre and Enniskerry. The proposed Bus Connects will further upgrade connectivity with surrounding areas through the implementation of the 'A Spine'. Access to the M50 is c. 2km north of the site. The scheme will also benefit from the proposed Collins Avenue metrolink station which is due to be completed in 2027. This metro station will connect Swords to Charlemont which will link the site to Dublin Airport, Irish Rail, DART, Dublin Bus and Luas services.

The site is within c. 1.25km of Omni Shopping Centre which serves as the commercial hub for the area with a range of shops, takeaways and restaurants. Neighbourhood centres also exist within the surrounding area of the subject site. The Swords Road neighbourhood centre fronts the scheme while Collins Avenue neighbourhood centre is c. 300m from the site. Shantalla Road and Swords Road (Santry) centres are within 1km of the subject site. Artane Castle Shopping Centre is c. 2km west of the subject site. There is a range of existing schools and community facilities in the area. It is c. 3.5 km north of Dublin City Centre.

In addition to the public space provided within the scheme the site is located within walking distance from a range of public parks including Ellenfield Park (c. 400m) and Courtsland Park (c. 600m) with additional parks in the wider area.

The proposed development will provide for a high-quality residential scheme through the design and the materials and finishes proposed. In addition, the proposed units are meet and exceed the minimum apartment size requirement as stated in the Apartment Guidelines, as demonstrated below in the Statement of Consistency with Relevant Section 28 Guidelines. The proposed development of apartments in this location will provide greater variety in the type of house types in this location as well as providing an increased density, while enabling the delivery of the aims of the NPF to meet the demand for housing.

There is a strong emphasis towards increased building heights in appropriate locations within existing urban centres and along public transport corridors. As such it is respectfully submitted that the proposed building height is in line with government guidance and emerging trends for sustainable residential developments.

Development of these lands is considered to be fully in accordance with the recommendations of the NPF.

Project Ireland 2040: National Development Plan (2018-2027)

The National Development Plan sets out the investment priorities as per the National Planning Framework (NPF). This will further guide national, regional and local planning and investment decisions in Ireland. Resolving the systematic factors that has led to the current housing crisis is at the heart of the NPF and therefore housing and sustainable development is a priority for the NDP. Developments are encouraged to target brownfield sites that have fallen into disuse. It identifies the *“need to provide in excess of half-a-million more homes over the period to 2040 corresponds to a long-term trend of 25,000 new homes every year. A higher level of output is needed in the short to medium-term to respond to the existing deficit that has given rise to the housing crisis.”*

Furthermore, the NDP states that *“the continuation of existing patterns of development accentuates the serious risk of economic, social and environmental unsustainability through, for example, placing more distance between where people work and where people live, and increasing energy demand. The NPF highlights the urgent requirement for a major uplift of the delivery of housing within the existing built-up areas of cities and other urban areas. It has a particular focus on brownfield development, targeting derelict and vacant sites that may have been developed before but have fallen into disuse”*.

National Strategic Outcome 1: Compact Growth

*“This outcome aims to secure the **sustainable growth of more compact urban and rural settlements supported by jobs, houses, services and amenities**, rather than continued sprawl and unplanned, uneconomic growth. This requires streamlined and coordinated investment in urban, rural and regional infrastructure by public authorities to realise the potential of infill development areas within our cities, towns and villages. This **will give scope for greater densities that are centrally located** and, in many cases, publicly owned, as well as bringing life and economic activity back into our communities and existing settlements. **Creating critical mass and scale in urban areas with enabling infrastructure**, in particular increased investment in public and sustainable transport and supporting amenities, can act as crucial growth drivers. This can play a crucial role in **creating more attractive places for people to live and work in**, facilitating economic growth and employment creation by increasing Ireland’s attractiveness to foreign investment and strengthening opportunities for indigenous enterprise”*.

National Strategic Outcome 4: Sustainable Mobility

*“A step change is required under the NPF in **putting in place environmentally sustainable public transport systems** in order to secure Ireland’s climate action goals. These must represent a decisive shift away from polluting and carbon-intensive propulsion systems to new technologies such as electric vehicles and introduction of electric and other alternatively fuelled systems for public transport fleets.*

*The **expansion of attractive and sustainable public transport alternatives to private based car transport will reduce congestion and emissions and enable the transport sector to cater in an environmentally sustainable way for the demands associated with longer term population and employment growth envisaged under the NPF. Furthermore, the provision of safe alternative active travel options such as segregated cycling and walking facilities** can also help alleviate congestion and meet climate action objectives by providing viable alternatives and connectivity with existing public transport infrastructure.*

EVALUATION OF CONSISTENCY

The proposed development brings forward a vacant site within Dublin City. It is within the Whitehall Framework Plan area which is close to public transport, parks and amenities, schools and shops. It is consistent with the National Development Plan and NSO 1 for Compact Growth.

Housing for All – A New Housing Plan for Ireland

Housing for All is the government's most recent plan for housing in Ireland. It was published in September 2021 with the overall aim that *'everyone in the State should have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life'*. It includes four overarching objectives

- Supporting Homeownership and Increasing Affordability;
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion;
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

This document recognises that Irelands housing system is not meeting the needs of the population. It identifies that

- There are not enough houses to buy or rent in the private sector.
- There are not enough houses being built by the State for those who need social housing.
- Housing has become increasingly unaffordable for the 'squeezed middle' who would once have expected to be able to purchase their own home.
- Too many people are experiencing homelessness or are unable to access appropriate housing.
- The cost of building housing is too high.
- Too much vacant housing stock remains unused.
- Our housing stock needs to be more environmentally friendly.

The Plan states that Ireland needs an average of 33,000 homes constructed per annum until 2030 to meet targets set out for additional households and that increased housing output is needed in all sectors – private, affordable and social.

EVALUATION OF CONSISTENCY

The proposed development is consistent with Pathway 3 Increasing Housing Supply. The provision of additional apartment units at this site will help achieve the target of 33,000 homes per annum.

The proposed apartments will improve the quantity and mix of residential stock at a location that is particularly well served in terms of public transport, education, local retail, recreational and associated social infrastructure.

Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021. It was based on 5 no pillars. Pillar 3 – Build More Homes aims to increase the output of private housing to meet demand at affordable prices.

EVALUATION OF CONSISTENCY

The proposed development is consistent with Pillar 3 to build more housing at strategic locations. The additional apartment units will improve the quantity and mix of residential stock at a location that is particularly well served in terms of public transport, education, local retail, recreational and associated social infrastructure.

Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities 2007

Quality Housing for Sustainable Communities (2007) is a guidance document that promotes quality sustainable residential development in urban areas having regard to the following:

- *promote high standards in the design and construction and in the provision of residential amenity and services in new housing schemes;*
- *encourage best use of building land and optimal of services and infrastructure in the provision of new housing;*
- *point the way to cost effective options for housing design that go beyond minimum codes and standards;*
- *promote higher standards of environmental performance and durability in housing construction;*
- *seek to ensure that residents of new housing schemes enjoy the benefits of first-rate living conditions in a healthy, accessible and visually attractive environment; and*
- *provide homes and communities that may be easily managed and maintained.*

Section 5.2 of the guidelines notes that *all new housing should be reasonably accessible for older people, the very young and people with disabilities.* This section also notes that *in so far as practicable, the design should provide for flexibility in use, accessibility and adaptability.*

The following criteria indicate the 7 no. essential requirements for new residential developments:

POLICY	EVALUATION OF CONSISTENCY
<p>Socially & Environmentally Appropriate “The type of accommodation, support services and amenities provided should be appropriate to the needs of the people to be accommodated. The mix of dwelling type, size and tenure should support sound social, environmental and economic sustainability policy objectives for the area and promote the development of appropriately integrated play and recreation spaces.”</p>	<p>The scheme will provide an appropriate mix of studio, 1, 2 and 3 bedroom apartments, given the high level of traditional two storey housing types and lack of choice existing in the area. The proposal seeks to integrate usable open spaces distributed throughout the scheme and all interconnected. All open spaces will be overlooked by adjoining residential blocks.</p>
<p>Architecturally Appropriate “The scheme should provide a pleasant living environment, which is aesthetically pleasing and human in scale. The scheme design solution should understand and respond appropriately to its context so that the development will enhance the neighbourhood and respect its cultural heritage.”</p>	<p>The proposal has been designed to respect, integrate into, and enhance the surrounding environment and context.</p> <p>The design and layout of the scheme creates a liveable and visually pleasing residential environment.</p> <p>The design is appropriate and mindful of the urban edge context, the site constraints, and architectural character of the adjoining residential areas.</p>
<p>Accessible & Adaptable “There should be ease of access and circulation for all residents, including people with impaired mobility, enabling them to move as freely as possible within and through the development,</p>	<p>This dwellings in this scheme are highly accessible to all due to the provision of lifts within the scheme. The landscaping also is clearly laid out and level ensuring people can navigate easily.</p>

<p>to gain access to buildings and to use the services and amenities provided. Dwellings should be capable of adaptation to meet changing needs of residents during the course of their lifetime.”</p>	<p>A single vehicular access will be provided and a reduced residential parking ratio of 0.66 spaces per unit is proposed. This scheme limits the access of vehicles in the scheme creating a safe, pedestrian dominated development. Pedestrian/cyclist connections provided, and there will be significant bicycle parking provision also.</p> <p>The communal open spaces, residential amenity areas, and public spaces are easily accessible with clear routes and access points. This will provide ease of access and circulation for all residents.</p> <p>All the apartments are accessible to all. Lifts provide access to the apartments on the upper floors, and the duplexes on the ground floor have own door access.</p> <p>The internal layout of each apartment can be adapted if required to meet the changing needs of residents during the course of their lifetime.</p>
<p>Safe, Secure & Healthy “The scheme should be a safe and healthy place in which to live. It should be possible for pedestrians and cyclists to move within and through the area with reasonable ease and in safety. Provision for vehicular circulation, including access for service vehicles, should not compromise these objectives.”</p>	<p>The scheme will provide good segregation of vehicle and pedestrians/cyclists with the vast majority of the site free from cars.</p> <p>A very safe walking and cycling environment will be provided for residents with a network of paths located around the development.</p> <p>Public open spaces shall be overlooked as far as practicable to achieve maximum passive surveillance.</p>
<p>Affordable “The scheme should be capable of being built, managed and maintained at reasonable cost, having regard to the nature of the development.”</p>	<p>The mix of unit types and sizes will offer a range of housing options making the scheme affordable to future homeowners and to the developer.</p> <p>A management company will be established to maintain and manage the areas of communal open space, parking and bin storage associated with the apartments.</p>
<p>Durable “The best available construction techniques should be used, and key elements of construction should have a service life in the</p>	<p>The scheme endeavours to use the best available materials and construction techniques in order to minimise the level of refurbishment over the lifetime of the scheme.</p>

<p>order of sixty years without the need for abnormal repair or replacement works.</p>	
<p>Resource Efficient “Efficient use should be made of land, infrastructure and energy. The location should be convenient to transport, services and amenities. Design and orientation of dwellings should take account of site topography so as to control negative wind effects and minimise the benefits of sunlight, daylight and solar gain; optimum use should be made of renewable sources of energy, the use of scarce natural resources in the construction, maintenance and management of the dwellings should be minimised.”</p>	<p>The subject site is located in close proximity to public transport, education facilities, sports facilities, and retail services. There is a neighbourhood centre located opposite site along Swords Road and a second neighbourhood centre c. 300m north of the site along Collins Avenue.</p> <p>The site is located along the Swords Quality Bus Corridor which is served by numerous high-frequency bus services connecting the site with Dublin City Centre, Balbriggan, Swords, and Dublin Airport.</p> <p>The apartment blocks are oriented in such a way, so that they have maximum solar gain. This ensures that the units and their associated private open space benefit from sunlight throughout the day.</p>

EVALUATION OF CONSISTENCY

It is considered that the proposed development is in accordance with the above policies and criteria. In particular, we note that the proposal is in accordance with Section 5.2 of these guidelines, as required by the Dublin City Development Plan.

The proposal will provide an aesthetically pleasing scheme in close proximity to existing services, facilities, and public transport, and will be an attractive and safe place to live. In addition, the apartments, public and communal spaces are all universally accessible and the apartments can be adapted to meet the changing needs of residents.

Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009-2020

Key targets of this national sustainable transport policy include:

- To support sustainable travel, future population and employment growth will have to predominantly take place in sustainable compact urban areas or rural areas, which discourage dispersed development and long commuting
- Work-related commuting by car will be reduced from a current modal share of 65% to 45%, which will mean that between 500,000 and 600,000 commuters will be encouraged to take means of transport other than car driver (of these 200,000 would be existing car drivers). Change in personal behaviour will also be necessary for other travel purposes as most travel relates to non-commuting.
- Car drivers will be accommodated on other modes such as walking, cycling, public transport and car sharing (to the extent that commuting by these modes will rise to 55% by 2020) or through other measures such as e-working.
- The total kilometres travelled by the car fleet in 2020 will not increase significantly from current total car kilometres.

EVALUATION OF CONSISTENCY

The proposed development is in line with this overall vision for better integration between land-use and transport. The reduced car parking provision along with the site's proximity to high quality public transport – the Swords Road QBC - ensure that there will be a modal shift amongst residence in this scheme to try alternative modes of transport and reduce reliance on the private car.

Climate Action Plan 2019

Ireland's environment has directly experienced the extreme weather events. The Climate Action Plan 2019 set out a path for Ireland to transition to a low carbon and climate resilient society. The plan emphasizes compact forms of growth in development of settlements of all sizes, with a focus on urban infill and the re-use of brownfield lands. More people are envisaged to be living within existing footprint of cities and towns. The Action plan recognizes that 12.7% of Ireland's greenhouse gases were produced by built environments. A hierarchy of the most cost-effective investments underpinning emission reductions in the Built Environment, including:

- Improving the fabric of buildings
- District heating in commercial buildings
- Switching from oil burners to heat pumps
- Setting new building standards

To meet the required level of emissions reduction, by 2030 we will:

- Reduce CO2 eq. emissions from the sector by 50–55% relative to 2030 Pre-NDP projections
- Deliver an early and complete phase-out of coal- and peat-fired electricity generation
- Increase electricity generated from renewable sources to 70%,

New buildings from latter half of 2019 are required to be designed as Near Zero Energy Building (NZEB). Better spatial planning will reduce the carbon emissions of new developments, and deliver a better quality of life, including shorter commute times, better connections between our places of work and homes, and more vibrant, people-focused environments.

To make development less transport intensive and reduce carbon emissions the key policies include expansion of walking, cycling and public transport that will promote modal shift.

EVALUATION OF CONSISTENCY

The proposed development has good connectivity with existing and proposed high frequency transport corridors that will reduce the commute times. The site is located on the Swords Road QBC which is served by high-frequency bus routes. The proximity to these bus routes will encourage a modal shift away towards more sustainable modes of transport.

Proposed development will employ the latest technology to provide for sustainable heating and insulation of apartments. The buildings will comply with design regulations that will reduce carbon emissions in line with the Action Plan. The building life cycle report outlines the sustainability measures within the development.

Climate Change Action Plan 2021

The Climate Change Action Plan 2021 sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050.

Section 13.1 notes that emissions from the residential sector in 2020 increased 9% from 2019 levels, due to the increase in home working and restrictions on movement that forced more people to spend more time at home. It also notes that

Covid-19 has also placed a focus on the need to maximise ventilation opportunities in our homes and other buildings. Therefore, it is important that when we improve the energy efficiency of our buildings, we consider it in a holistic way, and also take account of risks such as fire safety, ventilation and durability.

The Action Plan notes that the following range of further measures, in addition to those already committed to in the 2019 Climate Action Plan, will be required to reach our overall national emissions reduction targets for 2030:

- *Improving the fabric and energy efficiency of our existing buildings*
- *Rolling out zero-carbon heating solutions, predominantly heat pumps and district heating networks*
- *Planning for the full phase out of fossil fuels in buildings by 2050*
- *Progressive strengthening of building standards for all types of buildings*
- *Promoting the use of lower carbon alternatives in construction*
- *Promoting behavioural change in how households use energy*

Section 15.1 states that road transport accounts for 96% of transport greenhouse gas emissions in Ireland and that promoting cleaner, safer, and more sustainable mobility is critical for climate policy. This section identifies that *'improved planning and radical redesign is required to shift our built environment from being "vehicle centered" to being "people centered"'*. In addition, the concept of the '15-minute neighbourhood' and the promotion of communities in which people can live and access most of their daily needs within a 15-minute journey mainly by sustainable modes is identified as representative of the broad ambition to create people-centered places.

EVALUATION OF CONSISTENCY

The site is located on the Swords Road QBC which is served by high-frequency bus routes. The proximity to these bus routes will encourage a modal shift away towards more sustainable modes of transport.

There are a wide range of facilities within a 15-minute journey from the site.

- The Dublin City University main campus is a c. 18 minute walk and a c. 5 minute cycle from the site. The Dublin City St. Patrick's Campus is a c. 15 minute walk and a c. 4 minute cycle from the site.
- Beaumont Hospital and the Bons Secours Hospital are both a c. 9 minute cycle from the site.
- The Omni Shopping Centre is a c. 18 minute walk, a c. 7 minute cycle, or a c. 8-15 minute bus journey from the site. Artane Shopping Centre is a c. 9 minute cycle from the site.
- There are two local centres, one along Swords Road and one along Collins Avenue, that are both within a 2 minute walk from the site.
- Santry Park, National Botanical Gardens, Albert College Park and Fairview Park area all a c. 11-12 min cycle from the site. Ellenfield Park is a c. 6 minute cycle or a c. 15 minute walk from the site.
- Whitehall Colmcille GAA is a 2 minute walk from the site and St. Vincent's GAA is a c. 7 minute walk from the site.

The proposed development will employ the latest technology to provide for sustainable heating and insulation of apartments. The buildings will comply with design regulations that will reduce carbon emissions in line with the Action Plan.

Regional Spatial and Economic Strategy 2019-2031

Under the Local Government Reform Act 2014 the Regional Planning Framework has been revised with the previous Regional Authorities/Assemblies (ten in total) now replaced with three Regional Assemblies. The Regional Authorities for the Greater Dublin Area – The Dublin Region and the Midlands regions and-Eastern Region - have been replaced by the Eastern and Midland Regional Assembly (EMRA).

The Regional Spatial and Economic Strategy (RSES) is a strategic plan and investment framework to shape the future development of the eastern regional to 2031 and beyond which is a new concept in Irish Planning tying spatial planning to economic factors. The region covers nine counties, Longford, Westmeath, Offaly, Laois, Louth, Meath, Kildare, Wicklow, and Dublin.

The RSES will support the implementation of Project Ireland 2040 – the National Planning Framework (NPF) and National Development Plan (NDP). It addresses employment, retail, housing, transport, water services, energy and communications, waste management, education, health, sports and community facilities, environment and heritage, landscape, sustainable development and climate change. The vision for the RSES is to create a sustainable and competitive region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all.

The RSES includes Regional Policy Objectives (RPOs) to guide development in line with the overall vision of the RSES and the NPF.

Section 4.2 sets out the RSES Settlement Strategy. The subject site is located within ‘Dublin City and Suburbs’ which are at the top of the settlement hierarchy for the region in terms of the need to ensure highly concentrated development in this highly accessible and serviced area.

Section 4.4, which deals with Dublin City and Suburbs, supports ‘*continued population and economic growth in Dublin City and suburbs, with high quality new housing promoted and a focus on the role of good urban design, brownfield redevelopment and urban renewal and regeneration*’. This section identifies that in order to achieve compact growth 50% of housing needs to be provided within or contiguous to the build-up area of Dublin City and suburbs.

Regional Policy Objective 4.3 seeks to ‘*support the consolidation and re-intensification of infill/brownfield sites to **provide high density and people intensive uses within the existing built-up area of Dublin and suburbs** and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects*’.

The site is also located within the Dublin Metropolitan Area and is therefore subject to the Metropolitan Area Strategic Plan (MASP).

Section 5.3 sets the Guiding Principles for the growth of the Dublin Metropolitan Area. Some of these principles include:

- **Compact sustainable growth** - Promote consolidation of Dublin city and suburbs, refocus on the development of brownfield and infill lands to achieve a target of at least 50% of all new homes within or contiguous to the existing built-up area in Dublin and at least 30% in other settlements.
- **Integrated transport and land use** – Target growth along high quality public transport corridors and nodes linked to the delivery of key public transport projects including Bus Connects, DART expansion and Luas extension programmes and the Metro Link, along with better integration between networks.
- **Accelerate housing delivery**– Activate strategic residential development areas and support the steady supply of sites to accelerate housing supply and the adoption of performance-based standards to achieve higher densities in the urban built up areas, supported by better services and public transport.
- **Co-ordination and active land management** - enhanced co-ordination across Local Authorities and relevant agencies to promote more active urban development and *land management policies that focus on the development of underutilised, brownfield, vacant and public lands*.

The RSES includes Regional Policy Objectives relating to the Dublin Metropolitan Area. RPO 5.3, RPO 5.4 and RPO 5.5 support active transport modes, increased densities, and the consolidation of Dublin city and suburbs.

MASP Housing and Regeneration policy objective RPO 5.4 states that “*Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities’*”.

RPO 5.5 goes on to identify that “*Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a*

primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.”

The RSES along with the NTA and Local Authorities have developed Guiding Principles for Integration of Land Use and Transport in the region. These include:

- For urban-generated development, **the development of lands within or contiguous with existing urban areas should be prioritised** over development in less accessible locations. Residential development should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised.
- The management of space in town and village centres should deliver a high level of priority and permeability for walking, cycling and public transport modes to create accessible, attractive, vibrant and safe, places to work, live, shop and engage in community life. Accessibility by car does need to be provided for, but in a manner, which complements the alternative available modes. Local traffic management and the location / management of destination car parking should be carefully provided.
- **Planning at the local level should prioritise walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services, and other services at the local level such as schools.**
- Support the **'10 minute' settlement concept**, whereby a range of community facilities and services are accessible in short walking and cycling timeframes from homes or accessible by high quality public transport to these services in larger settlements.
- Cycle parking should be appropriately designed into the urban realm and new developments at an early stage to ensure that adequate cycle parking facilities are provided.
- **Support investment in infrastructure and behavioural change interventions to encourage and support a shift to sustainable modes of transport and support the use of design solutions and innovative approaches to reduce car dependency.**

EVALUATION OF CONSISTENCY

The proposal, which is on zoned, serviced lands, will help to achieve RSES's aims and objectives. The proposed development will provide a high-density residential development on a key urban infill site within the highly accessible and well serviced suburban area of Whitehall/Santry, along the Swords Road. The previously permitted scheme on the site is currently under construction and this application will provide an increased height and uplift in residential unit numbers. It will also improve the public open space provided on the site.

The location has access to high quality public transport including excellent high frequency bus services. It is within walking distance of a number of significant employment centres include DCU and Beaumont Hospital. It has excellent potential to promote sustainable mobility and achieve the vision of 'walkable' communities.

The proposed development will benefit from its location close to significant social infrastructure and employment opportunities within walking/cycling distance or accessible by public transport. It will also add to the facilities in the area by providing a significant new public park, a café, and creche facility. The additional population created will also drive demand for additional services.

The proposal is considered in line with the RSES' aims and objectives, in particular RPO 5.3, 5.4 and 5.5.

Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 promotes the consolidation of the Metropolitan Dublin area (where the application is located) allowing for the accommodation of a greater population than at present, with much-enhanced public transport system, with the expansion of the built-up areas providing for well-designed urban environments linked to high quality public transport networks, enhancing the quality of life for residents and workers alike. This document identifies under its primary policy, in section 2.2 that *"the Strategy must therefore, promote, within its legislative remit, transport options which provide for unit reductions in carbon emissions. **This can most effectively be done by promoting public transport, walking and cycling, and by actively seeking to reduce car use in circumstances where alternative options are available.**"*

Section 7 states that *"the implementation of the Strategy will facilitate a more efficient use of land within the GDA. By focussing public transport investment, and investment in the cycling and pedestrian network, into the city centre, major suburban centres and hinterland growth towns, the Strategy will complement national, regional and local planning policy by promoting and enabling the consolidation of development into higher order centres... In terms of the provision of housing, the Strategy will directly enable the sustainable development of strategically important residential sites, particularly in Metropolitan Dublin, where demand is highest.*

EVALUATION OF CONSISTENCY

The application site is located within “Corridor-A (Drogheda – Balbriggan – Swords – Airport – North Inner City – to Dublin City Centre)”, in the inner metropolitan area. The NTA has identified that there is limited scope for further increases in road capacity and identifies that trips will have to be catered for by public transport. This proposed development is located along the Swords Road QBC which is served by high-frequency bus routes. This road will also be upgraded as part of BusConnects.

This proposed development due to its location close to the variety of bus routes, is in line with the ambitions of this policy. The proposed development, by its promotion of reduce car parking, promotes the use of alternative modes of transport including cycling, walking and buses.

Draft Transport Strategy for the Greater Dublin Area 2022-2042

The National Transport Authority (NTA) has prepared an updated draft Transport Strategy for the Greater Dublin Area 2022-2042 to replace the previous Transport Strategy for the Greater Dublin Area 2016- 2035. The public consultation period on this draft strategy ended on the 10th January 2022.

This draft strategy has been developed to be consistent with the spatial planning policies and objectives set out in the *Regional Spatial and Economic Strategy (RSES)* as adopted by the Eastern and Midland Regional Assembly. It is also based on national policies on sustainability as set out in climate action and low carbon legislation, and in climate action plans. In addition, the short term and long term impacts of the on-going Covid-19 pandemic have been taken into account in the strategy.

Section 3.2 notes that a key focus of the strategy is to facilitate increased use of other modes in order to meet environmental, economic and social objectives related to emissions, congestion and car-dependency.

Section 3.6 notes the importance of transforming the urban environment to create a coherent priority for public transport and to provide informal public open spaces and place to relax and sit down.

Section 8.1 notes that the pattern of where people live, work, attend school or college, socialise etc. is the key determinant in the type of transport system we require.

Section 8.3 states *‘facilitating the delivery of large numbers of new housing units of high quality and diversity, in locations which maximise the number and the range of households who can travel by public transport, walking and cycling, is a critical aspect of integrated transport and land use planning in the GDA’.*

Section 8.4 notes the importance of consolidation which *allows for new populations to emerge in areas already served by public transport and active travel modes, and where a range of social services and retail can be accessed without recourse to the private car, and without the need to travel long distances.*

The strategy also includes a number of measures to help guide development. The two most relevant to the proposed development area Measure PLAN1 and PLAN2:

Measure PLAN1

Housing and Transport The NTA will continue to support sustainable housing provision in the GDA. SDZ Planning Schemes, Local Area Plans and large planning applications should be

accompanied by appropriate Transport Plans or Transport Assessments setting out how the plan or development minimises the need to travel and how public transport, walking and cycling together can cater for the majority of travel demand. They should also be accompanied by a statement setting out the infrastructure and services required to achieve this, and an agreed phasing programme for its provision.

Measure PLAN2

Consolidated Development In accordance with the NPF and RSES, the NTA will only support development patterns in the GDA which seek to consolidate development as a means of preventing urban sprawl, reducing the demand for long-distance travel and maximising the use of existing transport infrastructure and services. Peripheral development will only be considered in exceptional circumstances – on an evidence-based planned approach – and for specific land uses that cannot be accommodated in town and city centres.

EVALUATION OF CONSISTENCY

The subject site is in a highly sustainable location and will provide a high-density residential development on the Swords QBC, which is currently served by numerous high capacity, high frequency bus routes. It is also in close proximity to a number of neighbourhood centres, large employers and public parks. The proposal is therefore in line with Measure PLAN2.

In line with Measure PLAN1, a Traffic and Transport Assessment is included with this application.

Therefore, the proposed development is considered in accordance with the draft transport strategy.

Statement of Consistency with Relevant Section 28 Guidelines

The key Section 28 Guidelines relating to the subject site and the proposed development are as follows:

- Urban Development & Building Heights: Guidelines for Planning Authorities (2018)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Childcare Facilities Guidelines for Planning Authorities (2001)
- Urban Design Manual: A Best Practice Guide (2009)
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- The Planning System and Flood Risk Management (2009)
- Design Manual for Urban Roads and Streets (2019)

Urban Development & Building Heights: Guidelines for Planning Authorities, 2018

The Guidelines set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. There is a presumption in favour of high buildings at public transport nodes and state that it is Government policy to promote increased building height in locations with good public transport services.

Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are **required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. SPPRs as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.** These SPPRs are addressed in the Material Contravention Statement.

The Guidelines emphasise the policies of the NPF to **increase levels of residential development in urban centres and increase building heights and overall density** by both facilitating and encouraging the development of increased heights and densities by Local Authorities and An Bord Pleanála. 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. *“In order to optimise the effectiveness of this investment in terms of improved and more sustainable mobility choices and enhanced opportunities and choices in access to housing, jobs, community and social infrastructure, development plans must actively plan for and bring about increased density and height of development within the footprint of our developing sustainable mobility corridors”*. It goes on to highlight 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 Dublin City Development Plan 2016-2022 and the Whitehall Framework Plan 2008 (as extended) were both adopted prior to the adoption of these guidelines and include conflicting policies and objectives. Please see the Material Contravention Statement for further detail.

EVALUATION OF CONSISTENCY

It is considered that the subject site is an appropriate site for buildings which range in height up to 8 storeys. The proposal responds to its overall natural and built environment providing a transition from the building heights of the neighbouring context and it makes a positive contribution to the urban area.

The proposed development is set out in seven urban blocks and aligns with the permitted layout which is currently under construction. The materials and finishes of the proposed blocks will be designed to a high architectural standard. The materials and finishes have also been considered with regard to the surrounding existing pattern of development and material pallet in the locality.

The proposed development provides significant public open space that will connect with future open space to the north.

The proposed development has had regard to the planning policy framework as set out in the building height guidelines and National Planning Framework. The provision of residential development at this location up to 8 no. storeys is supported by the height guidelines which encourages increased density and building heights. The proposed development complies with such objectives and is in accordance with the provisions of national policy guidelines, as discussed in the section above 'Statement of Consistency with National and Regional Planning Policy' and also within the Material Contravention Statement which addresses Building Heights specifically. The **Material Contravention Statement provides a detailed assessment of the proposed development against the Development Management Criteria and the SPPRs.**

Sustainable Urban Housing: Design Standards for New Apartments (2020)

The Apartment Guidelines promote sustainable housing, by ensuring that the design and layout of new apartments provide satisfactory accommodation for a variety of household types and sizes, including families with children over the medium to long term. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.

The guidelines note that apartments are most appropriately located within urban areas and that the scale and extent of apartment development should increase in relation to proximity to core urban centres and other factors. The guidelines outline three types of locations:

- Central and/or Accessible Urban Locations
- Intermediate Urban Locations
- Peripheral and/or Less Accessible Urban Locations

The criteria for determining these locations and the scale of apartment development that is considered appropriate at each location is also provided within the guidelines.

It is our contention that the proposed site comes under the definition of a "Central and/or Accessible Urban Location" which the Guidelines state "*are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments...*"

The site represents an Accessible Urban Location for the following reasons:

CRITERIA	EVALUATION OF CONSISTENCY
Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions	The subject site is c. 900m (or a 15 minute walk) from Dublin City University main campus. Other significant employment locations are Omni Shopping Centre (c. 1.3km), Santry Hall Industrial estate (c. 1.5km) and Beaumont Hospital (c. 1.5km) from the subject site.
Sites within reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to/from high capacity urban public transport stops (such as DART or Luas)	The site is a c. 1 minute walk from the Dublin Bus Stop 213, 205, 214 and 204. These stops are served by Dublin Bus Routes 1, 16, 16D, 33, 41, 41B, 41C, 41D, 44, 740 and 740A. Routes 1 and 16 have a peak frequency of every 10 minutes while route 41, 41C have a peak frequency of every 20 minutes. The scheme will also benefit from the proposed Collins Avenue metrolink station which is expected to be built and operational by c.2027. This metro station will connect Swords to Charlemont which links the site to Dublin Airport, Irish Rail, DART, Dublin Bus and Luas services.
Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.	The site is located along the Swords Road Quality Bus Corridor which is served by Dublin Bus routes 1 (operating every 10-12 minutes from 8am-7pm) and 16 (every 10 minutes at peak hours).

It is also noted that the ABP Inspector on the previous SHD application (Ref. ABP-309608.21) on this site also considered the site a “central and/or accessible area” as per the Guidelines. Section 10.5.2 of the Inspector’s Report stated:

“..I consider that the development site is located in a ‘central and/or accessible area’ with reference to the Apartment Guidelines. The Guidelines state that such locations are generally suitable for small to large scale higher density development with no maximum density set. I consider that the delivery of additional residential development on this prime, undeveloped, serviced site, in a compact form with higher density, would be consistent with the policies and intended outcomes of Government policy, specifically the NPF, the RSES and the Apartment Guidelines, which all look to secure more compact and sustainable urban development in the Dublin Metropolitan Area and to facilitate the efficient and sustainable use of public transport infrastructure. I note that the proposed site coverage and plot ratio are within the parameters for Z12 lands as set out in sections 16.5 and 16.6 of the City Development Plan. I therefore consider that the proposed residential density of 174 units/ha is acceptable in principle at this location...”

The guidelines outline 9 Special Planning Policy Requirements (SPPRs) that take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes.

SPECIFIC PLANNING POLICY REQUIREMENT	EVALUATION OF CONSISTENCY
<p>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).</p>	<p>The proposed apartment mix is 32 no. studio (6.8%), 198 no. 1-bed (41.9%), 233 no. 2-bed (49.4%) and 9 no. 3-bed (1.9%) apartments. The mix accords with SPPR1.</p> <p>This unit mix is contrary to the Development Plan. Please see the Material Contravention Statement for further detail.</p>
<p>Specific Planning Policy Requirement 2 For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:</p> <ul style="list-style-type: none"> • Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e., up to 4 units) comprises studio-type units; • Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th; • For schemes of 50 or more units, SPPR 1 shall apply to the entire development. 	<p>The subject site exceeds 0.25ha and therefore SPPR1 applies to the site. The proposal is for a development consisting of 472 no. residential units with a mix as shown in SPPR1.</p>
<p>Specific Planning Policy Requirement 3 Minimum Apartment Floor Areas: Studio apartment (1 person) 37 sq.m 1-bedroom apartment (2 persons) 45 sq.m 2-bedroom apartment (4 persons) 73 sq.m 3-bedroom apartment (5 persons) 90 sq.m</p>	<p>As per the Housing Quality Assessment by C+W O’Brien Architects submitted the proposed unit sizes accord with SPPR3.</p> <p>These unit sizes are contrary to the development plan. Please see the Material Contravention Statement for further detail.</p>
<p>Specific Planning Policy Requirement 4 In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:</p>	<p>55.6% of the units are dual aspect. This is above the 33% required for central and accessible urban locations. None of the single aspect units face north.</p>

<p>(i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.</p> <p>(ii) In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.</p> <p>(iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.</p>	
<p>Specific Planning Policy Requirement 5 Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.</p>	<p>The permitted ground floor apartments have 2.7m floor to ceiling height in accordance with SPPR5.</p>
<p>Specific Planning Policy Requirement 6 A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.</p>	<p>Each apartment core has less than 12 apartments per floor in accordance with SPPR6.</p>
<p>Specific Planning Policy Requirements 7 to 9 relate to Build to Rent (BTR) and Shared Accommodation are not relevant to the current proposal.</p>	<p>N/A</p>

The Guidelines also include policies and objectives throughout for apartment developments. The elements relevant to the proposed development are included in the table below.

POLICY	EVALUATION OF CONSISTENCY
<p>Section 4.16 identifies that cycling “provides a flexible, efficient and attractive transport option for urban living and these guidelines require that this transport mode is fully integrated into the design and operation of all new apartment development schemes.”</p>	<p>In line with this ambition 982 no. bike parking spaces have been provided. This includes 732 no. secure spaces for the residents, 236 no. visitor spaces, and 14 no. cargo bike spaces.</p>
<p>Section 4.19 notes that for central and/or accessible urban locations comprising wholly of apartments in more central locations well served by public transport, the default policy is for car parking provision to be minimised.</p>	<p>In line with this, the proposal includes a total of 337 no. car parking spaces. 313 no. car parking spaces are provided for the residents which results in a reduced car parking ration of 0.66 no. spaces per unit. 19 no. spaces are provided for visitors and 5 no. staff creche spaces are provided. The accessibility of this site due to the public transport systems including the train and bus located in close proximity enable this scheme to have this parking level.</p>
<p>Appendix 1 out sets out the following minimum overall apartment floor areas:</p> <ul style="list-style-type: none"> • Studio: 37sqm • One bed: 45sqm • Two bed (3 person): 63sqm • Two bed (4 person): 73sqm • Three bed: 90sqm 	<p>The proposed units are fully in compliance with these standards.</p> <p>Please see the HQA prepared by C+W O’Brien Architects for further details.</p>
<p>Appendix 1 provides the following aggregate bedroom floor areas:</p> <ul style="list-style-type: none"> • One bed: 11.4sqm • Two bed (3 person): 20.1sqm • Two bed (4 person): 24.4sqm • Three bed: 31.5sqm 	
<p>Appendix 1 provides the following storage space requirements:</p> <ul style="list-style-type: none"> • Studio: 3sqm • One bed: 3sqm • Two bed (3 person): 5sqm • Two bed (4 person): 6sqm • Three bed: 9sqm 	
<p>Appendix 1 provides the following minimum floor areas for private amenity space:</p> <ul style="list-style-type: none"> • Studio: 4sqm • One bed: 5sqm • Two bed (3 person): 6sqm • Two bed (4 person): 7 sqm • Three bed: 9sqm 	<p>As shown on the drawings, each apartment is provided with a balcony/terrace in line with these standards.</p>

<p>Appendix 1 provides the following minimum floor areas for communal amenity space:</p> <ul style="list-style-type: none"> • Studio: 4sqm • One bed: 5sqm • Two bed (3 person): 6sqm • Two bed (4 person): 7 sqm • Three bed: 9sqm 	<p>Based on these communal open space requirements the proposal requires c. 2,830 sqm communal open space. The proposal includes c.3,280 sqm communal open space which exceeds this requirement.</p>
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EVALUATION OF CONSISTENCY

The proposed development is considered an Accessible Urban Location, as outlined in the table above, and is considered in accordance with the criteria relating to car parking, density, units mix, and dual aspect for such locations. Some of these criteria are contrary to the Development Plan Standards, please see the Material Contravention Statement for further detail.

C+W O’Brien Architects have prepared a Housing Quality Assessment which demonstrates how the proposal is in accordance with the space requirements in Appendix 1.

Overall, it is considered that the proposed development will provide a high-quality apartment scheme that is in line with these Guidelines.

Childcare Facilities Guidelines for Planning Authorities (2001)

These guidelines state that Development Plans should facilitate the provision of childcare facilities in larger new housing estates with the standard minimum provision of one childcare facility with 20 places for each 75 dwellings.

Section 4.7 of the *Sustainable Urban Housing: Design Standards for New Apartments*, 2020 states the following:

*“Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. **One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.**”*

EVALUATION OF CONSISTENCY

The proposed development includes 242 no. two and three bed units. Based on the requirement for 20 no. childcare spaces for every 75 no. dwellings, when one beds are excluded, the proposal would require c. 65 no. childcare spaces (242 no. units/75*20 no. spaces). The proposal includes a creche measuring c. 445.76sqm which will accommodate c. 63 children which will exceed the expected demand from the proposal.

A more detailed assessment is included in Chapter 4 of the EIAR submitted with this application. This assessment includes a demographic analysis of the area and an assessment of the existing childcare facilities in the area. It concludes that the proposed creche will cater for both the proposed development and the wider area.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

The *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* set out the key planning principles to be reflected in development plans and local area plans, to guide the preparation and assessment of planning applications for residential development in urban areas.

The Guidelines set out a range of qualitative standards to ensure residential developments create sustainable living environments:

POLICY	EVALUATION OF CONSISTENCY
Section 2.1-2 Plan led approach	
The amount and type of new housing required to meet the needs of the wider area	The proposed apartments will provide for an increase in the mix of housing types in the Whitehall area. It will also meet the existing housing need in the area. The scheme provides a mix of apartment sizes within the apartment blocks. This mix will cater to the needs of first-time buyers, starter homes for small families, couples and the elderly
Adequate existing public transport capacity available	The subject site is located along the Swords Road QBS which is served by high frequency bus routes. In addition, the proposed Bus Connects corridor passes along its doorstep which will increase the public transport capacity in the area.
The relationship and linkages between the area to be (re)developed and established neighbourhoods	The layout has been designed to provide links through the site to the surrounding streets and to connect with the future re-development of the remaining Z12 lands located north of the site.
The scale, location and type of public open space	The proposal includes a large new public open space which includes a MUGA, and a new public plaza. Detailed landscaping plans for these spaces are included in the drawings and report prepared by Parkhood.

Appropriate density levels within the area	The proposed density of development is considered appropriate given the highly sustainable location of the site.
Protection and enhancement of biodiversity and the green infrastructure	The proposal will enhance biodiversity the site through appropriate landscaping.
Adaptation to impacts of climate change	The Engineering Services Report and the Site Specific Flood Risk Assessment submitted with the application outline how climate change has been taken into account in the surface water calculations to minimise flood risk.
Avoidance of natural hazards such as flood risk	

Section 2.3 Sequential approach	
<p>The development plan should identify where practicable the sequential and co-ordinated manner in which zoned lands will be developed.</p> <p>The provision of water and sewerage investment programmes by planning authorities must also be related to the sequencing of residential lands</p>	The subject site is subject to a non-statutory Whitehall Framework Plan (2008) (as extended). This framework plan identified the subject site and the lands immediately north of the site as suitable for re-development to provide residential development and public open space.
Chapter 3 The role of design	
Does the proposed development give due consideration to the 12 Best Practice Design Manual Criteria?	The response to 12 criteria is discussed in detail as part of evaluation of consistency with Urban design Manual.
Have designers of urban housing schemes carried out a site appraisal prior to preparing a layout?	Yes, the layout was derived from a site appraisal conducted for the site which considered alternative options. Please see Chapter 2 Alternatives of the EIAR submitted with this application for further detail.
Is the standard of design of a sufficiently high standard?	Yes, the proposed development is of a very high design standard. Please see the Architect's Design Statement prepared by C+W O'Brien Architects.
Does the design of residential streets strike the right balance between the different functions of the street, including a "sense of place"?	The proposed development is arranged seven urban blocks. The height proposed creates a strong urban edge to Swords Road. The layout includes large public open space, pathways, communal open space, a creche, café and public plaza. The proposed layout and design of the spaces ensures that each space will have an identity and will contribute to the sense of place for the development.
Chapter 4 Planning for Sustainable neighbourhoods	
Has an assessment of the capacity of existing schools or the need for new school facilities been carried in connection with proposals for substantial residential developments?	The development consists of c. 98% 1 bed and 2 bed units. The number of 3 beds proposed within the scheme is 1.9%. Given this, it is unlikely that the proposed development will generate a large cohort of school going population at any one time. Nonetheless, we note that there are numerous

	<p>primary and post-primary schools within 1km of the subject site.</p> <p>Please see the EIAR Chapter 4 for further detail.</p>
Is there an appropriate range of community and support facilities?	<p>A range of community facilities such as schools, public parks, amenity areas and retail services are already available for the site.</p> <p>Please see the Chapter 4 Population and Human Health of the EIAR submitted with this application for further detail.</p>
Prioritise walking, cycling and public transport, and minimise the need to use cars;	<p>Pedestrian and cyclist access to the site has been prioritised with minimal vehicular access to the site.</p> <p>Please see AECOM's Traffic and Transport Assessment enclosed with this application.</p>
Ensure accessibility for everyone	<p>The apartment scheme has a lift within each block making all apartments suitable for older people or people with reduced mobility.</p>
Encourage more efficient use of energy and a reduction in greenhouse gas emissions?	<p>The orientation and layout of units provides a density that promotes the efficient use of land. Greenhouse gas emissions will be minimised through the use of efficient heating systems, modern insulation techniques and use of glazing to maximise solar penetration throughout each house.</p>
Include the right quality and quantity of public open space	<p>The proposed development includes a total of c.6,165 sqm public open spaces which is provided as a large public open space to the east of the site.</p>
Include measures to ensure satisfactory standards of personal safety and traffic safety within the neighbourhood?	<p>The layout and design of the scheme will provide a high-quality living environment where safety and convenience are of the utmost importance. All units overlook streets and parklands, therefore contributing to passive surveillance of this neighbourhood. The layout offers a high level of amenity and privacy for balconies and within apartments.</p>
Present an attractive and well-maintained appearance?	<p>The public open space has been designed with soft landscaping and planting which will provide an attractive appearance. A landscape maintenance plan is also submitted with the application.</p>
Promote social integration and provide for a diverse range of household types, age groups and mix of housing tenures?	<p>The scheme provides a mix of apartment sizes within the apartment blocks. This mix will cater to the needs of first-time buyers, starter homes for small families, couples and the elderly.</p>
Protect, and where possible enhance, the built and natural heritage?	<p>There is no built heritage on site. The natural environment will be improved upon within the proposed landscape strategy.</p>

Provide for Sustainable Drainage Systems?	The design includes provision for SUDs. Please refer drawings and reports by JOR Consulting furnished with this application.
Deliver a quality-of-life which residents and visitors are entitled to expect, in terms of amenity, safety and convenience;	The scheme has been designed in accordance with all relevant quantitative and qualitative residential standards as set down in the national apartment guidelines and the Dublin City Development Plan. Future residents will live in a uniquely safe residential environment with significant public and communal open space free of cars and close proximity to social infrastructure, open spaces and public transport in the area.
Provide a good range of community and support facilities, where and when they are needed and that are easily accessible;	The development will consist of apartments with residential facilities. It also provides a new public open space, café, creche and a large dedicate communal open space. The development is well located in relation to existing/planned social infrastructure in the area with schools, creches, and local retail within 5-10 minutes' walk. A detailed assessment of the local social infrastructure is included in Chapter 4 of the EIAR submitted with the application.
Present an attractive, well-maintained appearance, with a distinct sense of place and a quality public realm that is easily maintained;	The layout of development has been designed to enhance the accessibility of the site. All of the routes through the development will provide increased connectivity to the area which is well surveilled and overlooked. The public realm proposed is high quality with a range of different spaces meeting varying needs throughout the development.
Are easy to access for all and to find one's way around;	The layout is conducive to wayfinding and provides pedestrian and cycle links through the site. There is one vehicle access into the site off the Swords Road to the west which also provides cyclist and pedestrian access. The layout is logical and uncomplicated. The potential for further pedestrian access to adjoining lands to the south, east and north (including the DCC Z12 lands) is also pre-emoted in the design layout.
Provide a mix of land uses to minimise transport demand;	The site is zoned for residential development which is proposed. The proposal also includes a creche, café, residential facilities, and public open space. The scheme is within walking distance of a number of high quality bus services and local employment centres.
Promote social integration and provide accommodation for a diverse range of household types and age groups;	A range of unit sizes is proposed for the scheme including studios, 1, 2 and 3 bedroom apartments. This will improve the overall mix in the wider area

	which comprises mainly larger 3+ bed houses at present. This mix will cater to the needs of first-time buyers, starter homes for small families, couples and the elderly.
Enhance and protect the green infrastructure and biodiversity;	The site comprises a vacant brownfield site that was previously as a compound. The proposal will result in a significant improvement in the landscaping, planting and biodiversity on site.
Enhance and protect the built and natural heritage.	The proposed development does not have any protected structures on the site, nor are there any in the immediate vicinity. Equally the site is not located within or adjacent an Architectural Conservation Area (ACA) or zone of archaeological potential.

Urban Design Manual: A Best Practice Guide (2009)

The Urban Design Manual is the accompanying document to the Sustainable Residential Development in Urban Areas document which provides policy guidance for the creation of successful neighbourhoods having regard to the 12-point criteria. The proposal complies with the following design criteria:

1. Context –How does the development respond to its surroundings?	
The development seems to have evolved naturally as part of its surroundings.	The site is located within a brownfield infill site that is distinct from adjoining properties and land uses. There is a mixture of uses within the area, however, the predominant one is residential. The site represents a unique opportunity to deliver a significant residential development in a well-established, well serviced and highly accessible suburban location within the city.
Appropriate increases in density respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users.	The proposed density is in accordance with National Planning Policy which encourages site to make the best use of zoned land. The density has been achieved though the provision of a strong urban frontage to Swords Road and the proposed open spaces.
Form, architecture and landscaping have been informed by the development's place and time.	The proposal reflects the significant increases in densities and scale achieved along high quality public transport corridors such as Dublin Bus Routes. The proposed development also reflects national policy for consolidated urban development and higher densities and scale on accessible and well serviced urban sites throughout Dublin City as promoted in the NPF and the RSES.

	<p>The site is large and unique in its context and has remained undeveloped for some time. The site is of an appropriate size and design to facilitate the scale and layout proposed.</p> <p>The current proposal is a residential development that is modern not just in terms of design and density but also in terms of promoting an attractive living environment with significant and safe open spaces for future residents.</p>
The development positively contributes to the character and identity of the neighbourhood.	<p>The proposal is a striking design and layout which optimise this large infill site and will enhance and develop the character of this residential area.</p> <p>It will remove a vacant, underutilised site and transform it with a development that will contribute positively to the neighbourhood in terms of increased population and wider, more sustainable residential mix.</p>
Appropriate responses are made to the nature of specific boundary conditions.	The development has been designed with regard to the existing boundary features, particularly the siting of the development relative to adjoining uses, the northern boundary and the existing trees adjacent to the entrance, the presence of the Dublin Port Tunnel underneath the eastern half of the site, and also the planning requirement to provide a large public open space within the development.
2. Connections – How well connected is the new development	
There are attractive routes in and out for pedestrians and cyclists.	The site is accessed directly off the Swords Road which has comprehensive pedestrian, cyclist and bus infrastructure. Future residents will therefore have full opportunity to utilise sustainable transport modes to get to work and services.
The development is located in or close to a mixed-use centre.	There are a number of local centres within 5 minutes' walk of the site provide a range of daily convenience services. The site is also within 1.25km of the District Omni Park Shopping Centre, which is anchored by Tesco, and includes Lidl and over 100 other stores.
The development's layout makes it easy for a bus to serve the scheme.	The site is located adjacent the Swords Road Quality Bus Corridor which is served by a large number of Dublin Bus and regional bus services providing access to the city centre, Dublin Airport, and local centres including Santry, Beaumont and DCU.

The layout links to existing movement routes and the places people will want to get to.	The layout provides dedicated and safe pedestrian/cyclist permeability that connects with the surrounding streets and services and facilities.
Appropriate density, dependent on location, helps support efficient public transport.	The density accords with national guidelines which promote higher density development in established residential areas close to high quality public transport and local services.
3. Inclusivity – How easily can people use and access the development?	
New homes meet the aspirations of a range of people and households.	New apartments will meet the needs of a wide range of future occupants from first time buyers, families with children and downsizers. The range of housing typologies and quality of internal spaces and private open space and communal spaces will fulfil the requirements of all future residents.
Design and layout enable easy access by all.	The proposal has been designed for ease of access throughout the site in accordance with Part M of the building regulations.
There is a range of public, communal and/or private amenity spaces and facilities for children of different ages, parents and the elderly.	The scheme will provide a significant new public open space of over 0.5ha which will be available to the wider community and will include a MUGA. In addition the development will be served by dedicated communal open space include a large courtyard and a number of roof gardens. The recreational needs for a range of different ages including children, adults and the elderly will be facilitated.
Areas defined as public open space that have either been taken in charge or privately managed will be clearly defined, accessible and open to all.	The public realm will be accessible to all. Public, private and semi-private areas will be defined by soft and hard landscaping treatments. We refer to Parkhood landscape drawings for more information.
New buildings present a positive aspect to passers-by, avoiding unnecessary physical and visual barriers.	The layout presents attractive urban edges to the open spaces proposed that will be supervised and overlooked.
4. Variety – How does the development promote a good mix of activities?	
Activities generated by the development contribute to the quality of life in its locality.	The proposal will provide for an improved housing mix within the wider area and will increase population creating additional demand for educational, sports and retail services all of which are provided close to the development.
Uses that attract the most people are in the most accessible places.	The creche, café and public open space are all easily accessible to residents and the public.
Neighbouring uses and activities are compatible with each other.	The area is characterised by residential uses; as such the proposed use is compatible with the surrounding area.

	The Whitehall GAA club is located north of the site. The proposed public open space will provide a nearby area for recreation and will complement the GAA club.
Housing types and tenure add to the choice available in the area.	A variety of apartments are provided which will further improve the range of unit types in the area available to various household types.
Opportunities have been taken to provide shops, facilities and services that complement those already available in the neighbourhood.	The local area is well provided for in terms of social infrastructure and services. The scheme is within walking distance of a number of local centres and also the Omni District Centre at Santry. The proposed creche and café will complement the existing uses and facilities in the area.
5. Efficiency - How does the development make appropriate use of resources, including land?	
The proposal looks at the potential of higher density, taking into account appropriate accessibility by public transport and the objectives of good design.	The proposal achieves the optimum density on site having regard to the standards of national and local policy as well as existing services and transport options.
Landscaped areas are designed to provide amenity and biodiversity, protect buildings and spaces from the elements and incorporate sustainable urban drainage systems.	The restriction on parking enables more landscaping. A significant public open space will be provided in addition to communal and private open space provision above standard.
Buildings, gardens and public spaces are laid out to exploit the best solar orientation.	The apartment blocks are laid out to ensure all units have access to sufficient light. In addition, 55.6% of the units are dual aspect.
The scheme brings a redundant building or derelict site back into productive use.	This scheme will bring this site back into a productive use and ensure the completion of the development currently under construction on site.
Appropriate recycling facilities are provided.	Communal recycling facilities are provided in the bin stores strategically located proximate to each apartment block.
6. Distinctiveness - How do the proposals create a sense of place?	
The place has recognisable features so that people can describe where they live and form an emotional attachment to the place.	The new public park proposed will form the natural heart of the development where the wider community will congregate and use the MUGA, playground and associated open space facilities.
The scheme is a positive addition to the identity of the locality.	The site is currently vacant and empty. The proposal will provide an appropriate scale and quantum of residential development on a key site beside the Swords Road QBC and local services and facilities. The proposed development will be a very positive addition to the area providing a new focal point in the area.

<p>The layout makes the most of the opportunities presented by existing buildings, landform and ecological features to create a memorable layout.</p>	<p>The proposed development at this location will give the long vacant site a new land use and much needed street frontage along the Swords Road. The topography including the surrounding residential and institutional buildings have all been considered with the design of the proposed development and its response to the surrounding area in scale and height.</p> <p>The proposed apartment buildings have been strategically designed within the site in order to reduce their impact on the landscape and character of the area whilst placing a focus on enhancing the density of the site. The buildings vary in height between four and eight storeys with lower heights in close proximity to existing buildings and increased heights at the centre of the development. The apartment buildings are placed to enclose the public and community open spaces ensuring that these spaces are overlooked by the proposed dwellings.</p>
<p>The proposal successfully exploits views into and out of the site.</p>	<p>The spaces between the blocks create pedestrian routes and incidental open space, creating an open and visually permeable development. This maintains view to, through, and from the site.</p>
<p>There is a discernible focal point to the scheme, or the proposals reinforce the role of an existing centre.</p>	<p>The public park will form the natural focal point for future residents to congregate and utilise the facilities.</p>
<p>7. Layout - How does the proposal create people friendly streets and spaces?</p>	
<p>Layout aligns routes with desire lines to create a permeable interconnected series of routes that are easy and logical to navigate around.</p>	<p>The scheme has been designed to provide clear pedestrian routes though the site that connect with the surrounding area.</p>
<p>The layout focuses activity on the streets by creating frontages with front doors directly serving the street.</p>	<p>All apartments overlook the public open spaces and streets.</p>
<p>The streets are designed as places instead of roads for cars, helping to create a hierarchy of space with less busy routes having surfaces shared by pedestrians, cyclists and drivers.</p>	<p>A single vehicular access in and out is provided with a low traffic speed environment secured. The cars at surface level are restricted in the main to the east of the site to ensure a predominantly car free environment.</p>
<p>Traffic speeds are controlled by design and layout rather than by speed humps.</p>	
<p>Block layout places some public spaces in front of building lines as squares or greens, and some semi-private space to the back as communal court.</p>	<p>The open space strategy provides a large public open space, including a MUGA, a communal open space at ground level, and a public plaza south of Block A.</p>
<p>8. Public Realm - How safe, secure and enjoyable are the public areas?</p>	

All public open space is overlooked by surrounding homes so that this amenity is owned by the residents and safe to use.	Overlooking of streets, communal and public spaces is achieved throughout.
The public realm is considered as a usable integrated element in the design of the development.	Creation of a mainly car free public realm for pedestrians and cyclists to traverse unhindered is a key design outcome and will create a unique residential development. The landscaping and design of the public realm can be solely dedicated to providing the optimum amenity for residents and visitors.
Children's play areas are sited where they will be overlooked, safe and contribute to the amenities of the neighbourhood.	A MUGA, and play areas are proposed.
There is a clear definition between public, semiprivate, and private space.	Landscaping strips will subtly separate the public, semi-private and private areas. Landscaping and species mix will denote these changing spaces. Please refer to the landscaping drawings prepared by Parkhood for further detail.
Roads and parking areas are considered as an integral landscaped element in the design of the public realm.	Within this unique scheme the private car is almost entirely restricted to the east of the site allowing a car free open space realm elsewhere in the scheme. The limited surface car parking is fully integrated into the landscaping proposal.
9. Adaptability - How will the buildings cope with change?	
Designs exploit good practice lessons, such as the knowledge that certain house types are proven to be ideal for adaptation.	The proposed apartments can be amended internally to adapt to the changing needs of the residents.
The structure of the home and its loose fit design allows for adaptation and subdivision, such as the creation of an annex or small office.	
The homes are energy-efficient and equipped for challenges anticipates from a changing climate.	The new apartments will be constructed in accordance with the energy efficiency standards in place
Homes can be extended without ruining the character of the types, layout and outdoor space.	The proposal is for apartments and therefore these two polices don't apply to the proposed development. There is no roof space or garage space associated with the apartments.
Space in the roof or garage can be easily converted into living accommodation.	
10. Privacy and Amenity - How does the scheme provide a decent standard of amenity?	
Each home has access to an area of useable private outdoor space.	Each unit is provided with private balcony/terrace to standard.
The design maximises the number of homes enjoying dual aspect.	The majority (55.6%) have dual aspect which accords with national policy.
Homes are designed to prevent sound transmission by appropriate acoustic insulation or layout.	All units have been designed to prevent sound transmission in accordance with current building standards. Please see the Inward Noise

	Assessment and the EIAR Chapter 8 for further detail on noise.
Windows are sited to avoid views into the home from other houses or the street and adequate privacy is affordable to ground floor units.	All units have been oriented to minimise overlooking. This has been achieved by ensuring the distance between blocks is appropriate between the blocks. Landscaping strips and boundary treatments at ground floor level ensure that ground floor areas will have an adequate level of privacy.
The homes are designed to provide adequate storage including space within the home for the sorting and storage of recyclables	All units are provided with storage space in line with relevant National Planning Policy requirements.
11. Parking – How will the parking be secure and attractive?	
Appropriate car parking is on-street or within easy reach of the home’s front door.	Surface level and basement level parking will provide safe parking within easy reach of the apartments.
Parked cars are overlooked by houses, pedestrians and traffic, or stored securely, with a choice of parking appropriate to the situation.	All of the parking is either visible from the apartments or is within a secure underground car park.
Parking is provided communally to maximise efficiency and accommodate visitors without the need to provide additional dedicated spaces.	The majority of the car parking is in a communal underground car park
Materials used for parking areas are of similar quality to the rest of the development.	Parking areas will comprise quality surface treatments that promote sustainable drainage and are in keeping with palette and quality of building materials used elsewhere in the area.
Adequate secure facilities are provided for bicycle storage.	Dedicated bicycle parking is provided throughout the scheme in line with the Design Standards for New Apartments and cycle standards.
12. Detailed Design – How well thought through is the building and landscape design?	
The materials and external design make a positive contribution to the locality.	The overall choice of materials and elevations reflect the development in the surrounding area and will be an attractive feature in the landscape.
The landscape design facilitates the use of the public spaces from the outset.	The open spaces will be provided once all the apartment blocks are completed.
Design of the buildings and public space will facilitate easy and regular maintenance.	The layout of the blocks and the landscaped areas will be accessible for easy and regular maintenance.
Open car parking areas are considered as an integral element within the public realm design and are treated accordingly.	Parking is predominantly at basement and is limited in favour of providing high quality landscaped open space.
Care has been taken over the siting of flues, vents and bin stores	Bin stores and bike stores are located discretely around the site. The vents have been carefully located to enable venting of the basement, while not impacting on the landscape layout. These vents allow the basement to be vented naturally.

	The ESB substations have been designed into the apartment blocks to minimise intrusion on the open space and public realm.
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We consider the proposal in accordance with the above departmental guidelines. Based on the above, we predict the development will create a high-quality residential environment in Whitehall.

The Planning System and Flood Risk Management (2009)

These guidelines require the planning system to avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere.

The Guidelines adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

EVALUATION OF CONSISTENCY

Full details of this assessment are in the Site Specific Flood Risk Assessment by Hydrocare Environmental Ltd submitted with this application. This identified that the development is located in the Flood Zone C as defined by the requirements of “The Planning System and Flood Risk Management, Guidelines for Planning Authorities” and meets the requirements of the Guidelines.

The report has concluded that the residential development is appropriate for the site’s flood zone category and that the development has a good level of flood protection up to the 100-year return event.

Design Manual for Urban Roads and Streets (2019)

The *Design Manual for Urban Roads and Streets* (DMURS) was first published in 2013 and has since been updated in May 2019. This document sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas.

In order to achieve a balanced approach to development, the following four core principles of good design for urban roads and streets have been adhered to in the design proposal:

Design Manual for Urban Roads and Streets	
Design Principle 1	Connected Networks
“To support the creation of integrated street networks which promote higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.”	The proposed development has been designed in line with the Whitehall Framework Plan which had connectivity and permeability at its core. There are numerous attractive and safe pedestrian routes through the site and vehicular access is limited ensuring the space is not dominated by cars.
Design Principle 2	Multi-Functional Streets

“The promotion of multi-functional, place based streets that balance the needs of all users within a self-regulating environment.”	The public realm is self-regulated as all dwelling units overlook and front streets/public realm.
Design Principle 3	Pedestrian Priority
“The quality of the street is measured by the quality of the pedestrian environment.”	The layout prioritises pedestrians and cyclist by restricting the number of cars at surface level. This reflects the prioritising pedestrian and cyclist movement in the most recent Transport Strategy for the Great Dublin Area.
Design Principle 4	Multi-Disciplinary Approach
“Greater communication and cooperation between design professionals through the promotion of a plan-led, multidisciplinary approach to design.”	The proposed design results from a multi-disciplinary plan-led approach through the co-operation of architects, engineers, landscape architects and Dublin City Council Planners.

EVALUATION OF CONSISTENCY

The proposed design approach successfully achieves the appropriate balance between the functional requirements of different network users whilst enhancing the sense of place. The implementation of a low parking and shared car provision actively promotes a modal shift to alternative forms of transport while also creating a high quality public open space in the area. This scheme prioritises pedestrians and cyclists through the development.

The internal layout design has been informed by the DMURS guidelines. The following measures are examples of where compliance with the DMURS guidelines has been demonstrated:

- Internal footpaths have been provided at a minimum width of 1.8m, which is the space required to allow two wheelchairs to pass each other;
- The internal carriageway width is typically 5.5m to allow for manoeuvrability of vehicles accessing the perpendicular parking spaces;
- Pedestrian crossings are proposed which comprise of tactile paving and dropped kerbs to facilitate pedestrian movements;
- The corner radii of the proposed junctions are 4 – 6m, as per Section 4.3.3 of DMURS.
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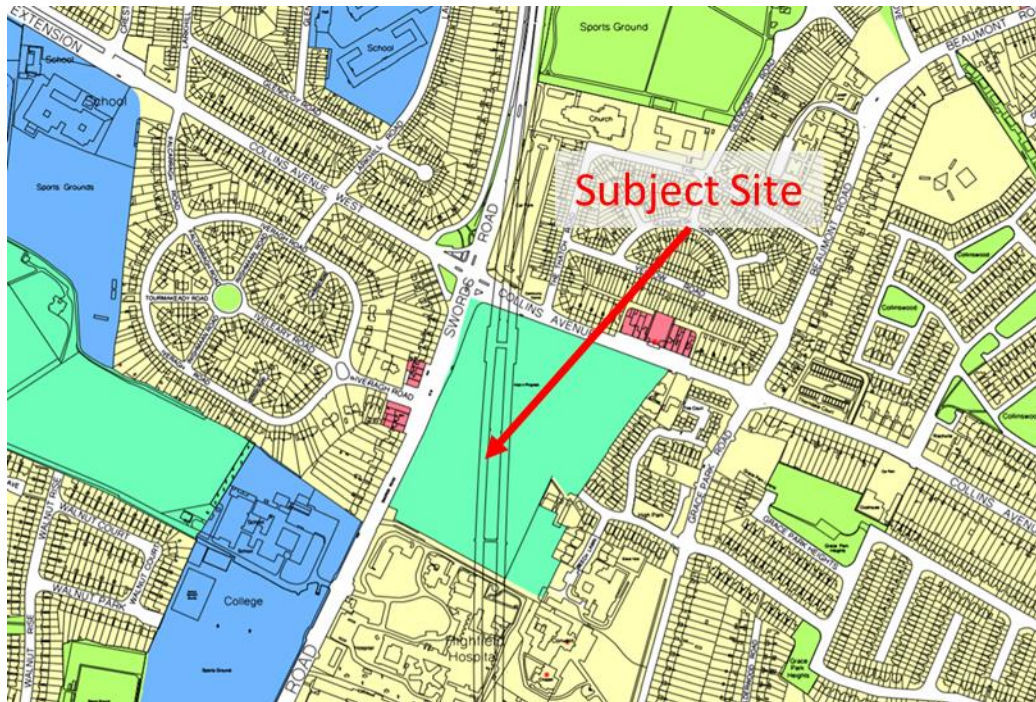
Further details are outlined in the DMURS Compliance Statement prepared by AECOM.

Statement of Consistency with Dublin City Development Plan 2016-2022

The site is located within the administrative area of Dublin City Council and is therefore subject to the land use policies and objectives of the City Development Plan 2016-2022.

Zoning

The site and adjoining lands to the north are zoned 'Z12 Institutional Land (Future Development Potential)' with the objective 'to ensure that existing environmental amenities are protected in the predominantly residential future use of these lands'.



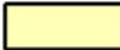




Zone Z1	To protect, provide and improve residential amenities	---	
Zone Z3	To provide for and improve neighbourhood facilities	---	
Zone Z9	To preserve, provide and improve recreational amenity and open space and green networks	---	
Zone Z12	To ensure that existing environmental amenities are protected in the predominantly residential future use of these lands	---	
Zone Z15	To protect and provide for institutional and community uses	---	

Figure 50 Extract from Dublin City Council Development Plan Zoning Map B with subject site identified.

Section 14.8.12 states that on lands zoned Z12, a minimum of 20% public open space. This open space shall not be split up into sections and shall be comprised of soft landscape suitable for relaxation and children's play.

This section also states that proposals for development on Z12 lands must prepare and submit a masterplan setting out clear vision for the future for the development of the entire land holding.

Section 14.8.12 also outlines the permissible and open for consideration uses on the Z12 lands. These are included in the table below. The Development Plan notes that the *predominant land-use on lands to be re-developed will be residential, and this will be actively encouraged.*

Permissible Uses
Bed and breakfast, buildings for the health, safety and welfare of the public; caravan park/camp site (holiday), childcare facility , community facility, conference centre, cultural/recreational building and uses, education, embassy residential, enterprise centre, garden centre, golf course and clubhouse, guest house, halting site, home-based economic activity, hostel, hotel, live-work units, media-associated uses, medical and related consultants, open space, place of public worship, public service installation, residential institution, residential , restaurant, science and technology-based industry, shop (local), training centre.
Open For Consideration Uses
Boarding kennel, car park, civic and amenity/ recycling centre, funeral home, industry (light), municipal golf course, nightclub, office, outdoor poster advertising, part off-licence, public house, shop (neighbourhood).

Table 9 Permissible and Open for Consideration Uses on Z12 lands

EVALUATION OF CONSISTENCY
The proposal will provide a residential development on these lands zoned Z12. The proposal includes over 20% public open space and this has been provided as one large area with soft landscaping.
The application also includes a masterplan which outlines how the proposal will integrate with future development of the remaining Z12 lands to the north. This masterplan identifies how the proposed open space will integrate with future open space to the north.

The following tables review Development Plan policies on urban design, residential, open space and landscaping and physical and social infrastructure as relevant to the proposed development.

Chapter 4 – Shape and Structure of the City

POLICY	EVALUATION OF CONSISTENCY
SC10: To develop and support the hierarchy of the suburban centres, ranging from the top tier Key District Centres, to District Centres/Urban Villages and Neighbourhood Centres, in order to support the sustainable consolidation of the city and provide for the essential economic and community support for local neighbourhoods, including post offices and banks, where feasible, and to promote and enhance the distinctive character and sense of place of these areas.	The proposed development will provide a new attractive café and new public open space. This will provide an attractive location, creating a new sense of place for the area.
SC12: To ensure that development within or affecting Dublin’s villages protects their character	This proposed development will replace the existing vacant site with a new attractive modern residential scheme and public open space.

<p>SC13: To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities</p>	<p>The proposed development is a high density development within this urban area. This is in accordance with this policy given its location close to excellent public transport, and within walking distance of a wide range of employment, schools and amenities areas.</p> <p>The density proposed, due to the site layout, design of the buildings and the low levels of car parking ensure that the development protects the existing surrounding residents, households and communities.</p>
<p>SC14: To promote a variety of housing and apartment types which will create a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces.</p>	<p>The surrounding area is predominantly two storey terraced and semi-detached low density housing. This proposal will introduce a new form of development, an apartment development which provides studios, one, two and three bed apartments, providing variety and choice to the existing provision.</p> <p>The layout of the site, the design of the buildings and the landscaping of the space will provide an attractive coherent space, enhancing the tow path walk and providing further permeability to the area.</p>
<p>SC15: To recognise and promote green infrastructure and landscape as an integral part of the form and structure of the city, including streets and public spaces.</p>	<p>The provision of a new public open space will further enhance and promote the existing green infrastructure in the area.</p>
<p>SC19: To promote the development of a network of active, attractive and safe streets and public spaces which are memorable, and include, where appropriate, seating, and which encourage walking as the preferred means of movement between buildings and activities in the city. In the case of pedestrian movement within major developments, the creation of a public street is preferable to an enclosed arcade or other passageway.</p>	<p>The café and plaza area will provide an attractive community location. The proposed development is a pedestrian dominated development, and as such, most surface are either shared spaces or are pedestrian only areas. This development will provide visual interest and activity within this very attractive area of Dublin.</p>
<p>SC20: To promote the development of high quality streets and public spaces which are accessible and inclusive, and which deliver vibrant, attractive, accessible and safe places and meet the needs of the city's diverse communities.</p>	<p>The proposal will provide a new public park, quiet perimeter streets and a predominantly pedestrianised environment. There are multiple links into and through the development. All of the public open spaces are activated with through apartments opening onto them or retail and creche facilities addressing them creating a vibrant attractive and safe environment.</p>

<p>SC25: To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.</p>	<p>This is a highly sustainable design which will be a positive contribution to the urban architecture of the city. It will provide a new public open space which is well defined and generous in size.</p>
<p>SC29: To discourage dereliction and to promote the appropriate sustainable re-development of vacant and brownfield lands, and to prioritise the re-development of sites identified in Dublin Inner City Vacant Land Study 2015</p>	<p>This proposed development will regenerate an existing vacant site, which provides little contribution to the area, with an attractive new modern development which is of extremely high quality architectural design.</p>

Chapter 5 – Quality Housing

POLICY	EVALUATION OF CONSISTENCY
<p>QH1: To have regard to the DECLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007); 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009)</p>	<p>Compliance with <i>Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)</i> is demonstrated under the heading 'Statement of Consistency with National and Regional Policy'.</p> <p>Compliance with each of the Apartment Guidelines 2020 and the Urban Design Manual is demonstrated under the heading 'Statement of Consistency with Relevant Section 28 Guidelines'.</p> <p>We refer to the Schedule of Accommodation prepared by CWOB Architects for more information and note that the scheme complies with the qualitative and quantitative standards outlined in the guidelines.</p>
<p>QH3: (i) To secure the implementation of the Dublin City Council Housing Strategy` in accordance with the provision of national legislation. In this regard, 10% of the land zoned for residential uses, or for a mixture of residential and other uses, shall be reserved for the provision of social and/or affordable housing in order to promote tenure diversity and a socially inclusive city</p>	<p>The applicant has engaged with the Housing Department at Dublin City Council with regard to Part V. Please find enclosed the proposed Part V submission.</p>

<p>QH6: Attractive mixed use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities and which are socially mixed in order to achieve a socially inclusive city</p>	<p>This proposal is for an attractive development which will provide for a new housing type and tenure within the area. It will also provide for a new attractive public realm and high quality community facilities for the residents of the proposed development.</p>
<p>QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.</p>	<p>We refer to the Schedule of Accommodation which shows the density of the scheme is 172.6 units per hectare net. This density is considered a sustainable urban density for this site which is located along a Quality Bus Corridor and in close proximity to numerous employment hubs and facilities.</p>
<p>QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area</p>	<p>This development will replace a vacant, site with a high density, development which is cognisant of the character of the existing site and the surrounding area.</p>
<p>QH9: To require that larger schemes which will be developed over a considerable period of time are developed in accordance with an agreed phasing programme to ensure that suitable physical, social and community infrastructure is provided in tandem with the residential development and that substantial infrastructure is available to initial occupiers.</p>	<p>A Phasing Plan is submitted with this application.</p>
<p>QH10: To support the creation of a permeable, connected and well-linked city and discourage gated residential developments as they exclude and divide established communities.</p>	<p>The site will open up pedestrian routes from the Swords Road thus creating a well-connected and permeable neighbourhood.</p>
<p>QH12: To promote more sustainable development through energy end-use efficiency, increasing the use of renewable energy, and improved energy performance of all new development throughout the city by requiring planning applications to be supported by information indicating how the proposal has been designed in accordance with the development standards set out in the Development Plan.</p>	<p>The scheme design employs the most up-to-date design and construction techniques that will improve energy performance throughout the scheme.</p>
<p>QH13: To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in The Residential Quality Standards and with regard to the Lifetime Homes guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).</p>	<p>All units are generously sized to allow some minor internal reconfiguration and adaptation.</p> <p>The Residential Quality Standards are addressed in the table below on Chapter 16 of the Development Plan.</p> <p>Section 5.2 of the Department of Environment, Heritage and Local Government 'Quality Housing for Sustainable Communities – Best Practice</p>

	<i>Guidelines for Delivering Homes Sustaining Communities' (2007)</i> is addressed in the "Statement of Consistency with National and Regional Planning Policy"
<p>QH14: To support the concept of independent living and assisted living for older people, to support the provision of specific purpose-built accommodation, and to promote the opportunity for older people to avail of the option of 'downsizing'. To support the promotion of policies that will:</p> <ul style="list-style-type: none"> • Encourage/promote full usage of dwellings units • Incentivise property owners of underutilised dwellings to relocate to smaller age friendly dwellings. • Actively promote surrendering larger accommodation/financial contribution schemes without compulsion 	<p>The apartment scheme has a lift within each block making all apartments suitable for older people or people with reduced mobility. The proposed development complies with Part M.</p> <p>The number of one and two bed units provide an opportunity for older people to downsize within the area which would in turn allow larger units in the area to be used by families with young children.</p>
QH15: To require compliance with the City Council's policy on the taking-in-charge of residential developments.	A strip of land along Swords Road is proposed to be taken in charge. Please see the Taken in Charge drawings prepared by CWOB Architects and AECOM Engineers.
QH16: To promote efficient and effective property management in order to secure the satisfactory upkeep and maintenance of communal areas and facilities in the context of the Multi-Unit Developments Act 2011, the Property Services (Regulation) Act 2011 and the establishment of the Property Services Regulatory Authority.	All public/communal spaces are generously proportioned and regular in size to facilitate maintenance and up-keep.
QH18: To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.	<p>All apartments front the public open spaces and communal space and road. All apartments will have private amenity space in the form of balconies/terraces which will provide for safe and secure private amenity space.</p> <p>The social infrastructure in the area is assessed in detail in Chapter 4 of the EIAR submitted with this application.</p>
QH19: To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.	The unit mix is conducive to the creation of a well-balanced residential community given the over-dominance of large family houses in the wider area.
QH21: To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in	The proposal does not include any houses. Nonetheless, the proposal will ensure a high quality of living for residents with residential

accordance with the standards for residential accommodation.	amenity facilities, a creche, café, and public open space all within the development.
QH22: To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.	The design, materials, scale and height of apartments is complementary of the existing residential developments within the area. The scale and form of the apartment blocks will provide a strong urban frontage to Swords Road, a key route into Dublin City centre.

Chapter 8 Movement and Transport

POLICY	EVALUATION OF CONSISTENCY
MT2: Whilst having regard to the necessity for private car usage and the economic benefit to the city centre retail core as well as the city and national economy, to continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as cycling, walking and public transport, and to co-operate with the NTA, Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives. Initiatives contained in the government's 'Smarter Travel' document and in the NTA's draft transport strategy are key elements of this approach.	<p>The proposed development includes a reduced car parking ratio and limits the vehicular access to the site. This will help to discourage the reliance on private car ownership and promote a modal shift towards more sustainable forms of transport.</p> <p>The reduced car parking provision is appropriate for this site due to the high levels of public transport in the area, its proximity to a wide range of amenities, employment and retail facilities, and the nature of the development.</p>
MT13: To promote best practice mobility management and travel planning to balance car use to capacity and provide for necessary mobility via sustainable transport modes.	
MT17: To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (section 16.38) so as to promote city centre living and reduce the requirement for car parking	
MT 18: To encourage new ways of addressing the parking needs of residents (such as car clubs) to reduce the requirement for car parking.	5 number of club spaces are proposed within this development
MTO23: To require Travel Plans and Transport Assessments for all relevant new developments and/or extensions or alterations to existing developments, as outlined in Appendix 4.	A Mobility Management Plan has been prepared by AECOM and is submitted with this application.
MTO45: To implement best practice in road design as contained in statutory guidance and in the	The access road to the site has been designed in line with the guidance in DMURS. It has also been

DMURS (the use of which is mandatory) with a focus on place-making and permeability (for example, by avoiding long walls alongside roads) in order to create street layouts that are suited to all users, including pedestrians and cyclists.	assessed as part of a Quality Audit. A DMURS Compliance statement has been completed by Aecom confirming that the design and layout of the site is in line with these guidelines and are suited for all users.
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Chapter 10 – Green Infrastructure, Open Space and Recreation

POLICY	EVALUATION OF CONSISTENCY
GI3: To develop linear parks, particularly along waterways, and to link existing parks and open spaces in order to provide green chains throughout the city. Where lands along the waterways are in private ownership, it shall be policy in any development proposal to secure public access along the waterway.	<p>The proposed public open space has been designed to connect with the future open space within the site north of the subject site. This will help to provide a green link within the area and improve permeability within the scheme and wider area.</p> <p>All public and communal spaces will be landscaped and planted with trees/shrubs to improve tree cover and enhance biodiversity on site.</p> <p>The proposal has been designed to incorporate SUDS features which naturally reduce pollutants and improve water quality.</p>
GI5: To promote permeability through our green infrastructure for pedestrians and cyclists	
GIO2: To apply principles of Green Infrastructure development to inform the development management process in terms of design and layout of new residential areas, business/industrial development and other significant projects.	
GI30: To encourage and promote tree planting in the planning and development of urban spaces, streets, roads and infrastructure projects.	

Chapter 12 – Sustainable Communities and Neighbourhoods

POLICY	EVALUATION OF CONSISTENCY
<p>SN4</p> <p>To have regard to the Department of Housing, Planning, Community and Local Government's Guidelines on Sustainable Residential Development in Urban Areas and its accompanying Urban Design Manual, 2010, the Guidelines on Local Area Plans and the related Manual, 2013 and the joint DTTS and DCLG's Design Manual for Urban Streets and Roads (DMURS), 2013 and the NTA's Permeability Best Practice Guide, 2015, in the making of sustainable neighbourhoods. (www.environ.ie)</p>	<p>Compliance with the Department of Housing, Planning, Community and Local Government's <i>Guidelines on Sustainable Residential Development in Urban Areas</i> and its accompanying <i>Urban Design Manual, 2010</i>, and the <i>Design Manual for Urban Streets and Roads (DMURS), 2013</i> is demonstrated under the heading 'Statement of Consistency with Relevant Section 28 Guidelines'.</p> <p>A Social Audit has been completed as part of the EIAR Chapter 4 Population and Human Health.</p>
<p>SN5</p> <p>To ensure that applications for significant large new developments (over 50 units) are accompanied by a social audit and an implementation and phasing programme in relation to community infrastructure, so that facilities identified as needed are provided in a timely and co-ordinated fashion.</p>	

<p>SN15 To ensure the optimum use of community facilities and that high-quality facilities are accessible to all.</p>	<p>The proposal includes a large public open space that will serve the wider community. It has been designed with high-quality materials and facilities and will be accessible to all.</p>
<p>SN17 To facilitate the provision in suitable locations of sustainable, fit-for-purpose childcare facilities in residential, employment, and educational settings, taking into account the existing provision of childcare facilities and emerging demographic trends in an area</p>	<p>The proposed childcare facility will provide sufficient space to accommodate this development as well as capacity for the wider area.</p>
<p>SN20 To promote the development of both indoor and outdoor facilities/spaces for young people e.g. multi-use games areas (MUGAs), teenage shelters, skateboarding areas and skateboard parks, youth cafés, youth centres, and kids clubs.</p>	<p>The proposed development includes a large public open space which incorporates a MUGA.</p>

Chapter 16 – Development Standards

POLICY	EVALUATION OF CONSISTENCY
<p>16.2.2.1 Large-Scale Development</p>	
<p>To create new compositions and points of interest To provide high-quality new streets, squares and open spaces, where appropriate, linked to the surrounding street pattern, to maximise accessibility</p>	<p>The proposed development will provide a strong urban frontage to Swords Road and a large public open space that will connect with future open space development to the north of the site, in line with the Whitehall Framework Plan.</p>
<p>To retain existing and create new features to make an easily understandable urban environment, including active building frontages with clearly defined edges and safe public routes</p>	<p>The proposal also provides a large public open space that includes a MUGA and will serve both the proposed development and the wider area.</p> <p>The layout has been designed to link with the surrounding street pattern and provide numerous pedestrian routes through the site.</p> <p>The proposed residents' area, creche and café will provide active uses on the ground floor of Block A, adjacent to the proposed public plaza.</p>
<p>To provide an appropriate mix of uses comprising retail, residential, entertainment, recreational, cultural, community- and/or employment generating uses; particular emphasis should be given to new and complementary uses and facilities that expand and improve the existing range of uses and facilities in the area</p>	<p>The proposed development is primarily a residential development and includes a creche and large public open space. This mix of uses will complement the existing uses in the area. The creche and public open space will serve both the proposed development and surrounding area.</p>
<p>To carefully integrate appropriate planting and trees</p>	<p>The proposed development includes a detailed landscaping plan prepared by Parkhood.</p>

To take into account existing and likely future patterns of traffic and pedestrian movement, including pedestrian desire lines	AECOM have prepared by Traffic and Transport Assessment for the proposed development.
To build in capacity to incorporate services to meet changing demands including pipe subways and infrastructure to allow future connection to district energy networks	The proposed development will connect the existing services infrastructure in the area. Please see the Engineering Services Report prepared by JOR for further details.
Ensure waste storage facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts on users of highways in the surrounding neighbourhood.	The proposed bin stores are primarily located within the basement with just the bin stores for Block F and G at surface level. Please see the Operational Waste Management Plan for further detail.
16.3.4 Public Open Space	
There is a 20% accessible open space requirement on Z12 lands.	The proposal includes c. 22.55% of the site as public open space.
16.5 Plot Ratio	
The indicative plot ratio for Z12 lands is 0.5-2.5	The proposed plot ratio of 1.47 is within the range for Z12 lands.
16.6 Site Coverage	
The indicative site coverage for Z12 lands is 50%.	The proposed site coverage of 29.2% is within the limit for Z12 lands.
16.7 Building Height	
Figure 39 identifies the maximum height of the 'low rise rest of city' as 28m.	The proposed development includes heights up to 8 storeys.
The subject site is located outside the 'inner city' as identified in Map K. The table provided on page 320 of the Development Plan notes that outer city has a maximum height of up to 16m.	Please see the material contravention statement for further detail.
16.9 Roads and Services	
Roads and services must adhere to DMURS and be designed to taking-in charge standards.	The proposed streets have been designed in lien with DMURS and to taking-in-charge standards. Please see the DMURS Statement prepared by AECOM.
16.10.1 Residential Quality Standards – Apartments	
Minimum overall apartment floor area* <ul style="list-style-type: none"> • Studio-type 40 sq.m • 1-bed 45 sq.m • 2-bed 73 sq.m • 3-bed 90 sq.m * All apartment floor area measurements are taken from internal wall-to-wall dimensions.	All apartment units comply with the relevant Residential Quality Standards. Please see the Housing Quality Assessment prepared by CWOB for further details.
Each apartment development shall contain: <ul style="list-style-type: none"> • A maximum of 25-30% one-bedroom units • A minimum of 15% three- or more bedroom units 	The proposal is not in line with this policy. Please see the material contravention statement for further detail.
Living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit.	Living rooms and bedrooms are not lit solely by roof lights and all habitable rooms are naturally ventilated and lit.

<p>Glazing to all habitable rooms should not be less than 20% of the floor area of the room.</p> <p>Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011).</p>	<p>55.6% of all apartments are dual aspect. Windows are generously sized to illuminate internal living spaces.</p> <p>The glazing proposed is in line with this strategy.</p>
<p>The minimum number of dual aspect apartments that may be provided in any single apartment scheme shall be 50%</p>	<p>The proposal provides 55.6% dual aspect units which exceeds the requirement in the 2020 Apartment Guidelines.</p>
<p>There shall be a maximum of 8 units per core per floor, subject to compliance with the dual aspect ratios specified above, and with building regulations</p>	<p>The proposal is in line with this policy and includes a maximum of 7 units per core per floor.</p>
<p>Minimum widths for main living/dining rooms: Studio: 5m, 1 bed unit: 3.3m; 2 bed unit: 3.6m; 3 bed unit: 3.8m</p>	<p>The Housing Quality Assessment (HQA) prepared by C+WOB Architects and submitted with the application provides the sqm of all proposed bedrooms, living/kitchen/dining rooms, storage rooms, and private open space. The proposed development complies with all the standards outlined here.</p> <p>It is worth noting that these standards match those set out in the 2020 Apartment Guidelines.</p>
<p>Minimum kitchen/ living/dining floor area: Studio: 30sqm; 1 bed unit: 23sqm; 2 bed unit: 30sqm; 3 bed unit: 34 sqm.</p>	
<p>Minimum bedroom widths: 73 Studio: 5m; single bedroom: 2.1m; double bedroom: 2.8m; twin bedroom: 2.8m</p>	
<p>Minimum bedroom floor area: Studio: 30sqm; single bedroom: 7.1sqm; double bedroom: 11.4sqm; twin bedroom: 13sqm.</p>	
<p>Minimum aggregate bedroom floor areas: Studio: 11.4sqm; two bedrooms: 24.4sqm; three bedroom: 31.5sqm</p>	
<p>Minimum Storage Requirements: Studio unit: 3 sq.m. 1-bedroom unit: 3 sq.m 2-bedroom unit: 6 sq.m 3-bedroom unit: 9 sq.m</p>	
<p>Minimum area for Private Open Space: Studio unit: 4 sq. m. 1-bedroom unit: 5 sq.m, 2-bedroom unit: 7 sq.m, 3-bedroom unit: 9 sq.m.</p>	
<p>Minimum area for communal amenity space: Studio: 4 sq. m, One bedroom: 5 sq. m, Two bedroom: 7 sq. m, Three bedroom: 9 sq. m</p>	<p>Based on these communal open space requirements the proposal requires c. 2,830 sqm communal open space. The proposal includes c. 3,280 sqm communal open space which exceeds this requirement.</p>
<p>Cycle Parking: All new apartment developments shall provide provision for cyclists in keeping with the requirements set out in Table 16.2 of Section 16.39 Cycle Parking.</p> <p>Table 16.2 sets out the minimum bicycle parking standards for all development in the city. The</p>	<p>The proposed development includes 732 no. cycle parking spaces for the residents. The equates to 1.55 cycle parking spaces per residential unit which exceeds the minimum DCC standards.</p> <p>In addition, 236 no. visitor spaces and 14 no. cargo spaces are provided.</p>

<p>development plan requires the provision of one cycle parking space per residential unit.</p>	
<p>16.10.3 Residential Quality Standards – Apartments and Houses Public Open Space</p>	
<p>In new residential developments, 10% of the site area shall be reserved as public open space.</p> <p>All public open spaces shall be of a high quality in terms of design and layout, be located in such a manner as to ensure informal supervision by residents and be visually and functionally accessible to the maximum number of dwellings. Existing features, such as mature trees, shall be retained and enhanced by the open space provided. A landscaping plan will be required for all developments, identifying all public, communal (semi-private) and private open space. The design and quality of public open space is particularly important in higher density areas. Consideration should be given to the provision of community gardens and/or allotments in new developments. Where feasible, proposed development adjoining a river or canal bank should provide a linear walkway along the bank which is accessible to the general public and connects to any existing contiguous walkway along the bank.</p>	<p>The proposed development includes c. 22.55% of the subject site as public open space and in line with the requirement for 20% open space on Z12 lands.</p> <p>The subject site is a brownfield site and there is minimal existing vegetation on site. The proposal includes a large public open space.</p> <p>A landscaping plan is included with the application which identifies all public, communal (semi-private) and private open space.</p> <p>All public and communal open spaces are overlooked by the proposed apartment blocks ensuring passive surveillance and informal supervision.</p>
<p>16.10.4 Making Sustainable Neighbourhoods</p>	
<p>15 Units or 1,500 sq. m All proposals for new development over 15 units or 1,500 sq. m must demonstrate how the proposal constitutes a positive urban design response to the local context and how it contributes to place-making and the identity of an area</p>	<p>We refer to the design rationale prepared by C+WOB Architects for more information as to how the proposal constitutes a positive urban design response to the local context and how it contributes to place-making and the identity of an area.</p>
<p>When submitting plans for large-scale residential, typically over 50 units depending on local circumstances, and/or mixed-use schemes (i.e., circa 5,000 sq.m and above), developers will be required to submit an audit of existing facilities within the area and to demonstrate how the proposal will contribute to the range of supporting community infrastructure. Proposals in excess of 50 dwelling units must be accompanied by an assessment of the capacity of local schools to accommodate the proposed development in accordance with the above guidelines and the DES and DEHLG’s Code of Practice on the Provision of Schools and the Planning System 2008. Dublin City Council may also require developers to submit a</p>	<p>It is considered that this planning application includes all the necessary information pertaining to existing facilities in the area.</p> <p>There are two neighbourhood centre within a c. 1-5 minute walk of the subject site. Artane Shopping Centre and Omni Park Shopping Centre are both within a 10 minute cycle from the site.</p> <p>The proposed development will contribute to the area by providing a new creche and café alongside new areas of public open space.</p> <p>A phasing diagram is included with the application.</p>

<p>phasing and implementation programme for large residential schemes in excess of 50 units, to ensure an agreed co-ordinated approach is taken to the timely delivery of key physical and social infrastructure elements that are essential for sustainable neighbourhoods. Proposals of this scale must also be accompanied by an Urban Design Statement (as set out above).</p>	<p>An Architect's Design Statement is included with the application</p> <p>Chapter 4 of the EIAR submitted with the application includes an assessment of the existing facilities, including schools, in the area.</p>
<p>16.16 Schools</p>	
<p>Planning applications for over 50 dwellings shall be accompanied by a report identifying the demand for school places likely to be generated and the capacity of existing schools in the vicinity to cater for such demand.</p>	<p>There are 4 no. primary schools and 7 no. post primary schools within 1km of the subject site.</p> <p>Please see Chapter 4 of the EIAR for further detail.</p>
<p>16.38 Car Parking Standards</p>	
<p>The Dublin City Council area is divided into three areas for the purpose of parking control, as shown on Map J.</p> <p>The car parking standards set out in Table 16.1 shall be generally regarded as the maximum parking provision.</p> <p>Parking provision below the maximum may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety.</p>	<p>The subject site is located within Parking Zone 3 as shown in Map J of the Development Plan. For residential developments in this zone there is a maximum parking ratio of 1.5 spaces per dwelling.</p> <p>The proposed development provides 313 no. residential car parking spaces (ratio of 0.66 spaces per residential unit). This ratio is in line with DCC policy and the 2020 Apartment Guidelines for reduced parking standards. It is considered an appropriate quality given the highly sustainable site location in terms of accessibility to public transport.</p>

Statement of Consistency with Whitehall Framework Plan (2008) (as extended)

This is non-statutory Schematic Framework Plan and Site Brief for Z12 zoned lands previously used as the Port Tunnel Depot at the junction of Swords Road and Collins Avenue. The Framework Plan boundary includes the development site and lands to the immediate north, which are owned by DCC and currently undeveloped.

The following objectives of the Plan are noted of relevance to the application site:

- *'A high level of quality public open space, both hard surfaced urban plazas and well landscaped green spaces including sports and play facilities for the community.'*
- *'Strong active frontage onto main streets and public domain, providing security through passive surveillance'*
- *'A vibrant mixed-use urban development, structured by strategic views/ vistas and connectivity, highlighted by a series of landmark/ feature corner buildings.'*

These 3 design principles are achieved within the design as proposed, and as detailed in the drawings and documentation from C+WOB Architects and Parkhood Landscape Architects. Furthermore, these principles were also considered by the Board to have been achieved in the previous application on this site, which the current proposal reflects.

Section 3.6 of the Framework Plan states in relation to impacts on the Port Tunnel:

- *Any proposal for development over or near the tunnel must show that no additional loading of greater than 22.5KN/m² will be imposed on the tunnel. Any proposal must satisfy the DPT designers that this criterion is met.*

A Tunnel Impact Assessment has been completed by AGL Geotechnical Consulting Engineers and is submitted with this application.

Also noted is the following:

- *The introduction of planned Quality Bus Corridors (QBC) on Swords Road (overall road width of 22m) and Collins Avenue will require the site boundaries to be set back to accommodate dedicated bus and cycle lanes.*

The Framework Plan includes indicative locations for preferred vehicular access points from the Swords Road. Section 5.0 sets out a vision and proposed site layout for the lands.

Again these infrastructural concerns are all fully addressed in the information provided, and reflects the previous proposal which ABP considered acceptable.

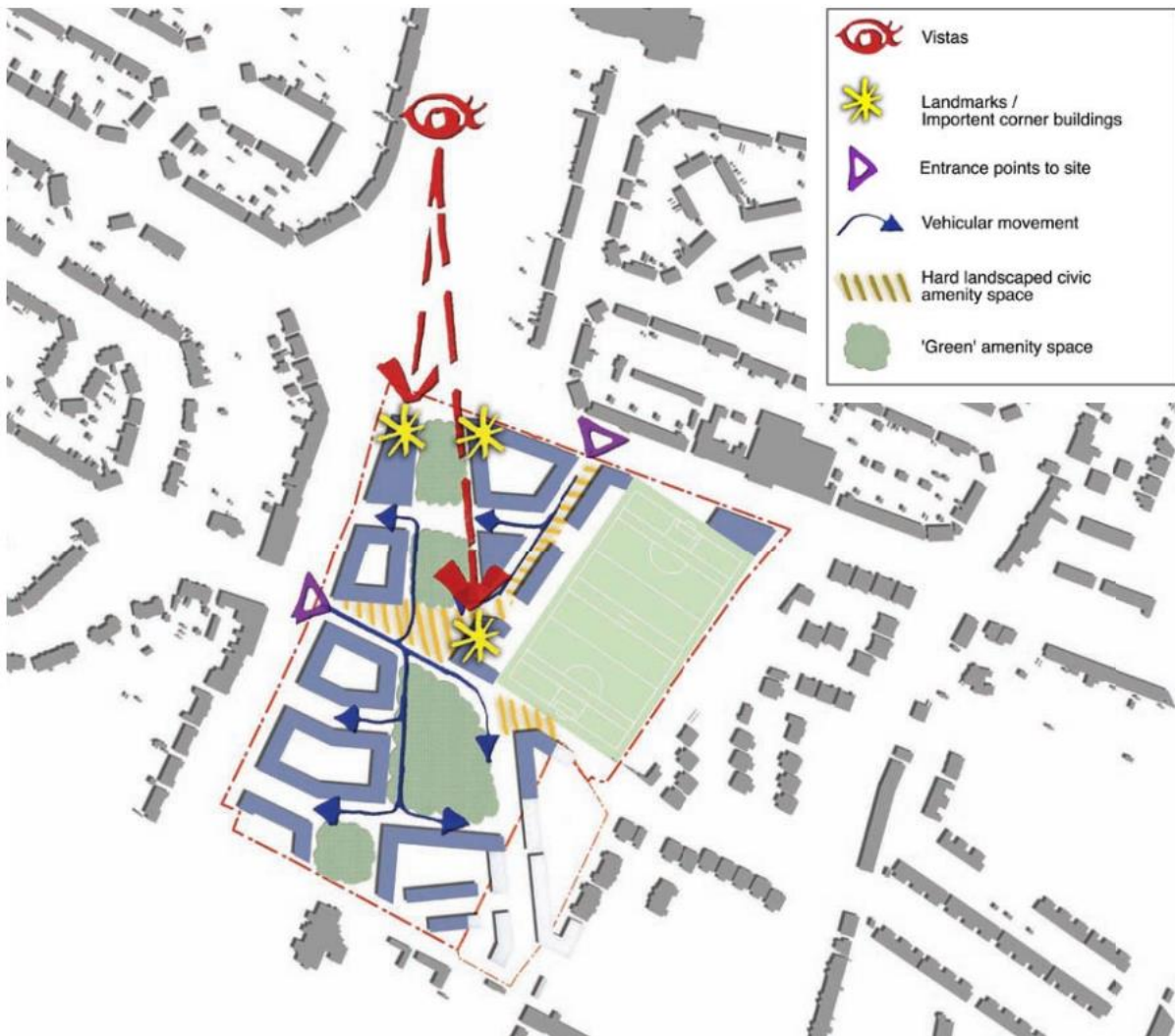


Figure 51 Extract from the Whitehall Framework Plan

EVALUATION OF CONSISTENCY

The proposed development has been designed to align with the proposed site layout in the Whitehall Framework Plan as much as possible.

The proposal will provide a large open space with a MUGA to serve the wider community. The proposed apartment blocks will provide strong frontages at this strategic site along Swords Road.

Concluding Remarks

This chapter has demonstrated the compliance of the proposed development with the following, save to the extent that material contraventions of the Development Plan have been identified:

- *Ireland 2040 Our Plan - National Planning Framework (2018);*
- *Project Ireland 2040: National Development Plan (2018-2027)*
- *Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)*
- *Housing For All, A New Housing Plan for Ireland, 2021;*
- *Guidelines for Planning Authorities on Urban Development and Building Heights (2018);*
- *Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2020);*
- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;*
- *Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities;*
- *Quality Housing for Sustainable Communities (2007);*
- *Design Manual for Urban Roads and Streets (2019);*
- *Guidelines for Planning Authorities on Childcare Facilities (2001);*
- *Smarter Travel – A New Transport Policy for Ireland (2009-2020);*
- *The Planning System and Flood Risk Management (2009);*
- *Climate Action Plan (2019);*
- *Regional Spatial and Economic Strategy (Eastern and Midland Regional Assembly);*
- *Transport Strategy for the Greater Dublin Area 2016 – 2035*
- *Draft Transport Strategy for the Greater Dublin Area 2022-2042;*
- *Dublin City Development Plan 2016-2022;*
- *Whitehall Framework Plan (2008) (as extended).*

This statement demonstrates that the proposed development complies with the Development Plan in relation to the zoning of the subject lands. Compliance is also demonstrated with the policies and provisions of the *Dublin City Development Plan, 2016-2022* save for the material contraventions identified herein. In so far as there are material contraventions of the Development Plan, these do not relate to zoning and a statement indicating why permission should, nonetheless, be granted is provided in the next section.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional and local planning policies and guidelines save for the material contraventions identified which are addressed in the next section.

CHAPTER 8 MATERIAL CONTRAVENTION STATEMENT

This Statement provides a justification for the material contravention of the following policies of the Dublin City County Development Plan 2016-22.

Legislative Context

The Planning and Development (Housing) and Residential Tenancies Act, 2016 ('the 2016 Act') outlines how the Board may grant permission for a development which materially contravenes a Development Plan or Local Area Plan:

Section 9(6) of the 2016 Act states:

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

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

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

Section 37(2)(b) of the 2000 Act (as referred in Section 9(6) of the 2016 Act) states:

"Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) 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."

If the Board deems it is appropriate to grant permission the Board must give the main reasons and considerations, by reference to the matters set out in Section 37(2)(b) of the 2000 Act, on which it has relied in order to justify the granting of permission in material contravention of the Development Plan.

The main reasons and considerations must appear in the Board's decision, in accordance with Section 10(3)(b) of the 2016 Act.

When making a decision SPPRs under relevant ministerial guidelines issued pursuant to section 28 of the 2000 Act must be considered. Such guidelines include in particular:

- *The Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)*
- *The Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2020*
- *The Guidelines for Planning Authorities on the Sustainable Residential Development in Urban Areas (May 2009)*

Section 9(3) of the 2016 Act refers to SPPRs and provides:

'(a) When making its decision in relation to an application under this section, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.

(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

(c) In this subsection "specific planning policy requirements" means such policy requirements identified in guidelines issued by the Minister to support the consistent application of Government or national policy and principles by planning authorities, including the Board, in securing overall proper planning and sustainable development.' [Emphasis added]

Despite Section 9 of the 2016 Act, it is considered appropriate for this Material Contravention Statement to treat any material breach of the Development Plan as a material contravention, even if the breach is in accordance with an SPPR and in effect superseded by subsection 10(3)(b) above.

The analysis within this material contravention statement sets out the breach of the Development Plan, how it is in compliance with national planning policy and Section 28 Guidelines, and having considered the strategic nature of the site and development, there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the Development Plan, by reference to sub-paragraphs (i), (iii) and (iv) of Section 37(2)(b) for the reasons set out below.

An Bord Pleanála's Powers and Material Contraventions

With reference to Section 9(6)(c) of the 2016 Act, we hereby set out the criteria in Section 37(2)(b) of the 2000 Act under which the Board can grant a material contravention:

- **Section 37(2)(b)(i) - the proposed development is of strategic or national importance**
- **Section 37(2)(b)(ii) - there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned**
- **Section 37(2)(b)(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.**

- **Section 37(2)(b)(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan**

In this regard we submit the following under Section 5(6) of the 2016 Act:

Section 37(2)(b)(i) of the 2000 Act	The proposed development is a “Strategic Housing Development”, as defined under Section 3 of the 2016 Act.
Section 37(2)(b)(ii) of the 2000 Act	Section 37(2)(b)(ii) - there are conflicting objectives in the Development Plan, or the objectives are not clearly stated, insofar as the proposed development is concerned
Section 37(2)(b)(iii) of the 2000 Act	Under Section 28 (1C) of the 2000 Act, Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any SPPRs of the guidelines in carrying out their function. SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. Compliance with the Section 28 Guidelines is detailed above in the Statement of Consistency and below in the justification for a material contravention.
Section 37(2)(b)(iv) of the 2000 Act	Section 37(2)(b)(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. There are several other permissions within Dublin City Council jurisdiction which have been granted permission for increased height, density, block configuration, car parking and open space which are not fully in accordance with the Development Plan requirements.

Potential Material Contraventions

The proposed development may be considered by An Bord Pleanála to materially contravene the Development Plan regarding the following matters:

1. **Building Height**
2. **Unit Mix**
3. **Site Coverage**
4. **Residential Density**
5. **Car Parking**
6. **Open Space Provision**
7. **Masterplan**

Overarching Justification for Material Contraventions

As highlighted above the proposed development is of strategic national importance, and meets the criteria defined as a Strategic Housing Development. This is in compliance with Section 37(2)(b)(i) of the 2000 Act.

This proposed development will help assist in delivering the residential units in line with the objectives set out in *Rebuilding Ireland - Action Plan for Housing and Homelessness*. This document identifies that the “*delivery of housing for the private, social and rented sectors is a key priority for the Government*”. Despite this document being published in 2016, this is an ongoing urgent need and a priority for the Government.

The proposed mix of studios, 1, 2 and 3 No. bed apartments within the proposed development will provide an appropriate mix of dwelling typologies in Dublin City Council which identifies in the Development Plan that there is a deficit of approximately 150% of 1 – 2 person households in the area. It highlights that there “*are approximately two and half times as many 1-2- person households as there are 1-2 person homes.*”

The National Planning Framework plan also clearly identifies the urgent need for additional housing to be provided with the aim of providing an additional 550,000 new houses by 2040. This pressure is further reinforced by the NPF. The following are considered key policies within the NPF to enable the growth of Ireland enabling our population to grow and thrive.

National Policy Objective 2a sets a target of 50% of future population growth to be focused in the existing five cities and their suburbs.

National Policy Objective 3a and National Policy Objective 3b aim to deliver at least 40% of all new homes nationally, within the built-up area of existing settlements and to deliver at least 50% of all new homes that are targeted in the five Cities within their existing built-up footprints.

National Policy Objective 13 outlines that in urban areas, building height and car parking standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

National Policy Objective 33 prioritises the provision of residential development at appropriate scales within sustainable locations.

National Policy Objective 35 sets out the aim to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights.

(1) Justification for Building Height as a Material Contravention

- (i) **Section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance.**
- (ii) **Section 37(2)(b)(iii) applies as 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.**

Under Section 16.7 of the Development Plan the location of the subject site is defined as the ‘Outer City’ with a prescribed maximum height of 16 metres for residential and commercial development; i.e., those areas of the city outside the canal cordons and not within 500m of Luas, Dart or (future) Metro; are limited to 16m building height (residential and commercial). This equates to approximately

5 storeys residential. The proposed development ranges in height up to 8 storeys which exceeds the maximum building height of 16m, and therefore materially contravenes the Development Plan.

The Board is referred to the Section 28 Ministerial Guidelines – *Urban Development and Building Heights: Guidelines for Planning Authorities* (2018).

Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála are required to have regard to the guidelines and apply any specific planning policy requirements (SPPR’s) of the guidelines in carrying out their function. SPPRs as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.

SPPR 4 of the 2018 Building Heights Guidelines states that

“It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. *the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
2. *a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
3. *avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.”*

The *Urban Development and Building Heights* Guidelines emphasise the policies of the NPF to increase levels of residential development in urban centres and increase building heights and overall density by both facilitating and encouraging the development of increased heights and densities by Local Authorities and An Bord Pleanála.

We note the following compliances with the Development Management Criteria in the Guidelines:

Development Management Criteria	Justification for Material Contravention
At the Scale of the Town	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	<p>The proposed development is located along the Swords QBC which is served by high-frequency bus routes both at peak and off-peak hours.</p> <p>Dublin Bus Route 1 operates every 10-12 minute during the day and Dublin Bus Route 16 operates every 10 minutes at peak times.</p> <p>There is a proposed Bus Connects along Swords Road which will further improve the public transport in the area.</p>
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	The proposed development will amend the previously permitted scheme which is currently under construction.

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.	Both the permitted scheme and this proposed development were designed to integrate into the existing area while also staying in accordance with the Whitehall Framework Plan prepared for the site. Macroworks have prepared a Landscape and Visual Assessment as part of Chapter 10 of the EIAR.
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	The proposed development will provide a strong urban frontage to Swords Avenue and Collins Avenue. The proposal will also provide a large public open space and a public plaza which will provide a positive addition to the public realm and spaces in the area.
At the Scale of the Neighbourhood	
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape	The proposal responds to the natural and built environment by providing increased building heights at this strategic site The proposal responds to the need for open space in the area by providing a large public open space with a MUGA within the scheme.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.	The apartment blocks have been positioned to avoid long uninterrupted walls of building. The proposed variety of building heights will also add visual interest and break up the mass of the buildings.
The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).	The proposal includes a large public open space that has been carefully designed with soft landscaping and a MUGA in line with the Development Plan. The public open space has also been designed to connect with the future public open space to the north as identified in the Whitehall Framework Plan.
Makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.	The proposed development has clear pedestrian routes through the site which are framed by the proposed blocks and which will connect with the wider area and improve the overall connectivity and legibility of the area.
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	The scheme contributes to the overall sustainable mix of residential types in the Whitehall area.
At the scale of site/building	

<p>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light</p>	<p>The proposed development is set out in seven urban blocks. The orientation of these blocks ensures that the proposed apartment units and open spaces will receive adequate daylight and sunlight.</p>
<p>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’</p>	<p>Avison Young have completed a Sunlight Daylight assessment in line with this guidance.</p> <p>The First Section of the Report considers the potential daylight and sunlight effects that may occur to neighbouring residential properties as a result of the Proposed Development.</p>
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	<p>In accordance with the BRE guidelines, detailed daylight and sunlight assessments have been undertaken to quantify any alteration in light that may occur because of the proposed development within existing residential habitable rooms and windows. VSC (Vertical Sky Component), NSL (No Sky Line) compliance; and APSH (Annual Probable Sunlight Hour) compliance is assessed.</p> <p>In assessing these compliances, regard is had to the fact that this large regeneration site currently has no development on it which is positively impacting existing daylight and sunlight results for existing properties.</p> <p>The assessment also factors in the consented scheme on the site (Ref. PL29N.238685 Reg. Ref 3269/10), which is of a very similar layout, scale and density as the current proposal.</p> <p>Regard is also had to the previous SHD application on this site (Ref. ABP-309608.21), which is of the same height and very similar layout, which was assessed in detail by ABP in 2021 in relation to daylight/sunlight and was considered would <i>“not have any significant adverse impact on residential amenities or sensitive receptors by way of overshadowing or adverse impacts on daylight/sunlight.”</i></p> <p>Whilst the detailed analysis notes that some windows of existing properties will experience lower levels of light with the proposed scheme in place compared to the current, vacant site condition, the impacts are considered isolated</p>

	<p>and/or not unusual within the specific urban context and established planning precedent on this large redevelopment site.</p> <p>In summary Avison Young <i>“are of the opinion that the alterations and retained levels of light are acceptable in terms of the impact on neighbouring daylight and sunlight based upon the flexibility afforded by the BRE Guidelines, the comparable results with the consented scheme and the fact that there are impacts to a small number of windows and rooms.”</i></p> <p>The Second Section of the Report considers the potential levels of daylight and sunlight that will be enjoyed within the Proposed Development and the potential overshadowing to the proposed amenity spaces.</p> <p>The results across all proposed blocks show that approximately 85% of habitable residential rooms will enjoy acceptable levels of daylight amenity when using the target criteria of 2% for a Living/Kitchen/Dining room (full room depth). This increases to 93% if applying an alternative target criteria of 1.5% ADF for a Living/Kitchen/Dining (full room depth).</p> <p>The Sun Hours on Ground (“SHOG”) analysis to balconies indicates that high levels of sunlight amenity will be available to inhabitants, with 84% meeting the March test and 96% meeting the June test.</p> <p>The report also notes that the majority of units will overlook shared amenity space that achieve high levels of sunlight amenity with 100% of Communal Open Space, 75.86% Community Space, 100% Private Seating and 100% Public Open Space meeting the BRE criteria for SHOG on 21st March.</p> <p>In accordance with the BRE guidelines the Report also outlines a number of compensatory measures within the development. Firstly the Report outlines the architectural measures that have been implemented within the final architectural design (following Avison Young advice) to achieve higher levels of daylight and</p>
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	<p>sunlight into the residential units, and which makes for a further improvement over the extant permitted development on the site. These measures include:</p> <ul style="list-style-type: none"> - Increased head heights to windows; - Increased window widths; - Ensuring each unit has a balcony and ensuring good levels of sunlight where possible by amending the placement of balconies and the removal of columns/side panels from the balcony ; - The addition of new windows where possible; - Reductions in the depth of rooms. <p>The report also identifies compensatory measures throughout the development which will benefit future residents of the development. These include:</p> <ul style="list-style-type: none"> - Whilst the Apartment Guidelines require the majority (i.e. 51%) of the apartments to exceed the minimum floor area standards; in this scheme 70% of the units exceed the minimum. This is outlined in the Housing Quality Audit prepared by CW O'Brien Architects. The average size of a one bed unit is 51.9sqm (6.9sqm larger than apartment guidelines), a two bed is on average 82.8sqm (c.9.8sqm larger than the apartment guidelines) and a three bed is on average 104.9sqm (c.14.9sqm larger than the apartment guidelines); - 55.6% of all units are dual aspect which is well in excess of the 33% minimum required for central accessible sites such as this site. Furthermore, there are <u>no</u> single aspect north facing units. - The provision of 9,445sqm of open space (comprising public open space (c. 6,165sqm) and communal open space (c. 3,280sqm)) which equates to c. 34.54% of the net site area (2.73 ha). This will provide a significant quantum of recreational spaces on site well above the norm for an urban apartment development along with high levels of daylight and sunlight within the areas.
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	<ul style="list-style-type: none"> - Provision of internal communal space (c. 511sqm) which includes a gym, lounges and flexible spaces. Also the provision of a café on site. These additional on-site, internal amenities are provided notwithstanding that this is not a Build to Rent development; - Higher than minimum levels of cycle parking provided within the site, along with cargo bike spaces; <p>All of these compensatory measures will result in a better quality of life for future occupants of the development.</p> <p>In summary the Avison Young Report concludes that, given the wider planning objectives for the site, including its zoning, and established planning precedent for higher density/scale apartment development, that the the daylight and sunlight results, in combination with the compensatory measures are considered acceptable.</p>
<p>Specific Assessments</p>	
<p>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.</p>	<p>The flat, low-lying nature of the existing site, and the height and orientation of the proposed blocks indicates that the development is unlikely to create negative local wind microclimate impacts.</p>
<p>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.</p>	<p>Chapter 5 of the EIAR includes details of the bat and bird surveys carried out on site.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>Not relevant to the current site or proposal as there are no important telecommunication channels to be retained.</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>The subject site is not within a flight path and is therefore not expected to impact air navigation.</p>
<p>An urban design statement including, as appropriate, impact on the historic built environment</p>	<p>Please see the Design Statement prepared by CWOB Architects and the Visual Impact Assessment prepared by Marcoworks and submitted as part of the EIAR which demonstrate that this development is appropriate to its context and will not have a detrimental impact on the wider area or indeed the historic built environment</p>

Relevant environmental assessment requirements, including SEA, EIA, AA, and Ecological Impact Assessment, as appropriate.	The site and location have been assessed from an ecological perspective and in relation to potential impact on European sites. We refer to the AA Screening and the EIAR submitted with this application.
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We note the following compliances with the Specific Planning Policy Requirements (SPPRs) of the Guidelines:

Specific Planning Policy Requirement	Justification for Material Contravention
<p>SPPR 1 In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.</p>	<p>The site is located along the Swords Road QBC which is served by high frequency bus routes into the city centre. The proposed bus connects corridor along the road will increase the capacity of public transport. Therefore, the site represents an “Accessible Urban Location” as defined in Section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) and is suitable for higher density apartment development.</p> <p>There are currently two frequent bus services (Nos. 1 and 16) that operate along the Swords Road QBC and have a frequency of every 10-12 minutes.</p>
<p>SPPR 2 In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision, and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities</p>	<p>The proposed development will provide apartments in this area, which is predominantly traditional housing, increasing the housing type choice in the area. It also seeks to provide for a mixed tenure type development with private and social housing. Furthermore, there will be a mix of residential uses within the development itself including residential amenity facilities. This will all add to the variety and mix of the development as well as creating active frontage and animation.</p>
<p>SPPR 3 It is a specific planning policy requirement that where; (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these</p>	<p>The proposal is in accordance with the Development Management Criteria as set out in the table above.</p> <p>This proposal is in accordance with the national and regional guidance as fully detailed in the Statement of Consistency that forms part of this Planning Report.</p>

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.

DCC and An Bord Pleanála have also concurred, in granting the previous permission, that the site is appropriate for additional height above the Development Plan building height standards.

Conclusion on compliance with criteria under Section 3.2 of the *Building Height Guidelines*:

Having regard to the response to each element of the Development Management Criteria outlined above, it is our considered opinion that the proposed development meets the criteria under Section 3.2 of the *Building Height Guidelines*. The application proposes a development ranging principally in height from 1 to 8 No. storeys.

The proposed development will integrate appropriately with the surroundings, having regard to the location of the subject site on the Swords Road within an existing built-up area, close to Drumcondra, DCU, Beaumont and Dublin City Centre. It is well served by public transport and in proximity to employment locations, services and facilities. The set back of the building and the stepping height results in the buildings presenting an attractive and appropriate urban streetscene in the area.

It is our opinion that the subject site is capable of and appropriate for additional height and density having regard to the introduction of the *National Planning Framework* and the *Building Height Guidelines* which encourages increased height and density in highly sustainable and underused sites such as these. The proposed development has been designed to ensure the protection and amenity not only of future occupants of this development but also those of the existing residents in the adjacent properties. To this end the highest elements have been located furthest away from existing residents at the least sensitive locations within the subject site.

(2) Justification for Unit Mix as a Material Contravention

- (i) Section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance.**
- (iii) Section 37(2)(b)(iii) applies as 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.**

Section 16.10.1 of the Development Plan states that in proposals of 15 units or more each development shall contain a maximum 25-30% one bedroom units and a minimum of 15% three or more bedroom units. The proposed development includes 6.8% studio units, 41.9% one beds, 49.4% two beds and 1.9% three beds. This mix materially contravenes section 16.10.1 of the Development Plan.

The Board is referred to SPPR 1 of the Apartments Guidelines, which states that: *“Housing 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).”*

It is noted that the Development Plan does not include an evidence-based Housing Need and Demand Assessment. Therefore, on the basis of the current Development Plan, the proposed housing mix is not justified on evidence-based need for the area.

The Apartment Guidelines identify the need for apartments with a variation in mix and sizes are appropriate to meet the existing housing need in Ireland. It also recognises in section 1.13 that there is a long term move towards smaller average household size. Section 2.6 refers to the 2016 Census data that *“if the number of 1-2 person dwellings is compared to the number of 1-2 person households, there is a deficit of approximately 150%, i.e. there are approximately two and half times as many 1-2 person households as there are 1-2 person homes. The 2016 Census indicates that 1-2 person households now comprise a majority of households and this trend is set continue, yet Ireland has only one-quarter the EU average of apartments as a proportion of housing stock.”*

This demand is reinforced by the NPF which identifies that *‘while apartments made up 12% of all occupied households in Ireland and 35% of occupied households in the Dublin City Council area in 2016 (Census data), we are a long way behind European averages in terms of the numbers and proportion of households living in apartments, especially in our cities and larger towns. In many European countries, it is normal to see 40%-60% of households living in apartments.’*

To address this identified need the NPF requires *“between 2018 and 2040, an average output of at least 25,000 new homes will need to be provided in Ireland every year to meet the needs for well-located and affordable housing, with increasing demand to cater for one and two-person households”*.

It is noted that the area surrounding the site is predominantly larger traditional two storey housing with few apartments in the immediate vicinity. The proposed development and unit mix is therefore considered in line with national policy.

(3) Justification for Site Coverage as a Material Contravention

- (i) Section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance.**
- (ii) Section 37(2)(b)(iii) applies as 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.**

Section 16.6 of the Development Plan sets out an indicative site coverage of 50% for Z12 lands. The proposed development has a site coverage of 29.2% which is significantly below the figure stated.

It is noted that the Development Plan does not provide clear guidance if these are a maximum or minimum targets to be achieved. Section 16.5 and Section 16.6 of the Development Plan provide criteria for circumstances where higher site coverage and plot ratio may be permitted.

Given the Development Plan clearly states that the site coverage and plot ratio are indicative, the Board may not consider the proposed site coverage in this instance to be a material contravention of the Development Plan.

However should the Board consider the site coverage figure to be a material contravention of Section 16.6 it is noted that Section 2.23 of the Apartment Guidelines states 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.”*

Section 2.24 identifies that *“there is a need for greater flexibility in order to achieve significantly increased apartment development in Ireland’s cities.”*

As such, while this proposal is below the target site coverage, despite being a higher density development, it will as a result provide a significant quantum of public and communal open space. The provision of a well-designed development with large areas of open space is considered to outweigh to meet the need to achieve an unduly restrictive performance based criteria.

(4) Justification for Residential Density as a Material Contravention

- (i) Section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance.**
- (ii) Section 37(2)(b)(iii) applies as 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.**

Section 16.4 of the Development Plan states *“The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.*

An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

All proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. “

The proposed development has a net site density of 172.6 uph which is significantly higher than the existing low density, two storey suburban residential development in the area immediately surrounding the site.

Given Section 16.4 as worded, then the Board may consider the density of the proposed development to be a Material Contravention of the Development Plan.

Section 2.4 of the Apartment Guidelines identify that in Central and/ or accessible locations:

“such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and*
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.*

The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors.)”.

It is noted that in the previous SHD application 309608-21 the ABP Inspector found in relation to density and unit mix that:

“according to Census data, the Electoral Division in which the site is located is dominated by low density housing with a significant lack of diversity in the housing stock in the local area. I am satisfied overall that the proposed housing mix will add to the range of housing typologies available in this established and highly accessible residential area. The housing mix is acceptable in principle on this basis. I also note that the planning authority states disappointment that the development will provide a higher number of smaller units than that permitted under PL29N.238685 but does not state that the development contravenes SPPR1.”

The inspector also states that they:

“..consider that the development site is located in a ‘central and/or accessible area’ with reference to the Apartment Guidelines. The Guidelines state that such locations are generally suitable for small to large scale higher density development with no maximum density set. I consider that the delivery of additional residential development on this prime, undeveloped, serviced site, in a compact form with higher density, would be consistent with the policies and intended outcomes of Government policy, specifically the NPF, the RSES and the Apartment Guidelines, which all look to secure more compact and sustainable urban development in the Dublin Metropolitan Area and to facilitate the efficient and sustainable use of public transport infrastructure. I note that the proposed site coverage and plot ratio are within the parameters for Z12 lands as set out in sections 16.5 and 16.6 of the City Development Plan. I therefore consider that the proposed residential density of 174 units/ha is acceptable in principle at this location with regard to these matters, subject to design and amenity standards, which are discussed in detail in other sections of this report.”

Section 1.20 of the *Urban Development and Building Heights Guidelines for Planning Authorities, 2018* sets out that a key objective of the *National Planning Framework* is to ensure that significant increases in building heights and overall density of development in our urban centres is not only facilitated, but actively sought out and brought forward by our planning processes.

In line with this section of the Development Plan, the proposed increase in density will enable the provision of a new form of housing in this area; additional apartments which are predominantly 1 and 2 beds in an area characterised by larger 3 and 4+ bed houses.

The design of the proposal also contributes to creating an attractive urban environment in the form of new apartment blocks. It will also provide a new area of public open space. However, as a result of providing a new typology of housing, smaller apartments, the density of the area will automatically increase. This, combined with the increase in height, will result a further increase in density.

The Development Plan was adopted prior to the Building Height Guidelines and Apartment Guidelines were published in 2018. These guidelines provide a clear mandate as Government policy that building heights must generally be increased along with increase in density of development. As such the increase in density is considered in line with current National Planning Policy Guidance.

(5) Justification for Car Parking as a Material Contravention

- (i) Section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance.**
- (ii) Section 37(2)(b)(iii) applies as 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.**

Table 16.1 of the Development Plan outlines car parking standards for city. The application site is located within Parking Zone 3 and has a maximum residential parking provision of 1.5 space per unit. Section 16.38 of the Plan states the following:

“Parking is an integral element of overall land-use and transportation policy within the city, and the purpose of the parking standards set out in Tables 16.1 and 16.2 is to ensure that an appropriate level of parking is provided to serve new development.”

The current proposal provides 337 no car parking spaces, of which 313 no. are residential car parking spaces, which equates to 0.66 spaces per residential unit. Whilst this provision is below the maximum standard outlined in Table 16.1, given the significant reduction in parking the Board may consider that the level of parking contravenes the policy in Section 16.38 as underlined above.

Section 4.19 of the Apartment Guidelines state that: *“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.”*

Reference is also made to National Policy Objective 13 of the National Planning Framework which states:

“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.”

It is also noted that there is c.982 bicycle parking spaces proposed as part of this development of which 14 no. are cargo bike spaces, 236 no. are visitor parking spaces, and 732 no. are residents parking. This provision is greater than the minimum standards applicable and, in tandem with access to high quality public transport (QBC/Bus Connects along Swords Road) will provide meaningful and attractive alternatives to car dependency for future residents.

Reference is also made to the TTA and Car Parking Management Report prepared by Aecom and submitted with this application which elaborates the modal shift away from reliance on cars for this development and in accordance with national planning policy.

(6) Justification for Open Space as a Material Contravention

- (i) Section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance.**
- (ii) Section 37(2)(b)(iii) applies as 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.**

PUBLIC OPEN SPACE

Section 14.8.12 of the Development Plan states the following:

“Where lands zoned Z12 are to be developed, a minimum of 20% of the site, incorporating landscape features and the essential open character of the site, will be required to be retained as accessible public open space.”

“On Z12 lands, the minimum 20% public open space shall not be split up into sections and shall be comprised of soft landscape suitable for relaxation and children’s play, unless the incorporation of existing significant landscape features and the particular recreational or nature conservation requirements of the site and area dictate that the 20% minimum public open space shall be apportioned otherwise.”

Section 16.3.4 also states the following:

“In order to progress the city’s green infrastructure network, improve biodiversity, and expand the choice of public spaces available, the provision of meaningful public open space is required in development proposals on all zoned lands. There is a 10% requirement specifically for all residential schemes as set out in Section 16.10.1. This requirement also relates to other zonings such as Z6 and Z10. In the case of developments on Z12 zoned lands, the requirement will be 20% accessible open space, and for Z15 zoned lands the requirement will be 25% accessible open space and/or provision of community facilities.

Depending on the location and open space context, the space provided could contribute towards the city’s green network, provide a local park, provide play space or playgrounds, create new civic space/plaza, or improve the amenity of a streetscape. Green spaces can also help with surface water management through integration with sustainable urban drainage systems. Soft landscaping will

be preferred to hard landscaping which will be given consideration only in schemes where soft landscaping would not be viable or appropriate.”

“Financial contribution in lieu: In the event that the site is considered by the planning authority to be too small or inappropriate (because of site shape or general layout) to fulfil useful purpose in this regard, then a financial contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required (having regard to the City’s Parks Strategy).”

As outlined in Section 9.0 of the Landscape Design Report prepared by Parkhood Landscape Architects, a total of 6,165 sq.m of public open space is proposed on site. This comprises 5,679 sq.m within the main public park between blocks D/E/F/G and also the 486 sq.m public plaza between Blocks A/B/C.

6,165 sq.m equates to 22.5 % of the net site area (27,340 sq.m) and is in excess of the 20% required under the Z12 zoning in the Development Plan.

However, if a strict interpretation of “public open space” as per the Z12 zoning objective (Section 14.8.12) was to exclude the hard standing public plaza area then the area of the public park, at 5,679 sq.m, represents 20.77% of the net site area.

This 5,679 sq.m of public park excludes the defensive space/privacy strips and grass margins alongside and between the adjoining apartment blocks. In that sense the public park, as defined and measured represents true, functional and useable open space.

However, it is also acknowledged the measurement of the defined public open space does include footpaths within the actual space.

Assuming a stringent/overliteral interpretation of the Z12 zoning objective were to exclude these hard standing elements (i.e. note the reference to “...shall be comprised of soft landscape” in Section 14.8.12) then the area of “green” open space would fall (albeit just) below the minimum 20% / circa.5,486 sq.m requirement in this instance.

If so, then this may be considered a material contravention of the Development Plan in relation to Section 14.8.12.

As discussed above in relation to the matters of building height, density, etc., it is also considered that section 37(2)(b)(iii) applies in relation to the matter of public open space

In this instance, we refer to the policies set out in the NPF to achieve higher densities in urban areas and the redevelopment of brownfield sites, particularly NPO 35 as outlined above, as well as RSES Regional Policy Objective 4.3, which seeks to support the consolidation and re-intensification of infill/ brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs.

Section 9(6) of the SHD Act states that the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed

development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, other than in relation to the zoning of land.

Should it be considered that the net public open space provision in this instance falls (slightly) below the 20% requirement under Section 14.8.12 of the Development Plan then it is contended that the development as designed and described in this planning application provides a robust and acceptable justification for this shortfall, in accordance with national policy, given the desirability of redeveloping this long standing vacant site at a very accessible location in the north of the city along one of the main roads and public transport arteries into the city centre. Furthermore, we note the significant contribution that the public park proposed, along with the new public plaza and services, will contribute to the public realm and amenities of the area and which will complement the other parks in the area including Ellenfield Park to the north.

(7) Justification for Masterplan as a Material Contravention

- (i) Section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance.**
- (ii) Section 37(2)(b)(iii) applies as 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.**

Section 14.8.12 states that *“In considering any proposal for development on lands subject to zoning objective Z12, other than development directly related to the existing community and institutional uses, Dublin City Council will require the preparation and submission of a masterplan setting out a clear vision for the future for the development of the entire land holding. In particular, the masterplan will need to identify the strategy for the provision of the 20% public open space requirements associated with any residential development, to ensure a co-ordinated approach to the creation of high-quality new public open space on new lands linked to the green network and/or other lands, where possible.”*

The subject lands were subject to the non-statutory Whitehall Framework Plan prepared in 2008. The current scheme as designed has had significant regard to same.

We also refer to the ABP Inspector’s Report on the previous SHD Application, ABP-309608.21:

“With regard to the requirement to prepare and submit a masterplan, the site is within the boundary of the non-statutory Whitehall Framework Plan (2008). The Framework Plan relates to the development site and to the adjoining lands to the north that are in the ownership of DCC. It has the objective, as stated in section 1.1 of the Framework Plan, “... to provide a schematic development framework for the site”, based on analysis of the wider study area. Section 5.0 of the Framework Plan sets out a Vision and Structuring Concept for the overall lands and addresses indicative site layouts, movement strategy, public space strategy (including the 20% provision), land use and density, building heights and a capacity study. Although the applicant has not prepared a specific masterplan in the context of the subject application, I note that the DCC Chief Executive Report refers to the Whitehall Framework Plan in its consideration of the application and does not state any concerns that the applicant has not met the masterplan aspect of the requirements for developments on Z12 lands, as set out in development plan section 14.8.12. I consider that the Framework Plan and the applicant’s detailed consideration of same, as set out in the documents and drawings on file, meets the

development plan requirement for the preparation and submission of a masterplan setting out a clear vision for the future for the development of the entire land holding.”

Nevertheless, were a literal interpretation of Section 14.8.12 of the City Development Plan to be applied in this instance, then the fact that the current application does not include a Masterplan may be considered a contravention of the Development Plan.

As discussed above in relation to the matters of open space, building height, density, etc., it is also considered that section 37(2)(b)(iii) applies in relation to the matter of the non-provision of a Masterplan in this instance.

We refer to the policies set out in the NPF to achieve higher densities in urban areas and the redevelopment of brownfield sites, particularly NPO 35 as outlined above, as well as RSES Regional Policy Objective 4.3, which seeks to support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs.

Section 9(6) of the SHD Act states that the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, other than in relation to the zoning of land.

Should it be considered that the submission of this application, without a Masterplan, is a material contravention of the Development Plan, then it is contended that the development as described in this planning application provides a robust and acceptable justification for this exclusion, given the strong consistency demonstrated with the previous Framework Plan prepared for the overall lands by DCC. Furthermore, strong accordance with national policy is demonstrated which strongly recommends the redevelopment of this long standing vacant site at a very accessible location in the north of the city along one of the main roads and public transport arteries into the city centre.

Conclusion on Material Contravention

Given the above, it is contended that the proposed development complies with national policies and guidelines, save for the material contraventions identified in the material contravention statement.

Under Section 9(6)(c) of the 2016 Act An Bord Pleanála may grant permission for a strategic housing development that materially contravenes a development plan or local area plan where *inter alia* it considers that 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.

The Board are not bound by the Development Plan and can decide to grant permission for the proposed development as a material contravention of the Development Plan, where considered in accordance with national policy and guidelines. It is requested that the Board assess the proposed development as a material contravention of the Development Plan, in relation to height, unit mix, site coverage, residential density, car parking, open space and the masterplan.

Furthermore, it is considered that this chapter demonstrates an appropriate justification for why the proposed development can and should be considered suitable in this instance.

Reference is made to the specific objectives of the NPF which seek greatly increased levels of residential development in our urban centres and significant increases in building heights and density, and allows greater flexibility in the design, layout and character of developments. Compliance with the NPF and Urban Development and Building Height Guidelines and Apartment Guidelines is set out and the report provides an assessment of how the development complies with the criteria for each area.

Having regard to the following:

- The location of the site, which is close to existing neighbourhood centres, employment centres, and a variety of existing and planned high frequency public transport,
- Its potential to contribute to the achievement of the Government's policy to increase delivery of housing and to achieve greater density and height in residential development in a planned new urban town close to public transport and centres of employment,
- Its accordance with the provisions of the National Planning Framework (in particular objectives 3a, 3b, 11, 13 and 35),
- Its accordance with the Guidelines for Sustainable Residential Developments in Urban Areas (in particular section 5.8)

It is considered that this statement provides appropriate justification for the Board to grant permission for the development in accordance with national policy and guidelines.

CHAPTER 9 CONCLUSION

The proposed development represents an attractive residential development in an established residential, built up, highly accessible and well serviced location within Dublin City Centre. The development will provide for an effective and efficient use of this serviced lands. The site has an extant permission (at the time of writing) for 7 building which are similar in character to this proposed application.

This proposed development builds upon this extant permission and delivers clear improvements as a result of the modifications to enhance the benefits for both the existing community and for the future community of this development. In brief these benefits are:

- High permeability envisaged through the site for cyclists and pedestrians resulting in a pedestrian and cyclist dominated environment.
- There is only one vehicular access point to the site with immediate access to the basement car park where the majority of car parking spaces are provided removing as many cars as possible from the ground level as soon as possible.
- The alteration to the perimeter road to a narrower shared surface route, with a change in the surfacing material, and the inclusion of raised tables, to enforce the dominance of non-car-based traffic in this area.
- Through the increase in height, the provision of a stronger urban edge, particularly along the Swords Road which is a key artery into the city.
- The Public Open Space has been enlarged and has been designed to provide one large attractive space with multiple facilities. By avoiding a fragmented design it allows for greater flexibility over time and given its scale, Hartfield will resonate locally. This provides great amenity space for the locality with potential direct linkages to the heart of Whitehall once the site to the north is developed out (under DCC ownership). Both the Public Open Space areas along with the Communal Open Space areas all achieve a high level of access to sunlight in excess of the BRE recommendations
- The public open space also includes a MUGA, teenage play, toddler play for the whole community to use.
- There is additional communal open space at ground floor and roof levels provided within this development for the future community, as well as the internal communal spaces.
- The positioning of the creche beside the plaza and commercial café unit provides for better activity in the plaza and increase in dual uses for the space. This will ensure activity within the plaza.
- The number of dual aspect units increase to 55.6% of all units which is far in excess of the 33% required for central, accessible sites such as this and there are no single aspect north facing units.
- In line with the increased permeability, the development also includes higher levels of cycle parking provided within the site, along with cargo bike spaces which is far in excess of the permitted development and also the quantum required by Dublin City Council.
- The change in the mix of units has enabled an alteration to the sizes of the units. This has resulted in a larger than average units size with the average size of a one bed unit at 51.9sqm (6.9sqm larger than apartment guidelines), a two bed is on average 82.8sqm (c.9.8sqm larger than the apartment guidelines) and a three bed is on average 104.9sqm (c.14.9sqm larger than the apartment guidelines).

It is noted that the reason for the previous refusal has now been addressed in full and the provision of open space throughout the development meets and exceeds the requirements for this site.

The statements of consistency within this report demonstrates that the proposed development accords in principle with national and regional planning objectives as directed under the NPF. These statements demonstrated compliance of the proposed development with the following:

- *Ireland 2040 Our Plan - National Planning Framework (2018);*
- *Project Ireland 2040: National Development Plan (2018-2027)*
- *Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)*
- *Housing for All – A New Housing Plan for Ireland (2021)*
- *Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities;*
- *Quality Housing for Sustainable Communities (2007);*
- *Smarter Travel – A New Transport Policy for Ireland (2009-2020);*
- *Climate Action Plan (2019);*
- *Climate Action Plan (2021);*
- *Regional, Spatial and Economic Strategy 2019-2031;*
- *Transport Plan for the Greater Dublin Area 2016-2035;*
- *Draft Transport Strategy for the Greater Dublin Area 2022-2042.*
- *Urban Development & Building Heights: Guidelines for Planning Authorities (2018)*
- *Sustainable Urban Housing: Design Standards for New Apartments (2020)*
- *Childcare Facilities Guidelines for Planning Authorities (2001)*
- *Urban Design Manual: A Best Practice Guide (2009)*
- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)*
- *The Planning System and Flood Risk Management (2009)*
- *Design Manual for Urban Roads and Streets (2019)*
- *Dublin City Development Plan 2016-2022*

A Material Contravention Statement is included within this report to address the issues relating to the proposed height, unit mix, site coverage, block configuration, residential density, car parking, and open space provision. The justification for these proposed deviations from the Development Plan is based on national planning policy and permitted developments within the surrounding area, in line with sections 9 and Section 37 of the 2000 Act (as referred in Section 9(6) of the 2016 Act).

The proposed development is in compliance with the policies and provisions of the area including the land use zoning, density, design standards for residential schemes, streets and open spaces. In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional and local planning policies and guidelines.

The proposed development will also bring significant benefits to the area, in particular the provision of new public open space and a better mix of housing types and unit sizes to the area.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area.