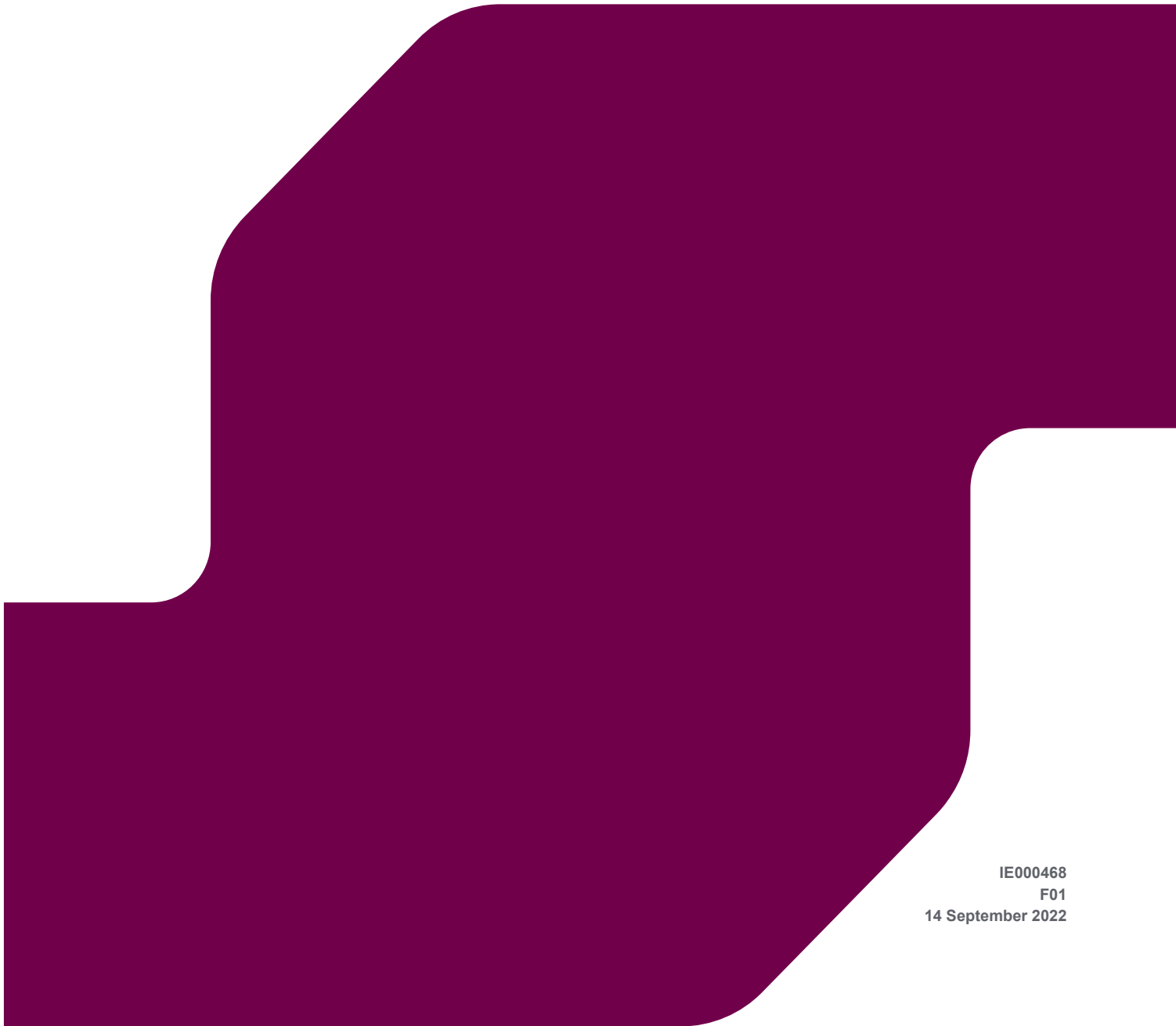




# STATEMENT OF MATERIAL CONTRAVENTION

Coastal Quarter SHD 2 Planning Application



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14 September 2022

Coastal Quarter SHD 2 Planning Application

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# 1 INTRODUCTION

This *Statement of Material Contravention* report has been prepared by RPS Group Limited (RPS) on behalf of Shankill Property Investments Limited (the applicant) to accompany an application for permission for a proposed Strategic Housing Development (SHD) consisting of 586 no. units at lands off the Dublin Road and Ravenswell Road within the former Bray Golf Course lands, Bray, County Wicklow and County Dublin.

## 2 LEGISLATIVE CONTEXT

This statement is being submitted having regard to section 8(1)(a)(iv) of the *Planning and Development (Housing) and Residential Tenancies Act, 2016*, as amended (Act of 2016) which states:

*“8.(1) Before an applicant makes an application under section 4(1) for permission, he or she shall-*

- (a) have caused to be published, in one or more newspapers circulating in the area or areas in which it is proposed to carry out the strategic housing development, a notice-*
- (iv) stating that the application contains a statement-*
  - (ii) where the proposed development materially contravenes the said plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.”*

Section 9(6) of the Act of 2016 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.”*

The application site straddles the administrative boundaries of Dún Laoghaire-Rathdown County Council (DLRCC) and Wicklow County Council (WCC).

The local planning policy framework for the site is set out in the *Dún Laoghaire-Rathdown Development Plan 2022 - 2028* (DLRCDP), the *Wicklow County Development Plan 2016 – 2022* (WCDP) the *Draft Wicklow County Development Plan 2022 – 2028* (Draft WCDP) and the *Bray Municipal District Local Area Plan 2018 – 2024* (Bray MD LAP).

There are some aspects of the proposed development that may be deemed by An Bord Pleanála (the Board) to represent a material contravention of the statutory plans however it is submitted that the overall development content and design intent is to achieve the objectives of the planning authority. In some cases, stated policies, objectives and development management guidelines allow flexibility in design however it is the scale and degree to which this flexibility may be interpreted and still materially align with the plan.

### 3 ASPECTS OF THE DEVELOPMENT WHICH MAY POTENTIALLY BE CONSIDERED TO MATERIALLY CONTRAVENE A DEVELOPMENT PLAN / LOCAL AREA PLAN

Having undertaken a thorough assessment of the proposed development with reference to the various statutory development plans and local area plan applicable to the subject site, a number of aspects of the proposal were identified which could potentially be considered by An Bord Pleanála to comprise a material contravention of a provision of a plan.

In all cases, it is the opinion of the Design Team that the development plan requirements are either not clearly stated or the plans contain other conflicting statements. The basis for these considerations are set out in section 4 below. However, prior to setting out those provisions we identify initially hereunder the items which may possibly be considered to represent a material contravention under each of the relevant plans.

- **Dún Laoghaire-Rathdown County Development Plan 2022 – 2028**
  - Car Parking: Quantum of car parking when compared with Policy Objective T19 of the DLRCDP.
  - Residential Mix: Proportion of 1-bed units proposed when compared with Section 12.3.3.1 and Table 12.1 of the DLRCDP.
  - External Storage: Quantum of external storage space when compared with Section 12.3.5.3.
- **Wicklow County Development Plan 2016 – 2022**
  - Housing Mix: The provision of bungalows within a development in accordance with HD15 of the WCDP.
  - Car Parking: Quantum of car parking proposed when compared with Appendix 1 - Section 1 Mixed Use and Housing Developments in Urban Areas of the WCDP.
- **Draft Wicklow County Development Plan 2022 – 2028**
  - Car Parking: Quantum of car parking proposed when compared with Appendix 1 Development Design Standards, Car Parking of the Draft WCDP
- **Bray Municipal District Local Area Plan**
  - Public Open Space: Public open space layout when considered in the context of SLO 3 of the Bray MD LAP.

## 4 STATEMENT OF COMPLIANCE WITH REQUIREMENTS OF SECTION 37 (2) (B)

### 4.1 Requirements of Section 37 (2)(b)

Given the aspects of the proposed development identified in **Section 3** above it may be considered that the proposed development represents a material contravention to the two County Development Plans and the Bray MD LAP. This statement indicates why, in the applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the *Planning & Development Act 2000*, as amended (Act of 2000). Section 37(2)(b) 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."*

Each of these considerations are reflected upon in the context of the identified potential development plan departures and are discussed in the following section.

### 4.2 (i) The Proposed Development is of Strategic or National Importance

The Government's commitment to ending the housing shortage and tackling homelessness is evidenced and underpinned in the Government's *Action Plan on Housing and Homelessness – Rebuilding Ireland* (see **Section 7** of the *Planning Report and Statement of Consistency* prepared by RPS and enclosed as part of the application package), two pillars of which focus on building more homes, making permitting and approvals systems more efficient and improving the rental sector. In this regard, the Action Plan included an innovative legislative measure to rapidly increase housing supply through the introduction of temporary fast-track planning arrangements in respect of large-scale housing developments. The proposed development is categorised as a SHD and will facilitate provision of much needed housing supply thus helping to address the current housing supply shortage situation.

The strategic goals of the Government in relation to the delivery of new residential development, and their national importance, is also reflected in the policies and objectives of the *National Planning Framework* (NPF) and the *Eastern and Midland Regional Spatial & Economic Strategy 2019-2031* (EMRA RSES). The *Planning Report and Statement of Consistency* prepared by RPS outlines how the proposed development accords with the provisions of these national and regional planning documents.

In particular Bray is designated a 'Key Town' within the Dublin Metropolitan Area and the EMRA RSES includes a number of Regional Policy Objectives providing for the development of the town. One of these Regional Policy Objectives specifically provides for the development of the subject site. Regional Policy Objective (RPO) 4.37 is to:

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*“Support the continued development of Bray including the enhancement of town centre functions, development of major schemes at the former Bray golf course and Bray harbour.”*

The Covid-19 pandemic has slowed the delivery of new housing, particularly in 2020 and 2021 and consequently the importance of the subject application is further emphasised.

On the basis of the above, it is considered reasonable to conclude that the proposed SHD at this location is clearly of both strategic and national importance and therefore can be granted permission under the provisions of section 37(2)(b)(i) of the Act of 2000.

### **4.3 (ii) There are conflicting objectives in the Development Plan or the objectives are not clearly stated, insofar as the Proposed Development is concerned**

The following sections identify the provisions of the various land use plans in the context of the aspects of the development identified which the Board could potentially consider to comprise a material contravention of a development plan.

#### **4.3.1 Dún Laoghaire-Rathdown County Development Plan 2022 - 2028**

##### **4.3.1.1 Car Parking**

Policy Objective T19 of the DLRCDP sets out car parking policy:

*“It is a Policy Objective to manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5.”*

‘Standard’ car parking requirements for residential development and ‘maximum’ requirements for non-residential development are set out in section 12.4.5 (Table 12.5) of the DLRCDP.

The proposed development provides car parking at a rate below these standard and maximum levels for residential and non-residential development. With regard to the ‘maximum’ requirement for non-residential development, no potential for material contravention arises. As the residential parking requirements within Parking Zone 2 (within which the subject site falls) are ‘standard’ however there is possibility that the reduced parking provision proposed within this application may be deemed to be a material contravention of the ‘standard’.

Looking at the wider provisions of the Plan however we have identified conflicting policies which would provide for the reduced numbers proposed in the current application.

Within section 12.4.5 of DLRCDP it is stated:

*“In certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required.”*

Criteria are set out, guiding the acceptability of a deviation from the standards. Such criteria include:

- Proximity to public transport services and level of service and interchange available;
- The range of services available within the area;
- Walking and cycling accessibility/permeability and any improvement to same;
- Urban design, regeneration and civic benefits including street vibrancy; and
- Robustness of Mobility Management Plan to support the development.

The subject site is located within a developed urban area which enjoys the following benefits:

- Located in Bray, a designated ‘Key Town’ and within 1km of the town centre;
- All existing amenities within Bray accessible on foot or by bicycle



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- Directly adjacent to existing schools;
- Further local amenities and services planned to be provided as per the enclosed Harbour Point Masterplan prepared by Glenn Howells Architects;
- Located c. 800m north of Bray Daly railway station;
- Located c. 550m from existing public bus routes run along the R761 (Dublin Road) providing access to the 45A, 84N, 144, 145 and 184 services;
- Located adjacent to the planned extension of the Luas line to Bray town; and
- Planned network improvement under Bus Connects and DART+ Coastal will directly enhance connectivity of subject site.

Active and sustainable transport modes will be further promoted by the implementation of the *Mobility Management Plan* prepared by Atkins and included in the application documentation.

It is considered that the provision of a quantum of car parking for the proposed residential development which is less than the 'standard' requirements set out in the DLRCDP is appropriate.

However, the lack of clarity in regard to the extent to which car parking may be provided at a rate below the maximum standard before being considered as materially contravening the objective means that it is not possible to definitively judge if the proposed car parking provision materially contravenes the DLRCDP.

Should the Board be of the view that car parking provision proposed is a material contravention of the DLRCDP the array of caveats attached to the application of the car parking standards mean that the objectives are not clearly stated, insofar as the proposed development is concerned and therefore can be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.

### 4.3.1.2 Residential Mix

Policy Objective PHP27 of the DLRCDP states:

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

Section 12.3.3.1 of the DLRCDP requires that:

*"the proposed unit type and size including a percentage split between 1/2/3+ bed units which in the case of apartments (and duplexes) shall generally be in accordance with Table 12.1."*

Table 12.1 states that:

*"Apartment Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios".*

The proposed development includes a range of unit types / sizes including apartments, duplexes and houses which provide 1, 2, 3 and 4 bedroom units. Further detail of the unit types proposed is provided in the *Planning Report and Statement of Consistency* and the *Unit Mix Report* and more specifically the *Housing and Tenure Types and Unit Mix Report*, both prepared by RPS.

Excluding the build to rent proposals (Block A) the proposed development includes 60 no. apartments and duplexes within DLRC, made up of 20 no. 1 bed units (33%), 23 no. 2 bed units (38%) and 17 no. 3 bed units (28%). No studio units are proposed. Whilst there is a minor deviation in the quantum of 1 bed units proposed (33%) from that set out in Table 12.1 it is considered that the development is "*generally*" in accordance with this table. The lack of clarity in regard to being *generally in accordance* and what is a material contravention means that it is not possible to definitively judge if the proposed density materially contravenes the development plan.

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Furthermore the quantitative standards set out in Table 12.1 may not be wholly in accordance with Policy Objective PHP 27. It is not clear that the rigid application of Table 12.1 standards will deliver “*a wide variety of housing and apartment types, sizes and tenures is provided throughout the County*”. In order to deliver a wide variety of housing types throughout the county the mix of units required may vary significantly in different locations.

### 4.3.1.3 External Storage

Section 12.3.5.3 of the DLR CDP sets out standards for internal and external storage space for apartments. While it clearly sets out internal storage standards for different apartment sizes, its policy in respect of external storage requirements is unclear. It states that,

*“Apartment schemes should provide external storage for bulky items outside individual units (i.e. at ground or basement level), in addition to the minimum apartment storage requirements. These storage units should be secure, at ground floor level, in close proximity to the entrance to the apartment block and allocated to each individual apartment unit.”*

Large scale external storage is not included as part of the development, as the level of residential amenity, storage space and unit sizes is considered to be sufficient to cater for the needs of residents. Block A however does include one 41sq.m. area of external storage at undercroft / basement level. Block D is proposed as previously permitted by An Bord Pleanála under Ref ABP-3111181-21 and does not include external storage space.

While the development then does include some external storage, it is unclear if the Board will deem this provision to comply with the requirements of the Development Plan.

No quantitative standard is prescribed by the Development Plan in respect of external storage and the requirement of section 12.3.5.3 is not that a development ‘shall’ or ‘must’ provide external storage. Rather it appears as a recommendation that it “should” be provided. In any event it is considered that the Apartment Guidelines take precedence on this matter and also similarly do not specify that such additional storage space ‘must’ be provided.

In this regard, while it is considered that the proposal is in compliance with the Development Plan and the Guidelines, it is possible that An Bord Pleanála may interpret the Development Plan otherwise and deem the proposal to comprise a material alteration. For the reasons set out above however, it is submitted that the policy is unclear and therefore can be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.

## 4.3.2 Wicklow County Development Plan 2016 – 2022

### 4.3.2.1 Housing Mix

Objective HD15 of the WCDP states:

*“Within medium to **large scale housing\*** developments, a range of unit types / sizes shall be provided, **including bungalows (this requirement does not apply to apartment only developments).**” \*our emphasis*

The proposed development includes a range of unit types / sizes including apartments, duplexes and houses which provide 1, 2, 3 and 4 bedroom units. Further detail of the unit types proposed is provided in the *Planning Report and Statement of Consistency* and the *Housing and Tenure Type and Mix Report* prepared by RPS. It is considered that the housing typologies proposed, and the associated mix of unit sizes is consistent with the WCDP objective to encourage a wide variety of housing types.

Given that the proposed development includes only 76 no. housing units (from a total residential proposal of 586 No. units) it is not clear if, when the apartments are disregarded, that the development constitutes a ‘*large scale housing*’ development and therefore if the consequent requirement to provide bungalows pertains. In any event the provision of ground floor apartments which provide particular ease of access for those with restricted mobility would seem to address the underlying rationale for such a requirement.

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Flexibility is allowed for under Appendix 1 Development Design Standards of the WCDP, which requires a mix of house type and sizes unless otherwise specified by the Planning Authority.

Furthermore. SLO3 of the Bray MD LAP which provides site specific policy for the application site, is clear that there is a requirement for a variety of unit sizes and formats on the plan lands, with no reference to bungalows, with the focus being on a high-density format

*“The residential element shall generally be delivered in a high density format with the target provision of 1,000 units in a variety of unit sizes and formats;”*

Should the Board be of the view that omission of bungalows is a material contravention of the WCDP, on the basis of the above, it is considered reasonable to conclude that objectives in the WCDP are not clearly stated, insofar as the proposed development is concerned with regard to the provision of bungalows as part of a large scale housing development and therefore can be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.

It should be noted that in the Inspector’s **ABP Ref. 311181-21** the view of the CE of WCC is outlined:

*“The CE Report states Objective HD15 requires bungalows, however, given the location of the development and the number of apartments, bungalows in this instance would not be required.”*

Furthermore the conclusion of the Inspector is:

*“I do not consider a material contravention issue arises as the site-specific objectives of the LAP are clear.”*

### 4.3.2.2 Car Parking

Appendix 1 *Development and Design Standards* of the WCDP sets out car parking standards for residential and non-residential development. The WCDP states that,

*“2 off street car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size. For every 5 residential units provided with only 1 space, 1 visitor space shall be provided.”*

An unquantified relaxation in these standards “*may be considered*” in town centres where “*good public transport is available*” and other criteria are met.

With regard to non-residential development car parking is to:

*“be provided in accordance with the standards set out in Table 7.1 to follow except where a deviation from the standard has been justified.”*

It is proposed to provide residential car parking as lower rates than that specified in Appendix 1. The application proposes car parking for the development at the rates below:

#### Residential Car Parking:

- 1 resident space for 2-bedroom units (house / duplex);
- 1.5 resident spaces for 3-bedroom units (house / duplex);
- 2 resident spaces for 4-bedroom units (house / duplex);
- 1 visitor space per 10 units (house / duplex);
- 0.6 – 0.72 average resident space for apartment units (apt); and
- 1 visitor space per 20 units (apt).

#### Non-residential car parking:

- Gym and Juice Bar: 1 space per 100 sq.m floor area;
- Creche: 0.5 space per staff and 1 space per 20 children;

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- Retail: 2 spaces per 100 sq.m floor area; and
- Café: 2 spaces per 100 sq.m floor area.

As set out in the *Planning Report and Statement of Consistency* prepared by RPS and the *Traffic and Transport Assessment* prepared by Atkins the proposed provision of car parking spaces is considered to be appropriate given:

- The location of the subject development within Bray;
- The high quality of existing and planned public transport services; and
- The mix of uses within the subject site and the Masterplan lands which promote local customers / staff in non-residential units.

It is considered that the provision of a quantum of car parking which is less than the standard set out in the WCDP is appropriate.

However, the lack of clarity in regard to the extent to which car parking may be provided at a rate below the maximum standard before being considered as materially contravening the objectives means that it is not possible to definitively judge if the proposed car parking materially contravenes the WCDP. Accordingly, it is submitted that the development proposals can therefore be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.

### 4.3.3 Draft Wicklow County Development Plan 2022 - 2028

#### 4.3.3.1 Car Parking

The Draft WCDP provides under objective CPO 12.57:

*“New / expanded developments shall be accompanied by appropriate car parking provision.....with particular regard being taken of the potential to reduce private car use in locations where public transport and parking enforcement are available. At such locations, the car parking standards set out in Appendix 1 Table 7.3 shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified.”*

The subject location is served by high capacity public transport services including DART and bus services and car parking provision can be controlled and managed. The relevant maximum uses and standards as per Table 7.3 are:

- Dwelling 1-2 bedrooms – 1.2 per unit
- Dwelling 3-4 bedrooms – 2 per unit
- Childcare facilities – 0.5 spaces per staff member + 1 car parking space per 10 children.
- Other Retail – 4 per 100 m<sup>2</sup> gross floor area
- Restaurant dining room – 10 per 100 m<sup>2</sup> gross floor area

It is considered that the application of maximum County Development Plan standards would diminish the quality of the urban design, fail to adequately support active travel modes and be contrary to overarching and specific national policy pertaining to transport and car parking. It is therefore proposed to provide residential car parking as per the standards set out in **Section 4.3.2.2** of this report.

It is considered that the provision of a quantum of car parking which is less than the maximum standard set out in the WCDP is appropriate.

However, the lack of clarity in regard to the extent to which car parking may be provided at a rate below the maximum standard before being considered as materially contravening the objectives means that it is not possible to definitively adjudge if the proposed car parking materially contravenes the WCDP.

Should the Board be of the view that car parking provision proposed is a material contravention of the Draft WCC CDP the array of caveats attached to the application of the car parking standards mean that the

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objectives are not clearly stated, insofar as the proposed development is concerned and therefore can be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.

### 4.3.3.2 Bray Municipal District Local Area Plan 2018 – 2024 – Public Open Space

The former Bray Golf Course lands falling within Wicklow County are subject of a Specific Local Objective (SLO 3) under the Bray MD LAP. Part of the SLO 3 has a particular objective that *“Not less than 2ha shall be developed as public open space”*.

There is a further objective under SLO 3 that a first phase of housing is delivered in conjunction with the public park, which states:

*“Any application shall include a detailed phasing programme that ensures the timely delivery of all elements of the SLO. In order to ‘kick start’ the development, a first phase of housing, being those units that are not integrated into the mixed use retail / commercial element, in conjunction with the public park, may be developed as a ‘Phase 1’ of the overall development\*, strictly on the basis of the remaining housing being delivered in tandem with the retail / commercial element.” (\*our emphasis)*

It is clear that at least 2ha of public open space must be developed on the SLO 3 lands. However, it is not clear if this must be provided in the form of a single ‘public park’ that must be 2 hectares. Neither is it clear if a public park of less than 2 hectares can be provided in Phase 1 or indeed if 2 ha of public open space is required to be delivered as part of Phase 1.

Within that part of the proposed Coastal Quarter development (Phase 1) falling within County Wicklow, an area of 7,717 sq.m public open space and a further 4,145 sq.m of communal open space including a multi-use games area (MUGA) is proposed, resulting in an overall area of 11,860 sq.m (1.19 hectares).

It is planned that in the second phase of development subject of the SLO 3 Objective (the River Quarter development) further public open spaces and parks shall be provided. The *Harbour Point Masterplan* prepared by Glenn Howells Architects for the Applicant provides for open spaces in the River Quarter which includes for a public park which will run east – west parallel to the River Dargle and will be a focal point tying the riverfront and seafront. With the further future Phase 2 open space provision, the overall Harbour Point site (subject of the SLO 3 objective) will contain well in excess of 2 hectares devoted to open space.

The proposed 11,860 sq.m (1.19 hectares) of parks and open space provision included within this application (Phase 1) is considered to be in accordance with the Bray MD LAP objective in that a public park is provided within this Phase 1. However, this item has been referenced in this section as there is a lack of clarity regarding the phasing of ‘public open space’, the form of the overall 2ha public open space requirement for the entire lands and the scale of the Phase 1 ‘public park’.

It is noted that the Inspector’s Report under **ABP 311181-21** concluded with regard to the 2ha open space requirement that SLO3 *“does not state that this is required to be delivered as one park”*. The Inspector further notes: *“the wording of the objective is ‘may be developed’, with no requirement that a kick start development with park be delivered first and that a mixed use development could proceed.”*

Should the Board be of the view that the development in the first instance could comprise a material contravention of SLO 3 it is submitted that the objectives are not clearly stated, in respect of the form, size and timing of open space provision, and that therefore it can be granted permission under the provisions of section 37(2)(b)(ii) of the Act of 2000.

In terms of the open space proposed we submit that it is a suitable and appropriate quantum and distribution.

There are differing public open space standards pertaining to the subject site in the Apartment Guidelines, the DLRCDP and WCCDP and in the Bray LAP. The public open space proposed exceeds that which is minimum requirements in the Apartment Guidelines, DLRCDP and the WCDP.

#### **4.4 (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**

The combined issues identified as potentially comprising a material contravention of different development plan are:

- Housing / Unit Mix
- Car Parking Provision
- External Storage Space
- Public Open Space Provision.

It is submitted that these elements of the proposed development are in accordance with and should be granted permission have regard to other more strategic policy and / or planning guidance provisions. The three issues are addressed below with reference to relevant policy and guidance.

##### **4.4.1 Housing / Unit Mix**

Section 12.3.3.1 of the DLRCDP requires that:

*“the proposed unit type and size including a percentage split between 1/2/3+ bed units which in the case of apartments (and duplexes) shall generally be in accordance with Table 12.1.”*

Table 12.1 states that:

*“Apartment Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios”.*

The NPF notes that “7 out of 10 households in the state consist of three people or less” and also that “Household sizes in urban areas tend to be smaller than in the suburbs or rural parts of the country”.

In respect of Dublin, the NPF notes in addition that “In Dublin city, one, two and three person households comprise 80% of all households.”

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

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

The proposed unit mix is supported by the guidance and Specific Planning Policy Requirements set out in the Apartment Guidelines (2020). Specific Planning Policy Requirements (SPPR) 1 states:

*“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).”*

At the time of writing, a Housing Need and Demand Assessment has not been incorporated into a Development Plan in Wicklow, the Draft WCC CDP includes an “interim Housing Strategy”. The DLR Housing Need and Demand Assessment relies on census data from 2016.

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Notwithstanding the development's compliance with the Apartment Guidelines (2020), the proposed development will enhance the variety of dwelling types available in the local area. This is considered further in the enclosed *Housing and Tenure Types and Unit Mix Report* prepared by RPS.

The proposed development does not include any bungalow type unit. There is no requirement that bungalow units should be provided set out in the following guideline documents:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas
- Delivering Homes, Sustaining Communities – Statement on Housing Policy
- Urban Design Manual – A Best Practice Guide

It is considered that the proposed unit mix, including the quantum of 1-bedroom units and the omission of bungalow units accords fully with national policy supporting the provision of a range of housing types and is further underpinned by the guidance issued under section 28 of the Act of 2000.

### 4.4.2 Car Parking

Objective 11 of the NPF states that *“there will be a presumption in favour of development that encourages more people, jobs and activity within existing urban areas, subject to development meeting appropriate planning standards and achieving targeted growth”*. The proposed development will provide for high quality residential development in an existing urban area adjacent to existing public transport facilities.

The NPF continues, to state that:

*“In particular, general restriction 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 locations e.g. city/ town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc”*. \*our emphasis

The proposed development is located within close proximity to the Bray Daly railway station and is served by buses along the Dublin Road.

National Policy Objective 13 in the NPF provides that:

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

The proposed quantum of parking is considered to be in accordance with national policies and guidelines including the Apartment Guidelines (2020), which allow for lower levels of car parking in appropriate locations. In this regard, the Apartment Guidelines (2020) recommend that a reduced quantum of car parking may be considered at *‘Intermediate Urban Locations’* – i.e. *“sites in suburban/urban locations served by public transport or close to town centres or employment areas, and particularly housing schemes with more than 45 dwellings per hectare”*.

In larger scale and higher density development at central and/or accessible urban locations the Apartment Guidelines (2020) recognise there is the opportunity to reduce car parking provision further or even wholly eliminate car parking.

The *Transport and Traffic Assessment* prepared by Atkins considers that the subject location can be classified as an intermediate urban location with central location characteristics. As outlined in Section 2 of the *Planning Report and Statement of Consistency* prepared by RPS that accompanies the planning application package, the subject site has access and is well connected to existing and emerging public transport services. Having regard for this context, it is considered that the proposed reduced rate of parking is appropriate and in accordance with national policy and guidance.

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Enclosed as part of the application documentation is a *Transport and Traffic Assessment* and a *Mobility Management Plan* prepared by Atkins. These documents include an analysis of projected car usage in proximity the proposed development, demonstrating the low level of impacts projected, due in part to the proposed quantum of car parking. The document also outlines the parking and mobility plans for the proposed development and sets out a number of initiatives that will be implemented to encourage sustainable travel practices for all journeys to and from the proposed development.

The proposed quantum of car parking is appropriate and should be granted having regard to the NPF, the general presumption in favour of active travel across all policy documents and the specific policies set out in the Apartment Guidelines (2020) published under section 28 of the Act of 2000.

### 4.4.3 External Storage Space

Whilst recognising that external storage space may be provided the Apartment Guidelines do not require that external storage space be provided. The Apartment Guidelines take precedence on this matter over CDPs.

It is considered that the proposed apartment storage arrangements, including the omission of external storage accords fully with the guidance issued under section 28 of the Act of 2000.

### 4.4.4 Public Open Space

National Policy Objective 4 in the NPF seeks to:

*“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.”*

As detailed in the *Planning Report and Statement of Consistency* prepared by RPS the proposed provision of public open space in both DLR and Wicklow accords with that required by the application of the quantitative and qualitative standards set out in:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas; and
- Apartments Guidelines (2020).

The proposed public open space is appropriate and should be granted having regard to the NPF and the accordance with guidelines under section 28 of the Act of 2000.

## 4.5 (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

### 4.5.1 Housing / Unit Mix

The subject proposals are consistent with proximate permitted development and reflect similar unit mix provision.

The SHD development referenced above (**ABP Ref. 306583-20**) comprising 597 no. units includes 546 no. apartments. 194 no. or 33% of units are studio or 1-bed units.

The unit mix in the SHD development (**ABP Ref. 311181-21**) comprised 591 no. units including 171 (29%) 1-bedroom units, 327 (55%) 2-bedroom units, 81 (14%) 3-bedroom units and 12 (2%) 4-bedroom units. Whilst the Board issued a split decision in this case, the unit mix proposed was considered to be acceptable.

The Housing and Tenure Type and Mix Report enclosed with the application identifies a significant proportion of existing housing stock in the area as comprising 3 and 4 bedroom houses with a relatively low proportion of smaller units and very little purpose built apartment units.



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Having regard for this context, and for the precedence in the area, it is considered that the proposed provision of 1-bedroomed units is appropriate and in accordance with national policy and guidance.

### 4.5.2 Car Parking

The subject proposals are consistent with proximate permitted development and reflect similar car parking provision.

The SHD development referenced above (**ABP Ref. 305844-19**) provides for 380 no. car parking spaces for houses 207 no. houses and 406 spaces for 478 no. apartments and duplexes. Such a quantum of car parking is below the maximum car parking standards set out in Table 8.2.3 of the DLRCDP and the standards set out in the Appendix 1 Development and Design Standards of the WCDP. It was nonetheless considered to be an acceptable provision. It should be noted that the subject development benefits from a location closer to a large urban centre (Bray) and should therefore enjoy higher rate of active travel modes and lower levels of car usage.

The SHD development referenced above (**ABP Ref. 306583-20**) comprising 597 no. units provides 365 no. car parking spaces. The Board's Inspector's Report notes concerns regarding the quantum of car parking proposed but states:

*"I am satisfied that the numbers are fully in accordance with the LAP and CDP for such developments. I have also had regard to the existing and future public transport options as well as the Travel Plan submitted with the application."*

The SHD development referenced above (**ABP Ref. 311181-21**) provides for 474 no. resident spaces and 32 no. visitor spaces, 35 no. staff spaces; 9 no. set-down spaces and 1 no. car club space. The quantum of car parking proposed was below the maximum car parking standards set out in Table 8.2.3 of the DLRCDP and the standards set out in the Appendix 1 Development and Design Standards of the WCDP. It was nonetheless considered to be an acceptable provision with the Inspector stating *"The application site is appropriately located for the application of reduced parking standards"*.

The provision of a quantum of car parking considerably below the maximum standard set out in the Development Plan is an established pattern of development in the vicinity of the subject site.

### 4.5.3 External Storage Space

The SHD development referenced above (**ABP Ref. 311181-21**) included 463 no. apartments. The absence of additional external storage areas for apartments was not considered problematic by ABP in the Inspector's report or the order.

## 5 CONCLUSION

This statement has been prepared in relation to the proposed SHD at lands off the Dublin Road and Ravenswell Road within the former Bray Golf Course lands, Bray, County Dublin and County Wicklow.

All of the items considered in this statement relating to development plan and local area plan policies, objective and standards relating to building height, density, unit mix, car parking and open space provision are subject to multiple caveats and qualifications which mean that it is not possible to definitively state if the proposals constitute a material contravention of the respective County Development Plans and Bray LAP.

Nonetheless, this statement demonstrates that the proposed development is consistent with the relevant national planning policy, guidelines issued under section 28 of the Act of 2000 and with local planning policy as pertaining to:

- Housing / Unit Mix;
- Car Parking Provision;
- External Apartment Storage Space; and
- Public Open Space Provision; and

It is submitted that the proposed development is in line with evolving trends for sustainable residential developments in urban areas and there are multiple examples in the general area of developments with a similar building height, density, unit mix, car parking provision and public open space.

It is therefore, considered that sufficient justification exists for the Board to grant permission for the proposed development notwithstanding a material contravention having consideration to section 37(2)(b) of the Act of 2000.

It is submitted that the provision of a high density residential development at this location will provide a more compact and sustainable urban form close to public transport services on an underutilised site and within Bray, a designated '*Key Town*'. The proposed development will promote a strong sense of character and place and will facilitate a safe and socially inclusive community at a highly accessible location near to existing community, social, leisure and retail facilities. The development and the wider masterplan have been designed with cognisance and respect for the existing natural and built environment while encouraging individual character and a sense of belonging to a distinct place.

Having regard to this statement and the accompanying documentation provided as part of the application for permission, it is submitted that delivery of the proposed development is in the interest of proper planning and sustainable development within Bray and the Metropolitan Area.