

Material Contravention Statement

In respect of

**Build-to-Rent Residential Development at IVM House, nos.
31 and 31a Ravens Rock Road,
Sandyford Business Park,
Dublin 18,**

Prepared by

John Spain Associates

On behalf of

Ravensbrook Ltd.

March 2022



39 Fitzwilliam Place
Dublin 2, D02 ND61
Telephone: (01) 662 5803
E-mail info@johnspainassociates.com

1.0 INTRODUCTION

- 1.1. On behalf of the applicant, Ravensbrook Ltd, 8 Parnell Square East, Dublin 1, we hereby submit this Statement of Material Contravention, in respect of a Strategic Housing Development (SHD) proposal on lands IVM House, nos. 31 and 31a Ravens Rock Road, Sandyford Business Park, Dublin 18.
- 1.2. In our opinion, the proposed development may be considered to materially contravene the Dun Laoghaire Rathdown Development Plan 2016-2022 and the Sandyford Urban Framework Plan contained therein, in respect of:
 - Building Height and Density;
 - Car Parking Provision;
 - Childcare Provision;
 - Quantitative Apartment Standards (Unit mix, Policy RES7, unit size, storage, private amenity space, dual aspect).
- 1.3. 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.
- 1.4. It is noted that it is ultimately the decision of An Bord Pleanála as to whether the proposed development represents a material contravention of the Dun Laoghaire Rathdown County Development Plan 2016 and the Sandyford Urban Framework and if minded to do so, grant permission for the proposed development by reference to the provisions of Section 37(2)(b) of the Planning and Development Act 2000 (as amended).
- 1.5. Section 37(2)(b) of the Planning and Development Act 2000 (as amended) provides:

“2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) 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 planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or 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”.
- 1.6. Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act 2016 provides:

*(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.** (Emphasis added)*

- 1.7. This statement is submitted having regard to the requirement of the prescribed SHD application form to provide a material contravention statement and also having regard to section 5(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016:

“5(6) 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 statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant’s opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.”

- 1.8. Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (“the 2016 Act”), confers the power on An Bord Pleanála to grant permission for a development which materially contravenes a Development Plan or Local Area Plan, other than in relation to the zoning of land. Section 9(6) provides as follows:

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

- 1.9. In the event that the Board were to grant permission, the Board’s “reasons and considerations” would have to reference the matters under Section 37 (2)(b) of the 2000 Act upon which it relies to justify the granting of permission in material contravention of the Development Plan. It is apparent from section 10 (1)(3)(b) of the SHD Act that such reasons and considerations must appear in the Board decision itself. Section 10(3) provides as follows:

“(3) A decision of the Board to grant a permission under 9 (4) shall state-

*(b) where the Board grants a permission in accordance with section 9(6)(a), **the main reasons and considerations for contravening materially the development plan or local area plan, as the case may be**” (our emphasis)*

- 1.10. It is respectfully requested that An Bord Pleanála have regard to the justification provided below which demonstrates how the proposed development complies with national planning policy and guidelines. It is considered that there is sufficient

justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding the material contravention of the Stillorgan LAP and the Dun Laoghaire Development Plan 2016-2022, by reference to the criteria under Section 37(2)(b)(i) and (iii) of the 2000 Act.

2.0 MATERIAL CONTRAVENTION JUSTIFICATION

2.1. The Board may consider that the proposed development materially contravenes the following sections of the Dun Laoghaire Rathdown County Development Plan 2016-2022, including Appendix 5, Sandyford Urban Framework Plan:

- Building Height and Density;
- Car Parking Provision;
- Childcare Provision;
- Quantitative Apartment Standards (Unit mix, Policy RES7, unit size, storage, private amenity space, dual aspect).

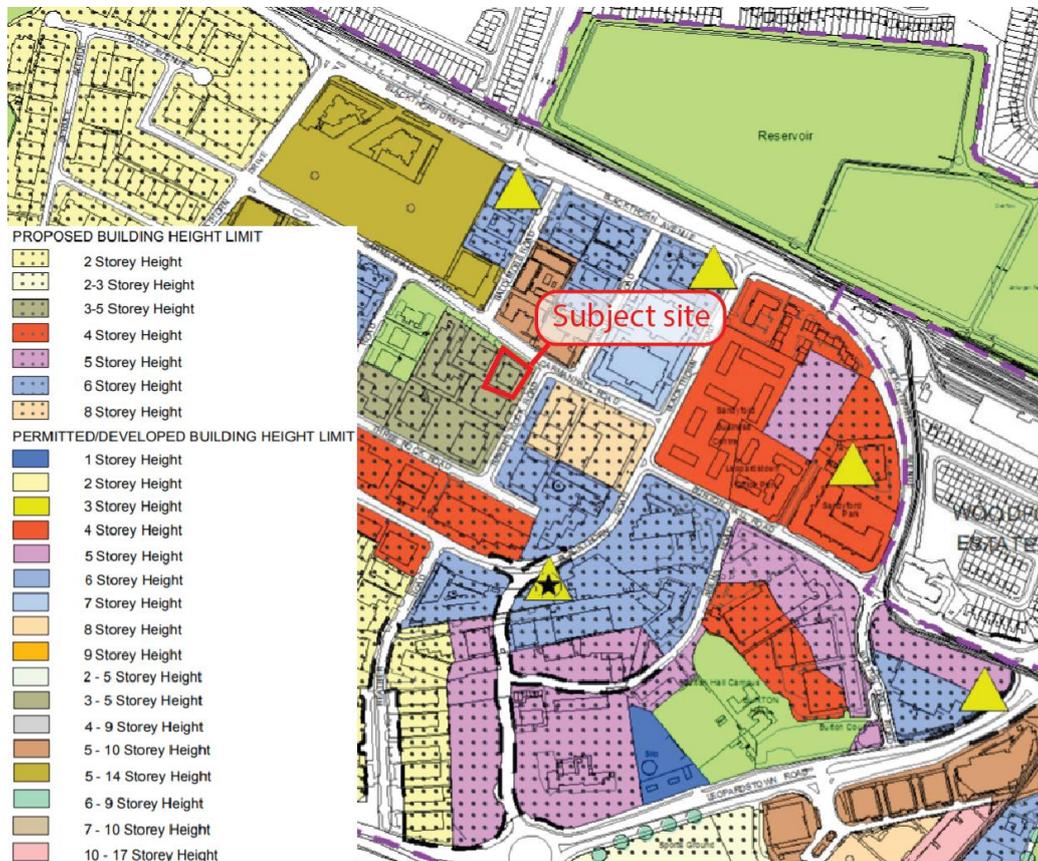
Height And Density

2.2. The Sandyford Urban Framework Plan, as part of the Dun Laoghaire Rathdown County Development Plan 2016 -2022 plan, contains specific objectives relating to the site. In relation to building height and density, development guidance contains policy objective BH1 states;

‘BH1 It is an objective of the Council to ensure that Sandyford Business District is developed in accordance with height limits set out in Map 3 Building Height subject to the building making a positive contribution to the built form as set out above.’

2.3. Map 3 indicates a maximum building height of 3-5 storeys for the site. The proposed development includes a maximum building height of 11 storeys which exceeds the requirements set out in Map 3 by 6 storeys in places.

Figure 1 - Existing & Proposed Building Heights - Map 3

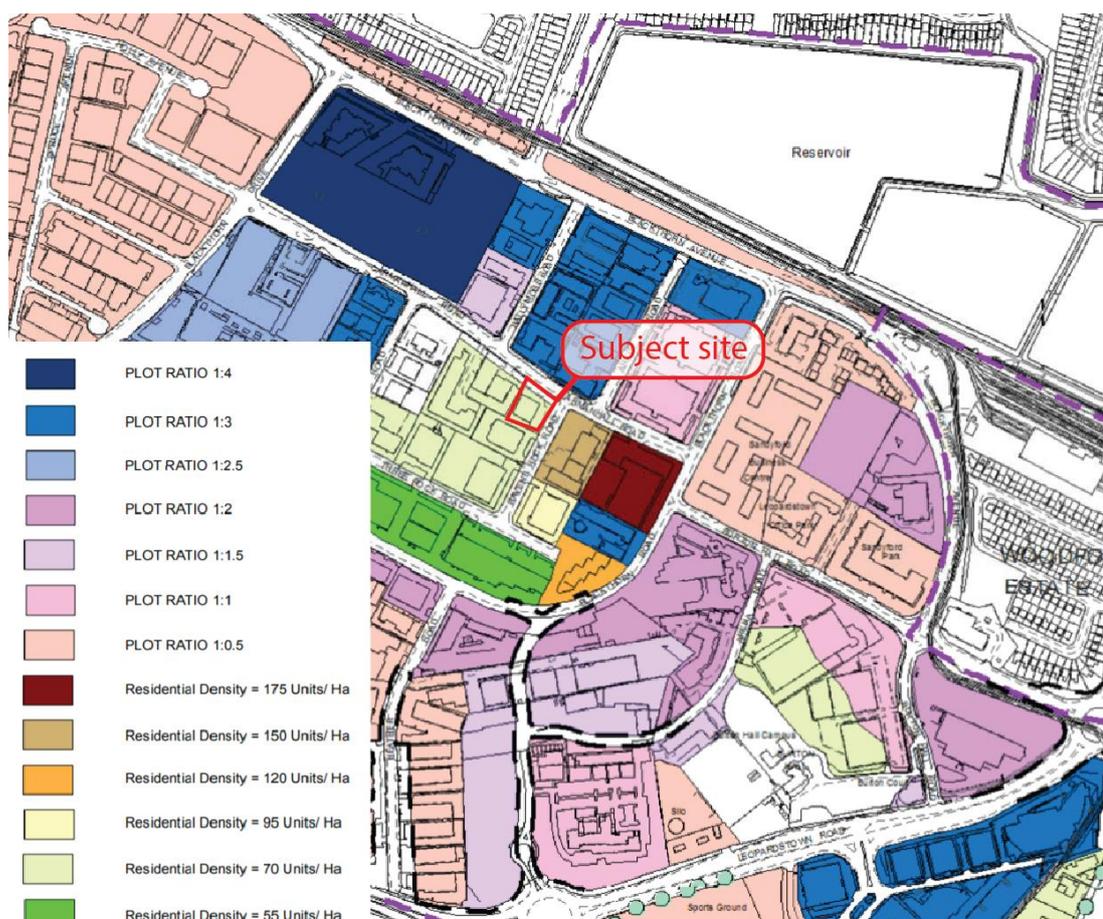


2.4. In relation to density, policy A2 states;

'A2 1 It is an objective of the Council to ensure the residential neighbourhoods are developed at a density that is in accordance with the density provision set out in Map 2.'

2.5. Map 2 indicates a maximum density of 70 units per hectare for the subject site as outlined in red below. The proposal includes a density of 454 units per hectare and exceeds the density requirements set out in Map 2.

Figure 2 - Map 2 existing and proposed residential densities



2.6. The Architectural Design Statement by Henry J Lyons sets out in detail the rationale and design development of the massing and design of the proposed development. A Design, Townscape and Visual Assessment has been prepared by Citydesigner and also accompanies the application. Verified Views by Visual Lab illustrate the full visual extent of the proposed scheme from a selection of positions nearby. Each projected view is accompanied by a commentary on the perceived visual impact of the development.

2.7. It is considered that permission for the proposed development should be granted having regard to national and regional planning guidelines for the area, Ministerial Guidelines under section 28 and policy directives as outlined in the following justification.

2.8. Section 37(2)(b) of the Act sets out four distinct criteria which allows the Board to materially contravene a development plan. This statement of material contravention

addresses each of the items and it is our considered opinion that the current proposal satisfies the criteria as follows:

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

- 2.9. **Response:** The proposed development of 101 no. BTR apartments is considered to be of strategic importance for a number of reasons, referred to below.
- 2.10. It provides for the timely delivery of urban housing and implementation of the current Government's Action Plan for Housing and Homelessness – Rebuilding Ireland.
- 2.11. The significant shortfall in housing output to address current and projected demand is a national problem, with lack of housing in the Metropolitan Dublin Area, of which Sandyford forms a part, having social and economic ramifications for sustainable national growth.
- 2.12. The Sustainable Urban Housing Design Standards for New Apartments were published in March 2018 and updated in December 2020. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.
- 2.13. A key inclusion in the guidelines is the acknowledgement of the importance of strategic sites in existing urban areas in close proximity to existing public transport facilities. The guidelines identify locations in cities and towns that may be suitable for apartment development as follows:
- Central and/or Accessible Urban Locations
 - Intermediate Urban Locations
 - Peripheral and/ or Less Accessible Urban Locations
- 2.14. The Apartment Guidelines state that 'Central and/or Accessible Urban 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, and are classified as follows:
- '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'.
- 2.15. The subject site is considered an 'Accessible Urban Location' its location within 350m of Stillorgan Luas stop, and c. 550m from the Sandyford Luas stop. The Luas stop locations are shown in Figure 3 below. The site is also within Sandyford Business District, a significant employment location.
- 2.16. In this regard the proposed BTR development will allow for a new residential community, built to a high standard and quality, which can be rented within an area with a range of amenities and services and close proximity to high quality high frequency public transport services.

2.17. The delivery of housing and the appropriate use of zoned land in a mixed use centre such as Sandyford is considered to underpin key Government policy such as Rebuilding Ireland as well as the National Planning Framework and the National Policy Objectives in the National Planning Framework, in particular the site's location to high-frequency public transport.

2.18. We refer to Section 5.8 of the EMRA RSES which identifies the strategic importance of Sandyford Business Park:

“The MASP aims to continue densification in the city centre, re-intensify strategic employment areas within the M50 ring and to activate key strategic sites such as Cherrywood to complement existing employment hubs such as the city centre, Docklands and Sandyford Business District, providing for a limited number of people intensive employment locations that are accessible to public transport.”

2.19. The site is located on lands zoned for residential purposes within the Sandyford Business District with the specific aim to provide homes in close proximity to strategic employment areas. It is therefore submitted that the proposed development is of strategic importance in this regard.

2.20. Having regard to the foregoing, it is considered that the proposal is of both national **and** strategic importance, although it should be noted that it is only necessary for the purposes of the statutory provision that it is of strategic **or** national importance. The application site has the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

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

2.21. **Response:** This is not relevant to the subject building height and residential density justification.

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

2.22. The following section shall demonstrate how the proposed height and quantum of development is justified in the context of recent National Planning Policy and Section 28 Government Guidelines, which seek to increase residential densities and building heights on zoned serviced lands adjacent to public transport corridors. These include:

- Project Ireland: National Planning Framework 2040;
- Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly (2019);
- Sustainable Residential Development in Urban Areas (2009);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guidelines 2020); and
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

Project Ireland 2040 – National Planning Framework

- 2.23. The National Planning Framework (NPF) is the Government's plan to cater for the extra one million people that will be living in Ireland, the additional two thirds of a million people working in Ireland and the half a million extra homes needed in Ireland by 2040.
- 2.24. As a strategic development framework, Ireland 2040 sets the long-term context for our country's physical development and associated progress in economic, social and environmental terms and in an island, European and global context. The following objectives are relevant in the context of the proposed development:
Objective 3a; *"deliver at least 40% of all new homes nationally within the built-up envelope of existing urban settlements"*.

Response: The proposed development at a density of 454 units per ha and a building height ranging from 5 to 11 no. storeys will provide 101 no. additional new homes within the built-up envelope of an existing urban settlement, on land zoned for residential purposes. The proposed height and density provides for an increased number of houses at this location.

Objective 4; *"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"*.

Response: The proposed building height will integrate successfully with the emerging and existing built form in the area. The adjacent site directly to the north-east reaches a height of 8 no. storeys, noting it is a commercial building with increased floor to ceiling heights and is therefore not dissimilar in height to the proposed development. The Design Statement prepared by Henry J Lyons demonstrates the success of the proposed design and its contribution to the area in creating an attractive liveable community.

Objective 11: *"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"*.

Response: The subject site is located within an existing urban centre and within a mixed use area specifically identified for the purpose of creating homes close to jobs.

The Sandyford Urban Framework Plan states the following key objective underpinning the rationale for the plan: *"To encourage a diverse range of uses including employment based uses, retail and retail services, civic, cultural, leisure, health, educational and other services appropriate in scale commensurate with the role of Sandyford Business District as a 'Place' to work and live."*

The proposed increased density and building height at this location will increase the number of homes available in close proximity to a number of large employment areas, including Central Park, Dundrum Town Centre and Sandyford Business Park itself in compliance with Objective 11 of the NPF.

Objective 13 *"In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria enabling alternative solutions that seek to achieve well-designed high quality and safe outcomes in order to achieved targeted growth and that protect the environment"*.

Response: In accordance with NPO 13, it is clear that there is a strong emphasis towards increased building heights where appropriate high-quality design is achieved. As demonstrated in the accompanying Architectural Design Statement by Henry J Lyons and the Design and Townscape Visual Assessment by Citydesigner, the proposed development will enhance and greatly improve the existing public realm, providing a public park and upgrades to the existing streetscape. Objective 33 *“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”*

The above objective clearly supports additional homes at appropriate locations within existing urban centres and along public transport corridors. The proposed building height ranges from 5 no. storeys to 11 no. storeys and is considered appropriate given the context of the site within the urban area. The proposed density and height of the development is considered appropriate for the location of the site and the availability of public transport facilities and proximity to supporting services and amenities. The proposed development is therefore in accordance with the objective 33 of the NPF in this regard.

Objective 35: *“increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site based regeneration and increased building heights”.*

2.25. **Response:** In accordance with National Policy Objective 35, the proposal will increase residential density (454 units per hectare gross), which is considered appropriate for this site which is located within close proximity to high-quality public transport options.

2.26. It is considered that the proposed development provides for the creation of an attractive, sustainable residential development within an existing built-up urban area, on a brownfield site. The provision of a new sustainable development is therefore consistent with the objective 35 of the NPF.

2.27. The NPF also states 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”.*

2.28. The NPF continues to state that:

“Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.

This is in recognition of the fact that many current urban planning standards were devised for application to greenfield development sites and struggle to take account of evolved layers of complexity in existing built-up areas.

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”.

2.29. The proposed development is located within an existing urban centre, 350m of the Stillorgan Luas stop and c. 550m of the Sandyford Luas stop. The site is served by

Dublin bus routes which provide access to extensive areas of Dublin, including Dundrum, Dun Laoghaire and Stillorgan District Centres and Dublin city centre.

- 2.30. The following bus stops are also within a 5 – 10 minute walk of the site; 11, 47, 75A, 114, 116, 143 and 700. The existing site is underutilised and presents an opportunity site for development, meeting the criteria identified in the NPF and providing for redevelopment for a residential scheme.
- 2.31. The scheme includes a variety of building heights stepping from 6 storeys at the southern boundary to 11 storeys, fronting Carmanhall Road. The building is stepped to break up the overall built form and provide roof gardens and planting. The proposed density and height of the development is considered appropriate for the location of the site and the availability of public transport facilities. The proposed development is therefore in accordance with the NPF in this regard.
- 2.32. The National planning Framework therefore provides an appropriate justification for granting permission for a higher density development (454 units per hectare net) including buildings of up to 11 storeys in height, in this location as a material contravention of the CDP (in terms of height and density).
- 2.33. Restricting the height and density of the development at such a location, well served by public transport would be a contravention of Government policy which promotes increased densities at well served urban sites.
- 2.34. The NPF provides for a strong emphasis towards increased building heights in appropriate locations within existing urban centres and along public transport corridors. The proposed development ranging in height from 6 no. storeys to 11 no. storeys is therefore considered appropriate in this location and in accordance with the NPF.

Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly

- 2.35. The Eastern and Midlands Regional Assembly Regional Spatial and Economic Strategy (RSES) supports residential development on a key urban infill sites, in proximity to public transport facilities. The RSES also supports increased densities, heights and urban consolidation in inner suburban locations.
- 2.36. The RSES states that; *“the Core Strategies of the relevant Local Authorities should demonstrate consistency with the population targets expressed in the NPF and the Implementation Roadmap for the National Planning Framework July 2018. The NPF identifies a target population of 1.4 million people in Dublin City and Suburbs for 2031, an increase of some 220,000 people, and a target of 1.65m. in the MASP an increase of some 250,000 people.”*
- 2.37. As part of the RSES and the accompanying Dublin Metropolitan Area Strategic Plan (MASP), the subject site is located within the Dublin City and Suburban boundary. The RSES states that *“the core strategies of development plans relevant to the MASP should have a focus on the delivery of sites in the MASP whilst retaining flexibility to respond to new and future opportunities for the delivery of housing in the metropolitan area, in line with the transitional population projections methodology in the NPF roadmap and a robust evidence-based analysis of demand, past delivery and potential.”*
- 2.38. RPO 4.3: Supports 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 and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

- 2.39. The proposed development provides increased height and density at a location that is fully serviced in terms of water and access to high-capacity and high-frequency public transport. The site is ideally located to accommodate re-intensification of development.
- 2.40. RPO 5.3 states that *“Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.”*
- 2.41. The proposed increased height and density will result in additional homes on the site, proximate to high-frequency public transport and will encourage sustainable methods of travel to and from the site through the Residential Travel Plan by CS Consulting which accompanies which application.
- 2.42. RPO 5.4: 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’.
- 2.43. The proposal will increase residential density (454 units per hectare), which is considered appropriate for this site which is located in close proximity to high-quality public transport options.
- 2.44. 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.
- 2.45. The RSES supports the consolidation and re-intensification of infill sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- 2.46. The subject development seeks to provide for residential development on an urban site, adjacent to two green line Luas stops a numerous Dublin bus stops which provide high-frequency public transport options to future residents. The proposed development therefore is compliant with the overall policies and objectives of the RSES in this regard.

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guideline 2020)

- 2.47. The Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guideline 2020) build upon the provisions of the NPF. The Apartment Guidelines provide clear guidance with regard to the types of location which are considered suitable for higher density residential development such as ‘Central and/or Accessible Urban Locations’ and ‘Intermediate Urban Locations’. It is considered that the subject site falls into the category of ‘Accessible Urban Locations’ for the reasons discussed below.

- 2.48. The Apartment Guidelines state that ‘Central and/or Accessible Urban 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, and include:
- ‘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’.
- 2.49. The subject site is considered an ‘Accessible Urban Location’ because of its location within 350m of Stillorgan Luas stop, and c. 550m from the Sandyford Luas stop. The Luas stop locations are shown in Figure 3 below.
- 2.50. The site is also served by numerous Dublin bus routes which serve different areas of Dublin, including Blackrock, and the city centre, and include the following bus nos. within a 5-10 minute walk of the site: 11, 47, 75A, 114, 116, 143 and 700.
- 2.51. Therefore, the site can be classified as a ‘Central and/or Accessible Urban Locations’ and is considered suitable for higher density development and the proposed building heights. Section 2.2 of the guidelines further state:
- “In general terms, apartments are most appropriately located within urban areas. As with housing generally, **the scale and extent of apartment development should increase in relation to proximity to core urban centres** and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.*
- City and County Development Plans must appropriately reflect this, in the context of the need to both sustainably increase housing supply and to ensure that a greater proportion of housing development takes place within the existing built-up areas of Ireland’s cities and towns. This means making provision for more residential development to take place on infill and brownfield sites and as refurbishment of existing buildings, to increase urban residential densities”*
- 2.52. As identified in the guidelines, the location of the subject site means it is ideally placed to accommodate increased scale and density as proposed.

Figure 3 - Existing green Luas stops



Urban Development and Building Height Guidelines 2018

- 2.53. The Urban Development and Building Height Guidelines ('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 and the Regional Spatial and Economic Strategy (2019).
- 2.54. The Guidelines in effect seek denser development at public transport nodes. The Guidelines state that it is Government policy to promote increased building height in locations with good public transport services.
- 2.55. The Guidelines emphasise the policies of the NPF to greatly increase levels of residential development in urban centres and significantly increase building heights and overall density and to ensure that the transition towards increased heights and densities are not only facilitated but actively sought out and brought forward by the planning process and particularly at Local Authority level and An Bord Pleanála level.
- 2.56. Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and comply with any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function.
- 2.57. Section 9(3) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 provides as follows:

"(3)(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)

2.58. In relation to redevelopment and enhancement of the city core, the guidelines state that *“to meet the needs of a growing population without growing out urban areas outwards requires more focus in planning policy and implementation term on **reusing previously developed “brownfield” land**, building up urban infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings that may not be in the optimal usage or format taking into account contemporary and future requirements”.*

2.59. The Guidelines 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 and networks”.

2.60. The proposed development is located on a brownfield site which is within 350m of Stillorgan Luas stop, and c 550m of the Sandyford Luas stop. The proposed development therefore represents an opportunity to provide for increased building heights and densities at this location in accordance with national policy guidance.

Consideration of Criteria under Section 3.2 of the Building Height Guideline

Development Management Principles

2.61. Section 3.1 of the Building Height Guidelines are stated below and a response to each point is provided as follows:

“In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. Planning authorities must apply the following broad principles in considering development proposals for buildings taller than prevailing building heights in urban areas in pursuit of these guidelines: “

- *“Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?”*

Response: Yes, the proposed development includes

- *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

Response: Section 2.15 of Chapter 2 (referenced above states):

“In light of the above, planning authorities should critically evaluate the existing written statements and development objectives of their statutory development plans, local area plans and planning schemes for consistency of approach and where any policy departures arise, to undertake the necessary reviews, variations or amendments to ensure proper alignment of national and local planning policies”

It is submitted that the DLR County Development Plan 2016-2022 and the Sandyford Urban Framework Plan contained therein pre-dates the Guidelines and does not account for the requirements outlined in Chapter 2.

- *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

Response: As outlined in the preceding sections, the proposed height and density aligns with the objectives and policies of the NPF which are not repeated here

- 2.62. The following section demonstrates how the proposal complies with each of the relevant criteria as referred to in SPPR 3:

The criteria for assessment of developments at the scale of the relevant city / town;

The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

- 2.63. The proposed development is located on a site that can be classified as a ‘Central and/or Accessible Urban Locations’ as it is within 350m of the Stillorgan Luas stop, and c 550m of the Sandyford Luas stop. The site is served by Dublin bus routes (within 500m of the site including nos. 11, 47, 114,75a and 118). The proposal therefore meets the above criteria providing for higher density development and building heights at the subject site.

- 2.64. The subject application is accompanied by a Residential Travel Plan prepared by CS Consulting Engineers which includes an assessment of existing capacity and frequency of the available public transport modes in proximity to the site. The assessment demonstrates that “*public transport with high-capacity, frequent service and good links to other modes of transport*” is available in close proximity to the site.

Development proposals incorporating increased building height... should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment by a suitably qualified practitioner such as a chartered landscape architect.

- 2.65. The site is located within Sandyford Business Park which has undergone considerable change in the last number of years. The area comprises a mix of low level buildings and much taller buildings and accommodates a mixture of land uses from residential to commercial. The topography of the site is flat.
- 2.66. The emerging context of the area is that of a taller built form which is a plan led approach to denser development in areas in close proximity to high-frequency public transport nodes. The proposed design is cognisant of the existing and emerging context and presents a high-quality built form which will activate the public realm through the inclusion of own door ground floor units. Further public realm upgrades will enhance the streetscape as further detailed below.
- 2.67. A Design, Townscape and Visual Assessment has been undertaken by Citydesigner and accompanies the application. Citydesigner is a consultancy of experienced professionals from the areas of architecture, urban design and heritage, all trained in townscape and visual assessments by its founder, Richard Coleman, who has carried out such assessments since 1985. Photomontages from 14 no. view locations prepared by Visual Lab have also been prepared.

'The proposed scheme involves the demolition of the existing business unit and the development of a predominantly residential building, with enhanced public realm along its northern side and private rooftop gardens and communal podium gardens incorporated into the proposals. The design development has evolved through helpful consultation with Dún Laoghaire–Rathdown County Council planning officers. The design has now reached its optimum form and represents a solution of high quality. The building would give rise to positive effects owing to its architectural quality and the way it addresses the corner of Ravens Rock Road and Carmanhall Road.

It displays engaging and activated frontages, framed on its south and east elevations by an attractive canopy feature that extends vertically upward from ground level before flipping horizontally to form a characterful rooftop profile. Carefully considered landscaping has been introduced along the site's northern side, which embraces existing mature tree specimens, and results in an attractive and engaging public realm that links through to the civic park proposed to the immediate west of the development site.'

- 2.68. The impact on the surrounding area has been assessed from 14 no viewpoints at intervals taken from the street approaching from west and east, as well as to the north and south to provide a comprehensive assessment of the impact of the development. In each case the assessment has been positive about the scheme, in terms of its height, massing, and elevational compositions, materiality and landscaping. The proposals will assimilate well with the current and evolving mixed character of Sandyford and no adverse visual impacts are anticipated as a result of the development. There are no protected views or key landmarks proximate to the site as set out in the Citydesigner assessment.
- 2.69. It is of note that the surrounding area is subject to change; with permitted developments of up to 17 storeys on nearby sites.

Figure 4 – CGI views towards the site from the surrounding area



Fig. 4.7: View from junction of Ballymoss Road and Carmanhall Road



Fig. 4.8: View from junction of Arkle Road and Carmanhall Road

Source: Citydesigner

- 2.70. The scale of the proposed development is considered to integrate appropriately with the current and emerging built-form.
- 2.71. The proposed building height takes cognisance of the key townscape views, and the scale, height and proximity of neighbouring properties to ensure that the 6-11 no. storey building is not obtrusive in the surrounding features of the urban environment. As demonstrated in Figure 6 below, the proposal is in keeping with the permitted, and emerging height within the area.

Figure 6 – Permitted and Existing Height of the surrounding area



Figure 5 - 11-17 storey building under construction (Fronting Blackthorn Drive and Carmanhall Rd)

- 2.72. A detailed suite of landscape drawings and a design rationale document prepared by Parkhood Landscape Architects is included and provides for the first section of a future linear park on Carmanhall Road, along with roof gardens and the planting of trees.

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.

- 2.73. Although the subject site is not a 'larger redevelopment site', it is submitted that the proposal will make a positive contribution to the built-form of the area. The proposed development will provide for a high-quality architectural development that will enhance the streetscape and public realm at this location. As the site is not a larger development site, no new streets are proposed. The proposal will integrate with the existing street layout.
- 2.74. The site is constrained in terms of available land area but notwithstanding, includes a variety in the built form proposed demonstrating the efficiencies of the design and urban form of development. The design makes clever use of materials and finishes to break the overall massing of the building. The stepping of the building towards the boundaries provides a variety in scale in the streetscape.
- 2.75. Placement of the communal co-working area on the ground floor adjacent to the public open space area will create synergies between the two uses. This will assist with placemaking with a line of sight provided from public space into the building providing passive surveillance.

- 2.76. As noted above the scale, height and massing of the proposal has been carefully considered to respond to the key features of the site, and the proposed features of the surrounding area under the Sandyford Urban Framework Plan.
- 2.77. The design takes account of the different heights and different scales of the mixed townscape context including adjoining developments within which it exists. The proposal is of similar height to The Chase office development, while the anticipated scales of the townscape to the south is thoughtfully addressed by the design, which sees the proposed development rise to a maximum 11 storeys on Carmanhall Road but step down to 5 storeys at its southern end in response to this lower context.
- 2.78. The proposal provides a linear park along Carmanhall road, along with definite street frontage, providing structure to the area and passive surveillance for the linear park. Towards the rear of the site, the height of the development is stepped down in order to accommodate future development on the surrounding sites.

At the scale of district / neighbourhood / street

The proposal responds to its overall natural built environment and makes a positive contribution to the urban neighbourhood and streetscape

- 2.79. It is considered that the proposal introduces a high-quality development at an underutilised area of land within an urban context which is zoned for residential development and will make a positive contribution to the receiving urban environment. The height, quality design and scale of development is considered to make a positive contribution to the urban neighbourhood through the re-establishment of a building line and streetscape, where it will form a notable moment in the townscape, enhancing legibility and contributing to a more visually engaging and attractive streetscape. As detailed within the accompanying Photomontages and Design, Townscape and Visual Assessment (DTVA) by Citydesigner, the proposal visually integrates successfully with the surrounding suburban townscape. The DTVA states:

“The design seeks to be a modern, high quality residential building, whose elegant, sculptural form would rise above the existing mature tree canopies to gracefully mark the corner of Ravens Rock Road and Carmanhall Road. The building benefits from well-considered, articulated facade treatments that create visual interest in the streetscape and in distant views, while its rooftop canopy provides a distinctive and aesthetically-pleasing crown to the building. There is much about the scheme which places it at a high level of architectural quality.”

- 2.80. The existing site conditions present a poor interface with the public realm and underutilisation of the site as commercial use and surface car parking. The provision of a new linear park, including a pedestrian and cycle link as well as public open space will open the site and future development to the public providing a positive contribution to the overall neighbourhood.

Figure 7 – Landscape Design Proposal



Source: Park Hood

- 2.81. A detailed landscape proposal has been designed for the site by Park Hood Landscape Architects. The accompanying drawings and Design Report provide an integrated approach to combine new planting and tree retention onsite, introducing green open space to the area, while providing future links to a larger planned open space under the Sandyford Urban Framework Plan.

The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of perimeter blocks or slab blocks with materials / building fabric well considered

- 2.82. The need to break the mass of the building as been a key design consideration as illustrated below in the diagram prepared by Henry J Lyons. The design intent seeks to break the massing of the development through stepped storeys, with rooftop gardens and planting.
- 2.83. The proposal incorporates a buff brick and cladded finishes, with glazed elements and metal cladding in addition to high-quality external finishes and paving, in combination with soft landscaping. The DTVA states:

“The illustrated and four rendered elevations show the level of articulation within each facade. This gives rise to elegant planes, further articulated by a consciously composed fenestration and balcony arrangement. Clearly a great

deal of thought has gone into the design such that the elevations as a whole are well coordinated, and that the whole adds up to more than the sum of the parts. The dual use of contrasting but complementary cladding materials is also employed with skill and an artistic approach, with the 'frame' embracing the whole. There is a welcome emphasis on the vertical which gives the building a strong character worthy of this prominent corner site. The rich existing soft landscape at the location is supplemented and enhanced, particularly on the north side, which will contribute to the envisaged linear route to the west."

- 2.84. The proposal could not be considered monolithic and avoids long uninterrupted walls as detailed in the Architectural Design Report prepared by Henry J Lyons.

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).

- 2.85. As noted above, the proposal introduces a development which is compatible with its land use zoning and adjacent development. The proposal introduces a 514sqm public open space area which enhances the existing streetscape. The scheme will contribute to the creation of a sense of place translated through high quality landscaping proposals which serve to enhance the experience of residents and visitors.

- 2.86. The application is accompanied by a Site-Specific Flood Risk Assessment prepared by CS Consulting Engineers which states;

- *'The site historically has no recorded flood events as noted in the OPW's historical flood maps.*
- *Predicted flood mapping for pluvial / tidal & Fluvial flood events will not affect the subject lands.*
- *The subject site is located in Flood Zone 'C'. Under department guidelines this designation put the likelihood of flooding outside an extreme 1-in-1000 year event.*
- *The permitted development will have a storm water attenuation system to address a 1 in 100 year extreme storm events increased by 20% for predicted climate change values. This will significantly reduce the volume of storm water leaving the site during extreme storms which in turn will have the effect of reducing the pressure on the existing public drainage system.*
- *The likelihood of onsite flooding from the hydrogeological ground conditions are deemed to be minor and within acceptable levels.*

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

- 2.87. The proposed development is logically laid out, providing a strong street-edge along Carmahall Road, along with new pedestrian links through the linear park. The linear park also provides amenity space for residents and the public, while creating a connection to the park to the west, as proposed under the Sandyford Urban Framework Plan. The development is stepped down to the south to provide a variety in height, green roofs, further amenity space and improve the potential future interactions with developments on adjacent sites. The DTVA states:

“The building would give rise to positive effects owing to its architectural quality and the way it addresses the corner of Ravens Rock Road and Carmanhall Road. It displays engaging and activated frontages, framed on its south and east elevations by an attractive canopy feature that extends vertically upward from ground level before flipping horizontally to form a characterful rooftop profile. Carefully considered landscaping has been introduced along the site’s northern side, which embraces existing mature tree specimens, and results in an attractive and engaging public realm that links through to the civic park proposed to the immediate west of the development site.”

- 2.88. The proposed development and site layout will integrate with and contribute to the legibility of the road from the public domain, when compared to the current situation.

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

2.89. The proposal will provide 101 no. build-to-rent residential apartments within 350m of a Luas Stop. This will provide a mix of one and two bedroom units in range of typologies appropriate for a build-to-rent development.

At the scale of the site/building

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.

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’.

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.

- 2.90. As demonstrated in the suite of documentation prepared by Henry J Lyons, the form and massing of the scheme has been carefully considered to maximise access to natural daylight and minimise overshadowing and loss of light, i
- 2.91. A Sunlight and Skylight Access Study has been prepared by BPG3 and is set out across of suite of three reports which accompany the application. The sunlight / skylight analysis assessed sunlight and skylight access levels available to the proposed accommodation and recreation areas. No existing residential accommodation was identified proximate to the site which had the potential to be effected by the proposed development. Notwithstanding, the suite of reports by BPG3 also includes an assessment of future potential developments on adjoining sites. Relative to the proposed development the assessment concludes;

“Skylight and Sunlight levels available to neighbouring accommodation;

As the development in question is not located close to buildings which qualify for assessment it follows, within the meaning of the BRE guide, that no significant impacts can be reasonably anticipated.

Sunlight levels available to neighbouring recreation areas.

The results of this study indicate that full compliance with BRE guidelines would be achieved. The outdoor recreation space tested in this study satisfies the advisory minimums recommended by the BRE; it follows that no significant impacts can be reasonably anticipated.

Assessment of skylight amenity available within proposed accommodation:

Study D assessed the level of skylight amenity which would be available within the proposed accommodation. The results of this study indicate that advisory minimums would be satisfied in a clear majority of cases (a compliance rate of 86% is calculated). With the benefit of closer examination BPG3 submits that it is appropriate to assume that 96% of the habitable rooms proposed within this development would be provided with reasonable levels of internal skylight amenity..

Assessment of sunlight amenity available within proposed accommodation:

The proportion of units capable of securing advisory minimum levels of annual and winter sunlight access increases when the unique levels of sunlight available to secondary rooms (bedrooms etc.) are accounted for. When this relaxation is applied the proportion of units which can secure the advisory minimum levels of annual sunlight access is found to be 77%; the equivalent compliance rate identified for winter sunlight levels is found to be 76%.

Assessment of sunlight amenity available to proposed recreation areas.

The results of this study demonstrate that the residents of this scheme would have access to acceptable levels of outdoor sunlight amenity. When this testing is repeated for a notional future scenario, where comparable developments are present on neighbouring sites, the residents of this proposed development would retain the ability to access acceptable levels of sunlight amenity.”

2.92. The report concludes:

“When assessed in the round it is reasonable to conclude that the development proposed demonstrates substantial levels of conformity with daylight guidelines. In making best use of this site it is inevitable that some departures from advisory targets will be encountered; provision is made within current planning policy to accommodate departures of this nature in instances where wider planning objectives countervail, see Appendix F: Discretion available to consent authorities.”

Compensatory measures are detailed at Pages 47-49 of Report 2 of 3 prepared by BPG3 and an extract of such a measure is included below:

“Further to this, it is important to recognise that in some instances, where sunlight levels fall short of guidelines, it is the presence of balconies above main windows which create the restriction. In these instances, where sunlight amenity is provided to the exterior balcony space it is reasonable to propose that a significant amount of leniency should be extended to departures predicted for associated living spaces. When this testing is repeated for a notional future scenario, where comparable developments are

present on neighbouring sites; a substantially similar level of conformance with advisory minimums is predicted.”

Specific Assessments

- 2.93. SPPR 3 also states that specific assessments may be required to ‘support developments *‘at some or all of these scales’*. The specific assessments are outlined below with a comment included noting how each criteria is addressed, if relevant to the subject proposal;
- *Specific impact assessment of the micro-climatic effects such as down-draft. 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.*
- 2.94. **Comment:** A Wind Microclimate Modelling Assessment has been undertaken by BFluid as part of the planning application and concludes:
- *“The development is designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrian).*
 - *The development does not introduce any critical impact on the surrounding buildings, or nearby adjacent roads.”*
- 2.95. As noted above, a Sunlight and Skylight Assessment has been prepared by BPG3 and accompanies the application.
- 2.96. A Part L Planning Report has also been prepared Axiseng Consulting Engineers and accompanies the application. Overall, the proposal will have a positive impact on climate change, contributing a sustainable building design, on a brownfield site in close proximity to public transport.
- *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.*
- 2.97. **Comment:** The subject site is not in proximity to such a location. Notwithstanding, the application is accompanied by a Bat Assessment prepared by Ash Ecology and Environmental and an Ecological Impact Assessment Report by Enviroguide.
- 2.98. The above reports and the accompanying Appropriate Screening Assessment and Ecological Impact Assessment by Enviroguide demonstrate that the proposed building heights and density do not have the potential to adversely impact on the biodiversity of the area. As outlined in these reports, the development will not increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas. The subject site and adjacent built-up/urban lands are not suitable for wetland birds and so cannot contribute to any ex-situ impacts. In relation to bird collisions, the EclA states:
- “The Site itself is not located in a sensitive area in terms of bird flight paths i.e., it is not located along the coast, or near any Special Protected Areas (SPAs) designated for wetland bird populations and is in itself does not offer suitable ex-situ feeding/roosting habitat for any such species, as the most dominant habitat on Site is built land.*

In general birds will fly at a height that is higher than the tallest obstruction in their flightpath. Birds on a daily commute to feed become very familiar with the topography of their flight paths and as a result few if any collisions occur. Birds which regularly fly over the Site will adapt to any changes to the nature of the Site including the topography. Therefore, it is considered that any bird species using the areas adjacent to the planning application site (i.e. South Dublin Bay and River Tolka Estuary SPA, Dalkey Islands SPA) will adapt to the changing nature of the site as the construction phase progresses and for this reason the risk of bird collisions is negligible.”

2.99. The development site is not close to any area which is important for migratory or regularly occurring populations of birds of conservation interest. There is no evidence to suggest that building heights negatively impact upon birds which may be associated with such areas, e.g. Natura 2000 sites in Dublin City.

2.100. The application is also accompanied by a Bat Assessment as noted above. The assessment includes the following recommendations:

“In order to minimise disturbance to bats utilising the site in general, the lighting and layout of the proposed development should be designed to minimise light-spill onto habitats used by the local bat population foraging or commuting. This can be achieved by ensuring that the design of lighting accords with guidelines presented in the Bat Conservation Trust & Institute of Lighting Engineers 'Bats and Lighting in the UK - Bats and Built Environment Series', the Bat Conservation Trust 'Artificial Lighting and Wildlife Interim Guidance' and the Bat Conservation Trust 'Statement on the impact and design of artificial light on bats'. Therefore, where possible, the lighting scheme should include the following:

- *The avoidance of direct lighting of proposed areas of habitat creation / landscape planting, or on existing trees to be retained*
- *Unnecessary light spill controlled through a combination of directional lighting and hooded / shielded luminaires or strategic planting to provide screening vegetation.*
- *Lights should be of low intensity. It is better to use several low intensity lights than one strong light spilling light across the entire area.*
- *Narrow spectrum lighting should be used with a low UV component. Glass also helps reduce the UV component emitted by lights.*
- *The colour rendering of the selected light fitting should be 3000k making the LED fittings a warmer light, helping to further minimize the impact on the local wildlife”*

2.101. The recommendations of the bat assessment have been incorporated into the Lighting Plan prepared by Axiseng Consulting which accompanies the application, ensuring bat sensitive lighting throughout the site.

- *An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.*

- 2.102. **Comment:** We refer the Board to the enclosed Telecommunications report by ISM, which confirms no impact:

“To provide an adequate allowance for the retention of the 1No. identified Microwave link that will be impacted by the Development, the Applicant is seeking planning permission to install 2No. steel support poles, affixed to the lift shaft overrun on Block A rising 1.725 metres above roof level.

These support poles are sufficient to accommodate 2No. 00.3m Microwave links each, which provides an adequate solution for the Applicant to mitigate the impact the Development will have on the existing Microwave link emanating from the neighbouring building to the north/northwest of the Development, as well as providing some capacity for future links that may or may not be required.

To adequately screen the infrastructure, the steel support poles and the associated equipment thereon, will be installed within Radio friendly GRP shrouds. Refer to Figures 7 of the appendices for full analysis.

ISM can therefore conclude that the proposal being made by the Applicant within its submission to An Bord Pleanála allows for the retention of important Telecommunication Channels, such as Microwave links, to satisfy the criteria of Section 3.2 of the Building Height Guidelines [2018].”

- An assessment that the proposal maintains safe air navigation.

- 2.103. **Comment:** The proposed buildings are not of such a height as to justify any specific assessment in relation to air navigation safety. The CDP does not include any policies or management standards in relation to air navigation safety and there are no known low flight paths or Air Restricted areas at the site. The context of the site to the north-east and south is for 17 storey built forms.

- Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.

- 2.104. **Comment:** SEA and EIA are not required/ applicable due to the scale of the development. The application is accompanied by an AA Screening Report, Ecological Statement and EIA Screening report as required.

- 2.105. From the above analysis, it is considered that the proposal meets the criteria for higher buildings as set out within the Guidelines on Building Height Guidelines. The site is well placed to absorb a high-density development which is appropriately scaled and designed in the context of its urban surroundings, at a highly accessible location and in close proximity to high frequency public transport.

- 2.106. The proposals make optimum use of this underutilised area of land which is zoned for residential development and is therefore considered compatible with adjacent existing land uses. The scheme integrates appropriately with the suburban environment and enhances public open space provision.

- 2.107. We note that under the provisions of SPPR 3 of the Building Height Guidelines, it states that where the applicant sets out compliance with the criteria for assessing building height at the scale of the relevant town / city, at the scale of district / neighbourhood / street and at the scale of a site / building that the planning authority or An Bord Pleanála may approve such development even where specific objectives

of the relevant development plan, local area plan or planning scheme may indicate otherwise.

- 2.108. As demonstrated above, the proposed building heights are considered appropriate for the subject site and meet the requirements of the development management criteria in the Guidelines. Having regard to the case set out above and the provisions of SPPR3, it is respectfully submitted that the Board can approve the proposed development under section 9(3) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended) as compliance has been demonstrated with the relevant development management criteria under Section 3 of the Building Height Guidelines 2018. As such, the proposed development is considered to be in accordance with the provisions of national policy guidelines.
- 2.109. Considering not only the Building Height Guidelines but the national policy guidance referenced, It is therefore reasonable to conclude, in accordance with Section 37(2)(b)(iii) that –
- (i) *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*

3.0 Pattern of Development and Permissions Granted in the Area

- 3.1. In addition to the preceding section which addresses the specific development management criteria for increased building heights and densities under relevant national policy guidance and Section 28 Guidelines, it is also considered relevant to draw the Board's attention to a number of recent relevant precedent decisions from the Board, where permission was granted for building heights and density that would have (prior to the publication of the Guidelines) been considered to be contrary to the local planning policy framework. This is entirely relevant in the context of Section 372(b)(iv) states;

(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'

- 3.2. The following permissions which were granted within the SUFF plan area are noted and are of a similar height and scale:

ABP30440519: Rockbrook, Carmanhall Road, Sandyford

- 3.3. The Board granted permission for an SHD development of 428 apartments on a site 300m north of the subject site. The permitted height ranges from 5 to 14 storeys, with a density of 212 units per hectare. Permission was granted on the 19th of August 2019.

ABP30594019: Former Aldi Site, Carmanhall Road, Sandyford

- 3.4. The Board granted permission for an SHD development of 564 Built-to-Rent apartments on a site 200m north-west of the subject site. The permitted height reaches to a height of 17 storeys, with a density of 366 units per hectare. Permission was granted on the 12th March 2020. This development is currently under construction.

ABP30346719: Blackthorn and Carmanhall Road, Sandyford

- 3.5. The Board granted permission for an SHD development of 817 student bedspaces on a site 150m east of the subject site. The permitted height ranges from 7 to 9 storeys. Permission was granted on the 30th of April 2019.

Figure 6 - Image showing the location of relevant permitted schemes proximate to the site

08. RECENT PERMITTED DEVELOPMENTS



(Source: Henry J Lyons – Architectural Design Statement)

4.0 Justification in relation to the Provision of a Creche at the Site

4.1. Should the Board consider that the proposed development materially contravenes objectives SIC11 of the Dun Laoghaire Rathdown County Development Plan 2016 - 2022 in relation to the provision of a creche as part of the subject proposal, a justification is provided below. The application does not propose a creche as part of the subject scheme due to the proposed unit mix and the existing provision in the area.

4.2. Policy SIC11 of the CDP states:

“It is Council policy to encourage the provision of affordable and appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general, at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. The Council will encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.”

4.3. Section 37(2)(b) of the Act sets out four distinct criteria which allows the Board to materially contravene a development plan. This statement of material contravention addresses each of the items and it is our considered opinion that the current proposal satisfies the criteria as follows:

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

4.4. **Response:** Please refer to Section 2.10 above.

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

4.5. **Response:** Not applicable in this instance.

(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

4.6. **Response:** The following section demonstrates that the provision of a creche within the proposed development is not required in this instance and is appropriately justified in the context of the Section 28 Government Guidelines and in particular in relation to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) which state:

“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”.

- 4.7. We further note that the proposed amendments to the County Development Plan 2022-2028 state:

“(159) Insert an additional bullet point at the end of the list in Section 12.3.2.4 ‘Childcare Facilities’ (page 230) as follows: “In assessing individual planning applications for childcare facilities, the Planning Authority will have regard to the following: ...

• In considering applications for new Childcare Facilities the Planning Authority will refer to Section 4.7 of the Design Standards for New Apartments Guidelines for Planning Authorities, (2018), specifically the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, as detailed in Section 4.7, with the exception for one-bedroom or studio type units, which 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.”

- 4.8. We note that the application is accompanied by a Creche Needs Assessment at Appendix 2 of the Statement of Consistency undertaken by John Spain Associates. An assessment in the context of CSO data regarding existing childcare provision and the characteristics of the population in the locality is included.

“Due to the site’s unit mix of exclusively 1 and 2 bedroom units and the overall proximity to Sandyford Industrial Estate, it is not proposed to include a creche within the development. This would prevent an over-provision of childcare spaces, support existing creche providers, while still catering for the initial spaces through the existing supply.

The Apartment Guidelines state that one bedroom or studio units should not be considered to contribute to childcare provision and that subject to location this may also apply in part or whole to units with two or more bedrooms. It is noted in both the current and draft Dun Laoghaire Rathdown Development plans that childcare facilities should be an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County (PHP6 of existing plan and SIC11of draft plan).

When the 1 bedroom units are excluded, this results in a total of 36 units. This then results in a potential for 97 people to be accommodated within the scheme. This in turn would equate to 7 children potentially requiring childcare (based on 7% of the population). This would potentially generate a need to accommodate 7 children between 0 – 4, assuming all of the children used childcare.

However, it is noted that the percentage of children availing of childcare is just 25% as outlined in the QNHS 2016, while the remainder of children are minded by other relatives, au pairs etc. Using the CSO figures, and a similar proportion (25%) of the 0-4 age cohort which avail of childcare places, this would equate to a potential creche requirement of c.2 places (based on 25% of 13 children).”

- 4.9. It is therefore concluded, in accordance with Section 4.7 of the Design Standards for New Apartments Guidelines for Planning Authorities, (2018), a creche is not required for the subject development and in accordance with Section 37(2)(b)(iii) that –

(ii) *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*

5.0 Justification in relation to Car Parking

- 5.1. The Board may consider that the proposed development potentially materially contravenes the car parking standards set out at Table 8.2.3 of the Development Plan which requires:

*“1 space per studio unit;
1 space per 1-bed unit; and
1.5 spaces per 2-bed unit”.*

- 5.2. This equates to a requirement for 119 no. car parking spaces for the residential element of the scheme. 10 no. car parking spaces are proposed which is less than the standard set out in the County Development Plan, which equates to a ratio of 0.10 spaces per residential unit. The car parking spaces are provided as follows:

- 1 no. disabled accessible space in close proximity to the proposed building entrance;
- 9 no. car share spaces within the subject development’s undercroft car park.

- 5.3. It is submitted that a strict adherence to and application of Table 8.2.3 of the Development Plan, does not take into account the location of the site and the conditions where reduced car parking may be appropriate.

- 5.4. A Traffic and Transport Statement and Residential Travel Plan has been prepared by CS Consulting Engineers and are submitted with this application. The documents set out proximity and access to existing public transport infrastructure relevant to the site. The proposed parking ratio to service the residential element of the scheme is considered to be in line with the 2020 Apartment Guidelines which state:

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

- 5.5. The proposed parking provision has been formulated to take into account the close proximity to the Stillorgan and Sandyford Luas Stops and a large number of other bus routes; all to provide a sustainable level of car parking for the proposed mixed-use development, and to reflect the proposal as a ‘Build-to-Rent’ development.

- 5.6. The proposed development is located within an existing urban centre, 350m of the Stillorgan Luas stop and c. 550m of the Sandyford Luas stop. The site is served by Dublin bus routes which provide access to extensive areas of Dublin, including Dundrum, Dun Laoghaire and Stillorgan District Centres and Dublin city centre.

5.7. The following bus stops are also within a 5 – 10 minute walk of the site; 11, 47, 75A, 114, 116, 143 and 700. The existing site is underutilised and presents an opportunity site for development, meeting the criteria identified in the NPF and providing for redevelopment for a residential scheme

5.8. Section 37(2)(b) of the Act sets out four distinct criteria which allows the Board to materially contravene a development plan. This statement of material contravention addresses each of the items and it is our considered opinion that the current proposal satisfies the criteria as follows:

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

5.9. **Response:** Please refer to Section 2.10 above.

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

5.10. **Response:** The requirements for residential development are noted as ‘standards’ (maximum or minimum is not specified) relative to different unit sizes. At Section 8.2.4.5, the plan further states that car parking standards can be reduced, according to the development plan, for the following reasons;

- The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial/ business areas.
- The proximity of the proposed development to public transport.
- The precise nature and characteristics of the proposed development.
- Appropriate mix of land uses within and surrounding the proposed development.
- The availability of on-street parking controls in the immediate area.
- The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.
- Other agreed special circumstances where it can be justified on sustainability grounds.

5.11. In relation to these factors the subject site is;

- Located within Sandyford Business Park with large employment centres such as the Beacon Hospital and Hotel, Google, RCSI and numerous garages, furniture shops, gyms, restaurants and cafes within walking distance of the site.
- In close proximity to high frequency public transport such as the Stillorgan Luas Station – 350m from the subject site.
- The nature and character of the development as a built-to-rent scheme reduces the reliance of residents on cars,

5.12. We also note that Objective TAM14 of the development plan states;

‘It is an objective of the Council to encourage alternatives to the provision of onsite parking (eg. use of excess parking spaces in an existing premises).’

5.13. It is therefore submitted that the development plan supports a reduction in the number of car parking spaces and that a strict adherence and application of Table 8.2.3 of the Development Plan, does not take into account the location of the site and the

conditions where reduced car parking may be appropriate as set out in Section 8.2.4.5 and recognised in objective TAM14.

(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

- 5.14. **Response:** The following section demonstrates how the proposed reduced number of car parking spaces provided within the development is justified in the context of the National Planning Framework (NPF) and the Section 28 Government Guidelines and, in particular, in relation to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guideline 2020).

Project Ireland 2040 – National Planning Framework

- 5.15. National Policy Objective 27: *“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.”*
- 5.16. With regard to NPO 27, the proposed development is designed to minimise reliance on private car use and encourage sustainable modes of transport. The reduced car parking provision proposed and high levels of cycle parking (188 no. spaces) is to encourage a sustainable alternative mode of transport to the motorcar. The National Planning Framework seeks to minimise car-parking in accessible locations and to maximise a modal shift to public transport due to proximity to public transport routes.
- 5.17. The NPF further states: *“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”.*

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guidelines 2020)

- 5.18. The SPPR 8 of the 2020 apartment guidelines details the following for Built-to-Rent developments:

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

(iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. *The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;*

- 5.19. **Comment:** Under section (iii) above minimal or significantly reduced car parking is the default for central sites or sites in proximity to public transport. In addition to the site’s location within the Sandyford Industrial Park, the site is located 350m from the Stillorgan Luas stop, and c. 550m to the Sandyford Luas stop. The site is served by Dublin bus routes which provide access to the wider Dublin area, including Blackrock,

and the city centre, and include the following bus nos.: 47, 114, and is within 500m of additional Dublin Bus routes serving the following bus routes:11, 75A & 118.

6.0 Justification in relation to the Quantitative Apartment Standards

- 6.1. The Board may consider that the proposed development materially contravenes the following quantitative apartment standards at Section 8.2.3.3 of the development plan as follows:

Unit Mix – Section 8.2.3.3 (iii):

‘Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1-bed units and a minimum of 20% of units over 80 sq.m.’

- 6.2. The proposal includes 65 no. one bedroom apartments and 36 no. two bedroom apartments. The proposal provides more than 20% 1 bedroom units (64% included) and no three bedroom units are included.

Dual Aspect – Section 8.2.3.3 (ii):

“Apartment developments are expected to provide a minimum of 70% of units as dual aspect apartments.”

- 6.3. The proposal includes 51% dual aspect units.

Internal Storage – Section 8.2.3.3 (v):

“Internal Storage Internal storage standards for apartments shall accord with or exceed the levels outlined in Table 8.2.1 below.”

One Bedroom	3 sq.m.
Two Bedroom	7 sq.m.
Three Bedroom	9 sq.m.

- 6.4. The proposal includes 6sqm per 2 bedroom unit. The proposal complies with the 3sqm requirement for one bedroom units.

- 6.5. The Board may consider that the proposed development materially contravenes Policy RES7 within the DLRCOCO County Development Plan 2016-2022 which states;

“It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy”

- 6.6. It is highlighted that the ‘Advisory Note’ contained in Section 8 of the Development Plan acknowledges that the standards of the Apartments Guidelines supersede those of Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan, and that the SPPRs

set out in the Apartments Guidelines take precedence over the standards and specifications as set out in Section 8.2.3.3 of the Development Plan.

6.7. Notwithstanding, this statement of material contravention addresses each of the items and it is our considered opinion that the current proposal satisfies the criteria as follows:

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

6.8. **Response:** Refer to Section 2.10 above.

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

6.9. **Response:** This is not relevant to the justification.

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

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guidelines 2020)

6.10. The Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guideline 2018) build upon the provisions of the NPF. The Apartment Guidelines provide clear guidance with regard to the specific design standards that apply to new apartment developments and were introduced at a national level in 2018 two years after the current County Development Plan came into effect.

6.11. Section 2.2 of the Apartment Guidelines note that the scale and extent of apartment development should increase in proximity to core urban centres and that:

“Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.”

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:

- (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 in.*
- (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.*
- (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.*

6.12. SPPR 8 of the apartment guidelines states:

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

- (i) **No restrictions on dwelling mix** and all other requirements of these Guidelines shall apply, unless specified otherwise;*
- (ii) **Flexibility shall apply in relation to the provision of a proportion of the storage** and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;*
- (iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.*
- (iv) **The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;***
- (v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.”*

6.13. The proposed development accords with the minimum apartment floor areas, dual aspect requirements, storage areas and apartments sizes as set out at SPPR 4 and 8 of the Apartment Guidelines.

6.14. The proposed unit mix therefore accords with SPPR 8 and the proposal is considered acceptable in terms of unit mix in accordance with the Section 28 Guidelines as outlined. It is therefore reasonable to conclude, in accordance with Section 37(2)(b)(iii) that –

- (iv) 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*

6.15. It is acknowledged that the proposed development does not provide a ‘wide variety of units’ in itself and as such it could be concluded that the proposed development could potentially materially contravene Policy Res7, notwithstanding the fact that the proposal is a BTR Development and is in compliance with SPPR7. Furthermore, it is noted that Policy RES7 seeks to “encourage” the establishment of a wide variety of housing and apartment types, and as such is not a specific requirement. Notwithstanding this, justification is provided below.

Project Ireland 2040 – National Planning Framework

6.16. **Response:** The National Planning Framework is the Government’s plan to cater for the extra one million people that will be living in Ireland, the additional two thirds of a

million people working in Ireland and the half a million extra homes needed in Ireland by 2040.

- 6.17. The proposed quantum of development and residential density is in response to the NPF, which recognises that *“currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms.”*
- 6.18. It is respectfully submitted that the proposed development provides an appropriate response to the need to address how the trend towards smaller households can be accommodated within higher density housing developments, within the existing footprint of towns, while also protecting the residential amenity of the environs of the subject lands.
- 6.19. The proposed development provides apartments which can accommodate the expected fall in household size.
- 6.20. It is submitted that the proposed development would accommodate a range of age cohorts and household types, including downsizing and freeing up underoccupied larger units in the wider environs of Sandyford, all of which will contribute to achieving a sustainable mix of household sizes and types in the county.

Open Space

Public / Communal Open Space – Quantity Section 8.2.8.2

“The Planning Authority will require public and/or communal open space to be provided within new residential and large-scale commercial developments. An absolute default minimum of 10% of the overall site area for all residential developments shall be required to be reserved for use as Public Open and/or Communal Space.*

Open Space: For all developments with a residential component – 5+ units - the requirement of 15 sq.m-20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high-quality open space is provided on site and such schemes may be subject to financial contributions as set out under Section 8.2.8.2.”

** For the purposes of this section, ‘Public’ open space refers to all areas of open space within a new development (be that public (taken in charge), communal, semi private or otherwise) that is accessible by all residents/ employees of the development and in certain cases may be accessible by the wider general public. ‘Public’ open space within new developments may not necessarily be taken in charge or be publicly owned/controlled by the Council. (page 205)”*

2272sqm – 3030sqm is required based on the above occupancy rates. The proposed development includes 1,191sq.m of communal and public open space. This is in excess of the 10% requirement but less than the requirement noted when using the occupancy rates given per 15 – 20sqm. This may be considered a material contravention of the plan.

It is our considered opinion that the current proposal satisfies the criteria under Section 37(2)(b) as follows:

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

6.21. **Response:** Refer to Section 2.10 above.

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

6.22. **Response:** The development plan standards do not differentiate between public, communal, or private open space requirements. Section 8.2.8.2(i) of the development plan sets out a standard of 15sqm – 20 sqm of open space per person for residential developments with a minimum of 10% of the total site area reserved for public and/or communal open space. Section 8.2.8.2 of the DLRCDP states that an absolute default minimum of 10% of the overall site area for all residential developments shall be required to be reserved for use as Public Open and/or Communal Space.

6.23. The proposed development provides 1,191 sq. m of public open space (public and communal, on the net 2223 sq. m site (53% of the site) which is in compliance.

6.24. Additional public realm improvements are also provided on the wider site (on lands under the ownership of Dun Laoghaire Rathdown County Council. The proposed development comfortably meets the requirement that 10% of the overall site area for all residential developments shall be required to be reserved for use as Public Open and/or Communal open space.

6.25. Section 8.2.8.2(i) of the development plan further sets out a standard of 15sqm – 20 sqm of open space per person for residential developments with a minimum of 10% of the total site area reserved for public and/or communal open space, which would comprise between 2272 sqm and 3030sqm.

6.26. The proposed open space within the development consists of 1,191sq.m of public open space and communal open space with is below this higher standard, however, the provision exceeds the default minimum of 10% of the site area. It is considered that these standards are conflicting. The proposal complies with the communal open space requirement of the Apartment Guidelines as set out below.

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

6.27. The proposed development is in compliance with the Apartment Guidelines 2020 and in particular Appendix 1 in respect of communal open space. 577sqm of external communal amenity space is required by the guidelines, 734sqm has been provided as part of the proposal.

6.28. In addition, 514sqm of public open space is included in the form of a liner park at the frontage of the site. In this respect we refer the Board to Section 4.20 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas which states:

“In other cases, such as large infill sites or brown field sites public open space should generally be provided at a minimum rate of 10% of the total site area;”

- 6.29. Accordingly, the proposal is considered to be in accordance with the relevant Section 28 guidelines.

7.0 CONCLUSION

- 7.1. As set out in Section 37(2)(b) and Section 28(1)(C) of the Planning and Development Act 2018 (as amended), An Bord Pleanála may materially contravene a development plan where national planning policy objectives take precedence. In particular, Section 9(3)(b) of the 2016 Act, as amended, provides that to the extent that they differ from the provisions of the Development Plan or Local Area Plans, the provisions of SPPRs must be applied instead. In the present context, the most significant of these requirements is SPPR 3A of the Building Height Guidelines which applies to the assessment of this application to the Board. It is submitted that the performance criteria under Section 3.1 and 3.2 have been satisfied in this regard by the development as proposed.
- 7.2. It is respectfully submitted that should An Bord Pleanála consider the proposed development is a material contravention of the Dun Laoghaire Rathdown County development Plan 2016-2022 and Sandyford Urban Framework Plan, an appropriate justification is set out within this statement demonstrating that the proposed development should be considered for increased building heights and density due to the location of the subject site, the overall context of the wider development, adjacent to high-quality public transport corridors, and the policies and objectives set out within the Urban Development and Building Heights Guidelines 2018.
- 7.3. In addition, the 2020 Apartment Guidelines SPPR 8, in relation to build-to-rent development, provides a rationale for the car parking and unit mix provided as part of the development.
- 7.4. Further, a suitable justification is provided in relation to the capacity within the existing creches within the area to cater for future residents in relation to the expected need generated by the subject proposal. Therefore, a creche is not included within the scheme.
- 7.5. In particular, it is considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the County Development Plan, by reference to sub-paragraphs (i) (iii) and (iv) of Section 37(2)(b) of the 2000 Act, as amended, for the reasons set out above.
- 7.6. Having regard to the justification set out within this statement, it is respectfully submitted that this is an appropriate case for the Board to grant permission for the proposed development. .

ADDENDUM 1 - MATERIAL CONTRAVENTION JUSTIFICATION – DUN LAOGHAIRE RATHDOWN DEVELOPMENT PLAN 2022-2028 AND THE SANDYFORD URBAN FRAMEWORK PLAN

1.0 INTRODUCTION

- 1.1. The Dun Laoghaire Rathdown County Development Plan 2022-2028 (including the Sandyford Urban Framework Plan) was adopted on the 11th of March 2022 and will come into effect on the 22nd of April 2022. Therefore the plan will be adopted and in effect at the time of decision making by An Bord Pleanála. In this respect, for completeness the following outlines aspects of the proposal which may be considered a material contravention of certain policies of the newly adopted plan.
- 1.2. The proposed development may be considered to materially contravene the Dun Laoghaire Rathdown Development Plan 2022-2028 and the Sandyford Urban Framework Plan contained therein, in respect of:
- Building Height and Density;
 - Section 12.3.3 – That a certain percentage of 3-bed units in apartments shall apply to Build to Rent developments (material alteration no. 160);
 - Section 12.3.5.1 Dual Aspect in Apartments
 - Section 12.3.5.3 External Storage
 - Section 12.3.6 Build to Rent Accommodation (BTR to comply with Section 12.3.5).
 - Section 12.3.6 Build to Rent Accommodation (BTR car parking to comply with Section 12.4.5)
 - Section 12.8.5.4 'Roof Gardens' (amendment (196)
 - Section 5.1 'Phasing Policies and Objectives' (amendment 461)
- 1.3. Building Height and density have been addressed in tandem below with the other items addressed together, also below.
- 1.4. The requirements of Section 37(2)(b) are set out in Sections 1.4 to 1.10 of the main statement above and are therefore not repeated here.

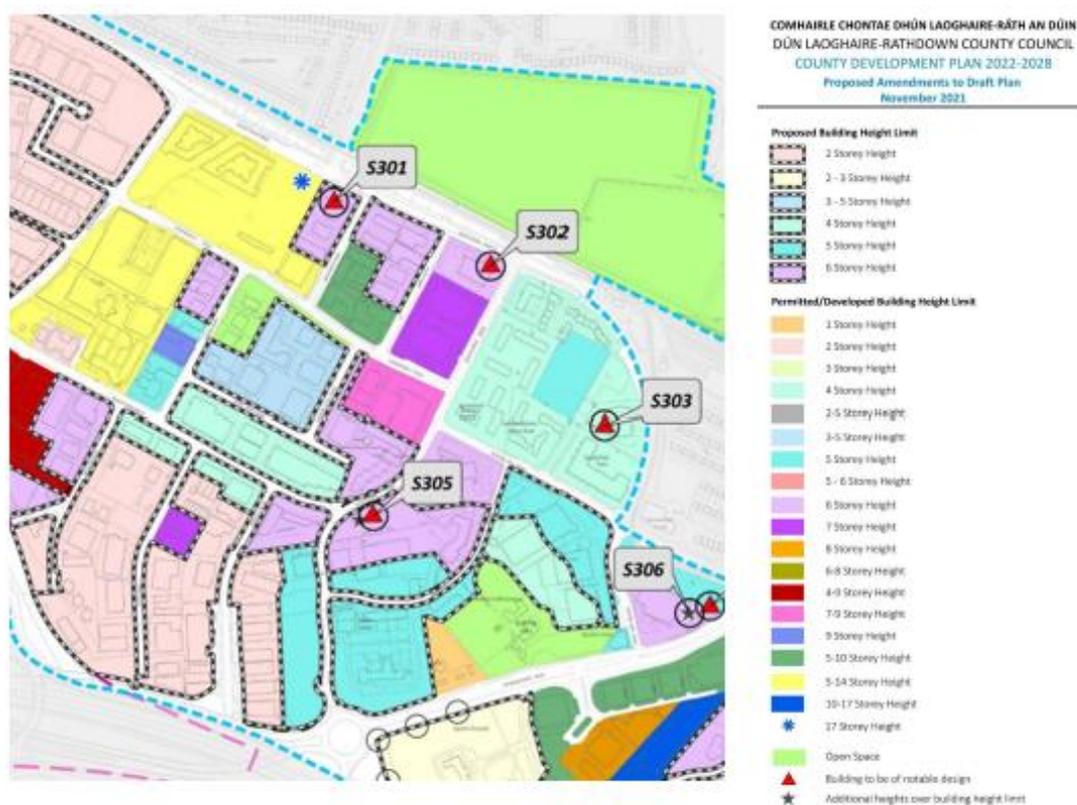
2.0 MATERIAL CONTRAVENTION JUSTIFICATION – HEIGHT AND DENSITY

- 2.1. The Sandyford Urban Framework Plan as part of the Dun Laoghaire Rathdown County Development Plan 2022-2028, contains specific objectives relating to the site. In relation to building height and density, development guidance contained policy objective BH1 states;

Height

- 2.2. Map 3 'Building Heights' shows a permitted building height of 3-5 storeys for the site. The proposal includes a part 5, part 6 and part 11 no. story building on the site:

Figure 7 - Map 3 of the SUFP



- 2.3. Policy SUFP 3 – Building Height in Sandyford Business District and Policy BHI SUFP state:

“It is Council Policy that building height in Sandyford Business District accords with the height limits indicated on Building Height Map 3, subject to policy objectives BH1 and BH2 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. (consistent with NP0 35 of the NPF, SPPR 3 of the ‘Urban Development and Building Height; Guidelines for Planning Authorities’ (2018)).”

“BH1 SUFP - It is an objective of the Council to ensure that Sandyford Business District is developed in accordance with height limits set out in Map 3 Building Height subject to the building making a positive contribution to the built form as set out above.

BH4 SUFP – Buildings at locations identified on Map 3 with a triangle symbol shall be of notable design to mark its prominent location. Height limits shall accord with those shown on Map 3 and Building Height Objectives in Section 3.2 of the Plan.”

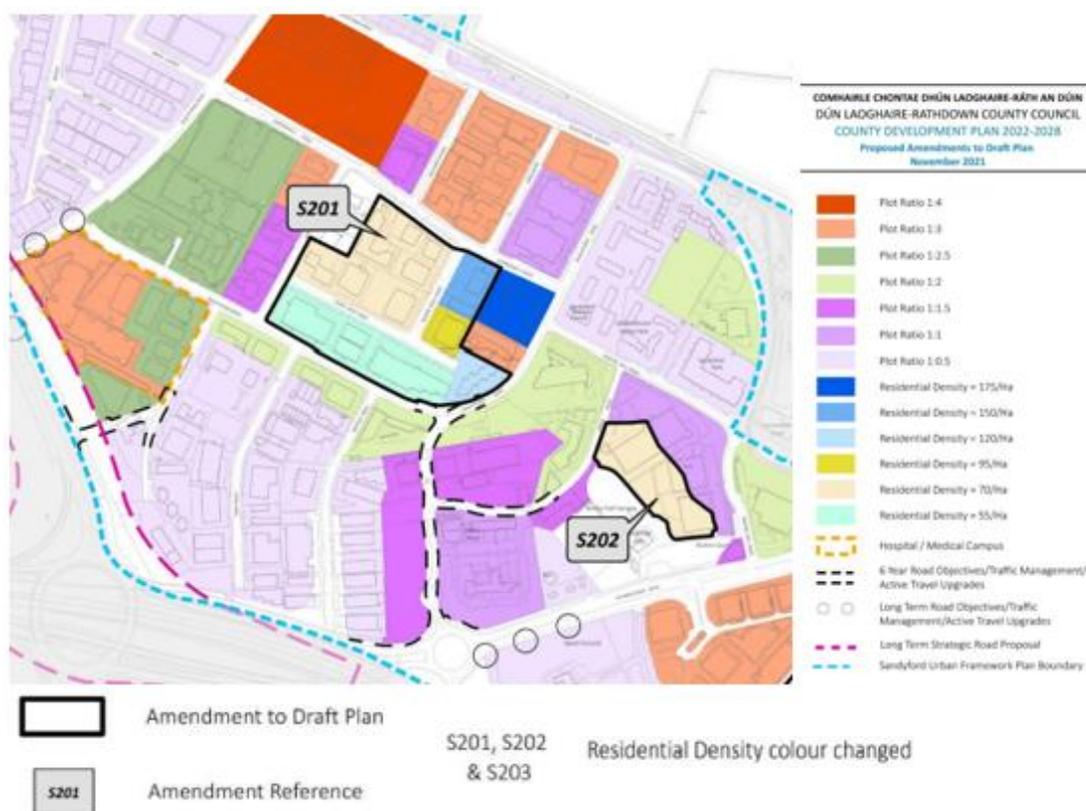
Density

- 2.4. Objective A2 1 states:

“It is an objective of the Council to ensure the residential neighbourhoods are developed at a density that is in accordance with the density provision set out in Map 2.”

- 2.5. Map 2 below shows a density of 70u/ha for the subject site. The proposal includes a density of 454 units per ha.

Figure 8 - Map 2 of the SUFP (including proposed amendments)



2.6. Policy SUFP 2 – Density and Scale of the SUFP states:

“It is Council policy to ensure that Sandyford Business District develops in an orderly manner in accordance with the increase in uses set out in the objectives of this Plan and the Density and plot ratio set out in Map 2.”

“DS3 It is an objective of the Council to ensure where the plot ratio proposed is greater than 1:2, the layout should take the form of streets in order to contribute to the vibrancy of these core areas.”

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

- 2.7. **Response:** The proposed development of 101 no. BTR apartments is considered to be of strategic importance for a number of reasons, referred to below.
- 2.8. It provides for the timely delivery of urban housing and implementation of the current Government’s Action Plan for Housing and Homelessness – Rebuilding Ireland.
- 2.9. The significant shortfall in housing output to address current and projected demand is a national problem, with lack of housing in the Metropolitan Dublin Area, of which Sandyford forms a part, having social and economic ramifications for sustainable national growth.
- 2.10. The Sustainable Urban Housing Design Standards for New Apartments were published in March 2018 and updated in December 2020. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.

- 2.11. A key inclusion in the guidelines is the acknowledgement of the importance of strategic sites in existing urban areas in close proximity to existing public transport facilities. The guidelines identify locations in cities and towns that may be suitable for apartment development as follows:
- Central and/or Accessible Urban Locations
 - Intermediate Urban Locations
 - Peripheral and/ or Less Accessible Urban Locations
- 2.12. The Apartment Guidelines state that ‘Central and/or Accessible Urban 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, and are classified as follows:
- ‘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’.
- 2.13. The subject site is considered an ‘Accessible Urban Location’ its location within 350m of Stillorgan Luas stop, and c. 550m from the Sandyford Luas stop. The Luas stop locations are shown in Figure 3 below. The site is also within Sandyford Business District, a significant employment location.
- 2.14. In this regard the proposed BTR development will allow for a new residential community, built to a high standard and quality, which can be rented within an area with a range of amenities and services and close proximity to high quality high frequency public transport services.
- 2.15. The delivery of housing and the appropriate use of zoned land in a mixed use centre such as Sandyford is considered to underpin key Government policy such as Rebuilding Ireland as well as the National Planning Framework and the National Policy Objectives in the National Planning Framework, in particular the site’s location to high-frequency public transport.
- 2.16. We refer to Section 5.8 of the EMRA RSES which identifies the strategic importance of Sandyford Business Park:
- “The MASP aims to continue densification in the city centre, re-intensify strategic employment areas within the M50 ring and to activate key strategic sites such as Cherrywood to complement existing employment hubs such as the city centre, Docklands and Sandyford Business District, providing for a limited number of people intensive employment locations that are accessible to public transport.”*
- 2.17. The site is located on lands zoned for residential purposes within the Sandyford Business District with the specific aim to provide homes in close proximity to strategic employment areas. It is therefore submitted that the proposed development is of strategic importance in this regard.
- 2.18. Having regard to the foregoing, it is considered that the proposal is of both national **and** strategic importance, although it should be noted that it is only necessary for the

purposes of the statutory provision that it is of strategic **or** national importance. The application site has the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

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

Response: Not relevant in this instance.

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

2.19. The following section shall demonstrate how the proposed height and quantum of development is justified in the context of recent National Planning Policy and Section 28 Government Guidelines, which seek to increase residential densities and building heights on zoned serviced lands adjacent to public transport corridors. These include:

- Project Ireland: National Planning Framework 2040;
- Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly (2019);
- Sustainable Residential Development in Urban Areas (2009);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guidelines 2020); and
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

Project Ireland 2040 – National Planning Framework

2.20. The National Planning Framework (NPF) is the Government's plan to cater for the extra one million people that will be living in Ireland, the additional two thirds of a million people working in Ireland and the half a million extra homes needed in Ireland by 2040.

2.21. As a strategic development framework, Ireland 2040 sets the long-term context for our country's physical development and associated progress in economic, social and environmental terms and in an island, European and global context. The following objectives are relevant in the context of the proposed development:
Objective 3a; *"deliver at least 40% of all new homes nationally within the built-up envelope of existing urban settlements"*.

Response: The proposed development at a density of 454 units per ha and a building height ranging from 5 to 11 no. storeys will provide 101 no. additional new homes within the built-up envelope of an existing urban settlement, on land zoned for residential purposes. The proposed height and density provides for an increased number of houses at this location.

Objective 4; *"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"*.

Response: The proposed building height will integrate successfully with the emerging and existing built form in the area. The adjacent site directly to the north-east reaches a height of 8 no. storeys, noting it is a commercial building with increased floor to ceiling heights and is therefore not dissimilar in height to the proposed development. The Design Statement prepared by Henry J Lyons demonstrates the success of the proposed design and its contribution to the area in creating an attractive liveable community.

Objective 11: *“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”.*

Response: The subject site is located within an existing urban centre and within a mixed use area specifically identified for the purpose of creating homes close to jobs.

The Sandyford Urban Framework Plan states the following key objective underpinning the rationale for the plan: *“To encourage a diverse range of uses including employment based uses, retail and retail services, civic, cultural, leisure, health, educational and other services appropriate in scale commensurate with the role of Sandyford Business District as a ‘Place’ to work and live. “*

The proposed increased density and building height at this location will increase the number of homes available in close proximity to a number of large employment areas, including Central Park, Dundrum Town Centre and Sandyford Business Park itself in compliance with Objective 11 of the NPF.

Objective 13 *“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria enabling alternative solutions that seek to achieve well-designed high quality and safe outcomes in order to achieved targeted growth and that protect the environment”.*

Response: In accordance with NPO 13, it is clear that there is a strong emphasis towards increased building heights where appropriate high-quality design is achieved. As demonstrated in the accompanying Architectural Design Statement by Henry J Lyons and the Design and Townscape Visual Assessment by Citydesigner, the proposed development will enhance and greatly improve the existing public realm, providing a public park and upgrades to the existing streetscape. Objective 33 *“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”*

The above objective clearly supports additional homes at appropriate locations within existing urban centres and along public transport corridors. The proposed building height ranges from 5 no. storeys to 11 no. storeys and is considered appropriate given the context of the site within the urban area. The proposed density and height of the development is considered appropriate for the location of the site and the availability of public transport facilities and proximity to supporting services and amenities. The proposed development is therefore in accordance with the objective 33 of the NPF in this regard.

Objective 35: *“increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site based regeneration and increased building heights”.*

- 2.22. **Response:** In accordance with National Policy Objective 35, the proposal will increase residential density (454 units per hectare gross), which is considered appropriate for this site which is located within close proximity to high-quality public transport options.
- 2.23. It is considered that the proposed development provides for the creation of an attractive, sustainable residential development within an existing built-up urban area, on a brownfield site. The provision of a new sustainable development is therefore consistent with the objective 35 of the NPF.
- 2.24. The NPF also states 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”*.
- 2.25. The NPF continues to state that:
- “Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.*
- This is in recognition of the fact that many current urban planning standards were devised for application to greenfield development sites and struggle to take account of evolved layers of complexity in existing built-up areas.*
- 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”*.
- 2.26. The proposed development is located within an existing urban centre, 350m of the Stillorgan Luas stop and c. 550m of the Sandyford Luas stop. The site is served by Dublin bus routes which provide access to extensive areas of Dublin, including Dundrum, Dun Laoghaire and Stillorgan District Centres and Dublin city centre.
- 2.27. The following bus stops are also within a 5 – 10 minute walk of the site; 11, 47, 75A, 114, 116, 143 and 700. The existing site is underutilised and presents an opportunity site for development, meeting the criteria identified in the NPF and providing for redevelopment for a residential scheme.
- 2.28. The scheme includes a variety of building heights stepping from 6 storeys at the southern boundary to 11 storeys, fronting Carmanhall Road. The building is stepped to break up the overall built form and provide roof gardens and planting. The proposed density and height of the development is considered appropriate for the location of the site and the availability of public transport facilities. The proposed development is therefore in accordance with the NPF in this regard.
- 2.29. The National planning Framework therefore provides an appropriate justification for granting permission for a higher density development (454 units per hectare net) including buildings of up to 11 storeys in height, in this location as a material contravention of the CDP (in terms of height and density).
- 2.30. Restricting the height and density of the development at such a location, well served by public transport would be a contravention of Government policy which promotes increased densities at well served urban sites.

- 2.31. The NPF provides for a strong emphasis towards increased building heights in appropriate locations within existing urban centres and along public transport corridors. The proposed development ranging in height from 6 no. storeys to 11 no. storeys is therefore considered appropriate in this location and in accordance with the NPF.

Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly

- 2.32. The Eastern and Midlands Regional Assembly Regional Spatial and Economic Strategy (RSES) supports residential development on a key urban infill sites, in proximity to public transport facilities. The RSES also supports increased densities, heights and urban consolidation in inner suburban locations.
- 2.33. The RSES states that; *“the Core Strategies of the relevant Local Authorities should demonstrate consistency with the population targets expressed in the NPF and the Implementation Roadmap for the National Planning Framework July 2018. The NPF identifies a target population of 1.4 million people in Dublin City and Suburbs for 2031, an increase of some 220,000 people, and a target of 1.65m. in the MASP an increase of some 250,000 people.”*
- 2.34. As part of the RSES and the accompanying Dublin Metropolitan Area Strategic Plan (MASP), the subject site is located within the Dublin City and Suburban boundary. The RSES states that *“the core strategies of development plans relevant to the MASP should have a focus on the delivery of sites in the MASP whilst retaining flexibility to respond to new and future opportunities for the delivery of housing in the metropolitan area, in line with the transitional population projections methodology in the NPF roadmap and a robust evidence-based analysis of demand, past delivery and potential.”*
- 2.35. RPO 4.3: Supports 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 and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- 2.36. The proposed development provides increased height and density at a location that is fully serviced in terms of water and access to high-capacity and high-frequency public transport. The site is ideally located to accommodate re-intensification of development.
- 2.37. RPO 5.3 states that *“Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.”*
- 2.38. The proposed increased height and density will result in additional homes on the site, proximate to high-frequency public transport and will encourage sustainable methods of travel to and from the site through the Residential Travel Plan by CS Consulting which accompanies which application.
- 2.39. RPO 5.4: 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’.

- 2.40. The proposal will increase residential density (454 units per hectare), which is considered appropriate for this site which is located in close proximity to high-quality public transport options.
- 2.41. 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.
- 2.42. The RSES supports the consolidation and re-intensification of infill sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- 2.43. The subject development seeks to provide for residential development on an urban site, adjacent to two green line Luas stops a numerous Dublin bus stops which provide high-frequency public transport options to future residents. The proposed development therefore is compliant with the overall policies and objectives of the RSES in this regard.

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guideline 2020)

- 2.44. The Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guideline 2020) build upon the provisions of the NPF. The Apartment Guidelines provide clear guidance with regard to the types of location which are considered suitable for higher density residential development such as 'Central and/or Accessible Urban Locations' and 'Intermediate Urban Locations'. It is considered that the subject site falls into the category of 'Accessible Urban Locations' for the reasons discussed below.
- 2.45. The Apartment Guidelines state that 'Central and/or Accessible Urban 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, and include:
- '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'.
- 2.46. The subject site is considered an 'Accessible Urban Location' because of its location within 350m of Stillorgan Luas stop, and c. 550m from the Sandyford Luas stop. The Luas stop locations are shown in Figure 3 below.
- 2.47. The site is also served by numerous Dublin bus routes which serve different areas of Dublin, including Blackrock, and the city centre, and include the following bus nos. within a 5-10 minute walk of the site: 11, 47, 75A, 114, 116, 143 and 700.

- 2.48. Therefore, the site can be classified as a 'Central and/or Accessible Urban Locations' and is considered suitable for higher density development and the proposed building heights. Section 2.2 of the guidelines further state:

*"In general terms, apartments are most appropriately located within urban areas. As with housing generally, **the scale and extent of apartment development should increase in relation to proximity to core urban centres** and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.*

City and County Development Plans must appropriately reflect this, in the context of the need to both sustainably increase housing supply and to ensure that a greater proportion of housing development takes place within the existing built-up areas of Ireland's cities and towns. This means making provision for more residential development to take place on infill and brownfield sites and as refurbishment of existing buildings, to increase urban residential densities"

- 2.49. As identified in the guidelines, the location of the subject site means it is ideally placed to accommodate increased scale and density as proposed.

Figure 9 - Existing green Luas stops



Urban Development and Building Height Guidelines 2018

- 2.50. The Urban Development and Building Height Guidelines ('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 and the Regional Spatial and Economic Strategy (2019).

- 2.51. The Guidelines in effect seek denser development at public transport nodes. The Guidelines state that it is Government policy to promote increased building height in locations with good public transport services.
- 2.52. The Guidelines emphasise the policies of the NPF to greatly increase levels of residential development in urban centres and significantly increase building heights and overall density and to ensure that the transition towards increased heights and densities are not only facilitated but actively sought out and brought forward by the planning process and particularly at Local Authority level and An Bord Pleanála level.
- 2.53. Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and comply with any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function.
- 2.54. Section 9(3) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 provides as follows:

“(3)(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)

- 2.55. In relation to redevelopment and enhancement of the city core, the guidelines state that *“to meet the needs of a growing population without growing out urban areas outwards requires more focus in planning policy and implementation term on **reusing previously developed “brownfield” land**, building up urban infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings that may not be in the optimal usage or format taking into account contemporary and future requirements”.*
- 2.56. The Guidelines 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 and networks”.*
- 2.57. The proposed development is located on a brownfield site which is within 350m of Stillorgan Luas stop, and c 550m of the Sandyford Luas stop. The proposed

development therefore represents an opportunity to provide for increased building heights and densities at this location in accordance with national policy guidance.

Consideration of Criteria under Section 3.2 of the Building Height Guideline

Development Management Principles

- 2.58. Section 3.1 of the Building Height Guidelines are stated below and a response to each point is provided as follows:

“In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. Planning authorities must apply the following broad principles in considering development proposals for buildings taller than prevailing building heights in urban areas in pursuit of these guidelines: “

- *“Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?”*

Response: Yes, the proposed development includes

- *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

Response: Section 2.15 of Chapter 2 (referenced above states):

“In light of the above, planning authorities should critically evaluate the existing written statements and development objectives of their statutory development plans, local area plans and planning schemes for consistency of approach and where any policy departures arise, to undertake the necessary reviews, variations or amendments to ensure proper alignment of national and local planning policies”

It is submitted that the DLR County Development Plan 2016-2022 and the Sandyford Urban Framework Plan contained therein pre-dates the Guidelines and does not account for the requirements outlined in Chapter 2.

- *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

Response: As outlined in the preceding sections, the proposed height and density aligns with the objectives and policies of the NPF which are not repeated here

- 2.59. The following section demonstrates how the proposal complies with each of the relevant criteria as referred to in SPPR 3:

The criteria for assessment of developments at the scale of the relevant city / town;

The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

- 2.60. The proposed development is located on a site that can be classified as a 'Central and/or Accessible Urban Locations' as it is within 350m of the Stillorgan Luas stop, and c 550m of the Sandyford Luas stop. The site is served by Dublin bus routes (within 500m of the site including nos. 11, 47, 114,75a and 118). The proposal therefore meets the above criteria providing for higher density development and building heights at the subject site.
- 2.61. The subject application is accompanied by a Residential Travel Plan prepared by CS Consulting Engineers which includes an assessment of existing capacity and frequency of the available public transport modes in proximity to the site. The assessment demonstrates that "*public transport with high-capacity, frequent service and good links to other modes of transport*" is available in close proximity to the site.

Development proposals incorporating increased building height... should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment by a suitably qualified practitioner such as a chartered landscape architect.

- 2.62. The site is located within Sandyford Business Park which has undergone considerable change in the last number of years. The area comprises a mix of low level buildings and much taller buildings and accommodates a mixture of land uses from residential to commercial. The topography of the site is flat.
- 2.63. The emerging context of the area is that of a taller built form which is a plan led approach to denser development in areas in close proximity to high-frequency public transport nodes. The proposed design is cognisant of the existing and emerging context and presents a high-quality built form which will activate the public realm through the inclusion of own door ground floor units. Further public realm upgrades will enhance the streetscape as further detailed below.
- 2.64. A Design, Townscape and Visual Assessment has been undertaken by Citydesigner and accompanies the application. Citydesigner is a consultancy of experienced professionals from the areas of architecture, urban design and heritage, all trained in townscape and visual assessments by its founder, Richard Coleman, who has carried out such assessments since 1985. Photomontages from 14 no. view locations prepared by Visual Lab have also been prepared.

'The proposed scheme involves the demolition of the existing business unit and the development of a predominantly residential building, with enhanced public realm along its northern side and private rooftop gardens and communal podium gardens incorporated into the proposals. The design development has evolved through helpful consultation with Dún Laoghaire–Rathdown County Council planning officers. The design has now reached its optimum form and represents a solution of high quality. The building would give rise to positive effects owing to its architectural quality and the way it addresses the corner of Ravens Rock Road and Carmanhall Road.

It displays engaging and activated frontages, framed on its south and east elevations by an attractive canopy feature that extends vertically upward from ground level before flipping horizontally to form a characterful rooftop profile.

Carefully considered landscaping has been introduced along the site's northern side, which embraces existing mature tree specimens, and results in an attractive and engaging public realm that links through to the civic park proposed to the immediate west of the development site.'

- 2.65. The impact on the surrounding area has been assessed from 14 no viewpoints at intervals taken from the street approaching from west and east, as well as to the north and south to provide a comprehensive assessment of the impact of the development. In each case the assessment has been positive about the scheme, in terms of its height, massing, and elevational compositions, materiality and landscaping. The proposals will assimilate well with the current and evolving mixed character of Sandyford and no adverse visual impacts are anticipated as a result of the development. There are no protected views or key landmarks proximate to the site as set out in the Citydesigner assessment.
- 2.66. It is of note that the surrounding area is subject to change; with permitted developments of up to 17 storeys on nearby sites.

Figure 10 – CGI views towards the site from the surrounding area



Fig. 4.7: View from junction of Ballymoss Road and Carmanhall Road



Fig. 4.8: View from junction of Arkle Road and Carmanhall Road

Source: Citydesigner

- 2.67. The scale of the proposed development is considered to integrate appropriately with the current and emerging built-form.
- 2.68. The proposed building height takes cognisance of the key townscape views, and the scale, height and proximity of neighbouring properties to ensure that the 6-11 no. storey building is not obtrusive in the surrounding features of the urban environment. As demonstrated in Figure 6 below, the proposal is in keeping with the permitted, and emerging height within the area.

Figure 6 – Permitted and Existing Height of the surrounding area



Figure 11 - 11-17 storey building under construction (Fronting Blackthorn Drive and Carmanhall Rd)



- 2.69. A detailed suite of landscape drawings and a design rationale document prepared by Parkhood Landscape Architects is included and provides for the first section of a future linear park on Carmanhall Road, along with roof gardens and the planting of trees.

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.

- 2.70. Although the subject site is not a 'larger redevelopment site', it is submitted that the proposal will make a positive contribution to the built-form of the area. The proposed development will provide for a high-quality architectural development that will enhance the streetscape and public realm at this location. As the site is not a larger development site, no new streets are proposed. The proposal will integrate with the existing street layout.
- 2.71. The site is constrained in terms of available land area but notwithstanding, includes a variety in the built form proposed demonstrating the efficiencies of the design and urban form of development. The design makes clever use of materials and finishes to break the overall massing of the building. The stepping of the building towards the boundaries provides a variety in scale in the streetscape.
- 2.72. Placement of the communal co-working area on the ground floor adjacent to the public open space area will create synergies between the two uses. This will assist with placemaking with a line of sight provided from public space into the building providing passive surveillance.
- 2.73. As noted above the scale, height and massing of the proposal has been carefully considered to respond to the key features of the site, and the proposed features of the surrounding area under the Sandyford Urban Framework Plan.
- 2.74. The design takes account of the different heights and different scales of the mixed townscape context including adjoining developments within which it exists. The proposal is of similar height to The Chase office development, while the anticipated scales of the townscape to the south is thoughtfully addressed by the design, which sees the proposed development rise to a maximum 11 storeys on Carmanhall Road but step down to 5 storeys at its southern end in response to this lower context.
- 2.75. The proposal provides a linear park along Carmanhall road, along with definite street frontage, providing structure to the area and passive surveillance for the linear park. Towards the rear of the site, the height of the development is stepped down in order to accommodate future development on the surrounding sites.

At the scale of district / neighbourhood / street

The proposal responds to its overall natural built environment and makes a positive contribution to the urban neighbourhood and streetscape

- 2.76. It is considered that the proposal introduces a high-quality development at an underutilised area of land within an urban context which is zoned for residential development and will make a positive contribution to the receiving urban environment. The height, quality design and scale of development is considered to make a positive contribution to the urban neighbourhood through the re-establishment of a building line and streetscape, where it will form a notable moment in the townscape, enhancing legibility and contributing to a more visually engaging and attractive streetscape. As detailed within the accompanying Photomontages and Design, Townscape and Visual Assessment (DTVA) by Citydesigner, the proposal visually integrates successfully with the surrounding suburban townscape. The DTVA states:

“The design seeks to be a modern, high quality residential building, whose elegant, sculptural form would rise above the existing mature tree canopies to gracefully mark the corner of Ravens Rock Road and Carmanhall Road. The building benefits from well-considered, articulated facade treatments that create visual interest in the streetscape and in distant views, while its rooftop

canopy provides a distinctive and aesthetically-pleasing crown to the building. There is much about the scheme which places it at a high level of architectural quality.”

- 2.77. The existing site conditions present a poor interface with the public realm and underutilisation of the site as commercial use and surface car parking. The provision of a new linear park, including a pedestrian and cycle link as well as public open space will open the site and future development to the public providing a positive contribution to the overall neighbourhood.

Figure 7 – Landscape Design Proposal



Source: Park Hood

- 2.78. A detailed landscape proposal has been designed for the site by Park Hood Landscape Architects. The accompanying drawings and Design Report provide an integrated approach to combine new planting and tree retention onsite, introducing green open space to the area, while providing future links to a larger planned open space under the Sandyford Urban Framework Plan.

The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of perimeter blocks or slab blocks with materials / building fabric well considered

- 2.79. The need to break the mass of the building as been a key design consideration as illustrated below in the diagram prepared by Henry J Lyons. The design intent seeks

to break the massing of the development through stepped storeys, with rooftop gardens and planting.

- 2.80. The proposal incorporates a buff brick and cladded finishes, with glazed elements and metal cladding in addition to high-quality external finishes and paving, in combination with soft landscaping. The DTVA states:

“The illustrated and four rendered elevations show the level of articulation within each facade. This gives rise to elegant planes, further articulated by a consciously composed fenestration and balcony arrangement. Clearly a great deal of thought has gone into the design such that the elevations as a whole are well coordinated, and that the whole adds up to more than the sum of the parts. The dual use of contrasting but complementary cladding materials is also employed with skill and an artistic approach, with the ‘frame’ embracing the whole. There is a welcome emphasis on the vertical which gives the building a strong character worthy of this prominent corner site. The rich existing soft landscape at the location is supplemented and enhanced, particularly on the north side, which will contribute to the envisaged linear route to the west.”

- 2.81. The proposal could not be considered monolithic and avoids long uninterrupted walls as detailed in the Architectural Design Report prepared by Henry J Lyons.

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).

- 2.82. As noted above, the proposal introduces a development which is compatible with its land use zoning and adjacent development. The proposal introduces a 514sqm public open space area which enhances the existing streetscape. The scheme will contribute to the creation of a sense of place translated through high quality landscaping proposals which serve to enhance the experience of residents and visitors.

- 2.83. The application is accompanied by a Site-Specific Flood Risk Assessment prepared by CS Consulting Engineers which states;

- *‘The site historically has no recorded flood events as noted in the OPW’s historical flood maps.*
- *Predicted flood mapping for pluvial / tidal & Fluvial flood events will not affect the subject lands.*
- *The subject site is located in Flood Zone ‘C’. Under department guidelines this designation put the likelihood of flooding outside an extreme 1-in-1000 year event.*
- *The permitted development will have a storm water attenuation system to address a 1 in 100 year extreme storm events increased by 20% for predicted climate change values. This will significantly reduce the volume of storm water leaving the site during extreme storms which in turn will have the effect of reducing the pressure on the existing public drainage system.*
- *The likelihood of onsite flooding from the hydrogeological ground conditions are deemed to be minor and within acceptable levels.*

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

- 2.84. The proposed development is logically laid out, providing a strong street-edge along Carmahall Road, along with new pedestrian links through the linear park. The linear park also provides amenity space for residents and the public, while creating a connection to the park to the west, as proposed under the Sandyford Urban Framework Plan. The development is stepped down to the south to provide a variety in height, green roofs, further amenity space and improve the potential future interactions with developments on adjacent sites. The DTVA states:

“The building would give rise to positive effects owing to its architectural quality and the way it addresses the corner of Ravens Rock Road and Carmanhall Road. It displays engaging and activated frontages, framed on its south and east elevations by an attractive canopy feature that extends vertically upward from ground level before flipping horizontally to form a characterful rooftop profile. Carefully considered landscaping has been introduced along the site’s northern side, which embraces existing mature tree specimens, and results in an attractive and engaging public realm that links through to the civic park proposed to the immediate west of the development site.”

- 2.85. The proposed development and site layout will integrate with and contribute to the legibility of the road from the public domain, when compared to the current situation.

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

- 2.86. The proposal will provide 101 no. build-to-rent residential apartments within 350m of a Luas Stop. This will provide a mix of one and two bedroom units in range of typologies appropriate for a build-to-rent development.

At the scale of the site/building

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.

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’.

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.

- 2.87. As demonstrated in the suite of documentation prepared by Henry J Lyons, the form and massing of the scheme has been carefully considered to maximise access to natural daylight and minimise overshadowing and loss of light, i

- 2.88. A Sunlight and Skylight Access Study has been prepared by BPG3 and is set out across of suite of three reports which accompany the application. The sunlight / skylight analysis assessed sunlight and skylight access levels available to the proposed accommodation and recreation areas. No existing residential accommodation was identified proximate to the site which had the potential to be effected by the proposed development. Notwithstanding, the suite of reports by BPG3 also includes an assessment of future potential developments on adjoining sites. Relative to the proposed development the assessment concludes;

“Skylight and Sunlight levels available to neighbouring accommodation:

As the development in question is not located close to buildings which qualify for assessment it follows, within the meaning of the BRE guide, that no significant impacts can be reasonably anticipated.

Sunlight levels available to neighbouring recreation areas.

The results of this study indicate that full compliance with BRE guidelines would be achieved. The outdoor recreation space tested in this study satisfies the advisory minimums recommended by the BRE; it follows that no significant impacts can be reasonably anticipated.

Assessment of skylight amenity available within proposed accommodation:

Study D assessed the level of skylight amenity which would be available within the proposed accommodation. The results of this study indicate that advisory minimums would be satisfied in a clear majority of cases (a compliance rate of 86% is calculated). With the benefit of closer examination BPG3 submits that it is appropriate to assume that 96% of the habitable rooms proposed within this development would be provided with reasonable levels of internal skylight amenity..

Assessment of sunlight amenity available within proposed accommodation:

The proportion of units capable of securing advisory minimum levels of annual and winter sunlight access increases when the unique levels of sunlight available to secondary rooms (bedrooms etc.) are accounted for. When this relaxation is applied the proportion of units which can secure the advisory minimum levels of annual sunlight access is found to be 77%; the equivalent compliance rate identified for winter sunlight levels is found to be 76%.

Assessment of sunlight amenity available to proposed recreation areas.

The results of this study demonstrate that the residents of this scheme would have access to acceptable levels of outdoor sunlight amenity. When this testing is repeated for a notional future scenario, where comparable developments are present on neighbouring sites, the residents of this proposed development would retain the ability to access acceptable levels of sunlight amenity.”

- 2.89. The report concludes:

“When assessed in the round it is reasonable to conclude that the development proposed demonstrates substantial levels of conformity with daylight guidelines. In making best use of this site it is inevitable that some departures from advisory targets will be encountered; provision is made within current planning policy to accommodate departures of this nature in instances where wider planning objectives countervail, see Appendix F: Discretion available to consent authorities.”

Compensatory measures are detailed at Pages 47-49 of Report 2 of 3 prepared by BPG3 and an extract of such a measure is included below:

“Further to this, it is important to recognise that in some instances, where sunlight levels fall short of guidelines, it is the presence of balconies above main windows which create the restriction. In these instances, where sunlight amenity is provided to the exterior balcony space it is reasonable to propose that a significant amount of leniency should be extended to departures predicted for associated living spaces. When this testing is repeated for a notional future scenario, where comparable developments are present on neighbouring sites; a substantially similar level of conformance with advisory minimums is predicted.”

Specific Assessments

- 2.90. SPPR 3 also states that specific assessments may be required to ‘support developments *‘at some or all of these scales’*. The specific assessments are outlined below with a comment included noting how each criteria is addressed, if relevant to the subject proposal;
- *Specific impact assessment of the micro-climatic effects such as down-draft. 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.*
- 2.91. **Comment:** A Wind Microclimate Modelling Assessment has been undertaken by BFluid as part of the planning application and concludes:
- *“The development is designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrian).*
 - *The development does not introduce any critical impact on the surrounding buildings, or nearby adjacent roads.”*
- 2.92. As noted above, a Sunlight and Skylight Assessment has been prepared by BPG3 and accompanies the application.
- 2.93. A Part L Planning Report has also been prepared by Axiseng Consulting Engineers and accompanies the application. Overall, the proposal will have a positive impact on climate change, contributing a sustainable building design, on a brownfield site in close proximity to public transport.
- *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.*
- 2.94. **Comment:** The subject site is not in proximity to such a location. Notwithstanding, the application is accompanied by a Bat Assessment prepared by Ash Ecology and Environmental and an Ecological Impact Assessment Report by Enviroguide.
- 2.95. The above reports and the accompanying Appropriate Screening Assessment and Ecological Impact Assessment by Enviroguide demonstrate that the proposed building heights and density do not have the potential to adversely impact on the biodiversity of the area. As outlined in these reports, the development will not increase disturbance

effects to birds in Dublin Bay given its distance from these sensitive areas. The subject site and adjacent built-up/urban lands are not suitable for wetland birds and so cannot contribute to any ex-situ impacts. In relation to bird collisions, the EclA states:

“The Site itself is not located in a sensitive area in terms of bird flight paths i.e., it is not located along the coast, or near any Special Protected Areas (SPAs) designated for wetland bird populations and is in itself does not offer suitable ex-situ feeding/roosting habitat for any such species, as the most dominant habitat on Site is built land.

In general birds will fly at a height that is higher than the tallest obstruction in their flightpath. Birds on a daily commute to feed become very familiar with the topography of their flight paths and as a result few if any collisions occur. Birds which regularly fly over the Site will adapt to any changes to the nature of the Site including the topography. Therefore, it is considered that any bird species using the areas adjacent to the planning application site (i.e. South Dublin Bay and River Tolka Estuary SPA, Dalkey Islands SPA) will adapt to the changing nature of the site as the construction phase progresses and for this reason the risk of bird collisions is negligible.”

2.96. The development site is not close to any area which is important for migratory or regularly occurring populations of birds of conservation interest. There is no evidence to suggest that building heights negatively impact upon birds which may be associated with such areas, e.g. Natura 2000 sites in Dublin City.

2.97. The application is also accompanied by a Bat Assessment as noted above. The assessment includes the following recommendations:

“In order to minimise disturbance to bats utilising the site in general, the lighting and layout of the proposed development should be designed to minimise light-spill onto habitats used by the local bat population foraging or commuting. This can be achieved by ensuring that the design of lighting accords with guidelines presented in the Bat Conservation Trust & Institute of Lighting Engineers 'Bats and Lighting in the UK - Bats and Built Environment Series', the Bat Conservation Trust 'Artificial Lighting and Wildlife Interim Guidance' and the Bat Conservation Trust 'Statement on the impact and design of artificial light on bats'. Therefore, where possible, the lighting scheme should include the following:

- *The avoidance of direct lighting of proposed areas of habitat creation / landscape planting, or on existing trees to be retained*
- *Unnecessary light spill controlled through a combination of directional lighting and hooded / shielded luminaires or strategic planting to provide screening vegetation.*
- *Lights should be of low intensity. It is better to use several low intensity lights than one strong light spilling light across the entire area.*
- *Narrow spectrum lighting should be used with a low UV component. Glass also helps reduce the UV component emitted by lights.*
- *The colour rendering of the selected light fitting should be 3000k making the LED fittings a warmer light, helping to further minimize the impact on the local wildlife”*

2.98. The recommendations of the bat assessment have been incorporated into the Lighting Plan prepared by Axiseng Consulting which accompanies the application, ensuring bat sensitive lighting throughout the site.

- An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.

2.99. **Comment:** We refer the Board to the enclosed Telecommunications report by ISM, which confirms no impact:

“To provide an adequate allowance for the retention of the 1No. identified Microwave link that will be impacted by the Development, the Applicant is seeking planning permission to install 2No. steel support poles, affixed to the lift shaft overrun on Block A rising 1.725 metres above roof level.

These support poles are sufficient to accommodate 2No. 00.3m Microwave links each, which provides an adequate solution for the Applicant to mitigate the impact the Development will have on the existing Microwave link emanating from the neighbouring building to the north/northwest of the Development, as well as providing some capacity for future links that may or may not be required.

To adequately screen the infrastructure, the steel support poles and the associated equipment thereon, will be installed within Radio friendly GRP shrouds. Refer to Figures 7 of the appendices for full analysis.

ISM can therefore conclude that the proposal being made by the Applicant within its submission to An Bord Pleanála allows for the retention of important Telecommunication Channels, such as Microwave links, to satisfy the criteria of Section 3.2 of the Building Height Guidelines [2018].”

- An assessment that the proposal maintains safe air navigation.

2.100. **Comment:** The proposed buildings are not of such a height as to justify any specific assessment in relation to air navigation safety. The CDP does not include any policies or management standards in relation to air navigation safety and there are no known low flight paths or Air Restricted areas at the site. The context of the site to the north-east and south is for 17 storey built forms.

- Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.

2.101. **Comment:** SEA and EIA are not required/ applicable due to the scale of the development. The application is accompanied by an AA Screening Report, Ecological Statement and EIA Screening report as required.

2.102. From the above analysis, it is considered that the proposal meets the criteria for higher buildings as set out within the Guidelines on Building Height Guidelines. The site is well placed to absorb a high-density development which is appropriately scaled and designed in the context of its urban surroundings, at a highly accessible location and in close proximity to high frequency public transport.

2.103. The proposals make optimum use of this underutilised area of land which is zoned for residential development and is therefore considered compatible with adjacent existing

land uses. The scheme integrates appropriately with the suburban environment and enhances public open space provision.

- 2.104. We note that under the provisions of SPPR 3 of the Building Height Guidelines, it states that where the applicant sets out compliance with the criteria for assessing building height at the scale of the relevant town / city, at the scale of district / neighbourhood / street and at the scale of a site / building that the planning authority or An Bord Pleanála may approve such development even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise.
- 2.105. As demonstrated above, the proposed building heights are considered appropriate for the subject site and meet the requirements of the development management criteria in the Guidelines. Having regard to the case set out above and the provisions of SPPR3, it is respectfully submitted that the Board can approve the proposed development under section 9(3) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended) as compliance has been demonstrated with the relevant development management criteria under Section 3 of the Building Height Guidelines 2018. As such, the proposed development is considered to be in accordance with the provisions of national policy guidelines.
- 2.106. Considering not only the Building Height Guidelines but the national policy guidance referenced, It is therefore reasonable to conclude, in accordance with Section 37(2)(b)(iii) that –
- (vi) *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*

3.0 Pattern of Development and Permissions Granted in the Area

- 3.1. In addition to the preceding section which addresses the specific development management criteria for increased building heights and densities under relevant national policy guidance and Section 28 Guidelines, it is also considered relevant to draw the Board's attention to a number of recent relevant precedent decisions from the Board, where permission was granted for building heights and density that would have (prior to the publication of the Guidelines) been considered to be contrary to the local planning policy framework. This is entirely relevant in the context of Section 372(b)(iv) states;

(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'

- 3.2. The following permissions which were granted within the SUFP plan area are noted and are of a similar height and scale:

ABP30440519: Rockbrook, Carmanhall Road, Sandyford

- 3.3. The Board granted permission for an SHD development of 428 apartments on a site 300m north of the subject site. The permitted height ranges from 5 to 14 storeys, with a density of 212 units per hectare. Permission was granted on the 19th of August 2019.

ABP30594019: Former Aldi Site, Carmanhall Road, Sandyford

- 3.4. The Board granted permission for an SHD development of 564 Built-to-Rent apartments on a site 200m north-west of the subject site. The permitted height reaches to a height of 17 storeys, with a density of 366 units per hectare. Permission was granted on the 12th March 2020. This development is currently under construction.

ABP30346719: Blackthorn and Carmanhall Road, Sandyford

- 3.5. The Board granted permission for an SHD development of 817 student bedspaces on a site 150m east of the subject site. The permitted height ranges from 7 to 9 storeys. Permission was granted on the 30th of April 2019.

Figure 12 - Image showing the location of relevant permitted schemes proximate to the site

08. RECENT PERMITTED DEVELOPMENTS



(Source: Henry J Lyons – Architectural Design Statement)

- 3.6. It is submitted that the justification set out within this statement clearly demonstrates that the additional height proposed can be accommodated due to the location of the subject site adjacent to high quality public transport corridors and the policies and objectives set out within the Section 28 Guidelines in particular the Urban Development and Building Height Guidelines (Sections 3.1 and Section 3.2), and the National Planning Framework.
- 3.7. Having regard to:
- The location of the site within the Sandyford Business Estate, adjacent to high quality, high frequency public transport at Stillorgan and Sandyford green line Luas Stops, and to established social, retail and employment in the areas,
 - The provisions of the National Planning Framework, in particular compliance of the proposed development with National Policy Objectives (NPO) NP02a, NPO3a, NPO3b, NP04, NPO11, NPO13, NPO27, NPO33 and NPO35,

- Compliance with Regional Policy Objectives (RPO) RPO 3.2, RPO 5.3, RPO 5.4 and RPO 5.5.
- Compliance with Section 3.2 of the Urban Development and Building Height Guidelines 2018 and
- The provisions of the Apartment Guidelines 2020.

it is considered that there is an adequate justification set out within this statement to grant permission for the development in accordance with national policy and guidelines, notwithstanding the material contraventions identified in relation to height and density.

4.0 MATERIAL CONTRAVENTION JUSTIFICATION – CAR PARKING

- 4.1. The Board may consider that the proposed development potentially materially contravenes the car parking standards set out by the newly adopted Development Plan and the proposed amendments therein which require:

“(457) Amend Section 4.2 ‘Sustainable Transport Infrastructure Policies and Objectives’ – Parking Objectives TAM14 (page 36) with the following:

“TAM14 It is an objective of the Council that development shall adhere to the parking standards as set out in section 12.4.5 of the Written Statement, save as set out below for new parking maximums for all future residential developments in SUFP, and the cycle standards as set out in – ‘Standards for Cycle Parking and Associated Cycling Facilities for New Developments’ (2018) or any subsequent review of these standards.

New residential parking thresholds in SUFP

Unit size	Car parking spaces per unit
1 bed	0.6
2 bed	0.8
3 or more bed	1
All units	Minimum of 0.02 car share spaces”

- 4.2. This equates to a requirement for 74 no. car parking spaces for the residential element of the scheme and 2 car share spaces. 10 no. shared car parking spaces are proposed which is less than the standard set out in the SUFP.
- 4.3. The proposed car parking spaces are shared spaces and provided as follows:
- 1 no. disabled accessible space in close proximity to the proposed building entrance;
 - 9 no. car share spaces within the subject development’s undercroft car park.
- 4.4. It is submitted that a strict adherence to the above is not required as these are maximum standards.
- 4.5. Notwithstanding the above, should the Board be of the opinion that the proposal is a material contravention in relation to car parking standards under the adopted plan, Section 37(2)(b) of the Act sets out four distinct criteria which allows the Board to materially contravene a development plan. This statement of material contravention addresses each of the items and it is our considered opinion that the current proposal satisfies the criteria as follows:

Justification for Car Parking Provision Proposed

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

- 4.6. **Response:** Please refer to Section 2.10 of the main statement above.

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

4.7. **Response:** Section 4.2.1 of the SUFP states:

“For Sandyford Business District to develop further, there has to be a real change in travel modal choice involving a move away from the car for short trips and a move to embracing other, more sustainable, modes of access. This requires a built environment that encourages other travel modes and a total ‘buy in’ by employers in the area, not just at planning application stage but in the culture and work place travel policies of the organisations. The Sustainable Transport Plan for Sandyford Business District is based on actively planning for change and creating an environment and travel networks that can support a change in modal choice and provide for the efficient movement of people to and from the area. The growth potential for Sandyford is not based on traditional ‘predict and provide’ models, it is based on promoting and supporting alternative access modes.”

4.8. Objective TAM1 also states:

“It is an objective of the Council to require all future development in the Sandyford Business District to achieve a peak hour transport mode split of 45% trips by car drivers (maximum) and 55% trips by walking, cycling and public transport and other sustainable modes (minimum targets) as per Government policy stated in the document published by the Department of Transport entitled, ‘Smarter Travel, A Sustainable Transport Future 2009-2020”

4.9. It is submitted that the proposed development meets the above criteria. The accompanying Residential Travel Plan prepared by CS Consulting encourages a viable and realistic movement from car based travel to more sustainable modes of transport for future residents of the scheme. The proposed shared car parking spaces also provides a car-based mode of travel if required by residents but in a more sustainable manner.

(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

4.10. **Response:** The following section demonstrates how the proposed reduced number of car parking spaces provided within the development is justified in the context of the National Planning Framework (NPF) and the Section 28 Government Guidelines and, in particular, in relation to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guideline 2020).

Project Ireland 2040 – National Planning Framework

4.11. National Policy Objective 27: *“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.”*

4.12. With regard to NPO 27, the proposed development is designed to minimise reliance on private car use and encourage sustainable modes of transport. The reduced car parking provision proposed and high levels of cycle parking (188 no. spaces) is to encourage a sustainable alternative mode of transport to the motorcar. The National Planning Framework seeks to minimise car-parking in accessible locations and to maximise a modal shift to public transport due to proximity to public transport routes.

- 4.13. The NPF further states: *“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”.*

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guidelines 2020)

- 4.14. The SPPR 8 of the 2020 apartment guidelines details the following for Built-to-Rent developments:

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

***(iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services.** The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;*

- 4.15. **Comment:** Under section (iii) above minimal or significantly reduced car parking is the default for central sites or sites in proximity to public transport. In addition to the site’s location within the Sandyford Industrial Park, the site is located 350m from the Stillorgan Luas stop, and c. 550m to the Sandyford Luas stop. The site is served by Dublin bus routes which provide access to the wider Dublin area, including Blackrock, and the city centre, and include the following bus nos.: 47, 114, and is within 500m of additional Dublin Bus routes serving the following bus routes: 11, 75A & 118.

5.0 Design Standards/Residential Mix/Open Space/Communal/Private Open Space

- 5.1. Chapter 12 of the Adopted Plan provides design standards for development. While the proposal comprises a BTR development, if the Board considered that the proposal comprised a material contravention in relation to the following, a justification is provided below:

- Section 12.3.5.3 External Storage
- Section 12.3.6 Build to Rent Accommodation (BTR to comply with Section 12.3.5).
- Section 12.3.3 – That certain percentage of 3-bed units in apartments shall apply to Build to Rent developments (material alteration no. 160);

Section 12.3.5.3 Internal Storage and External Storage

- 5.2. Material amendment no. 168 to the Adopted Plan notes that apartment schemes should provide external storage for bulky items outside individual units, in addition to minimum apartment storage requirements.

“(168) Insert the following text at the end of Section 12.3.5.3 ‘Internal Storage and External Storage’: “External storage standards shall accord with or exceed the levels outlined in Table 12.3b”.

Table 12.3b

Number of Bedrooms	Storage area (cubic metres)
Studio/1 bedroom	4m cubed
2 bedroom (3 person)	6m cubed
2 bedroom (4 person)	8m cubed
3 bedroom	10m cubed

"

Section 12.3.6 Build to Rent Accommodation

- 5.3. The Adopted Plan states that *"BTR accommodation must comply with all apartment standards set out in Section 12.3.5."*

Section 12.3.3.1 Residential Mix

- 5.4. Section 12.3.3.1 of the Adopted Plan sets out the requirements in relation to residential mix and notes that *"planning applications received for 50+ residential units either individually or cumulatively with lands located within the neighbourhood (10-minute walk) will be required to incorporate a variety and choice of housing units by type and size so as to meet the differing household need in the County."*
- 5.5. Table 12.1 of the Adopted Plan sets out the mix requirements for apartment developments. for schemes of 50+ units within the SUFP, the Development Plan requires:
- *Apartment Developments may include up to 60% 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.*
 - *Minimum 40% 3+ bedroom units*
- 5.6. It is further noted proposed material alteration no. 160 seeks to insert the following text after the first paragraph of Section 12.3.3 'Quantitative Standards for All Residential Development' (page 232).
- *"That the requirement for certain percentages of 3-bed units in apartments shall apply to Build To Rent developments to accord with mix on page 233."*

- 5.7. The above would result in a requirement for a minimum of 40% 3+ bedroom units in Build-to-Rent apartment developments and up to 60% studio, one and two bedroom units whereas the proposed Build To Rent development proposes 100% one and two bedroom apartments.

Justification for Material Contravention – Design Standards/Residential Mix

- 5.8. We note that SPPR 8 (i) of the Apartment Guidelines clearly states that there is ***"No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise."*** in respect of Build to Rent developments.
- 5.9. There is no provision in SPPR 8 for the mix to be modified or varied by Planning Authority's in Development Plans based on a Housing Needs Demand Assessment, unlike SPPR 1 for non-Build to Rent apartment developments. The no unit mix restriction is a mandatory requirement of the SPPR8 in respect of BTR development, which the application comprises.

- 5.10. Notwithstanding this, if the Board were to consider that the proposed development would give rise to a Material Contravention of the adopted Development Plan in respect of development mix, Sections 6.5 to sections 6.2 of the above statement provides a detailed response under the relevant criteria of Section 37(2)(b) and is equally applicable to the adopted plan. The justification is not repeated here.

Section 12.8.5.4 'Roof Gardens' (amendment (196))

- 5.11. Section 12.8.5.4 'Roof Gardens' (amendment (196)) of the adopted plan states:

"Roof gardens are a valuable form of urban greening (see Section 3.4.4.1). Consideration of the use of roof gardens as communal open space shall be on a case-by-case basis and will not normally be acceptable on a site where there is scope to provide communal open space at grade, as roof gardens do not provide the same standard of amenity particularly to young children. Consideration must also be given to the overall design, layout, and location of the roof garden, including its height. For larger apartment schemes in excess of 50 units no more than 30% of the communal open space shall be provided by way of a roof garden.

While recognising that the primary form of communal open space should be provided at grade, where intensive green roofs are being provided in accordance with Section 12.8.6.3 and Appendix 7.2 there may be scope for their use as additional amenity areas in the form of roof gardens. In addition, there may be certain instances such as on smaller town centre infill schemes where there is only scope for a roof garden. Roof gardens will be considered subject to the following –

- *Safety consideration including safe access by children.*
- *Wind and climate assessment.*
- *Daylight and sunlight assessment (on small town centre infill schemes, where all communal open space is provided by way of a roof garden, daylight and sunlight standards should be higher than minimum standards for more than 50% of the development).*
- *Maintenance issues.*
- *Provision of suitable landscaping plans which provide for a diverse range of plants which have year round interest, pollinator friendly and are suitably adapted to the rooftop conditions.*
- *Visual assessment.*
- *Proximity to vents.*

- 5.12. The proposed development includes communal open spaces in the form of a podium courtyard at first floor level, and within roof gardens at 5th, 6th and 10th floor levels which exceeds the above requirement. Should the Board consider the proposal a material contravention of the above, the following justification is provided under the relevant criteria of 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, or

- 5.13. Section 4.11 of the Apartment Guidelines states:

“Communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year. Roof gardens may also be provided but must be accessible to residents, subject to requirements such as safe access by children. These facilities offer a satisfactory alternative where climatic and safety factors are fully considered, but children’s play is not passively supervised as with courtyards. Regard must also be had to the future maintenance of communal amenity areas in order to ensure that this is commensurate with the scale of the development and does not become a burden on residents.”

- 5.14. Section 4.12 of the Guidelines further state:

“For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality”.

- 5.15. The application proposes 734sqm of communal amenity spaces located within a podium courtyard and within a series of roof gardens at floor levels 6 and 10. 514sqm of public open space is also provided at surface level which will be available for both resident and public use.
- 5.16. As noted in the adopted Development Plan and within the Apartment Guidelines, roof terraces are an acceptable form of communal amenity space provision subject to the above criteria. The Apartment Guidelines do not place any restrictions on roof terraces as part of a development. It is considered that the development plan places unreasonable restrictions on the quantum of communal open space that can be provided in the form of roof gardens. The subject application is accompanied by the required documentation including Wind Assessment, detailed Sunlight/Daylight analysis, landscape plans and a design and townscape visual assessment.
- 5.17. The reports find that the proposed roof terraces are suitable for their intended purpose.

Section 5.1 ‘Phasing Policies and Objectives’ (amendment 461)

- 5.18. Section 5.1 ‘Phasing Policies and Objectives’ (amendment 461) states:

“Insert a new objective under Section 5.1 ‘Phasing Policies and Objectives’ (page 41) of Appendix 17 as follows::

“No additional apartment development will be permitted that exceeds 1,500 units (cumulate total) until the planning approval process for the Sandyford Business District Civic Park at the corner of Corrig Road and Carmanhall Road shall be complete and planning permission granted.”

- 5.19. The adopted plan is unclear as to what the figure the 1500 apartments applies to. This could be construed as a material contravention as the proposed includes 101 no. new apartments on the site.
- 5.20. 514sqm of public open space is provided at surface level which will be available for both resident and public use. Should the Board consider the proposal a material contravention of the above, the following justification is provided under the relevant criteria of 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, or

- 5.21. It is respectfully submitted that, it is unclear what the figure 1,500 apartments relate to and on what basis it is calculated. As it refers to 'no additional apartment development', it is assumed that the figure does not include any existing apartments or any apartments currently with the benefit of planning permission.

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

Project Ireland 2040 – National Planning Framework

- 5.22. Permission for the proposed development should be granted having regard to the following:
- 5.23. Objective 13 *"In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria enabling alternative solutions that seek to achieve well-designed high quality and safe outcomes in order to achieved targeted growth and that protect the environment"*.
- 5.24. Objective 33 *"Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location."*
- 5.25. Objective 35: *"increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site based regeneration and increased building heights"*.
- 5.26. **Response:** In accordance with NPO's 13, 33 and 35, it is clear that there is a strong emphasis towards high-quality developments on brownfield sites proximate to public transport. The proposed development will enhance and greatly improve the existing public realm, providing a public park and upgrades to the existing streetscape.
- 5.27. The above objectives clearly supports additional homes at appropriate locations within existing urban centres and along public transport corridors. The proposed development is therefore in accordance with the objectives of the NPF in this regard.
- 5.28. It is considered that the proposed development provides for the creation of an attractive, sustainable residential development within an existing built-up urban area, on a brownfield site. The provision of a new sustainable development is therefore consistent with the outlined objectives of the NPF.

Sustainable Urban Housing Design Standards for New Apartments

- 5.29. The Sustainable Urban Housing Design Standards for New Apartments were published in March 2018 and updated in December 2020. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.
- 5.30. A key inclusion in the guidelines is the acknowledgement of the importance of strategic sites in existing urban areas in close proximity to existing public transport

facilities. The guidelines identify locations in cities and towns that may be suitable for apartment development as follows:

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

5.31. The Apartment Guidelines state that 'Central and/or Accessible Urban 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, and are classified as follows:

- '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'.

5.32. The subject site is considered an 'Accessible Urban Location' its location within 350m of Stillorgan Luas stop, and c. 550m from the Sandyford Luas stop. The Luas stop locations are shown in Figure 3 below. The site is also within Sandyford Business District, a significant employment location.

5.33. In this regard the proposed BTR development will allow for a new residential community, built to a high standard and quality, which can be rented within an area with a range of amenities and services and close proximity to high quality high frequency public transport services.

5.34. We note that the proposed development is also fully in compliance with the Apartment Guidelines 2020 and in particular Appendix 1 in respect of communal open space. 577sqm of external communal amenity space is required by the guidelines, 734sqm has been provided as part of the proposal.

5.35. In addition, 514sqm of public open space is included in the form of a liner park at the frontage of the site. In this respect we refer the Board to Section 4.20 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas which states:

"In other cases, such as large infill sites or brown field sites public open space should generally be provided at a minimum rate of 10% of the total site area;"

5.36. Accordingly, the proposal is considered to be in accordance with the relevant Section 28 guidelines.

6.0 CONCLUSION

6.1. As set out in Section 37(2)(b) and Section 28(1)(C) of the Planning and Development Act 2018 (as amended), An Bord Pleanála may materially contravene a development plan where national planning policy objectives take precedence. In particular, Section 9(3)(b) of the 2016 Act, as amended, provides that to the extent that they differ from the provisions of the Development Plan or Local Area Plans, the provisions of SPPRs must be applied instead. In the present context, the most significant of these requirements is SPPR 3A of the Building Height Guidelines which applies to the

assessment of this application to the Board. It is submitted that the performance criteria under Section 3.1 and 3.2 have been satisfied in this regard by the development as proposed.

- 6.2. It is respectfully submitted that should An Bord Pleanála consider the proposed development is a material contravention of the Dun Laoghaire Rathdown County development Plan 2022-2026 and Sandyford Urban Framework Plan contained therein, an appropriate justification is set out within this statement and addendum demonstrating that the proposed development should be considered appropriate for increased building heights and density due to the location of the subject site, the overall context of the wider development, adjacent to high-quality public transport corridors, and the policies and objectives set out within the Urban Development and Building Heights Guidelines 2018.
- 6.3. In addition, the 2020 Apartment Guidelines SPPR 8, in relation to build-to-rent development, provides a rationale for the car parking numbers, quantitative apartment standards and unit mix provided as part of the development.
- 6.4. Further, a suitable justification is provided in the form of the Section 28 guidelines in terms of the requirement for a creche on the site, given the proposed unit mix.
- 6.5. In particular, it is considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the County Development Plan, by reference to sub-paragraphs (i)(ii) (iii) and (iv) of Section 37(2)(b) of the 2000 Act, as amended, for the reasons set out above.
- 6.6. Having regard to the justification set out within this statement, it is respectfully submitted that this is an appropriate case for the Board to grant permission for the proposed development.