

An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01V902.

Date: 18<sup>th</sup> August 2022

Dear Sir / Madam,

**Re: STRATEGIC HOUSING DEVELOPMENT APPLICATION IN RESPECT OF A PROPOSED RESIDENTIAL DEVELOPMENT AT SITE 10, MAYNE RIVER AVENUE, NORTHERN CROSS, MALAHIDE ROAD, DUBLIN 17**

### Introduction

On behalf of the applicant, Camgill Property a Tri Limited, we hereby submit an application for a **seven year** planning permission for a Strategic Housing Development on lands known as Site 10, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17. The application site has an area of c. 0.76 ha and is bound by an existing office building (Rosemount House) to the south, the Mayne River corridor to the north, Site 2 / Block 2 (under construction under ABP Ref.: 307887-20) and a nursing home (Block 6) building to the east, and undeveloped lands and the Bewley's factory to the west.

This proposal falls under the definition of Strategic Housing Development as set out under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, as the proposal relates to 156 no. residential units on Z14 zoned lands and therefore is for the development 'of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses'.

The Board's Pre-Application Opinion is dated the 3<sup>rd</sup> of May 2022 and accordingly this application is being submitted within 16 weeks of the Opinion being issued, i.e. in advance of the 22<sup>nd</sup> of August 2022.

### Proposed Development

The proposed development for which a **seven year** permission is sought is described as follows in the public notices:

*"The development comprises of 156 no. residential units in 2 no. apartment blocks. Block 10A, containing 71 no. apartments, has a height of part eight and part ten storeys, and Block 10B, containing 85 no. apartments, has a height of part ten and part eleven storeys, all above a common basement area. The unit mix consists of 75 no. 1 beds and 81 no. 2 beds (32 no. 1 bed units and 39 no. 2 bed units within Block 10A, and 43 no. 1 bed units and 42 no. 2 bed units within Block 10B).*

*The development includes a total of 94 no. car parking spaces (49 no. at surface level and 45 no. at basement level) and 322 no. bicycle parking spaces (78 no. visitor spaces at*

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPI  
Executive Directors: Paul Turley BA MRUP Dip Environmental & Planning Law MIPI Rory Kunz BA (MOD) MScERM MAT&CP Dip EIA Mgmt. MIPI  
Stephen Blair BA (Mod) MRUP MIPI MRTPI Blaine Cregan B Eng BSc MSc

Senior Associate Directors: Luke Wymer BA MRUP Dip Plg & Env Law Dip PM Prof Cert Env Mgmt MIPI  
Meadhbh Nolan BA MRUP MRTPI Kate Kerrigan BA MSc MRTPI

Associate Director: Ian Livingstone MA (Hons) Town & Regional Planning, MSc. Spatial Regeneration, MRTPI

John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.  
Registered in Ireland No. 396306. Registered Office: 39, Fitzwilliam Place, Dublin 2. VAT No. IE 6416306U

surface level and 244 no. secure spaces at basement level). Access to the development is provided from Mayne River Avenue to the south and from Mayne River Street to the east (road extension currently under construction under ABP Ref.: 307887-20).

*Bin stores, plant rooms, ancillary residential facilities, storage rooms and block cores are located at basement level. The proposed development includes private amenity space in the form of balconies / terraces for all apartments, public and communal open space, including external communal roof terraces at 8th floor level of Block 10A and 10th floor level of Block 10B, children’s play area, PV panels and green roofs at roof level of both blocks, the provision of new telecommunications infrastructure at roof level of Block 10B including shrouds & antennas (6 no. antennas, enclosed in 2 no. shrouds together with all associated equipment), foul and surface water drainage, hard and soft landscaping, lighting, an ESB Substation and all associated and ancillary site works.”*

The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant development plan and local area plan. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

A Natura Impact Statement has been prepared in respect of the proposed development and accompanies this application.

### **Duration of Permission**

As set out in the public notices and having regard to the nature and scale of the proposed development, and given the time associated with post-planning (including potential for delays due to legal challenges), tender and construction processes, a seven year permission is sought having regard to the provisions of Section 41 of the Planning and Development Act 2000, as amended.

### **Site Location and Development Context**

The subject site has an area of c. 0.76 hectares and is referred to as Site 10. It was previously occupied by a temporary car park for Mylan’s offices at Northern Cross, however, the temporary permission for the car park has now expired, the use has ceased, and the site is being used as a construction compound during the development of the Block 2 SHD permission (ABP Ref.: 307887-20).

The application site is bound by an existing office building (Rosemount House) to the south, the Mayne River corridor to the north, Site 2 / Block 2 (under construction under ABP Ref.: 307887-20) and a nursing home (Block 6) building to the east, and undeveloped lands and the Bewley’s factory to the west. The adjacent site to the south east referred to above, known as Site 2 / Block 2, is subject to a SHD permission (ABP Ref.: 307887-20) for a seven to nine storey residential development containing 191 no. apartments and associated development.

The office block is located c. 15 metres from the application site’s southern boundary. The permitted Block 2 residential development is located adjacent to the application site’s eastern boundary.

Existing / permitted heights in Northern Cross range between 3 storeys (5 storeys for residential) to 12 storeys (Block 5 permitted under DCC Reg. Ref.: 3506/20, but not

constructed to date). The application site overlooks the River Mayne riparian corridor to the north, which is a planned amenity space for the wider area (see [www.belcampshd.ie](http://www.belcampshd.ie) for further details). The northerly location of the site within the Northern Cross development area ensures that a significant scale of development can be supported without adversely impacting on existing / permitted / planned development on adjoining sites.

The northern part of the application site includes a number of trees and vegetation south of the Mayne River, which are proposed to be retained as part of the proposed development. The location of the proposed residential blocks, access road and surface car parking for the proposed development has been informed by the 10m east-west wayleave which runs along the northern part of the application site. The footprint of the proposed development is located to the south of the wayleave and the access road is aligned with the wayleave to provide for the potential future development of the lands to the west. The site configuration also provides for access to and an enhanced sense of connection to the riparian corridor to the north, while retaining the wayleave across the site.

The subject site comprises a mix of hard and soft surfacing reflecting its former temporary car park use. There is a drop in levels from south to north towards the Mayne River. The site is bound by palisade fencing, partly within the site offering a protection to the band of mature trees along the northern boundary and is currently in use as a construction compound for Block 2.

### **Land Use Zoning**

The site is zoned Z14 - Strategic Development and Regeneration Areas, with the objective *“to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and ‘Z6’ would be the predominant uses”* under the Dublin City Development Plan 2016-2022. Residential use is permitted in principle under the Z14 zoning objective.

The subject lands are also within the Clongriffin-Belmayne Local Area Plan 2012 - 2018 (as further extended until 2022) and the Statement of Consistency and Planning Report provides a detailed review of the proposed development in the context of the objectives of the LAP.

Please refer to the Statement of Consistency and Planning Report for further details, including in respect to the Draft Dublin City Development Plan 2022-2028.

### **Pre-Application Consultation Meeting with the Board (Tri-Partite Meeting)**

A pre-application meeting was undertaken with An Bord Pleanála on the 21<sup>st</sup> of April 2022, under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The Board’s Opinion was issued on the 3<sup>rd</sup> of May 2022.

This planning application is accompanied by a Statement of Response to the Board’s Opinion prepared by JSA in consultation with the wider design team. The Opinion states that the proposals constitute a reasonable basis for an application. However, includes 7 no. items of further information to be addressed in the final application submission. The Statement of Response to the Board’s Opinion prepared by JSA, which should be read in conjunction with relevant application documentation referenced therein, clearly sets out how the further information requested by the Board has been fully addressed in the documentation now submitted for approval.

## **Consultation with the Planning Authority under Section 247**

The SHD process comprises three mandatory stages including Stage 1 which is a consultation with the Planning Authority (under section 247 of the Planning & Development Act, 2000, as amended).

A formal pre-application meeting was held with Dublin City Council (DCC) on the 8<sup>th</sup> of September 2021. The meeting was attended by Shane Healy and Patricia Hennessy, Planning, and Nicola Conlon, Transport. In addition, a further meeting was undertaken with DCC on the 12<sup>th</sup> of November 2021. The meeting was attended by Shane Healy, Planning.

A summary of the pre-application consultation undertaken by the Applicant with Dublin City Council has been included in Section 4 of the accompanying Statement of Consistency and Planning Report.

## **Other Consultations**

As required in the Board's Opinion, the following prescribed bodies have received soft copies (each confirmed that soft copies were acceptable prior to lodgement) of the application documentation:

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Dublin City Childcare Committee
- Irish Aviation Authority
- Dublin Airport Operator
- Fingal County Council

## **Irish Water Requirements**

The requirements in respect of Irish Water (IW) set out in Section 20 of the SHD Application Form are addressed in the form, the IW correspondence received and the Infrastructure Report prepared by Barrett Mahony Consulting Engineers (BMCE).

The applicant and BMCE Consulting Engineers have undertaken consultation with Irish Water prior to the lodgement of this application. A Confirmation of Feasibility letter was received from Irish Water on the 22<sup>nd</sup> of June 2021, IW Ref.: CDS21002200, which confirmed that a connection is feasible for water and wastewater without upgrades being required.

A Statement of Design Acceptance letter has also been received from Irish Water, dated the 30<sup>th</sup> of June 2022, which confirms that all the water and foul drainage services are designed in accordance with Irish Water standards. Please refer to BMCE application documentation for further information. The two Irish Water letters are submitted with the application form.

## **Part V**

The Part V package accompanying this application includes the following:

- JSA Cover Letter;
- A Part V drawing, including a schedule of areas, prepared by JSA Architects, illustrating the location within the scheme of the proposed 15 no. Part V units within Block 10B (10%);

- Applicant's Estimated Table of Costs, including Estimated Total Cost to the Planning Authority and Estimated Cost Per Unit;
- A Part V validation letter from DCC;
- A letter from the applicant's solicitor confirming exemption from the additional 10% requirement arising under the Affordable Housing Act 2021, as the applicant acquired the site on the 4<sup>th</sup> of April 2019.

The Part V proposals relate to the provision of 15 no. units within Block 10B and are subject to final agreement with Dublin City Council following a grant of permission.

We acknowledge that the Affordable Housing Act 2021, which was commenced on the 3<sup>rd</sup> September 2021, increases the Part V requirement to 20% from 10%, to provide an additional 10% affordable housing provision, on applications for residential development in respect of sites acquired before the 1<sup>st</sup> of September 2015 and after the 31<sup>st</sup> of July 2021. The applicant has confirmed that the site was acquired by the applicant on the 4<sup>th</sup> of April 2019 (see letter from HBMO Solicitors accompanying the Part V documents) and therefore is not subject to the additional 10% affordable housing requirement arising under this legislation.

### **Drawings, Plans and Particulars**

This SHD application is accompanied by a full set of architectural drawings which have been prepared in accordance with the requirements of Articles 297 and 298 of the Planning and Development Regulations 2001, as amended. The requirement under the Regulations for drawings to provide details of the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity, at a scale of not less than 1:200, is addressed in the elevation and section drawings provided.

In addition, the architectural drawing pack includes a set of drawings including the 'With Rosemount House' SHD residential proposals, which are currently being progressed by the adjoining landowner, and which is expected to be lodged as an SHD application concurrently to the subject application. However, these drawings, which are submitted for information purposes, provide sufficient details to allow the Board to understand the relationship of the proposal with existing / permitted / future proposals.

In addition, a Landscape drawing pack and Engineering drawing pack accompanies the SHD application. The M&E drawings are appended to the relevant reports submitted. Each drawing pack submitted is accompanied by a schedule / register of drawings, as required under Q. 23 of the Application Form.

The contents of this application is set out below in the enclosures section.

### **Statement of Consistency with Planning Policy**

A Planning Report and Statement of Consistency prepared by John Spain Associates is enclosed with this planning application which demonstrates that the proposal is consistent with the relevant guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012 - 2018 (as further extended until 2022).

In addition, Section 8 of the Planning Report and Statement of Consistency addresses the Draft Dublin City Development Plan 2022-2028 ('draft Development Plan') which was published on the 25<sup>th</sup> of November 2021 and the Proposed Material Alterations, which are currently on display. This is considered appropriate, as although the 2016-2022

Development Plan is the operative plan at present, by the time the subject application is decided upon the new Development Plan may have been adopted and therefore this will assist the Board in making their decision.

### **Material Contravention Statement**

As set out within the public notices for the application, and in accordance with the requirements of the legislation, the application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

The Material Contravention Statement provides a justification which the Board may have regard to in the event that the development is considered to represent a Material Contravention of the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012-2018 (as further extended until 2022).

In addition, Section 5 of the Material Contravention Statement addresses the Draft Dublin City Development Plan 2022-2028 and the Proposed Material Alterations, which are currently on display, and outlines why the Board should grant permission should the proposal be considered to materially contravene aspects of the new Development Plan, should the application be decided after this Plan comes into effect.

The proposed development does not represent a material contravention in relation to the zoning of land, as the subject site is zoned to facilitate the proposed uses.

### **EIA Screening Report**

An EIA Screening Report prepared by Enviroguide is enclosed with this application. It provides a description of the possible effects on the environment and demonstrates that an EIAR is not required for the proposed development on the subject site, as it is below the mandatory threshold of 500 residential units, 10 hectares in an urban area and does not have the potential to result in significant environmental impacts when considered on its own or cumulatively with other projects in the area. In addition, a Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended, is submitted with the application.

### **Application Site Boundary**

The application site boundary has been provided by JSA Architects in .dwg format on CD ROM with all geometry referenced to ITM as specified in Section 6 of the Application Form.

### **Fee**

Please find enclosed with the application form a copy of the EFT receipt payment for the application fee of **€30,280**. The calculation of the fee is included within the accompanying application form and includes a €10,000 fee associated with the submission of a Natura Impact Statement.

### **Website**

The application may be inspected online at the following website set up by the applicant:

- [www.ncsite10shd.ie](http://www.ncsite10shd.ie)

A final PDF of all application documents has been uploaded to the above website address, which will go live on the day of lodgement.

In addition, due to the size of the soft copy of the CGI & Photomontages Brochure prepared by Digital Dimensions, a low-res and high-res version are included on the website and soft copy to ensure the public and statutory consultees do not have any issues in viewing this brochure.

## **Enclosures**

Two no. copies of the following documentation is herein submitted to An Bord Pleanála in accordance with Article 297(6) of the Planning and Development (Strategic Housing Development) Regulations 2017:

### **Planning Particulars**

- Confirmation of payment of the application fee of €30,280 by EFT to An Bord Pleanála- attached to the application form;
- 2 no. copies of the Planning Application Form, Irish Water COF and SODA letters, site notice and newspaper notice (including original copy of newspaper notice);
- 3 no. soft copies of the application documentation;
- 2 no. copies of this ABP cover letter prepared by John Spain Associates (JSA);
- 2 no. copies of the cover letters to prescribed bodies / authorities and Dublin City Council prepared by John Spain Associates (JSA);
- 2 no. copies of the Part V proposals including a Part V drawing (including a schedule of areas) prepared by JSA Architects, a Part V Cover Letter prepared by John Spain Associates, a Part V Estimate of Costs, a Part V validation letter from DCC and a letter from the applicant's solicitor;

### **Planning Reports**

- 2 no. copies of the Statement of Response prepared by John Spain Associates;
- 2 no. copies of a Planning Report and Statement of Consistency prepared by John Spain Associates;
- 2 no. copies of the Material Contravention Statement prepared by John Spain Associates;
- 2 no. copies of a Northern Cross Masterplan Report prepared by John Spain Associates;
- 2 no. copies of the Social and Community Infrastructure Audit prepared by John Spain Associates;

### **Architectural Inputs**

- 2 no. copies of Architectural Drawings, Housing Quality Assessment Sheet, Schedule of Accommodation and Issue Sheet prepared by JSA Architects;
- 2 no. copies of the Architectural Design Statement prepared by JSA Architects;
- 2 no. copies of the Building Material Report prepared by JSA Architects;
- 2 no. copies of the Building Lifecycle Report prepared by JSA Architects;

### **Engineering Inputs**

- 2 no. copies of Engineering Drawings and Drawing & Report Register prepared by BMCE;
- 2 no. copies of an Infrastructure Report prepared by BMCE;
- 2 no. copies of the Flood Risk Assessment prepared by BMCE;
- 2 no. copies of the Traffic Impact Assessment, Residential Travel Plan, Car Park Management Strategy, Parking and Mobility Management Report, DMURS

Statement of Compliance, Response to Quality Audit Statement and Operational Service Access Strategy Report prepared by BMCE;

- 2 no. copies of a Quality Audit prepared by PMCE;
- 2 no. copies of a Public Transport Capacity Study prepared by Transport Insights;

#### **Landscape / Arboricultural Inputs**

- 2 no. copies of Landscape drawings, schedule and Landscape Design Statement prepared by Murray & Associates;
- 2 no. copies of an Arboricultural Inventory and Impact Assessment Report prepared by Murray & Associates;
- 2 no. copies of a Landscape and Visual Impact Assessment Report prepared by Murray & Associates;

#### **Environmental Reports**

- 2 no. copies of an EIA Screening Report and Article 299B Statement prepared by Enviroguide;
- 2 no. copies of an Outline Construction and Environment Management Plan prepared by BMCE;
- 2 no. copies of a Construction and Demolition Waste Management Plan prepared by BMCE;
- 2 no. copies of the CGI & Photomontage Brochure prepared by Digital Dimensions;
- 2 no. copies of a Daylight & Sunlight Assessment prepared by Digital Dimensions;
- 2 no. copies of an Operational Waste Management Plan prepared by KCP Ltd;
- 2 no. copies of an Archaeological Assessment Report prepared by IAC Archaeology;
- 2 no. copies of an Appropriate Assessment Screening Report and Natura Impact Statement prepared by Brian Madden;
- 2 no. copies of a Terrestrial Ecology Report prepared by Brian Madden;
- 2 no. copies of a Noise and Vibration Impact Assessment Report prepared by Redkite Environmental;
- 2 no. copies of a Microclimate Impact Assessment Report prepared by TMS Environment Ltd;
- 2 no. copies of a Telecommunications Report prepared by ISM;

#### **M&E Inputs**

- 2 no. copies of a Site Utilities Infrastructure Report, including appended drawings, prepared by JV Tierney;
- 2 no. copies of an Energy Strategy and BER Report prepared by JV Tierney;
- 2 no. copies of a Lighting Strategy Report, including appended drawings, prepared by JV Tierney;
- 2 no. copies of a Glint and Glare Analysis Report prepared by JV Tierney.

Six no. hard copies and three no. soft copies of this SHD application have been sent to Dublin City Council as the appropriate planning authority in which the proposed Strategic Housing Development (SHD) is located.

We trust that the documentation as submitted meets the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, and specifically the Planning and Development (Strategic Housing Development) Regulations 2017, as amended, and application guidance documents issued by An Bord Pleanála.

In preparing this planning application, including all drawings and reports, the applicant and design team have responded to the items raised in pre-application consultation meetings and the Board's Opinion.



If you require any additional information, please do not hesitate to contact us.

Yours faithfully,

  

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**John Spain Associates**