

**Statement of Response to ABP's Opinion
in relation to ABP Ref.: 312108-21**

In respect of

A Proposed Strategic Housing Development

At

**Site 10, Mayne River Avenue
Northern Cross, Malahide Road, Dublin 17**

Prepared for

Camgill Property a Tri Limited

Prepared by

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August 2022



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DOCUMENT CONTROL SHEET

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1.0 INTRODUCTION

This Statement of Response report seeks to address individually the issues / items raised within the Opinion of An Bord Pleanála, dated the 3rd of May 2022, which was issued following the pre-application consultation and the Tripartite meeting on the 21st of April 2022 in respect of the proposed development.

This statement also has regard to the points of discussion and issues raised during the course of the tripartite SHD pre-application meeting held virtually with An Bord Pleanála on the 21st of April 2022, and the Section 247 meetings undertaken with the Planning Authority on the 8th September 2021 and the 12th of November 2021.

This Statement will refer to other documentation, where relevant, which forms part of the final planning application pack, where more detailed and specific responses are provided to the issues dealt with in this Statement by the relevant experts / design team members and consultants.

2.0 RESPONSE TO AN BORD PLEANÁLA OPINION

The Opinion of An Bord Pleanála on the pre-application stage for the proposed development was issued on the 3rd of May 2022 following the tripartite meeting which was held on the 21st of April 2022. The Opinion states that, having regard to the consultation meeting and the submission of the Planning Authority, the Board is of the opinion that the documents submitted with the request to enter into consultations **constitute a reasonable basis for an application** for strategic housing development. (Emphasis added)

The Opinion sets out seven items of further specific information which were to be provided as part of the final planning application. Documentation has been prepared or updated in response to the Board's Opinion to ensure that the Board has all the necessary information it requires to come to a reasoned decision on the proposed development. A summary of the responses provided to each of these specific points is set out below with reference to accompanying application documentation.

2.1 ABP Request for Submission of Specific Information

The Board's Opinion set out requirements for further specific information to be provided by the applicant. The opinion notifies of 7 no. pieces of specific information to be addressed prior to the finalisation of the application. These 7 pieces are addressed within this section of the Statement and are outlined below with responses under each item.

Request 1

1. *“Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:*

Further consideration and/or justification of the documents as they relate to the design and layout of the proposal having regard to the need to ensure no significant overlooking on the currently under construction Site 2 building. This further consideration may require amended to the design and layout of the apartments and /or reconfiguration of the blocks.”

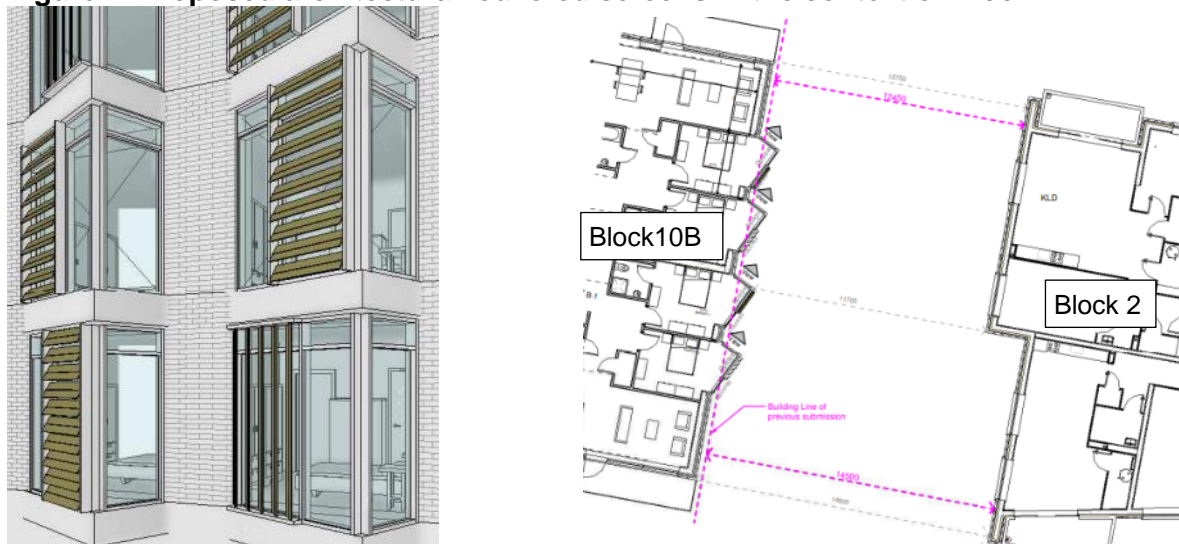
Response:

In response to the foregoing specific item of further information requested by the Board, the proposed scheme was revised to ensure no undue overlooking of the permitted / under construction development on the adjoining Site 2 (Block 2). Please refer to the architectural

drawings and the Architectural Design Statement prepared by JSA Architects for details of how design revisions have been incorporated from pre-application stage to address potential issues of overlooking. The design changes are also illustrated in the CGI and Photomontage Brochure prepared by Digital Dimensions.

In summary, the proposed development was revised following the comments received at pre-application stage in relation to potential direct overlooking towards Block 2 and between units in Block 10A and 10B. The development as now proposed does not have any Kitchen/Living/Dining (KLD) rooms facing Block 2, with the eastern gable of Block 10B now comprising bedroom areas only. The windows have also been revised to ensure that there is no undue overlooking of Block 2 with projecting angled windows fitted with permanent architectural screens having been added to the gable ends of both proposed blocks as shown in Figure 1 below. The proposed screens serve to both enhance the elevations / architectural design of the building and ensure that adequate privacy is provided between Block 10B and Block 2 to the east, whilst still achieving adequate levels of daylight to all units (i.e. the mitigation measures were subject to daylight testing with Digital Dimensions prior to being finalised).

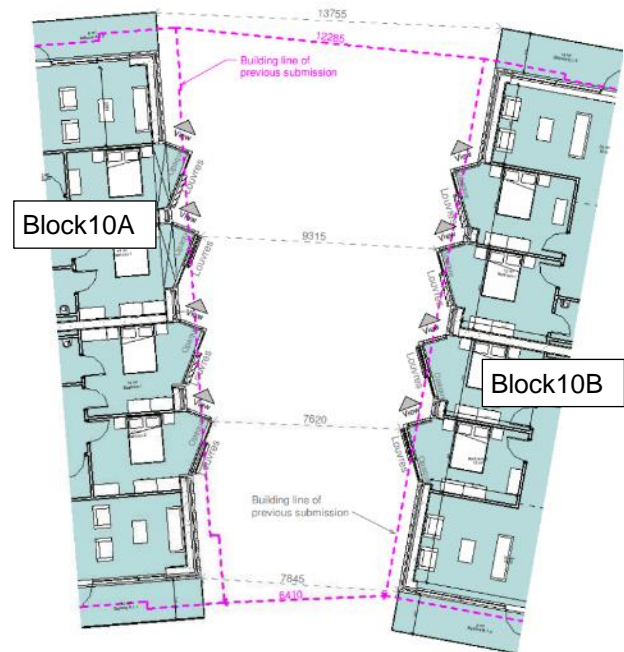
Figure 1: Proposed architectural louvered screens in the context of Block 2



Source: JSA Architects Application Drawings

While not specifically requested above, the relationship between proposed Block 10A and 10B was also updated following the pre-application consultation in consideration of the residential amenity of the future residents of the proposed scheme. Consistent with the mitigation measures proposed to the permitted / under construction Block 2 development as outlined above, the floorplans of Block 10A and 10B have been revised to remove any potential direct overlooking in the central courtyard area between these two proposed blocks. The gable ends now comprise bedroom areas only, no KLDs are located where they would have directly opposing windows. Projecting angled windows fitted with permanent architectural screens have been included to the facing gable ends of Block 10A and 10B to ensure that direct overlooking between blocks is minimised and adequate privacy is achieved.

Furthermore, as shown in Figure 2 below, the separation between Block 10A and 10B has been increased by c. 1.5m since the pre-planning consultation to c. 7.8m at the southern end and c. 13.7 m at the northern end to further reduce any potential impact on residential amenity due to direct overlooking.

Figure 2: Proposed architectural louvered screens between blocks

Source: JSA Architects Application Drawings

With regards to overlooking of future development, the proposed scheme also provides for sufficient separation distance to the emerging development proposal for the Rosemount House site to the south, as illustrated in the architectural drawings included which provide details of the proposals 'With Rosemount House' development for reference purposes, and that application is expected to be submitted concurrently with the subject application.

Please refer to the accompanying Architectural Design Statement, prepared by JSA Architects, and the CGI and Photomontage Brochure, prepared by Digital Dimensions, for additional site context and design rationale for the proposed layout in the context of the existing, proposed and emerging adjoining development in the vicinity.

Request 2

2. *Submission of Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings illustrating the visual impact of the proposed development in the context of the impact on the permitted and proposed apartment blocks in the vicinity of the site.*

Response:

In response to the foregoing specific item of further information requested by the Board, please refer to the accompanying Architectural Design Statement, prepared by JSA Architects, the CGI and Photomontage Brochure, prepared by Digital Dimensions, and the Landscape & Visual Impact Assessment, the Landscape Design Statement and associated drawings, prepared by Murray and Associates.

The CGI and Photomontage Brochure includes additional Computer-Generated Images (CGIs) and photomontage views to those included in the pre-application consultation submission to the Board. The Brochure provides 12 no. existing and proposed photomontage views and 9 no. CGI's. The CGIs and photomontage views include the adjoining Block 2 development to the east, as permitted under Reg. Ref.: 307887-20 (which is currently under construction), and the cumulative assessment views include an indication of the massing for the emerging proposals for the Rosemount House site, as provided by Plus Architecture, to demonstrate the visual impact of the proposed development in the

context of the permitted and emerging apartment developments in the vicinity of the site as requested above.

The Landscape & Visual Impact Assessment, the Landscape Design Statement and relevant application drawings, further illustrate the relationship of the development with the existing context at Northern Cross. It is respectfully submitted, that the visuals illustrate a high-quality scheme design, which integrates and enhances the built environment at Northern Cross as shown in the images presented at Figures 3 and 4 below. The Architectural Design Statement outlines the context of the proposed development, noting the overall beneficial effect that it is to have on the Northern Cross area, providing a well thought out buffer whilst not being overbearing in scale or design.

Figure 3: CGI Image of the proposed scheme from north-east



Source: Digital Dimensions CGI and Photomontage Brochure, CGI- View 3

Figure 4: Photomontage view of proposed scheme from south-west

Source: Digital Dimensions CGI and Photomontage Brochure, Proposed- View 2

Request 3

3. *“A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).”*

Response:

In response to the foregoing specific item of further information requested by the Board, we refer the Board to the Building Material Report and Building Lifecycle Report, prepared by JSA Architects, and the Landscape Design Statement prepared by Murray & Associates which includes a section on Materials and Street Furniture in response to the above request from the Board.

The Building Material Report specifically addresses the proposed building materials and finishes of the two apartment buildings, including balcony treatments. It details how the proposal is to be of a concrete frame, with high quality masonry, brick, stone and glazed facades. The mix of materials, heights and details, serves to animate the building facades by ensuring a sense of visual rhythm which responds effectively to the context of Northern Cross. The buildings are stepped down at the corners to break down the massing of the buildings and to respect the surrounding site context and form an effective architectural composition.

In addition, the elevation drawings include details of the proposed materials, which are further illustrated in the photomontages and CGI's. The palette of materials proposed, being primarily brick, are durable and low-maintenance, and also in keeping with the existing character of development in Northern Cross, which has proven to be a successful high-density mixed-use development.

The Landscape Design Statement and drawings includes details of the materials and finishes for the landscaped areas, pathways, entrances and boundary treatments.

The Building Lifecycle Report outlines in detail the long term running and maintenance costs of the development with attention paid to effective methods of management and cost reduction that will benefit future residents of the scheme. The Building Lifecycle Report details how it has been developed in order to meet the requirements as outlined within sections 6.11 to 6.15 of the apartment guidelines '*Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities*'. The management company shall bear responsibility for maintaining an accurate annual valuation of the development for the purposes of insurance, whilst a sinking fund to carry out repairs within the development is to be made available in line with the MUD Act 2011.

Request 4

4. *"A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable."*

Response:

The accompanying Daylight & Sunlight Assessments Report prepared by Digital Dimensions assesses the proposed development for Daylight and Sunlight impacts on the neighbouring permitted / proposed buildings and the quality of daylight and sunlight within the proposed development.

In accordance with current best practice, and based on the expertise of the Daylight and Sunlight Consultant, the assessment demonstrates compliance of the scheme with the following documents:

- BR209 2022: Site Layout Planning for Daylight and Sunlight (Third edition).
- BS EN 17037 Daylight in Buildings
- IS EN 17037 Daylight in Buildings

In addition, and for reference purposes in the context of the previously established approach in Ireland and the request above, the assessment includes as Appendix C an assessment of the proposed apartments against BRE209 2nd Edition under the Average Daylight Factor (ADF) approach.

In summary, the report finds that there will be minimal impact to the permitted residential units in Block 2 to the east, with those units generally exceeding the relevant minimum target values, and all the units within the proposed development generally exceeding the recommendations of the BRE guidelines for daylight access. A justification for the north facing units not achieving target sunlight levels is provided due to the aspect over the River Mayne corridor, as supported by the Apartment Guidelines 2020.

The assessment assesses the cumulative impact with the massing of the emerging SHD proposals for the Rosemount House site to the south in place and demonstrates that it will not adversely impact on the quality of daylight to the proposed units. As the Rosemount House application is being lodged separately by a separate party it is not considered appropriate or necessary to assess the impact of the Site 10 development on their proposed apartments, i.e. it is more appropriate and reasonable to expect that their application will have to demonstrate adequate levels of daylight to their apartments with the Site 10 development in place.

The proposed development contains public / communal open space to the south, north and east and contains communal rooftop garden areas located on the 8th floor roof of Block 10A and the 10th floor of Block 10B, facing west and east, respectively. The design of the open space has been carefully considered to maximise access to sunlight, with all areas receiving an acceptable level of sunlight that is not overly injured due to overshadowing, as demonstrated in the Daylight / Sunlight Assessment.

The Daylight and Sunlight Assessment also includes shadow analysis diagrams which indicates the overshadowing of adjacent areas and the future development on the Rosemount House site.

We note that page 43 of the Urban Design Manual 2009 provides the following advice:

“Where design standards are to be used (such as the UK document Site Layout Planning for Daylight and Sunlight, published by the BRE), it should be acknowledged that for higher density proposals in urban areas it may not be possible to achieve the specified criteria, and standards may need to be adjusted locally to recognise the need for appropriate heights or street widths.”

While it is acknowledged that the proposed development will have some minor impacts on sunlight and daylight access to the permitted units in Block 2, this was something that was acknowledged at the time of that application given the future development site to the west, and it is respectfully submitted that such a level of impact is inevitable as the result of any suitable redevelopment of the current SHD site at an appropriate density befitting the location and context of the subject site. It is respectfully submitted that the daylight and sunlight assessment and the planning policy framework supports the form, use, design, and scale of the proposed development on the subject site.

Request 5

5. *“Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.”*

Response:

In response to the foregoing specific item of further information requested by the Board please refer to the Material Contravention Statement, prepared by John Spain Associates, which accompanies this SHD application, and which is referenced in the public notices.

The Material Contravention Statement provides a justification for potential material contraventions of the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018 (as extended to 2022) should the Board be of the view that the proposed development contravenes (i) Section 16.7.2 of the Development Plan and Section 7.9/ Objective UD07 of the LAP in relation to building height, (ii) Section 16.10.1 of the Development Plan as it relates to unit mix and (iii) Objective MTO31 of the Development Plan and Section 6.5 / Objective MTP2 of the LAP in respect to the implementation of the Malahide Road/R107 (including North Fringe Improvements) road improvement scheme.

The Material Contravention Statement also provides a justification for a potential material contravention of the Dublin City Development Plan 2022-2028, based on the Draft Plan and Proposed Material Alterations, which are currently subject to public consultation, in the event that a decision on the application is made subsequent to the new Dublin City Development Plan 2022-2028 coming into effect, and the Board is of the view that the proposed development contravenes the new Dublin City Development Plan as it relates to a requirement to provide community, arts and culture and artist workspaces as currently set out in Section 12.5.3 and Objective CUO22, **and** Universal Design requirements for new apartment developments as set out in Section: 5.5.5 Housing for All, Objective QHSNO10 Universal Design and Section 15.9.2 – Unit Size / Layout.as it relates to cultural facilities as currently set out in Section 12.5.3, Objective CUO22, and Universal Design requirements for new apartment developments as set out in Section: 5.5.5 Housing for All, Objective QHSNO10 Universal Design and Section 15.9.2 – Unit Size / Layout.

The Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, refer to the inclusion of the Material Contravention Statement in the prescribed format in accordance with the requirements of the Act / Regulations (i.e. utilising the same wording provided in the legislation).

Request 6

6. *“Submission of Wind and Pedestrian Comfort Study.*

Response:

In response to the foregoing specific item of further information requested by the Board, a Microclimate Impact Assessment Report, prepared by TMS Environment, is submitted with the application. The report demonstrates the following:

- The pedestrian comfort assessment demonstrates that the areas around the development can all be considered suitable for pedestrian use;
- The proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings;
- All public and open spaces are determined to be suitable for the proposed use;
- All entrances and walkways are found to be suitable for the proposed use and no adverse impacts are predicted;
- All balconies and roof terraces (including design mitigation at upper levels) are found to be suitable for the proposed use following the incorporation of mitigation measures into the architectural design of the scheme.

The assessment concludes that there are no significant adverse impacts predicted from a microclimate perspective as a result of the proposed development and considering the cumulative impacts with Site 2 / Block 2 (under construction) and the emerging proposals for the Rosemount House site.

Request 7

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

Response:

In response to the foregoing specific item of further information requested by the Board, please refer to the **‘Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended’** prepared by Enviroguide Consulting, which is submitted with the application. The Statement details how the available results of all relevant assessments of the effects on the environment from the proposed development have been carried out pursuant to relevant European Legislation and concludes, in conjunction with the EIA Screening Report (also prepared by Enviroguide), that, based on best scientific knowledge, the proposed development will not result in significant effects on the environment and, as such, an Environmental Impact Assessment is not required.

3.0 CONCLUSION

In conclusion, it is respectfully submitted that all the additional information items raised by An Bord Pleanála have been comprehensively and successfully addressed prior to the submission of this final SHD application. The accompanying documents as referred to above provide for a detailed response to each point raised by the Board and this statement of response should be read in conjunction with same.

The key measures undertaken to address the specific information requested in the Board’s Opinion as are set out in Section 2 above and can be summarised as follows:

- The proposed scheme was revised to ensure no undue overlooking on the adjoining development at Site 2. The development as now proposed does not have any Kitchen/Living/Dining (KLD) rooms facing Block 2, and projecting angled windows fitted with permanent architectural screens having been added to the gable ends of both proposed blocks to both enhance the elevations and ensure that adequate privacy is provided between Block 10B and Block 2 to the east, and between Block 10A and Block 10B;
- The separation distance between Block 10A and Block 10B has been increased by c. 1.5m to further reduce any potential impact on residential amenity due to direct overlooking. The proposed scheme also provides for sufficient distancing to the emerging development proposals for the Rosemount House site to the south;
- The CGI and Photomontage Brochure accompanying this SHD application includes additional CGIs and photomontage views of the proposed scheme, and the scheme in the context of the adjoining Block 2 development to the east, and the emerging proposals for the Rosemount House site to the south;
- A Building Material Report and Building Lifecycle Report is included as part of this application and the Landscape Design Statement and drawings also include details on the materiality and finishes;
- The Daylight and Sunlight Assessments Report provides details on the acceptability of the proposed scheme in terms of daylight / sunlight levels to the buildings and associated open space, and impacts on / of existing and future development in proximity to the site;

- A Material Contravention Statement, providing a justification for potential material contraventions of the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018, as extended to 2022, accompanies this SHD application. The Material Contravention Statement also addresses the Draft Dublin City Development Plan 2022-2028, including the Proposed Material Alterations, which are currently on public display, in anticipation of a situation where a decision will be made on the application after the new Dublin City Development Plan 2022-2028 comes into effect;
- A Microclimate Impact Assessment Report is submitted with the application; and
- 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.

The scheme effectively responds to the characteristics and constraints of the subject lands with a considered and site-specific layout and design. The proposed design conforms to all necessary standards for apartment developments while providing a high-quality design response to an accessible, well-connected and appropriately zoned site. The impacts on adjacent development, both existing and future, has been considered throughout the design process ensuring that the proposals do not impact or compromise these adjacent properties / sites.

It is respectfully submitted that the proposed development provides for a high level of residential amenity, for residents of the proposed development and also adjacent developments, through the provision of a high quality design which maximises privacy, space, access to light and open space.