

FAO:
An Bord Pleanála
64 Marlborough Street
Dublin 1

Francis Gallagher
2 Grand Canal View
Dublin 8 (D08 DP3Y)

11th May 2022

Re: Strategic Housing Development application (Ref. ABP-TA29S.313278) at White Heather Industrial Estate, South Circular Road, Dublin 8.

Dear Sirs,

My name is Francis Gallagher and I am a home owner in close proximity to the subject property development, occupying 2 Grand Canal View, Grand Canal View, Dublin 8. I wish to submit a number of observations about the scheme, which I believe to be well considered and reasonable. I enclose payment of the statutory observation fee of €20. I confirm that the submission is made within the statutory five week period.

Observations:

1. Part V:

a. 10% Part V correct?

- i. The landowners, who's company was recently bought out, are deemed by their application to remain at 10% Part V.
- ii. Didn't the ownership of land change hands after the new legislation for 20% Part V came into existence? If so, does the ownership changing hands by way of share sales somehow exempt not apply in the same way a freehold / leasehold transfer would?
- iii. Capital Gains Tax rules on share sales were changed to this type of tax avoidance, so should Part V (which is effectively a tax) not be applied here also?

b. Proposal promotes segregation and discrimination of Social Housing occupiers:

- i. The applicant bizarrely and continuously referred to the Social element as being "at 10% in 2 no. discrete blocks within the proposed scheme" as if that's a gold star approach.
- ii. Irish Housing policies are designed to create sustainable and integrated communities. I don't believe this proposal can suggest it accomplishes this aim on a number of levels:
 1. All Part V units are provided for across two distinct blocks rather than the preferred pepper-potted approach synonymous with good planning practices
 2. The two blocks are located at either end of the development and even have distinctly different façade treatment, so as to distinguish them from the rest of the development.
 3. The locations of the two blocks are at the most disadvantaged areas of the development, over-looking into nearby neighbourhoods in an overbearing manner, particularly Block 01.

Conclusion: I'm disappointed such practices would be agreeable in this locality. One need not travel more than 100 metres west into Dolphins Barn to assess the Social drawbacks and consequences to poor planning practices that promote concentrated approaches to Social housing, over integration.

2. Access via St. James's Terrace:

a. Pedestrian Access:

- i. I welcome the pedestrian only access off St. James's Terrace, however I question the bin storage solution just inside the entrance and the policing of same.
- ii. The proposed location of the bike and bin storage is in a "black spot" from a surveillance perspective.

- iii. St. James' Terrace has a **major** illegal dumping problem at present, particularly at the entrance to this site. The issue is only compounded by the fact that the rubbish attracts nearby Water rats from the canal.
- iv. I question the location of the bin stores at the entrance to St. James's Terrace, and wish to confirm that they will be in "secure" locations that will not attract rodents and further illegal dumping on what will be a private development. It should be reviewed.

b. Water Pipe Connection:

- i. The developer will need to connect a 150mm water pipe connection from the development to water services on the Dolphin Barn Road via St. James's Terrace. The area is referred to an "area of consent" in the application.
- ii. As a result there will, at some stage during construction, be significant works to the roadway at St. James's Terrace.
- iii. The condition of the existing road on St. James's Terrace in which the pipe connection will be laid is poorly maintained, bordering on neglected, at present and should be upgraded / re-laid by the developer as part of the works.
- iv. Furthermore, it is noted that the existing watermain infrastructure on St. James's Terrace is over 100 years old and caution and due care should be provided for when carrying out works for the new pipes.

Request: The developer, who is responsible for funding the upgrade works and connection, should also be required to relay and upgrade the surface road from Dolphin's Barn Road to the entrance to the site.

3. Parking Provision:

- a. The reduced car space ratios should be all Electric Vehicle charge points.
- b. It is a more and more common developer driven approach and it would be in the interests of sustainable developments and future proofing the development.

4. Asbestos Report:

- a. *"The demolition will include the soft strip out and removal of any hazardous material. An Asbestos Survey Inspection and Report will be produced prior to any demolitions works and will be made available to the contractor. If asbestos is identified during the demolition, removal will be carried out by a specialist sub-contractor who will be responsible for the removal, transportation, and disposal, of all hazardous materials to an approved licenced disposal facility."*
- b. I can't understand how a no site investigation report has being carried out to accompany the demolition plan for the site. Given the nature of the existing industrial sheds and the extent of the regeneration, an asbestos report should most certainly have been carried out.
- c. The existence of asbestos on the site is unquestionable and the demolition process is a significant risk and potential health hazard to neighbouring residents.
- d. I am Asthmatic, with breathing difficulties, and am concerned about this. Any grant should condition that the Environmental Protection Agency be notified 4 weeks before commencement of demolition, and oversee the process.

5. Height of Block 01:

- a. Whilst it might be deemed as only 5 stories in height, this building is by far the most grossly overbearing within the development.
- b. For numerous reasons, I can't accept or understand how Block 01 could be deemed by ABP as appropriate in design, height or scale. It shows zero consideration for neighbouring properties.
 - i. **Height:** For instance, the east area of the proposed development steps up from 2-stories to respect Priestfield, yet the west side steps from 4 to 5 storey in a block that is of incredibly close proximity to existing dwellings.
 - ii. **Distance:** The following extract from the section 16.10.2 of the Residential Quality Standards should immediately raise significant issues with Block 01 of the proposed development.
 - 1. *"At the rear of dwellings, there should be adequate separation between opposing first floor windows. Traditionally, a separation of about 22 m was sought between the rear of 2-storey dwellings."*
 - a. Block 01 is 5 metres from 13B St. James's Terrace

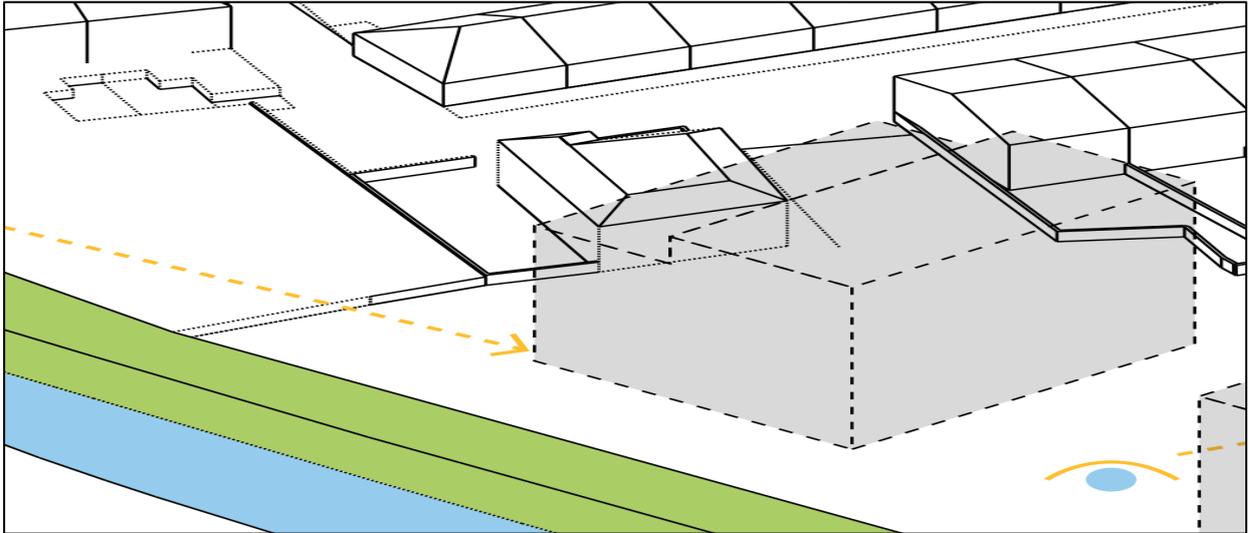
- b. The living room window of the North-East facing unit of the block is 8 metres from direct viewing of the residents bedroom. That is under 35% of the recommended distance.
 - 2. Relaxations may be provided if *“it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. Careful positioning and detailed design of opposing windows can prevent overlooking with shorter back-to-back distances and windows serving halls and landings do not require the same degree of privacy as habitable rooms.”*
 - a. None of these relaxations are achieved.
 - b. In fact, it is obvious the window and design are merely to ensure sufficient dual aspect and no north facing single aspect units. A more appropriate design could have been to have a 3-bed unit with a north-west dual aspect but the developer has chosen a high-risk, high greed, high density approach in the scenario.
 - 3. Not only is the building extremely close, but they are overbearing by way of five stories and five separate households looking in over your private bedrooms, which is truly unacceptable.
 - 4. It is also overbearing for the residents of Grand Canal View, who’s bedroom windows will be between 10 metres (Number 3 Grand Canal View), to 14 metres (2 Grand Canal View), and 18 metres (1 Grand Canal View)
 - 5. The most amazing design element is that all of the new blocks demonstrate further distances apart from each other than they do from existing dwellings, and by some considerable distance.
 - a. Block 01 is 19.633 metres from Block 02, with plenty of room to move closer.
 - b. Block 01 is designed with target unit count and unit mix in mind in order to meet Part V obligations only.
 - c. The fifth floor set-back is considered gratuitous and, for all intents and purposes, immaterial to the hugely over bearing impact the block has on the neighbouring properties

iii. **Daylight:**

- 1. Daylight is often confused with Sunlight and numerous drawings / photos within the proposed planning excluded the new houses at Grand Canal View.
- 2. I am requesting confirmation that the Daylight impact on my north facing rooms is not excessively reduced by a new 5 storey building in such close proximity?
 - a. In a work from home environment, where the home office is north facing and already short on light, it would be a disaster to have such additional loss of light in the rooms and could lead to the well-researched Seasonal affective disorder (SAD’s) in Winter months when light is already at minimum.
 - b. **This request is not unreasonable when DCC opinion raised concerns about the impact on our houses had not been sufficiently addressed, and I don’t believe it ever was sufficiently addressed.**

Conclusion: Height has now become the main drawback for observers on proposed developments, with nearby locals fighting for reduced overall schemes on a regular basis. Therefore, narratives can often fall on deaf ears in such circumstances. However, I do not believe the three visual extracts from the planning application can be easily overlooked by ABP when considering the reasonableness of this application. I am pro regeneration and development, however, I cannot ignore or accept the impact Block 01 will genuinely have on the surrounding residents. Whilst only 5 stories in height, it has a more detrimental impact than any other given it’s encroaching distance from existing buildings.

Picture 1: Grand Canal View omitted from picture and highly overbearing design on unit 13B.



Picture 2: Demonstrating proximity of Block 01 to unit 13B and Grand Canal View houses



Picture 2: Omission of 13B which would demonstrate over bearing nature of Block 01

