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An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

4 August 2022

Dear Sir/Madam

Our client: Chadwicks Group Limited
Re: Proposed SHD Development at Junction of Santry Avenue and Swords Road, Santry,
Dublin 9 by Dwyer Nolan Developments Limited
ABP Case Reference: TA29N.314019

We refer to the proposed SHD development referenced above (the "Proposed Development") by the applicant Dwyer Nolan Developments Limited (the "Applicant").

We are instructed by our client, namely Chadwicks Group Limited, to make the following submission in respect of the Proposed Development.

Introduction

As will be referred to in more detail below, our client operates a highly successful, large and essential builders' merchants and retail business premises that is located on the property which is the subject matter of the Proposed Development (the "Premises").

The Premises has been established for decades and on a continuous basis for in or around 34 years. The trade that throughout this period of time has been conducted from the Premises, serves the local community in Santry as well as the entirety of the North Dublin area.

We note that in summary and from information in the public domain, it appears that the Proposed Development relates to the construction of 350 apartments in four tower blocks at the junction of Santry Avenue and Swords Road, with the tallest such tower block being a proposed fourteen storey building.

Among other things, the Proposed Development by the Applicant, as expressly stated at paragraph (1) of the Site Notice published by the Applicant, would involve the demolition of the Premises.

It should be noted that the Proposed Development, if it is permitted to go ahead, would result in not just the demolition of the Premises, but also the total destruction of the viable and thriving business that has been conducted from the Premises for decades and which serves the North Dublin area while also providing much needed long-term sustainable employment for the local community.

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Our client also wishes to highlight that despite the catastrophic and indeed fatal effect that the Proposed Development would have on the Premises if it is permitted to go ahead, the Applicant has not attempted to consult or engage with our client in any meaningful way in respect of the Proposed Development.

It is also relevant to note that the Applicant purchased the Premises on or about 6 November 2019, and therefore has at all material times been on notice of (a) the Premises, (b) the business that is conducted by our client from the Premises, and (c) the long lease that is held by our client in respect of the Premises.

Summary of trading business conducted at Premises for over 30 years

A builder's merchant business has operated from the Premises on a continuous basis for 34 years, and our client has owned and controlled the said business for in or around 28 years since 1994 pursuant to a long lease. The Premises occupies an area of approximately 3.48 acres and consists of an outdoor area that is used for trading purposes and a sales warehouse building with a floor area of 4374 square metres. The entirety of this area is integral to the business that is conducted from the Premises, insofar as the Premises (including outdoor area) is used for external storage requirements, servicing our client's collected business (as opposed to delivered), loading and safe circulation/operation. The Premises is one of the largest builder's merchants in North Dublin.

The principal business and customer base at the Premises is the sale of building materials and products to large scheme construction businesses and small to medium size builders. The Premises also operates on a retail basis to individual customers for DIY purposes.

The Premises has 22 full time staff with a high percentage having been employed at the location for over 20 years.

A large part of the enduring viability of the Premises is due to the convenient location and size of the Premises. This enables our client to hold high levels of stock which means that materials are readily available to customers without delay. The Premises has a high level of collected business, and stocks a wide range of products at the location and is well known for its product range and service. In particular the Premises serves small and medium size builders who carry out RMI work (Repair, Maintenance and Improvement) in the surrounding area. Again the location and high stock holding due to the size of the Premises, means that materials are readily available at the convenience of customers and without delay.

From a retail perspective, the Premises provides a wide range of goods and services that are sold to the customer base within the local community and the greater North Dublin area, including bathroom showrooms, doors and floors, a hire centre as well as an extensive range of hardware, paints and other DIY accessories.

The builders division at the Premises stocks key building components including timber, cement, block, brick and steel together with a wide range of heating and plumbing products.

The local community and housing developments in Santry were predominantly built and established between 1950 to 1970. Similarly, the business that has been conducted from the Premises for decades is also uniquely placed to support the large scale retro fit work that is required to take place in the local area over the next decade. This is also a key factor in supporting the State in meeting its sustainability targets and climate change obligations within that timeframe.

From a local community perspective, our client has also actively supported local causes and groups over the years. Most recently, our client was a main sponsor on the RTE DIY SOS show which renovated properties for those in need in the area.

As highlighted above, in the event that the Proposed Development is permitted to proceed, this will inevitably lead to the complete destruction and cessation of an essential business in the North Dublin area.

For the avoidance of doubt, in an attempt to mitigate its position and as a contingency, and strictly without prejudice to all of our client's rights and entitlements in respect of the long lease that it holds in relation to the Premises, our client has conducted exhaustive searches for a similar premises that could

service the same customer base and business that is conducted from the Premises. All of these searches have been unsuccessful. Put simply, there is no suitable alternative premises available.

Our client is therefore fortified in its view that if as a result of the Proposed Development, our client is required to close the Premises, this will quite simply result in the immediate and complete unavailability of all of the products and range of services that are carried out by our client at the Premises.

Specific Issues

In addition to all of the foregoing, our client has been advised by counsel that the Proposed Development breaches the principles of proper planning and sustainable development in a number of important respects, including the following non-exhaustive list of matters.

1. There is a 'letter of consent' provided with the application, from Zoltorn Limited of Stonebridge House, Stonebridge Close, Shankill, County Dublin, dated 12 July 2021. It is not stated in the letter in what capacity Zoltorn Limited is providing the letter of consent. In particular, it is not clarified whether the said letter of consent is provided by Zoltorn Limited as the owner or controller of lands comprising, adjoining or affecting the Proposed Development and, if the latter, in what manner does the purported consent affect or relate to the Proposed Development? It is also unclear whether the signatory of the purported letter of consent is authorised by the company concerned, or in what capacity the signatory signs the letter of consent on behalf of the said company.
2. There is no evident confirmation of feasibility from Irish Water in respect of the Proposed Development, contrary to the requirements of the Planning and Development Regulations.
3. The Proposed Development is of excessive density, accommodating 350 residential units on a very limited site of c.1.5 hectares, or just over 233 dwellings per hectare. This is considerably in excess of usual development norms of 50 units per hectare. Moreover the Proposed Development is at a location that is already subject to heavy traffic in all directions and manifestly unsuitable for this quantum of residential development which will be located at a significant remove from the urban core.
4. The buildings are of excessive height relative to existing or proposed buildings at the location, which range from two to seven storeys in height, which will be matched and indeed greatly exceeded by the Proposed Development where the proposed blocks will range from 7 to 14 storeys, in what is identified by the Applicant as an "Outer City" location. In this regard, the Proposed Development will create an unacceptable precedent for future years in respect of development in the locality. The maximum building height permitted in such locations is 16 metres and the Proposed Development breaches this on a wholesale basis with building heights ranging from a (minimum) of some 22.9 metres up to some 48.3 metres.
5. The unit mix of the Proposed Development appears to be contrary to section 16.10.1 of the Dublin City Development Plan (2016-2022), which requires that a minimum of 15% of the units being provided are three or more beds. The proposed provision in the Proposed Development is a total of 19 units out of a total of 350 units, or just over 5.4%, well below the requirement of 15%. The number of one bed apartments is 113 out of a total of 350 units, or 32.3% of the overall, which is in breach of section 16.10.1, which requires a maximum of 25-30% of one bed apartments as part of a development.
6. There is inadequate separation distance between the blocks of the Proposed Development – see Blocks A and B, Blocks C and D, Blocks E & F and Block G which appear to have significantly less than the required 22 metres of separation between the respective blocks.
7. There is inadequate public and communal space provision, especially in terms of quantum which cannot be justified by any other consideration, including the availability of open space at Santry Demesne, which is available only by crossing a very busy main road, and especially is not suitable or accessible for spontaneous, unplanned, play by children residing at the proposed development.

The overall quality of purported open space provided is very poor, limited, fragmented and is not linked or contiguous to other areas of open space. The availability of open space on roof terraces on the seventh storey of three apartment blocks is an inadequate substitute for proper provision of open space at street level.

8. There appears to be very poor lighting availability at some of the floors on the proposed apartment blocks, reflecting the density and height of the proposed development. There is an open acknowledgment of non-compliance by the Applicant insofar as its application expressly states that *"We accept that some balconies and living rooms may not meet the BRE recommendations for sun lighting in certain locations at the lower levels of the development"*.
9. There is a significant under-provision of car parking - a total of 209 spaces, for an apartment complex with 350 units - at the proposed development which is purportedly justified by reference to the frequency of public transport (at the existing quality bus corridor) and proposed future Bus Connects developments, as well as the site location notwithstanding the express admission by the Applicant that the Proposed Development is at an Outer City location. There is no assessment of the adequacy of existing bus capacity to accommodate the likely number of residents at the Proposed Development, nor is there any consideration of the impact on existing transport capacity of the likely usage by residents of the adjoining permitted development, nor an assessment of the adequacy of public transport capacity to accommodate the combined demand of both such developments.
10. The assessment of social and community infrastructure is largely theoretical and unjustifiably favours "desk" research based on theoretical models of needs and place availability over the simple expedient of contacting local schools or GP practices to establish actual place availability. It does not consider the expected demand for childcare places, school places or medical infrastructure of other permitted developments (yet to be built) in the locality as well as those of the Proposed Development. This casts a serious doubt over the adequacy and credibility of the Applicant's entire analysis. It is also noted that the analysis was prepared on the basis of 2016 Census data, and one would expect that proper planning would require this analysis to be updated to take proper account of the most recent demographic data available from the 2022 Census.
11. The level of traffic analysis is very poor. The TRICS data relied upon appears to be unrepresentative and bears no relationship to the reality of traffic on the ground with which we are all very familiar. The traffic on the adjoining road network at the morning peak (in particular) is at a standstill, with similar traffic congestion at the weekends particularly for access to the nearby Omni shopping centre. There is no evidence proffered by the Applicant to suggest that the surrounding road network can bear the additional traffic generated by a Proposed Development and particularly a development at the impermissible level of density that is proposed by the Applicant.

Conclusion

Our client is firmly of the view that, in accordance with the established and accepted practice and procedure, permission should be refused for any unsuitable development at a clearly unsuitable location, such as that which is proposed by the Applicant.

Our client believes that the above points will be of assistance to you in your consideration of the application for the Proposed Development and our client is prepared to expand on any of these matters should you so require.

Yours faithfully

Maples and Calder (Ireland) LLP

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