



**ARMSTRONG
FENTON**
ASSOCIATES

PROJECT: SANTRY AVENUE STRATEGIC HOUSING DEVELOPMENT

**REPORT: STATEMENT OF RESPONSE TO AN BORD PLEANÁLA'S NOTICE
OF PRE-APPLICATION CONSULTATION OPINION: REF: ABP-
308093-20**

CLIENT: DWYER NOLAN DEVELOPMENTS LTD.

DATE: 16|07|21

**Planning &
Development
Consultants**



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1.0. Introduction

Applicant's Response to An Bord Pleanála Pre-Application Consultation Opinion Reg.: ABP-308093-20

- 1.1. Pre-application consultation with An Bord Pleanála in relation to the proposed development, under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016 took place on 3rd December 2020 online via Microsoft Teams, due to the Covid-19 pandemic.
- 1.2. The Board's Notice of Pre-Application Consultation Opinion, under Ref. 308093-20, was received on 17th December 2020 and is enclosed within Appendix C attached to the enclosed Planning Statement and is referred to hereafter as "the Opinion". The Opinion states that An Bord Pleanála *"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"*.
- 1.3. The Opinion identifies ten items of additional specific information that are to be submitted with any application for permission. Documentation has been prepared and/or updated in response to this request to ensure that the Board will have all of the 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 in Section 2 of this statement with reference to accompanying application documentation.
- 1.4. The report of the Planning Authority on the pre-application documentation submission was issued to the Board in accordance with Section 6(4)(b) of the Act. In the interests of thoroughness, a summary of the key issues identified by Dublin City Council as requiring further consideration is set out in Section 3, with responses to issues raised therein set out as required, a number of which have been addressed in preceding sections of this Statement and in accompanying reports.
- 1.5. The final proposals and application documentation, now put forward for permission, have regard to the points of discussion and issues raised during the course of the tripartite SHD pre-application meeting held on the 3rd December 2020, and the two no. Section 247 meetings undertaken with the Planning Authority prior to the tripartite meeting with both An Bord Pleanála and the Planning Authority.
- 1.6. This Statement will refer to other documentation which forms part of the final SHD application pack and will direct the reader to the relevant information within the application documentation, which demonstrates that the issues raised during the course of pre-application consultation have been fully and satisfactorily dealt with prior to the submission of this final Strategic Housing Development Application.



2.0. Response to An Bord Pleanála Opinion

- 2.1. The Opinion of An Bord Pleanála following the pre-application stage for the proposed development sets out ten specific items of information that are to be submitted with a SHD planning application. The Board consider that these items / information need to be addressed / included in the final documentation submitted to the Board in order to ensure that the proposed development and supporting documentation would constitute a reasonable basis for an application for strategic housing development.
- 2.2. Each of the ten items raised within the Opinion are set out below, and a response is provided thereto, referring to other documentation or sections within documents which provide a more detailed or technical response where relevant.

Item 1 - *An Urban Design Analysis to explain the rationale for the height distribution throughout the site. Any analysis should reference the urban design principles set out in the Urban Development and Building Heights guidelines and Sustainable Residential Development in Urban Areas guidelines, with specific reference to placemaking. The report prepared should demonstrate how the proposed development and the distribution of height throughout the site assists with the identification of these lands as a potential 'gateway' to the city. In addition, the report should detail an integrated approach to the entire site, with specific reference to the relationship to Santry Demesne Park to the north and the incorporation of Block G and its amenity space at ground level.*

Response to Item 1:

The project architects Davey-Smith have prepared the enclosed Architectural Design Statement (hereafter ADS) – please refer to same – which provides a detailed analysis of the urban design principles applied to the proposed development, which are based upon the guidance set out in both the Urban Development and Building Heights Guidelines and Sustainable Residential Development in Urban Areas Guidelines and its accompanying Urban Design Manual, particularly the 12 urban design criteria. The enclosed ADS sets out an explanation of how and why the building height is distributed as it is across the application site.

Section 16.7.2. of the Dublin City Development Plan 2016-2022 (hereafter CDP) sets out the height strategy for the city and details the maximum building heights within the city. The application site is identified as an 'Outer City' location suitable for low rise buildings (as per Figure 39 'Building Height in Dublin Context' and Section 16.7.2 of the CDP). For both residential and commercial development, the CDP states that up to 16 meters in height is permitted at such locations.

The development put forward for permission proposes building heights ranging from 7 storeys (22.9m) up to one no. 14 storey building (48.3m). The proposed building heights can therefore be seen as being above the maximum building heights stipulated in the CDP; however, it is considered that given the context of the application site, which is adjacent to a high quality public transport route including the proposed BusConnects Corridor, and immediately to the north of the permitted Santry Place development, currently under construction, which has permitted heights of 7 storeys, and is also in close proximity to the permitted development on the old Swiss Cottage site, which also has permitted heights of 7 storeys (c. 23m) and the permitted Omni Living development to the south which provides for building heights of up to 12 storeys (c. 40m), that additional height is wholly appropriate at this location having regard to the objectives of the National Planning Framework and the Urban Development and Building Height Guidelines 2018 (hereafter UD&BHG).



Fig. 1 – Permitted developments in the immediate vicinity – Santry Place, 7 storeys (on the left) and Swiss Cottage, 7 storeys (on the right)



Fig. 2 – Permitted Omni Living development to the south – up to 12 storeys



Fig. 3 – View of proposed development at junction of Swords Road and Santry Avenue – 7 -14 storeys

National planning policy objectives set out in the aforementioned documents seeks to eliminate blanket restrictions on building heights contained in Development Plans, and to increase heights and densities in appropriate urban locations well served by public transport in order to promote more compact, sustainable, forms of development within existing urban environments.

Section 28(1)(c) of the Planning and Development Act 2018 notes that where national planning policy, specifically SPPR's of the UD&BHG, are in conflict with a Development Plan, **the SPPR objectives take precedence**. Therefore, the proposed building heights are consistent with national policies objectives and are not a material contravention of the CDP in light of national policy. Nonetheless, in the case that it may be deemed by An Bord Pleanála that the proposed building heights are a material contravention of the CDP, the proposed building heights are considered as part of the Material Contravention Statement, prepared by Armstrong Fenton Associates, which is submitted with the application as a separate standalone document and we refer the Board to same.

While Section 16.7.2 of the CDP includes a building height restriction of up to 24m for commercial or residential development on sites categorised as rails hub *'within 500 m of existing and proposed Luas,'* the proposed building heights of 7 to 14 storeys (i.e. max. 48.3m) seeks to respond to current government policy on building heights in urban locations well served by public transport. This includes the Urban Development and Building Height Guidelines 2018 and specifically SPPR 3. We note Sections 1.13 and 1.14 of the Building Height Guidelines 2018 state that specific planning policy requirements (SPPRs) of guidelines issued under Section 28



of the Planning and Development Act 2000 take precedence over any conflicting, policies and objectives of development plans. Where such conflicts arise, such plans / schemes need to be amended by the relevant planning authority to reflect the content and requirements of these guidelines and properly inform the public of the relevant SPPR requirements.

The subject site and location is considered suitable for the scale, massing and design of building proposed. The site is brownfield in nature, accommodating the Chadwick's builders merchants (formerly Heiton Buckley). The site is well served by excellent public transport services including:

- Dublin Bus operates route numbers 16, 33, 41, 41a, 41b and 41c along the R132 Swords Road corridor, travelling in both directions providing links to Dublin City Centre and Ballinteer to the south and Swords to the north.
- Dublin Bus Route 27b operates along the R132 Road corridor (to the north east of the subject site) providing links to/from Dublin City Centre and Harristown.
- The Go-Ahead Ireland bus Route 17a operates along R104 Santry Avenue providing links to/from Blanchardstown and Kilbarrack.

The subject site will be directly serviced by the following BusConnects proposed routes:

- **Route A2/A4:** will run adjacent to the subject site along the Swords Road and will serve the site with frequency of every 12 minutes in peak period. A2 will connect the subject site to Airport, City Centre, Ballinteer and Dundrum whereas A4 connect the site to Swords, City Centre and Nutgrove.
- **Route 82:** will run adjacent to the subject site along the Swords Road and will serve Glen Ellan Road, River Valley and City Centre with a frequency of every 15 minutes.
- **Route N8:** will run along Santry Avenue just opposite the site entrance, with a proposed frequency of 10 minutes. The route provides a connection to Spine Route E located within approximately 1.2km west of the site and the future Metrolink stop on Ballymun Road. It also connects the site to Finglas, Santry, Coolock and Donaghmede.

The enclosed Landscape Visual Impact Assessment (LVIA which forms part of the submitted EIAR, chapter 14) confirms that in the medium to long term, the landscape effects (both on vegetation and character) would be moderate and positive, due to the conversion of the site from a vacant and industrial site to a considered high quality public realm and sequence of landscape spaces, both communal spaces and public open spaces. The landscape design provides for a detailed, permeable and site-specific response to the provision of high-quality public open spaces. The open space network provides for an attractive and diverse range of amenity and recreational opportunities. Equally the open space network enhances the strong urban design framework for the site. The planting of substantial numbers of new trees and plantings will enhance the overall appearance and experience of the proposed development. There will be a positive impact from the increase in habitat and biodiversity associated with this planting.

The LVIA also confirms that cumulatively, in the context of other proposed and permitted developments, there may be impacts on medium distance views, however, the proposed development will make a significant and positive contribution to the new emerging townscape of wider area and the future context of the surrounding lands. Likewise, the proposed network of open spaces will make a significant and positive contribution to the emerging landscape character, biodiversity, amenity and recreational opportunities of the area.



In response to the request to “*demonstrate how the proposed development and the distribution of height throughout the site assists with the identification of these lands as a potential ‘gateway’ to the city*”, section 3.1 (page 11) of the enclosed ADS sets out how the proposed gateway building (Block A/B) announces the entrance to the city. The ADS states that the high point within the development (c.47m) forms a strong urban anchor and landmark at the corner where it bookends both Santry Avenue and Swords Road and announces the entrance to the city. Previous iterations of the design explored the positioning of the high point at the centre Block C/D, which modulated the change in scale; however, following extensive deliberation and consultation with Dublin City Council and in response to the An Bord Pleanála Opinion, the high point has been relocated to the corner to emphasize the gateway nature of the site and create a stronger impact at this important junction that will contribute to the placemaking of the area. This approach complements the existing status to the north-west where the 52m high Metro Hotel in Ballymun articulates this urban gesture at the western end of Santry Avenue where it announces the entrance to Ballymun Town Centre.

The ADS (section 6) details the evolution of the design process, including alternative designs for the entire scheme. As a result of the pre-planning consultation process and assessment of the impacts of the proposed development on the receiving environs, the current proposal has been arrived at and is put forward for permission. Notably, the distribution of heights has been carefully considered, and based upon pre-planning feedback from the Planning Authority and An Bord Pleanála, the tallest building has been selected to be positioned at the north-east corner of the site addressing the important node that is the junction of Santry Avenue and Swords Road. Further amendments to the scheme include moving the entrance road to the west of Block G to better integrate this building into the development (rather than the perceived idea that it was an “island”) and to provide a more meaningful open space between Block E/F and G – all of which are easily identified on the enclosed site layout plan. Changes made to the site layout plan, as a result of the pre-planning consultation and in consideration of the Board’s Opinion, provide for Block G now positioned eastwards, with the main access route into the development from Santry Avenue now placed along the western boundary of the site. Block G is more integrated into the site layout plan with generous communal open space provided between Block G and Blocks E/F to the east. The previously proposed open space in the south-western corner adjacent to Block G is now omitted.

Item 2 - *Drawings and detailed specifications that show works on and in the public realm, specifically upgrades to junctions and footpaths. In addition, drawings should show, if known, the alignment and requirements for any future public transport improvements along the Swords Road (BusConnects). This may require further engagement with the local authority and any other agencies responsible for delivery of same. The applicant shall clarify how the works in the public realm will be carried out and by whom.*

Response to Item 2:

Dublin City Council has provided a letter of consent to the applicant, consenting to the inclusion of their lands, specifically within the footpaths and roadway, which is hatched in red, on the extract from the relevant map attached to the enclosed letter of consent, dated 14th June 2021. It is the applicant’s intention to carry out all of the works proposed within the red line of application, including works on and in the public realm, and upgrades to junctions and footpaths, subject to agreement with Dublin City Council, once an order to grant permission is issued.

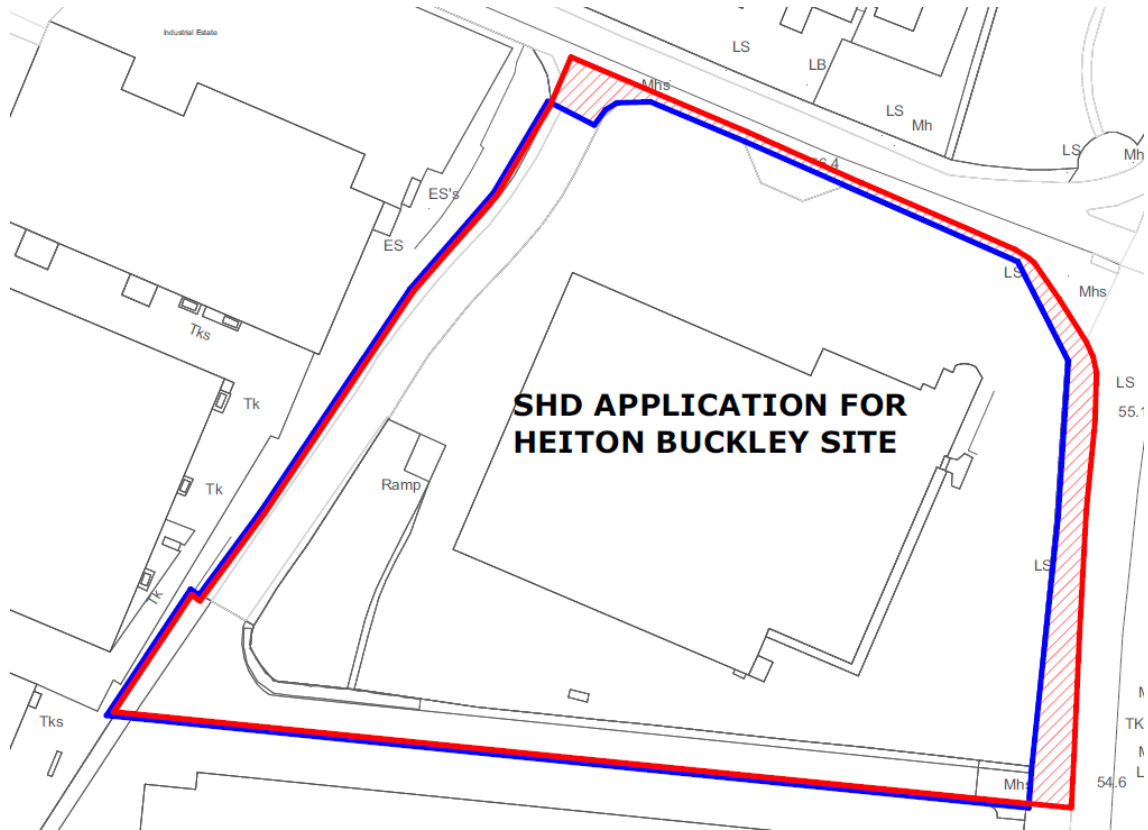


Fig. 4 – land hatched in red is in the control of Dublin City Council who has consented to their inclusion in this SHD planning application – the blue on the image above refers to the lands in the control of the applicant, to illustrate the difference in land ownership.

The enclosed details submitted as part of this application for permission identify the following:

The project consulting engineers DBFL have overlaid the Core BusConnects Corridor No. 2 map with the proposed development to ascertain what extent of the area is to be taken to accommodate future BusConnects corridor. Please refer to their enclosed drawing no. 200060-DBFL-TR-SP-DR-C-1001 "NTA'S CBC Corridor No. 2, Swords – City Centre", however, Fig. 5 over is an extract from same, which illustrates that based upon Map No. 19 Emerging Preferred Route from the corridor information Brochure (Third Round of Public Consultation November 2020) the proposed application site has been overlaid on same.

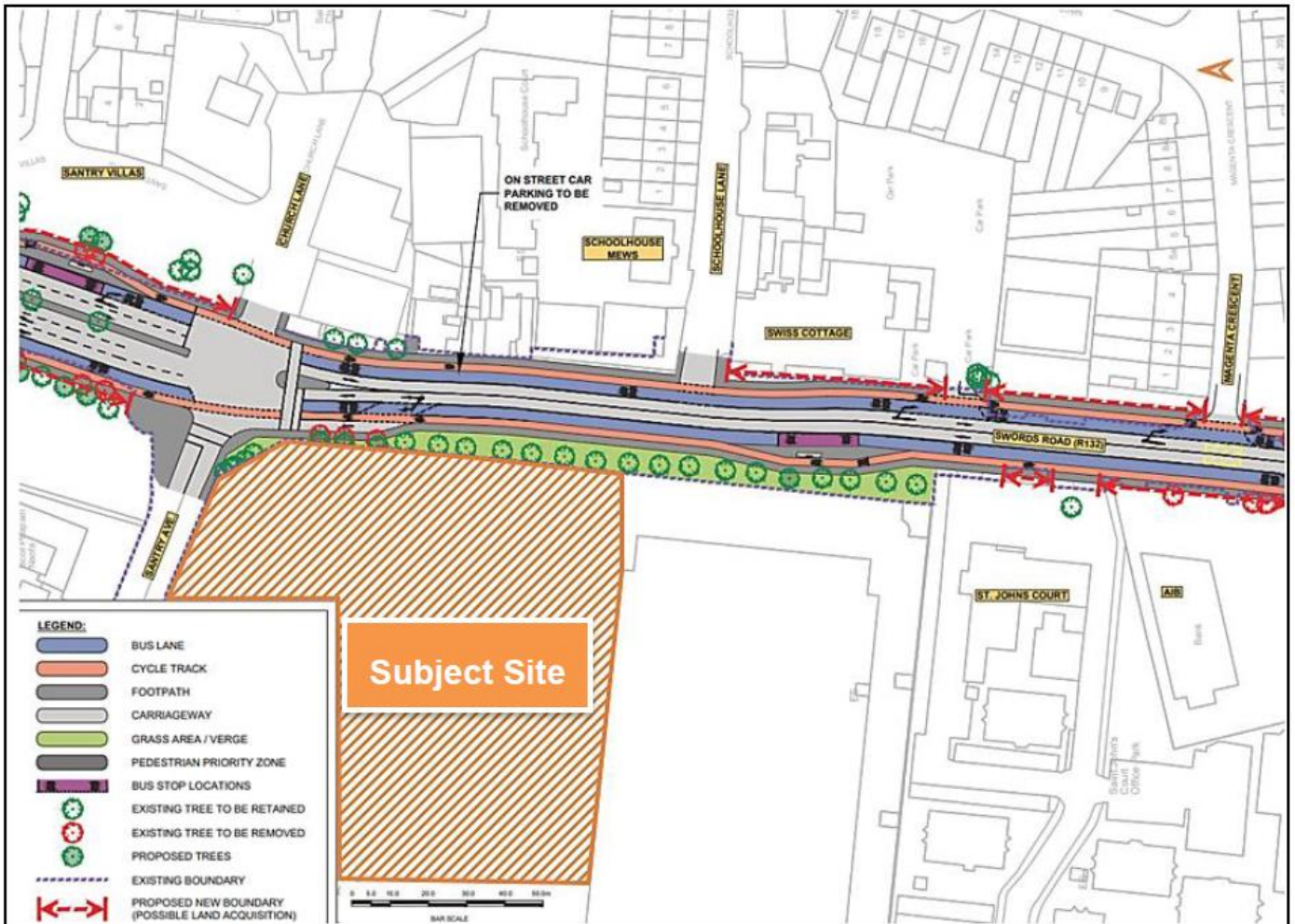


Fig. 5 – Context of subject site in relation to proposed BusConnects route corridor along Swords Road

Fig. 5 above and the submitted drawing no. 200060-DBFL-TR-SP-DR-C-1001 “NTA’s CBC Corridor No. 2, Swords – City Centre”, by DBFL, illustrates that the NTA’s CBC drawings detail the retention of the application site’s existing boundary treatment with **NO** proposed encroachment into the subject site on either Swords Road (R132) or the Santry Avenue corridors.

The enclosed drawings by Davey–Smith Architects, Dermot Foley Landscape Architects and DBFL Consulting Engineers provide details of the proposed works to the public realm which include *inter alia*:

- Removal of existing fencing currently enclosing the site;
- New footpaths, planting, landscaped terraces with planting and seating facing onto Santry Avenue;
- Relocation of existing footpath along Swords Road adjacent to proposed buildings;
- Existing trees and along Swords Road to be retained and protected;
- All associated kerbs, bicycle parking etc.



Item 3 - *Cross sections that detail public realm, landscaping and apartment block interfaces at various locations, but specifically where levels change and where space is limited. Locations for analysis should include, but are not limited to; along the Swords Road, the interface with Santry Place to the south, surface car parking areas and the planned plaza space along Santry Avenue to the north. The applicant is urged to consult the Design Manual for Urban Roads and Streets, with particular reference to streetscape, the pedestrian and cyclist environment and carriageway conditions.*

Response to Item 3:

Both Davey–Smith Architects and Dermot Foley Landscape Architects have prepared drawings illustrating the sections through the site, including details of site levels – please refer to the following enclosed drawings:

Prepared by Davey & Smith Architects

- Drawing No. D1809.P27 'Blocks A-G Section K': Scale: 1: 200@A1
- Drawing No. D1809.P28 'Blocks A-G Section L & Contiguous South Elevation' Scale: 1:200@A0

Prepared by Dermot Foley Landscape Architects

- Drawing No. Dw.01-DR-240 'Landscape Sections' Scale 1:100@A1

Item 4 - *Daylight/Sunlight analysis to an appropriate scale, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in all private and shared open space, and in public areas within the development. Where daylight and sunlight results are below optimal, compensatory measures such as larger units, increased floor to ceiling heights and maximised window volumes should all be considered. The analysis should also consider potential overshadowing impacts on all areas of proposed open space within the scheme, adjoining residential areas and other sensitive receptors. Specific regard should be had to ground floor apartments at sensitive locations and existing adjacent properties. Drawings that detail dual aspect ratios should be clearly laid out and accompanied by a detailed design rationale report.*

Response to Item 4:

CSC – Chris Shackleton Consulting has prepared the enclosed daylight / sunlight analysis and shadow assessment of the proposed development. This report examines the performance of Blocks AB, CD, EF & G in terms of light distribution and the shared amenity spaces, and has been prepared in accordance with "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting and other updated relevant documents". Please refer to this enclosed report / assessment for details, however, a summary of the performance of the proposed design is as follows:

Light Distribution ADF - ADF (average daylight factors):

- The development generally shows excellent ADF results.
- 98% tested rooms on the 1st floor comply with the relaxed requirements.
- 90% comply with the strict BRE requirements.
- Average high ADFs for all tested living rooms is 3.2% and for bedrooms 2.5%
- A supplementary ADF analysis for the Ground Floor is also provided in Appendix 1 of the enclosed report by CSC – please refer to same.

**Sunlight to Living rooms:** All windows were tested for Annual APSH and Winter WPSH

- All Living rooms receive some sunlight over the course of the year.
- If we include the marginal results then:
 - 1st Floor 57% pass the Annual APSH requirements and 57% pass the WPSH
 - 3rd Floor 70% pass the Annual APSH requirements and 82% pass the WPSH
- This is in generally in accordance with what the guidelines define as “careful layout” design 80%.

Shadow: Provided shared and public amenity were tested against the BRE requirement relating to the area receiving 2 hours of sunlight on the 21st of March > 50%.

- Private amenity spaces, if we include the marginal results then:
 - 1st Floor 64% of private spaces pass the shadow requirements.
 - 3rd Floor 90% of private spaces pass the shadow requirements.
 - This is in generally in accordance with what the guidelines define as “careful layout” design 80%.
- All the main shared spaces receive excellent and compliant sunlight results.
- Please see Architects comments on alternative, compensatory design solutions relating to sunlight/shadow.

The report concludes that the proposed development generally complies with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011) and BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting.

It should also be noted that the report asserts that while some balconies and living rooms may not meet the BRE recommendations for sun lighting in certain locations at the lower levels of the development, a high level of residential amenity will be delivered for all the residents of this scheme, such as:

a) In this urban infill site, a strong emphasis was placed on catering for high-quality sun lit areas such as the public and communal spaces, as well as private amenity spaces, which ensures that sunlit spaces will be accessible to all residents within the development and not just those with more favourably orientated apartments. A wide variety of communal amenity areas are also provided for within the scheme at the Ground, First, Seventh and Fourteenth floors. Furthermore, there is an overprovision of communal amenity space, of over 860sq.m, which can be likened to a compensatory measure for certain apartments receiving below the BRE recommendations. All amenity spaces surpass the sun-lighting requirement by substantial margins.

b) The design of the private balconies has been influenced by the necessity to provide shelter and protection from the wind in addition to any sunlighting requirement. In this regard, all balconies are fully or partially recessed into the block, and we recognize that these recessed balconies will naturally reduce sunlight exposure, but they will ultimately contribute to a more user-friendly and comfortable private amenity space for residents. It should also be noted, however, that a high proportion of balconies are substantially larger than the required areas for private open space, thus affording increased residential amenity for future residents of the development.

c) 98 % of the apartments receive above the required levels of daylighting and the analysis shows that all private spaces and living rooms also receive sunlight. There are no single north-facing single-aspect apartments within the entire scheme of 350 no. dwellings.



d) In order to improve sun lighting to ground floor units, the floor to ceiling height has been set at a generous 3m height and ground floor windows will be 2.7m high, which is substantially higher than the 2.1m standard height.

The report confirms that future occupants will enjoy great levels of both daylight and sunlight within the proposed units and while having access to a number of amenity areas that are capable of receiving excellent levels of sunlight. The site is also directly opposite Santry Demesne Park which has large areas of open space and additional amenities. The results find that any impact on the sunlight received by individual apartments would be minimal in the overall context of the urban setting of the proposed development. There is a sufficient good quality of daylight in the apartments analysed and the amenity areas all have sufficient sunlight to be bright and pleasant spaces. The application generally complies with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011) and BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting and other updated relevant documents. It has successfully been designed to maximise the occupants' access to light. As such the design has used the guidelines in the spirit they have been written and balanced the requirements of this report with other design constraints to arrive at this design.

In terms of the availability of sunlight in amenity areas, the assessment tested the amenities of private balconies and shared amenity spaces. The submitted report concludes that provided shared and public amenity were tested against the BRE requirement relating to the area receiving 2 hours of sunlight on the 21st of March > 50%. If we include the marginal results, then:

- 1st Floor 64% of private spaces pass the shadow requirements.
- 3rd Floor 90% of private spaces pass the shadow requirements.

All Shared Spaces receive excellent and compliant sunlight results. The tested spaces comply with the requirements of the BRE guidelines.

The submitted report also considered that impact of the proposed development on neighbours and a summary of the findings are:

- Non-residential buildings sit to the West, North and East of the proposal and do not require testing.
- Phase 1 Santry Place sits to the South of this Phase 2 proposal.
- Sunlight to amenity and windows of the granted Santry Place development cannot be impacted by this current proposal as it sits to the North.
- In relation to skylight (VSC) this proposal Phase 2 along the interface line is a mirrored development of the permitted and constructed Phase 1 design. Any impact along the closer façades will therefore be compliant with the guidelines and Mirrored development approach of Appendix 1 of the submitted CSC report – please refer to same.



Item 5 - *A detailed landscaping plan for the site which clearly differentiates between areas of public, communal and private open space and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Pedestrian permeability through and beyond the site (for example Santry Demesne Park) should be outlined. Details of the interface between private and communal areas should also be detailed. Additional cross sections, CGIs and visualisations should be included in this regard.*

Response to Item 5:

Dermot Foley Landscape Architects (DFLA) have prepared the enclosed landscape masterplan (drawing no. 201) which identifies the areas of public and communal open spaces. Details explaining the landscaping strategy applied to both areas of public and communal open space are set out in the enclosed Design Rationale by DFLA, under sections 3.3 and 3.4 respectively.

Please also refer to the enclosed site layout plan (drawing no. D1809.P03) by Davey-Smith Architects which provides details on the quantum of public and communal open space provision. It is also evident from the enclosed site layout plan that separate, adequate areas of private open spaces are provided to the residential units, separate to communal and public areas of open space, with the areas of individual private open space scheduled in the enclosed Quality Housing Assessment (QHA). DFLA's drawings illustrate the proposed landscaping applied to differentiate between public and private spaces – refer to the enclosed landscape masterplan (drawing no. 201), which illustrates that there will be a variety of herbaceous, hedge and buffer planting provided.

Public open space for the proposed development is provided for in linear form, centrally located, between Blocks C, D, E, & F. The proposed public open space provision equates to c. 1,915 sq.m representing c. 13% of the site area.

Communal open space is catered for as follows:

- between Blocks E, F, & G - c. 707sq.m;
- between Blocks A, B, C, & D - c. 1,190.2sq.m;
- in the form of roof gardens located on:
 - Block A (c. 267.1sq.m)
 - Block C (c. 418.6sq.m)
 - Block F (c. 436.2 sq.m)
 - on the proposed residential amenity use unit (c. 104.6 sq.m).

Therefore, in totality, the proposed communal open space provision for the development equates to c. 3,122 sq.m.

The enclosed QHA provides details of all of the private open spaces provided to the apartments, all of which either meet or exceed the standards for same as set out in the 2018 Apartment Guidelines.

Please refer to Section 4 of the enclosed Design Rationale by DFLA which provides details of all of the proposed hard and soft landscaping planting / items / materials.

The proposed development has been designed to be highly permeable, both throughout the site itself and to adjoining lands. There will be a direct connection from the subject site into the adjoining Santry Place development to the south. To the north is Santry Demesne Park with an existing pedestrian crossing at the junction of Swords Road and Santry Avenue leading directly into the main entrance to the park at its south-east corner. The proposed improvements to the public realm put forward by the subject application provides for direct connectivity to the park to the north. DFLA confirm in their Design Rationale that *“the main circulation meanders*



through the various landscape typologies creating an attractive car-free alternative to the footpath along Swords Road. A small plaza space with a café and outdoor seating area is located to the north, acting as a fulcrum for intersecting pedestrian circulation coming from Santry Park and the wider area. Pedestrian routes and open spaces have been deliberately divorced from vehicular traffic, in order to maximise human interaction with open space rather than road-scape”.

It should be noted that along the eastern boundary of the site, the full length of the existing boundary along Swords Road is proposed to be removed, with the existing Lime trees retained. The existing pedestrian footpath is proposed to be removed and replaced by soft landscape, creating a buffer between the busy road and the new footpath. Ground floor units along this facade are proposed for commercial use, creating active street frontage along Swords Road.

Communal open space for the proposed apartments is located between the building blocks and on roof terraces. The communal areas are designed to provide a sequence of usable open spaces for the residents and cater for circulation, accessibility and recreation at the same time. Substantial tree, hedge and groundcover planting is proposed within these spaces, providing for visual amenity from inside the apartments and balconies, as well as an attractive setting for outdoor recreation. An arrangement of clipped hedges is proposed adjacent to ground floor units so that all private space is separated from the communal open space.

3D Design Bureau have prepared the submitted CGI's and verified views for the proposed development – please refer to same. Both the architects Davey-Smith Architects and DFLA have prepared a variety of cross sections through the development – please refer to the following drawings:

Prepared by Davey & Smith Architects

- Drawing No. D1809.P27 'Blocks A-G Section K': Scale: 1: 200@A1
- Drawing No. D1809.P28 'Blocks A-G Section L & Contiguous South Elevation' Scale: 1:200@A0

Prepared by Dermot Foley Landscape Architects

- Drawing No. Dw.01-DR-240 'Landscape Sections' Scale 1:100@A1

Item 6 - *A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.*

Response to Item 6:

Please refer to drawing no. D1809.P04 “Site Layout – Taking In Charge” prepared by Davey Smith Architects which identifies the areas of the proposed development that are proposed to be taken in charge upon completion of the development. The remainder of the development will be in the charge of a management company, with details set out in the enclosed Property Management Strategy.

Item 7 - *A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines is also required*

**Response to Item 7:**

We are enclosing a Building Life Cycle report as part of this application in accordance with section 6.13 of the 2018 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – please refer to same.

In addition, a Property Management Strategy Report is submitted with the application outlining the long term management and maintenance of the development.

The enclosed Architectural Design Statement (Section 5 of same) provides details on the proposed materials and finishes to be applied to the buildings such that they will be of a sustainable high quality for the long term.

Item 8 - *A housing quality assessment which provides details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.*

Response to Item 8:

A Quality Housing Assessment (QHA) has been prepared and is enclosed as part of the application documentation. This QHA provides details on all of the apartments in terms of each unit's internal space provision and the requirements for same as per the 2018 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – please refer to the enclosed A3 QHA booklet.

Item 9 - *A detailed Construction Traffic Management Plan should be prepared and a revised Traffic and Transport Assessment should be submitted which sets out the cumulative impact of both the committed development and the proposed development on each of the two proposed access points*

Response to Item 9:

Please refer to the enclosed Construction Traffic Management Plan prepared by DBFL Engineers and Complete highway Maintenance (CHM) – specifically drawing no. EN 6000 – 000 – 001 “Mixed use Development – Site Access Management”.

DBFL Consulting Engineers have prepared the submitted Traffic and transport Assessment (TTA) which sets out a detailed response, under section 9.3, in relation to the cumulative impact of both the committed development and the proposed development on each of the two proposed access points - please refer to same.

Item 10 - *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.*

**Response to Item 10:**

Please refer to the enclosed Material Contravention Statement prepared by Armstrong Fenton Associates that forms part of the subject the SHD application. The public notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017 include reference to this statement in the prescribed format.

The Material Contravention Statement provides a justification for a potential material contravention of the Dublin City Development Plan 2016-2022 should the Board be of the view that the proposed building heights of 7 to 14 storeys, with a maximum height of 48.3m (i.e. the proposed 14 storey Block A), contravenes Section 16.7.2 of the Dublin City Development Plan 2016-2022 which includes a building height restriction of up to 16m for commercial or residential development on “Outer City” sites, of which the subject application site is, having regard to the Building Height Guidelines 2018 and specifically SPPR 3.

It is respectfully submitted that the proposed building heights of 7 to 14 storeys, over basement, with a maximum height of 48.3 metres, responds to current government policy on building heights in urban locations well served by public transport. This includes the Urban Development and Building Height Guidelines 2018 and specifically SPPR 3 (refer to the enclosed (i) Statement of Consistency and to (ii) Material Contravention Statement for justification in this regard). We note Sections 1.13 and 1.14 of the Building Height Guidelines 2018 state that specific planning policy requirements (SPPRs) of guidelines issued under Section 28 of the Planning and Development Act 2000 take precedence over any conflicting, policies and objectives of development plans. Where such conflicts arise, such plans / schemes need to be amended by the relevant planning authority to reflect the content and requirements of these guidelines and properly inform the public of the relevant SPPR requirements. We also note Section 9(3) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) confirms that when making a decision, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000 where they differ with provisions of the development plan. The current limitation of building height as set out in the City Development Plan is inconsistent with the Building Height Guidelines, which acknowledges that to achieve higher density, development of taller buildings is required at appropriate locations.

The enclosed Material Contravention Statement outlines how the proposal meets all of the criteria outlined in national planning policy and S.28 Guidelines, particularly the Apartment Guidelines 2018 (as amended) and Building Height Guidelines 2018. It has been demonstrated how the site is suitable for high density development and the heights proposed, which exceed the 16m height limit in the City Development. Therefore, the applicant has demonstrated to An Bord Pleanála why it is appropriate to grant permission should the proposal be considered a material contravention of the Development Plan in terms of allowable height, should they consider it to arise, having regard to Section 37(2)(b)(i) and (iii) of the Planning and Development Act, 2000 (as amended).



3.0. Response to Dublin City Council Pre-Application Opinion

- 3.1. The report of the Planning Authority on the pre-application documentation submission was issued to the Board in accordance with section 6(4)(b) of the Act. In the interests of thoroughness, a response to the key issues raised by Dublin City Council Opinion is set out below, a number of which have been addressed in preceding sections of this Statement.
- 3.2. We note that the Planning Authority welcomed the proposal to develop this zoned and serviced site, however, they requested the applicant to address a number of issues in advance of the submission of a related planning application, which are discussed below.

Item 1. (a) While the planning authority is satisfied with the general layout of the blocks, although there are concerns regarding Block G, located in the south-western corner of the site. The relationship of this block with the rest of the scheme and the outdoor amenity space(s) to serve this block require a fundamental redesign. This block should form an integrated part of the scheme and not form a standalone block in the corner of the development underserved by outdoor amenity space.

Response: The submitted site layout plan (D1809-P.03 clearly illustrates that Block G has been repositioned within the development, closer to Blocks E/F and the main access route into the development from Santry Avenue moved westwards adjacent to the site boundary. Block G and its amenity space are no longer proposed removed from the rest of the development but is more integrated into the overall development.

(b) There are concerns regarding the proposed separation distances between some blocks at certain 'pinch points' in the scheme. For example a minimum of 12 metres separation is proposed between the balconies on the eastern elevation of Block E and the bedroom windows on the western elevation of Block D. It is not considered that this minimal distance as proposed can adequately maintain the privacy of future occupants and this layout should be reconsidered and separation distance increased.

Response: The separation distances between the proposed buildings are detailed on the enclosed site layout plan (D1809.P.03) and range from a minimum of 18m to a maximum of 26m.

2. The planning authority considers that a more appropriate design approach would be for the highest element of the development i.e. the 14-storey tower be positioned on the corner of Santry Avenue and Swords Road i.e. in the north-eastern corner of the site.

Response: The tallest building of 14 storeys has been relocated to occupy the north-eastern corner of the site, directly addressing the junction of Swords Road and Santry Avenue, and will act as a landmark / gateway building.

3. (a) The quality of architectural design and material finishes of all elevations, particularly those facing the park and the adjacent main roadways are an important consideration. The landmark tower in particular should be of exceptional architectural design (Policy SC25 refers). A more robust rationale of materials and finishes is required to provide for a development of exceptional architectural quality

Response: The submitted Architectural Design Statement and the Building Life Cycle Report provide details on the high quality proposed materials for the buildings and the sustainability of same for the long term – please refer to both enclosed documents.

(b) Additional CGIs would assist including from due north of the scheme from the boundary wall of Santry Demesne on Santry Avenue and due east of the proposed scheme from the front of the former Swiss Cottage site showing the proposal development in the context of Santry Place development, currently close to completion.

Response: CGI's and verified views of the proposed development have been prepared by 3D Design Bureau and include images from:

- i. view from north-east looking south-west (at the junction of Swords Road and Santry Avenue) – Fig. 6;
- ii. view from north on Santry Avenue looking south into the development – Fig. 7;
- iii. internal view from the centre of the proposed development looking north towards Santry Demesne Park - Fig. 8.



Fig. 6 - view from north-east looking south-west



Fig. 7 - north on Santry Avenue looking south



Fig. 8 - internal view from the centre of the proposed development looking north towards Santry Demesne Park

(c) Dublin Airport Authority may require consultation with regard to the proposed development having regard to the proximity of the site to Dublin Airport and the proposed height of same

Response: In accordance with the Opinion, a copy of the planning application is being provided to the Dublin Airport Operator and Irish Aviation Authority.

4.(a) It is noted that a number of apartments do not meet minimum quantitative standards, While the planning authority notes that a variation of up to 5% can be applied to room areas and widths subject to overall compliance with requirement minimum overall floor areas, the proposed development does not comply with the latter requirement either.



Response: The submitted QHA clearly demonstrates the proposed apartments wither meet or exceed the minimum standards for same as per the 2018 Apartment Guidelines – please refer to the submitted A3 booklet for details.

(b) The schedule of accommodation submitted does not identify the proposed apartments that are at least 10% greater than the minimum floor area standard. The schedule should be updated to identify same.

Response: The total proposed residential floor area of the 350 no. apartments is 25,196.3sq.m in accordance with the 2018 Apartment Guidelines and the minimum standards for apartments, the proposed 350 no. apartments should equate to total floor area of 22,549sq.m based upon the following:

- 113 no. 1 bed apartments @ 45sq.m each
- 16 no. 2 bed / 3 person apartments @ 63sq.m each
- 202 no. 2 bed / 4 person apartments @ 73sq.m each
- 19 no. 3 bed apartments @ 90sq.m each.

The total floor area of the proposed apartments is 25,196.3sq.m thus exceeding the minimum requirement by 2,647.3sq.m which equates to an exceedance of 11.7% from the minimum requirement

5. (a) A minimum of 50% dual aspect apartments would be expected in this location and notes the applicant states that 53% are dual aspect. The planning authority would question the status of some of the apartments indicated as ‘double’ aspect on the HQA submitted. E.g. the 1-bed apartments on the western side of the block on the ground through to fifth floors (i.e. 6 no. apartments) have been marked as ‘double’. However, the aspect of these appears to be single and they are west-facing only.

Response: SPPR 4 of the Apartment Guidelines has regard to dual aspect ratios, with the minimum number of dual aspect apartments being based on the location of a proposed development. To this end, the subject site is considered to be a ‘more central and accessible urban location’ given that the site is located adjacent to existing high frequency public transport (the Swords Road QBC). SPPR 4 of the Apartment Guidelines states that it is a requirement to deliver at least 33% of proposed units as dual aspect units at such locations. Table 1 sets out the quantum and percentage of single and dual aspect units within the proposed development.

Block	Total No. of Units	No. of Single Aspect	% Single Aspect	No. of Dual Aspect	% Dual Aspect
A	59	27	46%	32	54%
B	38	20	53%	18	47%
C	55	34	62%	21	38%
D	51	23	45%	28	55%
E	58	30	52%	28	48%
F	55	34	62%	21	38%
G	34	7	21%	27	79%
Totals	350	175	50%	175	50%

Table 1 – Proposed Residential Aspect.

It is evident from above, and on the enclosed block drawings with accompany the application, that the proposed development is compliant with SPPR 4 of the Apartment Guidelines.



(b) The Housing Quality Assessment indicates the number of each apartment and its aspect however the number of the individual apartment is not indicated on the floor plans. There should be a direct referencing between same to allow for ease of comparison of the floor plans with the housing quality assessment.

Response: The submitted drawings are legible and the single and dual aspect apartments are easily identifiable.

6. (a) With regard to proposed communal open/amenity space proposed the figures provide by the applicant in the documentation is questioned. Upon measurement it would appear that an area of approx. 1000 sq.m. of communal open space is provided for between Blocks A/B and C/D and an area of 165 sq.m. in the south-west corner of the site adjacent to Block G. The planning authority would therefore question the figures of 1736 sq.m. and 666.6 sq.m. respectively. The planning authority would also have serious reservations regarding the quality of the space adjacent to Block G.

Response: As outlined earlier, in the response to item 5 on the Board's Opinion, public open space for the proposed development is provided for in linear form, centrally located, between Blocks C, D, E, & F. The proposed public open space provision equates to c. 1,915 sq.m representing c. 13% of the site area.

Communal open space is catered for as follows:

- between Blocks E, F, & G - c. 707sq.m;
- between Blocks A, B, C, & D - c. 1,190.2sq.m;
- in the form of roof gardens located on:
 - Block A (c. 267.1sq.m)
 - Block C (c. 418.6sq.m)
 - Block F (c. 436.2 sq.m)
 - on the proposed residential amenity use unit (c. 104.6 sq.m).

Therefore, in totality, the proposed communal open space provision for the development equates to c. 3,122 sq.m.

In addition, the previously proposed space to the west of Block G is now omitted.

(b) The results of the Shadow/Sunlight Amenity submitted would appear to indicate that a significant portion of those areas of genuine communal open space are below the 2-hour requirement (2 hours of sunlight on the 21st March) in accordance with BRE Guidelines. The planning authority would have reservations regarding the quality of the communal open space should it not comply with minimum sunlight requirements.

Response: As outlined earlier, in the response to item 4 on the Board's Opinion, the submitted Daylight/Sunlight / Shadow assessment by CSC confirms that "All amenity spaces surpass the sun-lighting requirement by substantial margins" – please refer to the aforementioned report for further details.

7. The applicant should address the issues raised in the report from the Parks, Biodiversity & Landscape Services Division of the Local Authority (report appended)

Response: All of the issues raised by Parks, Biodiversity & Landscape Services Division of DCC have been addressed as part of the overall drawings and details submitted as part of the subject application.



8. *The applicant should address the transport issues raised in the report from the Transport Planning Division of the Local Authority (report appended)*

Response: Please refer to the submitted TTA by DBFL Consulting Engineers which provides a details repose (under section 9.2) to all of the issued raised by the DCC Transport Planning Division.

9. *The applicant should address waste management issues raised in their report (report appended)*

Response: The subject application is accompanied by a Construction and Demolition Waste Management Plan and an Operational Waste Management Plan both prepared by AWN Consulting, a Construction and Environmental Management Plan prepared by DBFL Consulting Engineers and an Outline Construction Management Plan prepared by the applicant. In addition, chapter 12 of the submitted EIAR Material Assets: Resource and Waste Management provides details of waste management associated with the proposed development.

10. *The applicant should address the issues raised in report from the Air Quality Monitoring and Noise Control Unit (report appended)*

Response: The subject application is accompanied by an EIAR which includes details of the noise impact assessment carried out by AWN Consulting – please refer to same.

11. *The applicant should address the issues raised in the report from the Drainage Division*

Response: Each of the issues raised in the DCC Drainage Division have been addressed as part of the submitted drawings / documentation.

12. *There may be a requirement to carry out EIA, given the potential for cumulative impacts of other permitted developments in the vicinity*

Response: An Environmental Impact Assessment Report (EIAR) has been prepared which considers the cumulative impacts of other permitted developments in the vicinity and accompanies this application for permission – please refer to same.



4.0. Prescribed Bodies

4.1. Finally, the Board's Opinion set out the statutory bodies to be notified of the making an application. A copy of the current application will be sent to the prescribed bodies identified by the Board as follows:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee
5. Irish Aviation Authority
6. Dublin Airport Operator
7. Fingal County Council

4.2. Prior to the submission of the application, each of the above named prescribed bodies were contacted directly and asked if, given the ongoing Covid-19 pandemic and associated working restrictions related to same, 1 no. digital copy only of the application would be sufficient for their assessment of the application. It should be noted that 6 no. of the 7 no. prescribed bodies requested to receive a softcopy of the application only. As such, these 6 no. prescribed bodies have been sent a softcopy of the application only as requested. Fingal County Council requested to receive both 1 no. hardcopy & 1 no. softcopy of the application and as such 1 no. hardcopy & 1 no. softcopy of the application has been sent to Fingal County Council as requested.

In the interest of transparency, a copy of correspondence with each of the prescribed bodies confirming the above is enclosed with the application – for full details please refer to same.

