



**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-
312217-21**

CLIENT: DWYER NOLAN DEVELOPMENTS LTD.

DATE: 20|06|22

**Planning &
Development
Consultants**



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1.0. Introduction

Applicant's Response to An Bord Pleanála Pre-Application Consultation Opinion Reg.: ABP-312217-21

- 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 22nd April 2022 online via Microsoft Teams, due to the Covid-19 pandemic.
- 1.2. The Board's Notice of Pre-Application Consultation Opinion, under Ref. 312217-21, was received on 25th April 2022 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 *"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 three 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 22nd April 2022, and the Section 247 meeting 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 - *Submission of a Sunlight/Daylight/Overshadowing analysis including all relevant plans and documentation showing an acceptable level of residential amenity, 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 to Item 1: In response to the requirement listed above, Chris Shackleton Consulting has prepared the enclosed Daylight & Shadow Assessment on behalf of the Applicant which shows an acceptable level of residential amenity, including 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.

Please refer to the same for full details.

Item 2 - *In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such a statement should have regard to the development plan in place at the time of the application and that likely to be in place at the date of the decision of the Board in respect of the application.*

Response to Item 2: On behalf of the Applicant, Armstrong Fenton Associates have prepared the enclosed Statement of Consistency which details the proposal's compliance with the relevant objectives of the adopted City Development Plan 2016-2022. Please refer to the same.

In addition to the prepared Statement of Consistency, the Armstrong Fenton Associates have prepared the enclosed Statement of Compliance with Draft Dublin City Development Plan 2022-2028 which details the proposal's compliance with the relevant objectives in the Draft City Development Plan 2022-2028. Please refer to same for full details.

Item 3 - *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 to Item 3:

The application is accompanied by an Environmental Impact Assessment Report. Please refer to the same enclosed with the submitted application.



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. To ensure the proposal responds appropriately to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape, to protect the existing residential amenities of the area, it is recommended that consideration be given to reducing height which could include the following amendments

- A reduction in height of Block A from 14 storeys to 11 storeys / maximum of 35 metres (with the top floor set back)

- A reduction in height of Blocks D and E from 10 storeys to 7 storeys / maximum of 23 metres (with top floor set back)

Response: The proposed development includes for 4 no. buildings, sub-divided into 7 no. blocks (Blocks A-G), that range from c. 22.9m (7 storeys - Blocks B & G) to c. 48.3 meters (14 storeys - Block A). The proposed building heights are above the stated 16 metre height for the subject site's location, as stated in the CDP, and therefore, the exceedance of the proposed building heights in relation to the CDP height parameters may be deemed by the Board to constitute a material contravention of the CDP. As required in legislation, it is submitted that the proposed building heights can be justified under Section 37(2)(b) of the Act of 2000 where the Board may determine under this section, to grant a permission, even if the proposed development contravenes materially the CDP. Please refer to the enclosed Material Contravention Statement for details of the same.

2. A Landscape and Visual Impact Assessment (LVIA) should accompany any forthcoming planning application and the document entitled 'Verified Views' document should include winter views, as well as, summer-time views.

Response: A Landscape and Visual Impact Assessment has been prepared by Dermot Foley Landscape Architects and incorporated in the enclosed as Chapter 14 of the Environmental Impact Assessment Report. Please refer to the same and the enclosed accompanying Verified Views document prepared on behalf of the Applicant by 3D Design Bureau.

3. A wind assessment should be prepared and submitted to support any forthcoming planning application on the site with any recommended mitigation measures recommended therein designed into the scheme.

Response: Please refer to the enclosed Wind Microclimate Assessment prepared on behalf of the Applicant by B-Fluid Building Fluid Dynamics for full details of the wind assessment for the proposed scheme.

4. Prior to the lodgement of any application on site the applicant should engage with the DAA / Dublin Airport and the IAA's Air Navigation Service (IAA-ANSP) with a view to developing an aeronautical assessment identifying whether the proposed development and any associated construction methodologies (e.g. cranes) will have an adverse impact on the safety of flight operations at Dublin Airport. The assessment should focus on:



- a. Wind turbulence : to assess the impact of the development from a wind turbulence perspective on runways*
- b. Communication, Navigation and Surveillance : to assess the impact particularly with reference to the potential impact of the construction phase on communication, navigation and surveillance at Dublin Airport*
- c. Instrument Flight Procedures: to assess if the construction phase of the development requires a review of instrument flight procedures*

Response: Please refer to the enclosed email correspondence received from both Irish Aviation Authority and Dublin Airport Operator regarding the engagement pre submission of the proposed development.

5. In the interest of thoroughness and for the information of the public, the following information in terms of Daylight/Sunlight analysis should be included in any application:

- Confirmation that the rooms tested in the daylight/sunlight analysis represent the 'worst case' scenarios in terms of ADF? If not, the worst case rooms should be tested*
- The results for all kitchens should be included in the analysis*

Response: Please refer to the enclosed Daylight & Shadow Assessment prepared by Chris Shackleton Consulting for full details of compliance with the requirements listed above.

6. Measurements of the submitted floor plans show that the living/kitchen/dining room widths of some apartments fall below the minimum standards. This issue should be addressed in the design of the units.

Response: Please refer to the full set of architectural drawings prepared on behalf of the Applicant by Davey + Smith Architects and the Housing Quality Assessment prepared by Armstrong Fenton Associates which sets out the measurements of each unit above the minimum standards.

7. The applicant is requested to clarify that where storage has been provided in bedrooms or kitchens that it is provided in addition to the minimum required floor areas of those rooms.

Response: The applicant confirms that where storage has been provided in bedrooms and in kitchens that it is provided in addition to the minimum required floor areas of those rooms. Please refer to the enclosed Housing Quality Assessment and drawing pack for confirmation of the same.

8. The HQA/apartment schedule should be updated to identify the apartments that are dual aspect and specify the orientation of the single-aspect units.

Response: The Housing Quality Assessment has been updated to identify each apartment's orientation and aspect. Please refer to the enclosed Housing Quality Assessment for confirmation of the same.

9. Some 3-bedroomed apartments are single aspect contrary to the recommendation in the apartment guidelines that applicants should aim for at least dual aspect for three-bedroomed units. The applicant should seek to ensure that no three-bedroomed units are single-aspect.

Response: Please refer to the enclosed drawing pack prepared on behalf of the Applicant which confirms that no three bedroomed units are single aspect.

10. The planning authority would question the figures provided by the applicant with regard to communal open space. The planning authority calculates a total area of 2300 sq.m. communal amenity space slightly above the minimum quantitative requirements. A similar issue applies to the public open space calculations. The relevant open space calculations should be clarified.



Response: Public open space for the 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. The public open space provision for the development is therefore in compliance with the requirements of the CDP which requires 10% of the site area be reserved as public open space.

The proposed development caters for 3,122sq.m of communal open space, which is in excess of the 2,256sq.m required based on the proposed dwelling mix and the Apartment Guidelines standards. Communal open space is catered for as follows: (i) between Blocks E, F, & G (c. 707 sq.m) (ii) between Blocks A, B, C, & D (c. 1,190.2sq.m), and (iii) 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), and 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 c. 3,122 sq.m.

11. The submitted information indicates that there are 65 no. childcare places available in the area with 42. no. of these places available at the Santry Place (Little Rainbows) crèche which opened in Spring 2021 according to its website. Given that the majority of the identified available crèche places in the area are located in a crèche that opened less than a year ago, that this childcare facility opened in the context of a pandemic lockdown and the associated residential development may not be fully complete / occupied, the applicant is requested to consider the provision of a crèche facility within the proposed development in consultation with the Dublin City Childcare Committee.

Response: A Social and Community Infrastructure Assessment has been prepared which details the Applicant's justification for not including the provision of a creche facility within the proposed development.

In summary of the rationale for this decision, it is submitted that the development is likely to generate a demand for 63 no. childcare places based on the guidance of the 2001 Childcare Facilities - Guidelines for Planning Authorities and the 2018 Sustainable Urban Housing: Design Standards for New Apartments Guidelines. It is considered that the demand for childcare places generated by the development can be adequately catered for by existing childcare facilities in the study area by virtue of the following:

- 65 no. childcare vacancies confirmed in the study area based on direct feedback from existing facilities;
- 36 no. surplus childcare places in the recently permitted childcare facility at Omni Park SHD located c. 350 meters to the south of the development;
- 13 no. estimated childcare places in the study area (within existing facilities which did not respond to requests for information of vacancy rates);
- The proximity of the existing Little Rainbows childcare facility to the development site (c. 210 meters) and the number of vacancies within same.

Please refer to the enclosed Social and Community Infrastructure Assessment for full details on the rationale for the non-inclusion of a creche facility within the proposed development.

12. An Archaeological Assessment as defined in Section 3.6 of the Framework and Principles for the protection of the archaeological heritage (see <https://www.archaeology.ie/sites/default/files/media/publications/framework-and-principles-for-protection-of-archaeological-heritage.pdf>) should be submitted with the application.

Response: Please refer to the enclosed Archaeological Assessment prepared on behalf of the Applicant by Archaeology Plan which recommends that archaeological monitoring be carried out under licence after the demolition of the existing building during the removal of the concrete layer.

Any features encountered during the monitoring programme should be tested, and if archaeological fully excavated by hand to preserve them by record. In the unlikely event that significant archaeology is uncovered a revised mitigation plan may be necessary, which will be agreed upon in discussion with the City Archaeologist and The National Monuments Service.



Time should be allowed between the monitoring works and any construction or service laying in case archaeological features are uncovered. A report on the results of the monitoring programme should be submitted to the City Archaeologist and the National Monuments Service following the completion of the works. This recommendation is subject to the approval of the City Archaeologist and the National Monuments Service.

13. All issues raised in the report of the Transport Planning Division dated 04/01/2022 to be addressed in any forthcoming application

Response: Please refer to Section 9.0 of the enclosed Traffic and Transportation Assessment for a response to the matters raised by the Transport Planning Division by DBFL Consulting Engineers on behalf of the Applicant.

14. All issues raised in the report of the Conservation Officer dated 05/01/2022 to be addressed in any forthcoming application

Response: On behalf of the Applicant, Dermot Nolan Conservation Architect has prepared the enclosed Architectural Heritage Impact Assessment. Please refer to the same for full details of compliance with the issues raised in the report of the Conservation Officer dated 05/01/2022.

15. All issues raised in the report of the Parks, Landscape and Biodiversity Division dated 06/01/2022 to be addressed in any forthcoming application

Response: On behalf of the Applicant, Dermot Foley Landscape Architect has prepared the enclosed Landscape Rationale and landscape drawing pack. Please refer to the same for full details of compliance with the issues raised in the report of the Parks, Landscape and Biodiversity Division dated 06/01/2022.

16. All issues raised in the report of the Air Quality Monitoring and Noise Control Unit dated 08/12/21 to be addressed in any forthcoming application

Response: Please refer to the enclosed Engineering Services Report prepared by DBFL Consulting Engineers and Planning Statement prepared by Armstrong Fenton Associates for full details of compliance with the issues raised in the report of the Air Quality Monitoring and Noise Control Unit dated 08/12/21.

17. All issues raised in the report of the Waste Regulations Division dated 08/01/20 to be addressed in any forthcoming application

Response: Please refer to the enclosed Resource & Waste Management Plan and Operational Waste Management Plans prepared on behalf of the Applicant by AWN Consulting by incorporating the details raised in the report of the Waste Regulations Division dated 08/01/2020.

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 all of the prescribed bodies requested to receive a softcopy of the application only. As such, the prescribed bodies have been sent a softcopy of the application only as requested.

4.3. 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.

