

**Statement of Response to ABP's Opinion
in relation to ABP Ref.: 312248-21**

In respect of

Proposed Mixed Use Strategic Housing Development

At

**Rosemount House, Malahide Road,
Northern Cross
Dublin 17**

Prepared for

Walls Construction Ltd

Prepared by

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INTRODUCTION

This Statement of Response report seeks to address individually the issues / items raised within the Opinion of An Bord Pleanála, dated the 6th of May 2022, which was issued following the pre-application consultation and the Tripartite meeting on the 21st of April 2022 in respect of the proposed development.

This statement also has regard to the points of discussion and issues raised during the course of the tripartite SHD pre-application meeting held virtually with An Bord Pleanála on the 21st of April 2022, and the Section 247 meetings undertaken with the Planning Authority on the 18th of August 2021 and the 25th of November 2021.

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

RESPONSE TO AN BORD PLEANÁLA OPINION

The Opinion of An Bord Pleanála on the pre-application stage for the proposed development was issued on the 4th of May 2022 following the tripartite meeting which was held on the 21st of April 2022. The Opinion states that, having regard to the consultation meeting and the submission of the Planning Authority, the Board is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

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

ABP Request for Submission of Specific Information

The Board's Opinion set out requirements for further specific information to be provided by the applicant. The opinion notifies of 6 no. pieces of specific information to be addressed prior to the finalisation of the application. The below outlines each item as requested within the Board's Opinion, and provides full details as to how each of these points has been addressed, with reference to the supporting documentation as relevant.

Requested Item 1

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

Response:

In response to the foregoing specific item of further information requested by the Board, please refer to the accompanying Architectural Design Statement, contiguous elevational drawings and Photomontages prepared by Plus Architecture, Certified Views prepared by Digital Dimensions, and the Landscape & Visual Impact Assessment, prepared by Mitchell and Associates.

The Visualisations section of the Architectural Design Report includes additional Computer-Generated Images (CGIs) and photomontage views to those included in the pre-application

consultation. The Certified Views Brochure provides 6 no. existing and proposed views. The views have taken into account the permitted scheme to the east which is currently under construction, in order to present an accurate image as to how the subject site inserts into its context. The CGI's and photomontages include the adjoining Block 2 development to the east, as permitted under Reg. Ref.: 307887-20 (which is currently under construction), demonstrate that the scale, massing, design and layout of the proposed development is cognisant of the existing and permitted surrounding context. As shown within the Certified Views booklet, the visual impact of the scheme is almost entirely minimised when viewed from the east or within the central square and its surrounding avenues of Northern Cross.

The Landscape & Visual Impact Assessment, prepared by Mitchell and Associates, further illustrates the relationship of the development with the existing context at Northern Cross. It is respectfully submitted, that the visuals illustrate a high-quality scheme design, which integrates and enhances the built environment at Northern Cross. This is echoed within the conclusion of the LVIA, which states the following:

“The proposed development represents the continuing change in the planned and developing urban landscape of this area. It represents a clear increase in the scale, height and quantum of the building occupying the existing site, however it is in keeping with the trends in this regard for the area. The predicted effects on the local landscape are assessed however, as being of some positive benefit in how the proposed development relates to adjacent developments, to the emerging community and in how it addresses the introduction of new built elements in a developing, planned urban context. The architectural design of the proposed development is effective in mitigating its potential visual impact in this changing context.”

The below CGI images are not included within the LVIA, but are included within the Architecture Design Statement. They have been commissioned to provide a visual representation of the completed scheme, a number of which are reproduced below:



Figure 1: CGI render of block, facing north (Plus Architecture)

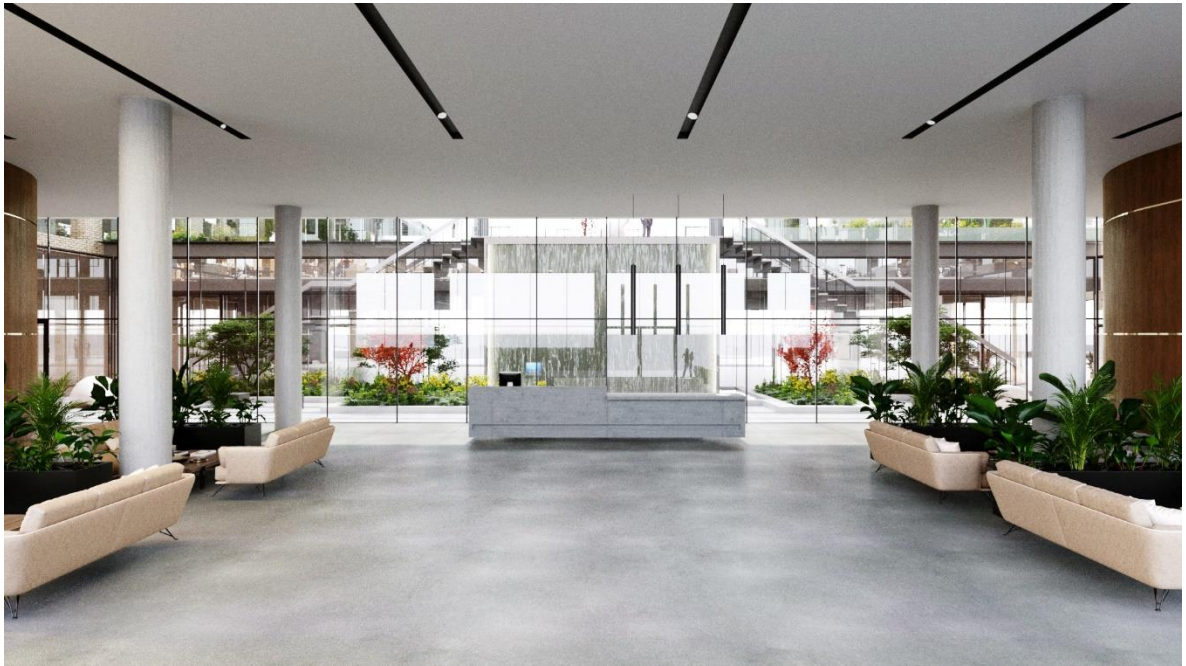


Figure 2: CGI render of proposed residential lobby at ground floor level, facing north (Plus Architecture)



Figure 3: CGI render of proposed block, facing east (from Bewleys entrance) (Plus Architecture)

Requested Item 2

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

Response:

In response to the foregoing specific item of further information requested by the Board, we refer the Board to the accompanying Architecture Design Report, prepared by Plus Architecture.

This Report specifically addresses the proposed building materials and finishes of the proposed development, more specifically within section 6.0 It details how the proposed building will utilise high quality brick of a variety of colours, steel and glazed facades. The mix of materials, heights and details, serves to animate the building facades by ensuring a sense of visual rhythm which responds effectively to the context of Northern Cross, whilst ensuring that monotonous, long facades are avoided through the incorporation of various bricks and liberal glazing. The intelligent use of heights and site layout reduces the overall sense of mass presented by the proposal, which has been heavily influenced by the existing and proposed surrounding context.

The general range of materials proposed across the facades will be mainly brick, fibrocement cladding, aluminium (bronzed, red and dark types also) and white coloured render. The building elevations shown within Section 5 of the report, and the visualisations within Section 7, show greater details of the proposed materials and their positive impact on their surrounding context.

The Landscape Design, which is included within Section 4 of the aforementioned report produced by Plus Architecture, and landscape drawings includes details of the materials and finishes for the landscaped areas, pathways, entrances and boundary treatments. The full set of landscape drawings accompany this application and fully details the proposed landscaping regime.

In response to item 2 we also refer to the accompanying ‘Landscape Works & Landscape Maintenance Specification’ document prepared by Plus Architecture. This outlined the proposed maintenance and care routine for the landscaping proposals. We refer specifically to Appendix A (iii), which provides details of the proposed materiality, including paving (granite), lighting, external furnishings (aluminium chairs), pergolas (steel and zinc), picnic tables (concrete and timber) and the informal timber, steel and concrete seating areas.

We note where item 2 of the Board Opinion states the following:

“The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments.”

The Building Lifecycle Report prepared by Aramark outlines in detail the long term running and maintenance costs of the development with attention paid to effective methods of management and cost reduction that will benefit future residents of the scheme. The Building Lifecycle report details how it has been developed in order to meet the requirements as outlined within sections 6.11 to 6.15 of the apartment guidelines ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’.

Requested Item 3

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

Response:

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

In accordance with current best practice, and based on the expertise of the Daylight and Sunlight Consultant, the assessment Daylight and sunlight in the proposed development were assessed under two methodologies:

- 1) The British Research Establishments “Site Layout Planning for Daylight and Sunlight: A Good Practice Guide” by PJ Littlefair, 2011 Second Edition.
- 2) The British Research Establishment’s “Site Layout Planning for Daylight and Sunlight: A Good Practice Guide” by PJ Littlefair, 2022 Third Edition.

As stated within the Assessment, these guidelines *“provide the criteria and methodology for calculations pertaining to daylight and sunlight, and is the primary reference for this matter. The guide gives simple rules for analysing sites where the geometry of the surroundings is straightforward, supplementing them with graphical methods for complex sites”*.

The aim of the study is to record and analyse the results for the following:

- The daylight levels within the living, kitchen and bedroom areas of selected apartments, to give an indication of the expected daylight levels throughout the proposed development;
- The expected sunlight levels within the living room areas within the proposed development;
- The quality of amenity space, being provided as part of the development, in relation to sunlight;
- Any potential daylight, sunlight or overshadowing impact the proposed development may have on properties adjacent to the site.

In addition to the BS 8206 standard, the development’s daylight levels have also been tested to the more recently published EN 17037 standard. The EN 17037 standard goes beyond the average daylight levels within a space, and accounts for the distribution of light within a space. The ADF of all units within the development were assessed, in the interest of thoroughness, while amenity spaces were also assessed with regard to their access to sunlight.

The Daylight and Sunlight Assessment further assesses the impact of the proposed development upon surrounding properties resultant of the proposed development. The full

detailed results of these proposals are included within the report together with conclusion section of the accompanying assessment.

Requested Item 4

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

Response:

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

The Material Contravention Statement provides a justification for potential material contraventions of the Dublin City Development Plan 2016-2022, the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018 (as extended to 2022) should the Board be of the view that the proposed development contravenes (i) Section 16.7.2 of the Development Plan and Section 7.9/ Objective UD07 of the LAP in relation to building height, and (ii) Section 16.10.1 of the Development Plan as it relates to unit mix, and site coverage.

The Material Contravention Statement also provides a justification for a potential material contravention of the Dublin City Development Plan 2022-2028 in the event that a decision on the application is made subsequent to the new Dublin City Development Plan 2022-2028 coming into effect, and the Board is of the view that the proposed development contravenes the new Dublin City Development Plan as it relates to cultural facilities as currently set out in Section 12.5.3, Objective CUO22 of the draft Development Plan, and Section 15.5.5 where it relates to densities.

The Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, refer to the inclusion of the Material Contravention Statement in the prescribed format in accordance with the requirements of the Act / Regulations, and explicitly identifies the precise statutory plans which the proposed development materially contravenes.

Requested Item 5

“Submission of Wind and Pedestrian Comfort Study.

Response:

In response to the foregoing specific item of further information requested by the Board, a Pedestrian Wind Comfort Study, prepared by OCSC, is submitted with the application. The report outlines the predicted climatic wind conditions experienced within and surrounding the proposed Rosemount development located at Northern Cross, Malahide Road, Dublin 17.

The Study considered the following factors in assessing the development:

- The effect of the geometry, height and massing of the proposed development and existing surroundings on local wind speed and direction;
- The wind speed as a function of the local environment such as topography, ground roughness and nearby obstacles (buildings, bridges, etc.);
- The effects of site location (open field, inner city, etc.);
- Orientation of the buildings relative to the prevailing wind direction; and
- The pedestrian activity to be expected (long term sitting, standing or short term sitting, leisure and business walking).

As part of the study, the industry accepted standard of the Lawson Criteria was utilised. The Lawson Criteria gives guidance to quantify the effect of wind velocity on pedestrian comfort and safety. The wind climate analysis is based on the wind data obtained from the Dublin Airport weather station which incorporates hourly wind data over a 30-year period (1989 until 2019).

The assessment concludes confirming the general acceptability of the scheme in this regard, stating the following:

“Based on the CFD modelling results, the proposed development will be a comfortable environment for occupants. Certain areas have been highlighted as being potentially uncomfortable for a limited period of time, however, these concerns have been largely addressed through the incorporation of landscaping which will mitigate excessive wind speeds in these areas.

Overall, the proposed development will be a high-quality, comfortable environment for occupants throughout the year”.

Requested Item 6

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

Response:

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

CONCLUSION

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

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

- The CGI and Photomontage Visualisations contained in the Architectural Design Statement accompanying this SHD application includes additional CGIs and photomontage views of the proposed scheme, and the scheme in the context of the permitted and proposed adjacent blocks.
- A Design Statement prepared by Plus Architecture and Building Lifecycle Report prepared by Aramark is included as part of this application and the Landscape Design Statement and drawings also include details on the materiality and finishes, with the accompanying Landscape Works and Maintenance Specification document outlining the proposed materiality in relation to landscaping and the public realm;
- The Daylight and Sunlight Assessment provides details on the acceptability of the proposed scheme in terms of daylight / sunlight levels to the buildings and associated open space, and impacts on / of existing and future development in proximity to the site;
- A Material Contravention Statement, providing a justification for potential material contraventions of the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018, as extended to 2022, accompanies this SHD application. The Material Contravention Statement also addresses the Draft Dublin City Development Plan 2022-2028 in anticipation of a situation where a decision will be made on the application after the new Dublin City Development Plan 2022-2028 comes into effect, and references to material contraventions of these plans have been included in the public notices;
- A Microclimate Impact Assessment Report is submitted with the application; and
- An Article 299B(1)(b)(ii)(II)(C) Statement is submitted with the application.

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

It is respectfully submitted that the proposed development provides for a high level of residential amenity, for residents of the proposed development and also adjacent developments, while the proposal represents a suitable intensification of use on site, providing for a mix of uses at a highly accessible and suitable location.