

STATEMENT OF RESPONSE

Whitehaven Strategic Housing Development



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1 INTRODUCTION

This *Statement of Response* has been prepared by RPS Group Ltd. on behalf of Cosgrave Developments Unlimited Company (the Applicant) to accompany an application for permission for a proposed Strategic Housing Development (SHD) consisting of 255 no. units on lands on Northwood Avenue, Santry, Dublin 9.

Following preplanning consultations with Fingal County Council (FCC) under section 247 of the *Planning and Development Act, 2000*, as amended, (Act of 2000), a request to enter into pre-application consultation with An Bord Pleanála (the Board) was submitted in July 2021. The pre-application consultation meeting was then held on 29th October 2021.

On 6th December 2021, the Board issued the *Notice of Pre-Application Consultation Opinion* under section 6(7) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*, as amended (Act of 2016) for the proposed development, under case reference ABP-310978-21.

Having regard to the above, the notice states:

“An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.”

The notice outlines the issues which the Board considers should be addressed in the documents submitted that could result in it constituting a reasonable basis for an application for SHD.

Article 297(3) of the *Planning and Development Regulations 2001-2021* (the Regulations) states:

“Where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.”

A *Statement of Proposals* has been prepared by McCrossan O'Rourke Manning Architects and is submitted as part of this application for permission. This statement is considered in **Section 2** of this report.

The Board also requested that specific information should be submitted with any application for permission stating:

“Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission”

The 12 no. items listed are considered in **Section 3** of this report.

2 ISSUES TO BE ADDRESSED

In its notice of 6th December 2021, the Board set out 1 no. issue that should be specifically addressed in the application for permission in order for the documents to constitute a reasonable basis for an application. The Applicant's responses to this issue are set out below and cross referenced to the project team reports and drawings as necessary.

2.1 Issue 1 - Scale, Height and Massing/Layout/Detailed Design

“Further consideration/justification of the documents as they relate to: the scale, height and massing, and visual impact of the proposed blocks, in particular proposed Block 3; the proximity of the proposed blocks to one another; treatment of ground floor frontages and entrances; and the detailed design and materiality of the proposed blocks. The further consideration / justification should address the proposed scale and massing of the proposals, in particular Block 3, and the potential visual impact of same; the separation distances of proposed Blocks 1 and 2, and proposed Blocks 2 and 3; the materiality proposed for the development in its entirety, and its appropriateness for a residential development; the provision of active frontages at ground floor level; and the treatment of north facing elevations and appropriate detailing of same. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.”

Applicant’s Response

The scale, height and massing, and visual impact of the proposed blocks are the result of a carefully considered design process. Considerable work has been undertaken since the pre-application consultation with the Board on 29th October 2021.

A full response to this item has been prepared by McCrossan O’Rourke Manning Architects and is set out in the *Statement of Proposals* submitted as part of this application for permission.

3 SPECIFIC INFORMATION TO BE SUBMITTED

Pursuant to article 285(5)(b) of the Regulations, the Applicant is required in addition to requirements as specified in articles 297 and 298, to submit the following information as specified by the Board with any application for permission:

3.1.1 Item 1

“Provide further justification in relation to the removal of trees on the site, having regard to any Tree Preservation Order which may be in place at the time of the making of the application.”

Applicant’s Response

The application site is located within an area which is the subject of a tree preservation order (TPO), made by the then “Dublin County Council” and titled the “*Dublin County Council Tree Preservation (Santry Demesne, Santry) Order 1987*”. There are 2 no. trees listed in the TPO located on the application site. The remaining trees are younger trees and are a result of other development and roadside planting since the TPO was made. Further detail is provided within the *Arboricultural Report* prepared by The Tree File Ltd.

The proposed layout and design of the proposed development has been modified from that which was considered at the pre-application consultation meeting with the Board on 29th October 2021. The modifications are described fully in the enclosed *Architectural Design Statement* and *Statement of Proposals* prepared by McCrossan O’Rourke Manning Architects.

A key element of the modification with respect to this item is that trees which are the subject of the TPO will be retained and incorporated into the overall design for the subject site and shall now form a key landscape feature in the communal open space. Those younger trees being removed will be replaced by a variety of suitable tree species, with a preference for native species. Further detail of the proposed landscape strategy and planting plan is provided in the *Landscape Report* prepared by Kevin Fitzpatrick Landscape Architecture.

3.1.2 Item 2

“Justification, and where appropriate amendment, to demonstrate that the proposed car parking quantity is appropriate, having regard to local, regional and national policy on same. To this end, matters raised in at the Tri-Partite Meeting and as set out in the Planning Authority’s submission on this proposal, including that as set out within the Transportation Planning report (dated 30/07/2021) should be addressed in any report/justification relating to the outlined transport issues.”

Applicant’s Response

The *Fingal Development Plan 2017 – 2023* provides information on the quantum of car parking that should be provided. This is “a guide as to the number of required off-street parking spaces acceptable for new developments” in the “context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport”.

With respect to residential development the *Fingal Development Plan 2017 – 2023* development management standard norms for car parking provides:

- 1 no. car parking space for one bedroom apartments
- 1.5 no. car parking spaces for two bedroom apartments
- 2 no. car parking spaces for 3 or more bedroom apartments
- An additional 1 no. visitor car parking space is to be provided for every 5 no. units.

A rigid application of these car parking standards to the proposed development results in a requirement for 385 no. residential spaces and 51 no. visitor spaces providing 436 no. spaces overall.

It is considered that the rigid application of these standards would diminish the quality of the urban design, fail to adequately support active travel modes, be contrary to overarching and specific national policy pertaining to transport and car parking and be inconsistent with planned large scale public transport investment in the immediate vicinity.

The *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (Apartment Standards) provides guidance on car parking provision, which is modulated depending on the location:

- Central and/or Accessible Urban Locations: Car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances
- Intermediate Urban Locations: a reduced overall car parking standard.
- Peripheral and/or Less Accessible Urban Locations: one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.

The subject site is located within an intermediate urban location and as stated in the Apartment Standards:

“In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.”

In order to assist in the determination of an appropriate quantum of car parking at this location a review of Census 2016 Small Area Population Statistics data was undertaken and revealed that the car ownership rate is approximately 1 no. car per household in the Northwood Area. The analysis undertaken is further detailed in the enclosed *Traffic and Transport Assessment* prepared by J. B Barry & Partners Consulting Engineers.

It is proposed to provide 277 no. residential car parking spaces for the proposed development of 255 no. residential units. The level of parking proposed for the apartments represents a reduced level of

car parking on the site of over 60% when based on the Development Plan management standards and is consistent with an intermediate urban location in the Apartment Standards where a reduced level of car parking is required. The proposed development also includes for 3 no. car parking spaces for disabled use within the basement. Ducting and services shall also be provided to allow for charging points to be fitted subsequently to basement and surface spaces.

13 no. car parking spaces shall be provided at surface level. These shall facilitate creche staff and visitors. Two of these spaces are to be for car club spaces and 1 no. disabled car parking space is included at this level.

The quantum of bicycle parking proposed is in accordance with the Apartments Standards which results in 600 no. residential bicycle parking spaces in the basement. This provision is in excess of 1 no. cycle storage space per bedroom (514 no. bedrooms are proposed). An additional 128 no. spaces are proposed for visitor use at surface level. This provision is in excess of 1 no. space per 2 no. residential units.

A cycle & car parking strategy prepared by J.B. Barry & Partners Consulting Engineers contained within the *Traffic and Transport Assessment* and the Material Assets Chapter of the *Environmental Impact Assessment Report* (EIAR) is submitted as part of the application documentation setting out a clear rationale for the proposed parking strategy and how it aligns with planning policy. This proposed car parking provision is also addressed in the *Planning Report and Statement of Consistency* prepared by RPS.

Detailed response to all issues raised in the Fingal County Council Transportation Planning report (dated 30/07/2021) are provided in Appendix 4 of the *Traffic and Transport Assessment* prepared by J.B. Barry & Partners Consulting Engineers.

3.1.3 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.”

Applicant’s Response

The design team has sought to find a balanced approach which maximises daylight levels and other relevant factors such as density, building form, overheating risk, privacy and the provision of balconies which are compliant with the Apartments Standards.

An *Assessment of Sunlight and Daylight Access within the Proposed Development* has been undertaken by ARC Architectural Consultants and is submitted as part of the application documentation. This report assessed sunlight access and daylight access for future occupiers, 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. The assessment of the impact of the proposed development on sunlight and daylight access to the surrounding area is set out in Chapter 10 of the Environmental Impact Assessment Report (EIAR) submitted with the application. This chapter was also prepared by ARC Architectural Consultants.

The standards for daylight and sunlight access in buildings (and the methodologies for assessment of same) suggested in the *Site Layout Planning for Daylight and Sunlight (2nd edition)* (BRE Guide) and *BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting* have been referenced in preparing these assessments.

3.1.4 Item 4

“A (HQA) and Design Statement which provides the specific information regarding the proposed apartments as required by the Sustainable Urban Housing: Design Standards

for New Apartments Guidelines for Planning Authorities (December, 2020). The documentation should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.”

Applicant’s Response

The proposed design is further detailed in the enclosed *Architectural Design Statement* and *Housing Quality Assessment* prepared by McCrossan O’Rourke Manning Architects. These documents include the specific information regarding the proposed apartments and demonstrate how the proposed apartments comply with the various requirements of the Apartment Standards.

3.1.5 Item 5

“A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.”

Applicant’s Response

An architectural report relating to *Materials and Finishes* prepared by McCrossan O’Rourke Manning Architects is submitted as part of the application and details the external finishes and the treatment of balconies.

Details of materials and finishes and planting used to define open spaces and boundaries are provided in the *Landscape Report* prepared by Kevin Fitzpatrick Landscape Architecture.

3.1.6 Item 6

“Surface Water Drainage details such as would clearly address and respond to comments within the internal report from Water Services (dated 30/07/21).”

Applicant’s Response

The surface water drainage strategy for the site is provided in the *Water Services Report* and drawings prepared by J.B. Barry & Partners Consulting Engineers.

Detailed response to all issues raised in the Fingal County Council *Water Services* report (dated 30/07/2021) are provided in Appendix 3 of the *Water Services Report* prepared by J. B. Barry & Partners Consulting Engineers.

3.1.7 Item 7

“An Acoustic Noise Assessment.”

Applicant’s Response

For further detail on the noise assessment please see the Noise and Vibration Chapter of the enclosed EIAR prepared by AWN Consulting.

3.1.8 Item 8

“All supporting technical/environmental reports to be updated as required.”

Applicant’s Response

As set out in the list of enclosures appended to the enclosed cover letter prepared by RPS a range of supporting technical/environmental reports are submitted as part of this application. These have all

been revised and updated as required to address fully all pertinent issues associated with the proposed development.

3.1.9 Item 9

“A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.”

Applicant’s Response

The open space within the proposed residential scheme provides a hierarchy of spaces comprising public, communal and private open spaces. Proposals are illustrated on the landscape drawings prepared by Kevin Fitzpatrick Landscape Architecture within the planning application package which clearly delineate public, communal and private spaces. These proposals have been developed and refined in close collaboration with the project arborist and project engineer. The delineation of public, communal and private spaces is shown on Drawing No. PL104.1 prepared by McCrossan O’Rourke Manning Architects.

3.1.10 Item 10

“A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.”

Applicant’s Response

It is not proposed that any of the subject site be taken in charge. However those areas that are open to the public including public open spaces, roadways and footpaths are of a standard that they can be taken in charge. A drawing identifying areas that could be taken in charge by agreement at some point in the future, Drawing No. PL104 ‘Site Plan – Public Area’, has been prepared by McCrossan O’Rourke Manning Architects and is submitted as part of this application.

3.1.11 Item 11

“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.”

Applicant’s Response

A *Statement of Material Contravention* has been prepared by RPS and is submitted as part of this application. The statutory notice pursuant to section 8(1)(a) of the Act of 2016 and article 292 (1) of the Regulations, has been clearly worded noting the proposed development materially contravenes the Fingal planning authority’s statutory plan.

3.1.12 Item 12

“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.”

Applicant’s Response

An EIAR, the preparation of which has been managed by RPS, is submitted as part of the application documentation.

4 CONSULTATION

The bodies listed in the Opinion which are to be notified that this application is being made are:

- Irish Water
- Dublin City Council
- Dublin Airport Authority
- Irish Aviation Authority
- National Transport Authority
- Transport Infrastructure Ireland
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- An Taisce
- Heritage Council

The relevant childcare committee for the area.