



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-305737-19

Strategic Housing Development

Demolition of existing single storey building on site, construction of 324 apartments, aparthotel (81 rooms), creche and associated site works.

Location

Lands to the northeast of Omni Park Shopping Centre including vacant warehouse, Swords Road, Santry, Dublin 9.

Planning Authority

Dublin City Council.

Prospective Applicant

Omni Park Shopping Centre Consortium.

Date of Consultation Meeting

2 December 2019.

Date of Site Inspection

14 November 2019.

Inspector

Stephen Rhys Thomas.

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1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The site is located on lands adjacent to the Omni Shopping Centre on the Swords Road, Santry, in the northern suburbs of Dublin. The roughly square shaped site is positioned at the junction of the Santry Hall Industrial Estate access road and the Swords Road. The Omni Shopping Centre is located to the south and west of the site and comprises retail units and a significant amount of decked/surface car parking; with a Marks and Spencer Food Hall located to the immediate west and a McDonald's Restaurant to the south.
- 2.2. The site rises slightly from south to north, with a step up in level from the McDonald's Restaurant to the south. The boundary to the Swords Road comprises a steel mesh fence and some hedging at the junction with the Santry Hall Industrial Estate access road. The site is mostly level with a commercial premises and surface car parking, a significant proportion of the site is levelled waste ground. The character of the area is defined by the shopping centre lands and industrial lands with some conventional two storey housing partially hidden behind a heavily planted verge and fencing on the eastern side of the Swords Road.

3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to clear a site of 1.3 hectares, including the removal of an industrial building, and to erect three buildings aligned north to south and parallel with the Swords Road. The detail is as follows:

Number of Residential Units proposed

Units Type	No of units	% of each Unit type
Studio	19	6
1 bed	126	39%
2 bed	179	45%
Total	324 Units	100%

Key development details:

Detail	Proposal
No. of Units	324 units
Commercial floor space	4,465 sqm total Creche – 260 sqm Aparthotel – 4,030 sqm (81 rooms) Café/retail – 175 sqm
Site Area – stated by applicant	1.3 ha red-line boundary
Density	250 units per hectare net (stated by applicant)
Building Height	5 – 12 storeys
Communal Amenity Space	3,571 sqm (includes internal and external amenity space)
Dual Aspect Apartments	50.76%
Car parking	162 spaces
Bicycle spaces	340 spaces

4.0 Planning History

- 4.1. There is an extensive planning history on this site and in the area, most of these applications relate to the operation and development of the shopping centre and

commercial premises. The most relevant recent cases are located in the vicinity of the site, to the north and include:

- **2737/19** – permission granted for modifications to a previous permission for mixed use development, the principal amendments relate to an increase in height to 7 storeys and an increase in apartment units from 137 to 207.
- **2713/17** – permission for a mixed-use development of up to 5 storeys and 137 apartment units.

A short distance to the north at the former Swiss Cottage Pub, a Strategic Housing Development application was permitted, reference number **ABP-303358-19** refers. The development permitted was for 110 Build-to-rent apartments and commercial units, ranging in height from 3 to 6 storeys.

5.0 Policy

5.1. National Policy

- 5.1.1. The government published the National Planning Framework in February 2018. Objective 3b is that 50% of new homes in cities would be within the existing built up area. Objective 13 is that, in urban areas, planning and related standards in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Urban Development and Building Heights Guidelines for Planning Authorities' - 2018

- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ - 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009
- ‘Design Manual for Urban Roads and Streets’ 2013 (as amended)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001

5.3. **Dublin City Development Plan 2016-2022**

The larger part of the site is zoned under objective Z4 – District Centres, To provide for and improve mixed-services facilities. Residential and hotel uses are permissible land uses.

Section 16.7.2 of the plan sets a height limit of 16m in this outer city area.

Table 16.1 sets a maximum car parking standard in this area of 1.5 spaces per dwelling and 1 space per 75m² of retail or similar use.

6.0 **Forming of the Opinion**

6.1. Documentation Submitted

The prospective applicant submitted extensive documentation including drawings of the proposed development and –

- Strategic Housing Development Application Form;
- Housing Quality Assessment and Schedule of Areas;
- Building Life Cycle Report
- Landscape Design Statement;
- Landscape Visual Impact Assessment;
- Materials Report;
- Arboricultural Impact Assessment;

- Environmental Report;
- Statement of Consistency;
- Community Audit;
- Transport Assessment (including Preliminary Mobility Management Plan, DMURS Statement of Consistency);
- Engineering Planning Report;
- Site Specific Flood Risk Assessment;
- Outline Construction & Demolition and Waste Management;
- Sunlight/Daylight Analysis;
- Archaeological Desktop Assessment;
- AA Screening prepared;
- Ecological Assessment;
- CGI/Photomontages;
- Noise Report prepared;
- Microclimate Assessment.

6.2. The **statement of material contravention** says that the height of the proposed buildings would materially contravene the city development plan. It states that this is justified by the National Planning Framework and the location of the site along one of the main routes into the city centre and adjoins a commercial development. The statement also refers to the guidelines on building height issued by the minister and the proposed BusConnects corridor along the Swords Road. The proposed development would provide an appropriate edge for the Swords Road. The density of the development would be in keeping with the Guidelines for Sustainable Residential Development.

6.3. The **statement of consistency** submitted by the prospective applicant says that the proposed high-density development in an urban area would be in keeping with the NPF. The apartment sizes would be acceptable for conventional apartment units under the 2018 apartment guidelines. Just over 50% of the apartments would have dual aspect. The statement also refers to the guidelines on building height, the 2009

guidelines on sustainable residential development in urban areas; and DMURS. In line with the Planning Guidelines the detailed SSFRA has set out that the site is at a low risk of flooding and therefore no Justification Test is required. The proposed development would comply with the zonings of the site under the city development plan and the plot ratios and site coverage factors that apply to them. It would not comply with the height restriction of 16m that applies to the outer suburbs, a statement has been submitted. It would comply with the bicycle parking standards. It would provide 15.2% of the site as public open space (greater than that required by the Plan – 10%), and the scheme is close to the major park at Santry Demesne (89 acres).

6.4. Planning Authority Submission

6.4.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a copy of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 18 November 2019. The planning authority's 'opinion' included the following matters:

Zoning – the site is zoned Z4 District Centres, in which the objective is to provide for and improve mixed-services and facilities. Residential, childcare and restaurant are uses that are permissible in the Z4 zoning. Aparthotel is not listed as either permissible or open for consideration, but is acceptable at this location.

Height, scale and design – permitted and existing development is noted in the vicinity of the site, with 6 and 7 storey apartment units being the most recent additions to wider site context. In the context of a possible variation to the Development Plan to rezone industrial lands to the north and north west to residential lands, the applicant is requested to consider how their development will impact on these lands.

The proposed building finishes applied to the three blocks are acceptable, but documentation should be improved to include more photomontages and CGIs. Though the site may be appropriate for tall buildings, the appearance of the development from certain vantage points is monolithic and out of scale. The planning authority recommend design changes to address these issues.

Plot ratio, site coverage and density – slight reservations are expressed by the planning authority at the proposed density and plot ratio of the development.

Development standards and design – though the standards are met with regards to internal accommodation, the planning authority have concerns about the methodology for describing dual aspect apartments. The 50.6% dual aspect apartment breakdown provided by the applicant may not be a true reflection, given the design and provision of pop-out windows.

Residential amenity – separation distances between apartment blocks at some points will impact on the daylight and privacy of residents, particularly between block B and the aparthotel and block A and the retail units to the west. Private amenity spaces for ground floor units could be improved by greater definition and buffer planting. The amenity space to the west of block A could compromise the privacy of ground floor units. Lower level units will also suffer from reduced levels of sunlight/daylight. Apartments facing onto the Swords Road will be exposed to traffic/road noise, another use for lower level apartments exposed to excessive noise should be considered, such as for community/social purposes.

Daylight and sunlight assessment – in order to demonstrate acceptable levels of daylight/sunlight access to lower level apartments, more analysis is necessary. In addition, there should be a reassessment of the entire communal open space and the levels of daylight/sunlight it is exposed to.

Active street frontage – the planning authority have identified potential issues for ground floor apartments along the Swords Road and suggest alternative uses at this location. On the whole the planning authority acknowledge the improved street environment that will result from the proposed development.

Communal and public open space – in general the planning authority are satisfied that the quantum of open space is acceptable, however, the provision of a roundabout at the centre of the set down area is too prominent and sunlight/daylight access is poor to some areas of open space.

In relation to matters that concern childcare facilities, community/social infrastructure, the aparthotel, AA and EIA; the planning authority are satisfied that these matters have been adequately addressed in the documentation submitted. The

planning authority are satisfied that the proposed development appears to be broadly consistent with the proper planning and sustainable development of the area, provided certain issues were addressed including; a reduction in scale and height, the provision of adequate natural light for the apartments and the internal courtyards, an analysis of potential rezoning to the north of the site, the possible impact on proposals to improve bus facilities along the Swords Road under BusConnects and technical matters to do with traffic/transportation and drainage. The submission included the record of three meetings with the prospective applicant under section 247 of the planning act.

6.5. Other submissions

- 6.5.1. A submission was received from Irish Water and is available on file. In summary, the submission states that the proposed development is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. Upgrades to the sewer network will be required to supply the development no third-party consents or statutory consents are required for this work except for a road opening licence from the local authority.

6.6. The Consultation Meeting

- 6.6.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 2 December 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 6.6.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:
1. Site Interface – public road and shopping centre
 2. Residential Amenity – landscape and usability
 3. Public Transport and Car Parking
 4. Legal ownership and consent – Industrial Estate and Water Services
 5. Any other matters

- 6.6.3. In relation to the Site Interface – public road and shopping centre, ABP representatives sought further elaboration / discussion on the manner in which the proposed development will address the Swords Road and the access road to the industrial estate to the north. Matters such as the proximity to the public road, the provision of an adequate footpath width and other facilities were discussed. The previous increase in the width of the Swords Road to accommodate a single lane bus lane was noted and space has been left to accommodate BusConnects. The ownership of the industrial access road to the north was clarified and its improvement will compliment changes to the nature of industrial lands to the north.
- 6.6.4. In relation to the Residential Amenity – landscape and usability, ABP representatives sought further elaboration / discussion on the provision of open spaces in between apartment blocks and particularly usability in terms of changes in level. The nature and use of the narrow margin between block A and retail units to the west was clarified as primarily for pedestrian and cyclist movement and visual amenity.
- 6.6.5. In relation to the Public Transport and Car Parking, ABP representatives sought further elaboration / discussion on how the proposed development will fit in and allow for BusConnects which is planned along the Swords Road. ABP representatives highlighted that the integration of the development with BusConnects would be an important consideration. The quantum of car parking was queried in light of the location of the site, the availability of good levels of public transport and the existing car parking available in the area. It was stated by the applicant that the aparthotel would not be allocated any car parking because of its anticipated use and requirement for drop off and pick up only.
- 6.6.6. In relation to the Legal ownership and consent – Industrial Estate and Water Services, ABP representatives sought further elaboration / discussion on the ownership of lands upon which development is proposed. The applicant confirmed that they have legal interest over all relevant lands and also have letters of consent where necessary. A point of detail concerning surface water drainage and attenuation tanks was clarified and the planning authority noted same.

- 6.6.7. In relation to the Any Other Matters ABP representatives sought further elaboration / discussion on whether the applicant had engaged with the Dublin Airport Authority and/or Irish Aviation Authority in relation to tall buildings and the flight path approach to Dublin Airport. The planning authority reminded the applicant about the need for a basement impact assessment from February 2020 onwards.
- 6.6.8. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-305737-19' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**

7.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that **the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

8.3. 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 arising from this notification:

1. An analysis and diagrams to show permitted and under construction development in the vicinity and an indication if known as to how the proposed development would integrate with lands to the north. Specifically, and if appropriate an indication as to how lands to the north might be configured should the current variation to the development plan (Variation No. 9 - Santry

Industrial Lands, Santry Avenue and Swords Road, Dublin 9) be adopted. The report prepared should demonstrate how the proposed development sits with and enables future development in the area, in terms of amenity, permeability and phasing.

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.
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, between block A and existing retail units to the west and the public plaza along the southern section of the site. 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.
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.
5. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture where proposed and indicates which areas are to be accessible to the public.

6. Given the district centre location and availability of public transport, a rationale for the proposed car parking provision should be prepared, to include details of proposed car parking management and car share schemes.
7. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.
8. Surface water drainage proposals to address issues raised in the report of the Engineering Department – Drainage Division of Dublin City Council dated 12 November 2019, with specific reference to a surface water sewer that runs through the site and requirements concerning attenuation tanks.
9. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted), should be submitted as a standalone document.

8.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

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

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Stephen Rhys Thomas
Senior Planning Inspector
19 December 2019