



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307011-20

Strategic Housing Development

Demolition of existing structures, construction of 324 no. apartments, creche and associated site works. Lands to the northeast of Omi Park Shopping Centre including vacant warehouse, Swords Road, Santry, Dublin 9

Location

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

Planning Authority

Dublin City Council

Applicant

Omni Park Shopping Centre Consortium.

Prescribed Bodies

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

Observer(s)

56 submissions received. The list of names is attached as Appendix 1 to this report.

Date of Site Inspection

06.08. 2020

Inspector

Fiona Fair

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to An Bord Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site (of c. 1.3ha) 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.
- 2.2. The lands are easily accessible via the R132 Swords Road which connects the subject lands both to other parts of north Dublin and Dublin Airport to the north and the city centre to the south. The lands are also located in close proximity to the M50 which provides access to the Port Tunnel.
- 2.3. 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.
- 2.4. 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. A single storey commercial premises is located to the north east corner of the site with associated surface car parking, a significant proportion of the southern portion is levelled waste ground.
- 2.5. The character of the area is defined by the shopping centre lands and industrial lands with conventional two storey housing on the eastern side of the Swords Road.
- 2.6. The site is served by Dublin Bus routes No.'s 16, 16c, 33, 41m 41a, 41b and 41c connecting the site to Dublin Airport, Ballbriggan and Swords to the north and the city centre and Ballinteer to the south. The site is also located along the proposed BusConnects Corridor.

3.0 Proposed Strategic Housing Development

3.1. The proposed development (as per the public notice) will consist of the demolition of the existing single storey building on site and construction of a mixed-use scheme. Comprising of:

- Construction of a mixed-use development generally ranging in height from 5 no. storeys to 12 no. storeys (over basement level) set out in 3 no. blocks (Block A, B and C)
- The development will comprise a total of 324 no. apartment units with associated balconies, winter gardens and terraces;
 - 19 no. studios,
 - 126 no. 1 bed units and
 - 179 no. 2 bed units.
- Block A ranges in height from 8 no. to 12 no. storeys comprising 78 no. 2 bedroom units, 45 no. 1 bedroom units and 7 no. studio units and 1 no. café/ restaurant/ retail unit (186 sq. m)
- Block B ranges in height from 7 no. to 11 no. storeys comprising 54 no. 2 bedroom units, 69 no. 1 bedroom units and 12 no. studio units and a creche facility (258 sq. m)
- Block C ranges in height from 5 no. to 9 no. storeys comprising of 47 no. 2 no. bedroom units and 12 no. 1 bedroom units and internal amenity space (465 sq. m) including gym/function room space, media room, resident's amenity shared work space, bookable conference rooms and concierge;
- The proposed development will also provide for an 81 no. bedroom aparthotel (4,020 sq. m) in Block C.
- Public realm improvements including public plaza, footpaths and both soft and hard landscaping works to the southern boundary of the subject site. The scheme will provide for a total of 2,020 sq. m of public open space to serve the proposed development.
- The proposed development will also include the provision of communal external space including courtyard areas, play spaces and roof terraces (c. 3,129 sq. m).

- Parking at basement level for 162 cars (152 no. residential (including 4 no. club car spaces) and 10 no. aparthotel spaces), 340 bicycles and 6 motorcycles spaces.
- Vehicular access to the basement is from the existing private road to the north of the subject site.
- 6 no. set down car parking spaces, 2 no. club car spaces and 40 no. visitor bicycle parking spaces will be provided at surface level.
- All hard and soft landscaping, boundary treatments and all associated site development works, site infrastructure, utilities, substations, PV panels at roof level, services and plant.

Note: There are minor discrepancies in the supporting documentation with respect to no. of overall units proposed and % of dual aspect, quantum of car parking spaces, height of Block A and information contained in the Community Audit. The errors are noted and not considered material to render the information submitted inadequate or deficient for the purpose of assessing the application. I consider it is clear from the public notices, plans and drawings the proposal before the Board.

- 3.2. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Housing 2018. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes and storage.
- 3.3. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.
- 3.4. Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location. The proposed development ranges in height from 5 no. storeys (19m) to 12 no. storeys (40.2m).
- 3.5. The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered that this

may materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.

3.6. The following tables set out some of the key elements of the proposed scheme:

Table 1: Development Standards

Site Area	1.3 ha
No. of units	324
Total Gross Floor Area (including 4,020 sq. m aparthotel, creche 258 sq. m and café / restaurant 186 sq. m)	34,298 sq. m
Gross Density	250 units/ha
Plot Ratio	2.5
Site Coverage	32%
Public Open Space	c. 2,020 sq. m (15.2%)
Communal Space	c. 3,129 sq. m

Table 2: Unit Mix

Apartments	Studio	1 bed	2 bed	Total
	19 (6%)	126 (39%)	179 (55%)	324 (100%)
Dual Aspect				Two different figures given 45% 50.76% (both exceed 33% minimum required)

Table 3: Building Height

Block	Storeys
A	8 - 12
B	7 - 11
C	5 - 9

Table 4: Car Parking

	Number of car parking spaces
Total No.	162
Proposed for Apartments / Residential	152 no. at basement (including 4 no. club car spaces) 6 no. set down car parking spaces, 2 no. club car spaces at surface level
Aparthotel	10 no. aparthotel spaces

Table 5: Bicycle Parking

Bicycle parking spaces	340 (Incl. 40 no. visitor bicycle parking spaces at surface level)
Motorcycle	6

Table 6: Part V

Proposed	32 (10%) units
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- 3.7. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required.

4.0 Planning History

- 4.1.1. There is quite a protracted site history on the lands in the vicinity, which include the subject site.

Reg. Ref. 6584/07

Dublin City Council granted planning permission for the following development on 1st of August 2007.

“Planning permission for development at the site located at the northern part of Omni Park, accessed from within the shopping centre.- The development will consist of the following: Unit 1 comprising of retail use at ground and first floor levels (1,915sqm) and storage at second floor level (927sqm). Unit 2 comprising of retail use at ground

and first floor levels (2,221sqm) and storage at second floor level (1,080sqm). Unit 3 comprising of retail use (955.5sqm) and office use (157sqm) at ground floor level, retail use at first floor level (1,285sqm) and office use at second & third floor levels (2,634sqm) together with 66no. new surface car parking spaces, associated site works and service access from existing road north of site.”

Applications which included the subject site/ part of in the application boundary, include:

Reg. Ref. 2213/18

Dublin City Council granted planning permission for the following development on 27th of March 2018.

“Permission for development at unit 224-226 incl (395 sqm) at first floor Omni Park Shopping Centre. The development will comprise a change of use from approved retail use of first floor units 224-226 incl permitted under Reg Ref 5662/04 for use as medical consulting rooms with associated signage together with all ancillary site works”.

Reg. Ref. 3246/13

Dublin City Council issued a decision to grant planning permission for the following development on 12th November 2013. However, the decision was subsequently appealed to An Bord Pleanala who upheld the decision of DCC and granted planning permission on the 26th June 2014.

“Permission for the development of convenience and comparison retail floorspace and associated works and development measuring approx. 3660 sqm gross floor space on a site of 1.2 hectares. The proposed development comprises: the demolition of an existing warehouse / office building measuring 3667 sqm and associated and ancillary structures and site development works; the construction of a phased development, Phase 1 comprising a single storey double height Licensed Discount Foodstore measuring 1831 sqm with a net sales area of 1287 sqm and a single storey electricity sub-station measuring 48 sqm; and, Phase 2 comprising three adjoining single storey double height retail units with a gross floor area of 1781 sqm and net sales areas measuring approximately 384, 492 and 600 sqm; the

provision of a surface car park comprising 65 no. spaces and 18 no. cycle spaces in association with Phase 1 and the assignment of 47 no. existing parking spaces within the existing Omni Park car park dedicated to Phase 2; customer vehicular and pedestrian access to the proposed development is to be via new connections to the existing Omni Park car park and service / delivery access is to be via the existing Santry Hall Industrial Estate access road which will be upgraded; the proposed development also comprises car parking and access modifications / integration to the adjoining previously permitted mixed use scheme (Reg. Ref: 6584/07); and, the provision of signage, and totem signage on Swords Road, boundary treatments, hard and soft landscaping, lighting, connections to drainage and water services and all other ancillary and associated works including within the Omni Park car park and other enabling works to form connections to the Omni Park Shopping Centre.”

Reg. Ref. 5303/05

Dublin City Council granted planning permission for the following development on 14th of October 2005.

“Planning permission for amendments to previously approved development, Reg ref No 3268/05 consisting of the following: replacement of previously approved 24no car parking spaces at lower ground floor level with undercroft (200sqm) below unit No1 as access for services, 200sqm of financial service use at ground floor level, additional 665sqm of retail use at 1st floor level and entrance canopies to shop units, all to the west of the previously approved multi-storey car-park (Reg ref No 1508/04) and fronting onto the existing north/south main pedestrian walkway at Omni Park Shopping Centre, Swords Road, Santry, Dublin 9 .”

Dwyer Nolan Site - Reg. Ref. 2713/17 & 2737/19 – North of the Site

Dublin City Council issued a decision to grant permission for the following development on 12th March 2018:

“The proposed development (c.25,083 sq m total gfa above basement car park, and excluding plant, bin stores and bike stores), generally comprises: the partial

demolition (c.7,781 sq m gfa) of an existing 8-bay warehouse (c.9,539 sq m gfa), and the construction of:

- 137 no. residential units in total (25 no. 3-bed, 88 no. 2-bed and 24 no. 1-bed); And all ancillary and associated site development works all on a site of c. 1.9Ha.

Subsequently permission was granted, on the 1st October 2019 to amend the residential element to provide for an additional 2 floors (from 5 to 7 total).

Swiss Cottage Site - ABP-303358-19

Permission was granted for a Strategic Housing Development on the 2nd of April 2019 for the following description of development:

“Demolition of existing single storey licenced premises on site, construction of 112 no. Build to Rent units, café/retail/restaurant and associated site works.”

Swiss Cottage – ABP 306987-20

Permission granted, August 2020, for 120 no. apartments and associated site works. The proposed development will amend and supersede the development currently being undertaken on site permitted under ABP-303358-19. This proposal involved one additional floor to the already permitted development. (Max.7 storeys)

5.0 National, Regional and Local Planning Policy

5.1. I am of the opinion that key policy and guidance documents of relevance to the proposed development are as follows:

- National Planning Framework 2040.
- Rebuilding Ireland – Action Plan for Housing and Homelessness.
- Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2018.
- Urban Development and Building Height Guidelines 2018.

- Regional Spatial and Economic Strategies – Eastern Midlands Regional Assembly (2019-2031);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities.
- Quality Housing for Sustainable Communities (2007).
- Design Manual for Urban Roads and Streets (2019).
- Smarter Travel – A New Transport Policy for Ireland (2009-2020).
- Guidelines for Planning Authorities on Childcare Facilities 2001.
- BusConnects – Transforming City Bus Services (2018).
- The Planning System and Flood Risk Management (2009).

5.2 Statutory Plan for the area

The Dublin City Development Plan 2016-2022 is the operative Development Plan for the area. The site is zoned Objective Z4 (District Centres) which aims “to provide for and improve mixed-service facilities”.

The Dublin City Development Plan 2016 further elaborates on the Z4 Zoning Objective:

“District centres, which include urban villages, provide a far higher level of services than neighbourhood centres. They have outlets of greater size selling goods or providing services of a higher order, and their catchment area extends spatially to a far greater area than that of neighbourhood centres (see Chapter 7 and Appendix 3 for details of policies, standards and the retail strategy). As the top tier of the urban centres outside the city centre, key district centres have been identified which will provide a comprehensive range of commercial and community services. These centres often attract large volumes of traffic and should, therefore, be well served by public transport.

To maintain their role as district centres, new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and evening. In this regard, opportunity should be taken to use the levels above ground level for additional commercial/retail/ services or residential use with appropriate social facilities. Higher densities will be permitted in district centres, particularly where they are well served by public transport. The district centre can provide a focal point for the delivery of integrated services and the designated key district centres have, or will have in the future, the capacity to deliver on a range of requirements, the most important of which are:

- An increased density of development
- A viable retail and commercial core
- A comprehensive range of high-quality community and social services
- A distinctive spatial identity with a high quality physical environment”.

The policy chapters, especially Chapters 4 – Shape and Structure of the City, 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development. Policy SC25 in Chapter 4, concerns the promotion of development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city’s built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate. (Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development, Section 16.10 – Standards for Residential Accommodation).

6.0 Section 5 Pre Application Consultation

6.1. A Section 5 pre application (ABP – 305737-19) consultation took place at the offices of An Bord Pleanála on the 2nd December 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted with the request to enter into consultations **constituted a reasonable basis for an application for strategic housing development.**

6.2. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the applicant was 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 the 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.

6.2.1. Summary of Revisions to Scheme Subsequent to ABP Opinion are summarised in the following points:

- The public open space has been reconsidered with a reduction in the drop off area to provide for increased useable space and the western public open space has been refined to provide for a green route, which may link with future development proposal to the north of the site, should the lands be rezoned as proposed under a current Variation proposal to the Dublin City Development Plan 2016.
- The interface of defensible space to the communal open space and Swords Road has been further developed to ensure privacy for future occupants of the scheme.
- 10 no. car parking spaces have been allocated to the aparthotel at basement level, and GoCar a car share operator have confirmed that they would provide 6 no. car share spaces to serve the scheme and wider area.
- The red line now includes upgrades to the Swords Road footpath, which has been designed taking into consideration BusConnects proposals to ensure compatibility on delivery of these proposals.

7.0 Applicant's Statement of Consistency

7.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the **three** issues raised in the Opinion.

7.1.1. **Item No. 1: Justification of how the proposed development sits with and enables future development in the area, in terms of amenity, permeability and**

phasing. Regard being had to the current variation to the development plan (Variation No. 9 - Santry Industrial Lands, Santry Avenue and Swords Road, Dublin 9)

The applicant has submitted an Architectural Design Statement prepared by KMD Architecture with a map showing the locations of the two permitted large developments close by - Swiss Cottage Strategic Housing Development (ABP-303358-19) and the Dwyer Nolan site (Reg. Ref: 2713/17 (amended by 2737/19))

It is submitted that the wider area, particularly lands to the north of the subject site are currently in transition from predominately commercial/light industry to residential and mixed use. Part of these lands are the subject of a proposed variation to the Dublin City Development Plan 2016 to be rezoned to facilitate further residential development. At a Council Meeting of the 10th March 2020, the proposed variation was not adopted. Nonetheless, the development of the subject site has been considered in this emerging context, with an indicative master planning exercise undertaken to demonstrate how the wider lands may be developed going forward with permitted and underway development, and development that may emerge should the zoning objective of the lands to the north be changed for residential use.

The master planning submitted demonstrates how the developments may cumulatively deliver permeability benefits to the wider area, linking the residential developments to the services at Omni as a District Centre and providing improved access to public transport and parks.

7.1.2. Item No. 2: Details of works on and in the public realm, specifically upgrades to junctions and footpaths. Requirements for any future public transport improvements along the Swords Road (BusConnects).

The red line boundary has been extended to include proposed upgrade works to the footpath and public realm along the Swords Road. A letter of consent for these works was obtained from Dublin City Council and is submitted with this application to An Bord Pleanála.

The extent and details of works proposed along the Swords Road are shown on Drawing No. NRB-TA-002 'Footpath and Junction Works at Swords Road' which is attached to Appendix A of the Transportation Assessment Report prepared by NRB.

Based on the latest information on the proposed BusConnects network, the lands required to provide for Core Bus Corridor No. 2 have been left free of development. These lands are located along the site frontage to ensure the development does not prejudice the future delivery of BusConnects. This has been discussed and agreed with the National Transport Authority via a conference call on the 13/03/2020.

Drawing No. NRB-TA-005 'Proposed Site Layout with BusConnects Layout Overlaid' which is attached to Appendix A of the Transportation Assessment Report prepared by NRB sets out the alignment of the BusConnects corridor adjacent to the subject site.

7.1.3. Item No. 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.

The response refers to Section H-H and Section G-G on Drawing No. 1767 – PL – S – 01.2 'Boundary Landscape Sections' prepared by Murray and Associates for sections along the Swords Road and between Block A and the existing retail units to the west and the public plaza.

Please refer to the Landscape Design Statement prepared by Murray and Associates for further details on the public realm strategy.

KMD Architecture have prepared sections which show the context of the proposed development in relation to the Swords Road and the existing retail units to the west of the site. Please refer to Drawing No. A13 – 100 'Section AA – Looking South' and Drawing No. A13 – 100 'Section BB – Looking North'.

NRB have prepared a DMURS Statement of Consistency which is attached as Appendix G to the Transportation Assessment Report. The main points of this Statement are provided below:

The proposed layout seeks to successfully create an appropriate balance between the functional requirements of different network users whilst enhancing the 'sense of place'. Design attributes of the proposed layout which contribute to achieving this DMURS objective include:

- a) The main vehicular access to the development is separate from the pedestrian accesses to the development and the open space.

- b) The proposed scheme includes the closure of two former direct access gateways onto the Swords Road. The existing Santry Hall Industrial Estate Road is to be used to access the basement car park and the Omni Park Shopping Centre entrance is to be used to access the other areas of the development. The plan offers a well-connected and improved but permeable network.

- c) The proposed design deliberately seeks to specify minimal signage and line markings along the internal layout, with such treatments used sensitively throughout and predominately at key nodes and 'transition' areas.

- d) Footpaths no less than 1.8m (generally 2.0m or wider) will be provided throughout the scheme with connections and tie-ins to existing external pedestrian networks.

- e) Appropriate clear unobstructed visibility splays, as per DMURS requirements, will be located at the site access junctions to the external road network.

- f) Well designed and frequent pedestrian crossing facilities will be provided along key travel desire lines throughout the scheme (eg to Omni Park Shopping Centre) in addition to those located at street nodes. All courtesy crossings will be provided with either dropped kerbs thereby allowing pedestrians to informally assert a degree of priority. The separation of vehicular access to the development from the pedestrian accesses to the development and the open space aid in this aspect of the layout.

g) At the more heavily trafficked Swords Road serving the site, formal signalised controlled crossings are currently provided for the benefit of both pedestrians and cyclists. These connect with the Pedestrian, Cyclists and Bus Stop facilities running along the boundary of the Swords Road.

h) All informal pedestrian crossing facilities will be at least 2.0m wide, whilst all controlled pedestrian crossings will be a minimum of 2.4m wide.

i) With the objective of encouraging low vehicle speeds and maximising pedestrian safety and convenience, corner radii will be 6m where swept path analysis permits and will be of further reduced radii where feasible in line with DMURS guidance. Internally within the development, where carriageway kerbs are required, heights will be typically 75-80mm in accordance with the objectives of DMURS.

k) Much of the Swords Road includes cycle lanes which will provide access to the development. Within the development, as required cyclists will share the carriageway with other street users as per the NCM guidance for such situations and best practice.

l) Any required street signage and road markings will be in accordance with the Department of Transport Traffic Signs Manual, and the location and form will be agreed in advance with Dublin City Council.

7.1.4. **Item No. 4: Daylight / Sunlight Analysis**

A Daylight and Sunlight Analysis has been prepared by 3DDB. The analysis concluded that: "Should the proposed development be constructed as proposed, the surrounding windows will experience an imperceptible level of impact to the level of daylight they receive. Future occupants of the proposed development will benefit from good levels of daylight in their apartments, while having access to outdoor amenity areas with good levels of sunlight".

3DDB have been involved in the design process since the beginning of the project. A number of design changes were made throughout the process to ensure that all of

the proposed units achieve acceptable level of daylight in accordance with the BRE and British Standard Guidelines, as well as the communal and public open spaces. It should be noted that window volumes have been determined throughout the proposed development to increase the level of daylight received within the proposed units.

A summary of the results from the analysis for the proposed units and private/shared/public areas will be outlined below. Please refer to the Daylight and Sunlight Analysis prepared by 3DDB for further information on the results of the assessment.

Proposed Residential Units

The analysis has assessed the Average Daylight Factor (ADF) received in the living spaces and bedrooms of all units across the ground floor of the three proposed blocks. No assessment has been carried out on subsequent floors as the levels of daylight naturally increase as the floor level increases and the lowest floor is deemed to be the worst case scenario. As all of the assessed rooms have met or exceeded their respective target values for ADF, the proposed development will receive adequate levels of daylight within the proposed units. As an improvement to ADF is to be expected in the upper floors, it can be reasonably assumed that the entire development will have sufficient levels of daylight.

Private and Shared Open Spaces

The target value of 50% of the space receiving 2 hours of sunlight on March 21st is used as an indicator for the amount of sunlight that will be received annually. All of the assessed spaces have recorded a level of sunlight in excess of the recommended levels. When the average is calculated for the required minimum private amenity area, 74.0% is capable of receiving 2 hours of sunlight on March 21st. If the average is taken across all of the outdoor private amenity area of the proposed development, 57.7% is capable of receiving 2 hours of sunlight on March 21st. As such, the criteria as set out in the BRE guidelines for sunlight to amenity

areas is achieved, and the proposed development as a whole can be considered to have adequate levels of sunlight

7.1.5. Item No. 5: A Detailed Landscaping Plan

The response refers to Drawing No. 1767 – PL – P – 01 prepared by Murray and Associates which sets out the landscaping masterplan for the overall development. This drawing is supplemented by the additional details provided as part of the landscaping package. Diagram Figure 3 of the Statement of Response identifies the areas accessible to the public.

It should be noted that the courtyard spaces between the blocks will be semi-private spaces for use by the future residents of the proposed development. The main public space which is proposed as part of this application is located to the southern section of the site. This area contains both soft and hard landscaping elements which will encourage people to spend time in this area including a playful space and street furniture.

The greenway to the west of Block C will be accessible to the public and provides permeability through the site. This pathway will be hard landscaped with soft landscaping on either side. There are also a number of bicycle racks provided along this pathway which are accessible to the public.

7.1.6. Item No. 6: Rationale for Car Parking

This item is responded to in the NRB Transport Assessment. The response states: 'The reduced parking availability and layout is considered appropriate in light of the location of the proposed development immediately adjacent high quality public transport, and in consideration of the provisions of the Dublin City Development Plan being "Maximum" standards. We have reviewed census data in the area but these are for mainly houses with some traditional apartments.

The development is not a traditional residential 'House' development but is mainly an apartment development and in this regard the Car Parking requirements are different, with anticipated lower car ownership and dependency for this nature of scheme. It should be remembered that the subject site will comprise almost entirely

of apartments and is located immediately adjacent a High Frequency Bus Route and reduced car dependency will be managed and promoted as part of the development. At an apartment development on Santry Avenue, from 2016 census data above, only 50% of Residences stated that they have cars within the census Small Area selected as relevant to the development site. The 2016 census data also shows that 50% of households within the development site's Census Small Area do not own a car. Clearly there is a demand for units with no car parking in the locality.

In this case it is proposed that no additional, new, dedicated car parking will be provided to support the Restaurant/Café with 10 spaces allocated in the basement for the use of the proposed Aparthotel. There are also additional set down spaces provided at surface level.

It is proposed that of the 162 Car Parking spaces in the basement, the remaining 152 will be provided to support the residential apartments (including 4 used for car club with 2 additional car club paces at surface level). We consider the provision of a net total of 148 residential car parking spaces, a ratio of 0.46 per apartment, as adequate and appropriate for the proposed development particularly in the case where the site is immediately beside the very large Omni Park SC Car Park where additional car parking spaces are available for visitors and with additional set down spaces provided at surface.

Similar Apartment schemes were recently permitted by ABP. ABP case number 304590 is permitted at "The Walled Garden", Gort Mhuire, Dundrum, Dublin 14 for a proposed residential scheme which shall provide for 116 number residential apartments with 34 car parking spaces. This is a ratio of ~0.3 car parking spaces per apartment. ABP case number 305312 is permitted at the former Premier Diaries site, Finglas Road, Finglas, Dublin 11 for a development will shall consist of 245 number apartments with 118 car parking spaces permitted (including 4 Go-Car spaces). This is a ratio of ~0.46 net car parking spaces per apartment on a site adjacent a bus service on the Finglas Road with similar peak frequency and Bus Connect proposals as the Swords Road at the Omni Living SHD site.

The development will be managed and operated by a Management Company. Car parking will not be an automatic entitlement with the apartments but spaces will be

available to rent and purchase. Renting/sales of parking will be allocated to residents mainly on a first come first serve basis by the Management Company and will be continually managed by the Management.

Some parking spaces will be reserved for visitors with other car parking spaces allocated for rent/sale to larger units. The allocation of car parking spaces will reviewed/renewed on an annual/ongoing basis to suit demand. This Scheme also includes 6 'Go Cars' to offset the need for residents and guests of the Aparthotel to have cars and car parking spaces.”

7.1.7. Item No. 7: A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.

Please see Drawing No. A10-120, prepared by KMD Architects which identifies the lands to be taken in charge by Dublin City Council.

7.1.8. Item No. 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.

Response refers to the Engineering Planning Report prepared by EirEng submitted with this application which responds to the items raised in the Drainage Division submission individually.

The private surface water system which is being connected into, is in the ownership of the joint applicants (MKN Investments Limited and Caltrack Limited)

7.1.9. Item No. 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.

An Environmental Report has been prepared by John Spain Associates and is submitted with this application. The EIAR Screening concludes:

“That the proposed development will not have any significant impacts on the environment. All recommended mitigation measures and standard practices will be employed throughout the construction and operation phase of the development to ensure that the proposed development will not create any significant impacts on the quality of the surrounding environment”.

8.0 Third Party Submissions

8.1. Fifty-six number third party submission received, the list of names for submissions is attached as appendix to this report, they are collectively summarised under the following headings:

Compliance with Policies of the City Development Plan

- This is a Z4 district centre zone not a residential zone. Proposal is contrary to the Z4 zoning, would be flying in the face of any reasonable and considered interpretation of the intent of such a zoning.
- Material contravention of the DC Development Plan
- The proposed development could be a good addition to Santry if it was part of a planned redevelopment of the overall area.
- There is a need to develop an LAP for Santry.
- Not a strategic location identified in the CDP for higher buildings.
- Applications of this magnitude should take into account a ‘central and / or accessible urban location.’
- The application site is not within reasonable walking distance (i.e. up to 10 minutes or 800m) to / from high capacity urban public transport stops (such as DART or Luas)
- Lands to the north subject to Variation for rezoning from commercial to residential was not adopted by the Council to date.
- The proposal constitutes over development of the site
- In Ballymun tower block development was knocked down to allow people to live the way they wanted.

- Density proposed is excessive.
- No justification for an Aparthotel at this location.
- Potential for Aparthotel to become low cost, transient accommodation.

SHD Process

- SHD process in general is flawed
- Developments such as this will not resolve the housing crisis.
- The application is speculative from a land point of view and reckless when considering the requirements relating to Covid 19
- Quantum of SHD applications in Santry area is excessive.
- The nature of SHD applications of the kind proposed is the antithesis of good planning.
- ABP is a nationally focused body which was never intended to be interposed as the first instance planning body within the statutory and legislated planning structure as provided for in the Development Acts.
- The increasing number of judicial reviews in relation to SHD related decisions is strong evidence that it is causing more delays and problems in delivering appropriate and affordable housing to all citizens.
- As a result of the restrictions in place during the national emergency, there has been a lack of transparency or proper consultation with residents regarding this application.

Visual Amenity

- No visual Impact Assessment has been carried out of the wider area
- The proposal will detract from the aesthetic of the area.
- The proposal in its current form is very unsympathetic to the existing neighbourhood
- Over development of the site and too close to boundaries.
- Height is excessive.
- Set an undesirable precedent in the area
- The 12 storey block represents a very stark divergence in style to existing environment.

- Height and urban form significantly disregards the maximum height specifications in the DCC Development Plan.
- Santry is a village
- The proposed height onto Swords Road should be reduced to 3 / 4 storey

Residential Amenity

- Overshadowing & loss of light to existing low lying housing, in particular Magenta Hall residents.
- Scale is excessive in its context
- Overlooking will result
- Overbearing impact, scale, form and density inappropriate, in particular, to Magenta Hall and Magenta Crescent on the opposite side of Swords Road
- Magenta Hall residents currently enjoy western sunlight and daylight which would be removed.
- Loss of open sky element directly in front of their house. (Magenta Hall)
- The community audit submitted makes several errors about the local community, its population, educational facilities and other environmental matters.
- Quantum of communal open space is deficient to serve future residents
- Question the viability of an aparthotel in this suburban location
- Loss of sunlight and daylight to Swords Road, less pleasant for pedestrians.
- No regard for older people who have lived in Santry all their lives
- Apartment sizes and communal open space questionable in light of Covid19
- Development of the scale proposed is not positive or complimentary to the neighbourhood.
- The % of dual aspect / nature of the development is queried.
- Pandemic and future planning, inadequate private amenity space and social distancing.
- Devaluation of adjoining property

Transportation & Car Parking Issues

- No DART or Luas serve the Santry area
- Over crowding on buses is a serious issue
- Prolonged delays for all commuters at peak times.

- Proposal will impede any potential to develop the proposed 'BusConnects' corridor.
- There is no guarantee of Bus Connects being developed at this stage
- Conflicting information with respect to future bus corridor.
- Santry and North Dublin has been waiting for over 30 years for decent transport infrastructure
- Provision of a cycle track is essential, granting development tight to the boundary will hinder the possibility of provision of a cycle track.
- Car parking for hotel use is inadequate and may give rise to overspill to neighbouring estates.
- Concern that car parking to serve residential apartments is deficient in quantum.
- The entrance to Omni is a bottleneck
- Covid 19 needs to be taken into account in tandem with capacity of public transport.
- Increase in traffic and parking is of concern.
- Traffic information submitted is questionable, flow data is underestimated.
- Availability of public transport is heavily relied upon, to justify lack of provision of parking spaces and non adherence to the City development Plan. Public transport is not adequate.

Community Audit

- Santry area is Whitehall only and to combine four distinct and separate E.D's is misleading.
- Inaccuracies in Information submitted
- Distances to parks and services in the area is incorrect in the community audit submitted.
- The population of the area has been exaggerated
- UCD is a 36 minute walk from the application site and has no bus route linking it
- There is a waiting list for use of services.
- The educational analysis submitted is inaccurate.
- Adequate Educational facilities do not exist in the Santry area.
- Currently school places are limited for both primary and secondary school students.

- The only school in Santry is the Gaelscoil
- St John of Gods Hospital is at Stillorgan Road Blackrock not in Santry
- Beaumont Hospital is at capacity and has rented space at the Omni SC for outpatient clinics.
- All meeting hall facilities except the Santry Resource Centre are outside the Santry area.
- There is no library in Santry.
- Inadequate services in the area to serve this development and, in particular, when taken in conjunction with previously permitted SHD's in proximity.
- There is a 2 year waiting list for some doctors.
- The Department of Education (DoE) submission in relation to the proposed rezoning under Variation 9 and 10 which were withdrawn by DCC to allow an LAP to be drawn up for Santry, is of relevance.
- The DoE submission pointed out the lack of school facilities for any resulting development if rezoning took place. They also pointed out the difficulty in cohesive school planning due to the SHD process.

Infrastructural Services & Flooding

- The drainage in the area is under severe pressure
- The area is at risk of flooding.
- The area flooded extensively in July 2013
- Infrastructure in the area is currently stretched. No capacity for foul sewerage.
- Water pressure is poor.

Wind

- The contents of the Microclimate effects and wind speed impacts assessment is questioned.
- Brevity of the report
- Concern of possible long-term impact from wind to existing residents, pedestrians and cyclists on the Swords Road and users of public spaces and public realm in the plaza area.

Environmental and Safety concerns

- No proposals for solar panels / sustainable energy provision
- No EIAR submitted with the application. Given the cumulative impact of number of SHD's in the area one should have been carried out.
- No proper environmental assessment on the area of Santry and on Santry Demesne Park, has been carried out, as required under the Aarhus protocols
- Noise levels
- Air pollution
- Construction traffic is a danger with no proper traffic signals or traffic control measures.
- Fire safety
- Effect of air craft noise waves

Public Open Space

- There is insufficient public open space in the area.
- There is a need for a children's playground
- The open space proposed to serve the development is deficient
- The type of open space and location proposed is unsatisfactory.

Mix of Units

- One bed apartments do not allow for the growth of families
- Tenure mix and type proposed not suitable to downsizing or to accommodate older residents.

Lack of Communication

- No engagement with the community
- The newspaper notice was advertised in the Daily Mail – 10th ranked newspaper
- Due to pandemic there was difficulty and stress around making submissions
- Public consultation undermined
- The public consultation process is flawed.
- The application was submitted at the start of the lockdown many of the businesses in Santry have not have seen the site notice and are unaware of the SHD application

9.0 Planning Authority Submission

9.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 16th July 2020. The report may be summarised as follows:

9.2. Summary of Planning Assessment:

Summary of the Chief Executive and Departmental Reports

The report concludes that whilst the proposed development is acceptable in principle under Z4 zoning, the planning authority has serious concerns regarding the height, scale and massing of the proposed development and its impact on the changing character of Santry. The p.a. does not consider that sufficient change could be brought about by planning conditions which would require amendments to the proposed development and as such, recommends refusal of the application.

Height, Scale and Design

- The sites location may be suitable for increased building heights, served by public transport and in close proximity to a range of services and amenities, the p.a. has serious concerns that the proposed development has been designed without adequate consideration or acknowledgement of the sites position within the streetscape or urban hierarchy.
- The Santry area is currently undergoing significant transformation following grants of permission for 6 and 7 storey development to the north, in close proximity to Santry Avenue and it is the p.a. view that further redevelopment proposals need to be considered in this context.
- Separation distance between the Blocks does not meet the 22m minimum standard as set out in S16.10.2 of the City Development Plan.
- The scale massing and height of the development are inappropriate for this outer city / suburban location and a more gently transition in scale is required.

Density, Site Coverage and Plot Ration

- The p.a. does not have any objection in principle to a high density development on this site, given its close proximity to a high frequency public transport corridor, however the proposed density is comparable to that which is provided on city centre sites.
- The acceptability of a very high density development is a matter for the Board.
- The p.a. has serious concerns regarding the height, scale and massing.

Residential Quality Standards

- An apartment schedule has been submitted, which details mix, orientation, layout and dimensions of all apartments in the scheme and states compliance with the minimum requirements of both the CDP and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- From a review of the apartment schedule it is noted that there are a number of minor non-compliances with such minimum requirements. The impact of same on the quality of the development is a matter for the Board to consider.
- The Housing Quality Assessment (HQA) outlines that 45% of all units are dual aspect, there are no single aspect north facing units. 164 car parking spaces are provided (154 spaces or ratio of 0.47:1 per residential unit) and 380 bicycle spaces. A minimum of 50% of units should have dual aspect in this development where there are few site constraints.
- Extent and use of resident's facilities needs to be clarified, especially where this space looks onto the Swords Road and occupies a key frontage.

Public and Communal Open Space

- There is ambiguity in the documentation submitted regard the amount of open space proposed.
- Notwithstanding this it is noted that an area equating to 15% of the site area is proposed.
- P.a. have concern with respect to the access / set down area located in proximity of the public plaza.

- Communal open space is in excess of requirements. However, it may be compromised by vehicular basement access and a number of vents.
- The northern most communal open space area between blocks A & B, where the development incorporates greatest building height, would not receive adequate access to light, with just 37% of the space achieving the target level in terms of sunlight access. While this in itself is not an objection to the proposal, it is a further impact arising from the proposed building height, which is considered excessive.
- Agreement of the layout and level of 'play space' areas and level of equipment to be provided is required.

Part V

- Report from Housing Department attached. No objection raised.

Impact Upon Neighbouring Properties.

- Concern regarding appearance, massing, and scale on the character of the area.
- The reports submitted indicate that the proposed development would have an appropriate relationship to nearby properties to the east, on the other side of Swords Road. It is also noted, in this regard, that the Daylight and Sunlight Analysis report outlines that unacceptable overshadowing of these properties would not arise.

Aparthotel

- Adequacy of the drawings submitted, and their legibility, this is a matter for the Board.
- Layout of Aparthotel is difficult to read
- The extent of facilities provided for within the aparthotel is unclear.

Commercial Retail Uses

- The proposed retail, café and restaurant uses accord with the Z4 zoning.
- Consideration should be given to potential noise and odour nuisance issues.
- A condition should be attached to any grant, requiring the submission and agreement of proposals for the control of noise and odour emissions.

- An operational management plan should be submitted and agreed for each individual unit, prior to occupation.

Childcare Facility

- Appropriately scaled and in accordance with CDP

Social Audit

- The applicant has submitted a community audit, outlining the extent of services in the area. No shortfall in such facilities has been identified. It is also noted that a childcare facility is incorporated into the proposed development, providing a community benefit.

Signage

- No details of the proposed signage or shopfronts for the ground floor commercial and childcare units appear to have been submitted.

Transport

- No transport-related issues with the development.

Appropriate Assessment (AA)

- Notes AA screening report has been submitted
- This is a matter for the Board.

Environmental Impact Assessment

- The p.a notes the EIAR screening statement.
- This is a matter for the Board.

9.3. **Summary of Inter-Departmental Reports**

Housing and Community Services: The applicant has engaged with the Housing Department and is aware of their obligations under Part V, if permission is granted.

Transportation Planning Division: Report received. No objection subject to conditions.

Drainage Division: Report received. No objections subject to conditions.

Air Quality Monitoring and Noise Control Unit: No objections subject to conditions.

Waste Management: Report received, no objection and no conditions recommended.

Parks and Landscape Services: No objections subject to conditions.

Biodiversity Officer: No objections subject to conditions.

9.4. Refusal Recommended

9.4.1. The planning authority recommends that permission be refused for one number reason, namely:

‘The proposed development by reason of its excessive height, scale and massing represents a significant and incongruent transition from the character of the surround area, which fails to successfully integrate into or enhance the changing character of the Santry Area and fails to make a positive contribution to the neighbourhood or streetscape. The proposed development would therefore be seriously injurious to the character and visual amenities of the area and would be contrary to the requirements of the Urban Development and Building Height Guidelines For Planning Authorities, (DHPLG, 2018) and Policy SC25 of the Dublin City development Plan 2016 – 2022 and to the proper planning and sustainable development of the area.’

9.4.2. 21 number conditions are recommended, in the CE Report, in the event that planning permission is forthcoming.

Elected Members

9.4.3. A summary of the views of elected members as expressed at the Area Committee (North Central) Meeting at the meeting on 6th May 2020 is included in the Chief Executive’s Report and is summarised below:

- Concern about the height, scale and density of proposed development and how it might shadow nearby dwellings. Concern was also expressed about the design layout, shadow analysis, transportation and traffic (Bus connect route) and

schools and amenities (lack of educational facilities). Concern was expressed about the proposed aparthotel and possibility of it ending up being used as low-quality, long-term rental living accommodation. Drainage issues are raised and the need to consider the proposal in light of the Swiss Cottage proposal and other SHD and large housing planning applications / developments in the immediate vicinity.

10.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- Dublin City Childcare Committee
- Irish Aviation Authority
- Dublin Airport Operator

10.1. **SUMMARY OF PRESCRIBED BODY REPORTS:**

Irish Aviation Authority: Report received. It sets out that in the event of a grant of planning permission, the applicant should engage with DAA to ensure any crane operations necessitated during construction do not adversely impact the safety of aircraft operations.

Transport Infrastructure Ireland: Submission received, and it states that TII have no observations to make.

Irish Water: A confirmation of feasibility for 338 units has been issued to the applicant confirming new connection to existing water network is feasible without upgrade.

In respect of wastewater: In order facilitate this development diverting the flow from Santry Pumping Station, currently pumping into the 375 mm ID concrete foul sewer adjacent to the site to the North Fringe Sewer would provide the sewer capacity and the proposed connection could be completed after the network upgrade. Irish Water currently does not have any plans to commence upgrade works to its network in this area. Should the applicant wish to progress with the connection, the upgrade works will be calculated in a connection offer for the development.

Irish Water has issued the applicant a Statement of Design Acceptance for the development as proposed.

National Transport Authority:

The NTA confirms that the proposed development facilitates the objective of the NTA to develop the Swords to City Centre Core Bus Corridor (CBC) and welcomes the commitment from the applicant in this regard.

It is the view of the NTA that the development of the CBC will make the proposed development more attractive to potential future residents as they will provide for increased capacity of the public transport system; reliability of journey times, and a safer cycling environment. As such, and notwithstanding all other considerations of proper planning and sustainable development, the redevelopment of this former retail warehousing site to provide for a higher-intensity of use accords with the principle of consolidation of development into existing and future high-capacity public transport corridors.

The NTA recommends that, in the event of a grant of planning permission, that a condition is attached which states that the proposed development is carried out in accordance with the requirements of the CBD and that the NTA is consulted at detailed design and construction stages in order to ensure this occurs.

Dublin Airport Authority (DAA): The proximity of the proposal to the airport and the proposal to incorporate solar panels at roof level, as indicated on Drawing No. A11-200. DAA requests that the proposal is assessed for potential glint and glare hazard

and for operations to demonstrate that there would be no impact to airport operations either individually or cumulatively.

11.0 Oral Hearing Request

None requested.

12.0 Assessment

12.1.1. I consider that the key issues for consideration by the Board in this case are as follows: -

- **Site Zoning and Principle of the Development**
- **Layout, Massing, Height, Scale, Density and Design**
- **Residential Amenity**
- **Visual Impact**
- **Traffic and Transport**
- **Reason For Refusal By DCC**
- **Other Matters**
 - **Aparthotel & Proposed Resident's Amenity Facilities**
 - **Community and Social Services**
 - **Wind**
 - **Services and Flood Risk**
 - **SHD Procedural Issues**
 - **Part V**
- **Material Contravention Issue**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

12.2. Site Zoning and Principle of the Development

12.2.1. Having regard to the nature and scale of development proposed, namely a 324 residential units apartment scheme with 81 no. bedroom aparthotel (4,020 sq. m), creche (258 sq. m) and café / restaurant (186 sq. m), I am of the opinion, 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.

12.2.2. In the Dublin City Development Plan 2016-2022 the subject site is zoned Objective Z4 (District Centres) which aims “to provide for and improve mixed-service facilities”. Section 14.8.4 of the Dublin City Development Plan outlines the Council’s approach to developments within areas under the Z4 zoning, seeking ‘To maintain their role as district centres, new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and evening. In this regard, opportunity should be taken to use the levels above ground level for additional commercial/retail/ services or residential use with appropriate social facilities. Higher densities will be permitted in district centres, particularly where they are well served by public transport. The district centre can provide a focal point for the delivery of integrated services and the designated key district centres have, or will have in the future, the capacity to deliver on a range of requirements, the most important of which are:

- An increased density of development
- A viable retail and commercial core
- A comprehensive range of high-quality community and social services
- A distinctive spatial identity with a high-quality physical environment.’

12.2.3. Residential, childcare facility, restaurant and largescale retail uses are permissible on Z4 – zoned lands. A hotel use, which is outlined at CDP Appendix 17 as including an Aparthotel use, is also permissible under the Z4 Zoning objective. The proposed development is therefore consistent with the land use zonings under the DCP.

12.2.4. I note the opinion of the planning authority that ‘the development is primarily residential in nature but incorporates commercial uses, which would extend the

offering within the District Centre. The proposed development is considered acceptable in principle under the zoning.'

Overall I am of the opinion that the proposed development is acceptable in principle within the Z4 zoning.

12.3. **Layout, Massing, Height, Scale, Density and Design**

12.3.1. Serious concerns have been raised, by third parties in their submissions, regarding the proposed height and design of the development. Concerns centralise on the twelve storey height of Block A and scale of the development in comparison to the surrounding environment in Santry and the position of Block C in proximity to the Swords Road. It is submitted that the proposal would give rise to overdevelopment of the site and result in a negative impact upon residential amenity (overshadowing and loss of light) in particular to residents in Magenta Crescent and Magenta Hall on the opposite (eastern) side of the Swords Road. The Planning Authority have also recommended that the application be refused, as a result of the proposed height, scale and massing, which it considers fails to successfully integrate into or enhance the changing character of the Santry area and fails to make a positive contribution to the neighbourhood or streetscape. I shall further consider the Planning Authority reason for refusal in detail in section 12.7 below.

Layout

12.3.2. The proposed layout has been designed in three narrow blocks in a north - south orientation. It is submitted by the first party that the layout takes advantage of East and West light, minimises north facing apartments, maximise natural light to east and west facing facades, and creates as many views south to the Dublin mountains, the Liffey valley and towards Dublin Bay as possible. The central corridor that one accesses the apartments from has picture windows at each end to allow good natural light to the internal communal areas and allow natural ventilation through the building.

12.3.3. The proposal incorporates enhanced pedestrian connections via Swords Road, public spaces and a distinct public plaza. The proposed café is located to the southern aspect of the ground floor of Block A. The creche with associated playground is located to the southerly aspect of the ground floor of Block B and the Aparthotel with communal amenity space to serve the apartments is located to the

southern aspect of Block C. The public plaza is located to the south eastern corner of the site north of the existing McDonalds building. The main vehicular access is proposed via the north eastern corner of the site, via Santry Hall Industrial Estate Road, off Swords Road. The basement access ramp has been designed to allow for more useable space on podium level and to allow for landscaped covering, improving the quality and quantum of the space. A drop-off area / set down area for 5 no. car spaces is proposed to the south west corner of the site, accessed via the existing entrance to the shopping centre. It is located to the front of the restaurant and will also serve the creche and Aparthotel.

12.3.4. I agree that the southerly café and landscaped pedestrian pocket open space areas, creche, and Hotel plaza will create a new centre for congregation and enjoyment. The non residential element of the development is accessible off Swords Road and will create animation and bring activity to the civic plaza. The provision of the café use at ground level provides for additional amenity to the future and existing residents in the area.

12.3.5. The separation distances between the residential elements of the Blocks is 20 meters. There is a minimum separation distance of 16.5 meters between the Aparthotel element of Block C and Block B. The building form of Block C responds to the interface with the Swords Road to provide a strong urban edge. I agree with the applicant that the separation distances proposed are justifiable. Regard is had that the Aparthotel facilities will be facing the childcare facility. At the upper levels the apartments will be facing Aparthotel rooms which is considered to have reduced potential for overlooking due to the nature of the use of the rooms. The Aparthotel will also not have balconies facing the proposed residential balconies.

12.3.6. I agree that the proposal makes a positive contribution to the improvement of connectivity through the site. The new pedestrian routes through the site create positive connections for locals to enjoy the space and promotes walking in the area and encourages the public to stop and enjoy the public landscaped areas.

Massing

12.3.7. The proposal has varied its massing, concentrating the taller element away from the Swords Road and existing low-density residential dwellings, whilst achieving a higher density appropriate for this location. It provides for a strong urban edge to the

Swords Road, connects the existing shopping centre to the Swords Road and the village of Santry. The proposal, at ground level to the Swords Road, incorporates activity to the road in the form of the amenities afforded to the Aparthotel and residential development. An entrance to the residential units is also incorporated, providing for footfall and passive surveillance. The private open space defensible area has been well considered and landscaped to provide for a balance of privacy and activity.

12.3.8. The proposed development ranges in height from 5 no. storeys to 12 no. storeys. The range in building heights takes account of the surrounding context of development. The reduced massing along the eastern boundary at 5 no. to 6 no. storeys responds to the adjacent existing residential properties on the east side of the Swords Road. In my opinion it provides for an appropriate transition in massing from the existing 2 no. storey residential dwellings and the 5/6 no. storey proposal fronting the Swords Road, cognisance being had to the significant separation distance to these homes with a large road carriageway width.

12.3.9. Regard is had to section 3.2 of the Urban Development and Building Height Guidelines 2018 with respect to: “At the scale of district / neighbourhood / street”. I am of the opinion, that in line with the requirements set out in the guidelines the proposal has regard to the following:

- “The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.”
- “The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of perimeter blocks or slab blocks with materials / building fabric well considered”
- “The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway / marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of the “The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)”

- “The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.”
- “The proposal positively contributes to the mix of uses and / or building/ dwelling typologies available in the neighbourhood.”

12.3.10. The existing area (west of the Swords Road) is primarily commercial and industrial in nature. I consider the proposed development makes a positive contribution to place making, providing a strong urban edge to the Swords Road, new public spaces, using massing and height to achieve higher density with variety in scale and form which responds to the scale of adjoining developments. The scale, massing and height of the development are considered appropriate in this District Centre zoned site, regard being had to existing shopping centre, existing adjoining residential development and in particular to the permitted Swiss Cottage and Dwyer Nolan Schemes.

Height

12.3.11. The proposed development comprises three number blocks, each designed on a north to south axis and with the tallest sections of each block located towards the northern end, where the site adjoins the existing industrial / office development and retail units. The development also steps up in height in an east to west direction, as it moves away from Swords Road. Block C incorporates heights of between 5 and 9 storeys, Block B incorporates heights of between 7 and 11 storeys and Block A incorporates heights of between 8 and 12 storeys. The development incorporates block and overall heights as follows:

Block	No of Storeys	Height Range
A (Northern Section)	11 Storeys	36m
A (Central Section)	12 Storeys	40.3m
A (Southern Section)	8 Storeys	27m
B (Northern Section)	11 Storeys	37.2m

B (Southern Section)	7 Storeys	23.9m
C (Northern Section)	9 Storeys	31m
C (Central Section)	7 Storeys	23.6m
C (Southern Section)	5 Storeys	20.1m

12.3.12. I am of the opinion that the building heights and density proposed respond to the Dept. of Housing, Planning and Local Government Sustainable Urban Development and Building Heights Guidelines for Planning Authorities (2018). The proposal has a density of 250 units/Ha, with gross floor area of 42,956 sq. m and 32% site coverage. The subject site is a vacant, underutilised brownfield site located within the urban settlement of Dublin, near high quality public transport and a full range of existing services.

12.3.13. I agree with the applicant's submission that the site offers a unique opportunity to accommodate height without undue detriment to neighbouring property. The increased building height has been strategically positioned to the northwest corner and north of the site, as no overshadowing of existing residents can occur in this area. It is submitted that the site immediately north is in the control of the applicant, and I agree that the industrial estate to the north east is far enough away to not be affected unduly. The north service road provides a sterile boundary to the north and the significant separation distance and landscape screening to homes on the eastern side of Swords Road mediates typical conditions of overshadowing and overlooking.

12.3.14. Given the strategic location of the site and its proximity to good public transport infrastructure increased height and density over development plan standards are proposed. A case for the proposed heights over and above the Development Plan standards is addressed within the Material Contravention Statement, accompanying this application, which puts forward a case for the proposed height at this location in accordance with SPPR3 of the Building Height Guidelines. The issue of Material Contravention is considered in detail in the succeeding section 12.9 of this report.

- 12.3.15. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 12.3.16. SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the development plan indicates a maximum height of 16m, while the proposed development has a maximum height of some 40.3m (12 storeys).
- 12.3.17. The first criterion of section 3.2 relates to the accessibility of the site by public transport. The site is located in a highly accessible location directly abutting the Omni Shopping Centre, directly opens onto the Swords Road and benefits from excellent bus links, with a bus stop located immediately adjacent to the site. In the immediate locality, the local shopping parade and other industrial / commercial lands, provide a range of employment opportunities, amenities and facilities for residents of the area.
- 12.3.18. The second criterion relates to the character of the area in which the development is located. The height of the blocks has cognisance to surrounding development, with the proposed 12 storey Block A located to the north west of the site while the southern elements of the Blocks are five (Block C), seven (Block B) and eight storeys (Block A), respectively. I consider that the height of the blocks would not create significant adverse visual impact on surround streets. The staggered height design approach at the eastern and southern site boundaries minimises the impact on adjoining areas. I note recent development in the vicinity

including the Swiss Cottage site and Dwyer Nolan developments a short distance to the north on the east and west side of the Swords Road, respectively. The proposed development is not within an architecturally sensitive or historic part of the city and the development would not impact upon key landmarks or views. Overall, regard being had to the foregoing I consider that the building height proposed is acceptable on this site.

12.3.19. The third pertinent criteria relates to the contribution of the proposal to the street, the avoidance of uninterrupted walls, contribution to public spaces, compliance with flood risk management guidelines, improvement of legibility, contribution to mix / typologies in the area and daylight and sunlight considerations alongside performance against BRE criteria. Specific assessments are also required depending on the scale of the building proposed.

12.3.20. The proposed development will improve the street frontage along Swords Road and to the south facing towards Omni Shopping Centre. In my opinion it will provide identity and a easily recognisable landmark for the overall Santry area and, in particular, the Omni District Centre, benefiting the urban fabric of the District Centre Site. The design along the Swords Road visually separates the residential from the commercial. Planting and railings provide privacy to the residential block, with a crank away from the road. The hotel and communal amenity space address the street directly, providing animation and pedestrian connection of Swords Road / Santry Village to Omni Shopping Centre. The high level of transparency and the landscaped open space will allow people to transverse and engage across the site. There are no monolithic facades proposed, with all elevations featuring fenestration in a sympathetic arrangement to avoid overlooking. My assessment of the development in relation to daylight and sunlight is set out further below, as is my consideration of flood risk.

12.3.21. I therefore find that the proposed development satisfies the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines.

12.3.22. Having regard to the considerations above, I consider that the principle of 12 storeys is acceptable. This is in consideration of overarching national policy, and subject to the assessment set out in the remainder of this report, particularly relating to visual and residential amenity.

Scale and Density

12.3.23. Regard being had to the concerns raised with respect to the proposed scale and density I am of the opinion that proposed scale, density, height and design is appropriate in this location and would provide legibility and identity and a marker for the Santry area and Omni District Centre. The proposed height is focused, as described above, to the north and western aspect of the site. With respect to density, scale, plot ratio; the proposed density is 250 units/ha with site coverage of 32% and a plot ration of 2.5:1

12.3.24. The Dublin City Development Pan 2016 – 2022 identifies indicative site coverage and plot ratio for Z4 lands as 80% and 2.0, respectively. It is submitted that while the site coverage is below the indicative figure set out in the Development Plan, due to the high level of public open space that is being provided on the site, the plot ratio is above the stipulated figure in the Development Plan. However, these parameters are indicative only; higher plot ratios and site coverage may be acceptable under the following circumstances:

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed
- To facilitate comprehensive re-development in areas in need of urban renewal
- To maintain existing streetscape profiles
- Where a site already has the benefit of a higher site coverage.

12.3.25. As discussed throughout this report this site is adjacent to a QBC which provides access to the city centre via bus in 15 mins. The plot ratio for the subject proposal is comparable with the permitted Swiss Cottage scheme, proximate to the site. Therefore, I consider that the plot ratio proposed is acceptable in this instance.

12.3.26. In relation to density, policy at national, regional and local level encourages higher densities in appropriate locations. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of ‘compact growth’. Of relevance, objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development encouraging increased densities in settlements where appropriate. Section 28 guidance, including the Building Heights Guidelines, the Sustainable Residential Development Guidelines and the

Apartment Guidelines, assist in determining those locations most appropriate for increased densities. The Guidelines define the types of location in cities and towns that may be suitable for increased densities, with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.

12.3.27. The proposed development is located in a Metropolitan area, with excellent accessibility to high frequency bus routes into the city centre and to Dublin Airport. Within the immediate area surrounding the site there are a range of largescale retail, business and other institutions that will also provide employment opportunities and services to future residents of the development. I consider that the site can sustainably support the scale and density level proposed. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

Design

12.3.28. A detailed visual impact assessment was submitted which demonstrates how the development sits comfortably within the overall urban context of the area. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy.

12.3.29. I have had regard to the low-rise non-descript nature of the existing Omni Shopping centre, which arguable lacks distinctiveness or sense of place. The Omni Shopping centre is an established District centre with existing facilities already in place. The District Centre site is a local employment hub, on a bus corridor, very well served by public transport and it is easily accessible and well connected to the M1 and M50 and Dublin Airport.

12.3.30. A simple palate of materials is proposed using high quality brickwork with enhanced stone features. Curtain walling glazing system is proposed as well as composite stone cladding panels, brick, powder coated pressed aluminium railing balustrades and winter gardens. The material choice will ensure that the buildings proposed are durable as well as being of high visual interest. Selected glazing, buff brick and reconstituted stone is proposed as the principle materials on all facades.

12.3.31. I am of the opinion that the proposed buildings are of high quality, well designed and would be an addition to the surrounding built environment. The development as a whole is well considered and would make a positive contribution to the urban neighbourhood and streetscape. The proposed commercial uses opening onto the open space plaza area and Swords Road will add to the vibrancy of the area. The CGI's, photomontages and visual impact assessment submitted with the planning application indicates that the impact of the proposal on the area will be positive. I agree that the design of the buildings are to a high quality and will make a positive contribution to the wider area.

12.4. Residential Amenity

Proposed Apartment Scheme

12.4.1. The proposed apartments have been designed to accord with the Sustainable Urban Housing: Design Standards for New Apartments 2018 ("the Apartment Guidelines"). A Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and private amenity areas. I note the p.a. raise concern with respect to 'a number of minor non-compliance with the requirements', however they have not specified where the concern lies. I have reviewed the apartment types and sizes proposed against the apartment design standards set out in the Apartment Guidelines (2018) and I am satisfied that minimum standards have been met and the proposed development is acceptable in this regard.

12.4.2. The orientation of the proposed development has been designed to ensure that all of the proposed units achieve adequate levels of daylight/sunlight throughout the year. In excess of 45% of the proposed units are dual aspect which is deemed acceptable given the location of the site, street frontage proposed, orientation of the blocks and high-quality design proposed. The scheme is designed to ensure there are no north facing single aspect apartments, window volumes has been taken into consideration. Where possible, single aspect apartments, have been positioned to overlook the large courtyard gardens.

12.4.3. A Daylight and Sunlight Analysis was prepared by 3D Design Bureau, included in the application. The study has assessed the Average Daylight Factor (ADF) received in

the living spaces and bedrooms of all units across the ground floor of the three proposed blocks. No assessment has been carried out on subsequent floors as the levels of daylight naturally increase as the floor level increases and the lowest floor is deemed to be the worst-case scenario. As all the assessed rooms have met or exceeded their respective target values for ADF, the analysis concludes that the proposed development will receive adequate levels of daylight within the proposed units. As an improvement to ADF is to be expected in the upper floors, it is reasonably assumed that the entire development will have sufficient levels of daylight.

12.4.4. A sunlight assessment has been carried out on the following private outdoor amenity areas:

- Amenity area at ground level between Block A & B. This area has been broken up into two sections: The required minimum amenity area and the supplementary amenity area.
- Amenity area at ground level between Block B & C. This area has been broken up into two sections: The required minimum amenity area and the supplementary amenity area.
- The roof terrace on Block A.
- The roof terrace on Block B.
- The 5th floor roof terrace on Block C.
- The 7th floor roof terrace on Block C.

12.4.5. The target value of 50% of the space receiving 2 hours of sunlight on March 21st is used as an indicator for the amount of sunlight that will be received annually. All of the assessed spaces have recorded a level of sunlight in excess of the recommended levels. When the average is calculated for the required minimum private amenity area, 74.0% is capable of receiving 2 hours of sunlight on March 21st. If the average is taken across all of the outdoor private amenity area of the proposed development, 57.7% is capable of receiving 2 hours of sunlight on March 21st. The analysis submitted concludes that the criteria as set out in the BRE guidelines for sunlight to amenity areas is achieved, and the proposed development as a whole can be considered to have adequate levels of sunlight.

- 12.4.6. It is also concluded that the proposed public amenity area will be in receipt of excellent levels of sunlight. I note that the amenity space (Plaza) has good sunlight access. The analysis concludes that the scheme provides good access to sunlight for the amenity areas and the majority of apartments can expect to have well daylight living areas.
- 12.4.7. Concerns has been raised by the planning authority with respect to communal open space between the northern part of Block A and Block B, where the development incorporates greatest building height, with just 37% of the communal open space achieving the target level in terms of sunlight access. Given the nature of the overall proposal, its architectural design, orientation of the blocks, quantum of semi-private / communal open space proposed (in excess of requirements for both public and communal) I am of the opinion that the development is well considered and that the level of daylight and sunlight is acceptable in this instance.
- 12.4.8. The development incorporates a mix of 19 no. studio units, 126 no. one bed units and 179 no. 2 bed units, with 130 units in Block A, 135 units in Block B and 59 units in Block C. The housing mix proposed is in accordance with Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically SPPR1 which allows for the inclusion of up to 50% one-bedroom apartments in a scheme and no minimum requirement for apartments with three or more bedrooms. Taking the Guidelines into account and the prevalence of existing 3 bedroom plus family homes in the wider area I consider the proposal is acceptable in terms of residential mix.
- 12.4.9. Having considered the information submitted I am of the opinion that future occupants of the proposed development will benefit from good levels of daylight in their apartments, while having access to outdoor amenity areas with good levels of sunlight. The proposal has the potential to be an attractive place in which to live.

Existing Residential

- 12.4.10. Serious concern is expressed by Magenta Hall and Magenta Crescent residents, located on the opposite side of Swords Road with respect to overshadowing and loss of light to existing low lying housing, overlooking and overbearing. It is submitted that Magenta Hall residents currently enjoy western sunlight and daylight which would be removed. Loss of open sky element directly in front of their houses.

12.4.11. The location and orientation of the proposed development is purposefully situated to take advantage of, not only the orientation of the site, but also the lack of residential development to the north of the site. The Daylight and Sunlight Analysis, prepared by 3D Design Bureau, demonstrates there is little overshadowing effect to existing residential. The analysis assessed the impact the proposed development would have on the windows of the neighbouring properties that face the proposed development as listed below:

- 1 - 4A Magenta Crescent
- 1 - 4 Magenta Hall
- 67 - 77 Magenta Hall

12.4.12. The study has shown that the proposed development would result in an imperceptible level of impact to the VSC of the assessed properties. I note these are front windows. I note the concerns expressed by residents of Magenta Hall and Magenta Crescent. However, I consider that the Daylight and Sunlight Analysis report outlines that unacceptable overshadowing of these properties would not arise.

12.4.13. I consider that the separation distances achieved between the proposed development and site boundaries, and with other development, (particularly to the north and east), is acceptable and will not lead to undue adverse overlooking or overbearing impact.

12.4.14. The Development Plan seeks to maximise the use of zoned and serviced land. Consolidation through sustainable higher densities allows for a more compact urban form that more readily supports an integrated public transport system. Cognisance is had that the proposed scheme varies in height from 5 to 12 storeys. It is considered that the development will not have a significant undue adverse impact on the amenity of existing residential. The higher elements of the proposed development have regard to the existing low rise residential development. I note the high-quality design of the blocks, inclusion of the aparthotel, café, creche and plaza amenity space. The proposal has the potential to enhance the wider Santry and Omni Shopping Centre area.

12.5. Visual Impact

12.5.1. Third party concern has been expressed with respect to the negative visual impact.

12.5.2. Murray Associates have undertaken a Landscape and Visual Impact Assessment for the proposed development. The Assessment considers the impact to have a neutral impact from the majority of views, with a moderate impact to the existing residential areas directly across from the proposed development. It submits that any impacts should be considered in the context of the emerging change in the vicinity from industrial to mixed use development. Section 3.2 of the Urban Development and Building Height Guidelines (2018) requires the applicant to demonstrate that the proposed development satisfies the following criteria:

“On larger urban redevelopment sites, proposed developments should make positive contribution to place making, incorporating new streets and public spaces, using massing and height to achieve the required densities but sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape”.

12.5.3. I am of the opinion that the proposed buildings are of high quality, well designed and would be an addition to the surrounding built environment. The development as a whole is well considered and would make a positive contribution to the urban neighbourhood and streetscape. The CGI's, photomontages and visual impact assessment submitted with the planning application indicates that the impact of the proposal on the area will be neutral. I agree that the design of the Blocks are of high quality and make a positive contribution to the wider area.

12.6. Traffic and Transport

Public Transport Capacity

12.6.1. It is noted that a number of representations from local residents raised concerns relating to public transport capacity in the area. The accessibility of the site to public transport is one of the criteria under section 3.2 of the Building Height Guidelines and I have assessed the proposal in relation to this in section 12.3 above. I note that Dublin Bus operates route numbers 16, 33, 41, 41a, 41b and 41c on the Swords Road. Transport Infrastructure Ireland confirmed they have no observations to make

on the application and the National Transport Authority confirms that the proposed development facilitates the objective of the NTA to develop the Swords to City Centre Core Bus Corridor (CBC) and welcomes the commitment from the applicant in this regard. See paragraph 10.1 of this report above for specific details of the NTA report which is positive towards the proposed development and submits that the redevelopment of this former retail warehousing site to provide for a higher-intensity of use accords with the principle of consolidation of development into existing and future high-capacity public transport corridors. Overall I consider that the site is adequately serviced by public transport.

Car Parking

- 12.6.2. A number of representations were received relating to the low level of car parking proposed as part of the development and potential for overspill parking in surrounding streets as a result. It is proposed to include 162 car parking spaces. 152 no. at basement (incl. 4 no. club car spaces, 6 no. set down car parking spaces, 2 no. club car parking spaces at surface and 10 car parking spaces associated with the Aparthotel)
- 12.6.3. I note paragraph 4.19 of the Sustainable Urban Housing: Design Standards for New Apartments: which states: for 'Central and/or Accessible Urban Locations':
- “In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity”.
- 12.6.4. I note the car parking ratio of 0.47 space per unit proposed and the quantum of car parking available within the overall Omni Park Shopping Centre site, of which this site forms part. There is a large expanse of surface car parking and multi-level car parking associated with the Shopping Centre to the south and south west of the application site. The Transport Assessment (TA) which accompanies this application states that car parking will be managed separately to the units and will be available to rent and purchase. The p.a. do not support the sale of any spaces. To effectively

encourage a sustainable mode of transport amongst the future residents, it is considered that the car parking spaces should be retained on a rent / lease agreement by residents, renewed annually or at an agreed interval. The proposed development is located in a highly accessible location, proximate to a range of infrastructure, (within 2 Km of the future Metrolink station at Northwood) including shopping, community and education establishments, alongside a bus stop serving a number of bus routes. Car share spaces will also deter car storage as part of occupation of the development. A large number of cycle parking spaces will also serve residents transportation needs.

12.6.5. Overall, I consider the provision to be acceptable, subject to condition, given its location and the quantum of existing surface car parking adjoining the site.

12.6.6. Cycle Parking

12.6.7. A total of 340 cycle parking spaces are included, which exceeds the Dublin City Development Plan standard for a development of this size. I note the discrepancy in the number of cycle parking spaces proposed as per the site notice and on the drawings and set out in the Traffic Assessment Report submitted. I do not consider the matter material and it is clear from the drawings and public notice that 340 spaces are proposed. This exceeds the minimum requirement for the proposed development.

Impact on the surrounding road network

12.6.8. A number of representations raise concerns regarding the impact upon the surrounding road network as a result of the development. The Traffic Assessment Report (including preliminary mobility management plan, DMURS statement of consistency and Independent Stage 1 Road Safety Audit) provides full details of the expected number of trips to be generated and it concludes that there is a negligible and unnoticeable traffic impact associated with the opening of the proposed subject development, and that it can be accommodated without any adverse traffic impact arising.

12.6.9. The Transportation Assessment confirms that the road network and the proposed vehicular access junction arrangement is more than adequate to accommodate the worst-case traffic associated with the facility. The assessment also confirms that the

construction and full occupation of the scheme will have a negligible and unnoticeable impact upon the operation of the adjacent road network.

12.6.10. The TA analysis submitted indicates that there is adequate capacity in the proposed access junctions to accommodate the additional demands associated with the development of the site. A basement car park is proposed for the scheme and is to be accessed from the Santry Hall Industrial Estate Road Estate road, it incorporates bicycle and waste storage areas. Access to the Apart-Hotel will in the main be via the existing Omni Park access from Swords Road. The Transport Planning Division at DCC have raised no concerns or objections to the proposed development, subject to condition. Having reviewed the details submitted with the application, I conclude that the development will not adversely impact the surrounding road network.

12.7. Planning Authority Reason for Refusal

12.7.1. The Planning Authority recommended that the application be refused as a result of excessive height, scale and massing which it deems represents a significant and incongruent transition from the character of the surrounding area, which fails to successfully integrate into or enhance the changing character of the Santry Area and fails to make a positive contribution to the neighbourhood or streetscape. It also held that the proposed development would be contrary to the requirements of the Urban Development and Building Height Guidelines for Planning Authorities, (DHPLG, 2018) and Policy SC25 of the Dublin City development Plan 2016 – 2022.

12.7.2. My overall assessment describes in detail the height and design of the proposed development. This assessment is undertaken in context of national policy and guidance, particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements, and the criteria under section 3.2 and associated SPPR 3 of the Building Height Guidelines. My assessment concludes that the height is appropriate, in consideration of the characteristics of the area, proximity of the site to Omni District Shopping Centre, Santry Village, zoning of the site, quality and design of the buildings, creation of distinctiveness and sense of place for Omi and the Santry area as a whole. Furthermore, I note the development recently approved at Swiss Cottage to the north east (7 storeys) 24m and Dwyer Nolan site to the north also 7 storeys. The subject

site is within the perimeter of the Omni Shopping Centre and will form a distinctive landmark gateway entrance to the district centre and therefore is considerable visually appropriate and acceptable.

12.7.3. Policy SC25 states:

“To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city’s built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate”.

12.7.4. I refer the Board elsewhere in my report to where I have dealt with design and I disagree with the planning authority that the dense concentration of the blocks with significant height and massing is excessive and would have a visually obtrusive and dominant appearance at this location. I am satisfied following review of the submitted elevation drawings, plans, photomontages and CGIs that the quality of the architectural design, materials and height will have an acceptable appearance in this location. There are visual breaks in the blocks, a range of setbacks / insets used, and a variety of materials proposed.

12.7.5. The proposed development which steps down in height to the east will create a strong urban edge to the busy Swords Road and a focal point for the area, with a consistent design approach across the urban blocks.

12.7.6. The proposed pedestrian connections and public spaces will be beneficial to Santry which currently lacks a distinct centre or public plaza. This space makes a positive contribution to the improvement of legibility through the district centre site. The proposed pedestrian routes through the site creates new connections for the existing residents of the area which promote more sustainable modes of transport such as walking and cycling.

12.7.7. I have fully considered the planning authority recommendation to refuse the application, however having regard to the foregoing matters, alongside the wider

assessment set out in my report, I have decided to recommend that the application be approved.

12.8. Other matters

Aparthotel & Proposed Resident's Amenity Facilities

- 12.8.1. I note concerns raised by third parties with respect to the Aparthotel at this location. I also note concerns have been expressed by the planning authority with respect to the ground floor layout of the Aparthotel, ability to amalgamate units and the resident's amenity space at the ground floor of Block C.
- 12.8.2. The resident's amenity space is shown on the drawings, as 'function room / gym space', 'residents amenity / shared work space', 'bookable conference space', 'concierge reception', store toilets and relaxation space. The Aparthotel ground floor is laid out with 'reception', 'lounge', conference room / office and what looks like relaxation spaces. It is noted that it is indicated on the drawings that the layouts are 'for indicative purposes only'.
- 12.8.3. I consider that the quantum of the spaces and nature is acceptable in principle and that the matter can be addressed by way of condition and compliance.
- 12.8.4. Appendix 16 of the City Development Plan 2016 – 2022 outlines that Aparthotel developments should include, as a minimum, a fully serviced reception desk and administration facilities, concierge, security and housekeeping facilities and may contain entertainment and uses considered to be associated with the management of the aparthotel. It states that the provision of food and refreshment facilities is also desirable but regard will be had to the level of amenities accessible within the immediate area.
- 12.8.5. I recommend that should planning permission be forthcoming from the Board that conditions be attached as follows:
- 12.8.6. With respect to the Aparthotel (see condition 2 attached to this assessment and report):
- a) The design and layout of the units in the proposed aparthotel shall be such to enable amalgamation of individual units to cater for the needs of visits, especially families.

b) The aparthotel, as a minimum, shall include a fully-serviced reception desk administration facilities, concierge, security and housekeeping facilities.

c) The proposed aparthotel development shall be used only as a short-stay tourist accommodation facility with a maximum occupancy period of two months and shall not be used for permanent occupation or for use as a student residence.

12.8.7. With respect to the resident's amenity facilities (see condition 21 attached to this assessment and report):

- The gym/function room space, media room, resident's amenity shared work space, bookable conference rooms shall be for the use of residents of the proposed development only and shall not be open to the public on a commercial basis, unless otherwise authorised by a prior grant of permission. These shall be maintained and managed by the Owner's Management Company.

12.8.8. Having considered the zoning of the site and surrounding nature of uses including the Omni district centre proximity, the sites location adjacent to the M1 and M50, beside DCU and Beaumont, half way between the airport and the city centre I consider that the Aparthotel is ideally situated. I note the hotel roof garden which overlooks Dublin Bay, the city and Dublin Mountains and I believe it will be a welcome and well used addition to the area for locals and travellers alike.

Community and Social Services

12.8.9. Third party concern has been raised with respect to accuracy of the Community Audit of Santry carried out by JSA on behalf of the applicant. I acknowledge that there are some inaccuracies in the submitted document. But I consider overall that the conclusion of the report is robust.

12.8.10. The community audit was prepared to assess the community facility provision in the Santry area. The audit indicates that the study area is well served by community facilities. As such it is submitted that the proposed development can be accommodated by the existing community facilities in the area. The subject site is a

brown field site which currently accommodates a derelict single storey warehouse. As such, there will not be a loss of any community facilities as a result of this development. The proposed development will incorporate a number of facilities which may be used by the local community including public open space, a new public plaza, creche facility with associated play area and a Café/Restaurant.

- 12.8.11. I acknowledge concerns by residents with respect to lack off or high demand for school places. However, I consider that the nature of the accommodation proposed is acceptable given existing services in the area.

Wind

- 12.8.12. Third party concern is raised with respect to the brevity and findings of the Microclimate Assessment report submitted.

- 12.8.13. This application is accompanied by a Microclimate Assessment which was prepared by AWN. The assessment concluded that “Based on the analysis conducted the proposed development would have no significant effects with regard to microclimate”. I consider the findings of this report robust. There is no evidence before me to indicate that negative impacts from Microclimate would arise should permission be granted for the development as proposed.

Services & Flood Risk

- 12.8.14. Third party concern is raised that drainage in the area is poor and the area is at risk of flooding. It is submitted that the area flooded extensively in July 2013.

- 12.8.15. The proposal has been subject to a Site Specific Flood Risk Assessment prepared by EirEng which concludes that there is a low risk of flooding on the subject site and therefore no justification test is required. The Site Specific Flood Risk Assessment concludes that the site is at low risk of ground water and public sewer flooding. The site is considered to be a risk of pluvial flooding based on the Flood Resilient City mapping. Several mitigation measures including significant freeboard above the Swords Road level, the boundary treatment, the localised ramping at ground floor entrance doorways to provide a threshold, overland flow routes directed away from the buildings and a surface water drainage network including attenuation storage designed to best practice guidelines is considered to be sufficient mitigation

measures to provide protection to the development from the potential pluvial flooding risk.

12.8.16. As the site will be drained, with the proposed SUDS measures reducing the outflow from the site to 2 l/s/ha, and as the existing overland flow routes are within the Swords Road falling away from the site, the proposed development will have no measurable increase on the flood risk to neighbouring lands.

12.8.17. This is a serviced, appropriately zoned site at an urban location within Flood Zone C. It is noted that the Drainage Division confirmed that there was no objection to the application subject to incorporation of conditions.

12.8.18. Irish Water has issued the applicant a Statement of Design Acceptance for the development as proposed. Confirmation of feasibility for 338 units confirming new connection to existing water network is feasible without upgrade. In respect of wastewater an upgrade is required and should the applicant wish to progress with the connection, the upgrade works will be calculated in a connection offer for the development.

12.8.19. Overall, I consider that there is no evidence before me to indicate that planning permission should be refused on grounds of inadequate infrastructure or flood risk. This matter can be adequately dealt with by way of condition.

SHD Procedural Issues

12.8.20. Third party concern has been raised in relation to the SHD process, no engagement with the community and public consultation undermined. It is submitted that due to the pandemic there was difficulty and stress around making submissions.

12.8.21. The concerns raised with respect to the SHD process / legislation are outside the remit of this assessment.

Part V

12.8.22. The applicant has submitted Part V proposals as part of the application documents. 32 no. apartments (10% of the development) are identified in compliance with Part V of the Planning and Development Act 2000 (as amended).

12.8.23. The Housing Section of the Council has confirmed that the applicant has engaged with Dublin City Council in relation to compliance with Part V. A general Part V condition should be attached.

12.9. Material Contravention

- 12.9.1. The applicant has submitted a Statement of Material Contravention of the Dublin City Development Plan 2016-2022 with the application. The public notices make reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). There is one issue raised in the applicant's Material Contravention statement, it relates to building height.
- 12.9.2. I have considered the issue raised in the applicant's submitted statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).
- 12.9.3. I draw the Boards attention to the height of the proposed development which exceeds the DCP height strategy for this area of 16m, rising to a maximum of 40.3m (12 storeys).
- 12.9.4. I have considered the Statement of Material Contravention submitted with the application which describes the justification for the proposed height. I note the maximum height 38.5 m stated in the Material Contravention Statement. However, as it does refer to 12 storeys and the plans and drawings submitted are clear, I consider the information before the Board is clear. Drawing A12-200 entitled E3 Block A West elevation clearly indicates the parapet height as 40.3m.
- 12.9.5. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities. Particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the street, the avoidance of uninterrupted walls, contribution to public spaces, compliance with flood risk management guidelines, improvement of legibility and daylight and sunlight considerations alongside performance against BRE criteria. My assessment of the development against the section 3.2 criteria in the Building Height Guidelines is set out in detail throughout my overall assessment. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations and a visual impact assessment. There are no additional specific assessments required for a building of this scale (less than 50m in height).

- 12.9.6. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant a permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).
- 12.9.7. Under section 37(2)(b) (i) I consider the proposed development to be of strategic and national importance having regard to the definition of ‘strategic housing development’ pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government’s policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii) I also consider that permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines, national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35).
- 12.9.8. I am satisfied that a grant of permission, is justified in this instance. Regard being had to the foregoing, I am of the opinion, that provisions set out in Section 37 (2)(b) (i) and (iii) could be relied upon in this instance.

12.10. Environmental Impact Assessment (EIA)

- 12.10.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 12.10.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIAR Screening Statement (dated March 2020) and I have had regard to same. The report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.
- 12.10.3. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units;
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

12.10.4. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, it can be concluded that there is no real likelihood of significant effects on the environment.

12.10.5. The proposed development involves 324 residential units and ancillary facilities on a 1.2 ha site in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. It is not a particularly large-scale project and there are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The Santry River flows from west to east and lies approximately 1Km to the north of the site. The site is sufficiently removed from the Santry River, and other sensitive sites beyond, to ensure that no likely significant effects will result. The proposed development is not likely to have a significant effect on any Natura 2000 site (as per the findings of section 13.4 of this report).

12.10.6. Having regard to;

- (a) the nature and scale of the proposed development, in an urban area on a site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is, therefore, considered that an environmental impact assessment report for the proposed development is not necessary in this case.

12.11. Appropriate Assessment (AA)

- 12.11.1. An Appropriate Assessment Screening Report (dated March 2020) was submitted with the application, prepared by Padraic Fogarty Openfield Ecological Services. I have had regard to the contents of same. This report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own or in combination with the effects of other plans or projects.

The Project and Its Characteristics

- 12.11.2. See the detailed description of the proposed development in section 3.0 above.

The European Sites Likely to be Affected - Stage I Screening

- 12.11.3. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area, adjacent to the Omni Shopping Centre, a single large commercial premises is located to its north east corner, it essentially comprises a brownfield site with current land uses in the vicinity predominantly comprising residential, retail, business and civic developments along with transport arteries.
- 12.11.4. EPA mapping indicates that the Santry River flows from west to east and lies approximately 1Km to the north of the site. It enters Dublin Bay at Raheny, where there is a tidal channel to the west of Bull Island. It is situated approximately 4km from the boundary of the South Dublin Bay and River Tolka Estuary SPA. Dublin Bay is subject to a number of Natura 2000 designations.

12.11.5. I have had regard to the submitted Appropriate Assessment Screening Report which identifies the following 22 no. Natura 2000 sites within the potential zone of influence of the development:

- South Dublin Bay and River Tolka Estuary SPA
- South Dublin Bay SAC
- North Dublin Bay SAC
- North Bull Island SPA
- Baldoyle Bay SPA
- Baldoyle Bay SAC
- Howth Head SAC
- Howth Head Coast SPA
- Rockabill to Dalkey SAC
- Dalkey Islands SPA
- Irelands Eys SAC
- Irelands Eye SPA
- Glenasmole Valley SAC
- Knocksink Wood SAC
- Ballyman Glen SAC
- Wicklow Mountains SAC and SPA
- Bray Head SAC
- Malahide Estuary SAC and SPA
- Rogerstown Estuary SAC and SPA

12.11.6. Note: The AA Screening report submitted states: “For projects of this nature an initial 15km radius is normally examined. All Natura 2000 sites within 15km of the development site and 15km of the outfall point at Ringsend wastewater treatment plant are included in this analysis”.

12.11.7. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site.

12.11.8. Having regard to the separation distances between the subject site and Natura 2000 sites, the receiving environment the nature and scale of development proposed, it is considered appropriate and reasonable in this instance to screen out a number of Natura 2000 sites and to carry out a more detailed AA screening of 4 Natura Sites. The 4 Natura 2000 sites listed below are the closest Natura 200 sites to the subject site, within the zone of influence of the project. The other sites examined in the AA screening report do not lie within the zone of influence of the project and I conclude there would be no significant effect to these sites.

- The South Dublin Bay and River Tolka Estuary SPA (site code: 004024)
- South Dublin Bay SAC (000210)
- North Bull Island SPA (004006)
- North Dublin Bay SAC (000206)

Natura 2000 Sites within 'Zone of Influence' of the Project.

Site (site code)	Distance from site	Qualifying Interests/Species of Conservation Interest
South Dublin Bay and River Tolka Estuary SPA (004024)	c. 6km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137]

		<p>Grey Plover (<i>Pluvialis squatarola</i>) [A140]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>0. Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay SAC (000210)</p>	<p>c. 6km</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p>

		1. Embryonic shifting dunes [2110]
North Bull Island SPA (004006)	c. 6km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>

		<p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	c. 6km	<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>Annual vegetation of drift lines</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>Humid dune slacks</p> <p><i>Petalophyllum ralfsii</i> (Petalwort)</p>

Potential Effects on Designated Sites

- 12.11.12. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives' and the related qualifying interests / species of conservation interest.
- 12.11.13. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013), the North Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There is no objective in relation to water quality.
- 12.11.14. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA (NPWS, 2015a & b) the conservation objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space.
- 12.11.15. The site is c.6km (approx.) from the boundary of the nearest Natura 2000 areas within Dublin Bay. In reality however, this distance is likely to be greater when following the flow of water courses. Because of the distance separating the site and the SPAs/SACs noted above, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs.
- 12.11.16. There is a hydrological pathway from the site via surface water flows to the Tolka Estuary, via the Santry River and wastewater flows to Dublin Bay via the Ringsend wastewater treatment plant. Water quality is not listed as a conservation objective of the SPAs or SACs and there is no evidence that poor water quality is negatively affecting the conservation objectives of the SPAs/SACs. The development will increase loadings to the Ringsend wastewater treatment plant. This increase will be relatively small compared to overall capacity and therefore the impact of this project is considered to not be significant. No significant effects will occur to the SACs or SPAs from surface water leaving the site during operation, and as a result of the distance and temporary nature of works, no significant effects to the SACs or SPAs will occur during construction.
- 12.11.17. I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the

designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

In Combination or Cumulative Effects

12.11.18. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased volumes to the Ringsend WWTP.

12.11.19. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the Dublin City Development Plan 2016-2022 covering the location of the application site. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note the development is on serviced lands in an urban area, and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to Appropriate Assessment Screening. Similarly, I note the planning authority raised no Appropriate Assessment concerns in relation to the proposed development.

12.11.20. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

12.11.21. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to

conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.11.22. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

13.0 Recommendation

13.1.1. I recommend that permission be **granted** for the proposed development subject to the conditions set out below in the 'Recommended Order':

14.0 Recommended Draft Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27th day of March 2020 by MKN Investments Limited and Caltrack Limited care of John Spain Associates, 38 Fitzwilliam Place, Dublin 2.

Proposed Development:

14.1. The proposed development (as per the public notice) will consist of the demolition of the existing single storey building on site and construction of a mixed-use scheme.

Comprising of:

- Construction of a mixed-use development generally ranging in height from 5 no. storeys to 12 no. storeys (over basement level) set out in 3 no. blocks (Block A, B and C)
- The development will comprise a total of 324 no. apartment units with associated balconies, winter gardens and terraces;
 - 19 no. studios,

- 126 no. 1 bed units and
 - 179 no. 2 bed units.
- Block A ranges in height from 8 no. to 12 no. storeys comprising 78 no. 2 bedroom units, 45 no. 1 bedroom units and 7 no. studio units and 1 no. café/ restaurant/ retail unit (186 sq. m)
- Block B ranges in height from 7 no. to 11 no. storeys comprising 54 no. 2 bedroom units, 69 no. 1 bedroom units and 12 no. studio units and a creche facility (258 sq. m)
- Block C ranges in height from 5 no. to 9 no. storeys comprising of 47 no. 2 no. bedroom units and 12 no. 1 bedroom units and internal amenity space (465 sq.m) including gym/function room space, media room, resident's amenity shared work space, bookable conference rooms and concierge;
- The proposed development will also provide for an 81 no. bedroom aparthotel (4,020 sq. m) in Block C;
- Public realm improvements including public plaza, footpaths and both soft and hard landscaping works to the southern boundary of the subject site. The scheme will provide for a total of 2,020 sq.m of public open space to serve the proposed development.
- The proposed development will also include the provision of communal external space including courtyard areas, play spaces and roof terraces (c. 3,129 sq. m).
- Parking at basement level for 162 cars (152 no. residential (including 4 no. club car spaces) and 10 no. aparthotel spaces), 340 bicycles and 6 motorcycles spaces.
- Vehicular access to the basement is from the existing private road to the north of the subject site.
- 6 no. set down car parking spaces, 2 no. club car spaces and 40 no. visitor bicycle parking spaces will be provided at surface level.
- All hard and soft landscaping, boundary treatments and all associated site development works, site infrastructure, utilities, substations, PV panels at roof level, services and plant.

14.1.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022." It is submitted

that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Housing 2018. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and residential amenity areas for built to rent developments.

- 14.1.2. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.
- 14.1.3. Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location. The proposed development ranges in height from 5 no. storeys (19m) to 12 no. storeys (40.2m).
- 14.1.4. The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in the established urban area of Dublin City in an area zoned Z4 District Centre;

- (b) the policies and objectives of the Dublin City Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018 and particularly Specific Planning Policy Requirement 7 and 8;
- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (i) The pattern of existing and permitted development in the area;
- (j) The planning history of the site and within the area;
- (k) The submissions and observations received;
- (l) The Chief Executive Report from the Planning Authority and specifically the recommended reason for refusal; and
- (m) the report of the inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority and particularly the recommended reason for refusal, which was addressed in detail in the Inspector's Report.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dublin City Development Plan 2016-2022 in relation to building height. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the City Development Plan would be justified for the following reasons and consideration.

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

Permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35).

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The following shall apply to the proposed aparthotel:

a) The design and layout of the units in the proposed aparthotel shall be such to enable amalgamation of individual units to cater for the needs of visitors, especially families.

b) The aparthotel, as a minimum, shall include a fully-serviced reception desk administration facilities, concierge, security and housekeeping facilities.

c) The proposed aparthotel development shall be used only as a short-stay tourist accommodation facility with a maximum occupancy period of two months and shall not be used for permanent occupation or for use as a student residence.

Reason: To comply with the provisions of Appendix 16 – Guidance on Aparthotels – of the Dublin City Development Plan 2016 – 2022.

3. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority. A panel of the proposed finishes shall be placed on site to enable the planning authority adjudicate on the proposals. Any proposed render finish to be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area.

4. Proposals for a building numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

5. Prior to the commencement of development, a Management Scheme shall be submitted to the Planning Authority for written agreement. The management scheme shall provide adequate measures for the future maintenance and repair in a satisfactory manner of open spaces, roads, footpaths, car park and all services,

together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority. The Management Scheme shall include the communal residents amenity facilities, such that all residents shall have access to the facilities at times to be stated in writing. Any changes to the overall community facility provision shall be agreed with the Planning Authority prior to the first occupation of the development.

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

6. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

7. a) The precise detail of the retail/café use/restaurant proposed, together with opening hours shall be agreed in writing with the Planning Authority prior to opening of this premises.

b) Before any café use commences, a scheme shall be submitted to, and approved in writing by the Planning Authority for the effective control of fumes and odours from the café. The scheme shall be implemented before the use commences and thereafter permanently maintained.

c) Prior to the erection on site, the applicant shall submit detailed drawings of the proposed signage for the café for the written agreement of the Planning Authority. All signage shall comply with Dublin City Council's Shopfront Guide 2001.

Reason: In the interest of residential amenity, orderly development and visual amenity.

8. a) Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.
- b) Traffic management shall be set-out in a Construction Traffic Management Plan providing details of the traffic management programme, routing and access arrangements, estimated vehicle numbers and phasing, traffic management safety and monitoring measures and applicable licenses and permits requirements.
- c) A construction phase mobility strategy shall be submitted.

Reason: In the interest of sustainable waste management.

9. The applicant shall comply with the following transportation requirements:

- a) Prior to commencement of development, any proposals to the public road and footpaths, including the upgrading of pedestrian crossing, changes to road markings and installation of double yellow lines/road signage if necessary, shall be carried out in accordance with the requirements of the Planning Authority and at the applicant's own expense.
- b) All materials proposed in public areas shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and agreed in detail with the Planning Authority.
- c) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access shall be required to bicycle compounds, in particular the smaller clusters of bicycle parking located on the western side of the basement car park. Cycle parking design shall allow both wheel and frame to be locked. Cycle parking shall be in situ prior to the occupation of the proposed development.

d) Prior to the occupation of the proposed development, an updated Mobility Management Strategy shall be submitted to the planning authority for written agreement. The strategy shall address the mobility requirements of future residents and shall promote the use of public transport, cycling and walking and the use of car club spaces. A mobility manager shall be appointed to oversee and co-ordinate the roll out of the strategy.

e) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and uses over time and shall include a strategy for the crèche, aparthotel and car-share parking. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.

f) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer

g) The applicant/developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of sustainable transportation and proper planning

10. a) Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the site development works and will notify the planning authority of that appointment in writing. The developer will engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she will submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented

b) All trees shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no

construction work or storage carried out within the protective barrier. (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

c) Development shall not commence until a landscape scheme prepared by a qualified Landscape Architect comprising full details of the size, species and location of all vegetation to be planted and the treatment of all external ground surfaces, external furniture details including play equipment , revised boundary to west side public realm, has been submitted to and agreed in writing by the Planning Authority (The landscape scheme shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

d) The landscape scheme agreed with the Planning Authority, shall be implemented fully in the first planting season following completion of the development or completion of any phase of the development, and any vegetation which dies or is removed within 3 years of planting shall be replaced in the first planting season thereafter. (The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

e) The applicant/developer shall be responsible for maintenance and management of all the public open spaces/public realm. The public open spaces will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws for public open space of the Planning Authority at all times.

g) The applicant shall provide pollinator-friendly planting in proposed communal open space and roof gardens. The planting plan to be agreed with Dublin City Council Parks and Landscape Services prior to the occupation of any units on site

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification, in the interests of amenity, ecology and sustainable development and in the interests of residential amenity and to secure the integrity of the proposed development including open spaces.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

b) The flood mitigation measures as outlined in the report titled, ‘Site Specific Flood Risk Assessment’, Rev PL3’ by Eireng Consulting Engineers shall be implemented in full.

Reason: In the interest of public health and surface water management

13. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of a properly planned and serviced development, and in the interests of public safety and convenience.

15. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

Reason: In the interests of traffic safety and residential amenity.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

17a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 " Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for

complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

18. The applicant shall comply with the following requirements of Dublin City Council's Air Quality Monitoring & Noise Control Unit

(i) A Construction Management Plan shall be submitted to, and agreed in writing, by the Planning Authority, prior to commencement of development. This plan shall be developed with reference to the Good Practice Guide for Construction and Demolition produced by the Air Quality Monitoring and Noise Control Unit of Dublin City Council

(ii) Prior to the demolition of any structures on site an asbestos survey of the buildings to be demolished must be carried out. The proposed methodology for the removal of asbestos materials and monitoring of air quality must be submitted for the written agreement of the Planning Department

(iii) The LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

(iv) Noise levels should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place

(v) All emissions to air associated with the development must be free from offensive odour and shall not result in an impairment of or an interference with amenities or the environment

Reason: In the interests of the proper planning and sustainable development of the area.

19. No external security shutters shall be erected on any part of the premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

20. No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

21. The gym/function room space, media room, resident's amenity shared work space, bookable conference rooms shall be for the use of residents of the proposed development only and shall not be open to the public on a commercial basis, unless otherwise authorised by a prior grant of permission. These shall be maintained and managed by the Owner's Management Company.

Reason: To ensure the appropriate provision of communal facilities to serve the needs of the residents of the proposed development.

22. The glazing to the all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of residential amenity.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate

shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions*** of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or

part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development

Fiona Fair

Senior Planning Inspector

19/08/2020

APPENDIX A- List of submissions received

1. Adrienne Bermingham
2. Aileen Carr
3. Aisling O'Connor
4. Allison Gilliland
5. Amanda Dempsey
6. Andrew Keegan
7. Anges Munsell
8. Ann Carole
9. Anne O'Neill
10. Anne O'Rourke
11. Caroline Molloy
12. Cathal Garvey
13. Catherine Wynne
14. Conor Reddy
15. Craig and Karen Atkinson
16. Dermott Howlett
17. Dolores Hanlon
18. Dominic Tuohy
19. Dublin Airport Authority
20. Fergus Keenan
21. Frank Keoghan
22. Gerry Murtagh
23. Gill O'Callaghan
24. Ian Croft
25. Irish Aviation Authority
26. Irish Water
27. Joan Keenan
28. John and Marie Garvey

29. John Burke
30. John Fitzgerald
31. John Hamilton
32. John Lyons
33. John Nolan
34. Kevin O'Connell
35. Lesley Henderson
36. Louis O'Flaherty and Others
37. Louise Lowry
38. Magenta Court Residents
39. Margaret Fox
40. Marie Beary
41. Mary McNamara
42. Maura and John O'Grady
43. Michael Murphy
44. National Transport Authority
45. Paddy Cullen
46. Patricia McElvaney
47. Patricia Roe
48. Patrick Fagan
49. Paul McAuliffe
50. Rosin Shorthall
51. Santry Community Resource
Centre
52. Santry Whitehall Forum
53. Stephen O'Riordan
54. Suzanne Caffrey
55. Tony Hogan
56. Transport Infrastructure Ireland