



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-308093-20**

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#### **Strategic Housing Development**

Demolition of existing buildings on site, construction of 350 no. apartments and associated site works.

#### **Location**

Junction of Santry Avenue and Swords Road, Santry, Dublin 9.

#### **Planning Authority**

Dublin City Council.

#### **Prospective Applicant**

Dwyer Nolan Developments Ltd.

#### **Date of Consultation Meeting**

3 December 2019.

#### **Date of Site Inspection**

26 November 2020.

**Inspector**

Stephen Rhys Thomas.

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## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1. The site is located on lands at the junction of Santry Avenue and the Swords Road, north of the Omni Shopping Centre, Santry, in the northern suburbs of Dublin. The roughly square shaped site is positioned at the junction of Santry Avenue and the Swords Road, with a private laneway to St John's Court on the western boundary. A new development of apartments, Santry Place, is currently under construction and nearing completion to the immediate south of the site. The Omni Shopping Centre is located further to the south of the site and comprises retail units and a significant amount of decked/surface car parking, a discount foodstore and numerous industrial and commercial premises are located west of the site.
- 2.2. The site is more or less level with the road, but slightly higher at the southern end. The boundary to the Swords Road comprises a steel fence and some mature hedging and low wall with steel fence atop to the Santry Avenue, this is where the vehicular entrance is located. The site is mostly level with a commercial premises (builder's providers), extensive yard area and surface car parking. The office component of the warehouse building is an attractive part one/two storey building with a tower element. The character of the area is defined by industrial lands undergoing change to apartment developments with some conventional two storey housing and a church to the east.

### 3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to clear a site of 1.5 hectares, including the removal of a commercial building, and to erect seven apartment blocks comprising 350 units and 5 commercial/retail units. The detail is as follows:

Number of Residential Units proposed

Units Type	Number of units	% of each Unit type
1 bed	108	31
2 bed	229	65
3 bed	13	4
<b>Total</b>	350 Units	100%

Key development details:

Detail	Proposal
<b>Number of Units</b>	350 units
<b>Other uses</b>	Commercial/retail – 855 sqm (5 units) Community – 205 sqm Residential amenity – 203 sqm
<b>Site Area – stated by applicant</b>	1.5 ha red-line boundary
<b>Density</b>	233 units per hectare net (stated by applicant)
<b>Building Height</b>	7 – 14 storeys
<b>Communal Amenity Space</b>	2,190 sqm (external amenity space)
<b>Dual Aspect Apartments</b>	53% (no north facing single aspect units)
<b>Car parking</b>	213 spaces (40 surface, 173 basement)
<b>Bicycle spaces</b>	385 spaces (35 surface, 350 basement)

## 4.0 Planning History

- 4.1. There is no relevant planning history on this site, however, there are a number of relevant applications and these are listed below:

Immediately south of the subject site:

Ref. **2737/19** – permission granted on 22nd August 2019 for modifications to a permitted mixed use development under Ref. 2713/17. Permission increased the height of Blocks A, B and C from the permitted 5 storeys to proposed 7 storeys and for a change in unit type and increase in number of apartments i.e. 70 no. apartments, which will result in a change from 137 no. permitted apartments to 207 no. 1, 2 & 3 bed apartments in the aforementioned buildings, including provision of balconies and roof terraces (i.e. 240sq.m. each) to Blocks A, B & C. Up to 7 storeys.

In the immediate vicinity of the site:

**ABP-306987-20** - Permission for 120 apartments and associated site works. The proposed development amends and supersedes the development currently being undertaken on site permitted under ABP-303358-19. 3 to 7 storeys. 250 units per hectare.

**ABP-307011-20** – Permission for the demolition of existing structures, construction of 324 apartments, creche and associated site works. 5 to 12 storeys. 250 units per hectare.

## 5.0 Policy

### 5.1. National Policy

- 5.1.1. The government published the National Planning Framework in February 2018. Objective 3b is that 50% of new homes in cities would be within the existing built up area. Objective 13 is that, in urban areas, planning and related standards in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public

safety is not compromised and the environment is suitably protected. Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## **5.2. Section 28 Ministerial Guidelines**

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

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

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

The entire site is zoned under objective Z3 Neighbourhood Centres: "To provide for and improve neighbourhood facilities". These are areas that provide local facilities such as small convenience shops, hairdressers, etc. within a residential neighbourhood. They can form a focal point for a neighbourhood and provide a limited range of services to the local population, within 5 minutes walking distance. These centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened where necessary. In addition, neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level.

Permitted uses under the “Z3” zoning objective include: childcare facility, community facility, cultural/recreational building and uses, enterprise centre, live-work units, medical and related consultants, office (max 300sq.m), open space, primary health care centre, residential, restaurant, shop (neighbourhood) and training centre.

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

Table 16.1 sets a maximum car parking standard in this area of 1.5 spaces per dwelling and 1 space per 75m<sup>2</sup> of retail or similar use.

## **6.0 Forming of the Opinion**

### **6.1. Documentation Submitted**

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

- Strategic Housing Development Application Form
- Planning Report / Statement of Consistency
- Social Infrastructure Audit
- Environmental Impact Assessment Screening Report
- Material Contravention Statement
- Part V Letter
- Housing Quality Assessment
- Urban design Statement
- Architectural Drawings and Design Statement
- Engineering Drawings
- Engineering Services Report
- Site Specific Flood Risk Assessment
- Mobility Management Plan
- Traffic and Transport Assessment (TTA)
- Daylight & Shadow Assessment



- Baseline Noise Survey
- Appropriate Assessment Screening Report
- CGIs and verified views

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

6.3. The **statement of consistency** submitted by the prospective applicant says that the proposed high-density development in an urban area would be in keeping with the NPF. The apartment sizes would be acceptable for conventional apartment units under the 2018 apartment guidelines. Over 50% of the apartments would have dual aspect. The statement also refers to the guidelines on building height, the 2009 guidelines on sustainable residential development in urban areas; and DMURS. In line with the Planning Guidelines the detailed SSFRA has set out that the site is at a low risk of flooding and therefore no Justification Test is required. The proposed development would comply with the zonings of the site under the city development plan and the plot ratios and site coverage factors that apply to them. It would not comply with the height restriction of 16m that applies to the outer suburbs, a statement has been submitted. It would comply with the bicycle parking standards. It would provide 15% of the site as public open space (greater than that required by the Plan – 10%), and the scheme is close to the major park at Santry Demesne (89 acres).

#### 6.4. **Planning Authority Submission**

6.4.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a copy of their section 247 consultations with the prospective applicant and also submitted

their opinion in relation to the proposal. These were received by An Bord Pleanála on 1 October 2020. The planning authority's 'opinion' included the following matters:

Zoning – the site is zoned Objective Z3 - “To provide for and improve neighbourhood facilities”, the proposed uses are acceptable.

Layout – the general layout of blocks is acceptable, however, block G appears separate from the main part of the development and this needs to be addressed. There are concerns regarding the proposed separation distances between some blocks at certain ‘pinch points’ in the scheme. For example a minimum of 12 metres separation is proposed between the balconies on the eastern elevation of Block E and the bedroom windows on the western elevation of Block D. It is not considered that this minimal distance as proposed can adequately maintain the privacy of future occupants and this layout should be reconsidered and separation distance increased where possible.

Height - The proposal for a development with building heights of up to 46.5m (block/zone D) would materially contravene the Dublin City Development Plan 2016-22. All blocks exceed maximum allowable height standards set out in the city development plan. The planning authority considers that this site offers an opportunity to accommodate height without undue detriment to neighbouring property and the proposed scale is considered generally appropriate in this location, having regard to its Z3-zoning designation, its prominent corner position on the junction addressing two main roads at the entrance into the city. However, a more appropriate design approach would be for the highest element of the development to be positioned on the corner of Santry Avenue and Swords Road, i.e. increased building height would be more appropriate positioned to the north-eastern corner of the site. Appropriate selection of materials and finishes will be important for this site and so too will architectural execution at this gateway location.

Density - The density proposed in this proposal is comparable to these recently permitted developments which has proven acceptable to An Bord Pleanála.

Housing Quality – A number of areas where the application appears to be deficient in the provision of adequate residential amenity standards are set out by the planning authority. A number of shortfalls are noted and the schedule of accommodation

submitted does not identify the proposed apartments that are at least 10% greater than the minimum floor area standard.

Aspect - The planning authority question the status of some of the apartments indicated as 'double' aspect on the HQA submitted, such as the 1-bed apartments on the western side of the block on the ground through to fifth floors (i.e. 6 no. apartments) have been marked as 'double'. However, the aspect of these is single and they are west-facing only. Clarity required.

Daylight and Shadow Assessment – the documentation submitted is criticised as brief and more information is required.

Landscape Plan – detailed issues are flagged in relation to the quantum and quality of the open space proposed. Connections to Santry Demesne are raised as important and engagement should occur with Fingal County Council on this aspect of the scheme.

Social Audit - The intended users of the community hub/residential amenity spaces is not clear in the documentation provided although it would be assumed that the intended users of the residential amenity users will be the future occupants of the scheme only while the intended users of the community hub would be the residents of the wider vicinity as well as the future occupants of the scheme. The applicant should clarify in the documentation submitted.

Transportation – A relocated entrance on Santry Avenue is proposed. The second access onto Swords Road is a new access permitted under planning ref 2713/17. Both sites are within the same ownership and the red line includes the permitted accesses. The Transportation Planning Division notes that the secondary access onto Swords Road was granted in agreement with the NTA and is to be a left in, left out only given the nature of and future proposals of the Swords Road and the Bus Connects proposal. A revised TTA should be submitted to take account of the cumulative impact of both the committed development and the proposed development on each of the two accesses serving the developments. Given the ration of car parking of 0.6 spaces per unit, a robust Mobility Management Plan and Car Parking Strategy is required and additional transport measures such as additional Car Club and a dedicated residential cargo/e-cargo bike scheme that

would facilitate school drop offs and grocery shopping trips, as well as providing alternative recreational transport options.

A material contravention statement has been submitted; this is noted. In relation to matters that concern childcare facilities, community/social infrastructure, AA and EIA; the planning authority are satisfied that these matters have been adequately addressed in the documentation submitted. The planning authority are satisfied that the proposed development appears to be broadly consistent with the proper planning and sustainable development of the area, provided certain issues are addressed including:

- Layout – block G should relate better the rest of the development, some separation distances are too tight (12-18metres, blocks E/D).
- Tallest element should be at the junction.
- Higher quality design and finishes are important at this gateway site.
- HQA should meet standards.
- Dual Aspect, quantum and design questioned.
- Communal/public open space quantum queried and quality of some spaces a concern.
- Applicant should note content and requirements of other internal reports from the Council.

The submission included the record of two meetings with the prospective applicant under section 247 of the planning act.

## **6.5. Other submissions**

- 6.5.1. A submission was received from Irish Water and is available on file. In summary, the submission states that with respect to wastewater, there are capacity constraints along the Swords Road, but works and further studies are underway, the applicant will be required to bear a portion of these costs. In terms of water supply, new connections are required and the applicant shall bear the cost and confirm any third party consents.
- 6.5.2. Fingal County Council were invited to make a submission; however, none was received.

## **6.6. The Consultation Meeting**

6.6.1. A section 5 Consultation meeting took place via Microsoft Teams on the 3 December 2020, commencing at 2.30pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.6.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:

1. Site Height Strategy and Layout
2. Public Realm Improvements
3. Residential Amenity – landscape
4. Public Transport and Car Parking
5. Any other matters

6.6.3. In relation to the Site Height Strategy and Layout, ABP representatives sought further elaboration / discussion on how the site is laid out, with specific reference to the relationship between the site and Santry Demesne Park to the north and the placement of the tallest element of the scheme at the centre rather at the corner. The position of Block G was queried as its relationship with the rest of the development needs to be better explained. The applicant set out that the tallest element of the scheme would act as a gateway to the city and allow the green amenity of Santry Demesne Park to flow southwards into the site. It was accepted that Block G could be better integrated into the overall scheme. The planning authority confirmed that there is no opposition to height at this location, however, the corner of the site would be better suited to a tall building in urban design terms. The integration of Block G with the rest of the scheme requires re-examination.

6.6.4. In relation to the Public Realm Improvements, ABP representatives sought further elaboration / discussion on the how the proposed development will integrate with the surrounding environment, in particular public realm improvements. It would be useful to incorporate detailed cross sections at regular intervals that show how the building face, footpath and carriageway relate to each other. The applicant stated that they

intend to retain trees along the Swords Road, footpaths would be wide, and an active street frontage would enliven the area. The planning authority noted that further discussions could occur in relation to the details that concern any public realm improvements.

- 6.6.5. In relation to the Residential Amenity – landscape, ABP representatives sought further elaboration / discussion on the documentation around sunlight/daylight studies and the examination of the dual aspect design of apartments could be better explained; internal CGI's could be beneficial. The prospective applicant explained the format of the apartment units, they are spacious and most are dual aspect. With reference to the documentation, it was acknowledged that further work is required in terms of sunlight/daylight studies and explanation of the dual aspect floor plans. The planning authority directed the prospective applicant to the details contained in their reports, with reference to residential amenity standards.
- 6.6.6. In relation to the Public Transport and Car Parking, ABP representatives sought further elaboration / discussion on the implications of any BusConnects proposals along the Swords Road and to ensure that the proposed development incorporates any updated or approved plans. The construction phase of the development should be considered in terms of traffic impacts and the Traffic Impact Assessment should incorporate any cumulative impacts from surrounding development, permitted and existing.
- 6.6.7. There were no further comments in relation to Any Other Matters.
- 6.6.8. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-308093-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**
- 7.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

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

- 8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that **the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:
1. An Urban Design Analysis to explain the rationale for the height distribution throughout the site. Any analysis should reference the urban design principles set out in the Urban Development and Building Heights guidelines and Sustainable Residential Development in Urban Areas guidelines, with specific reference to placemaking. The report prepared should demonstrate how the proposed development and the distribution of height throughout the site assists with the identification of these lands as a potential 'gateway' to the city. In addition, the report should detail an integrated approach to the entire site, with specific reference to the relationship to Santry Demesne Park to the north and the incorporation of Block G and its amenity space at ground level.
  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. The applicant shall clarify how the works in the public realm will be carried out and by whom.
  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, the interface with Santry Place to the south, surface car parking areas and the planned plaza space along Santry Avenue to the north. 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. Specific regard should be had to ground floor apartments at sensitive locations and existing adjacent properties. Drawings that detail dual aspect ratios should be clearly laid out and accompanied by a detailed design rationale report.
5. A detailed landscaping plan for the site which clearly differentiates between areas of public, communal and private open space and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Pedestrian permeability through and beyond the site (for example Santry Demesne Park) should be outlined. Details of the interface between private and communal areas should also be detailed. Additional cross sections, CGIs and visualisations should be included in this regard.
6. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.
7. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the

site and to the long-term management and maintenance of the proposed development. A building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines is also required.

8. A housing quality assessment which provides details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.
9. A detailed Construction Traffic Management Plan should be prepared and a revised Traffic and Transport Assessment should be submitted which sets out the cumulative impact of both the committed development and the proposed development on each of the two proposed access points.
10. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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

1. Irish Water
2. Transport Infrastructure Ireland

3. National Transport Authority
4. Dublin City Childcare Committee
5. Irish Aviation Authority
6. Dublin Airport Operator
7. Fingal County Council

**PLEASE NOTE:**

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

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Stephen Rhys Thomas  
Senior Planning Inspector  
17 December 2020