



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-312127-21

Strategic Housing Development	Demolition the existing building 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 North
Prospective Applicant	Dwyer Nolan Developments Ltd.
Date of Consultation Meeting	22 nd of April 2022
Date of Site Inspection	03 rd of March 2022.
Inspector	Karen Hamilton

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1.0 Introduction

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 report of the Inspector (ABP 310910-21) includes the following site description, which I concur with:

The application site comprises a stated area of 1.5ha located at the junction of Santry Avenue and Swords Road, in Dublin 9. The site is generally level and is primarily occupied by Chadwick's builders' providers. Within the red line boundary, but outside of the Chadwick's site, is an existing access road running along the western site boundary from Santry Avenue to an industrial premises to the south. Existing structures on the site comprise light industrial / warehouse type structures including a single / two-storey early 20th C. modernist element on its eastern side. The remainder of the site is in use for external storage of products and vehicular access and parking. The site has vehicular access from Santry Avenue on its northern boundary. Lands to the west of the site are in mixed commercial light industrial uses.

Santry Avenue forms the boundary between the administrative areas of Dublin City Council and Fingal County Council. To the north of this road, Santry Demesne comprises a regional park which is accessible at the junction with the Swords Road. Directly north of the site, surrounded by the park, is a single-storey property which formerly comprised a post office premises and school, and which now appears to be in residential use. Development on the eastern side of Swords Road comprises a mixture of two-storey commercial properties, with residential development to the

east. The site of the former Swiss Cottage pub to the southeast of the site has recently been redeveloped as a 6-storey apartment development. Immediately south of the application site, Santry Place, comprises a recently completed development of 207 no. apartments and associated uses in three no. 7-storey blocks, accessed via a road which is included within the red line boundary of the subject site. That development is understood to be in the same ownership as the subject site.

3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises of the demolition of the existing structures on the site and construction of 350 no. apartments, retail / commercial and community uses in 4 no. buildings, subdivided into Blocks A-G as detailed below:

3.2. Development Parameters

Parameter	Description
Area	1.5ha
Dwelling units	350 no. (113 one bed, 218 two bed & 19 three bed).
Other uses	Commercial/ retail (5 no.) 761.4m ² Community 186m ² Residential Amenity 187m ²
Density	233 uph
Car parking	209 no. spaces (0.6 per apartment)
Bicycle Parking	805 no. spaces
Communal Open Space	3,122m ² (8.92m ² per unit & 1,226.5m ² on the roof terrace)
Public Open Space	1,917m ² (12.76%)

3.3. Block heights

Block	Height
A	7-14 storeys (4.3m)
B	7 storeys (22.9m)
C	7- storeys (24.5m)
D	7- 10 storey (32.6m)
E	7- 10 storey (32.6m)
F	7- storey (25.6m)
G	7- storey (22.9m)

4.0 Planning History

ABP 310910-21 (SHD application)

Permission refused for the demolition of the existing building on site and construction of 350 no. apartments and associated site works for the following reason:

Section 16.10.1 of the Dublin City Development Plan 2016-2022, which refers to Mix of Residential Units, states that each apartment development shall contain a maximum of 25-30% one-bedroom units and a minimum of 15% three- or more bedroom units. Having regard to the range of dwelling units proposed within the development, it is considered that the proposed development would materially contravene this provision of the plan.

The statutory requirements relating to the submission of a material contravention statement have not been complied with by the applicant in respect of this matter. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.

5.0 Relevant Planning Policy

5.1. Dublin City Development Plan 2016 – 2022

The site is located on lands zoned Z3, where it is an objective “To provide for and improve neighbourhood facilities”

- Residential use is permitted in principle
- Section 16.10.1- Residential Quality Standards- Apartments (Unit Mix) each apartment development shall contain:

A maximum of 25-30% one-bedroom units

A minimum of 15% three- or more bedroom units

These maximum and minimum requirements apply to proposals of 15 units or more.

- The indicative plot ratio for Z3 lands is 1.5 - 2.0, while the indicative site coverage is 60%.

6.0 Section 247 Consultation(s) with Planning Authority

6.1. One S247 meeting was undertaken on the 24th of November 2021, via Microsoft Teams. The minutes are included in the PA submission and summarised as follows:

- The inspector was satisfied with the height.
- There should be a reduction of height at the corner of the Santry Avenue at the corner.
- Include the correct calculation of amenity spaces.
- Wind assessment is required.
- Mitigation measures for the bats.
- Engage with DAA/ IAA.
- HQA and aspect should be dealt with in detail.
- Medical use would be preferable instead of retail.

- Applicant advised to address all the issues raised by DCC at the application stage.

7.0 Prospective Applicant's Case

7.1. Statement of Consistency

The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

7.2. Statement of Material Contravention

The applicant has submitted a statement of material contravention in relation to the residential mix proposed and the building heights proposed.

- **Unit Mix**

The applicant considers the mix proposed (113 no. one bed (32%) and 21 no. two beds (62%)) is a contravention of Section 16.10.1 of the development plan which relates to unit mix (maximum 25-30% on bedroom and minimum of 15% three or more bedroom). The proposed development is considered justified having regard to the national guidance and SPPR 1 and SPPR 3 of the apartment guidelines

- **Building Heights**

The applicant considers the height of the 4 no. buildings (7 no. blocks) which have heights of c. 22.9m and c. 48.3m is a material contravention of Section 16.7.2 of the CDP which restricts heights in the city to 16m or 2m depending on location. The proposed development is considered justified having regard to national guidance in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) , the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and Urban Development and Building Heights Guidelines for Planning Authorities (2018).

8.0 Planning Authority Submission

- 8.1. 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 their opinions in relation to the proposal on the 12th of January 2022. The opinion noted

the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

8.2. Planning Assessment

8.2.1. **Density**

- The proposed density is 233 uph (plus commercial development at ground floor). There is no objection to this density.

8.2.2. **Building Height**

- Consideration should be given to the reduction in height of Block A from 14 storeys to 11 storeys (max 35m).
- Reduction in the height of Blocks D and E from 10 storeys to 7 storeys (max 23m).

8.2.3. **Finishes/ Materials**

- A Landscape and Visual Impact Assessment (LVIA) should accompany any planning application with “verified views”.

8.2.4. **Micro-climatic Effects**

- A wind assessment should accompany the application and include mitigation measures.

8.2.5. **Safe Air Navigation**

- Prior to lodgement the applicant should liaise with DAA / Dublin Airport and the IAA’s Air Navigation Service (IAA-ANSP) in relation to cranes.

8.2.6. **Daylight/ Sunlight & Shadow Assessment**

- The applicant should submit confirmation of the rooms tested in the daylight/ sunlight analysis (worst case scenario).
- The results of all kitchen areas in the analysis.

8.2.7. Residential Mix

- A material contravention has been submitted in relation to the mix.

8.2.8. Floor Areas/ widths/ aspect/ storage

- Measurements of the Living/Kitchen/Dining (LKD) are below the minimum standards.
- The storage in the bedroom and kitchen areas should be included.
- The HQA should be updated to identify the apartments that are dual aspect and specify the orientation of the single-aspect units
- The 3-bedroom units should be dual aspect.

8.2.9. Social Audit

- The provision of a childcare facility should be further investigated.
- It is noted that the available spaces are in a new facility which opened during the pandemic.
- Consultation with Dublin City Childcare Committee is required.

8.3. Interdepartmental Reports

- Parks, Landscape and Biodiversity: No objection in principle, clarification in relation to the provision of the public open space (10% , design will not be taken in charge)
- Archaeology: There is evidence of activity c. 100m to the east of the proposed site (03EO353) therefore an archaeological assessment should be submitted with the application.
- Conservation: The front of the Heiton Buckley Builders Merchants should be retained and reused within the development.
- Transport Section: No objection to the access into the site, clarity required for the footpath design (e.g., 2m unobstructed), the matter of the loading bay and servicing as not been agreed,

9.0 Irish Water (IW)

9.1. A submission was received from IW dated (07th of April 2022) which includes a Confirmation of Feasibility subject to the following contingencies:

9.2. In respect of Wastewater

- In order facilitate the proposed development and support future development on and in the environs of the Swords Road/Santry area, the existing Santry Pump Station needs to be redirected to the North Fringe sewer catchment
- Irish Water confirms the rising main for this redirection has already been laid on Northwood Avenue.
- Additional works at the Pump Station and new connection points are also required to be delivered to service connection(s) for this development proposal.
- Irish Water is currently progressing a project to deliver these upgrades/works.
- This project has an expected completion date of Q4 2026 (subject to change).

9.3. In respect to Water:

- In order to accommodate the proposed connection to Irish Water network the following upgrades are required.
- Approx. 20m of new 200mm ID pipe main has to be laid to connect the site development to the existing 12" C.I Main.
- Irish Water currently does not have any plans to extend its network in this area therefore the applicant will be Irish Water required to fund these upgrades/works as part of a connection agreement with Irish Water.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 22nd of April 2022, commencing at 10:00am, via Microsoft Teams.

Representatives of the prospective applicant, Dublin City Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Density
2. Housing Quality Analysis and Unit Mix
3. Any Other Business

10.2. In relation to the **Density**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The justification for any increased density and height having regard to the national guidance and the provision of high capacity, frequency public transport.

10.3. In relation to the **Housing Quality Analysis and Unit Mix**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The previous reason for refusal on the site in relation to the unit mix and the documentation submitted in relation to the material contravention of the development plan.
- The submitted floorplans and the requirement to comply with the standards in the apartment guidelines.

10.4. In relation to the **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The daylight and sunlight analysis, the standards in the BRE guidance, the inclusion of a worst-case scenario and the use of 1.5% for galley kitchens.
- The comments from the Conservation Officer in respect of the impact of the proposal on any buildings of merit currently on the site and the requirement for an architectural impact assessment.

11.0 **Assessment**

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.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, 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 plans for the area.

Conclusion

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.

12.0 Recommended Opinion

12.1. The Board 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.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, 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.

12.2. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Submission of a Sunlight/Daylight/Overshadowing analysis including all relevant plans/ documentation showing an acceptable level of residential amenity, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
2. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such a statement should have regard to the development plan in place at the time of the application and that likely to be in place at the date of the decision of the Board in respect of the application.
3. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage

12.3. 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.

Karen Hamilton
Senior Planning Inspector

25th of April 2022