



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-312202-21

Strategic Housing Development	Demolition of buildings, construction of 468 no. apartments, creche and associated site works.
Location	North west corner of Omni Park Shopping Centre, Santry Hall Industrial Estate, Swords Road, Dublin 9.
Planning Authority	Dublin City Council North
Prospective Applicant	Omni Park Shopping Centre Consortium.
Date of Consultation Meeting	28 th 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 site consists of a large single storey warehouse located on the northwest corner of the Omni Park Shopping Centre, Santry, Dublin 9. The site adjoins a large Aldi store and is separated to a c. 2m high block wall. To the south of the site, within the Omni Park complex, is the Omniplex cinema. Car parking associated with overall Omni Park is located centrally, to the south of the site.
- 2.2. The Shanliss housing estate is located to the west of the site. The gardens of traditional two storey semi-detached dwellings bound the site along the west. The site is currently accessed from the Santry Hall Industrial Estate.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the demolition of existing buildings (including 2 no. ESB sub stations) and the construction of a mixed use residential (468 apartments) and commercial development ranging in height from 4 to 13 storeys over basement in four blocks, with childcare facility, community facility and two retail/café/restaurant units.

3.2. Development Parameters

Parameter	Description
Area	Gross Area 5.57ha Net Area 3.59ha
Units	468 apartments
Density	334 uph
Heights	Block A- 7 storeys Block B- 7 storeys Block C- 12 storeys (c.28m) Block D- 10 storeys
Other Uses	2 no. retail/café/restaurants (430m ²) Community Space (208m ²)
Internal Residential Amenity	599m ² (ground floor of Block B)
Creche	226m ²
Communal Amenity Space	Courtyard 1- 1,740m ² Courtyard 2- 1,175m ² Courtyard 3- 1,223m ² Total- 4,138m²
Public Open Space	Public Plaza- 2,248 m ² Creche playground -210m ² Playground- 379m ²
Bicycle Spaces	694 no (44 at basement and 210 at surface level)
Car parking Spaces	213 no. spaces at basement
Dual Aspect	True Dual Aspect (46%) Enhanced Dual Aspect (21%)

3.3. Unit Mix

Units	No	Percentage
One bed	231	49.4%
Two bed	213	45.5%
Three bed	24	5.1%
Total	468	100%

4.0 Planning History

4.1. The subject site

Reg Ref 2540/13

Permission granted for an increase in the height of the existing Cold Store Building and construction of a new delivery building at the side of the existing building.

Reg Ref 2151/12

Permission granted for the change of use from light industrial use to recreational use, new signage and all ancillary works.

4.2. In the vicinity of the site

ABP 307011-20

Permission granted for an SHD application on lands to the northeast of the Omni Park Shopping Centre for a missed use development (5-12 storeys) owned by the applicant.

ABP 310910-21

Permission refused for 350 no. apartments and 5 no retail/commercial units as there was no material contravention statement submitted in relation to the proposed unit mix.

ABP 303358-18

Permission granted for an SHD application (S146B ABP 303358-20) for 112 residential units ranging from 3 storeys to 6 no storeys and 3 no commercial units

5.0 Relevant Planning Policy

5.1. Dublin City Development Plan 2016-2022

Zoning

The site is located on lands zoned as Z4, District Centre (incorporating Key District Centre), where it is an objective *“to provide for and improve mixed-use services and facilities”*

- Residential, retail, café, mixed use are permissible uses

District Centre

Section 4.5.2.1: A top tier of urban centres outside the city centre and provide for a range of commercial and community services

Sections 4.5.2.1 and 14.8.4 refer to the following with regard to landuse and amenity stating *“To maintain their role as district centres new development should enhance their attractiveness and safety for pedestrians a diversity of uses should be promoted to maintain their vitality throughout the day and evening”*.

General Development Principles

- Population: Establish significant residential population bases with diversity in unit types and tenures capable of establishing long-term integrated communities.
- Density: Ensure the establishment of high-density developments capable of sustaining quality public transport systems and supporting local services and activities. Account should be taken in any such development of any distinct or valuable architectural or historical features that influence the urban form, character and scale of the existing area.
- Transport: Ensure provision is made for quality public transport systems. Provide improved access to these systems and incorporate travel plans, which prioritise the primacy of pedestrian and cyclist movement and address the issue of parking facilities and parking overflow
- Commercial/Retail: The creation of a vibrant retail and commercial core with animated streetscapes

- **Community and Social Services:** The centres will be encouraged to become the focal point for the integrated delivery of community and social services
- **Employment:** Encourage the provision of mixed-use developments incorporating retail, office, residential and live-work units, and the creation of small start-up units. (The floor area limitations in respect of offices given in the land-use zoning objective Z4 shall not apply in the case of identified key district centres, and applications involving office development in these areas shall be assessed on their merits, taking account of the overall objective to provide for a mixed-use environment.)
- **Built Environment:** The creation of highquality, mixed-use urban districts with a distinctive spatial identity and coherent urban structure of interconnected streets and child-friendly public spaces and urban parks. Development should have regard to the existing urban form, scale and character and be consistent with the built heritage of the area
- **Capacity for development:** Encourage the development/re-development of under-utilised sites.

6.0 **Section 247 Consultation(s) with Planning Authority**

6.1. The record of one S247 meeting (SHDPAC0026/21) was submitted with the PA submission and the issues raised at the meeting are summarised below:

- The relationship with the carpark is poor.
- A backland site is an unusual location for a very tall building.
- There is no street frontage.
- The potential on the Z6 lands is queried.
- The access along the north of the site will be used to access the development.
- The 15 storeys are for urban design, not to increase the number of units.
- The playground to the north will be overshadowed.
- Separation distances are queried.

- How will the development work at this location?
- How do all the sites link up into one piece?
- Impact of the development on adjoining sites
- Concerns that it materially contravenes the development objective.
- Need a pedestrian friendly environment.
- Active ground levels.
- Sunlight and Daylight analysis.
- Visual Impact Assessment/ massing studies.
- North facing single aspect units will not be acceptable.
- Concerns in relation to the courtyards.

7.0 **Prospective Applicant's Case**

Statement of Consistency

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

Statement of Material Contravention

- 7.2. A Statement of Material Contravention has been submitted. The applicant considers the proposal materially contravenes the development plan for reasons of height and unit mix as summarised below.

- **Height**

- 7.3. Section 16.7 of the Dublin City Development Plan sets out a building height strategy for the City setting a limit of 16m for residential development in the outer city (Section 16.7.2).
- 7.4. The proposed development rises to 13 no storeys (44m) at the southern boundary of the site. The proposal is considered justified having regard to the national guidelines, in particular, SPPR3 of the Urban Development and Building Heights Guidelines 2018.

- **Unit Mix**

7.5. Dublin City Development Plan 2016-2022 sets out the following requirements in relation to Unit mix:

- i) A maximum of 25-30% one-bedroom units
- ii) A minimum of 15% three- or more bedroom units

7.6. The proposal includes 49% one beds, 45% two beds and 5.1% three beds. The proposal is justified having regard to the SPPRS (SPPR 1) of the apartment guidelines.

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 02nd of February 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. Land Use

- There are concerns in relation to compliance with the zoning objective for Z4 where there is a predominance of residential use on the site which is zoned for a mix of uses.

8.2.2. Building Height, Scale and Design

- The height of the proposal does not comply with the criteria in Section 3.0 of the building height guidelines.
- The pedestrian and cycle connectivity are not sufficient.
- The outlook to the south, across the omni park is not appropriate for the residential development.
- The design is monolithic.

- There is little architectural articulation for the blocks, no detailing in window reveals, standard roofscape and long uninterrupted walls of standard building material and design.
- The proposal does not respond to the neighbourhood.
- The verified views submitted indicate the views in the summer months (landscaping).
- The Annual Probable Sunlight would appear to have a profound effect on 1 window at 77 Shanliss Avenue and 1 window on 1 Shanliss Avenue during winter. Although the number of windows affected would be low the design should have regard to these.

8.2.3. **Micro-climatic Effects**

- A microclimate assessment should be included in the EIAR

8.2.4. **Safe Air Navigation**

- The applicant should engage with the DAA and IAA in relation to any construction methodologies.

8.2.5. **Housing Density, Plot Ratio and Site Coverage**

- This very high density (334 uph) is comparable to the city centre sites.
- The Omni living was 250 uph .
- There are serious concerns to the location and design of the proposal.
- The stated plot ratio is 2.79 and there is a max of 2.0 for Z4 lands. The development plan allows for a higher plot ratio in certain circumstances such as urban renewal and maintenance of streetscape profiles, neither is relevant.
- A greater number of three bed units would be preferable. The material contravention is noted for the unit mix.
- The separation distances between the blocks are not sufficient and will cause undue overlooking. Pinch points include Blocks C and D and Block D to Lidl.

8.2.6. **Internal Layout**

- It appears that 44% of the units are dual aspect. The documentation refers to 46%. The applicant should clarify this.
- The entrances and lobby are not spacious and do not provide a welcome environment for all.
- The PV roof panels should be subject to a glint and glare assessment.
- The higher ADF value for the KLD is the most appropriate. 11 units can not achieve this target. There have been no compensatory measures included.
- The daylight and sunlight for the communal amenity space does not include the northern portion of courtyard 1.
- Clarity on the distribution of the public open space, design of the public plaza, breakdown of the communal and public open space areas, detail of the playground and provision of facilities for other children/teenagers.
- In relation to amenities, the breakdown of uses within the indoor amenity area at the ground floor of Block B and clarity around the community space at the ground floor of Block B (open to the wider community).

8.2.7. **Noise**

- An acoustics report should be carried out to assess the potential noise impact on the local residents.

8.2.8. **Community and Social Infrastructure**

- A Community and Social Infrastructure has been submitted and notes the facilities integrated into the proposal.

8.2.9. **Schools Capacity report**

- A Schools Capacity Report notes the likely capacity of the schools to accommodate the 102 children possibly generated by the development.

8.2.10. **Childcare Facilities**

- The childcare should accommodate 64 no. children and the PA is satisfied with this scale.

8.2.11. EIA

- An EIAR will be submitted.

8.3. Interdepartmental Reports

8.3.1. Transport Planning Department

- The pedestrian/cycle connectivity to the Swords Road is dependant on the development taking place.
- The pedestrian/cycle connectivity to the northeast is through the Lidl/ Marks and Spencer and is not acceptable.
- The Traffic assessment is noted and the conclusions in relation to the negligible impact on the junctions.
- The carparking ratio is 0.44 spaces per unit, no spaces proposed for retail and crèche. The traffic assessment notes the spaces available in the retail park.
- A mobility management plan has been submitted. The sale of parking spaces for residential uses is not supported and should be managed by a management company.
- A detailed site layout and drawings should be submitted which clearly identifies the type and number of cycle spaces for both visitors and long-term residents provided
- Clarity on the proposed roads/ footpaths to be taken in charge.

8.3.2. Parks, Biodiversity & Landscape Services

- Daylight is restricted to Courtyard 3, mitigation measures should be included (i.e. communal open space).
- Consideration of further recreation equipment.
- Biodiversity enhancement.

8.3.3. Drainage Department

- No objection subject to conditions.

8.3.4. Housing Department

- No objection subject to compliance with Part V obligations.

8.3.5. Waste Regulation & Enforcement Unit

- No objection subject to additional confirmation of information.

9.0 Irish Water

9.1. The Irish Water submission dated 19th of January 2022 has stated that a water connection can be made to the public infrastructure however Irish Water has confirmed to the applicant that a wastewater connection is not feasible due to the network constraints in the Swords Road wastewater network.

9.2. A network configuration project is expected to increase capacity; however, this is due for completion in 2026 (subject to change). A connection cannot be made until this project is completed and subject to there being capacity.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 28th of April 2022, commencing at 10.00, via Microsoft Teams. Representatives of the prospective applicant, Dublin City Council, An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Red line boundary, *inter alia*, inclusion of car park
2. Retail Impact Assessment
3. Design & Layout, *inter alia*, height, scale and mass
4. Traffic & Transport
5. Irish Water Submission

6. Any Other Business

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

- The inclusion of the red line around the car park associated with the wider Omni Park complex, the proposed reconfiguration of the spaces and the requirement to include the car park for the proposed development.
- The Z4 zoning, the need for a mixed-use development and the justification for the dominance of residential development on the site.

10.3. In relation to the **Retail Impact Assessment**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The quantum of retail / commercial proposed and impact of the proposed development on the existing shopping complex in the Omni Park.

10.4. In relation to the **Design and Layout**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The justification for the scale and mass at this location and the capacity of the public transport network to accommodate the density proposed.
- The provision of long-range visual impact assessment of the proposal having regard to the proposed and permitted developments in the vicinity of the site.
- The daylight and sunlight analysis and the impact of the proposed development on the public and communal open space.
- The visual impact of the proposal from the adjoining residential estate, Shaniliss Avenue.
- The impact of the proposed development on the adjoining site and the potential for connectivity between the sites.
- The quality of the proposed development and the provision of a high-quality environment for future residents of the residential units.

10.5. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The pedestrian and cycle connectivity and the safe movement throughout the site onto the Malahide Road.
- The mobility management and the measures used to control the resident parking within the Omniplex Park.

10.6. In relation to the **Irish Water Submission**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The proposed development, the Irish Water Submission and the wastewater capacity and upgrades required.

11.0 **Assessment**

11.1. 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.

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 requires further consideration and amendment in order to constitute 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 **requires further consideration and amendment to constitute a reasonable basis** for an application for strategic housing development to An Bord Pleanála

Urban Design Response

1. Further consideration and/or justification of the documents as they relate to design response of the proposed development to the site and the surrounding environment. The further consideration and/or clarification should clearly indicate:
 - a) sufficient permeability from the site through the Omni Park to provide appropriate linkages to the Malahide Road for pedestrians/ cyclists,
 - b) the design rationale for the proposed design, scale and mass of the buildings within the Omni Park to ensure an attractive high-quality residential environment is achieved.

Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place.

Irish Water

2. Further consideration and/ or justification of the documents as they relate to the proposed wastewater services. In particular, the consideration/clarification should address the contents of the submission from Irish Water concerning the need to for all works and/or agreements necessary to facilitate the connection and/or upgrade of the development to wastewater infrastructure. Clarity is required at application stage as to what upgrade works are required, who is to deliver these works, when are the works to be delivered relative to the completion of the proposed housing development and whether such upgrade works are to be the subject of separate consent processes.

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. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ commercial/ crèche area. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
2. A report that specifically addresses the impact of the proposed development on the services and retail product within the existing Omniplex park. The report shall address the quantum of retail/ commercial and residential proposed and the consideration of the Z4, mixed use zoning.
3. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings should elaborate on the visual impact of the proposed

development in the context of the impact of the residential area to the west of the site.

4. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
5. A quantitative and qualitative assessment which provides a breakdown of the communal and public open space. The assessment shall detail the functionality of the public space and shall disregard any areas required for circulation space such as footpaths between buildings etc.
6. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for communal and public open space. The landscaping details shall include, inter alia, designated communal open space, the inclusion of useable space for play provision necessary to comply with Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and the design, a detailed trees survey and proposed tree planting scheme and shall clearly indicate the quantum and designated areas of useable public open space.
7. Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site, discharge rates equal to greenfield sites, integration of appropriate phased works
8. Submission of Wind and Pedestrian Comfort Study.
9. Submission of a Construction Management Plan.
10. A specific impact assessment of the micro-climatic effects such as down-draft which shall include measures to avoid/ mitigate such micro-climatic effects.
11. A Traffic and Transport Assessment which addresses the concerns of the Transport Section in relation to the car parking management on the site having regard to the ratio proposed and the residential access into the wider Omniplex Park.
12. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or

local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

13. An updated Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

14. 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 statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

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

09th of May 2022