



An  
Bord  
Pleanála

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

**Inspector's Addendum  
Report**

**ABP-314458-22**

<b>Strategic Housing Development (SHD)</b>	Demolition of buildings on site, construction of 457 no. apartments, creche, community facility, 2 no. retail/restaurant/café units and associated site works.
<b>Location</b>	Northwest corner of Omni Park Shopping Centre, Santry and Santry Hall Industrial Estate, Swords Road, Dublin 9.
<b>Planning Authority</b>	Dublin City Council (DCC)
<b>Applicant</b>	Serendale Limited
<b>Prescribed Bodies</b>	<ol style="list-style-type: none"><li>1. DAA</li><li>2. TII</li><li>3. Uisce Eireann</li></ol>
<b>Observers</b>	18 no. as per the original Inspector's Report (IR) dated 19 <sup>th</sup> November 2022

**Date of Site Inspection**

16<sup>th</sup> November 2022

**Inspector**

Colin McBride

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## 1.0 Introduction

1.1. This Addendum Report should be read in conjunction with the original Inspector's Report (IR) on file dated 19<sup>th</sup> November 2022.

1.2. Board Direction BD-01782-24 dated 21<sup>st</sup> August 2024 contains the Board's direction in relation to this Addendum Report. It states as follows: -

*'The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/08/2024.*

*The Board decided to defer this case for consideration at a further Board meeting and also to seek an update report from Inspectorate, providing an assessment of the proposed development by reference to the current statutory development plan and any relevant updated Guidance'.*

1.3. I address these issues in section 2 of this Addendum Report.

## 2.0 An Assessment of the Proposed Development by Reference to the Dublin City Development Plan (DCDP) 2022-2028 and Relevant Updated Guidance

### 2.1. Context

2.1.1. Further to Board Direction BD-017292-24, I have addressed both the current statutory Development Plan and relevant updated guidance in this section<sup>1</sup> to avoid unnecessary repetition as there is a degree of overlap in matters arising. The relevant section 28 Guidelines to be considered are the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)<sup>2</sup> and the Sustainable Urban Housing: Design Standards for New Apartments (2023)<sup>3</sup>.

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<sup>1</sup> Section 2.0

<sup>2</sup> The Compact Settlement Guidelines (2024)

<sup>3</sup> The Apartment Guidelines (2023). Earlier iterations are also referred to as the Apartment Guidelines (Year)

2.1.2. Since the original IR on file dated 19<sup>th</sup> November 2022, the Dublin City Development Plan (DCDP) 2022-2028 which was adopted on 2<sup>nd</sup> November 2022 came into effect on 14<sup>th</sup> December 2022. The 'Statement of Consistency / Planning Report' and 'Statement of Material Contravention of the Dublin City Development Plan 2016-2022' submitted with the application refer to the DCDP 2016-2022 as this was the statutory plan in place at the time the application was made. The Statement of Material Contravention sets out the justification for the proposed development, in particular:

- the proposed building height with reference to section 16.7.2 of the DCDP 2016-2022, and,
- the proposed unit mix and unit floor areas with reference to section 16.10.1.
- the plot ratio proposed with reference to Section 16.5.

2.1.3. The application included a separate Material Contravention Statement in relation to the Draft DCDP 2022-2028. The Statement of Material Contravention sets out justification for the development, in particular: -

- The proposed density with reference to section 15.5.5/Appendix 3.
- the provision of Community & Cultural Space with reference to Section 12.5.3 (CUO 22).
- Unit Size/Layout & Section with reference to Section 5.5.5, Housing for All-Objective QHSNO10 Universal Design.
- Car Parking (EV Charging) with reference to Section 15.13.4.
- Separation distances with reference to Section 15.9.17.

2.1.4. This Addendum Report considers the statutory plan now currently in place i.e. the DCDP 2022-2028, which has superseded the Plan referenced in the application documentation.

## **2.2. Dublin City Development Plan (DCDP 2022-2028)**

- 2.2.1. In this sub-section I consider the SHD application in the context of the current Plan and outline relevant policies, objectives, or other quantitative measures.
- 2.2.2. The material contravention issues of the previous plan and the draft plan that were identified in the application i.e. building height, unit mix, unit floor areas, community and cultural space, unit size/layout & section, car parking (EV charging) and separation distances, are assessed in more detail in sub-sections 2.5 and 2.6.

### Volume 1: Written Statement

#### *Chapter 1 – Strategic Context and Vision*

- 2.2.3. No relevant policies, objectives, or other quantitative measures are contained in this chapter.

#### *Chapter 2 – Core Strategy*

- 2.2.4. The proposed development is consistent with the provisions of this chapter as it would contribute to compact growth along a public transport corridor on appropriately zoned brownfield land within a Key Urban Village (as per figure 2-1 (Core Strategy Map)). Santry/Whitehall (incl. Omni KUV) is identified as an area (Table 2-14) for which a Local Area Plan/or Village Improvement Plan is to be prepared. It is noted that in absence of such developments will be considered through the development management process in accordance with the policies and objectives of the development plan.

#### *Chapter 3 – Climate Action*

- 2.2.5. The subject development is consistent with policy CA3 in that it would contribute to a sustainable settlement pattern, urban form, and mobility in a Key Urban Village with high-capacity public transport availability through public bus. An unused brownfield site along a public transport corridor would be appropriately developed for a high density, primarily residential development. Appropriate climate mitigation and adaptation measures such as sustainable urban drainage systems (SuDS), electric vehicle (EV) parking, and building design, are proposed in relation to policy CA5.

- 2.2.6. Policy CA6 promotes and supports reuse of existing buildings. I consider the proposed demolition is appropriate given the condition and nature of the existing structures, the absence of architectural or conservation merit, the increased density that would be achieved by their removal. Policy CA8 sets out what new development should generally demonstrate/provide for to reduce carbon dioxide emissions. I am satisfied that the proposed development layout is appropriate in terms of daylight, ventilation, and public transport availability. Building regulation standards must be adhered to and, inter alia, photovoltaic (PV) panels are proposed at roof level. Both an Energy & Sustainability Report and a Resource and Waste Management Plan (both dated August 2022) have been submitted with the application. Similarly, policy CA9 sets out that development proposals must demonstrate sustainable climate adaptation principles. The proposed development includes SuDS (e.g. green roofs), PV panels, and there is no flood risk. I am satisfied the proposed development is consistent with the principles set out.
- 2.2.7. Policy CA10 requires a Climate Action Energy Statement. I consider that the Energy & Sustainability Report referenced in the previous paragraph is adequate as it addresses, for example, design measures, energy performance, and water consumption. Policy CA17 requires Climate Action Energy Statements include an assessment of the technical, environmental, and economic feasibility of district or block heating or cooling. The Energy & Sustainability Report outlines that heating and cooling will be addressed by use of air pumps. I would consider that although policy CA17 has not been addressed (feasibility of district or block heating or cooling), this would not be a matter that would merit precluding the proposed development.
- 2.2.8. EV charging points are proposed within the development as per policy CA25.

#### *Chapter 4 – Shape and Structure of the City*

- 2.2.9. In relation to policy SC2 the proposed development would remove the existing semi-derelict streetscape. The site is zoned 'Z4 - Key Urban Villages/Urban Village'<sup>4</sup> and, given the residential proposal with a limited commercial element, I consider it to be consistent with policy SC9 which states it is policy to develop and support the hierarchy

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<sup>4</sup> The site is an 'Key Urban Village' along with similarly zoned urban centres. There are 12 in total, Cloingriffin-Belmayne, Finglas, Naas Road, Point Village/Poolbeg Ballyfermot, Crumlin Shopping Centre, Donaghmede Shopping Centre, Northside Shopping Centre, Omni, Phibsborough and Rathmines.

of the suburban centres in order to support the sustainable consolidation of the city and align with the principles of the 15-minute city, provide for essential economic and community support for local neighbourhoods, and promote and enhance the distinctive character and sense of place of these areas by ensuring an appropriate mix of retail and retail services.

2.2.10. Policies SC10 (Urban Density), SC11 (Compact Growth), SC14 (Building Height Strategy), SC15 (Building Height Uses), SC16 (Building Height Locations), and SC17 (Building Height) are considered in sub-section 2.5. Housing mix and tenure (policy SC12) is addressed in sub-sections 2.4 and 2.6.

2.2.11. The site does not affect any of the key views and prospects set out in figure 4-1.

2.2.12. The proposed architectural design was assessed in the original IR dated 19<sup>th</sup> November 2022. It was considered to be acceptable. I agree with the original IR in this regard, and I consider that policies SC19 and SC21 are complied with. An Architectural Design Statement dated August 2022 has been submitted in accordance with policy SC23.

#### *Chapter 5 – Quality Housing and Sustainable Neighbourhoods*

2.2.13. Policy QHSN3 relating to the Housing Need Demand Assessment (HNDA) is addressed in sub-sections 2.4 and 2.6.

2.2.14. The proposed development would be consistent with policy QHSN10 which promotes residential development at sustainable densities having regard to high standards of urban design and architecture and it would successfully integrate with the character of the area. In this regard, I note the original IR on file dated 19<sup>th</sup> November 2022, and I agree with the conclusions reached in this regard.

2.2.15. Policy QHSN11 promotes the 15-minute city. The proposed development provides residential development and includes a commercial floor space. The site is located within a Key Urban Village and will integrate with the Omni Park Shopping Centre. The site is located off the Santry Road that has high frequency bus links to the city centre that will be improved by Bus Connects proposals. The area is well served by public transport. This is a liveable, sustainable urban neighbourhood in line with the policy. It is similar to policy QHSN12 which encourages neighbourhood development and enhances the quality of the built environment. The proposed development would



greatly improve the public realm at this location and remove and unsightly and underutilised industrial building.

- 2.2.16. I consider that the proposed SHD is consistent with policy QHSN36 (promotes high quality apartments within sustainable neighbourhoods with suitable levels of amenity, and to ensure availability of social infrastructure and other support facilities). The unit mix referenced in policies QHSN37 and QHSN38 is addressed in sub-section 2.6. I am satisfied that efficient and effective property management would occur as per policy QHSN39.
- 2.2.17. Development-specific communal facilities and some commercial floorspace are provided for within the proposed building. A community unit is provided at ground floor level (195.3sqm). This type of development is referenced in policy QHSN47. A Santry Community and Local Needs Audit dated August 2022 was submitted with the application. Such a document is required under policy QHSN48. These two policies relate to objective CUO25, which I address in sub-section 2.7.
- 2.2.18. It is an objective (QHSNO15) that all housing developments over 100 units include a Community Safety Strategy for implementation. While no such specific document has been provided the proposed development allows for, inter alia, a very high level of passive surveillance over the public area within the Omni Park Shopping Centre and open space areas within the scheme. It would have an absence of non-overlooked/secluded areas. Notwithstanding the absence of a specific document, I consider that community safety is provided for and, as such, I do not consider a compliance condition requiring a formal community safety strategy is necessary, should permission be granted.
- 2.2.19. Policy QHSN55 requires childcare facilities as an integral part of new residential development. A childcare facility is provided with a floor area 225.7sqm equating to c. 45-75 no. child spaces. The submitted Santry Community and Local Needs Audit identifies 13 no. existing childcare facilities within 1km of the site and notes that the permitted development to the east (Omni Living SHD, 307011) also includes a childcare facility. The proposal complies with Policy QHSN55.

*Chapter 6 – City Economy and Enterprise*

- 2.2.20. While there are no relevant policies or objectives in this chapter, I note the proposed development would result in temporary employment during the construction phase and the commercial units would provide limited employment during operation.

*Chapter 7 – The City Centre, Urban Villages and Retail*

- 2.2.21. The site is zoned as a Key Urban Village/Urban Village. The proposed development would, among other things, regenerate this site with a mixed-use and add vitality through residential occupancy, would redevelop an unused site, and by virtue of the ground floor uses along the frontage facing south, would significantly enhance active uses at this location, consistent with policies CCUV20, CCUV22, and CCUV23. The commercial units are identified as being retail/café/restaurant uses. A number of these uses are supported in the Plan such as retail (policy CCUV28) and café/restaurant (policy CCUV30).
- 2.2.22. The redevelopment of this site and streetscape would be consistent with policies to improve the quality of streets and promote public safety e.g. policies CCUV38 and CCUV40.

*Chapter 8 – Sustainable Movement and Transport*

- 2.2.23. The proposed development provides car parking at less than the maximum rate permitted under the DCDP 2022-2028 (see also paragraph 2.8.2 (SPPR 3)), so it would fully comply with policy SMT1 which promotes modal shift from private car use towards increased use of active mobility and public transport. Policy SMT4 supports and encourages, among other issues, intensification and mixed-use development along public transport corridors. The Transport Assessment Report (TAR) dated August 2022 includes A Preliminary Travel Plan, in line with policies SMT6 and SMT7.
- 2.2.24. I consider that the detail contained in section 2.0 (Receiving Environment, Development Proposals & Parking) of the TAR submitted with the application is sufficient to inform objective SMTO10.
- 2.2.25. Policy SMT24 promotes the use and expansion of shared mobility to all areas of the city. Six car sharing spaces are proposed as per section 2.26 of the TAR. The proposed development is consistent with car parking policies such as policies SMT27 and SMT29 (EV charging).

*Chapter 9 – Sustainable Environmental Infrastructure and Flood Risk*

- 2.2.26. Correspondence from Uisce Éireann was submitted with the application stating that there was no objection to the proposed development and that water and wastewater connections were feasible without infrastructure upgrade. Separate foul and surface water drainage systems are proposed. Section 3 of the Engineering Services Report dated August 2002 submitted with the application states that the drainage systems will be designed in accordance with, inter alia, the Greater Dublin Regional Code of Practice for Drainage Works and Uisce Eireann requirements. I consider the proposed development complies with policies SI2-SI4 and SI26. In relation to policy SI6 (Water Conservation), this is briefly referenced in the Energy & Sustainability Report.
- 2.2.27. A Site-Specific Flood Risk Assessment (SSFRA) dated August 2022 was submitted with the application, which I consider to be compliant with policy SI15. SuDS is proposed on site as required by policies SI21 and SI22.
- 2.2.28. Policy SI23 requires all new developments with roof areas in excess of 100sqm to provide for a green blue roof designed in accordance with DCC's Green & Blue Roof Guide (2021) contained in appendix 11 of the Plan. While the application provides for a green roof, there is no provision for a blue roof. Appendix 11 identifies what constitutes a green blue roof and sets out a series of requirements which will be considered in the assessment of planning applications. There are limited situations where an exemption from a green blue roof will be considered. Policy SI25 requires preparation of a Surface Water Management Plan as part of all new developments in accordance with the requirements of Appendix 13 (Surface Water Management Guidance). Though no Surface Water Management Plan was submitted with the application, relevant surface water detail was submitted in the Engineering Planning Report.
- 2.2.29. I am unclear as to whether it is feasible to accommodate a suitable blue roof system on these buildings. Notwithstanding, the addition of a blue roof would not, in my opinion, result in a fundamental change to the SHD application submitted, or to the surface water/SuDS system proposed, though it would broaden the extent of SuDS on site. I consider it appropriate that, should a grant of permission issue for this planning application, a condition be attached for revised proposals for a green blue roof to be agreed with DCC, and that a Surface Water Management Plan be submitted. Given the other SuDS elements included in the application I do not consider that the absence of specific proposals for a blue roof warrants a refusal of permission for this application.

2.2.30. Three designated waste storage areas are provided at basement level. An Operational Waste Management Plan (OWMP) dated August 2022 was submitted with the application. I consider policies SI29 and SI30 are addressed.

2.2.31. It is unclear if the proposed development provides open access connectivity arrangements directly to the individual premises to enable service provider competition and consumer choice in line with policy SI46 as the OWMP indicates that the Management Company will arrange for bins to be brought from the basement level to surface levels in collection days. This could be conditioned should permission be granted.

#### *Chapter 10 – Green Infrastructure and Recreation*

2.2.32. The site is not of any notable ecological value being occupied by an existing structure with hardstanding and no existing vegetation or natural habitats on site. The proposal does include the provision of new green spaces including public open space and communal open space, which is in line with current Development Plan requirements in terms of quantity. The proposal incorporates SuDs measures, significant levels of soft landscaping and tree planting. The proposal would be consistent with policies GI6, GI16, GI28, and GI40 of the current Development Plan.

2.2.33. The issue of green/blue roofs as per objective GIO1 has been addressed in paragraphs 2.2.28 and 2.2.29.

2.2.34. The proposed development was subject of AA screening in section 13 of the original IR dated 19<sup>th</sup> November 2022. I have carried out additional AA screening in section 4 and appendix 1 of this Addendum Report because of the North West Irish Sea Special Protection Area (SPA), which was designated after this SHD application was lodged and after the original IR was prepared. I consider that this would address policies relating to European sites such as GI9 and GI13.

2.2.35. Children's play facilities (2 no. areas, one for young children and one for older children) are provided for within the open space area as outlined in the Landscape Design Report dated August submitted with the application, as per policy GI52.

#### *Chapter 11 – Built Heritage and Archaeology*

2.2.36. Notwithstanding the absence of any protected structures, structures on the national inventory of architectural heritage, or architectural conservation areas (ACAs) on site,

there are some policies of the DCDP 2022-2028 that are relevant e.g. BHA11 (Rehabilitation and Reuse of Existing Older Buildings), BHA15 (Twentieth Century Buildings and Structures), BHA16 (Industrial Heritage), and BHA26 (Archaeological Heritage).

- 2.2.37. Issues of built heritage and archaeology were assessed in the original IR dated 19<sup>th</sup> November 2022. This expressed no concern in relation to the demolition of the existing structures on site. Paragraph 12.12.1 states that 'I am satisfied that impacts predicted to arise in relation to cultural heritage and archaeology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions'. Similarly, the DCC Chief Executive's Report dated 19<sup>th</sup> October 2022 expressed no concern in relation to the proposed demolition. Condition 23 of the original IR recommended standard archaeological monitoring be applied as a condition.

#### *Chapter 12 – Culture*

- 2.2.38. Objective CUO25 (SDRAs and Large-Scale Developments) requires large scale developments above 10,000sqm to provide a minimum of 5% community, arts and culture space. This is addressed in more detail in sub-section 2.7. Notwithstanding, I would draw the Board's attention at this stage to the fact that the SHD development as submitted would not comply with the provisions of the objective, although it does include a dedicated community space of 195.3sqm. This does not amount to the required 5% and therefore to grant the application as submitted would be a material contravention of the DCDP 2022-2028. If the Board is of a mind to grant permission, as further information cannot be sought for an SHD application, and as it is a new issue which did not arise in the DCDP 2016-2022, the Board may consider addressing it by way of a limited agenda oral hearing.
- 2.2.39. The applicants Material Contravention Statement in relation to the Draft Dublin City Development Plan 2022-2028 refers to the requirements for 5% of community, arts and culture uses in large-scale development above 10,000sqm (Objective CUO22 in the draft plan). It was recognised that the development does not comply with such and would constitute a material contravention of the new Development Plan. The justification presented included the fact a Cultural Infrastructure Study undertaken as part of the draft Development Plan process did not identify the subject area as having

a deficit of community facilities. The applicants pointed out that the submitted Santry Community and Local Needs Audit identified a range of social and community infrastructure in the area and that the proposal includes provision of a community space at ground floor (195.3sqm). It is noted that an allocation of 5% of the proposal would be 2,011.57sqm and approximately equivalent to 44 no. one bed apartments, which is significant in the context of the need to deliver increased housing. The applicant outlines that there is justification for material contravention under Section 37(2)(b)(ii) of the Planning Act, 2000 (having regard to Section 28 guidelines and Section 29 policy directives) with the objectives of the NPF seeking increased housing, the Apartment Guidelines (2020), which do not require the provision of community, arts and culture internal floorspace. In this case the site is within a designated Key Urban Village and integrated with the existing core retail area within this designation. Having regard to the increase in population proposed at this location under this proposal taken in conjunction with permitted residential developments in the vicinity, it is wholly appropriate that an appropriate level of community and cultural use be facilitated at this central location to be accessible to this increased population. In this case the level of community/cultural floorspace provided is significantly below the 5% requirement under Objective CUO25 and I do not consider that there is sufficient justification to material contravene this objective.

- 2.2.40. Objective CUO30 (Co-Design and Audits) requires large scale applications above 10,000sqm, in the absence of a DCC local area culture audit<sup>5</sup>, to undertake a cultural audit for the local area to identify shortcomings within the area and to work with DCC Arts Office to identify and agree appropriate arts or cultural uses. The application was accompanied by a Social and Community Infrastructure Audit/Assessment. This provides, inter alia, a review of the social and community infrastructure within its catchment and identifies possible future needs in the area. The report identifies social, community, arts and cultural infrastructure in the surrounding area and adjacent the site. Paragraph 6.1 of the conclusion of the audit states that ‘as such it is submitted that the proposed development can be accommodated by the existing community

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<sup>5</sup> I note the DCC Cultural Company webpage (<https://www.dublincity.ie/culturenearyou/MapPage.aspx>), accessed on 27<sup>th</sup> January 2025, contains mapped cultural information about the city including arts and heritage, parks and nature, sport and fitness, food, hobbies, community involvement and education.

facilities in the area'. The conclusion submits that 'the Social and Community Infrastructure in the 15-minute walking / 500m radius catchment area of the site will be sufficient to cater for the needs of the proposed development and coupled with accessibility to higher order services, ensures that the quantum of development proposed for the subject site is appropriate in respect to social and community infrastructure'. Notwithstanding this conclusion, I note that objective CUO25 states large scale developments above 10,000sqm 'must' provide a minimum 5% community, arts and culture spaces.

- 2.2.41. Objective CUO54 (Naming of New Developments) is ultimately a matter for compliance with DCC, as standard.

*Chapter 14 – Land-Use Zoning*

- 2.2.42. The compliance of this SHD application with chapter 14 is set out in sub-section 2.3.

*Chapter 15 – Development Standards*

- 2.2.43. Table 15-1 (Thresholds for Planning Applications) identifies the thresholds at which certain reports are required for residential developments. A number of these/their equivalent have been submitted with the application as set out in Table 2 below. As per paragraphs 2.2.7 and 2.2.18, I do not consider that a Climate Action Energy Statement or a Community Safety Strategy is necessary. A Surface Water Management Plan has not been submitted though I consider this can be submitted by way of a compliance condition, as per paragraph 2.2.31.

**Table 2 – Documents to be provided in accordance with Development Plan Thresholds**

<b>Table 15-1 Requirement</b>	<b>Threshold</b>	<b>Provided Document</b>
Architectural Design Report	50 or more residential units	Architectural Design Statement – August 2022
Housing Quality Assessment	All residential developments	Schedule of Accommodation and Housing Quality Assessment – August 2022

Landscape Design Report	30 or more residential units	Landscape Design Report – August 2022
Planning Report	30 or more residential units	Planning Report and Statement of Consistency with Planning Policy – August 2022
Daylight and Sunlight Assessment	All apartment developments	Daylight and Sunlight Assessments Report – August 2022
Community and Social Audit	50 or more residential units	Santry Community and Local Needs Audit – August 2022
Lifecycle Report	All apartment developments	Building Lifecycle Report – August 2022
Community Safety Strategy	100 residential units	Not provided and not necessary in the context of this development – See Section 2.218.
Operational Management Statement	30 or more residential units	Operational Management Plan – no date
Traffic and Transport Assessment	50 or more residential units	Transportation Assessment Report (TAR) – August 2022
Mobility Management/ Travel Plan	20 or more residential units	Preliminary Travel Plan part of the TAR- August 2022
Road Safety Audit	New roads.	Stage 1 Road Safety Audit part of the TAR – August 2022
Service Delivery and Access Strategy	All Mews/ Backland Dwellings	Not Required.
Engineering Services Report (Civil and Structural)	30 or more residential units	Engineering Planning Report – August 2022



Construction Management Plan	30 or more residential units	Construction Environmental Management Plan – August 2022
Construction Demolition Waste Management Plan	30 or more residential units	Resource & Waste Management Plan – August 2022
Operational Waste Management Plan	30 or more residential units	Operational Waste Management Plan – August 2022
Basement Impact Assessment	Developments that include a basement	Basement Impact Assessment – August 2022
Climate Action and Energy Statement	30 or more residential units	Energy & Sustainability Report – August 2022
Surface Water Management Plan	2 or more residential developments	Engineering Planning Report – August 2022
Noise Assessment	Where there is noise generated or within a noise designated zone.	Environmental Impact Assessment Report – August 2022
Site Specific Flood Risk Assessment		Site Specific Flood Risk Assessment – August 2022
Site Investigation Report		Not required.
Conservation Report		Not Required.
Retail Impact Statement		Not Required.
Ecological Impact Assessment		Not required.
Appropriate Assessment Screening and NIS		Appropriate Assessment Screening Report – August 2022

Environmental Impact Assessment		Environmental Impact Assessment Report – August 2022
Landscape and Visual Impact Assessment, Microclimate Assessment, Telecommunications Report		<ul style="list-style-type: none"> <li>• Landscape &amp; Visual Impact Assessment – August 2022</li> <li>• Impact of Wind on Microclimate Effects and Pedestrian Comfort – August 2022</li> <li>• Telecommunications Report – August 2022</li> </ul>

2.2.44. Section 15.4 (Key Design Principles) sets out what will be considered in the assessment of development proposals. These are: healthy placemaking, architectural design quality, sustainability and climate action, inclusivity and accessibility, and safe and secure design. The application was subject of a thorough assessment in the original IR dated 19<sup>th</sup> November 2022 and these principles are also considered in this Addendum Report such as in this sub-section and sub-section 2.5 (Density and Building Height). Given the nature and location of the subject site I consider that the proposed development reflects these design principles.

2.2.45. Section 15.5 (Site Characteristics and Design Parameters) ‘provides guidance on identifying the high-level characteristics which shape the urban design response to a site to ensure the creation of good quality urban environments’. I consider section 15.5.1 (Brownfield, Regeneration Sites and Large Scale Development) to be the most relevant site type outlined. Certain considerations are set out which are to be incorporated in large-scale proposals. Further to the provisions of both the original IR and this Addendum Report, I consider that these are incorporated into this application. For example:

- it would comprise high quality urban design with appropriate materials,
- it would be consistent with the character of the area,

- it would contribute to the streetscape and create an active public realm with both residential and commercial uses in a location that is currently an underutilised vacant structure and site with no visual appeal, and,
- waste management facilities, servicing, and parking are sited and designed to minimise their visual impact and avoid adverse impacts on users of highways in the surrounding neighbourhood.

2.2.46. Section 15.5 also references, inter alia, density and building height in the context of appendix 3 of the DCDP 2022-2028 and section 28 Guidelines, as well as plot ratio and site coverage, all of which I address in detail in sub-section 2.5. Proposed building materials are appropriate. The submitted Architectural Design Statement is adequate to comply with the general requirements of table 15-2 (Information Requirements for Design Statements). Overall, I consider the proposed development would be in line with the Plan requirements for this type of site as set out in section 15.5.

2.2.47. Section 15.6 relates to green infrastructure and landscaping. The subject site is occupied by a vacant retail/industrial warehouse building with hardstanding surrounding it and is currently unused. The site is not of any importance for green infrastructure. The proposed development includes both a good level of communal and public open space meeting the required quantity standards under both the current County Development Plan and the Apartment Guidelines. There is incorporation of SuDs measures within the proposed scheme. In regard to sensitive ecological areas (section 13), additional AA screening has been carried out in section 4/appendix 1 in addition to that contained in the original IR dated 19<sup>th</sup> November 2022. A 'Landscape Design Report' dated August 2022, and related drawings, were submitted with the application which I consider acceptable for compliance with section 15.6.8 (Landscape Plans and Design Reports). Boundary treatment detail is submitted as required by section 15.6.13.

2.2.48. As there are existing structures on site that it is proposed to demolish, section 15.7.1 is relevant. This requires a demolition justification report to set out the rationale for demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition are not possible, as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. While no such report has been submitted, it is clear that

a mixed-use development of appropriate density in a relatively prominent location very well served by public transport is a more appropriate use than the existing vacant property in terms of carbon/climate. The DCC Chief Executive's report on file dated 17<sup>th</sup> October 2022 expresses no objection to the proposed demolition. The proposed development would clearly result in a climate/carbon outcome preferable to retaining the status quo on site. Other issues set out in section 15.7 (Climate Action) are addressed elsewhere in this Addendum Report such as a Climate Action Energy Statement in paragraph 2.2.7.

2.2.49. In relation to section 15.8 (Residential Development), I am satisfied that the proposal has had regard to the relevant Guidelines as per section 15.8.1 (as updated by the Compact Settlement Guidelines (2024) and Apartment Guidelines (2023); see sub-sections 2.8 and 2.9). A Social and Community Infrastructure Audit was submitted as required by section 15.8.2, which includes school details as required by section 15.8.3 and childcare as required by section 15.8.4. In addition, a School Demand Assessment dated August 2022 has been included and concludes that the demand generated by the proposal can be accommodated for within the existing school network in the locality. Development naming (section 15.8.9) and gated communities (15.8.10) are referenced elsewhere in this Addendum Report. Section 15.8.10 refers to the operational management strategy and traffic movements. I consider these operational issues can be clarified by way of an appropriately worded compliance condition, should permission be granted.

2.2.50. Section 15.9 (Apartment Standards) states that the Apartment Guidelines (2020), 'or any future amendment thereof', should be referenced as part of any planning application for apartment developments. Relevant compliance with the current 2023 Apartment Guidelines is generally addressed in sub-section 2.9. Sub-sections 15.9.1 (Unit Mix) and 15.9.2 (Unit Size/Layout) are specifically addressed in sub-section 2.6 of this Addendum Report. Internal communal facilities are provided as required in schemes over large scale developments of 100 units (section 15.9.10). Appropriate security (gates, lighting, active frontages, overlooking), access, and refuse storage would be provided. An OWMP, a Building Life Cycle Report dated August 2022, and an Operational Management Plan dated August 2022 have been submitted as required in sections 15.9.13, 15.9.14, and 15.9.15 respectively. Other sub-headings in section 15.9 such as microclimate (daylight and sunlight, wind, and noise), separation

distances, and overlooking and overbearance have been robustly assessed and considered in the original IR dated 19<sup>th</sup> November 2022.

- 2.2.51. The provisions of sections 15.11 (House Developments), 15.12 (Standards for Other Residential Typologies), and 15.13 (Other Residential Typologies) do not apply to this application.
- 2.2.52. Limited sub-sections of section 15.14 (Commercial Development/Miscellaneous) apply. 2 no. commercial units (210.1sqm and 220.8sqm) are proposed and a number of potential uses for this unit were cited in the public notices (retail/café/restaurant). This is a minor element of the proposed development, and its occupation would increase activity along the street frontage. The potential uses are addressed in paragraph 2.3.3 of this Addendum Report.
- 2.2.53. Built heritage and archaeology is addressed in section 15.15. The site is not located within a zone of archaeological potential and an appropriate condition would address this issue (condition included in the original IR report).
- 2.2.54. Section 15.16 (Sustainable Movement and Transport) refers to appendix 5 (considered in paragraph 2.2.71).
- 2.2.55. In relation to section 15.17 (Public Realm) the presentation of the site to the area to the south and the Omni Park Shopping Centre would greatly improve the public realm. The shopfront/façade design to the proposed commercial unit could be conditioned to be agreed with the planning authority as standard, if granted permission.
- 2.2.56. Section 15.18 (Environmental Management) requires, in its various subsections, a number of documents. Most of these have been submitted with the application: a Construction Environmental Management Plan dated August 2022, an OWMP, and a SSFRA.
- 2.2.57. Open access connectivity (section 15.18.5) has previously been referenced in paragraph 2.2.33. PV panels are proposed, and these are supported by section 15.18.8. Issues related to noise and air quality are dealt with in the Environmental Impact Assessment Report submitted with the application.

#### *Chapter 16 – Monitoring and Implementation*

- 2.2.58. This chapter is not directly relevant to the proposed development.

#### Volume 2 – Appendices

- 2.2.59. Appendix 1 (Housing Strategy Incorporating Interim Housing Need Demand Assessment (HNDA)) is not relevant to the application, given the site is not with either of two locations subject to specific unit mix requirements<sup>6</sup>. I address this in sub-sections 2.4 and 2.6.
- 2.2.60. Given the limited and subordinate commercial element of the proposed development, and the provisions of sub-section 2.3 (Land Use Zoning), I consider that it generally complies with the provisions of appendix 2 (Retail Strategy) in so far as it relates to development of the type proposed.
- 2.2.61. Appendix 3 of the Plan (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) is relevant to this planning application, and I consider it in detail in sub-section 2.5.
- 2.2.62. Appendix 4 (Development Plan Mandatory Requirements) is not relevant to the planning application.
- 2.2.63. Elements of Appendix 5 (Transport and Mobility: Technical Requirements) are relevant. As referenced in paragraph 2.2.16, permeability to the wider area is provided with connection to the Omni Park Shopping Centre and the Santry Road as well as the permitted development under ref no. ABP 307011-20. A TAR incorporating a Preliminary Travel Plan (dated August 2022) and a DMURS Statement of Consistency (dated July 2022) were submitted with the application. Car parking would be managed by the building management team. Bicycle parking and car parking standards are considered in paragraph 2.8.2 (SPPRs 3 and 4) of this Addendum Report. Section 5.0 states that 'In all new developments, a minimum of 50% of all car parking spaces shall be equipped with fully functional EV Charging Point(s)'. 22 of all spaces are cited as EV spaces (Section 3.12 of the Planning Report and the Statement of Consistency and Section 2.43 of the TAR). This can be increased by way of condition. The provision of seven motorcycle parking spaces is adequate. Six car sharing / Go Car spaces are proposed.
- 2.2.64. Appendix 6 (Conservation) is not relevant to the application.
- 2.2.65. In relation to appendix 7 (Guidelines for Waste Storage Facilities), an OWMP was submitted with the application.

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<sup>6</sup> As per figure 1-2 (Dublin City HNDA Sub Areas) of annex 3 to appendix 1.

- 2.2.66. The site is not affected by any COMAH establishment identified in appendix 8 (COMAH (Seveso) Establishments).
- 2.2.67. The proposed development does include a basement level with appendix 9 (Basement Development Guidance) relevant. It is the policy of the City Council that a Basement Impact Assessment (BIA) shall accompany all planning applications that include a basement. The applicant has submitted a Basement Impact Assessment including the relevant information under Appendix 9 of the Plan.
- 2.2.68. Appendix 10 (Infrastructure Capacity Assessment) is not directly relevant to the application.
- 2.2.69. Appendix 11 (Technical Summary of Dublin City Council Green & Blue Roof Guide (2021)) provides guidance to the applicant in terms of the amendments required as set out in paragraphs 2.2.28 and 2.2.29.
- 2.2.70. Appendix 12 (Technical Summary of Sustainable Drainage Design & Evaluation Guide) provides a high-level summary of the key principles of SuDS design. Apart from the blue roof issue I consider the SuDS design is acceptable on site and agreement on any final details can be agreed with DCC should permission be granted.
- 2.2.71. Appendix 13 (Surface Water Management Guidance) sets out the requirements of Surface Water Management Plans and would provide guidance to the applicant in terms of the Plan required under policy SI25 / paragraphs 2.2.28 and 2.2.29.
- 2.2.72. Neither appendix 14 (Statement Demonstrating Compliance with S.28 Guidelines) nor appendix 15 (Land Use Definitions) are relevant to the proposed development.
- 2.2.73. In relation to appendix 16 (Sunlight and Daylight), the application was robustly and thoroughly assessed for sunlight and daylight as set out in the original IR dated 19<sup>th</sup> November 2022.
- 2.2.74. Development and commercial unit issues relating to appendix 17 (Advertising and Signage Strategy) can be addressed by way of compliance with the planning authority should permission be granted, as standard.
- 2.2.75. Appendix 18 (Ancillary Residential Accommodation) is not relevant to the proposed development.
- 2.2.76. Variation (No.5) of the DCDP 2022-2028 inserted an additional appendix to the Plan; appendix 19 (Transitional Arrangements for Certain Development Proposals for or

including Build-To-Rent Accommodation). The proposal is not a Build-To-Rent scheme.

#### Volume 3 – Volume 7

- 2.2.77. Volume 3 (Zoning Maps) outlines the various map sets for the city and is relevant to the application in terms of identifying zoning and other relevant information.
- 2.2.78. Volume 4 (Record of Protected Structures) identifies the protected structures in the city. The proposed development does not adversely affect any protected structure.
- 2.2.79. Volume 5 (Strategic Environmental Assessment (Environmental Report)) is not directly relevant to the proposed development.
- 2.2.80. Volume 6 (Appropriate Assessment (Natura Impact Report)) is not directly relevant to the proposed development.
- 2.2.81. Volume 7 (Strategic Flood Risk Assessment) is not directly relevant to the proposed development.

#### Conclusion

- 2.2.82. While the policies and objectives of the DCDP 2016-2022 broadly align with those contained in the current Plan as they relate to the proposed development, there are several areas where the application as submitted is not consistent with the Plan now in place. These items are addressed in greater detail elsewhere in this Addendum Report.
- 2.2.83. The main issue for the application is lack of compliance with objective CUO25 of the DCDP 2022-2028. As these are new issues and as the Board is precluded from seeking further information because it is an SHD application, if the Board is of a mind to grant permission, I consider a limited agenda oral hearing is the appropriate mechanism to do this. This is a decision for the Board in line with section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016. The Board may consider there is justification to material contravene on the basis of the existing level of community and cultural facilities in the area, the provision of community floorspace within the scheme and National, Regional and Local Planning Objectives encouraging increased housing provision under the provisions of Section 37(2)(b) as agreed by the applicant in their material contravention statement.



2.2.84. Should the Board decide that a limited agenda oral hearing is appropriate I recommend that one other issue is also included i.e. an updated AA in relation to the North West Irish Sea SPA.

2.2.85. I consider that other issues that have arisen in this Addendum Report on foot of the DCDP 2022-2028 e.g. green blue roofs / the Surface Water Management Plan, an increase in the amount of fully functioning EV charging points from circa 10% to 50%, can be addressed by way of compliance conditions should the application be granted.

### **2.3. Land Use Zoning**

2.3.1. Under the current DCDP 2022-2028 the site is located on lands zoned 'Z4 – Key Urban Villages / Urban Villages' with a zoning objective 'To provide for and improve mixed-services facilities'. Under the DCDP 2016-2022 the site was located on lands zoned 'Z4 – District Centres' also with a zoning objective 'To provide for and improve mixed-services facilities'. The current Plan states that key urban villages and urban villages were formerly district centres. These areas 'function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city'.

2.3.2. General principles regarding development in Key Urban Villages/Urban Villages are set out under mixed-use, density, transport, commercial/retail, community and social services, employment, and built environment. I consider the proposed development to be reasonably consistent with these principles.

2.3.3. Permissible uses on Z4 land, as set out on page 534 of the Plan, include residential and, in relation to the cited possible uses of the commercial unit: shop (district), shop (local), shop (neighbourhood), office, medical and related consultants, sports facility and recreational uses, restaurant, café/tearoom, and takeaway.

2.3.4. Overall, I consider that the proposed development would be consistent with the permissible uses for Z4 zoned land as per the provisions of the DCDP 2022-2028.

## **2.4. Unit Mix**

- 2.4.1. The proposed development provides for a unit mix of 1 no. studio (0.2%), 221 no. one bed units (48.4%), 211 no. two-bed units (46.2%) and 24 no. three-bed units (5.3%). Development Plan policy for Unit Mix is under Section 15.9.1 of DCDP 2022-2028. Policy identifies a specified unit mix for two areas (Liberties and North Inner City), with the provision of SPPR 1 of the Apartment Guidelines applying to the rest of the administrative area including this site.
- 2.4.2. SPPR 1 states that housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. A specified unit mix may be included if based on a Housing Demand Needs Assessment (HDNA). In this case the HNDA carried out only specifies a unit mix for two areas of the Dublin City administrative area, which does not apply to this site. In this regard the unit mix proposed is compliant with current Development Plan policy in relation to unit mix.

## **2.5. Density and Building Height**

- 2.5.1. The issues of density and building height are inter-related and I consider it appropriate that they are assessed under the same sub-section heading.

### **Density**

- 2.5.2. The proposed density is stated as being 295 (net) units per hectare (uph). The overall site has an area of 2.5 hectares but includes parts of the car park associated with the Omni Park Shopping Centre.
- 2.5.3. On foot of the original SHD application third party observations included concerns in relation to the proposed density such as the proposed development would be out of character with existing housing in the area, and that the proposed development would materially contravene the zoning objective with respect to density. I consider it likely that similar concerns would be expressed in relation to density if the application had been made now i.e. in the context of the current DCDP 2022-2028 and relevant Guidelines. I do not consider that the current policy framework environment would give rise to new issues in relation to density.

- 2.5.4. The elected members of DCC expressed concerns regarding the density proposed. The Chief Executive's Report dated 17<sup>th</sup> October 2022 considered that the density is excessive and is comparable to what is provided on City Centre sites as well as being in excess of the density at permitted developments in the vicinity (Omni Living SHD (250 uph) and Swiss Cottage (233uph). As in the preceding paragraph, I do not consider that the planning authority would express a materially different view on density in the context of the current policy framework environment.
- 2.5.5. The original IR dated 19<sup>th</sup> November 2022 identifies that the proposal has a net density of 295 uph based upon its developable site area' (page 7). It also stated that 'the applicant has proposed a suitable scale and density of development on this site ...' (page 48).
- 2.5.6. Densities of some existing or permitted development in the vicinity include:
- 250uph – ABP-307011-22 (Omni Living SHD) permitted to the east of the proposed development and consisting of demolition of existing structures, construction of 324 no. apartments, creche and associated site works). Granted September 2019. Yet to be implemented.
  - 250uph ABP – 306987-20 (Santry Place/Swiss Cottage SHD) permitted to the north of the proposed development for 120 residential units ranging from 3 storeys to 7 no storeys and 3 no commercial unit. This proposal amended and superseded the development being undertaken on site permitted under ref no. ABP-303358-18. Granted August 2020. Development is complete.
  - 233uph ABP – 303358-18 (Swiss Cottage SHD) permitted to the north of the proposed development for 112 residential units ranging from 3 storeys to 6 no storeys and 3 no commercial unit. Granted April 2020.
- 2.5.7. The proposed density of 295uph would be higher than existing and permitted recent developments in the vicinity however is not significantly higher than the most recently permitted development of a similar nature in the vicinity including Omni Living SHD (yet to be constructed) to the east and Santry Place further to the north of the site, which is now completed.

*Density, plot ratio, and site coverage in the DCDP 2022-2028*

- 2.5.8. The high proportion of studio and one-bed units within this SHD application increases the overall density from that which would occur in a 'normal' apartment development. Notwithstanding, site coverage and plot ratio are also useful tools in evaluating a proposed development's impact.
- 2.5.9. Of the locations identified in table 1 (Density Ranges) of appendix 3 of the DCDP 2022-2028 the subject site is within the 'Key Urban Village' location. This has a net density range of 60-150uph. It is stated that there will be a general presumption against schemes in excess of 300uph.
- 2.5.10. Appendix 3 states that 'Appropriate densities are essential to ensure the efficient and effective use of land. It is important to make the best use of the city's limited land supply in order to meet the need for new homes, jobs and infrastructure required by the city's growing population. More compact forms of development, ensuring a mix of uses, the containment of 'urban sprawl' and achieving social and economic diversity and vitality are critical for the future of the city and addressing climate change'. I demonstrate in this subsection how the proposed density of 295uph is appropriate at this location.
- 2.5.11. Among the areas identified as being suitable for increased density of development in section 4 of appendix 3 are areas close to high frequency public transport. The subject site is along Swords Road where there is a good bus service, and this road is part of the approved Swords to City Centre Core Bus Corridor Scheme. While I note that the site is also within a walkable distance of proposed Metrolink stations to the west it is the existing and proposed public bus transport taken in conjunction with the location of the site within a Key Urban Village and its integration with the established Shopping Centre that is relevant to the site being suitable, in my opinion, for increased density of development.

*Relevant Plan policies include:*

- 2.5.12. Policy SC10 seeks to ensure appropriate densities and the creation of sustainable communities in accordance with the principles of the Sustainable Residential

Development in Urban Areas Guidelines (2009), 'and any amendment thereof'. The 2009 Guidelines have been replaced by the Compact Settlements Guidelines (2024). Policy SC10 is referenced in paragraph 2.5.18.

Policy SC11 – This policy is to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will, inter alia, enhance the urban form and spatial structure of the city, be appropriate to their context and respect the established character of the area, and include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents.

2.5.13. The proposed development is consistent with policy SC11 given it would result in compact growth at a sustainable density, it would re-animate and intensify the use of an unused brownfield site in an area very well served by public transport, it would significantly improve the visual amenity and streetscape of the area resulting in an enhanced urban form, it would be consistent with the emerging pattern of development in the vicinity and therefore would not be out of character, it would not have any undue impact on surrounding communities as established by the original IR dated 19<sup>h</sup> November 2022, and it contains a 430.9sqm commercial floor area. Performance criteria in assessing proposals for enhanced height, density, and scale in the DCC area are set out in appendix 3 of the DCDP 2022-2028 and are considered in table 1 of paragraph 2.5.35, below.

2.5.14. Plot ratio and site coverage can also be used to ascertain the scale of a development. The net plot ratio and site coverage are given as 2.6 and 28% respectively in paragraph 5.8 of the applicant's Statement of Consistency / Planning Report. Table 2 (Indicative Plot Ratio and Site Coverage) of appendix 3 gives indicative plot ratio and site coverage ranges of 2.5-2.0 and 60-90% respectively for the 'Central Area' and 1.0-2.5 and 45-60%, respectively, for the 'Outer Employment and Residential Area'. The status of this site in terms of Table no. 2 is unclear. Given the status of the site as Key Urban Village, I would consider that the site is a central location rather than a peripheral location. The proposed SHD would have a plot ratio and site coverage within the range provided for in a 'Central Area'. In the case of an 'Outer Employment and Residential Area', the plot ratio is just above the indicative range and below the site coverage range permitted. This shows the proposed SHD would be slightly greater than the indicative plot ratio range and in the very lowest area of the indicative site

coverage range. The original IR also noted that the plot ratio was above the indicative plot ratio of 2.0 identified for the Z4 zoning in the previous Plan, though it noted that the range was an indicative range. Given the very low site coverage and the consideration of the impact of the proposed development on third party properties as per the original IR, I consider the proposed plot ratio to be acceptable and is marginally above the indicative plot ratio range for 'Outer Employment and Residential Areas', which is the lowest level plot ratio range and regard should be had to the location of the site in a local centre due to the Key Urban Village status. The proposed development would not comprise overdevelopment on the site on this basis.

2.5.15. Overall, and in conjunction with the other paragraphs of this subsection, I am satisfied that the proposed development in this location is in accordance with the Plan, which advocates an approach of consolidation and densification in the built-up area and the proposed density complies with Government policy to increase densities on underutilised lands in order to promote consolidation and compact growth, prevent further sprawl, and address the challenges of climate change. The proposed density of 295uph is consistent with the Plan provisions, specifically policies SC10 and SC11, and with relevant Section 28 Guidelines.

2.5.16. In my opinion the proposed density would not result in a material contravention of the DCDP 2022-2028, as the proposed density of 295uph is supported by the Plan, as per paragraphs 2.4.34 and 2.4.35. I would also refer to the assessment of development in the context of the Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale – Appendix 3 of the DCDP 2022-2028 carried out in section 2.5.28. The density of proposal would be satisfactory in the context of these criteria as outlined below.

*Sustainable Urban Housing: Design Standards for New Apartments (2023)*

2.5.17. These Apartment Guidelines were first issued in 2018. A 2020 update related to shared accommodation/co-living and the 2022 update related to Build-To-Rent (BTR) accommodation and some other updated references. The 2023 version included further amendment in relation to certain transitional arrangements for BTR developments.

2.5.18. The IR dated the 19<sup>th</sup> November 2022 refers to the 2020 Guidelines<sup>7</sup> though I do not consider this affects the conclusions reached. The subject site was considered to be a 'Central and/or Accessible Urban Location' in the original IR, which remains the case under the 2023 Guidelines. These areas are generally suitable for higher density development, though no density range is identified.

*Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*

2.5.19. Notwithstanding the provisions of paragraph 2.5.9, policy SC10 of the current Plan states that it is the policy of the Council 'To ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas ... and any amendment thereof'. Since the DCDP 2022-2028 came into effect these Guidelines have been replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (Compact Settlement Guidelines).

2.5.20. Table 3.1 (Areas and Density Ranges Dublin and Cork City and Suburbs) of the Compact Settlement Guidelines identify three distinct areas of the city: centre, urban neighbourhoods, and suburban/urban extension. In my opinion the site is consistent with an urban neighbourhood. 'The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy objective of these Guidelines that residential densities in the range 50 uph to 250 uph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork'.

2.5.21. Section 3.3.6 (Exemptions) states 'There is a presumption in these Guidelines against very high densities that exceed 300 dph (net) on a piecemeal basis. Densities that exceed 300 dph (net) are open for consideration on a plan-led basis only and where

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<sup>7</sup> The 2022 Guidelines did not take effect until 22<sup>nd</sup> December 2022.

the opportunity for densities and building heights that are greater than prevailing densities and building height is identified in a relevant statutory plan'. A 300uph density is also cited in the DCDP 2022-2028, as per paragraph 2.5.9. I would note that the net density is close to the threshold, however I would also refer to the assessment of development in the context of the Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale – Appendix 3 of the DCDP 2022-2028 carried out in section 2.5.28. The density of proposal would be satisfactory in the context of these criteria as outlined below.

### **Building Height**

- 2.5.22. The proposed development comprises four blocks which ranges from four to twelve-storeys in height. The site is occupied by a vacant warehouse structure and is located adjacent Omni Park Shopping centre with existing retail warehousing adjoining (south and east), an industrial estate (north) and a housing development of two-storey dwellings (Shanliss to the west). The proposed structures are significantly higher than existing development in the area, which is mainly low-profile retail warehousing, two-storey industrial and two-storey residential. There have been structures of similar height permitted in the area including a 5-12 storey apartment block to the east along Swords Road (307011) and a 7 storey apartment development to the northeast that has been constructed (Santry Place, Swiss Cottage site).
- 2.5.23. On foot of the original SHD application third party observers set out concerns in relation to building height including blocking of natural light and overshadowing, increase in height from that previously permitted, that the proposed height would be out of character with the housing in the area, inadequate justification for the additional height proposed, overbearing and overlooking impact, and it would comprise a material contravention of the DCDP<sup>8</sup> with regard to building height. Notwithstanding the removal of building height caps from the current development plan, as with the density issue, I consider it likely that similar concerns would be expressed in relation to building height if the application had been made in the context of the current DCDP

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<sup>8</sup> DCDP 2016-2022



2022-2028 and relevant Guidelines. I do not consider that the current policy framework environment would give rise to any new issues in relation to building height.

- 2.5.24. The elected representatives of DCC expressed concern in relation to the proposed building height and mass of the proposal in context of existing low rise environment at this location. The Chief Executive's Report dated 17<sup>th</sup> October 2022 considered the issue of building height. The proposed development would exceed the relevant DCDP 2016-2022 height limit of 16 metres as it is up to 41 metres in height. The Report noted the policy provisions of the Building Height Guidelines (2018) and the National Planning Framework, both documents having been introduced since the DCDP 2016-2022 was adopted. The Chief Executive's Report concluded that the proposal would be excessive in height. I do not consider that there is any new issue that may impact on the consideration of building height by the elected members of DCC, or the executive, that has not already been expressed. The Building Height Guidelines (2018) remain the relevant section 28 Guidelines for building height.
- 2.5.25. Building height was addressed in section 11.5 of the original IR dated 19<sup>th</sup> November 2022. The proposed height was considered in detail in the context of the Building Height Guidelines, and it was concluded that the proposed development would not have significant negative visual impacts and would not be overbearing. The 'Conclusions on Proper Planning and Sustainable Development' in section 16 (Reasons and Considerations) of the original IR also states, inter alia, that the proposed development would be acceptable in terms of height, scale, and mass.
- 2.5.26. The applicant considered that the Board may deem the proposed building height and density a material contravention of the DCDP 2016-2022 because the Plan identified a building height limit of 16 metres within a designated 'Outer City Area' and given the maximum height is 41m. The original IR concluded, in paragraph 11.14.6, that the proposed SHD building height would comprise a material contravention of the DCDP 2016-2022 but that this would be justified having regard to the provisions of sections 37 (2)(b)(i) and (iii) of the Planning & Development Act, 2000 (as amended).
- 2.5.27. While the DCDP 2022-2028 does not impose building height caps it contains a number of relevant policies e.g. policy SC14 (reference to the Building Height Guidelines (2018)), policy SC15 (supports an adequate mix of uses in proposals for larger scale developments), policy SC16 (recognises the predominantly low rise character of the

city whilst also recognising the potential and need for increased height in appropriate locations), and policy SC17 (protect and enhance the skyline of the city and ensure that all proposals with enhanced scale and height have regard to identified criteria). Appendix 3 of the Plan sets out 'guidance on how to achieve appropriate and sustainable compact growth in the city and specifically, to ensure consistency with the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and the SPPR's contained therein' (section 1.0).

- 2.5.28. The current Plan recognises the scope for increased building heights at key locations. Table 3 (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale) of the appendix sets out 46 issues to be considered under ten objectives in assessing urban schemes of enhanced density and scale. The objectives refer to, inter alia, urban design principles such as promoting a sense of place, providing appropriate legibility, continuity, enclosure of spaces, connectivity, attractive spaces, mixed uses and activities, and sustainable buildings. These objectives generally overlap with criteria for the assessment of increased building heights in the Building Heights Guidelines (2018) and address the need to consider the layout and design of a development. While I set out and address these objectives in the following table, which relates to both increased building height and density, I note that similar issues were also addressed in the original IR dated 30<sup>th</sup> September 2022.

**Table 3 – Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale – Appendix 3 of the DCDP 2022-2028**

	<b>Objective</b>	<b>Assessment</b>
1	To promote development with a sense of place and character	The site is located in a relatively prominent position along a proposed Bus Connects corridor and within a Key Urban Village as designated under the current Development Plan. The existing structures on site comprise of a vacant industrial warehouse unit and yard area. These are vacant and unused and detract from the visual amenity of the area. The proposed development would complement existing and permitted development in the vicinity in terms of height such as the Omni Living SHD permitted to the east that features up to 12-storeys in height.

		<p>I am satisfied that the proposed development would not have an undue adverse impact on adjoining property, as set out in detail in the original IR dated 19<sup>th</sup> November 2022, in terms of overlooking, overbearing impact, or daylight/sunlight access. The development reduces in height towards third party site boundaries. The proposal integrates with the Omni Park Shopping Centre and presents an active frontage towards such. The design approach is supported by the Architectural Design Statement.</p> <p>I consider that the proposed development would contribute towards a sense place providing an integrated and active frontage relative to the Omni Park Shopping Centre and providing for residential development that will increase activity at this location outside of the shopping centre hours.</p>
2	To provide appropriate legibility	<p>The proposed development would create a strong building line/frontage where it integrates with the Shopping Centre and within an area designated Key Urban Village, replacing an existing vacant structure and blank frontage defined by a large featureless wall.</p> <p>The development includes commercial floorspace which would complement existing commercial uses at this location and would be consistent with the zoning of the site.</p> <p>I am satisfied that the proposed heights can be absorbed at this location given the location within a primarily commercial location and would be an acceptable transition of scale.</p>
3	To provide appropriate continuity and enclosure of	<p>The proposed development would significantly enhance the urban design context. The proposal provides an active frontage that integrates with the existing shopping centre, provides for communal and public open spaces, pedestrian infrastructure and connection to a permitted development</p>

	streets and spaces	<p>to the east including open space being provided as part of such as well as good connection to the Santry Road.</p> <p>I consider that the proposed development would not be unduly overbearing, while providing an appropriate level of enclosure to the north of the shopping centre. The provision of public open space and communal open space areas of adequate size and width would reduce the impact of the scale and mass of the proposed development.</p> <p>The provision of direct street level accesses to the commercial space and the reception/concierge would generate street-level activity, animation, and visual interest.</p> <p>I consider that appropriate continuity is provided for in the proposed development and that streets and spaces are suitably enclosed.</p>
4	To provide well connected, high quality, and active public and communal spaces	<p>Overall, a significant improvement to the streetscape and public realm would occur as a result of the development of this SHD. The proposal provided good permeability with connection to an adjoining development and Santry Road, the existing shopping centre and through the site with pedestrian friendly areas, including good quality public and communal open space.</p> <p>The applicant included a Wind Microclimate Assessment in the application. Recommended mitigation has been incorporated and the proposed development would not have any significant adverse microclimate impact.</p> <p>The proposed commercial use to the street would also activate a currently unused and blank frontage defined by a large featureless wall.</p> <p>I consider that the proposed development would result in high quality and active public and communal spaces.</p>

5	To provide high quality, attractive and useable private spaces	<p>Each apartment has private balcony or terrace areas that meet or exceed minimum standards as per section 11.8 of the original IR dated 19<sup>th</sup> November 2022.</p> <p>Daylight and sunlight to apartments were thoroughly considered in the original IR and no significant issue was identified.</p> <p>Separation and setback distances were also considered in the original IR and I have also referred to same in paragraph 2.9.2 (SPPR 1), below.</p> <p>I consider that there are appropriate private spaces within the proposed development.</p>
6	To promote mix of use and diversity of activities	<p>The proposed development includes 2 no. commercial units providing 490.3sqm accessed from the southern frontage of the development. A number of potential uses for these are identified in the public notices and its provision is consistent with the zoning objective for the site. Resident-only spaces are also provided for within the building. Provision of community/arts/cultural space as required by objective CUO25 of the DCDP 2022-2025 is addressed in sub-section 2.7.</p>
7	To ensure high quality and environmentally sustainable buildings	<p>The original IR dated 19<sup>th</sup> November 2022 addressed in detail issues such as daylight, sunlight, and overshadowing (paragraphs 11.8.13-11.8.27), dual aspect (paragraph 11.8.3), and open spaces (paragraphs 11.8.8-11.8.12).</p> <p>The development is located to the north of the Shopping Centre with residential uses to the west, industrial/commercial uses to the north. The original IR was satisfied with the data presented by the applicant in relation to daylight and sunlight impact to third parties and concurred with its conclusions, and considered that daylight, sunlight, and overshadowing levels within the</p>

		<p>development were adequate. Level of compliance in terms daylight and sunlight are at sufficiently high level within the development with a small proportion of units/rooms in units falling below target values. In this case the applicant has clearly identified the cases where target values for certain rooms are not met and put forward a clear rationale for compensatory measures in such cases. Adequate compensatory measures are provided in the case of units/rooms that do not meet target values for daylight and sunlight such as, enlarged floor areas, oversized balconies, dual aspect, provision of bay windows, overlooking amenity space, higher floor to ceiling height and wider room dimensions. The provision for sunlight within external amenity spaces meet target values under the relevant guidelines in all areas as set out under the IR Report dated the 19<sup>th</sup> November 2022.</p> <p>A number of relevant documents were submitted with the application such as:</p> <ul style="list-style-type: none"> <li>• an 'Energy &amp; Sustainability Report' which highlights how the construction and long-term management of the proposed development will be catered for and how overall energy considerations have been inherently addressed.</li> <li>• an 'Engineering Services Report' which among other things outlines the approach to surface water management e.g. SuDS.</li> <li>• a 'Site Specific Flood Risk Assessment' which concludes that the proposed development is appropriate at this location.</li> </ul> <p>I also note that PV panels are proposed at roof level.</p>
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		I am satisfied that, should permission be granted, the proposed development would result in a high quality and environmentally sustainable building including in relation to surface water management.
8	To secure sustainable density, intensity at locations of high accessibility	<p>The issue of density has been addressed in both the original IR dated 19<sup>th</sup> November 2022 (in section 11.6) and in detail previously in this sub-section of this Addendum Report. The proposed density is consistent with the provisions of policies SC10 and SC11 of the DCDP 2022-2028, it is however higher than the general range identified for Key Urban Villages under Appendix 3 of the Plan but not significantly higher than the density permitted at Omni Living SHD to the east. I consider that the proposed density would be sustainable and could not be considered to be excessive in the context of the receiving environment.</p> <p>Existing public bus routes running along Swords Road include the numbers 16, 33, and 41, all of which provide good service. Permission has been granted for the Bus Connects Swords to City Centre Bus Corridor Scheme along Swords Road which would improve bus transport in the coming years. The location of the site integrated with the Omni Park Shopping centre, which is Key Urban Village and a focal point for development is also relevant.</p> <p>In my opinion the proposed development would result in an appropriate and sustainable density appropriate to its location adjacent to a Bus Connects route and within a Key Urban Village, would be in line with the Compact Settlement Guidelines (2024), and would be consistent with the densities of other existing and permitted developments in the vicinity.</p>
9	To protect historic	The site is not located within an area of archaeological potential. Issues of archaeology were considered in section

	environments from insensitive development	<p>12.12 of the original IR dated 19<sup>th</sup> November 2020. The DCC City Archaeologist raised no issues, and the original IR considered that the proposal should be permitted subject to a condition requiring archaeological monitoring.</p> <p>I am satisfied that there would be no undue adverse impact on the historic environment. There are no protected structures or ACAs affected.</p>
10	To ensure appropriate management and maintenance	<p>The application was accompanied by several relevant documents including:</p> <ul style="list-style-type: none"> <li>• a 'Building Lifecycle Report' which provides an initial assessment of long-term running and maintenance costs, as well as demonstrating what measures have been specifically considered to effectively manage and reduce costs.</li> <li>• a 'Preliminary Travel Plan' by which the development can maintain a suitable rate of private car use and support the objectives of sustainable development.</li> <li>• a 'Management Plan' outlining how the development would be managed.</li> <li>• an OWMP relating to the management of waste during the operational phase.</li> </ul> <p>I consider the proposed development would be appropriately managed and maintained.</p>

2.5.29. Having regard to table 1, above, I consider that it has been demonstrated that the proposed development would be acceptable in terms of enhanced building height and density, in the context of Table 3 of Appendix 3 of the DCDP 2022-2028.

2.5.30. The appendix also identifies key criteria which all proposals for increased urban scale and height must demonstrate. These criteria, with my comments on same, are:



- The potential contribution to the development of new homes, economic growth and regeneration in line with the compact urban growth principles set out in the NPF and Project Ireland 2040 – 457 apartments and a creche and community building on a vacant unused industrial site located with a Key Urban Village and to be accessible to the existing Omni Park shopping centre resulting in an improved local public realm.
- Proximity to public transport connectivity, including key public transport interchanges or nodes – The site is well served by the public bus network, which will be improved by Bus Connects.
- Proximity to a range of employment, services and facilities – Inter alia, the site will integrate with the Omni Park Shopping Centre.
- Provision of adequate social and community infrastructure – The proposed development includes 2 no. commercial units (430.9sqm). The main frontage of the site including commercial development integrates with the existing Shopping centre and a proposed public plaza. Community infrastructure is addressed in sub-section 2.7.
- The availability of good walking, cycling and public transport infrastructure – The proposed development entails provision of improved pedestrian pathways and integration with the open space area and pedestrian infrastructure within the permitted scheme to the east (Omni Living SHD) with pedestrian connection to the shopping centre and Santry Road. The site is immediately adjacent to a Bus Connects corridor.
- Appropriate mix of uses, housing typologies and tenures – The original IR dated 19<sup>th</sup> November 2022 considered the quantum of commercial floorspace proposed to be appropriate and the housing typologies and tenure to be acceptable. I consider that the HNDA in the DCDP 2022-2028 does not apply in this case as per sub-section 2.6. I consider the uses, typologies, and tenure to be acceptable.
- The provision of high quality public open space and public amenities – Public open space is proposed and meet Development Plan standards in terms of quantity. This space is of sufficient quality as outlined in the original IR dated 19<sup>th</sup> November 2022.

- The resilience of the location from a public access and egress perspective in the event of a major weather or emergency or other incidents – The proposed development is immediately adjacent to a public plaza and the existing shopping centre car park.
- That the ecological and environmental sensitivities of the receiving environments have been adequately assessed and addressed – An Environmental Impact Assessment Report (EIAR) was prepared for the application, and this was subject of an EIA in the original IR dated 19<sup>th</sup> November 2022. The site is not of any notable importance for biodiversity. Appropriate assessment (AA) was carried out in the original IR and I have updated same in relation to the North West Irish Sea SPA (see also section 4/appendix 1).
- Appropriate design response that considers the characteristics of the site, any development constraints and prevailing character. The proposed development was robustly assessed in the original IR dated 19<sup>th</sup> November 2022 in terms of height, scale, mass, and design (section 11.5, 11.6 and 11.7) and neighbouring residential amenity (section 11.8). The proposed development was considered to be acceptable in terms of the design response, and I agree.
- Adequate infrastructural capacity – No particular issue in this regard has been raised by either DCC or Uisce Éireann.

Having regard to the foregoing I consider that the proposed development is consistent with the key criteria which all proposals for increased urban scale and height must demonstrate, as per page 220 (appendix 3 of volume 2) of the DCDP 2022-2028.

2.5.31. The original IR dated 19<sup>th</sup> November 2022 also robustly considered the proposed development in the context of building height. It concurred with the applicant that, although the proposed height would materially contravene the provisions of the DCDP 2016-2022, a material contravention of the Plan was warranted. The current DCDP 2022-2028 does not provide for a building height cap and therefore no material contravention of the current Plan in this regard would occur. However, it sets out a number of issues to be taken into consideration in assessing increased building heights and densities, and I have addressed these above.

## **Conclusion**

- 2.5.32. Sub-section 2.5 of this Addendum Report considers the issues of density and building height in the context of the DCDP 2022-2028 i.e. the statutory Development Plan, and relevant guidance that has been adopted since the original IR dated 19<sup>th</sup> November 2022 was prepared.
- 2.5.33. The policy framework at national, regional, and local level seeks to encourage higher densities at appropriate locations. The subject site is unused and semi-derelict and provides an adverse visual impact to the street. It is proposed to significantly intensify its use to a higher-density, residential-led development with a limited commercial element would not be consistent with the urban village zoning in terms of land use and would also be consistent with the pattern of development in the area.
- 2.5.34. The proposed development has a net density of 295uph, which is marginally higher than the nearest permitted development to the east (Omni Living SHD) Policy SC11 and appendix 3 of the Plan require provision of sustainable densities and compact growth. Among the areas identified as being suitable for increased density are areas close to high frequency public transport. The site adjoins the Swords to City Centre Core Bus Corridor Scheme. Policy SC10 of the Plan states that the Plan should ensure appropriate densities with the Compact Settlement Guidelines (2024) which has a density range, at this location, of 50-250uph.
- 2.5.35. Having regard to table 1, above, which is based on the performance criteria in assessing proposals for enhanced, height, density, and scale set out in table 3 of appendix 3, it can be concluded that the proposed development, having specific regard to its 295uph density, performs well in the context of the criteria set out. The proposed development would result in high quality design and placemaking, it would be distinctive and appropriately legible, it would provide an appropriate urban form and would create new public open space areas, it would result in a sustainable density appropriate to its location along a public transport corridor, it would be consistent with the densities of other existing and permitted developments in the vicinity, and it would not have an adverse effect on the amenities of adjoining areas. The proposed density is a critical factor in enabling the proposed development to perform as well as it does in the context of appendix 3 of the Plan.
- 2.5.36. Table 1 also involves assessment of the proposed building height against the performance criteria as per table 3 of appendix 3. Further to this, I concur with the

original IR dated 19<sup>th</sup> November 2022 that the proposed building heights are acceptable at this location. The site is located adjacent to a permitted core Bus Connects corridor, it is typical of the existing and permitted pattern of development in the vicinity, and it would be consistent with the requirements for higher buildings in terms of, for example, urban design, layout, permeability, and residential amenity. I consider that the proposed development would be consistent with policies SC14, SC15, SC16, and SC17 of the DCDP 2022-2028.

- 2.5.37. Having regard to the foregoing, I consider that the proposed SHD density and building heights are acceptable by reference to the current statutory Development Plan and relevant updated guidance, and no material contravention issue arises in terms of either density or building height.

## **2.6. Unit Mix and Unit Floor Areas**

- 2.6.1. The applicant considered that the Board may deem both the proposed unit mix and the unit floor areas as material contraventions of the DCDP 2016-2022. I consider these separately as follows:

### **Unit Mix**

- 2.6.2. The applicant considered that the Board may deem the proposed unit mix as a material contravention of the DCDP 2016-2022 because section 16.10.1 of the Plan required a maximum of 25-30% one-bed units and a minimum of 15% three or more bed units as part of apartment developments, neither of which were complied with in the application. The original IR considered that the proposed SHD unit mix would not comprise a material contravention of the DCDP 2016-2022 given the policy allows for consideration of deviation where “proposals of 15 units or more and may not apply to certain social housing needs and/or where there is a need for a particular form of housing for older people and students having regard to the housing strategy”. The applicant highlighted that the area is dominated by three and more bedroom units with the proposal providing a wider mix.
- 2.6.3. Section 15.9.1 (Unit Mix) of the current DCDP 2022-2028 is relevant to this. As part of the preparatory research for the Plan, alongside the preparation of a HNDA for the city, two sub areas were identified for sub-city level HNDA analysis; (i) the Liberties and (ii) the North Inner City. The subject site is not located within any of these areas

and is subject a unit mix as per SPPR1 of the Apartment Guidelines, which for area of the Dublin City administrative area other than the Liberties and North Inner is that housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. In this case the proposal is not a material contravention of current DCDP 2022-2028 in relation to unit mix.

## **2.7. Compliance with Objective CUO25 of the DCDP 2022-2028**

### **2.7.1. Objective CUO25 states, in full.**

*‘All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area\* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.*

*\*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector’.*

### **2.7.2. The cumulative gross floor area of the proposed SHD is 48,730.3sqm as per items 15 (c) and 17 of the application form. 5% of 48,730.3sqm is 2,436.51sqm. The proposal does provide a community unit with a floor area of 195.3sqm. This is well below the 5% requirement and would materially contravene the provisions of objective CUO25.**

### **2.7.3. Seeking further information and the recirculation of same to the relevant parties is not provided for under the relevant SHD legislation. As it is a material contravention of the Plan it cannot be addressed by way of a condition. Notwithstanding, should the Board be of a mind to grant permission for the proposed development, it may consider**

addressing this issue by means of a limited agenda oral hearing under section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.

- 2.7.4. However, in my opinion, the proposed development does not lend itself to a straightforward provision of the required community, arts, and cultural space in its current configuration. Given the 2,436.51sqm floor area that would have to be provided to achieve 5%, I do not consider that it is reasonable or feasible to do so without a fundamental re-organisation, given the ground floor layout and building footprint, and the likely loss of desirable commercial floorspace and/or communal amenity space. Simply changing the use of the proposed ground floor of the 2 no. commercial units (430.9sqm) in combination with the proposed community (195.3sqm) would not achieve the required 2,436.51sqm. The loss of the commercial units would be detrimental to the overall mix of development and permitting either additional upper floor areas or ground floor space further into the site to be used as publicly accessible spaces would likely result in security difficulties for the operation of the facility and have an adverse impact on the amenity of residents.
- 2.7.5. Therefore, while the material contravention of objective CUO25 of the DCDP 2022-2028 can only be addressed by way of an oral hearing should the Board be of a mind to grant permission, I consider that a refusal of this SHD application is appropriate in the circumstances, having regard to objective CUO25. The applicant has indicated that there is justification for material contravention of this objective on the basis of the level of existing community and cultural facilities in the wider area as evidenced within the submitted Community and Local Needs Audit, the provision of some community floorspace within the development and on the basis of objectives to increase housing under National, Regional and Local Planning policy. In this case the site is within a designated Key Urban Village and integrated with the existing core retail area within this designation. Having regard to the increase in population proposed at this location under this proposal taken in conjunction with permitted residential developments in the vicinity, it is appropriate that a sufficient level of community and cultural use be facilitated at this central location to be accessible to this increased population. In this case the level of community/cultural floorspace provided is significantly below the 5% requirement under Objective CUO25 and I do not consider that there is justification to material contravene this objective based on the central location of the scheme taken

in conjunction with proposed and permitted residential development, which will lead to a significant population increase at this location.

## **2.8. Compliance with Policies CA10 and CA17 of the DCP 2022-2028**

- 2.8.1. Section 3.5.2 (The Built Environment) of the Plan sets out a number of relevant climate-related policies including policy CA10 which states as follows,

*‘All new developments involving 30 residential units and/or more than 1,000sq.m. of commercial floor space, or as otherwise required by the Planning Authority, will be required to submit a Climate Action Energy Statement as part of the overall Design Statement to demonstrate how low carbon energy and heating solutions, have been considered as part of the overall design and planning of the proposed development’.*

- 2.8.2. While no specific Climate Action Energy Statement was submitted, an Energy & Sustainability report was submitted and the EIAR accompanying the application includes a Chapter 9, Air Quality & Climate. A number of measures have been incorporated into the overall design of the development to reduce the impact to climate where possible. The use of photovoltaics, low energy plant, exhaust and air source heat pumps along with the provision of electric vehicle (EV) charging points. The proposed development aims to have a very high energy performance, and it will achieve at minimum a Building Energy Rating (BER) of A3. Overall, these measures will aid in reducing the impact to climate during the operational phase of the proposed development. No mitigation is proposed for the operation phase of the proposed development as it is predicted to have an imperceptible impact.

- 2.8.3. I am satisfied that the Energy & Sustainability Report contains adequate detail in relation to, for example, BER, fabric energy efficiency, lighting, air source heat pumps, and solar panels and that the absence of a specifically named document is not a material contravention of the current Plan.

- 2.8.4. Policy CA17 states,

*‘To support, encourage and facilitate the potential of district heating in Dublin City, all Climate Action Energy Statements submitted to the Council (see Policy CA10) shall include an assessment of the technical, environmental and economic feasibility of district or block heating or cooling, particularly where it is based entirely, or partially on energy from renewable and waste heat sources’.*

2.8.5. Notwithstanding that I consider that adequate climate action energy information has been submitted in the application documentation, no reference is made to district heating as per policy CA17. The DCDP 2022-2028 implies that district heating is currently only available in the Docklands and Poolbeg areas and a connection is therefore not likely to be feasible. As such, I do not consider the absence of any commentary on district or block heating or cooling to be such an omission that permission should be refused. Notwithstanding, having regard to the interlinked provisions of policies CA10 and CA17 I consider that it would be appropriate, should a grant of permission issue for this application, that a condition be attached requiring submission of a Climate Action Energy Statement, to include an assessment of the feasibility of district or block heating or cooling.

## **2.9. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)**

2.9.1. These Guidelines replaced the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) which were in place at the time the SHD application was made, and which are referenced in the original IR dated 19<sup>th</sup> November 2022. Relevant issues relating to density have been addressed in sub-section 2.5. Commentary on quality urban design and placemaking is contained in section 4 of the Guidelines. Issues such as height, scale, mass and design, neighbouring residential amenity, and proposed residential standards have been addressed both in the original IR and in this Addendum Report and I do not consider that the proposed SHD fundamentally departs from any of the provisions of the current Guidelines.

2.9.2. The 2024 Guidelines contain four SPPRs as follows:

SPPR 1 – This states, among other issues, that above ground floor separation distances of 16 metres between opposing windows serving habitable rooms shall be maintained. This is a reduction from the 22 metres previously taken as the minimum separation distance. The original IR addresses ‘separation distance and privacy/overlooking’ in paragraphs 11.8.5 and notes that separation distances between blocks is at minimum of 18.091m and concludes that undue overlooking



would not result. I consider the application to be consistent with SPPR 1 with no separation distances between blocks below 16m.

SPPR 2 – As this relates to minimum private open space standards for houses it is not relevant to this SHD application.

SPPR 3 – This relates to car parking and states, inter alia, that in city centres and urban neighbourhoods of the five cities, car-parking provision should be minimised, substantially reduced, or wholly eliminated. This SHD application proposes a rate of car parking of 213 spaces for 457 apartments (a ratio of approx. 0.47) in addition to six car share spaces at surface level, so it is consistent with this SPPR. The maximum provision for this area is 1 space per apartment unit as per appendix 5 of the DCDP 2022-2028. The site is also immediately adjacent to a bus corridor. I consider that the car parking provision is appropriate.

SPPR 4 – This relates to the quantity and design of cycle parking and storage. I am satisfied that an appropriate quantity of spaces is provided (768 no.) and storage facilities are acceptable i.e. predominantly within the basement area and additional external spaces at surface level.

- 2.9.3. Having regard to the foregoing, I consider that the proposed SHD would be consistent with the relevant provisions of the Compact Settlement Guidelines (2024) apart from density, which has been explored in the previous section of this report.

## **2.10. Sustainable Urban Housing: Design Standards for New Apartments (2023)**

- 2.10.1. All relevant SPPRs i.e. minimum apartment floor areas, dual aspect, ground level floor to ceiling heights, and the number of apartments per floor per core, and the required minimum floor areas and standards set out in appendix 1 of the 2023 Guidelines are the same as the 2018 and 2020 Guidelines referenced in the original IR dated 19<sup>th</sup> November 2022. There has been no material change in this regard and therefore these updated Guidelines do not affect the assessment of the apartments as contained in the original IR.
- 2.10.2. I am satisfied that the proposed development complies with the relevant SPPRs and standards of the relevant Apartment Guidelines (2023).

### 3.0 Other Issues

- 3.1. Though not sought or referenced in the Board direction I consider that the following issues are relevant in terms of briefly describing the wider planning environment in terms of how it has changed since the original IR dated 19<sup>h</sup> November 2022 was prepared.

#### Planning Applications

- 3.2. The following notable application has been decided:

ABP-317121-23 – In 2024 permission was approved for the Swords to City Centre Bus Corridor Scheme (Bus Connects). Part of this corridor runs along Santry Road to the east of the site.

#### Climate Action Plan (CAP) 2024

- 3.3. The CAP 2024 is now in place. Given the development location on a brownfield site adjacent to a permitted Bus Connects corridor, I consider that the proposed SHD is consistent with the broad theme of the 2024 CAP.

#### National Biodiversity Action Plan 2023-2030

- 3.4. This Plan has been introduced since the original IR dated 19<sup>th</sup> November 2022 was prepared. The proposed development would not adversely impact on the objectives of the Plan.

### 4.0 Appropriate Assessment (AA)

- 4.1. AA was carried out in section 13.0 of the original IR dated 19<sup>th</sup> November 2022. It did not include North West Irish Sea SPA (site code 004236) because this European site did not exist at the time the applicant's AA Screening Report was prepared or the screening assessment was carried out by the Inspector. Therefore, I have undertaken an additional screening exercise in relation to this SPA which is set out in appendix 1 to this Addendum Report. The appendix should be read in conjunction with the AA screening carried out in the original IR.

- 4.2. Further to my additional AA screening, in accordance with section 177U (5) of the Planning & Development Act, 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.
- 4.3. This conclusion is based on:
- objective information presented in the Appropriate Assessment Screening Report,
  - the zone of influence of potential impacts, which does not include North West Irish Sea SPA (site code 004236), and,
  - the nature of the site which is not an ex-situ site for SCI species.
- 4.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.
- 4.5. Notwithstanding, I acknowledge that the North West Irish Sea SPA was not included for consideration in the AA Screening Report dated August 2022. Therefore, if the Board decides to hold an oral hearing for this application, I recommend that this issue forms part of a limited agenda for same, as this is a new issue.

## **5.0 Conclusion**

- 5.1. The Board received a planning application for a housing scheme under section 4(1) of the Planning & Development (Housing) Residential Tenancies Act (2016). This Addendum Report should be read in conjunction with the original IR on file dated 19<sup>th</sup> November 2022.
- 5.2. I have considered the proposed development in the context of the current DCDP 2022-2028 and relevant updated guidance that has been introduced since the original IR was prepared, as required by Board Direction BD-017292-24.
- 5.3. The primary issue for the application is the lack of compliance with objective CUO25 of the DCDP 2022-2028. As this is a new issue, and as the Board is precluded from seeking further information and recirculating same to relevant parties because it is an

SHD application, if the Board is of a mind to grant permission, I consider a limited agenda oral hearing is the appropriate mechanism to do this. This is a decision for the Board in line with section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.

- 5.4. Should the Board decide that a limited agenda oral hearing is appropriate in relation to objective CUO25, I recommend that one other issue is also included on the agenda i.e. an updated AA in relation to the North West Irish Sea SPA.
- 5.5. I consider that other issues that have arisen in this Addendum Report on foot of the DCDP 2022-2028 e.g. the Climate Action Energy Statement, green blue roofs / the Surface Water Management Plan, can be addressed by way of compliance conditions should the application be granted on foot of an oral hearing
- 5.6. I consider that the proposed development remains consistent with relevant updated section 28 guidance i.e. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing: Design Standards for New Apartments (2023).
- 5.7. Having regard to the foregoing, and notwithstanding that an oral hearing can be held by the Board should it be of a mind to grant permission, given that the proposed development would materially contravene objective CUO25 of the DCDP 2022-2028, I am recommending a refusal of permission.
- 5.8. This conclusion should be read in conjunction with both the original IR dated 19<sup>th</sup> November 2022 and the other sections of this Addendum Report.

## **6.0 Recommendation**

- 6.1. Having regard to the above, and to the content of the original IR dated 19<sup>th</sup> November 2022, I recommend that permission be refused for the reason set out below.

## 7.0 Reason for Refusal

1. Objective CUO25 of the Dublin City Development Plan 2022-2028 requires that large scale developments over 10,000sqm must provide at a minimum for 5% community, arts, and culture spaces as part of the development. The proposed development does not provide for such floor area. The proposed development would, therefore, materially contravene objective CUO25 of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Colin McBride

Senior Planning Inspector

19<sup>th</sup> March 2025

# Appendix 1

## Appropriate Assessment (AA) Stage 1

As set out in section 4.0, AA screening has already been carried out in the original IR dated 19<sup>th</sup> November 2022 for twenty European sites, comprising eight special areas of conservation (SACs) and seven SPAs. This appendix relates solely to AA screening in the context of North West Irish Sea SPA (site code 004236) which was designated after the planning application was lodged and the original IR was prepared. This SPA is approx. 9.4km north east of the site as the crow flies.

Appropriate Assessment Stage 1 – Screening Determination
<p><b>Description of the project</b></p> <p>I have considered the proposed development in light of the requirements of section 177U of the Planning &amp; Development Act, 2000 (as amended).</p> <p><u>Subject site</u></p> <p>The subject site is a brownfield site in an existing built-up area site currently occupied by vacant warehouse structure located adjacent the Omni Park Shopping Centre in Santry.</p> <p><u>Proposed development</u></p> <p>It is proposed to demolish the existing structures on site and construct 457 apartments with ancillary residential amenity facilities, a childcare facility and community space arranged in 4 no. blocks ranging from 4-12 storeys. Wastewater is to be discharged to the public system. Surface water will discharge through a SuDS treatment train process and attenuation prior to discharge to the public surface water sewer.</p> <p><u>Submissions and observations</u></p> <p>Issues raised by observers in relation to AA are summarised in section 13 of the original IR dated 19<sup>th</sup> November 2022 under the subheading of Appropriate Assessment (AA)'. AA was not an issue raised by a prescribed body. DCC's Chief Executive's Report dated 17<sup>th</sup> October 2022 states, in relation to AA, that it is a matter for the Board to consider, as the competent authority for the application.</p>
<p><b>Potential impact mechanisms from the project</b></p> <p><u>European sites</u></p> <p>Table 1 of the submitted AA Screening Report identified the same fifteen European sites as set out in the original IR dated 19<sup>th</sup> November 2022, within a precautionary 15km radius zone of interest from both the subject site. All fifteen European sites were examined for the potential for significant impacts on European sites. No significant impact was identified, and stage 2 AA was not considered to be required.</p> <p>North West Irish Sea SPA was not considered in the submitted AA Screening Report, or in the original IR, because it was not designated until 2023.</p> <p><u>Effect mechanisms</u></p> <p>The AA Screening Report considered that there was no potential for likely significant effects on any of the European sites because of, variously:</p> <ul style="list-style-type: none"><li>• the intervening distances between the subject site and the relevant European site,</li></ul>

- the lack of any significant hydrological link from the subject site to the relevant European site and nearby waterbodies,
- the insignificant increase in the loading at Ringsend WwTP as a result of the proposed development,
- the absence of a hydrological connection or alternative pathway between the subject site, WwTP and the relevant European site,
- the marine buffer/dilution factor that exists between the subject site, WwTP and the relevant European site,
- no possibility of significant disturbance and/or displacement of SPA special conservation interest (SCI) species during the construction and operational phases, and,
- the lack of suitable habitat for SCI species of the SPA within or within close proximity to the subject site.

### European site at risk

As previously set out this AA screening only considers North West Irish Sea SPA as all other relevant European sites were included in the AA screening carried out in the original IR dated 19<sup>th</sup> November 2022.

#### North West Irish Sea SPA (site code 004236) Special Conservation Interests (SCIs) and Conservation Objectives

Special Conservation Interests (SCIs)	Conservation objectives
Red-throated diver [[A001] Great northern diver [A003] Fulmar [A009] Manx shearwater [A013] Cormorant [A017] Shag [A018] Common scoter [A065] Little gull [A177] Black-headed gull [A179] Common gull [A182] Lesser black-backed gull [A183] Herring gull [A184] Great black-backed gull [A187] Kittiwake [A188] Roseate tern [A192] Common tern [A193] Arctic tern [A194] Little tern [A195]	<p>15 SCIs have, as their conservation objective, to maintain its favourable conservation objective i.e. A001, A003, A013, A065, A177, A179, A182, A183, A187, A192, A193, A194, A195, A199, and A200.</p> <p>Six SCIs have, as their conservation objective, to restore its favourable conservation objective i.e. A009, A017, A018, A184, A188, and A204.</p> <p>Conservation objectives are defined by the following targets:</p> <ul style="list-style-type: none"> <li>• Population trends are stable or increasing / no significant decline.</li> <li>• Spatial distribution: Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population.</li> <li>• Forage distribution extent and abundance: Sufficient number of locations, area of suitable</li> </ul>

<p>Guillemot [A199]</p> <p>Razorbill [A200]</p> <p>Puffin [A204]</p>	<p>habitat and available forage biomass to support the population target.</p> <ul style="list-style-type: none"> <li>• Disturbance across the site: The intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution.</li> <li>• The number, location, shape and area of barriers do not significantly impact the site population's access to the SPA or other ecologically important sites outside the SPA.</li> </ul>
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The North-west Irish Sea SPA constitutes an important resource for marine birds. The estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. These areas, along with more pelagic marine waters further offshore, provide additional supporting habitats (for foraging and other maintenance behaviours) for those seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands. These marine areas are also important for seabirds outside the breeding period.

**Likely significant effects on the European site 'alone'**

I do not consider that there is any possibility of the proposed development having any likely significant effect on the North West Irish Sea SPA because of:

- the distance between the subject site and the SPA,
- the lack of any significant hydrological link from the subject site to the SPA,
- the absence of an alternative pathway between the subject site, WwTP and the relevant European site,
- the insignificant increase in the loading at Ringsend WwTP as a result of the proposed development
- the marine buffer/dilution factor that exists between the subject site, WwTP and the SPA,
- no possibility of significant disturbance and/or displacement of the SPA SCI species during the construction and operational phases, and,
- the lack of suitable habitat for the SPA SCI species within or within close proximity to the subject site.

I consider that potential for significant effects on the North-west Irish Sea candidate SPA can be excluded as the proposed development would not result in impacts that could undermine the attainment of conservation objectives. The development would not result in impacts that could affect seabird population trends, cause disturbance of birds in the marine environment, their spatial distribution, forage distribution and abundance or cause barriers to access to the SPA or other ecologically important sites outside the SPA.

I conclude that the proposed development would have no likely significant effect 'alone' on any SCI species of North West Irish Sea SPA and, as such, I also conclude that it would have no likely significant effect in combination with other plans and projects on the SPA. No further assessment is required for the project.



### **Overall Conclusion – Screening Determination**

In accordance with section 177U (5) of the Planning & Development Act, 2000 (as amended) and on the basis of objective information, further to and in conjunction with the AA screening carried out in the original IR dated 19<sup>th</sup> November 2022, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.

This conclusion is based on:

- objective information presented in the Appropriate Assessment Screening Report,
- the zone of influence of potential impacts, which does not include North West Irish Sea SPA (site code 004236), and,
- the nature of the site which is not an ex-situ site for SCI species.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.