



An
Coimisiún
Pleanála

Inspector's Report PL-500159-DN

Development	Retention permission for a material change of use from restaurant use to retail use and all associated works.
Location	Unit 3 Swiss Cottage, Swords Road, Santry, D09 X52D
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2602/25
Applicant(s)	AHA Unity Brothers Ltd
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Declan Myers
Observer(s)	None
Date of Site Inspection	23 rd February 2026
Inspector	Matthew O'Connor

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is 0.015ha and located at Unit 3, on the ground floor level within the envelope of 'Swiss Cottage', a part-five, part-six storey mixed-use building comprising apartments above a parade of ground floor retail units on the eastern side of Swords Road (R-132) in Santry, Dublin 9. The subject unit comprises a 'Spar' convenience shop with off-licence and contains associated signage. To the north of the Swiss Cottage building and appeal site, there are a collection of buildings fronting the Swords Road offering a mix of commercial and retail uses such as a pharmacy, tanning salon, take away, restaurant/take away, barber and beautician; to the south, there is an established two-storey building comprising a barbers and a Electrical shop; and, to the west, on the opposing side of Swords Road, is Santry Place which is large multi-storey residential complex.
- 1.2. The character of the surrounding area is predominantly residential with established houses comprising two storey dwellings on the eastern side of the Swords Road. There are also an established office park (St Johns Court) and an Industrial Estate (Santry Hall) on the western side of Swords Road whilst Omni Park Shopping Centre is over 300 metres to the south. There are no protected structures on or adjoining the appeal site and it is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The subject development comprises retention of:
- material change of use from restaurant use to retail use with the provision of an off licence
 - associated material alterations to elevation signage and the internal layout.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant retention permission for the development, subject to 7 no. conditions. Whilst many of the conditions are generally standard, I make reference to the following conditions of note:
- Condition 1: Development retained in accordance with plans and particulars.
 - Condition 2: Repositioning of off-licence and shopfront to retain clear glazing.

- Condition 3: Costs to any repairs of roads/services shall be at developer's expense.
- Condition 4: Drainage specifications.
- Condition 5: Restriction on signage.
- Condition 6: Window display to be maintained.
- Condition 7: Compliance with Codes of Practice.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. First Planner's Report

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history, relevant sections of the Development Plan and inter departmental/referral reports.
- The Planning Authority noted that use of the land for shop (local) and shop (neighbourhood) are both permissible and off-licence is open for consideration under the Z3 zoning of the Development Plan.
- The Planning Authority noted the proposed shop would be located at the ground floor of a predominantly residential development and provide for day-to-day needs of local residents and is within a parade of other retail units. The change of use was deemed to be acceptable.
- The provision of an off-licence within the store was noted but concern was raised in relation to location and alcohol-related signage. Additionally, there was concern regarding the particulars/details of elevational signage. Further Information was therefore required.
- No issues raised with respect to Appropriate Assessment (AA) or Environmental Impact Assessment (EIA).

Further Information was sought in relation to 1 no. item which is stated as follows:

1. It is noted that the location of the ancillary off license to be retained is to the front of the shop with signage detailing the provision of an off license on the front façade, which is contrary to 'Section 15.14.8 Off licence' of the Dublin City Development Plan 2022-2028. The applicant is therefore requested to review

these aspects of their application and to submit details which demonstrate how they will be addressed.

3.2.3. Second Planner's Report

- The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis to grant retention permission with conditions.
- In relation to Item No. 1 of the Request for Further Information regarding the location of the off-licence, the Planning Authority noted the response of the applicant regarding the location of the off-licence, the shelving arrangement/display area, the glazing on the buildings façade and that there is no existing or proposed advertising of alcohol products on the façade / frontage of the premises and that there was options for alternative location of the off-licence and removal of signage. The assessment of the Planning Authority had concern with the siting of the off-licence and the window screening measures to the front of the shop. The Planning Authority considered the relocation of the off-licence to the rear of the shop, as indicated as an alternative location by the applicant, to be an acceptable way to deal with the issue of compliance in relation to shopfronts/signage.

3.2.4. Other Technical Reports

- Transportation Planning Division: No response received.
- Drainage Division: No objection subject to compliance with Code of Practice and conditions.

3.3. **Prescribed Bodies**

- None.

3.4. **Third Party Observations**

3.4.1. One third party observation was submitted in relation to the subject development and the issues of concern have been summarised by the Planning Authority as follows:

- The development is excessive for Santry and its surrounding area.
- There are numerous convenience stores and supermarkets in the vicinity of the site, which all provide off-licence use. The area has no retail capacity for an additional retail store.

- Five retail stores proximate to the site.
- Lack of new housing along the Swords Road in this area of Santry. No extensive residential developments to support the introduction of a new retail store.
- No cycle facilities in vicinity of the site.
- Proposal would generate increase traffic in an already heavily congested area.
- Lack of parking on the subject land.
- Proposal does not take into account the need for delivery trucks.

4.0 Planning History

- 4.1. There have been a number of proposals at the subject site with the following planning history noted:

ABP Ref. ABP-319684-24 (D.C.C Ref. WEB1196/24) - Permission REFUSED by An Bord Pleanála who overturned the decision of Dublin City Council to grant permission for retail use (previously Restaurant), provision of Off Licence subsidiary to retail use, signage and associated works. Applicant: AHA Unity Brothers Ltd.

An Bord Pleanála's reason for refusal states as follows:

The proposed development for which planning permission is sought differs materially from the existing characteristics of the appeal site and the statutory notice, in that work and use, as described in the public notices, namely retail use, provision of off-licence subsidiary to retail use and the signage and associated works, have already been carried out and the use of the property for retail purposes has commenced. In this regard, it is considered inappropriate to grant permission in a circumstance where the statutory description of the proposed development is not consistent with the existing status of the subject site. The proposed development would, therefore, be contrary to proper planning and sustainable development.

In deciding not to accept the Inspector's recommendation to grant permission, the board noted that the fundamental issue is that the development, the subject of this application, has already been completed.

ABP Ref: ABP-306987-20 (SHD0005/20) – Permission GRANTED by An Bord Pleanála for a Strategic Housing Development (SHD) for 120 no. apartments and associated site works. The proposed development will amend and supersede the development currently being undertaken on site permitted under ABP-303358-19. Applicant: Cinamol Ltd.

ABP Ref: ABP-303358-19 (SHD0001/19) - Permission GRANTED by An Bord Pleanála for a Strategic Housing Development (SHD) for demolition of existing single storey licenced premises on site, construction of 112 no. Build to Rent units, cafe/retail/restaurant and associated site works. Applicant: Cinamol Ltd.

D.C.C. Ref. 2532/18 – Permission REFUSED for demolition of the former Swiss Cottage Bar and Restaurant and the construction of a five storey over basement mixed-use development comprising 2 no. retail/commercial units, 1 no. café/restaurant unit and 1 no. takeaway unit at ground floor level with associated signage; 89 no. apartments ground, first, second, third and fourth floor levels, new vehicular and pedestrian access, 100 no. car parking spaces and 45 no. bicycle spaces, bin store, ESB sub-station, landscaping and associated site works. Applicant: Quayspoint Propertiez Ltd.

ABP Ref: PL29N.247121 (D.C.C Ref. 4211/15) - Permission GRANTED by An Bord Pleanála who upheld the decision of Dublin City Council to grant permission for the demolition of the former Swiss Cottage Bar and Restaurant structure and the rear wall and part of derelict dwelling (Pinecroft) on Schoolhouse Lane, construction of a 3 storey mixed-use structure comprising 1 no. retail/commercial unit and 1 no. takeaway unit at ground floor level, 1 no. two storey restaurant/cafe unit at ground and first floor level and 1 no. retail/commercial unit at ground and first floor level, office accommodation at first floor level and 1 no. licensed retail convenience/discount foodstore including off licence and ancillary services with terrace at second floor level, the relocation of the existing entrance off Swords Road to access surface level undercroft car park for 80 no. car parking spaces with 9 no. on street parking spaces, 20 no. bicycle spaces at surface level, elevational signage, landscaping, ESB substation, switch room etc., bin store, boundary treatments and all ancillary site and engineering works necessary to facilitate the development. Applicant: Quaypoint Properties Ltd.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan 2022-2028 is the relevant Development Plan for the subject site.

5.1.2. Chapter 7 relates to 'The City Centre, Urban Villages and Retail' with section 7.5.3 relating to Key Urban Villages, Urban Villages and Neighbourhood Centres. The following policy is relevant to Urban Villages and Neighbourhood Centres:

Policy CCUV25: Neighbourhood Centres / Local Shopping - To support, promote and protect Neighbourhood and Local Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities.

5.1.3. Section 7.5.4 relates to Convenience and Retail Service Shopping and the following policies are deemed to be relevant to the subject development:

Policy CCUV27: Provision of Convenience Retail - To promote convenience retail development in the city, particularly in new regeneration areas and where such development can provide an important anchor to secure the vitality and viability of Key Urban Villages, urban villages and neighbourhood centres.

Policy CCUV28: Provision of Retail Services - To support and promote the development of retail service development at all levels of the retail hierarchy in the city.

5.1.4. Chapter 14 relates to 'Land-use Zoning'. The site is zoned 'Z3' - Neighbourhood Centres with an objective 'to provide for and improve neighbourhood facilities'. The description of this zoning designation states: 'Neighbourhood Centres provide local facilities such as convenience shops, hairdressers, post offices etc. within a residential neighbourhood and range from the traditional parade of shops to larger neighbourhood centres. They may be anchored by a supermarket-type development, typically of between 1,000 sq. m. and 2,500 sq. m. of net retail floorspace. They can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres may include an element of housing, particularly

at higher densities, and above ground floor level'. Permissible uses in Z3 zoned lands include off-licence (part), shop (local) and shop (neighbourhood). Off-licence is also indicated as being Open for Consideration.

5.1.5. Chapter 15 relates to 'Development Standards' and sets out the standards and criteria to be considered in in the development management process. This chapter is wholly relevant in relation to the assessment of developments, however the following sections are considered to be of particularly note to the subject development:

- *Section 15.14.8: Off Licences*
- *Section 15.17.5: Shopfront and Façade Design*

5.1.6. Volume 2 of the Development Plan contains a number of appendices containing notes and standards for various development types. Appendix 2 - 'Retail Strategy' and Appendix 5 - 'Transport and Mobility: Technical Requirements' are considered to be particularly relevant to the subject development.

5.2. **Natural Heritage Designations**

5.2.1. The appeal site is located within a built-up urban area and is not located on or within any designated Natura 2000 sites. The nearest designated sites are indicated as the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) approximately 4.03km to the southeast; North Bull Island Special Protection Area (Site Code: 004006) approximately 5.7km to the southeast; North Dublin Bay Special Area of Conservation (Site Code: 000206) approximately 5.71km to the east; South Dublin Bay Special Area of Conservation (Site Code: 000210) approximately 6.9km to the southeast; Baldoyle Bay Special Area of Conservation (Site Code: 000206) approximately 6.92km to the east; Baldoyle Bay Special Protection Area (Site Code: 004016) approximately 7.22km to the east; Malahide Estuary Special Area of Conservation (Site Code: 000205) approximately 7.9km to the northeast; Malahide Estuary Special Protection Area (Site Code: 004025) approximately 7.9km to the northeast; and the North-west Irish Sea Special Protection Area (Site Code: 004236) approximately 8.5km to the east. The Santry Demesne Proposed Natural Heritage Area (Site Code:000178) is approximately 0.25km to the north.

6.0 EIA Screening

6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The Third Party appeal has been received Myers Supermarket Santry Ltd against the Planning Authority's decision to grant retention permission for the subject development. The grounds of appeal can be summarised as follows:

Planning History

- Permission was refused by An Coimisiún Pleanála in 2025 for proposed retail use and provision of off-licence but prior to the decision, the applicant carried out works without obtaining permission.
- The application should be refused as the development was carried out without approval which undermines the planning process.

Over proliferation of retail units

- The additional retail development is excessive for Santry and the surrounding area as there are already numerous convenience stores and supermarkets in the vicinity.
- The area has no capacity for an additional retail store and a map has been provided detailing retailers within a 2km radius of the appeal site.
- The proposal does not meet the criteria set out in Section 15.14.8 of the Development Plan in consideration of off-licences.
- The location of the off-licence within the retail area is not in compliance with the requirements of the Development Plan for off-licences and signage.

Traffic Congestion and No Cycle Facilities

- No traffic assessments have been provided or any justification given for the lack of car or bicycle parking.

- Section 15.2.3 of the Development Plan indicates that a mobility management plan/travel plan is usually required for developments with reduced or zero parking.
- Within such documentation, the Planning Authority did not assess the application to the highest standards.
- There is a significant issue with traffic congestion in the area which is dangerous at peak times. Traffic is a concern outside the store with parking occurring in the bus lane and footpath which blocks pedestrians.
- The application has not been assessed properly in terms of delivery trucks or other retail units in the Omni Shopping Centre.

Anti-social behaviour

- There has been a significant increase in anti-social behaviour around the shop with groups of youths loitering outside the shop and the general area causing noise problems for local residents and the general public. Therefore, the development does not comply with Policy CCUV40 of the Development Plan.

7.2. **Applicant Response**

- None.

7.3. **Planning Authority Response**

- None.

7.4. **Observations**

- None.

8.0 **Assessment**

Having examined the application details and other associated documentation on file, the third party appeal, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I consider the main issues in this third party appeal can be addressed under the following headings:

- Principle of Development.
- Over-proliferation of Retail Units
- Traffic Congestion & Lack of Bicycle Facilities

- Anti-Social Behaviour
- Other Matters
- Appropriate Assessment (Screening).

8.1. Principle of Development

8.1.1. In assessing any development, I consider that a key consideration for the assessment of the proposal is the principle of development. The subject development seeks retention of the material change of use from restaurant use to retail use along with the provision of an off-licence and associated material alterations to elevational signage and the internal layout. The unit is currently in operational use as a 'Spar' shop with associated off-licence area and has a stated total floor area of 155sqm.

8.1.2. The site is zoned 'Z3' - Neighbourhood Centres with an objective '*to provide for and improve neighbourhood facilities*'. Permissible uses in 'Z3' zoned lands include off-licence (part), shop (local) and shop (neighbourhood). Off-licence is also indicated as being Open for Consideration. The description of the 'Z3' zoning designation in the Development Plan states that Neighbourhood Centres provide local facilities such as convenience shops within a residential neighbourhood and range from the traditional parade of shops to larger neighbourhood centres. It is indicated that they may be anchored by a supermarket-type development and can form a focal point for a neighbourhood and provide a range of services to the local population. The Development Plan further states that Neighbourhood Centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate.

8.1.3. Section 7.5.3 of Chapter 7 in the Development Plan relates to Neighbourhood Centres and Policy CCUV25 seeks to support, promote and protect Neighbourhood and Local Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities. More specifically, Section 7.5.4 relates to 'Convenience and Retail Service Shopping' with Policy CCUV27 aiming to promote convenience retail development in the city, particularly in new regeneration areas and where such development can provide an important anchor to secure the vitality and viability of neighbourhood centres. In addition, Policy CCUV28 is relevant as it relates to the provision of Retail Services and seeks to support and promote the development of retail service development at all levels of the

retail hierarchy in the city. To this end, I consider the development to be retained is acceptable in principle and consistent with the land use zoning objective and the policy provisions for Neighbourhood Centres, Convenience Retailers and provision of Retail Services.

8.1.4. The subject development also includes the retention of an off-licence and associated material alterations to the west elevation signage. The assessment of the Planning Authority noted that the floor area of the sectioned-off off-licence space (14.9sq.m) is below 10% of the overall area of the shop (155sq.m) and located to the front of the shop. It was also noted that there is a spirit sales area (0.6sq.m) behind the cash register. The Planning Authority did not consider the off-licence to be in line with Section 15.14.8 (Off-Licence) of the Development Plan. Additionally, the Planning Authority noted that one-third of the shop front is devoted to the off-licence and concern was raised regarding the off-licence signage and that this signage be omitted from the front elevation.

8.1.5. In response to a request for Additional Information, the applicant provided their own consideration of the criteria set out in Section 15.14.8 of the Development Plan and contended that the location of the display area for alcohol products is in an unobtrusive location in the store and out of the eye line of patrons entering the store. The applicant's response to Additional Information indicated the possible relocation of the Off-Licence to an alternative area on enclosed drawings. The applicant stated that there is no existing/proposed advertising of alcohol products on the façade/frontage of the premises and that signage stating 'off licence' on the front façade is not prohibited. Notwithstanding, the applicant indicated that they are not opposed to a condition stipulating the removal of the signage. The Planning Authority's assessment of the Response to Additional Information maintained concern regarding the off-licence location and additional screening to the front elevation. The submitted alternatives of the applicant with respect to signage and off-licence location were deemed to be acceptable. Condition No. 2 of the Planning Authority's decision to grant states that the development approved shall incorporate the 'off licence' re-positioned to the rear of the shop as detailed in drawing named "possible alternative location" as received on 11/09/2025 and that the shopfront is to retain clear glazing. The glazing of the shopfront is re-emphasised in Condition No. 6.

8.1.6. In my consideration of the off-licence element, I note that Off-Licence is indicated as being Open for Consideration on land zoned 'Z3' - Neighbourhood Centres. Section 15.14.8 of the Development Plan relates to Off-Licences and sets out a number of criteria to be applied for their consideration which are paraphrased as follows: the context and character of the street where the aim is to maintain and improve the vitality of the shopping experience; the range of uses at ground floor in an area; the size of the off-licence in the context of the size of premises in the area; where a part off-licence is proposed as part of a convenience unit, the floor area used for the display of alcohol products is subsidiary to the main use of the shop (generally no more than 10% of the total floor area); the location of the display area of alcohol products shall be in an unobtrusive position i.e. not near the entrance or windows of the shop and preferably to the rear of the premises; and, the area for the display of alcohol products shall be detailed on the floor plans and the display of alcohol products shall be limited to this area only.

8.1.7. The Development Plan states that in cases where a grant of planning permission is considered for off-licences, strict regulation and regard shall be given to the need to impose conditions which include limiting the display area of alcohol products to that area of the shop only as detailed on the plans; no advertising of the sale of alcohol products on the façade/frontage of the premises; and no display of alcohol products or advertising of the sale of alcohol products on or near both the entrance and the windows.

8.1.8. Having regard to the above criteria, I am satisfied that the development would encourage a range of convenience retail shops in this area. I am also of the view that the off-licence would form an ancillary element of the shop and would not exceed 10% of the total floor area. Whilst I note that the location of the off-licence is situated adjacent to the front of the unit proximate to the shop entrance, it is located in the corner and contained in a secure, sectioned-off area which is not readily visible open entry to retail unit. In my opinion, the subject unit has a narrow plan and the existing location of the off-licence is acceptable having regard to the shop configuration as it limits public exposure and access despite being situated to the 'front' of the unit. Moreover, I consider that the relocation of the off-licence to the alternative location illustrated on drawings submitted at Additional Information stage would be more prominent to customers as it would be more visible upon direct entry and would adjoin

the main shelving space in the shop floor/main retail space. I have no objection to the small alcohol display behind the counter as it is in a secure space within a cabinet/shelf which is not publicly accessible and the sales counter creates a physical barrier. In relation to the shopfront and glazing, the main façade is divided into 3 no. bays divided by two brick columns. I note that 3 no. panels of the southernmost shopfront bay contain opaque glazing/screening in the off-licence area. However, I do not consider that these screens diminish the overall frontage along Swords Road on account of this glazing only accounting for 3 no. panels (approximately one quarter) of the total shopfront. I accept that there is no advertisement of the sale of alcohol in the unit or on the glazing of the unit and it is my opinion that the 'Off-Licence' signage/lettering at fascia level is not an advertisement for the sale of alcohol but rather a factual indication that the premises is licenced for alcohol sales. In my opinion, the lettering/signage is appropriate for the shopfront and would be subservient to the mains 'Spar' brand sign. To this end, I am satisfied that the location of the off-licence is acceptable, as constructed, and I do not consider that it should be relocated. I am also satisfied that the Off-Licence signage/lettering on the shopfront is not an advertisement for alcohol and should be retained as constructed. In addition, I consider that the limited extent of obscure glazing/screening along the front facade does not detract from the streetscape. Notwithstanding, should the Commission hold the view that the location of the off-licence be unacceptable along with the associated 'Off Licence' signage and glazing features, I consider that the retail unit can be adapted by way of conditions, similar to those of the Planning Authority's schedule of conditions.

8.2. Over-proliferation of Retail Units

8.2.1. The appellant's ground of appeal claim that the subject development will result in an over-proliferation of retail units in the area and states that there are numerous convenience stores in the locality which suggests there is no capacity for an additional retail unit. A map submitted with the appeal indicates that there is a Tesco (approximately 517 metres), M&S (approximately 210 metres), Lidl (approximately 250 metres), Circle K (approximately 260 metres) and a Centra (approximately 360 metres) from the site.

8.2.2. In considering the subject development, I note that the retail unit is located within an existing parade of shops comprising a laundrette and an Insomnia coffee shop. Having regard to the 'Z3' (Neighbourhood Centre) zoning objective, I am satisfied that the

development to be retained falls within the scope of a Neighbourhood Centre as set out in Section 5.3 of Appendix 2: Retail Strategy of the Development Plan which states that neighbourhood centres *‘generally provide important top up and day to day shopping and retail service functions...and...consist of a shopping parade with a small supermarket/grocery store with a limited range of supporting shops such as a butcher or chemist and retail services like hairdressers and possibly other services such as post offices serving a small, localised catchment population. These centres play an important role in serving the needs of those without access to a car’.*

8.2.3. In terms of the development constituting an over-proliferation of retail units, it is my opinion that the existence of several convenience or supermarket stores in an area, particularly one that is largely residential in form, would not constitute an over provision of shops/retail units as they provide a variety of retail offer to the local population. Moreover, I am of the view that given the designation of this area as a Neighbourhood Centre it would not be unreasonable for there to be shops or similar type retailers offering day-to-day shopping/convenience services for residents in that local neighbourhood area along with greater consumer choice and competition. With this in mind, I do not consider that the subject retail use would create an over-proliferation of retail units in this area nor would it be indicative of an over-capacity for retail stores given the extent of residential development in the immediate locality. Therefore, I consider the development to be acceptable.

8.3. Traffic Congestion & Lack of Bicycle Facilities

8.3.1. The appellant raises a number of traffic congestion and parking concerns in relation to the subject development. The grounds of appeal indicate that no traffic assessments or justification has been provided for the lack of car or bicycle parking. It is further stated that Section 15.2.3 (Planning Application Documentation - Planning Thresholds) of the Development Plan indicates that a Mobility Management Plan/Travel Plan is usually required for developments with reduced or zero parking. The appellant claims that there is a significant issue with traffic congestion in the area which is dangerous at peak times and that traffic is a concern outside the store with parking occurring in the bus lane and footpath which blocks pedestrians. In addition, the appeal contends that the application has not been assessed properly in terms of delivery trucks or other retail units in the Omni Shopping Centre.

- 8.3.2. In relation to the appellant's contention that a Mobility Management Plan/Travel Plan are usually required for developments with zero/reduced car parking. I refer to Section 15.2.3: 'Planning Application Documentation - Planning Thresholds' in the Development Plan. The wording states that planning applications should be supported by the necessary analysis and documentation to demonstrate the proposed design and rational for a scheme. In my view, such reports/documentation are not prescriptive and therefore, I do not consider the absence of a Mobility Management Plan/Travel Plan for the subject application to constitute a contravention of the Development Plan and that the Planning Authority considered the application on its own merits. I consider that a Mobility Management Plan/Travel Plan is not required having regard to the nature and scale of the change of use from restaurant to retail and the location of the site in an urban area which is close to residences and served by public transport.
- 8.3.3. In considering the matter of servicing and deliveries, I note that a loading bay for the Swiss Cottage development (approved under ABP-306987-20) has been provided on street on Schoolhouse Lane. This loading bay is to serve the commercial element of the scheme and I consider that the development to be retained could utilise same. I therefore have no concern in relation to servicing/deliveries.
- 8.3.4. In terms of traffic generation, I note that at the time of my inspection (midday on Monday 23rd February) I did not observe vehicles parked in an uncontrolled manner in or around the appeal site. I observed both formal and informal off-street vehicle parking along Schoolhouse Lane and Magenta Crescent in addition to on-street parking along a segment of Swords Roads adjacent to the existing commercial units to the north of the appeal site. I consider that the location of the subject development is in a primarily residential area with a considerable number of people within walking distance of the Swiss Cottage development. It is my opinion that the location of the retail unit would reduce the need to drive/use private car and that there is capacity in the locality to accommodate car parking. Moreover, I do not consider that the unit's change of use from the approved restaurant to retail use would result in significant additional vehicle movements or exceptional traffic volumes on existing the road network when considered in the context of the established residential setting of Swords Road. As a further point, the subject site is located in an area served by public transport with the Dublin Bus Routes 16 (Ballinteer (Kingston) Towards Dublin Airport), 33 (From Balbriggan Towards Lwr. Abbey St.), 41 (From Swords Manor Towards Lwr.

Abbey St.) 41B (From Rowlestown Towards Lwr. Abbey St.), 41C (From Lwr. Abbey St. Towards Swords Manor) and 41D (From Swords Business Park Towards Lwr. Abbey St.) located on the opposite side of the Swords Road from the appeal and approximately 100 metres to the north of the site. I therefore consider that the appeal site is in an adequately serviced area which is proximate to frequent public transport.

8.3.5. In assessing traffic and parking considerations, I note from review of the appeal file that the subject unit does not currently have on-site parking availability (for either cars or bicycles) and there is no dedicated on-street vehicle parking adjacent to the unit or the other ground floor units in Swiss Cottage on this section of Swords Road. I note that no report was received from the Transportation Planning Division and the assessment of the Planning Authority informed that traffic/parking generation was previously considered under the permission (Ref. ABP-306987-20) for a Build-to-Rent apartment scheme at Swiss Cottage which included car parking for 36 no. cars and space for 183 no. bicycles. It was deemed that traffic generation figures would not vary to a large extent and the subject development was considered to be satisfactory.

8.3.6. The car parking standards are set out in Appendix 5 - 'Transport and Mobility: Technical Requirements' of the Development Plan. The appeal site is located in Zone 3 with the Swords Road indicated as being in Zone 2 and part of the indicative alignment for a proposed Bus Connects Radial Core Bus Corridor. Having regard to Table 2: Maximum Car Parking Standards for Various Land Uses in the Development Plan, I note that 1 space per 75sq.m is required. The retail unit to be retained is indicated as being 155sq.m and therefore, a maximum of 2 no. car spaces would therefore be required. I note that the Development Plan states that a relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location but there are no specified relaxations indicated for Zone 3. In terms of bicycle parking, I note that bicycle parking standards are set out in Table 1: Bicycle Parking Standards for Various Land Uses in Appendix 5 - 'Transport and Mobility: Technical Requirements' of the Development Plan. For retail land uses in all zones, 1 no. bicycle space per 5 staff is required for Long Term parking and 1 no. bicycle space per 100sq.m GFA is required for Short Stay/Visitors. The Development Plan states that departures from the standards set out in Table 1 may be acceptable in limited circumstances on a case-by-case basis at the discretion of Dublin City Council and that the applicant must fully engage with Dublin City Council

at pre-application stage to ascertain any deviations from the above standards. Having regard to the above, I note that the number of staff has not been expressly stated, however would consider that a minimum of 2 no. bicycle parking spaces would be required based on the floor area and my estimation of the number of staff.

Matter of Material Contravention

8.3.7. No car or bicycle parking has been provided for the subject development and in my view it raises the matter of a Material Contravention having regard to the provisions of Table 1: 'Bicycle Parking Standards for Various Land Uses' and Table 2: 'Maximum Car Parking Standards for Various Land Uses' in Appendix 5 - 'Transport and Mobility: Technical Requirements' of the Development Plan. The Commission should note that it may decide to grant a permission even if the proposed development contravenes materially the Development Plan as stated in Section 37(2)(a) of the Planning & Development Act 2000 (as amended). Having regard to the matters considered above in relation to planning history of the site, the residential character of the surrounding area, the nature of the development to be retained, the limited extent of additional parking demand likely to be generated, the accessibility of the development by public transport, and existing off-street parking provision in the vicinity; I am of the view that the non-provision of vehicular and bicycle parking is acceptable and that the retail unit/shop to be retained is unlikely to cause undue traffic or parking issues. As such, I consider that permission for the proposed development should be granted having regard to Section 37(2)(a) of the Planning & Development Act 2000 (as amended).

8.4. Anti-Social Behaviour

8.4.1. According to the appellant, there has been an increase in anti-social behaviour around the subject shop to be retained in terms of the loitering of youths in the area which has caused noise problems for local residents and the general public. It is contended by the appellant that the development does not comply with Policy CCUV40 of the Development Plan.

8.4.2. In consideration of these grounds of appeal, I note that the appellant has not provided any evidence to corroborate anti-social behaviour as a direct result of the retail. I have had regard to this policy which relates to public safety and seeks to promote the development of a built environment and public spaces which are designed to deter crime and anti-social behaviour and which promote safety, as per 'Your City Your

Space' Public Realm Strategy (2012). In review of this document, I note that it is specifically stated that the area covered under this Strategy 'applies to the historic, cultural and commercial core of the city between the Royal and Grand Canals'. The subject site is situated outside of this area and therefore, I do not consider Policy CCUV40 of the Development Plan to be applicable in the assessment of the subject development.

8.5. Other Matters

Planning Authority Conditions

8.5.1. As previously indicated, retention for the subject development was granted by Dublin City Council, subject to 7 no. conditions. In my view, many of the planning conditions reflected in the Planning Authority's recommendation are generally standard in nature. However, my assessment essentially considers that the development, as submitted at application stage, to be acceptable in relation to the location of the off-licence, the signage and glazing. In this regard, I consider that there is no requirement for Condition No. 2 and Condition No. 6 of the Planning Authority's decision. It is my opinion that a similarly worded condition to Condition No. 5 can be attached in the event of retention being approved. Furthermore, as the development relates to the change of use of an existing unit, I do not consider that it is necessary to include conditions for repairs to public road (Condition No. 3) or drainage (Condition No. 4) as no such works are sought as part of the development and I consider that matters such as drainage, noise and transportation can be addressed as per Condition No. 7 of the Planning Authority's decision. Therefore, I am satisfied that appropriate conditions can be attached should the Commission be minded to retention permission and that any items which require may require specification requirements could be agreed in writing by the Planning Authority and would not be significant or material to the overall development to be retained.

9.0 Appropriate Assessment (Screening)

9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject development seeks retention of the material change of use from restaurant use to retail use along with the provision of an off licence and associated material alterations to the west elevation signage and the internal layout. The appeal site is located within an established urban

area and is not located within or adjoining any designated Natura 2000 sites and the development is connected to the existing services network.

9.2. The subject site is approximately 4.03km from the nearest designated site which is the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024). I note that there are a number of other European Sites in the wider Dublin Bay/coastal area of the city which include the North Bull Island Special Protection Area (Site Code: 004006), North Dublin Bay Special Area of Conservation (Site Code: 000206), South Dublin Bay Special Area of Conservation (Site Code: 000210), Baldoyle Bay Special Area of Conservation (Site Code: 000206), Baldoyle Bay Special Protection Area (Site Code: 004016), Malahide Estuary Special Area of Conservation (Site Code: 000205), Malahide Estuary Special Protection Area (Site Code: 004025), and the North-west Irish Sea Special Protection Area (Site Code: 004236) respectively.

9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The scale and nature of the development;
- The distance to the nearest European site and the lack of direct connections; and,
- Taking into account the screening determination of the Planning Authority.

9.4. I conclude on the basis of objective information, that the subject development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 **Water Framework Directive**

10.1 There are no water courses in the immediate vicinity of the appeal site which is situated within an established urban area. The subject development comprises retention of the material change of use from restaurant use to retail use along with the provision of an off licence and associated material alterations to the west elevation signage and the internal layout. There are no changes to the existing connections services (foul sewer and storm drainage). No specific water deterioration concerns were raised in the

planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the proposed works; and,
- The location of the site in a serviced urban area and the distance from nearest water bodies and lack of direct hydrological connections.

10.3 I conclude that on the basis of objective information, that the subject development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that the decision of the Planning Authority be upheld and that retention be GRANTED, subject to conditions, for the reasons and considerations below.

12.0 Reasons and Considerations

12.1. Having regard to the 'Z3' (Neighbourhood Centres) zoning objective as set out in the Dublin City Development Plan 2022-2028, the associated policy provision of the Development Plan relating to 'Neighbourhood Centres' namely, Policy CCUV25 (Neighbourhood Centres / Local Shopping), Policy CCUV27 (Provision of Convenience Retail) and Policy CCUV28 (Provision of Retail Services), and the location of the subject site within an established built-up urban area, it is considered that subject to compliance with conditions below, the development to be retained would not seriously injure the residential amenity of the area, would not lead to an over-concentration or over-proliferation of convenience retail in the area, would not seriously impact on traffic or pedestrian safety or injure the residential amenities of

adjacent residents or property in the vicinity. The subject development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application on 08/07/2025 and 11/09/2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from the signage permitted in this permission, no advertising signs (including any signs installed to be visible through the windows) advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the premises or within the curtilage of the building, or attached to the glazing without the prior grant of planning permission. No display of goods or materials or advertising boards shall take place on the adjoining footpaths. No external roller shutters or their housings, awnings, canopies or grills, shall be erected without a prior grant of planning permission.</p> <p>Reason: In order to prevent advertising clutter and in the interest of visual amenity.</p>
3.	<p>A plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the subject development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, shall be prepared for the Local Authority within 3 months of permission being approved and shall be placed on the file and retained as part of the public record.</p>

	Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.
4.	The applicant/developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads Streets & Traffic Department and the Noise & Air Pollution Section. Reason: To ensure a satisfactory standard of development.

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.

Matthew O'Connor

26th March 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	PL-500159-DN
Proposed Development Summary	Retention permission for a material change of use from restaurant use to retail use and all associated works.
Development Address	Unit 3 Swiss Cottage, Swords Road, Santry, D09 X52D
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8	The development is not a Class.

of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____