

## Chief Executive's Report

Response to An Bord Pleanála in accordance with the requirements of Section 8(5)(a) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*

ABP Case Number: TA29N.314019

DCC Ref: SHD0014/22

Application Date: 8 July 2022

Website: [www.santryavenueshd2.ie/](http://www.santryavenueshd2.ie/)

**Development Location:** At the Junction of Santry Avenue & Swords Road, Santry, Dublin occupying the site of the existing Chadwick Builders Merchants

### **Proposed Strategic Housing Development**

*The development consists of the following:*

(1) Demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m<sup>2</sup>).

Construction of 350 no. 1, 2, & 3 bed apartments, retail / commercial and community uses in 4 no. buildings that are subdivided into Blocks A-G as follows:

(2) Block A is a 7 to 14 storey block consisting of 59 no. apartments comprised of 26 no. 1 bed & 33 no. 2 bed dwellings, with 2 no. commercial/retail units located on the ground floor (c. 132.4m<sup>2</sup> & 173m<sup>2</sup> respectively). Adjoining same is Block B, which is a 7 storey block consisting of 38 no. apartments comprised of 6 no. 1 bed, 20 no. 2 bed, & 12 no. 3 bed dwellings, with 2 no. commercial/retail units located on the ground floor (c. 162.3m<sup>2</sup> & 130.4m<sup>2</sup> respectively). Refuse storage areas are also provided for at ground floor level.

Block C is a 7 storey block consisting of 55 no. apartments comprised of 13 no. 1 bed & 42 no. 2 bed dwellings. Refuse storage areas are provided for at ground floor level. Adjoining same is Block D which is a 7 to 10 storey block consisting of 51 no. apartments comprised of 25 no. 1 bed, 19 no. 2 bed, & 7 no. 3 bed dwellings, with 1 no. commercial unit / café located on the ground floor (c. 163.3m<sup>2</sup>). A refuse storage area is also provided for at ground floor level.

Block E is a 7 to 10 storey block consisting of 58 no. apartments comprised of 10 no. 1 bed & 48 no. 2 bed dwellings, with 1 no. community use unit located on the ground floor (c. 188.1m<sup>2</sup>). A refuse storage area, substation, & switchroom are also provided for at ground floor level. Adjoining same is Block F which is a 7 storey block consisting of 55 no. apartments comprised of 13 no. 1 bed & 42 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.

Block G is a 7 storey block consisting of 34 no. apartments comprised of 20 no. 1 bed & 14 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.

(3) Construction of a 1 storey residential amenity unit (c. 187.9m<sup>2</sup>) located between Blocks A & D.

(4) Construction of basement level car parking (c.5,470.8m<sup>2</sup>) accommodating 173 no. car parking spaces & 719 no. bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, & F. External vehicular access to the basement level is from the south, between Blocks B & C. 36 no. car parking spaces & 58 no. bicycle parking spaces are also provided for within the site at surface level.

(5) Public open space of c. 1,915m<sup>2</sup> is provided for between Blocks C, D, E, & F. Communal open space of c. 3,122m<sup>2</sup> provided for between (i) Blocks E, F, & G, (ii) Blocks A, B, C, & D, and (iii) in the form of roof gardens located on Blocks A, C, & F and the proposed residential amenity use unit. The development includes for hard and soft landscaping & boundary

treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.

(6) Vehicular access to the development will be via 2 no. existing / permitted access points: (i) on Santry Avenue in the north-west of the site (ii) off Swords Road in the south-east of the site, as permitted under the adjoining Santry Place development (Ref. 2713/17).

(7) The development includes for all associated site development works above and below ground, bin & bicycle storage, plant (M&E), sub-stations, public lighting, servicing, signage, surface water attenuation facilities etc.

Key Figures	As Per Applicant's Submission
Site Area	1.5ha
No. of units	350 residential units
Mix	113 x 1-bed (32%) 218 x 2-bed (62%) 19 x 3-bed (5%)
Number of blocks	7
Density	233/ha + commercial
Plot Ratio	1.76
Site Coverage	33.5%
Height	Between 7 and 14 storeys (22m to 48m)  Zone/Block A : 7-14 storey (48.3m) Zone/Block B: 7 storey (22.9m) Zone/Block C: 7 storey (26.5m) Zone/Block D: 7 - 10 storey (32.6m) Zone/Block E: : 7 - 10 storey (32.6m) Zone/Block F: 7 storey (25.6m) Zone/Block G: 7 storey (22.9)
Dual Aspect	According to applicant 53%
Communal Amenity Space	3122 sq.m. sq.m. indicated on Site Layout according to applicant  Upon measurement by planning authority: 2,300 sq.m.
Public Amenity Space	1915 sq.m. (13%)  Upon measurement by planning authority: 1,575 sq.m
Car Parking	173 (basement) + 36 (surface)
Bicycle Parking	719 (basement) +58 (surface)
Creche	None
Community Facility	188 sq.m.
Residential Amenity	188 sq.m.

## PRE-PLANNING CONSULTATIONS

Pre-Application Consultation were held with Dublin City Council as follows:

SHDPAC0044/21 – 24 November 2021;

A copy of the record of the pre-planning consultation held with the planning authority regarding the current proposal has been forwarded to the Board in the planning authority's previous submission in accordance with Section 6 (4)(b)(i) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*.

ABPSHDPAC0025/21 (An Bord Pleanála Ref: TC29N.312127)

Section 247 consultations were held as required under Section 5 of the *Planning and Development (Housing) and Residential Tenancies Act 2016*. A meeting with An Bord Pleanála was held on 22 April 2022.

An Bord Pleanála issued the Notice of Pre-Application Consultation Opinion on 27 April 2022, that the documents submitted with the request to enter into consultations were a reasonable basis for an application under section 4:

*It was considered that the following specific information should be submitted as part of the application:*

- Daylight/Sunlight analysis
- Statement of Consistency
- EIAR screening information

### **Presentation to the North Central Area Committee Meeting**

In accordance with Section 8 (4)(c)(ii) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*, a presentation on this Strategic Housing Development application was made to the North Central Area Committee on 28 July 2022 by videoconference. A summary of the views of the Elected Members expressed at that meeting is attached as an Appendix to this report.

### **Observations**

Over 30 submissions were received by An Bord Pleanála, and circulated to the Local Authority including from Chadwicks Group Ltd, The Dublin Airport Authority (daa), Irish Water, the National Transport Authority (NTA), Transport Infrastructure Ireland (TII), public representatives, local residents, Santry Forum, Santry Community Association, and the Louth Environmental Group.

The issues raised in the third party submissions include:

- Will have fatal impacts on Chadwicks' long established thriving builder's merchants on the site, with the loss of 22 full-time jobs, as no alternative premises is available for lease
- No consultation between developer and tenant (Chadwicks)
- New housing welcomed in principle
- Insufficient social infrastructure (education, medical, social, cultural, recreational) in Santry to support large volumes of new residential developments
- Cumulative impacts must be considered with other large residential developments, including in Fingal
- Contravenes the Z3 zoning, excessively residential

- Does not comply with the Ministerial Guidelines on Building Height, having regard to existing high capacity frequent public transport services (case law, O'Neill & another v An Bord Pleanála, 2020 IEHC 356)
- Excessively dense, overdevelopment
- Already refused under previous SHD
- Unit mix unsuitable for families, will lead to transient population
- Unit mix contravenes Development Plan
- Density contravenes Development Plan
- Lack of planning gain
- Premature in advance of completion of Bus Connects, and in the absence of a Local Area Plan
- Loss of employment use on site
- Primary school, primary care health centre, crèche should be provided on site
- Excessive height, scale, and mass, out of character with Santry village, in contravention of the Development Plan, and impacting daylight, sunlight, visual amenity, and residential amenity
- Inadequate separation distances, amenity space, and daylight to proposed development
- Use of Santry Place exit a sleight of hand
- Under-provision of car parking
- So-called landmark building will be an eyesore
- Proposed small units in high rise with insufficient services will provide poor residential amenity and adversely affect mental health of residents
- Development similar to Ballymun tower blocks
- Part V units should be spread out throughout the development
- Insufficient resident amenities proposed
- Unsympathetic to St Pappan's Church of Ireland Church
- Chadwicks building should be retained due to its architectural/industrial heritage interest
- Insufficient cycling infrastructure and public transport in area, in contravention of '15 minute city' concept
- No schools in Santry – exacerbates transport congestion
- Will exacerbate high levels of retail vacancy
- Will exacerbate traffic congestion, public transport overloading, and antisocial parking
- Will exacerbate existing flooding, drainage issues, and low water pressure
- Will exacerbate poor air quality
- Will impact wildlife and habitats in Santry Demesne
- Fire hazard
- Will contribute to development of stagnant air
- Residents will be affected by aircraft fumes
- Letter of consent submitted with application is inadequate
- Misleading information submitted (photomontages)
- Bat survey inadequate
- No bus capacity assessment undertaken
- Mobility Management Plan inadequate
- Inadequate information submitted on traffic and transport
- Environmental Impact Assessment Report (EIAR) inadequate and deficient
- Appropriate Assessment (AA) Screening document inadequate, not based on appropriate expertise
- Inadequate Social and Community Infrastructure Assessment submitted
- The Developer is erroneously relying on Ministerial Guidelines that are themselves not on a sound legal footing, and interpreting them in a flawed manner.
- The Board does not have the required expertise to examine the EIAR

Regarding statutory bodies, the following observations were made:

TII noted they had no observations to make.

The NTA noted that the BusConnects Swords CBC scheme has progressed since the subject planning application was prepared, and recommends that the applicant is required to liaise with the NTA to ensure the development facilitates the BusConnects scheme.

Irish Water noted that works would be required to facilitate a connection, and that the developer would be liable for the costs of these.

The DAA noted that the site is located within the Obstacle Limitation Surface for Dublin Airport, that no structure should exceed 112 metres above sea level, and that proposals for crane operations should be agreed prior to construction with the DAA and with the Irish Aviation Authority.

**Departmental Reports:**

**Transport Planning Division:** Report dated 11/08/22 concluding that the division is broadly satisfied with the proposed development and that in the event of a grant of permission recommended conditions should pertain.

**Drainage Division:** Report dated 22 July 2022, no objection subject to conditions.

**Parks, Biodiversity & Landscape Services:** Report dated 19 August 2022, no objection subject to conditions.

**Conservation:** Report dated 10/08/22, refusal recommended.

**Housing and Community Services:** Report dated 12 July 2022 stating that the applicant has previously engaged with the Housing Department in relation to the development and are aware of the Part V obligations pertaining to the site.

**Air Quality Monitoring and Noise Control Unit:** Report dated 11 July 2022 recommending conditions.

**Waste Regulations:** email dated 11 July 2022 recommending conditions.

**Archaeology:** report dated 02 August 2022 recommending archaeological monitoring as a condition.

All reports received from internal divisions are attached for the information of An Bord Pleanála.

**Site Description:**

The site is located on the western side of the Swords Road and southern side of Santry Avenue, Dublin 9 and sits on the junction of these two roads with frontage onto both. The site is bounded by a residential development site (plan nos. 2713/17, 2737/19, and current application no. 4549/22 refer) to the south (Z1 and Z3 zoning); by industrial lands (Z6) to the west and by Santry Avenue and Santry Demesne (a regional park) to the north. Santry Avenue delineates the boundary between Dublin City Council and Fingal County Council, with Santry Demesne falling in the functional area of Fingal County Council.

The existing site contains an industrial warehouse building with ancillary showroom and offices in the centre of the site, with hard standing surrounding on all sides. It is currently in use by Chadwicks, (formerly Heiton Buckley Building Providers). These buildings (over 40,000 sqm) are all proposed for demolition. At the opinion (pre-planning) stage of this application, the Conservation Office report described these buildings as follows:

*The Heiton Buckley Builders Merchants on the corner of the Swords Road & Santry Avenue (Red brick industrial complex with rounded bay & tower) is considered by the CO to be of architectural interest.*

*Santry has a long history as a location for commercial and industrial purposes in Dublin. This modernist structure is an example of light industrial/commercial architecture, similar to other mid 20th century industrial warehouses which have sprung up on the fringes of the city, many of which also display modernist influences, and many of which are now at risk from demolition.*

*The architectural style of the front of the building is reminiscent of the work of Dutch Modernist Architect Willem Dudok, whose work generally consisted of 1-2 storey red or brown brick flat roofed structures, with long overhanging concrete eaves, punctuated by brick towers and often a curved extension to the front.*

*The Heiton Buckley building shares these characteristics and has a pleasing, modernist*

*frontage, with punch windows at each level (which would originally have been steel windows).*

The majority of existing, established development along the Swords Road is of a low-density type and consist primarily of single, two and three storey developments with some exceptions at certain points including the nearby Omni Shopping Centre and recent, higher density mixed-use and apartment schemes.

The lands immediately to the south of this site, now referred to as Santry Place, have construction underway of a development of over 200 apartments with a maximum height of 7 storeys / approx. 26m.

Two recently permitted SHD development sites are also in very close proximity to this site i.e. the former Swiss Cottage site (on the opposite side of Swords Road), and lands north-east of the Omni Shopping Centre (200 metres to the south) on which a combined figure of over 400 apartments have been permitted recently by ABP, with a maximum height of 12 storeys on the lands northeast of Omni Shopping Centre. The Swiss Cottage Development is now complete (120 apartments, while the development north of Omni (324 apartments + aparthotel) has yet to be commenced.

There are perimeter trees on site including the Swords Road tree row, which is under the maintenance of Parks Services and lie east of the application site boundary. In the local area Santry Park, which is a Regional Park in the Fingal County Council administrative area is located immediately north of the application site and is the significant recreational resource for this area. This historic demesne landscape dates from the 1700s and contained the now demolished home of the Barry family. The original estate lands are now broken up and include the public park, Morton Stadium, housing and a Trinity College book repository.

Existing trees- a tree survey and tree protection plan has been submitted. The tree population is generally located externally to the site boundary but in close proximity.

Generally the locality is adequately serviced by existing public open space due to the close proximity of Santry Demesne.

There are currently 2 no. vehicular access points into the site along Santry Avenue. One access serves the existing building merchants on site and the other provides access to the site to the south which is currently under construction.

#### **Relevant Site History**

SHD0016/21 (ABP-310910-21)

Permission refused by An Bord Pleanála for 350 apartments, retail/commercial/community uses for 1 reason - material contravention of Dublin City Development Plan, having regard to the mix of units proposed, which was not mentioned in the public notices

#### **Nearby and Relevant:**

**4549/22:** Application for modifications to a permitted mixed use development under Refs. 2713/17 and 2737/19, known as "Santry Place" located at Santry Avenue and Swords Road, Santry, Dublin 9. Live application, decision due 19 September 2022.

**2543/21:** Application for modifications to a permitted mixed use development under Refs. 2713/17 and 2737/19, known as "Santry Place" located at Santry Avenue and Swords Road, Santry, Dublin 9. Permission Refused for the following 2 no. reasons:

1. Having regard to the proposed height, scale and bulk of Block F, its architectural articulation of long and uninterrupted walls of glazing and metal panels, its orientation and close proximity to recently-completed residential development immediately adjoining to the east in Santry Place and the backland location of the application site, it has not been satisfactorily demonstrated to the planning authority that the proposed development would make a positive contribution to the urban neighbourhood or

successfully integrate into the area. The proposed development would provide for a poor outlook from residential units in Block D and would have an overbearing effect on these proposed residential units and on those recently-completed residential units in Santry Place. The proposal constitutes overdevelopment of the site, would provide for a substandard quality of residential amenity for future occupiers of the scheme and would seriously injure the visual and residential amenities of properties in the vicinity. The proposal would therefore, be contrary to Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and to the proper planning and sustainable development of the area.

2. Having regard to the height, scale and massing of the proposed blocks enclosing the communal amenity courtyard, the architectural articulation of long and uninterrupted walls of glazing and metal panels on Block E and F, coupled with the limited separation distances between all blocks and the resulting constrained width of the communal amenity courtyard, the proposed development would not provide for quality communal amenity space for the benefit of future occupiers of the proposed scheme by reason of overbearing effect of the blocks, poor outlook from the courtyard and potential for excessive overshadowing of the amenity courtyard. The proposed development would, therefore, be contrary to the Design Standards for New Apartments - Guidelines for Planning Authorities (December 2020) and to the proper planning and sustainable development of the area.

**DCC Reg Ref 2737/19:** Application for Modifications to permitted mixed use development under Ref. 2713/17 located at Santry Avenue and Swords Road, Santry, Dublin 9 (lands to the immediate south of the application site and within the applicant's ownership). Permission granted to increase the height of Blocks A, B and C from 5 storeys to 7 storeys and increase the number of apartments by 70 no. apartments, from 137 no. apartments to 207 apartments. Additional alterations to non-residential uses also approved. Permission Granted subject to conditions

**2713/17:** Plan No. 2713/17: Application for (c.25,083 sq.m. m total gfa above basement car park, and excluding plant, bin stores and bike stores), generally comprising:

- The partial demolition (c.7,781 sq.m. m gfa) of an existing 8-bay warehouse (c.9,539 sq.m. m gfa), and the construction of:
- **Block A:** 5-storey mixed use building fronting Swords Road (c.5,932 sq.m. m gfa in total), including 3 no. retail/commercial units (c.502 sq.m. m) at ground level and 48 no. residential units in levels above;
- **Block B:** 5-storey residential building (c.5,233 sq.m. m gfa, 47 no. residential units);
- **Block C** 1 no. 5-storey mixed use building (:c.5,383 sq.m. m gfa in total), including 2 no. office units (c.373 sq.m. m gfa) and 1 no. crèche (c.331 sq.m. m gfa) at ground floor, and 42 no. residential units from ground to 4th floor levels;
- **Block D:** the refurbishment of the partially retained and reclad double height warehouse (2-bays, 1,758 sq.m. m gfa) with new 4-storey extension, to accommodate commercial office use (c.6,733 sq.m. m gfa in total); and
- **Block E** a new 4-storey commercial office building (: c.1,802 sq.m. m gfa in total);
- all ancillary and associated site development works, including:
- new vehicular and pedestrian access via Swords Road at the north east corner of the site, and environmental improvements along the Swords Road frontage;
- upgrading of existing vehicular and pedestrian access via Santry Avenue;
- new basement car park (c.3,988 sq.m. m) accessed via ramp under Block A accommodating 122 no. car parking spaces (to include 6 no. disabled access),
- 100 no. bicycle parking spaces, plant, etc.;
- 151 no. surface car parking spaces (to include 7 no. disabled access);
- 100 no. surface bicycle spaces; bin storage at ground level in Blocks B and C;
- surface water attenuation tank; and,
- hard and soft landscaping, lighting and boundary treatment works

Permission Granted subject to conditions.

**SHDs in the immediate area of relevance:**

**ABP Ref. 307011-20** Strategic Housing Application for demolition of existing structures, construction 324 apartments, crèche and associated site works at Lands to the northeast of Omni Park Shopping Centre, Swords, Santry. Permission Granted by ABP subject to conditions

**ABP-306987-20: Strategic Housing Application** for an SHD of 120 no. apartments and associated site works at Former Swiss Cottage lands, Swords Road, Santry, Dublin 9. Permission Granted by ABP subject to conditions (this application superseded SHD ABP306987).

#### **Pre Planning Consultations**

Copies of the record of the consultation held with the Planning Authority regarding the proposal currently before the Board has been included as part of this submission. A meeting was held on 24 November 2021. A tripartite meeting was held with ABP on 22 April 2022.

#### **Planning Assessment:**

##### **Zoning and Principle of Development**

The entire site is zoned Objective Z3 - "To provide for and improve neighbourhood facilities".

Residential use is a permissible use in this land use zoning. It is also proposed to include 4 no. commercial/retail units (631 sq.m.); a GP Surgery/Medical Suite (130.4 sq.m.); community use (186.1 sq.m.); and residential amenity use (187.9 sq.m.). These are all permissible uses under the Z3 zoning.

A Permissible Use is one which is generally acceptable in principle in the relevant zone, but which is subject to normal planning consideration, including policies and objectives outlined in the development plan.

Many objections cite the fact that the land use ratio of residential to non-residential use (over 90% residential) does not comply with the requirements for neighbourhood centres (Z3-zoned) sites as the percentage of residential use is so high and the extent of neighbourhood and commercial facilities is so low.

In this regard, the provisions of 14.8.3 of the city development plan for Neighbourhood Centres should be highlighted. Z3 areas are those areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres... they provide a limited range of services to the local population within 5 minutes' walking distance... Neighbourhood centres may include an element of housing, particular at higher densities, and above ground floor.

While the percentage of development dedicated to purely residential use is indeed considered significant, it is proposed to be provided above ground floor level and at higher densities with neighbourhood shops and amenities i.e. retail / commercial units and residential and community amenities, provided at ground floor level where they address the public domain. The ratio of uses proposed in this application is similar to many higher density developments on Z3-zoned sites in the city and has been accepted by the planning authority and An Bord Pleanála as compliant with the Z3-zoning objective, including on the former Swiss Cottage site where 120 apartments have been permitted above ground floor retail on a site zoned Z3 (ABP-306987-20 refers).

It is, therefore, considered that the development does not contravene the requirements of the zoning objective for the site.

#### **Demolition.**

It is noted that the Conservation Office is recommending a refusal, due to the demolition of the existing buildings on the site. Their report notes that the Conservation Section recommended retention and reuse of the red brick office and showroom block with the tower

(but not the warehouse/factory block) during the pre-planning consultations with An Bord Pleanála on the proposed development. It is also noted that Chadwicks have also submitted an objection to the demolition, due to their inability to find alternative premises.

As noted in the submitted Architectural Heritage Assessment (prepared on behalf of the applicant by Dermot Nolan, a Grade 2 Conservation Architect) and in the Conservation Office's report, the existing buildings were built to designs by T. J. Cullen (replaced by Nolan and Quinlan after his death in 1947) for J. H. Saville & Co, Irish distributors for International Harvester Ltd., an American tractor manufacturing company, as their offices, showroom, and factory in the early 1950s. The building (this street-facing red brick section in particular, as opposed to the more extensive factory/warehouse section to the rear) draws heavily on the modernist architectural style prevalent in Holland at the time.

The part of the building in question is set back from the site boundary on Swords Road by between c. 15 and c. 34 metres, with a setback of between c. 20 and c. 29 metres from Santry Avenue to the north. It is largely single-storey, and has an area of c. 1100 sqm. The retention of this portion of the building would create a considerable constraint on the site. Notwithstanding the attractive nature of the building, and notwithstanding the submission from Chadwicks, it does not constitute an efficient use of serviced zoned land in a built up area, having a low site coverage, and a low plot ratio.



**Figure 1: showroom/offices in question marked with a cross**

As such, given the existing policies (both at city level, in the Dublin City Development Plan 2016-22) and at national level on intensification of use and density in built up areas, the retention of this building (which has not been included in the National Inventory of Architectural Heritage, is not a protected structure, and is not being proposed as a protected structure) is not justified, and its demolition is considered acceptable.

Regarding the other recommendations of the Conservation Office at tripartite stage –

- *A conservation expert (a Grade 1 or 2 Conservation Architect / or equivalent surveyor) with proven and appropriate expertise shall be employed to complete an Architectural Heritage Assessment of the extant principle Helton and Buckley building, setting out its history, its architect and identifying all significant interior and exterior features.*

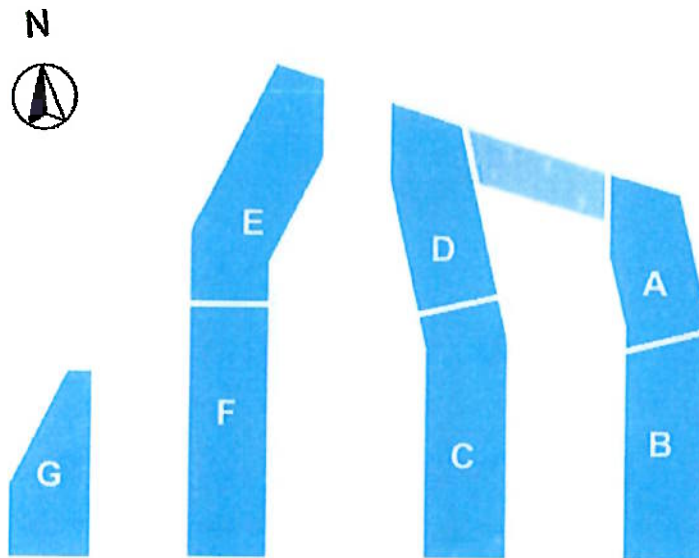
- The AHIA shall include a comprehensive and detailed photographic record cross referenced against a detailed drawn record of the building including the exterior and interior, with all 20th Century fabric, materials, features and fixtures identified
- The Architectural Heritage Impact Assessment as submitted, which sets out the history, architects, and significant interior and exterior features, and includes a comprehensive and detailed photographic record cross referenced with drawings, should be submitted to the Irish Architectural Archive. A condition should also be attached regarding a methodology for the removal of any asbestos materials, and air quality monitoring.

### Layout

The development layout proposes 7 blocks with a north-south orientation parallel to the Swords Road with public open space provided between Blocks C/D and E/F and communal open space provided for between Blocks A/B and C/D and also between Blocks E/F and G.

The planning authority is satisfied with the general layout and orientation of the 7 no. blocks.

Blocks A/ B primarily address Swords Road, with a total of 3 no. commercial units and the medical suite at ground floor / street level on the ground floor of these blocks. The northern/narrow ends of Blocks A, D and E address Santry Avenue, as does a single-storey residential amenity block, with commercial spaces in Block A and D and a community space in Block E. Block G (wholly residential) is located in the south-western corner of the site.



### KEY PLAN

Figure 2 Key plan, showing disposition of blocks

### Density

Dublin City Council actively encourages higher densities on appropriate sites across its administrative with accompanying highest quality of urban design on accessible, connected sites as per Policy SC13 of the DCDP:

**SC13:** To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence

*in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities.*

With regard to the proposed density, the proposed figure of 233 units per hectare (plus commercial development at ground floor) is high. The planning authority does not have any objection in principle to a high density development on this site, given its close proximity to a high frequency public transport corridor. The changing character of the area is taken into account and it is noted that permission has been granted by ABP for a Strategic Housing Development at lands to the north-east of the Omni Shopping with a density of 250 residential units per hectare plus an aparthotel and a density of 250 residential units plus ground floor commercial at the former Swiss Cottage site on the opposite side of Swords Road. The density proposed in this proposal is comparable to these recently permitted developments which have proven acceptable to An Bord Pleanála.

### **Height**

Section 16.7.2 of the Dublin City Development Plan 2016-22, (Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development) addresses the issue of building height in the city. The Plan sets 16m as the maximum height permissible for residential developments in this area.

The proposed development has heights ranging from 22.9m (7 storeys/ Blocks B & G) to 48.3m (14 storeys / Block A)

Block B – 7 storeys (24.6m)

Block C – 7 storeys (22.9m – 26.4m including lift overruns)

Block D – 10 storeys (32.6m)

Block E – 10 storeys (32.6m)

Block F – 7 storeys (22.9m – 26.4m including lift overruns)

Block G – 7 storeys (22.9m)

All blocks exceed maximum allowable height standards set out in the city development plan.

The planning authority notes changes in national policy on building height since the adoption of the city development plan, in particular the publication of Section 28 Guidelines - Urban Development and Building Height Guidelines (December 2018 (*The Height Guidelines*)). These guidelines provide criteria that must be applied by planning authorities when assessing applications for developments of increased height. In addition the National Planning Framework supports increases in densities generally facilitated in part by increases in height. Increases in height and density assist in optimising the effectiveness of past and future investment in public transport services including Bus Connects and cycling networks.

A number of third parties have suggested that development on the site is premature pending the finalisation and completion of the Bus Connects network, given the demands on public transport during weekday rush hour. The recent case law (*O'Neill & another v An Bord Pleanála*, [2020] IEHC 356) is noted, and it is for the Board to address this in its decision. However, holding development in abeyance until the finalisation of transport infrastructure would be contrary to the position normally adopted by this planning authority, which considers future planned transport capacity in the assessment of the development capacity of sites, both at forward planning and development management stage, in an integrated and iterative manner.

The Height Guidelines advise planning authorities to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of the height guidelines are directly relevant. It is a requirement that an applicant for planning permission sets out how a development proposal complies with the aforementioned Development Management Criteria.

In this regard, SPPRs and the Development Management Criteria under Section 3.2 of these Section 28 Guidelines have informed the assessment of the proposal by the planning authority alongside consideration of other relevant national and local policy standards

including the NPF, particularly Objective 13 concerning performance criteria for building height; Objective 33 of the framework is to prioritise the location of homes in appropriate locations and at an appropriate scale and Objective 35 concerns increased residential density.

SPPR3 of the height guidelines states that where an applicant sets how a development proposal complies with the criteria of 3.2, and where the planning authority concurs, then the planning authority may approve such development, even where specific objectives of the development plan may indicate otherwise. In this case, under the city development plan a 16m-high building height limit applies while the height of all 7no. blocks proposed exceed this. The development is therefore assessed against the criteria set out in Section 3.2 of the height guidelines.

#### *At the Scale of the City/Town*

The first criteria relates to the site and its access to public transport. In this regard, the planning authority notes the location of the application site in a prominent location with good street frontage and is considered to be a well-connected area with good bus links into the city centre and to the airport, including further improvements planned for under Bus Connects. The site is also within walking distance of a large range of local shops, services and amenities in Santry Village and Santry Demesne and district level shops and services in the nearby Omni Shopping Centre.

The second criteria relates to the character of the area and the successful integration of the development into same. Such proposals are required to undertake a landscape and visual impact assessment, by a suitably qualified practitioner such as a chartered landscape architect.

The planning authority notes that a document of verified views, prepared by 3D Design Bureau, has been submitted with this application and it is accompanied by the recommended landscape and visual impact assessment (Chapter 14 of the EIAR). The Landscape and Visual Impact Assessment (LVIA) has been prepared by Julie Sammiller B.SC Land Arch and Luke Byrne B.Agr.Sc. Land Arch, MLI of Dermot Foley Architects.

It is also noted that within the verified views document the views presented are of 'best case scenario' results i.e. views of the development in the summer months when the foliage on the trees in the immediate vicinity is full, rather than in winter months, where trees are bare and the development is not screened so much. Best practice would have it that the winter, as well as, summer-time views are submitted. This issue was flagged in the planner's report prior to the tripartite meeting with the Board. In the absence of such useful information to aid with the assessment of the proposal the planning authority considers that sufficient information is available to assess the proposal.

There are no Landscape Character Areas or Protected Views relevant to this site in the current city development plan. It is an objective of the City Council to "*prepare a Landscape Character Assessment (LCA) for Dublin during the lifetime of the plan in accordance with the National Landscape Strategy and forthcoming national methodology.*" Santry Demesne Park to the north of the site and located within Fingal County Council has a Landscape Character Type designation as 'low lying agricultural' and a landscape value of 'modest'. There is one protected structure within 100m of the site to the east i.e. St. Pappin's Church and Holy Well. There are no archaeological designations on the site. In addition there are no Tree Protected Orders (TPOs) of relevance to the site. In the context of the above, the site is considered one of medium visual significance or sensitivities.

The planning authority considers that this site offers an opportunity to accommodate additional height, particularly at the corner of the site (junction of Swords Road and Santry Avenue). The overall height, in combination with the scale and bulk must be respectful of the surroundings and its general character. In this regard the planning authority notes that the traditional character of Santry Village is of one, two and three storey developments of modest scale, with Omni Shopping Centre of a different scale and type (the latter is zoned Z4 –

district centre). Santry Avenue is of a modest width/2 lanes with Swords Road of greater width/4 lanes.

In recent times, developments have been permitted of greater height and density, notably the former Swiss Cottage site on the opposite side of Swords Road (permitted development of 7 storeys / 23m); the adjoining site to the immediate south of this application site (permitted development of 7 storeys / 23 metres); and the Omni site where a building of 12 storeys has been permitted.

The applicant has proposed the highest building at the corner of the site where the Swords Road meets Santry Avenue and decreases to 7 storeys southwards along Swords Road and increases to 2no. 10-storey blocks along Santry Avenue. Notwithstanding its relatively unrestrained corner location, as previously noted, the planning authority considers the 14-storey (48 metres) height of Block A at this location to be particularly excessive, failing to integrate successfully into its immediate environs.

The emerging character of Santry Village/Swords Road is that of 7-storey (already constructed blocks immediately to the south and on the opposite side of Swords Road) to a permitted 12 storey block on the Omni site. It is not considered that Block A successfully integrates into the area – rather it stands as a dominant, stand-alone form of development towering over its environs. There are no setbacks proposed to lessen its impacts. The planning authority also has concerns with regard to the 10-storey high blocks, D and E, as they present along Santry Avenue. Santry Avenue is a long roadway of relatively modest width circa 9 metres. It is not a particularly pedestrian or cyclist-friendly environment with narrow footpaths on either side, no cycle paths, and at this eastern end, an absence of safe crossing points for pedestrians (aside from at the main Swords Road/Santry Avenue junction).

The height of the taller blocks, D & E) to the south of this roadway and pathways would serve to dominate and have an overbearing impact on the public domain and significantly increase overshadowing and have an overbearing impact on the immediate environs. The transition between the established and permitted developments in the area and this proposed development is considered abrupt and does not respond appropriately to the surrounding built environment and has insufficient regard to its context.

As with block A, there are no setbacks on the upper levels of Blocks D and E to soften the impacts.

The applicant was advised at pre application stage by the planning authority that any 'landmark' building on this site is best placed at the corner of the site at Swords Road/Santry Avenue junction and that its design must be of exceptional quality. The building Block A as proposed is not considered to be of exceptional quality.

It is considered that a reduced height for Blocks A, D and E would address the concerns of the planning authority – see below for recommendations with regard to reduced height.

#### *At the scale of the district/neighbourhood/street*

The third criteria requires that the proposal respond to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape; the remaining criteria under this heading requires the proposal enhances the urban context for public spaces; makes a positive contribution to the improvement of legibility through the site in which the development is situated and integrates in a cohesive manner.

The planning authority has set out its views above on how it considers the development responds to its surrounding environment. In terms of making a positive contribution to the streetscape the proposal will improve the streetscape along both Swords Road and Santry Avenue where commercial / retails / café / community units are proposed. The term 'commercial' is vague and may result in inappropriate, inactive commercial uses at ground floor level so in the interest of clarity a condition should be attached requiring the use of such units to be 'retail/medical', unless a change of use is applied for, and approved, by the planning authority.

The fourth criterion relates to the avoidance of monolithic, and long uninterrupted walls of building in the form of slab blocks. The development has been designed with balconies (some projecting); some stepping in heights and a relatively simple palette of materials consisting of brick, metal cladding, louvered metal screens and glazing for balconies similar to the recently completed development at Santry Place.

The quality of architectural design and material finishes of all elevations, particularly those facing the park and the adjacent main roadways are an important consideration. The drawings indicated 'selected brick' while the design statement references 'pale brickwork'; the drawings also indicate selected metal / composite cladding while the design statement specifies 'anodized metal finish'. The planning authority considers the materials generally acceptable but would be mindful of the fact that the drawings are generic and do not allow enough assurances that the quality of the selected materials will be high. In this regard a panel of materials should be erected on site prior to commencement of development for the written agreement of the planning authority. The planning authority considers the quality of the materials are key and that the brick, metal and louvre selection should be high quality, durable and offer a degree of variety in the scheme e.g. through a selection of various, yet complementary brick, metal cladding and louvres. In addition the metal cladding that is so dominant on the northern façades of Blocks A, D and E should be replaced with high quality brick or other similar material. The planning authority questions the use of a metal cladding on a northern façade where sunlight levels, which would otherwise animate the façade, would be minimal.

The fifth assessment criteria requires that the proposal should enhance the urban design context for urban spaces, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure with the sixth, and inter-related criterion to ensure the makes a positive contribution to the improvement of legibility through the site and integrate in a cohesive manner. In this application the application includes proposals for public open space between the development blocks, which are intended to connect southwards to the new development and its integrated courtyard of public open space in Santry Place and northwards to Santry Avenue, although the connections northwards outside of the site and across Santry Avenue are indicative and aspirational only. Overall the clear connections between the approved public open space to the south and the public open space in this scheme is a very positive element of the scheme.

The proposal should also contribute to the mix of uses and/or building/dwelling typologies available in the neighbourhood. The addition of apartment units in taller blocks will contribute to the mix of building and dwelling typologies in the area while the inclusion of a medical suite; a café; a unit for community use and Residential Amenity block will add to the neighbourhood's existing mix of uses and provide animation to the streetscape. Many of the observations received refer to the dearth of GPs in the area, and as such the provision of a medical suite is to be welcomed.

The remaining pertinent criterion relate to specific assessments that may be required i.e. daylight and sunlight considerations alongside the development's performance against BRE criteria; flood risk and micro-climatic effects – discussed below. In development locations in proximity to sensitive bird and / or bat areas, developments proposed need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision; an assessment that allows for the retention of important telecommunication channels, such as microwave links may be required; an assessment that the proposal maintains safe air navigation; an Urban Design Statement; and relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate

To address issues the applicant has submitted the following:

- Daylight & Sunlight Assessment
- Bat Survey Report
- Statement that the Irish Aviation Authority and the Dublin Airport Operator have been sent a copy of the application for their consideration

- An Architectural Design Statement
- Wind Microclimate Modelling Report
- An SEA Screening Report
- Environmental Impact Assessment Report (EIAR)

#### *Daylight/Sunlight & Shadow Assessment*

A Daylight and Shadow Assessment, prepared by Chris Shackleton has been submitted.

#### **ADF**

BRE 209 Guidance, with reference to BS8206 – Part 2, sets out the minimum values for ADF to be achieved as follows: 2% for kitchens; 1.5% for living rooms and 1% for bedrooms with section 2.1.14 of the guidance advises that non-daylit internal kitchens (i.e. Galley kitchens) should be avoided if possible, particularly when also used as a dining area. If this aforementioned scenario is inevitable, the guidance states, such a kitchen should be linked to a well daylit living room. A target 2% level is expected for shared Living/Kitchen/Dining (LKD).

The proposed apartment units are all designed with combined LKD areas with no completely internalized kitchens proposed. The Assessment report submitted has tested rooms at first and ground floor levels, the latter are included in the report as an appendix. The report presents a combined result for the kitchen/living/dining room.

For all Blocks, close to 100% of all bedrooms pass, or exceed, the target ADF value of 1%, with many well in excess of 1%. Four bedrooms out of the total fail to meet this standard, with results of 0.8% and 0.9%. For all other tested bedrooms, the minimum target is met or exceeded.

The planning authority notes the percentage of living kitchen/dining areas not achieving the recommended daylight factor level of 2%, with 14 of 77 living rooms tested falling short of this standard. When a 1.5% target is applied, all living room/kitchens meet this relaxed target standard.

The planning authority welcomes the high levels of ADF achieved for bedrooms throughout the scheme and would consider that units that have lower levels of ADF for living areas will enjoy a good standard of residential amenity overall with bedrooms of same units performing well and above recommended target levels for daylight standards.

For sunlight levels, the guidance considers an 80% pass rate for meeting the target of at least one window to a main living room receiving at least 25% of annual probable sunlight hours (APSH) and at least 5% of APSH in winter months between 21 September and 21 March (WPSH) The development does not perform particularly well in this regard with only 58% of the tested living rooms passing the APSH and 56% passing the WPSH at 1<sup>st</sup> floor level while at 3<sup>rd</sup> floor level 71% pass the APSH and 80% pass the WPSH (these figures includes the marginal results). The planning authority notes the improved results at upper floors where results much closer to the target level of 80% are achieved, and at times exceeded. It is taken that all levels above 3<sup>rd</sup> floor achieve similar results.

The Guidelines acknowledge that the values to be achieved are target values and are unlikely to be achieved in all cases. Where a development proposal does not meet the requirements for daylight provision, this must be clearly identified and a rationale for alternative compensatory design solutions must be set out. The applicant has complied with both these requirements.

The applicant submits that the following alternative compensatory design solutions have been included in the scheme:

- The (over) provision and wide variety of communal open spaces
- The design and large size of the private balconies with recessed or partially recessed balconies providing a more user-friendly and comfortable environment
- The quantum of apartments (98%) receiving above the required levels of daylight

- The floor to ceiling heights of the ground floor units and ground floor windows which are of a generous size and above the minimum standard required

The planning authority notes that the applicant contends that communal open spaces have been over-provided for in the scheme. The planning authority would not concur and does not consider this design solution as an 'alternative compensatory measure' for reduced daylight levels in some apartment units. The planning authority has found that, upon measuring the communal amenity areas (external), that they are just reaching minimum quantitative standards (discussed elsewhere in this report).

However, the planning authority considers that the overall quality of the amenity spaces are very high. It would also consider that the residents' internal communal space is another alternative compensatory design solution that allows residents of the units to have a higher quality of amenity in this scheme than they may otherwise have in a scheme where no such amenity is provided. This residents' space is provided in addition to the minimum communal spaces (all external) that would be expected to be provided in a scheme such as this. The very close proximity of Santry Demesne is noted and ease of access from the apartment scheme into this high quality parklands has been factored into this development.

On balance, it is considered that a sufficient standard of daylight would be provided to the proposed apartment units when taken in conjunction with the alternative compensatory measures introduced into the scheme to offset the lower than recommended daylight levels. It is also noted that in some of the apartments the daylight into LKDs of some units are of a very high standard as it the case with bedrooms.

The findings for the shadowing of communal and public open space are assessed in separate sections of this opinion report.

#### *Flooding:*

The issue of localised flooding has been raised in many of the third party submissions received. The file was circulated to DCC's Drainage Division with a report received in response citing no objection to the proposal subject to conditions including conditions as follows: *"To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer"* and *"The flood mitigation measures identified in the Site Specific Flood Risk Assessment dated June 2022 shall be implemented in full"*.

#### *Micro-climatic Effects*

To support proposals for taller buildings / where clusters of taller buildings are proposed specific assessments of the cumulative micro-climatic are required in order to avoid/mitigate against such micro climatic impacts such as down draft.

A Wind Microclimate Modelling report, prepared by B-fluid Ltd. Buildings Fluid Dynamics Consultants accompanies the application. This considered the adjoining pedestrian circulation routes on all sides of the development, and the central public open space as sensitive potential receptors, as well as the communal open spaces at ground level, and at roof garden level. Maps showing areas of pedestrian comfort and distress in accordance with Lawson Criteria, and the suitability of areas for sitting, strolling etc., are presented.

A baseline scenario is presented, which notes that no area is unsafe and no conditions of distress are created, and the roads surrounding the site are useable for their intended scope (walking). There is currently no designated area within the site for public long term sitting, as it is a builder's yard; however, some areas of the site currently present comfortable conditions for this activity.

Having regard to the maps presented showing comfort levels post-development, there are some concerns regarding the comfort levels of both the public open space and the communal open spaces and the public open space. There are large parts of these, in particular the communal open spaces, that are rarely suitable for either long term sitting or short term

sitting, although all are largely suitable for walking and strolling. The roof terraces (some of which are mislabelled in the report) also have mixed results, with some wind directions creating conditions that do not support sitting out, or walking or strolling. It is noted that this is a retrospective wind assessment, and no amendments have been proposed on foot of its less than favourable results.

#### *Bats*

A Bat Survey Report (May 2021) has been submitted, prepared by ASH Ecology Environmental. This concludes that there was an absence of bat activity on site during the survey despite the ambient weather conditions on the night of survey (28<sup>th</sup> April 2021) and that "on the basis of the findings of the survey works completed in April 2021 it is concluded that the overall impact on bats arising from the proposed development will be most likely negligible if the general recommendations and specific lighting mitigation measures are implemented from Section 4.0 i.e. lighting mitigation for bats, landscaping with native tree species, and future roosting opportunities via bat boxes integrated into the final design".

A report has been received from Parks, Biodiversity & Landscape Services. No concerns are raised regarding bats nor does the report reference them. It is however, recommended that the recommendation as set out in Section 4.0 of the Bat Survey Report (May 2021) be integrated into the detailed final design of the development.

#### *Safe Air Navigation*

A statement has been included with the application stating that the Irish Aviation Authority and the Dublin Airport Operator have been sent a copy of the application for their consideration. A submission has been received on the application from the DAA stating the following:

- The site is located within the Obstacle Limitation Surface for Dublin Airport, and no structure should exceed 112 metres above Ordnance Survey Datum (mean sea level, Malin Head).
- Cranes used during construction may cause concerns for air safety, and further detailed assessment is required. A condition should be attached in the event of a grant, requiring agreement with DAA and the Irish Aviation Authority on crane operations in advance of construction.

In the assessment of the proposed height, it is considered that the proposed development generally satisfies the criteria set out in Section 3.2 Guidelines subject to a the agreement of wind mitigation measures and a reduction in height of the 3 no higher blocks i.e. A, D and E. Rather than recommend a refusal for the development based on excessive height, it is considered that a reduced height for Blocks A, D and E would address the concerns of the planning authority as set out as follows:

- Block A reduced from 14 (48m) storeys to 11 storeys / 35m (with the top floor set back). This will result in a reduction of approximately 12 units / 36 bedspaces
- Block D and E reduced from 10 to 7 storeys / 23m (with top floor set back). This will result in a reduction of 78 bedspaces

In total a 114 bedspaces are recommended to be omitted out of a total of 1218 bedspaces proposed i.e. a 9% reduction in overall bedspaces.

This would allow for a development in keeping with recently constructed and permitted developments, protect the special landscape character of Santry Demesne while allowing for less dominant, more human-scale of development on this prominent site.

#### *Residential Mix*

The applicant has proposed 113no. 1-bedroom units; 218no. 2-bed units and 19no. 3-bed units equating to 32%; 62% and 6% respectively. No more than 10% of the units are provided as 2-bedroomed/3person units (19no equates to 5%).

While it is unfortunate that the proposal includes such a low percentage of 3 beds units, in contravention of the standards set out in the Dublin City Development Plan 2016-22, the planning authority considers the mix proposed to be generally acceptable and in accordance with Sustainable Urban Housing: Design Standards for New Apartments (2020), specifically

SPPR1 which allows for the inclusion of up to 50% one-bedroom apartments in a scheme and no minimum requirement for apartments with three or more bedrooms. The report below recommends amendments that could increase the level of 3 bedroomed units in the scheme (in Block G).

## **Housing Quality**

### *Floor Areas*

SPPR 1 and Appendix 1 of the Apartment Guidelines (2020) sets out minimum floor area requirements as follows:

- 1 bed (2-persons): 45 sq.m.
- 2 bed (3 persons): 63 sq.m.
- 2 bed (4 persons): 73 Sq.m.
- 3 bed (5 persons): 90 sq.m

and Section 3.8 of said guidelines requires the majority of apartments to exceed the minimum floor area standard for any combination of the relevant 1, 2, or 3-bedroom units by a minimum of 10%. The guidelines also require the schedule of accommodation to identify the proposed apartments that are at least 10% greater than the minimum floor area standard in schemes with 100 apartments or more.

Unfortunately the schedule of accommodation submitted with this application does not highlight the proposed apartments that are at least 10% greater than the minimum floor area standard as required by Section 6.2 of the guidelines. Nor does the Planning Report or Design Statement clarify the issue.

From the planning authority's reading of the HQA submitted 171no. of the proposed 350 residential units exceed the minimum floor area by 10% i.e. 48.8%. This is below the 50% required. This is an unfortunate feature of the scheme and decreases its overall quality. This requirement is not an SPPR of the Apartment Guidelines. In line with the guidelines, the planning authority has had regard to the requirement as set out in the guidelines, and considers the floor areas as proposed marginally acceptable noting that some units are exceptionally large. ABP may decide to amalgamate units to create larger, above minimum-sized units.

### *Room Areas and Widths*

It would appear that all rooms meet or exceed minimum aggregate floor areas. The HQA submitted does not identify any shortfalls in this regard.

With regard to the widths of rooms, it was noted in the most recently refused application on the site, that a number of one-bed apartments on the west side of Block G had a shortfall in living room width. These apartments have been rearranged internally to place the kitchen at the narrow end of the room, and all living rooms now meet the required widths.

### **Storage**

The apartments have been provided with individual storage areas internally in the units. The HQA indicates that all storage areas are in compliance with the minimum quantitative standards of 3 sq.m., 5 sq.m., 6 sq.m., and 9 sq.m. for one-bedroomed, two-bedroomed (3-person), 2-bedroomed (4-person) and 3-bedroomed units respectively. No storage areas appears larger than 3.5 sq.m. Where the storage has been provided in the bedrooms and kitchens it appears to be provided in addition to the minimum required floor areas of the rooms. An Bord Pleanála may wish to verify same.

### *Floor to Ceiling Height*

The suggested minimum floor to ceiling height as per Building Regulations Technical Document F is generally 2.4m. From a planning perspective, as advised in the apartment guidelines, consideration should be given to increasing the minimum apartment floor to ceiling height to 2.7 metres, where height restrictions would not otherwise necessitate a reduction in the number of floors. In relation to ground floors, it is a policy requirement that ground level

apartment floor to ceiling heights should be a minimum of 2.7m with applicants encouraged to consider 3.0 metres on the ground floor of multi-storey buildings.

In the application, the ground floor units have been provided with floor to ceiling heights of 3.1 metres which is welcomed. The upper levels units have been provided with floor to ceiling heights of 2.6 metres, thereby exceeding the minimum standard of the Building Regulations, but below the suggested minimum of 2.7 metres of the apartment guidelines. This particular standard/requirement of the Apartment Guidelines is not a SPPR. The planning authority has had regard to it and welcomes the higher than recommended floor to ceiling heights of the ground floor units and is generally satisfied with the floor to ceiling heights of the residential units on the upper / above ground floor levels in the scheme.

#### *Aspect*

A minimum of 50% dual aspect apartments would be expected in this location in compliance with SPPR 4 of the Apartment Guidelines. The applicant was advised at pre application stage by the planning authority that at least 50% of units should be at least dual aspect.

The applicant states that 53% are dual aspect, just above the minimum required standard. The HQA/apartment schedule sets out which apartments are dual aspect and which are single aspect.

In terms of orientation the majority face either east or west and there no north-facing, single-aspect units. However, there are a number of apartments which the applicants put forward as dual aspect which are predominantly or primarily north facing, (for example, the northmost apartment on each floor in Block E), or which are primarily single aspect, with the second aspect being due north (for example, the northwest apartment on each floor in Block D) The amount of sunlight reaching an apartment significantly affects the amenity of occupants and it is unfortunate that in such a high density scheme that the applicant had not provided for a greater percentage of dual or triple aspect apartments. The quality of the scheme is diminished as a result of this high percentage of single-aspect units. It is however noted that the majority of single-aspect apartments have a view over an open space i.e. the internal courtyards with a good line of vision between the apartments and the amenity spaces proposed. Unfortunately a number of apartments in Block G are single-aspect (west facing) with no view of an amenity space, but rather over the access roadway into the scheme.

It is further noted An Bord Pleanála has accepted a dual aspect ratio of 45% as acceptable in this area of the city where permission was granted by An Bord Pleanála for a high density scheme at the Omni Centre (ABP-307011-20 refers) having regard to the location of the site, street frontage proposed, orientation of the blocks and quality of the development proposed.

All 3-bedroomed apartments are dual aspect, in line with the recommendation in the apartment guidelines that applicants should aim for at least dual aspect for three-bedroomed units.

#### *Private Open Space*

Private open space is provided in the forms of balconies. All appear to comply with, or exceed, the minimum quantitative standards as set out in the apartment guidelines. Upon measurement by the planning authority some balconies appear to have been provided with depths of 1.4m (as opposed to the minimum requirement of 1.5m). This can be dealt with by way of condition.

The overall quality of same is good as the balconies, in the main, overlook either the communal or public courtyards, have good orientations and are at a remove from neighbouring balconies thereby providing for greater levels of privacy and less noise transferring from one balcony to a neighbouring.

#### **Landscaping, Trees and Public Open Space**

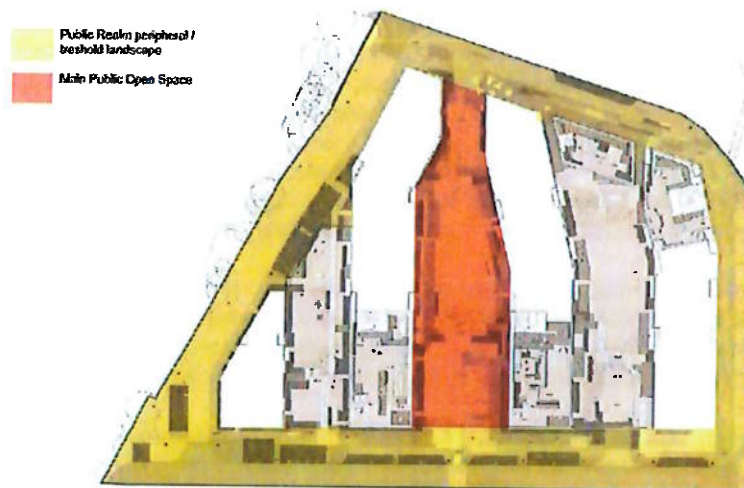
Key issues as identified in the report received from DCC's Parks, Landscape and Biodiversity Division:

*Existing trees:* A tree survey and tree protection plan has been submitted. The tree population is generally located externally to the site boundary but in close proximity. The tree/hedge impact is considered low and there is adequate compensatory planting under the landscape architecture proposals. A tree bond is required to enhance protection of existing trees to be retained, which includes the row of public street trees on the eastern boundary.

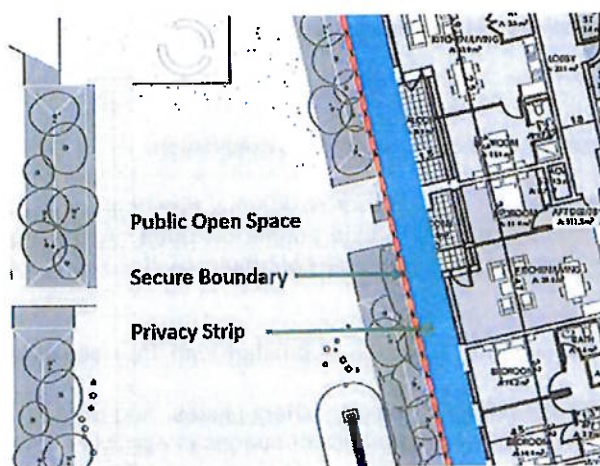
*Public open space:* The locality is adequately serviced by existing public open space due to the close proximity of Santry Park. The proposed public open space will not be taken in charge and conditions safeguarding future public access and use are required.

The layout includes proposals for public open space between the development blocks, which are intended to connect southwards to the new development of Santry Place and northwards to Santry Avenue. The proposals are somewhat similar to the proposed communal open space between the blocks to the east. On a site with an area of 1.5ha an area of a minimum of 1500 sq.m. of public open space would be required (i.e. 10% as per quantitative requirement of the city development plan. The applicant indicates on plan form that 1915 sq.m. of public amenity space is provided for.

The proposed public open space diagram (below) indicates public open space measured up to the buildings facades. This is not an acceptable approach as a buffer strip as communal /private open space is required for all ground level apartments. The calculation of public open space may therefore need review by ABP (a shortfall, if any, may be addressed by a financial contribution in lieu). The planning authority estimates that approximately 1575 sq.m. of public open space has been provided i.e. the minimum required in terms of quantity.



**Figure 3 Proposed public open space diagram**



**Figure 4 Requirement for public open space/residential block interface**

In terms of quality, the space is well connected with Santry Avenue with relative ease of continued pedestrian access into Santry Demesne Park and good visual connection with same while also achieving good connections with the large area of public open space to the south of the site at Santry Place. A coffee shop is proposed in this development opening into the area of open space, thereby increasing its overall attractiveness. Furthermore, the space is of good orientation i.e. south-facing. The Sunlight Analysis indicates that all areas of outdoor amenity space receive excellent results with the 'worst case' i.e. surface communal amenity space between Blocks F and G showing that 70% of this space will receive at least 2 hours of sunlight on the 21<sup>st</sup> March, well in excess of the 50% minimum recommended standard. All other areas of outdoor amenity achieve results of over 86% and above.

Green roofs are proposed.

#### *Communal Open Space*

A minimum of 2246 sq.m. of communal open space would be required in this scheme where 113 x 1-bed; 16 x 2-bed/3P; 202 x 2-bed/4P and 19 x 3bed apartments are being provided although with the proposed recommendation for a reduction in height for Blocks A, D and E and consequent reduction in bed spaces (circa 9% reduction) the communal open space minimum requirement is likely to be reduced by a similar percentage.

The supporting documentation submits that 3122 sq.m. of communal open space has been provided for in the form of surface-level community space between

- Blocks A/B and C/D where the applicant indicates 1190 sq.m. while the planning authority calculates 925sq.m. the applicant has include all buffers in the calculation
- Blocks E/F and G where the applicant indicates 707 sq.m. while the planning authority calculates 630 sq.m. the applicant has include all buffers in the calculation

And on rooftops of Blocks A

Amenity Block (106 sq.m.)

Rooftop of Block F where the applicant indicates 436.1sq.m. while the planning authority calculates 330 sq.m. the applicant has include staircores etc.

Rooftop of Block C where the applicant indicates 436.1sq.m. while the planning authority calculates 360 sq.m. The applicant has include staircores etc.

Rooftop of Block A: 269 sq.m.

The planning authority would question the figures provided by the applicant with regard to communal open space. The planning authority calculates a total area of 2300 sq.m. communal amenity space slightly above the minimum quantitative requirements.

As with the public open space, the orientation of these spaces is good. The results of the Shadow/Sunlight Amenity submitted indicate that a significant portion of those areas of genuine communal open space are above the 2-hour requirement (2 hours of sunlight on the

21<sup>st</sup> March) in accordance with BRE Guidelines. The planning authority is overall satisfied with the quality of same.

### **Social Audit**

A Social and Community Infrastructure Assessment accompanies this application.

In accordance with Development Plan standards, proposals for residential developments of 50+ units, school capacity must be assessed, and they should submit an audit of existing facilities in an area and to demonstrate how the proposal will contribute to the range of supporting infrastructure if required.

A social and community infrastructure Assessment has been submitted with the following findings for schools:

- The development will generate a demand for 52 primary school places, and 53 post-primary school spaces. The audit finds that there is sufficient spaces in schools in the vicinity to cater for the demand.

For developments with 100+ units such as this one, a contribution to social infrastructure is required. The development proposed provides a community hub (188 sq.m.) in the ground floor of Block E. this faces onto Santry Avenue and has frontage also onto the western access roadway and the area of public amenity. The space is well located and of a generous size.

The development also provides for a residential amenity unit (187 sq.m.) located between Blocks A and D. It is a single-storey building with frontage onto Santry Avenue and into the area of communal open space. The intended users of this latter residential amenity space will be the future occupants of the scheme only while the intended users of the community hub would be the residents of the wider vicinity as well as the future occupants of the scheme.

The findings regarding the non-provision of a crèche have been noted stating that, when the one bed units are discounted, the resultant childcare provision recommendation for the subject development is 63 no. childcare spaces. The applicant has put forward the following reasons for not providing a crèche on site:

- It has been found that there are 69 no. vacant childcare spaces available in the area
- the majority of these spaces are available at Santry Place (open since early 2021) where 42 spaces are available
- The permitted Omni Park SHD has a childcare facility permitted with a capacity for 86 children while this development was expected to generate a demand for 50 allowing for 36 free spaces
- Some providers were not willing to respond and it is considered likely that they have spaces available

The planning authority notes the findings of the audit with regard to childcare facilities. It considers that the new developments referred to and the childcare spaces therein were designed to cater for the developments of which they formed part. With regard to existing vacancies of 69no. in the area where 661 spaces existing, this could be considered a typical vacancy rate. A 10% rate does not appear exceptionally high. Having regard to the foregoing it is considered reasonable that a crèche facility be provided for within the development. A suitable location may be in Block C at ground floor level.

### **Transportation**

A report dated 11/08/22 has been received from the Transportation Planning Division on the application as follows:

#### Access

*There are currently 2 no. vehicular access points into the site along Santry Avenue. One access serves the existing building merchants on site and the other provides access to the site to the south which is currently under construction.*

*It is proposed to close the access serving the existing building merchants on site and retain and modify the remaining access along Santry Avenue. Drawing 'Road Layout Plan' provides*

details on the proposed modifications to this access showing that 45m sight lines can be achieved in both directions. The proposals to this access are to be DMURS compliant and will improve the pedestrian environment at this location where the existing access is excessively wide.

An additional vehicular access and internal access road was approved under Planning Register Reference 2713/17 to serve the adjoining development. This access and the new internal road has been included within the red line boundary of application and will provide both on street car parking and access to the basement car and cycle parking. The general layout and access arrangements onto Swords Road remain as previously permitted.

It is noted that the secondary access onto Swords Road was granted in agreement with the NTA and is to be a left in, left out only given the nature of and future proposals of the Swords Road and the Bus Connects proposal. The submitted Roads Layout Plan confirms that this new access will be designed for left in, left out only. However it is noted issues have been raised in the Road Safety Audit which are detailed further within this report.

The internal access road will provide for two way traffic with a T junction arrangement within the site where the existing road meets with the new internal road. A segregated pedestrian footpath will be provided adjacent to the carriageway.

#### Works to the Public Realm and impact on Bus Connects

A letter of consent issued by the Transportation Planning Division, dated the 14th of June 2021 has been included within the application to permit the inclusion of the existing public footpath surrounding the site along Swords Road and Santry Avenue

The public footpath around the perimeter of the site and specifically at the junction of Santry Avenue and Swords Road is narrow and substandard in nature. This division had requested a set-back of all elements of the proposal, including landscaping and hard landscaping area to provide a 2m wide public footpath around the perimeter of the site.

A square grassed / landscaped area located at the corner junction reduces the footpath width less than 1m. It should be clear that a 2m wide unobstructed footpath of 2m width, which will be taken in charge as a public footpath, is required around the perimeter of the site along Swords Road and Santry Avenue. A condition should be included ensuring the provision of this. This shall be carried out in accordance with Taking in Charge standards which are set out within a sub paragraph below.

As per the request of this division within the Pre-Application Consultation report the proposed 24m loading bay along Santry Avenue should be removed. This loading bay requires the removal of public footpath to facilitate the loading bay. This is not acceptable to this division at this location. All servicing of the site must take place within the curtilage of the site inside the site boundary.

Under the most recent Bus Connects proposal (Revised Network Map 2020) for the Swords Road to City Centre (CBC No.2), the proposed development would not appear to impact on the delivery of the route along this corridor.

The applicant has submitted a plan titled 'NTA's CBC Corridor No.2 Swords to City Centre which sets out the proposed layout of the BusConnects proposal. This plan confirms the location of the bus stop on the Swords road, south of the site, the proposed left in, left out access arrangements for the new access and the retention of the public footpath adjoin the road along the Swords Road.

#### Road Safety Audit

A Road Safety Audit Stage 1 has been prepared and submitted which highlights a number of matters that are required to be addressed. Revised drawings should be submitted by means of compliance.

These are:

- Problem 3.1: Arrangements at the left in, left out junction along Swords Rd into the site.
- Problem 3.4: Conveniently locating the loading bay along Santry Avenue.
- Problem 3.6: Additional footpath and dropped kerbs for parking spaces at the east of the development.
- Problem 3.7: The size of the corner radii at all junctions in the development
- Problem 3.8: Proposed Footpath along the R132 – Swords Road

#### Traffic and Transportation Assessment

A comprehensive and detailed Traffic and Transportation Assessment report (TTA) has been submitted as part of the application. The contents of this have been assessed and are noted.

#### Car Parking Provision and Management

The application site is located within Area 3 as identified within Map J of the Dublin City Development Plan 2016-2022. The proposed development provides for 209 no. car parking spaces; the Traffic and Transport Assessment (TTA) report states that the following breakdown of car parking spaces.

- 173 no. at basement level
- 36 no. residential and set down/ visitor spaces at surface level
  - 17 no. visitor spaces (8%)
  - 4 no. car club spaces
  - 5 no. set-down / loading bays
  - 18 no. dedicated mobility impaired spaces (5%) – 12 no. at basement and 6 no. at surface level.
  - 21no. electric vehicle charge point spaces (10%)
  - 194 no. resident parking spaces
  - 9 no. motorbike spaces (4%)

The level of car parking equates to a 0.59 ratio to serve the 350 no. units. A comprehensive rationale is provided within the submitted TTA supplemented by a Mobility Management Plan.

With regard to car parking management, Section 5.3 of the TTA set out the car parking provision and car parking management strategy for the development, it is stated that the car parking spaces will be managed separately by the an appointed management company and that car parking spaces will be available to rent via a residents only permit scheme for varying lengths of duration. To effectively encourage the use of sustainable modes of transport amongst the future residents, it is considered that the car parking spaces should be retained on a rent/lease agreement by residents, renewed annually or at an agreed interval as is set out within the submitted strategy and should not be permanently assigned to individual units. This would ensure that the spaces are assigned on the basis of need. The proposed development is located on a public transport corridor and is within 2km of the future Metrolink stations of Ballymun and Northwood. The sale of car parking spaces with residential units is not supported by this division and would also undermine the mobility management strategy for the development.

#### Bicycle Parking

There are discrepancies in the number of bicycle parking spaces proposed. Drawing No.D1809.P04 'Site Layout – Taking in Charge Map' references 805 no. bicycle parking spaces of which 763no. are long term (719 no. in basement) and 42 no. visitor spaces.

Taking into consideration that the statutory site notice refers to 777 no. bicycle parking spaces, this is the quantum that will be assessed.

777no. cycle parking spaces are proposed;

- 719 no. long term spaces located at basement level
- 58 no. short term spaces located at surface level

An additional 9 no. cargo bike spaces are also provided at basement level.

The quantum is considered acceptable to this division and accords with the standards set out in the Apartment Guidelines. There are concerns regarding some elements of the layout of the proposed cycle parking which would be restricted in some instances if a vehicle was parked in certain spaces e.g. access to the disabled parking bays would be impacted by its position adjacent to the cargo bike space would be. Also none of the long term bicycle parking spaces are provided with any security i.e. locked stores or cages. Greater security to encourage use by residents should be provided.

#### Taking in Charge

The applicant has confirmed that all internal streets and footpaths within the development are to remain within private ownership. Drawing No.D1809.P04 'Site Layout – Taking in Charge Map', shows the areas to be taken into around the perimeter of the site including a wide strip along Santry Avenue. This area includes area of landscaping and hard landscaping which cannot be taken into charge by DCC. The applicant shall agree in writing with the Road Maintenance Division all areas, if any, to taken into charge. Details of the materials proposed in public areas shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council.

#### Construction Management

An outline Construction and Environmental Management Plan has been submitted. The contents of this are noted. In the event of a grant of permission, a Demolition Management Plan and Construction Management Plan should be submitted to the Planning Authority for written agreement.

#### **Appropriate Assessment**

The Planning Authority notes the submission of an AA Screening Report, in which it is stated that no significant effects are likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network. This is a matter for An Bord Pleanála to consider, as the competent authority for this application.

#### **Environmental Impact Assessment Report**

The Planning Authority notes the submission of an EIAR with the application and the mitigation measures recommended within. This is a matter for An Bord Pleanála to consider, as the competent authority for this application. It is, however, recommended that a condition be attached to ensure the implementation of the mitigation measures contained therein.

#### **Recommendation**

I recommend that a decision be made to grant planning permission for the proposed development subject to the following conditions:

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned, the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: In the interest of clarity

2. The development shall incorporate the following amendments:
  - (a) Block A shall be reduced from 14 storeys to 11 storeys / maximum of 35 metres (with the top floor set back).

- (b) Blocks D and E shall be reduced from 10 storeys to 7 storeys / maximum of 23 metres (with top floor set back)

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the proposal responds appropriately to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape, to protect the existing residential amenities of the area

3. The development shall incorporate the following amendments:

- (i) Direct access shall be provided for from the living area of Apartment G03/1B into the communal open space by way of double doors or otherwise (a small buffer terrace may also be included at this location)
- (ii) The balcony floors of all units shall be solid and self-draining and shall have minimum depths of 1.5 metres in one useable length.

Reason: To improve the amenity level of the apartments

4. (a) Apartment nos. C02/2B and C03/2B and the associated communal corridor located on the ground floor of Block C shall be omitted and the resultant floor areas amalgamated to provide a childcare facility. This space shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on site.

(B) Commercial unit A shall be utilised as café / restaurant. This unit shall not be used for the sale of hot food off the premises (that is, as a takeaway) unless authorised by a further grant of permission

(C) Commercial Units B, C and D shall be utilised as retail units

(D) Commercial unit E shall be provided as a medical suite/GP practice unit

(E) The use of the Community Space on the Ground floor of Block E shall be restricted to Class 10 use as set out in Part 4 of Schedule 2 to the Planning and Development Regulations, as amended. This space and the Residential Amenity Space shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on site.

(F) Prior to the occupation of the Community Space a Special Purpose Vehicle, which could take the form of a corporate, charitable or not for profit organisation that would hold the freehold/long leasehold interest in the community space to ensure that its purpose is to provide for the greater benefit of the community, shall be established.

(G) Details of all signage, lighting (if any) of all ground floor units shall be submitted

Revised drawings and full details showing compliance with these above requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development

Reason: In the interest of residential amenity and to provide for an appropriate mix of uses in this neighbourhood centre (Z3 – Zoned) site and provide an adequate standard of residential amenity for future residents of the scheme and improve the amenities of the area.

5. The applicant shall comply with the following requirements of the DAA:

- (i) Prior to the commencement of development on site the applicant is required to engage with DAA/Dublin Airport and with the Irish Aviation Authority to agree any proposals for crane operations (whether mobile or tower crane).

Reason: To maintain safe air navigation

6. The applicant shall comply with the following Irish Water (IW) requirements:

- (i) The applicant shall sign a connection agreement with IW prior to any works commencing
- (ii) All development shall be carried out in compliance with IW standards codes and practices
- (iii) IW does not permit build over of its assets and the separation distances as per IW's Standards Codes and Practices shall be achieved.

- (a) Where any proposals by the applicant to build over or divert existing water or wastewater services subsequently occurs the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversions(s) from Irish Water prior to progression of works
- (iv) The applicant must identify and procure transfer to Irish Water of the arterial water and wastewater Infrastructure within the Third-Party Infrastructure.
- (v) The applicant must demonstrate that the arterial infrastructure is in compliance with requirements of Irish Water Code of Practice and Standard Details and in adequate condition and capacity to cater for additional load from the Development

**Reason:** To ensure an adequate standard of development.

7. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions. Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.

**Reason:** In the interest of clarity, and of protection of the environment during the construction and operational phases of the proposed development.

9. The applicant shall comply with the following Transportation Planning Requirements:
  - i. Prior to commencement of development, and on appointment of a demolition contractor, a Demolition Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended demolition practice for the development, including detailed traffic management, hours of working, noise and dust management measures and off-site disposal of demolition waste and access arrangements for labour, plant and materials, including location of plant and machine compound. The Demolition Traffic Management Plan shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists and public transport. The appointed contractor shall liaise with DCC Road Works Control Division during the demolition period.
  - ii. Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction waste and access arrangements for labour, plant and materials, including location of plant and machine compound. The Construction Traffic Management Plan shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists and public transport. The appointed contractor shall liaise with DCC Road Works Control Division during construction period.
  - iii. The applicant / developer shall address the issues raised within the Stage 1 Road Safety Audit:
  - iv. Problem 3.1: Arrangements at the left in, left out junction along Swords Rd into the site.
  - v. Problem 3.4: Conveniently locating the loading bay along Santry Avenue.
  - vi. Problem 3.6: Additional footpath and dropped kerbs for parking spaces at the east of the development.
  - vii. Problem 3.7: The size of the corner radii at all junctions in the development
  - viii. Problem 3.8: Proposed Footpath along the R132 – Swords Road
  - ix. Revised drawings shall be submitted where required for agreement of the Planning Authority.

- x. Prior to commencement of development, any works to the public road and footpaths, including the upgrading of pedestrian footpaths, changes to road markings and installation of double yellow lines/road signage if necessary, shall be carried out in accordance with the requirements of the Area Engineers in Traffic Advisory Group (TAG) and Road Maintenance Services in Dublin City Council and at the applicant's own expense.
- xi. A 2 metre wide footpath shall be provided around the perimeter of the site along its boundaries with Swords Road and Santry Avenue. Details of the materials proposed in public areas shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and any areas to be taken into charge agreed in writing with the Road Maintenance Division of the Planning Authority. No part of a building or structure shall overhang under or over the public footpath to be taken in charge.
- xii. The proposed loading bays along Santry Avenue shall be omitted. All servicing shall take place from within the site.
- xiii. The applicant/developer/operator shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
- xiv. Cycle parking shall be secure, conveniently located and well lit. A revised basement layout shall be submitted for agreement of the Planning Authority providing key/fob access to secure bicycle compounds within the basement. The provision of said storage may necessitate omission of some car parking spaces. Cycle parking at surface level design shall be of the Sheffield design so as to allow both wheel and frame to be locked. Cycle parking shall be in situ prior to the occupation of the proposed development.
- xv. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.
- xvi. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of sustainable travel and traffic and pedestrian safety and comfort

9. An asbestos survey of the building shall be carried out prior to demolition of the structures on site and methodology for the removal of asbestos materials (if any) and monitoring of air quality shall be agreed with planning authority

Reason: In the interest of public health

10. The following requirements of the Air Quality Monitoring & Noise Control Unit shall be complied with:

**(a) Noise Control**

*Retail/cafe units*

- The LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.
- Noise levels should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

- Ensure that all drivers delivering to the proposed development carry out the delivery process using best practice to prevent a noise nuisance. To effect this a **noise minimisation plan** must be produced, subject to the approval of this Unit, and put in place as soon as reasonably practicable to prevent noise nuisance during early morning deliveries. All early morning deliveries to the proposed development must take place after 7.00 a.m and finish by 10:00pm.

**(b) Air Quality Control –General**

*Retail/cafe units*

- All emissions to air associated with the development must be free from offensive odour and shall not result in an impairment of or an interference with amenities or the environment.
- If applicable a suitable filtration system shall be installed to neutralise odours prior to their discharge e.g. carbon filtration system.
- The ventilation system should be designed to incorporate a stack erected to a minimum height of 1 metre above the eaves of the premises or adjoining premises and be so sited to ensure the emissions will cause no nuisance.
- If applicable a regular programme of servicing and cleaning the extract ventilation system should be put in place, and this programme should be documented and available for inspection by this Unit upon request.

Reason: In order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings.

11. The applicant shall comply with the following Parks, Landscape and Biodiversity requirements:

**(i) Tree Bond**

Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit , a bond of an insurance company or such other security as may be accepted by the planning authority to secure the protection of existing trees to be retained on site and to make good any damage caused by construction, coupled with an agreement empowering the planning authority to apply such security , or part thereof, to the satisfactory protection of any tree or trees on or adjacent to the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species, or to apply to new tree planting in the local area. The amount of the security shall be determined by the Helliwell or Cavat method by the developer's arboriculturist. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of an agreement, shall be referred to An Bord Pleanála for determination.

**(ii) Tree Protection**

All trees shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

**(iii) Open Space Management**

The applicant/developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws for public open space of the Planning Authority at all times. Details for the provision of 24-hour access to the public realm areas shall be submitted to the planning authority for written agreement prior to the occupation of any units on site.

**(iv) Landscape scheme to be implemented**

The developer will retain the professional services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the site development works. He/she will submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented and for

bond release. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development or completion of any phase of the development, and any vegetation which dies or is removed within 3 years of planting shall be replaced in the first planting season thereafter. The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development and appropriate tree protection, to the approved standards and specification; In the interests of amenity, ecology and sustainable development and in the interest of residential amenity and to secure the integrity of the proposed development including open spaces.

- 12 All recommendation as set out in Section 4.0 of the Bat Survey Report (May 2021) shall be integrated in the proposed development and details of proposals for same shall be submitted to the planning authority for written agreement prior to the commencement of development on site.

Reason: In order to minimise disturbance to bats utilising the site

- 13 The applicant shall comply with the following requirements of the Drainage Division:
- (i) The applicant shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads)
  - (ii) Records of public surface water sewers are indicative and must be verified on site. The Developer must carry out a comprehensive site survey to establish all public surface water sewers that may be on the site. If surface water infrastructure is found that is not on public records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed "as-constructed" drainage layouts for all diversions, extensions and abandonment of public surface water sewers; in both hard and soft copy in an approved format are to be submitted by the Developer to the Drainage Division for written approval. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
  - (iii) The development is to be drained on a completely separate system with surface water discharging to the public surface water system.
  - (iv) A connection from this development to the public surface water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. Developers are not permitted to connect to the public surface water network system without written permission from the Drainage Division. Any unauthorised connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway.
  - (v) The development shall incorporate Sustainable Drainage Systems (SuDS) in the management of surface water. The SuDS devices outlined in the Engineering Services Report, dated June 2022, including extensive & intensive green roofs and permeable paving shall be implemented in full. Full details of these shall be agreed in writing with Drainage Division prior to commencement of construction.
  - (vi) Surface water shall be infiltrated into the ground where feasible. Prior to the commencement of construction, the Developer shall agree full details of infiltration proposals with Drainage Division.
  - (vii) All surface water discharge from this development must be attenuated to two litres per second, unless otherwise agreed with Drainage Division.

- (viii) An appropriate petrol interceptor shall be installed on the internal drain from the car park. Please refer to section 20 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (ix) The flood mitigation measures identified in the Site Specific Flood Risk Assessment dated June 2022 shall be implemented in full.
- (x) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.
- (xi) Permanent discharge of groundwater to the drainage network is not permitted.
- (xii) Discharge of groundwater to the public drainage network may be permitted during construction subject to a trade effluent discharge license being obtained from Drainage Division Council as required by the Local Government (Water Pollution) Acts, 1977 and 1990.
- (xiii) The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (xiv) The surface water layout and taking-in-charge layout indicate private pipelines in areas to be taken in charge by DCC. This is not acceptable. All private drainage shall be located within the final site boundary

Reason: To ensure an adequate standard of development

14 The following conservation requirements shall be adhered to:

- (a) The Architectural Heritage Impact Assessment prepared by Dermot Nolan Conservation Architect, shall be submitted to the Irish Architectural Archive.

Reason: In the interest of creating a record of the detail of the extant Heiton Buckley building to be placed in the public sphere.

15. The applicant/developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of sustainable transportation and orderly development

16. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority. A panel of the proposed finishes to be placed on site to enable the planning authority adjudicate on the proposals. Any proposed render finish to be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area.

17. The naming and numbering of buildings shall be in accordance with a street naming and numbering scheme to be submitted to, and agreed in writing by the Planning authority. The names selected shall reflect local place names, or be of local historical interest, and be in both Irish and English and shall be installed on site prior to the occupation of the scheme. The applicant shall consult with Dublin City Council's Irish Officer in relation to the translation of names.

Reason: In the interests of orderly street naming and numbering; to enhance urban legibility, and to retain local place name associations.

18. Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000 (as substituted by Section 3 of the Planning & Development Amendment Act 2002) in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy

Reason: To comply with the requirements of Part V of the Planning & Development Act 2000 - 2002.

19. Prior to the commencement of development, a Management Scheme shall be submitted to the Planning Authority for written agreement. The management scheme shall provide adequate measures for the future maintenance and repair in a satisfactory manner of open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority. The Management Scheme shall include the communal residents' amenity facilities, such that all residents shall have access to the facilities at times to be stated in writing. Any changes to the overall community facility provision shall be agreed with the Planning Authority prior to the first occupation of the development.

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

20. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area

21. The 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.

22. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

23) The application shall comply with the following waste management requirements in the planning process:

a) The requirements set out in the separate Bye-Laws for the Collection, Storage and Presentation of both Household and Commercial waste and certain related waste management matters must be adhered to and, in particular, the requirements in the Bye-Laws to segregate waste into separate fractions to facilitate the collection dry recyclable, organic kitchen/garden waste and residual waste.

b) Bins that comply with IS EN 840 1997 must be used. Ideally, 1,100 Litre bins should be used with dimension of 1.3 metres long by 1.0 metres wide by 1.3 metres high and with a load capacity of approximately 0.5 tonnes. Other types of receptacles may only be used with the written consent of Dublin City Council.

c) For commercial developments there must be enough storage space for a minimum of 1 no. 1,100 litre bin per 10 bags to be collected. For apartment schemes, these must be sufficient storage space for a minimum of 1 no. 1,100 litre bin per fifteen people availing of the communal apartment collection scheme.

d) Sufficient space must be provided to accommodate the collection of dry recyclable and organic kitchen waste/ garden waste. Provision should also be made for the collection of glass (separated by colour) in Bottle Banks within the curtilage of the Development. The Total footprint of each of these banks is 4 metres by 2 metres wide. The location must be external, with the sufficient access and clearance for servicing using a crane.

e) The bin storage areas must not be on the public street and should not be visible or accessible to the general public.

- f) The bin storage areas should be designed so that each bin within the storage area is accessible to occupants/employees of the development (including people with disabilities).
- g) Suitable wastewater drainage points should be installed in the bin storage area for cleaning and disinfecting purposes.
- h) A waste collection contract must be signed with Dublin City Council or a private waste collector who is the holder of a Waste Collection Permit, prior to the commencement of the collection of waste.
- i) Sufficient access and egress must be provided to enable bins to be moved easily from the storage area to an appropriate collection point on the public street nearby. The access and egress area should have no steps and have a minimal incline ramp.

Reason: In order to ensure a satisfactory standard of development.

24) (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.


Reason: In order to safeguard the amenities of adjoining residential occupiers.

25) a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 "Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

Siobhán O'Connor  
Senior Executive Planner  
22/08/22

  
31/08/22