

Chief Executive's Report

ABP REF: TA29N.314458

DCC REF: SHD0019/22

LOCATION: North West Corner of the Omni Shopping Centre, Santry and Santry Hall Industrial Estate, Swords Road, Dublin 9.

PROPOSAL: The proposed development in summary is for the demolition of existing buildings and the construction of a mixed use residential (457 apartments) and commercial development, ranging in height from 4 to 12 storeys over basement in four blocks, with internal residential amenity space, childcare facility, community building and two retail/café/restaurant units.

Website: www.omniplazashd.ie

APPLICANT: Serendale Limited

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

Site Description

The site of the proposed development comprises a brownfield site to the north west of Omni Park Shopping Centre (within the same ownership). The lands primarily comprise the former Molloy & Sherry Industrial / Warehouse premises and lands generally to the north-west corner of the Omni Park Shopping Centre. The site is bounded by the rear garden areas of dwellings on Shanliss Avenue to west, by Santry Hall Industrial Estate to the north, and by commercial and retail development to the south and east (Omni Park Shopping Centre). Part of the application site comprises the existing car parking area to the front of the Omni cinema.

The lands form part of the larger Omni Park District Centre landholding, and is currently predominately separated physically from the district centre. The buildings on site at present are warehouse buildings with a hard standing surrounding and are enclosed by walls and fencing/railings. The red line boundary of the site is shown to extend to the public road (Swords Road) for pedestrian and cycle access. The vehicular access is shown to utilise the existing entrance to the Omni Park shopping complex, which has an entrance/exit point onto the Swords Road.

Zoning

The site is zoned Z4, '*To provide for and improve mixed-services facilities*'.

Residential, childcare facility, community facility, shop (district) and shop (neighbourhood) are permissible uses on Z4-zoned sites.

The development proposed is predominantly residential in nature, incorporating commercial uses at ground floor level only; with two retail units, a community room and a crèche proposed.

Proposed Development

Application description: The proposed development comprises:

The demolition of existing buildings (including 2 no. ESB sub stations) and the construction of a mixed use residential (457 apartments) and commercial development ranging in height from 4 to 12 storeys over basement in four blocks, with internal residential amenity space, childcare facility, community building and two retail/café/restaurant units.

The overall residential unit mix proposed comprises: 1 no. studio apartment, 221 no. 1-bed apartments, 211 no. 2-bed apartments and 24 no. 3-bed apartments.

The residential Blocks are broken down as follows:

- Block A: comprises 83 No. units from 4 to 8 storeys in height;
- Block B: comprises 76 No. units from 4 to 8 storeys in height;
- Block C: comprises 165 No. units from 9 to 12 storeys in height;
- Block D: comprises 133 No. units from 10 to 11 storeys in height;

The proposed development will also provide for: 2 no. retail/café/restaurants totalling 430.9sqm; 1. no residential amenity space of 604.9sqm; 1 no. crèche of 225.7sqm (plus playground of 210sqm.); and 1 no. community space of 195.3sqm.

Public realm improvements and amenity facilities to include:

1. Upgrade of existing footpaths to provide 2 no. new shared surface access routes through the existing Omni Park Shopping Centre development providing direct access for pedestrians and cyclists to the subject development from the Swords Road and Omni Park Shopping Centre.
2. Provision of a new public plaza to the northeast corner of Omni Park Shopping Centre, providing access to the Swords Road including pedestrian and cyclist access route (as substantially permitted under planning permission ref: ABP-307011-20).
3. Provision of a new public plaza to the northwest corner of existing Omni Park Shopping Centre integrating the proposed development with the existing district centre lands, provision of which shall require amendments to existing carpark layout and a reduction of 104 no. existing commercial car parking spaces.
4. Public and communal open spaces (incl. 2 no. playgrounds) and internal communal residential amenity for the residential development and private residential amenity in the form of terraces and balconies to all elevations.

The development will include provision of access to a basement via a ramp to be located within the Omni Park Shopping Centre development proximate to the IMC Cinema. The provision of 768 no. bicycle parking spaces (504 at basement and 264 at surface).

The provision of 213 no. basement car parking spaces including 11 No. accessible spaces and 22 No. EV charging points. In addition, 7 no. motorcycle parking spaces are provided at basement.

The development also entails the reconfiguration of existing car parking to the northwest of Omni Park Shopping Centre with a net reduction of 104 no. commercial car parking spaces to allow for the provision of a new public plaza. Reconfiguration shall provide for the provision of 7 no. creche drop-off spaces and 6 no. car share spaces to facilitate the proposed development.

Emergency services / servicing access to the rear of existing retail premises at Omni Park Shopping Centre from the Swords Road.

Provision of 5 no. ESB Substations including the relocation of an existing substation. All associated and ancillary site development, demolition and clearance works, hoarding during construction, revisions to car parking within the Omni Park Shopping Centre, soft and hard landscaping, public realm works, public lighting and signage, ancillary spaces, plant including photovoltaic panels, water infrastructure, utilities and services.

An Environmental Impact Assessment Report has been prepared in respect of the application and accompanies this application.

The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant development plan.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

Development Parameters - Information Provided by Applicant:

Site area	Total site area stated as 25045.2sqm
Total Gross area	c. 40231.3sqm
Unit numbers	457 apartments, 2 no retail units & a crèche
Unit Mix	1 x 1 bed studio unit, 221 x 1 bed units, 211 x 2 bed units and 24 x 3 bed units
Density	295 units /ha plus commercial units
Plot ratio	2.6
Site coverage	28%
Height	4-12 storeys maximum height c.41metres
Access	From Swords Road via Omni Shopping centre access
Car parking	213 no. Car parking spaces
Cycle parking	768 cycle spaces
Infrastructure	ESB substations /switchroom

Documents in Support of Planning Application Scheme

The proposal has been accompanied by the following supporting documentation:

- Planning Report & Statement of Consistency
- Statement to Response to An Bord Pleanála Opinion
- Architectural Design Statement
- Statement of Material Contravention of Dublin City Development Plan 2016 -2022
- Statement of Material Contravention of and the draft Development Plan 2022-2028
- Statement of Consistency with the draft Development Plan
- EIAR

- Santry Community and Local Needs Audit
- Housing Quality Assessment
- Omni District Centre Land Use Analysis
- Universal Design statement
- Landscape Design Report
- Landscape and Visual Impact assessment
- Landscape Design Report
- Arboriculture impact assessment
- Verified View & CGIs
- School Demand Assessment
- Omni District Centre Land Use Analysis
- Report on the impact of the proposed development on the existing retail and services provision at Omni Park Shopping & District Centre
- Engineering Planning Report
- Site Specific Flood Risk Assessment
- Resource & waste Management Plan
- Operational waste Management Plan
- Transport Assessment Report; includes; Travel Plan, Statement of Consistency & stage 1 Road Safety Audit & Quality Audit, Bus capacity /Demand report
- Daylight and Sunlight Assessment Report
- AA Screening Report
- Telecommunications Impact Assessment
- Impact of Wind on Microclimate Effects and Pedestrian comfort
- Building Lifecycle Report
- Outdoor Lighting report
- Energy & Sustainability Report
- Operational Management Plan
- Universal Design Statement

These reports have been noted.

Pre Planning Meetings

Dublin City Council (DCC)

A copy of the records of the consultation meetings held with the Planning Authority regarding the proposal have been previously forwarded to the Board in accordance with Section 6 (4)(b)(i) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

An Bord Pleanála (ABP)

Consultations were held as required under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. A tripartite meeting was held on the 28th April 2022.

An Bord Pleanála issued the Notice of Pre-Application Consultation Opinion, which considered that the following issues needed to be addressed:

Urban Design Response

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

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

Irish Water

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

ABP stated the following detailed documentation to be submitted with application:

- A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ commercial/ crèche area.
- A report that specifically addresses the impact of the proposed development on the services and retail product within the existing Omniplex park.
- Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings should elaborate on the visual impact of the proposed development in the context of the impact of the residential area to the west of the site.
- A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
- A quantitative and qualitative assessment which provides a breakdown of the communal and public open space.
- A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for communal and public open space.
- Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site.
- Submission of Wind and Pedestrian Comfort Study.
- Submission of a Construction Management Plan.
- A specific impact assessment of the micro-climatic effects such as down-draft which shall include measures to avoid/ mitigate such micro-climatic effects.
- A Traffic and Transport Assessment which addresses the concerns of the Transport Section.
- A material contravention statement having regard to section 37(2)(b) of the Planning and Development Act 2000.
- An updated Sunlight/Daylight/Overshadowing analysis.
- Statement of Consistency with both the current Dublin City Development Plan 2016-2022 and the Draft Dublin City Development Plan 2022-2028 should this come into effect before a decision is made.

Consideration is given to this specific information to be submitted with this application in the assessment as set out below.

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 23rd September 2022.

A summary of the views of the Elected Members expressed at that meeting are attached as an Appendix B to this report.

Relevant Planning History

The subject site does not include any extensive planning history. The most recent applications are shown below:

2540/13 - Planning permission was granted subject to conditions for the increase in height of the existing Cold Store Building and construction of a new delivery building at the side of the existing building.

2151/12 - Planning permission was granted subject to conditions for the change of use from light industrial use to recreational use, new signage and all ancillary site works.

Relevant nearby applications:

ABP307011-20 *Lands to the north east of Omni Park Shopping Centre.* Application for Strategic Housing Development comprising of Construction of a mixed-use development generally ranging in height from 5 no. storeys to 12 no. storeys (over basement level) set out in 3 no. blocks. Permission granted, subject to conditions. (This development is known as Omni Living)

ABP-306987-20 *Swiss Cottage, Swords Road, Santry* Application to amend a Strategic Housing Development (ABP-303358-18) for an additional floor to the west elevation of the on the development, to allow for a development of a maximum of 7 stories. Permission granted, subject to conditions.

ABP-303358-18 - *Swiss Cottage, Swords Road, Santry:* Application for Strategic Housing Development, Build to Rent development comprised of 112 residential units ranging in height from 3 no. storeys (10.2m) to 6 no. storeys (20.9m) and 3 no. commercial units at ground floor level. Permission granted, subject to conditions.

2737/19- *Site at Santry Avenue and Swords Road, Santry.* Application for amendments to planning permission granted under reg.ref. 2713/17 to increase the height from 5 to 7 storeys. Permission granted, subject to conditions.

2713/17 -*Site at Santry Avenue and Swords Road, Santry:* Application for construction of a no. 5-storey mixed use building fronting Swords Road Permission was granted for the development, subject to conditions.

Observations/Submissions

The final date for observations was the 29th September 2022.

21 no. submissions were received in relation to this application, 3 no. of these were from prescribed bodies. 18 no. third party submissions were received, including submissions from elected representatives.

Transport Infrastructure Ireland (TII) - submission received– TII has no observation to make.

Irish Water (IW) – submission received– Irish Water have in their submission noted that 'In order to accommodate the proposed connection at the premises, upgrade works are required to increase capacity of the Irish Waters network. Irish Water currently has a project on our

current investment plan which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by 2026 (this may be subject to change).

A number of recommended conditions have been included, to be added in the event of a grant of planning permission.

DAA – submission received – Crane Use – the proximity of the proposed to the airport means the operation of cranes during construction may cause concerns in relation to air safety and at a minimum, required further detailed assessment in relation to flight procedures at Dublin Airport'. It is recommended that a condition be included, to be added in the event of a grant of planning permission.

The issues raised within the third party submissions, all in objection to the proposed development, are summarised as follows;

- Colossal height for suburban area
- Cumulative impact of this proposal with previous applications granted
- Traffic congestion
- Traffic counts were done during lockdown
- Smaller roads become rat runs
- Reduced car parking for the Omni shopping centre
- Minimal number of number of 3 beds
- No justification for the percentage of 1 beds
- Deficit in local infrastructure and amenities – no schools in Santry, no Public health centre, no public library, no community youth facilities
- Lack of school places
- Services are lacking in the area
- Fingal Co Co lands – Santry Park and other large developments not included in the audit
- Santry Avenue is not safe for bikes
- Bus service only & Bus capacity
- Congestion already – traffic at peak times & buses full
- 2016 Census – identified public transport was unable to sustain the then population at peak times
- Infrastructure already poor – not able to register for doctor or school & no childcare places
- Impact of lack of car parking facilities within the development – parking within neighbouring estates
- No consideration to overall plan for pedestrians and cycling movements with the wider area
- Walking onto Swords Road – a congested road no incentive to walk no social facilities available
- Provision of future possible cycle pedestrian routes will be lost if it's not considered in a full audit of walking & cycling as proposed in draft Development Plan
- Integrated plan is required for the area
- Population increasing with recent development granted
- No community is being built
- Towers in Ballymun were demolished
- Mental health issues associated with high rise living
- Use of existing car parking entrance/exit & industrial entrance to Santry Hall Industrial Estate
- Fire – capacity of Dublin fire brigade to deal with fires at height
- Air quality not monitored in immediate area
- Overlooking
- Loss of privacy
- Loss of light

- Overshadowing
- Proximity to boundary - structure is too close to common boundary with two storey dwellings
- Overbearing/ overshadowing
- Scale of development - density
- Overdevelopment of site
- Density proposed is double that in the draft Development Plan
- Overbearing Height and bulk
- Height, form and scale – negatively affect the skyline
- Negative impacts of the development on existing solar panels on existing residents roofs
- Transient population – 1 bed units
- Contravention of the Development Plan height
- Contravention of Development Plan in terms of unit mix and floor areas
- Developer has not adduced any objective basis for asserting that the proposed development is of a strategic or national importance
- Inadequate open space
- Breach of draft Development Plan in a number of areas – density, height, plot ratio & site coverage, cultural and community floor space, separation distance, EV charging and the proposed material alteration to alter objective QHSN010
- Contravention of the zoning Z4
- Visually dominant & obstructive
- Towering over 2 storey homes
- C.1000 new apartments are already granted between the site & Santry Avenue without any increase in community facilities
- Dynamic of the community is changing with all the new development without a Plan, accountability or a democratic local stakeholder input
- No feasibility study regarding the long term environmental, social and economic impact on the community
- No dart or LUAS in Santry – roads congested – not a safe environment for walking or cycling
- Santry needs a long term plan – Local Area Plan & review of the area and ensure housing stock is increased with community, sustainability and quality of life at the core
- Santry is being destroyed with applications for development of apartments – development like this is destroying the community
- Context of this application in the wider context of DCC applications - from Coolock Lane to Santry Village – Fingal sites also – developments all require facilities
- Severely impact on the visual amenity and residential amenity
- Site is squeezed between commercial shopping centre and industrial estate
- Santry Community Local Needs Audit is lacking in detail as to capacity
- More suited to urban context than suburban
- Negative impact on the value of neighbouring properties
- Flood risk – water level
- History of flooding – Santry Avenue to Magenta
- Bat survey needed
- The Board lacks ecological and scientific expertise to examine the EIA screening report
- Insufficient information supplied by the developer – contrary to the requirement of the EIA Directive
- Inadequate assessment in relation to potential hydrological connection between Santry Demesne pNHA, North Dublin Bay pNHA and the site via the Santry river
- Lacunae and inadequacies in the AA screening report and NIS
- Photomontages have been chosen from low points of the area
- Plaza element are minuscule in relation to the development

- Flight of long term residents from this area as a result of all the new apartments
- This is not a mixed use development
- Sites in excess of 2ha should be accompanied by master planning exercises and local planning frameworks to deal with movement – none has been submitted
- KUV identified in the draft Development Plan
- Lack of employment opportunities in the proposal
- Z4 site being developed as a Z1 site
- The application does not contribute to or enhance long term planning for the Santry area
- Area is overstretched already
- No capacity – no space for cultural activities /drama groups/ exhibitions/ music performances/ indoor markets etc
- Lessons should be learnt from failure of Ballymun Towers – Santry built on SHDs
- No facilities other than a shopping centre, cinema and coffee shops
- Dept. of Education concerns in 2020 on re zoning of lands – given lack of school places
- Swords road is a regional road not a national road & is heavily congested
- Existing road will need to CPO front gardens as it is so inadequate at present for cycle lane and /or bus connects
- Pollution levels from the traffic at present will be worsened
- Z4 lands not appropriate for SHD applications
- Northwood population has not been factored in in consideration of capacity
- Access to site is unsuitable
- Previous planning application uses car parking spaces – now they are reducing them
- Detrimental impact on the quality of life of local residents
- Proposed development is not conducive to a good quality of life for future residents
- Cultural & community floor space – draft plan requirement
- Separation distances between blocks

The planning issues raised will be taken into consideration in the assessment of the proposed development.

Consultees /Interested Parties:

In accordance with An Bord Pleanála Notice of Pre-Application Consultation Opinion and article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the following consultees were notified by the applicant. Comments made have been summarised below and were taken into account in this assessment including those summarised below:

Minister for Culture, Heritage and the Gaeltacht:	No response
National Transport Authority:	No response
Transport Infrastructure Ireland:	No comment
An Taisce:	No response
The Heritage Council:	No response
Irish Water:	No objection, subject to conditions
Dublin City Childcare Committee:	No response

Interdepartmental Reports

The full reports are attached to this submission and set out in Appendix A.

1. Drainage Division: No objection subject to conditions
2. Transportation Planning Division: No objection subject to conditions
3. Parks & Landscaping Department: No objection subject to conditions

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| 4. Conservation Section: | No comment |
| 5. Archaeology Section: | No objection subject to conditions |

Policy Context

National Planning Framework 2040

The National Planning Framework (NPF) which together with the National Development Plan forms Project Ireland 2040, the government's vision for how to develop the country over the coming decades, was published on 29 May 2018.

The NDP sets out a strategic framework for shaping the future growth and development of the country up to the year 2040 in order to accommodate an additional one million people in addition to hundreds of thousands of new jobs. It is an objective of the NPF (NPO2a) that at least half of future population and employment growth will be focused on the five existing main cities and their suburbs. This development should take place in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities. NPO3b is the delivery of at least half of new homes within the main cities within their existing built-up footprints.

Other objectives of the NPF include: (NPO4) ensuring the creation of attractive, liveable, well designed, high quality urban places, which are home to diverse and integrated communities enjoying a high quality of life and wellbeing; (NPO5) developing cities and towns of sufficient scale and quality to compete internationally and to be drivers of regional growth, investment and prosperity; (NPO6) to regenerate and rejuvenate cities, towns and villages of all types and scales as environmental assets, which can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality. Building height is seen as an important measure for urban areas to deliver and achieve compact growth as required.

NPO 13 is that: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Relevant Policy Guidelines

The Urban Development and Building Heights - Guidelines for Planning Authorities, DoHPLG, 2018

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHPLG, 2020

Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)

Quality Housing for Sustainable Communities – Best Practice Guidelines for delivering Homes Sustaining Communities, DoEHLG, 2007

Design Manual for Urban Roads and Streets (2013)

Guidelines for Planning Authorities on Childcare Facilities, June 2001. These guidelines have been supplemented by Circular PL 3/2016 in connection with childcare facilities operating under the Early Childhood Care and Education Scheme.

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

Under the RSES, a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin.

Relevant Chapters and Policy from the Dublin City Development Plan 2016-2022

Chapter 4	Shape and Structure of the City
Chapter 5	Quality Housing
Chapter 6	City Economy and Enterprise
Chapter 8	Movement and Transport
Chapter 9	Sustainable Environmental Infrastructure
Chapter 10	Green Infrastructure, Open Space and Recreation
Chapter 11	Built Heritage and Culture
Chapter 12	Sustainable Communities and Regeneration Areas
Chapter 14	Land-use Zoning
Chapter 16	Development Standards
Appendix 2	Housing Strategy
Appendix 13	Guidelines for Childcare Facilities

The relevant policy in the current Development Plan when assessing large scale residential developments includes the following:

SC3: To develop a sustainable network of safe, clean, attractive pedestrian routes, lanes and cycleways in order to make the city more coherent and navigable.

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'.

SC14: 'To promote a variety of housing and apartment types which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces'.

SC15: To recognise and promote green infrastructure and landscape as an integral part of the form and structure of the city, including streets and public spaces.

SC16: 'To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA)'.

SC17: To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in Chapter 15 (Guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.

SC20: To promote the development of high-quality streets and public spaces which are accessible and inclusive, and which deliver vibrant, attractive, accessible and safe places and meet the needs of the city's diverse communities.

SC25: 'To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate'.

QH1: 'To have regard to the DECLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007); 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying Urban Design Manual: A Best Practice Guide (2009)'

QH3: '(i) To secure the implementation of the Dublin City Council Housing Strategy' in accordance with the provision of national legislation. In this regard, 10% of the land zoned for residential uses, or for a mixture of residential and other uses, shall be reserved for the provision of social and/or affordable housing in order to promote tenure diversity and a socially inclusive city'

QH5: 'To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.'

QH6: 'To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city'.

QH7: 'To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area'

QH8: 'To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.'

QH13: 'To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in The Residential Quality Standards and with regard to the Lifetime Homes guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)'.

QH18: 'To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation'

QH19: 'To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure'.

Other relevant Sections in the current Development Plan 2016-2022 include: -

Chapter 8 Movement and Transport

MT17: To provide for sustainable levels of car parking and car storage in residential schemes in accordance with development plan car parking standards (section 16.38) so as to promote city centre living and reduce the requirement for car parking.

MT18: To encourage new ways of addressing the parking needs of residents (such as car clubs) to reduce the requirement for car parking.

Chapter 10 Green Infrastructure, Open Space and Recreation

GI13: To ensure that in new residential developments, public open space is provided which is sufficient in quantity and distribution to meet the requirements of the projected population, including play facilities for children.

Chapter 14 Land use Zoning

Section 14.8.4 District Centres – Zone Z4 - *‘To provide for and improve mixed-services facilities’*

Section 14.7 details that ‘in dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid development that would be detrimental to the amenities of the more environmentally sensitive zones’.

Chapter 16: Development Standards

16.2.1.1 Respecting and Enhancing Character and Context

The city’s townscape is characterised by streets, buildings and spaces which have evolved over centuries, with established human scale and high quality of materials, craftsmanship and detail generally. The City Council will seek to ensure that the design of new development respects and enhances these and other elements that contribute positively to the cityscape and urban realm, the settings of protected structures, areas of special interest and important views and that such design incorporates high quality detail, materials and craftsmanship.

In assessing new development, consideration will be given to how the design has responded to the existing context and its relationship to the established pattern, form(s), density and scale of surrounding townscape, taking account of existing rhythms, proportion, symmetries, solid to void relationships, degree of uniformity and the composition of elevations, roofs and building lines.

16.10.4 Making Sustainable Neighbourhoods

New neighbourhood developments should harmonise with the local character and further develop the unique character of these places, and should also make a contribution to social infrastructure to enable the creation of sustainable neighbourhoods.

Proposals for new development greater than 100 dwellings or 10,000sqm and for public transport infrastructure, in addition to making a contribution to social infrastructure, shall include an Urban Design Statement.

Proposals for large-scale residential developments, over 50 dwelling units, shall submit an audit of existing facilities within the area and to demonstrate how the proposal will contribute to the range of supporting community infrastructure and an assessment of the capacity of local schools to accommodate the proposed development in accordance with the above guidelines and the DES and DEHLG’s Code of Practice on the Provision of Schools and the Planning System 2008. Developers may also be required to submit a phasing and implementation programme.

Section 16.4 Density Standards

'Sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity.

Public transport capacity will also be used to determine the appropriate density allowable.'

'All proposals for higher densities must demonstrate how the proposal contributes to place making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods'.

Section 16.5 Plot Ratio – Z4 indicative plot ratio: 2.0

Section 16.6 Site Coverage – Z4 indicative site coverage: 80%

Section 16.39 Cycle Parking Standards

1 space per residential unit

16.16 Schools

This section notes that no substantial residential development should proceed without an assessment of existing schools' capacity, or the provision of new school facilities in tandem with the development. Planning applications for over 50 dwellings should be accompanied by a report identifying the demand for school places generated by the development, and the existing capacity.

Appendix 13 'Guidelines for Childcare Facilities'

For new residential development proposals, a benchmark of one childcare facility for every 75 units provided is recommended. Deviation from this shall have regard to the make-up of the proposed development and the results of any childcare needs assessment carried out for the area.

Appendix 14 'Safety and Security Design Guidelines'

New development should be designed to promote safety and security and avoid anti-social behaviour, through the use of measures such as passive surveillance; avoiding the creation of blank facades; provision of adequate lighting; the provision of clearly distinguished private and public open spaces; etc.

Planning Assessment

The proposed development comprises the demolition of existing buildings (including 2 no. ESB sub stations) and the construction of a mixed use residential (457 apartments) and commercial development, ranging in height from 4 to 12 storeys over basement in four blocks, with internal residential amenity space, childcare facility, community building and two retail/café/restaurant units.

Z4 Zoning:

As noted above the site is zoned Z4, '*To provide for and improve mixed-services facilities*'. Within the Z4 zoning, *Residential, childcare facility, community facility, shop (district) and shop (neighbourhood)* are all permissible uses.

The development proposed however is predominantly residential in nature, incorporating commercial uses at ground floor level only, with two retail units proposed and a crèche. A community room is also identified on the drawings submitted which is shown for community use, with a residential amenity space identified (which appears to be for the use of future occupants of the scheme).

It is noted that the applicant has justified the mix of uses proposed, having regard to the overall Z4 land bank of the Omni Park Shopping Centre. The applicant identifies this site as an opportunity to 'create a vibrant mixed use neighbourhood' and details that the overall use of the Z4 lands are currently 77% commercial and 23% industrial. In this regard the applicant puts forward the case that the proposed land use split would be 77% commercial and 23% residential for the overall lands (lands outlined in blue). The red line boundary of the site is shown to include part of an existing car parking area for Omni cinema and the existing warehouse buildings and yard. The subject land is identified as being a separate site to the Omni Park Shopping Centre and is considered as such.

The applicant proposes to remove the existing industrial use on this Z4 site, replacing it with residential use, rather than proposed mixed-services facilities.

It is further noted that An Bord Pleanála have previously granted planning permission under Reg. Ref. ABP307011-20, for a mixed use development comprising of 324 apartments, an 81 bed aparthotel and retail uses on a site to the east of the subject land (known as Omni-Living Reg. Ref. ABP307011-20- see planning history above). In contrast to the subject site, the non-residential elements of this previous application, comprised of approximately 13% of the total floor area, and this site has a very different site context in that it also has street frontage.

In this current application the total non-residential element of the proposed development is c.852sqm floor area which would equate to c.1.7% of the total floor area. Section 14.8.4 District Centres – Zone Z4 states that 'District Centres, which include urban villages, provide a far higher level of services than neighbourhood centres'. It goes on to state that 'To maintain their role as district centres new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and evening'. Within Z4 zoning, developments that will contribute to a comprehensive range of high quality community and social services are welcomed. Opportunity for above ground floor level additional commercial/retail/services or residential use with appropriate social facilities is promoted.

The proposed development is more akin to a residential scheme on Z1 lands. It is considered that a proposal which provided a greater level of mixed uses would be more compatible with the Z4 zoning objective.

It is noted that the draft City Development Plan 2022-2028 is due for adoption in December 2022. In this context, the zoning of the site under the draft City Development Plan 2022-2028 is noted as Z4 Key Urban Villages and Urban Villages, with the objective 'To *provide for and improve mixed-services facilities*'. Omni Shopping Centre is identified as a Key Urban Village – KUV 11.

Transitional Zone

This site is in a transitional zone, with Z1 lands and Z6 lands adjoining the site boundaries. While zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and use zones. Section 14.7 of the City Development Plan 2016 -2022 details that 'in dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid development that would be detrimental to the amenities of the more environmentally sensitive zones'. In this regard the subject site within Z4 zoning, is bounded by Z1 – Sustainable Residential neighbourhoods zoning to the west, and Z6 – Employment /Enterprise zoned lands to the north. To the south and east the site is bounded by Z4 lands.

In this regard the most sensitive boundaries are the Z1 lands to the west and then the Z6 lands to the north. Any proposal must pay particular attention to the use, scale, design and density of the development. The protection of the more environmentally sensitive zone – i.e. the

residential zone is paramount. This is discussed further under the heading Impact on Neighbouring Properties in this report.

Plot Ratio, Site Coverage and density

Indicative plot ratio and site coverage standards are set out in Chapter 16 of the Dublin City Development Plan 2016-2022. Sections 16.5 and 16.6 set out standards for plot ratio and site coverage, for the purpose of controlling the bulk and mass of developments and preventing the adverse effects of over-development.

Dublin City Council promotes sustainable residential densities, particularly along public transport corridors, which will enhance the urban form and spatial structure of the city, in accordance with the standards and guidance of national and local policy. The residential density of this development is stated as 295 units per hectare. The proposed development provides for a very high density, it is considered that the proposed density is comparable to that which is provided on City Centre sites. It is noted that the proposed density is in excess of that of the permitted Omni Living SHD (250 units per hectare) and the Swiss Cottage (233 units per hectare).

Higher densities must demonstrate how the proposal contributes to place making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. The Planning Authority has serious concern with regard to the proposed density, scale and height of the development as further detailed in the following sections of this report.

While it is noted that the acceptability of the very high density proposed is a matter for the Board, it is again highlighted that the Planning Authority has serious concerns regarding the isolated backland location of the site and the appropriateness of a residential development of the height and scale proposed on these Z4 lands. The development fundamentally fails to contribute to quality place-making.

The stated site coverage is 28%. The Development Plan indicative site coverage standard is 80%.

The stated plot ratio is 2.6. The Development Plan plot ratio standard is 2.0 for Z4 lands. The plot ratio of the proposed development is therefore above the figure outlined in the City Development Plan.

Section 16.5 of the development plan states: 'A higher plot ratio may be permitted in certain circumstances including

- where a site is adjoining major public transport termini;
- to facilitate comprehensive redevelopment in areas of need of urban renewal;
- to maintain existing streetscape profiles'.

The Planning Authority does not consider that any of the aforementioned circumstances apply to this site or proposal. The excessive plot ratio, coupled with the proposal's height and density are cause for serious concern.

While it is noted that the plot ratio standards are indicative, it is also noted that the proposed plot ratio is higher than comparable permitted plot ratios in the area (Omni Living 2.5 and Swiss Cottage 2.4). Having regard to the backland, isolated and overall disconnected location of this subject site, it is considered that the proposed plot ratio is not acceptable in this case.

Design and Layout

The scheme is laid out in four blocks. All proposed apartments are accessed off core entrance and a central corridor, resulting in a high number of single aspect units. At basement level a car parking area for 213 no. cars is proposed. Services and bins stores are shown in addition to cycle parking at basement level. At ground floor level c. 31 no. units are proposed in the blocks, in addition to a crèche, two retail units, a community room, and residential amenity space. A number of communal open space are identified between the proposed blocks and a public plaza area to the south east of the blocks is shown to interface with the surface car parking areas. The following first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh floors all have apartment units only.

The blocks to the west of the site are identified as Block A & B, both are shown to be four storeys in height where they are sited closest to the common boundary with the existing rear garden areas of dwellings on Shanliss Avenue. These blocks rise up to 8 storeys in height. Block C is centrally located within the site and accommodates 165 no. units. It is a block which ranges from 9 to 12 storeys in height. Block D is located to the east of the site, and is set back from the common boundary by c. 9.3m - 10.6m with the existing supermarket (Lidl) shop unit. There is a pinch point to the front with a setback of only c.4.5m, which is seriously concerning as this block ranges from 10 to 11 storeys in height.

Blocks A & B are set back from the common boundary with the rear gardens on Shanliss Avenue by c. 9.8m – c. 10.95m for Block A to the western boundary, and c.12.04m – 12.8m for Block B to this western boundary. The separation distance reduces for Block A to the north west boundary with residential gardens on Shanliss Avenue to c. 4.7m – 6.2m. This corner of the proposed block is shown to be 7 storeys in height (c.25.8m). Whilst planting is proposed along these boundaries, there is serious concern given the proposed height of the Blocks at c. 13.8m at their lowest and their proximity to the common boundary to the west and north. Given the site context and the existing adjoining sites and the proximity of the existing residential properties which are located to the west of the site (Shanliss Avenue), there is serious concern in regard to overbearing, overshadowing and overlooking impacts. These issues are explored further within this report.

The proposed separation distances between the blocks themselves is also concerning. Between the highest blocks; Block C and D the separation distance shown is c. 18m, which for blocks of 11 and 12 storeys is unacceptable, and will result in poor amenity for future occupants of the scheme.

There is a public plaza/ public open space proposed in the south east of the site. This entranceway plaza into the proposed development is accessed from car parking areas to the east and south. While redesigned and improved walkways through the larger site have been included as part of this development, the access and egress for the pedestrian / cyclist is concerning given the overall dominance of cars in the immediate environment. Vehicular access to the site is via the existing Omni park entrance off the swords road (included within the blue line) and the access to the proposed basement car park is along the southern boundary.

The applicant has in the Design Statement submitted put forward the case that the 12 principles of quality Urban Design have been incorporated. In this regard it is noted that the applicant states *'careful consideration was given to the arrangement of the buildings on site both in response to the neighboring homes at Shanliss Avenue and the newly completed development to the north'*. While the set back from the common boundary with the existing residential development is noted as between c. 9.8m – 12.8m there remains concern given the proposed height of the blocks (c.13.8m). The set backs from the north western boundary are limited, and shown to be c.4.7m -6.2m for an section of the building of Block A that is seven storey high. There is concern with regard to how the scheme responds to its immediate surroundings. It is considered that in the immediate context of the 2 storey dwellings to the

west, the relatively low buildings of the industrial estate to the north and the existing car park and commercial units beyond to the south and east, that this proposed development will be overbearing and visually dominant.

In terms of connections, the site is a backland site. Access proposed for both pedestrian and cyclists are via routes which runs through an existing busy car parking area. The second route relies on access through a previously approved scheme which has street frontage onto the Swords Road, and then is shown to run through a car parking area before reaching the subject site. The existing access from the Swords Road is shown to be upgraded, with new surfaces for the pedestrian route, but there remains serious concern with the safety of these routes as they pass a number of pedestrian crossings within the car parking area and are adjacent to a car repair premises, and a petrol station. At a human scale these routes are dominated by vehicular traffic, both running alongside the proposed routes and crossing over the proposed access routes. These proposed links are concerning from a safety aspect and it is considered that they would not provide an appropriate sense of entry to a residential development. The development fundamentally fails to recognise the importance of assigning higher priority to pedestrians and cyclists with the development designed around the need to accommodate vehicular movements and car parking. The resulting environment would be one that is hostile to pedestrians and cyclists, and even more so after dark.

Future possible connections to lands to the north are identified, which are welcomed from a permeability perspective. However it is noted that this land within Santry Hall Industrial estate is not within the ownership of the applicant. The Planning Authority has concerns that the poor pedestrian connectivity would fail to achieve compliance with the Urban Design Manual - A Best Practice Guide (2009).

In terms of inclusivity there is concern with regard to the ease of movement into the site as noted above. Through the site the layout has been designed to lead users into the proposed development via the public plaza, but to access this public plaza is through walkways within car park areas for a shopping centre. Connections through communal open spaces within the site are shown in the number of walkways proposed around the blocks but there is concern given the height of the blocks, that these walkways will be overshadowed and uninviting. A ground floor community space with a floor area of c. 195sqm is proposed and located at ground floor Block D at the edge of the plaza adjacent to the car park which is welcomed, albeit a rather small facility given the overall floor areas proposed.

With regard to variety and how the development promotes a good mix of activities, it is noted that the development is predominantly residential in nature. The applicant has noted that amenity spaces have been included at ground floor. These include a community space (as noted above) and crèche in addition to a communal residential amenity space in Block B. However given the number of units proposed, there is concern with regard to the provision of this amenity space within one block only. The future residents of other blocks will be segregated from this space. The amenities of future occupants of the scheme is cause for concern.

In terms of efficiency and how the development makes appropriate use of resources, the applicant refers to the scheme benefiting from the existing amenities within the Omni Shopping Centre and how this scheme will support these existing uses. The proposed high density residential development on lands zoned Z4 for mixed use facilities is not considered to make appropriate use of resources, including this Z4 zoned land resource.

In terms of distinctiveness and creating sense of place, the applicant has advised that awnings incorporating signage over entrances is proposed to identify blocks, which is concerning. Block C which is centrally located is identified as the focal point of the scheme.

Notwithstanding its size, scale, massing and height proposed it is considered that given the scale, bulk and height of the remaining 3 blocks, they too will dominate, and therefore Block C will not serve as a focal point. While the proposed central public open space and plaza are key features and could contribute positively at ground floor once within the scheme, the overall height, scale and massing of the adjoining blocks detracts significantly from this potentially positive addition.

With regard to layout and public realm the applicant has put forward the case that given the pedestrian movement as a priority within the site a strong emphasis has been placed on creating pleasant courtyard areas between the proposed blocks. It is further noted that lighting and CCTV are proposed, and that there is a 24/7 static security presence within the wider Omni District Centre. Notwithstanding these proposals for pedestrian movement within the scheme, there remains serious concern with regard to the safety and security of the blocks and walkways as you move into and through the site. While it is noted that the entrances to blocks D and C are addressing the plaza, as you move further into the site, to Blocks B and A, there are long stretches of buildings with no proposed accesses. For example Block A in the north-west corner has an entrance from the east and south only. The communal open space to the northwest of this block with the older children play area appears to have no entrance into the block on this side. Given the proposed height of the block and the pinch points between this block and the common boundary this area is also cause for concern, with a narrow and quiet pathways. This is also a concern along the northern boundary of the site, given the limited set back and the proposed heights of Block C & D.

Secure and enjoyable public spaces and communal spaces should be designed that are people friendly. In the existing site context there is concern with the usability of the public open space which abuts car parking areas on both sides. There is concern with regard to limited setbacks/separation between blocks. The isolated siting of some communal open spaces with no connection or relationship to the building it is meant to serve, and the usability of areas of the communal open spaces which will be overshadowed, dark and uninviting is of concern.

The adaptability of the buildings is noted, with units designed to enable people with additional mobility needs access also. Ground floor units are shown to have an increased floor to ceiling height for Blocks D and C but not for Blocks A & B. The Life Cycle report submitted is noted.

In relation to privacy and amenity while the applicant has stated the 'distance between the blocks is generally 22m or more', it is noted from the site plan submitted that the distance is c.18m between Block C and Block D up to the seventh floor and balconies located on Block C facing living areas of units in Block D. This is concerning given the heights proposed, and the limited separation distances. With regard to private amenity spaces it is noted that balconies are proposed and that ground floor units have been shown to have a privacy strip with high screening shrubs. It is noted that basement vents are however located adjacent to balconies at the north west corner of both Block C and D, which is concerning given the noise and disturbance of these vents. These will have a detrimental impact on the private amenity spaces of future occupants of these units. It is not considered that the buildings provide a high quality amenity. Usability and level of natural daylight to the spaces provided is discussed further in this report.

In relation to parking and how it will be secure and attractive, it is noted that 226 no. car parking spaces are proposed, with 213 of these at basement level. 6 stair cores are shown within the basement car parking area which give access to the blocks above. The 13 no. spaces at surface level are shown to be 7 crèche spaces and 6 car share spaces, which are noted.

A detailed landscape proposal has been submitted which shows both hard and soft landscaping proposed. Again the usability and safety of these spaces is concerning given the

restrictions of this limited backland site and the scale of development proposed. Conditions are recommended from Parks, Biodiversity & Landscape Services to be attached if a grant of planning was forthcoming.

Section 16.10.4 Making Sustainable Neighbourhoods of the City Development Plan states that new neighbourhood developments should harmonise with the local character and further develop the unique character of these places, and should also make a contribution to social infrastructure to enable the creation of sustainable neighbourhoods. Given the proposed layout and design and given the isolated, backland nature of the site, which has no street frontage or any discernible urban edge, it is considered that the subject land is not appropriate for a development of the height and density proposed. There is concern that it would be overbearing and not integrate satisfactorily with the existing area. It is considered that it would unduly impact on the character and visual amenity of the receiving environment.

Height and Visual Impact

In relation to building heights, the proposed development exceeds the heights allowed for in the City Development Plan 2016-2022. The proposed development comprises of four blocks which range from 4 to 12 storeys (c.13.8m – 41m). The Planning Authority acknowledges that the *Urban Development and Building Heights Guidelines for Planning Authorities* Ministerial Guidelines have been published and these Guidelines require that a criteria based assessment shall be undertaken, in respect of the assessment of proposed building heights. The applicant has submitted an assessment of the proposal development against the development management compliance criteria as per Section 3.2 of the Ministerial guidelines.

The Material Contravention Statement and Statement of Consistency submitted by the applicant both make a case for permitting extra height at this location on the basis of national and regional guidance. The Material Contravention Statement sets out justification for the proposal in the context of the Urban Development and Building Height Guidelines for Planning Authorities December 2018. These statutory Section 28 guidelines on building heights in urban areas provide for a response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. The guidelines set out national planning policy as to the relevant planning criteria for considering increased building height in various locations but principally (a) urban and city-centre locations and (b) suburban and wider town locations.

At the scale of the city/town the applicant makes the case that the site is well served by public transport. While this is noted, and details of existing bus routes and future Bus connects have been submitted, it is also noted that a number of submissions from third parties note that buses are at capacity when they arrive at Santry and at peak times new passengers cannot board the bus. It is further noted that there is no Dart, LUAS or future metro in close proximity to this backland site.

At the scale of the site/building *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.* In this regard the applicant has submitted a daylight / sunlight assessment which addresses the availability and quality of the internal lighting within the development. Notwithstanding this report there is serious concern with regard to the number of single aspect units, with regard to access to light and ventilation given the design of the blocks with long central corridors, which do not lend themselves to dual aspect units. There is concern with regard to units at lower levels and access to natural light, given the proximity to boundaries, the single aspect and the proposed design.

The Planning Authority has concerns in relation to the overall scale, height and massing of the proposed development, which is considered will have negative impact on the character, visual and residential amenity of the area. The proposed blocks are considered to represent a significant and incongruent transition from the scale of the surrounding established residential

neighbourhood, in particular the two-storey dwellings in Shanliss Avenue to the west of the application site. While more recent developments on the Swords Road have introduced additional height and these are noted (and detailed above in the planning history section) given this site's backland location, its site context is very different. The Planning Authority has concerns that the proposed development would have significant overbearing impact on occupants of the dwellings on Shanliss Avenue to the west, and given the height and proximity to the northern boundary there is concern with regard to future development potential of this site which is within Z6 lands of Santry Hall Industrial Estate. The proposed development will also appear visually dominant when viewed from within the Omni Complex.

In the statement of consistency it is submitted that *the context of the development, adjacent to an existing high quality public transport route including the proposed Bus Connects corridor and the extant permitted Omni Living SHD, means that additional height is appropriate at this location.* The Planning Authority has serious concerns with regard to the proposed excessive height, and scale. The Planning Authority considers that while the subject site may have potential to accommodate a building(s) of a height, in part, subject to other considerations such as protecting the residential amenities of future residents, residential amenities of the neighbouring properties, and visual amenities and urban place-making, this current proposal which includes blocks of up to c.41m is excessive in the context of the immediate area of this backland site.

The proposed development by reason of its height and overall scale would not integrate satisfactorily with the existing area, and would unduly impact on the character and visual amenity of the receiving environment. It is not considered to make a positive contribution to the urban neighbourhood or streetscape. It has no street frontage. The separation distances as proposed are seriously inadequate leading to an unacceptable overbearing impact, and excessive overlooking from windows and balconies, notwithstanding the incorporation of high level windows to assist in reducing the impacts. It is considered that by reason of its height and proximity to the site boundaries it would be discordant relative to the established height profile of the receiving environment at this location.

It is therefore considered that the exceedance of the height limit prescribed by the City Development Plan, is not acceptable in this case, given the site context and in the interest of visual amenity and to ensure the amenities of existing residents and future occupants are protected.

Landscaping and Tree planting

As a new residential development there is a requirement of 10% of the site area to be public open space. A landscape scheme is submitted with the application, which includes the provision of public and communal open space. Communal open space is proposed between the development blocks, and a public plaza, as public open space, is proposed fronting the development with a pedestrian link to the Santry Road.

Open Space

As noted above Public Open Space (POS) is provided in the form of the public plaza, identified as 2028sqm which is stated as 13% of the site area. It is noted that the landscape plan shows this area as predominantly hard landscaping, with pockets of planting. It is noted within the Parks, Biodiversity and Landscaping report that the quality of the materials used within the plaza should be improved with the full use of natural stone surfacing. In addition, the use of large-canopy tree species and public art shall help to improve greening and sense of identity to the development.

The public open space will not be taken in charge and, subject to planning permission, public use and access should be safeguarded through conditions. It is noted that the layout allows

satisfactory sunlight access to both the communal and public open spaces, with both categories meeting the BRE March 21st daylight threshold.

Housing Quality

A Housing Quality Assessment has been submitted with the application. The proposed units are assessed below against the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).

Apartment Mix

SPPR 1 of the apartment guidelines apply. In total 457 no. Apartments would be provided, as follows:

- 1 x 1 bedroom studio units (c.0.2%)
- 221 x 1 bedroom units (48.4%)
- 211 x 2 bed units (46.2%)
- 24 x 3 bed units (5.3%)

As the mix proposed does not exceed 50% of 1 bed units, the mix complies with SPPR1.

Internal Floor Areas and Storage

The HQA submitted indicates that all (100%) of all apartments proposed meet or exceed the minimum floor area requirements as set down in the apartment guidelines. As noted above the requirements that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% and for a maximum of 12 apartments per floor core (subject to overall design quality and compliance with Building Regulations) apply.

The Housing Quality Assessment submitted states that all room sizes and storage requirements as set down in the apartment guidelines for each of the apartments have been met or exceeded in all instances, this is noted.

Dual Aspect

The subject site would be expected to achieve at least 50% dual aspect, in accordance with the 2020 Apartment Guidelines.

The proposed scheme is stated to achieve 46% (211 no. Units) dual aspect units. However from inspection of the HQA the drawings submitted it appear that this figure is reduced to c.206 units. This would result in c.45% dual aspect units and 55% single aspect. The amount of sunlight reaching an apartment significantly affects the amenity of the occupants. Dual-aspect apartments, as well as maximising the availability of sunlight, also provide for cross ventilation and should be provided where possible.

In this regard the Planning Authority considers that the requirements of SPPR 4 of the Apartment Guidelines have not been fulfilled.

The proposed development does not comply with SPPR 4.

Floor to Ceiling Heights

SPPR 5 requires ground floor apartments to have a minimum height of 2.7m. It is noted that ground floor units in blocks C & D are shown to exceed this. The Section drawing submitted show that ground floor apartments at the minimum 2.7m. Upper floor units, generally measure c.2.7 metres floor to ceiling height.

In this regard the planning authority considers that the requirement of SPPR 5 has been fulfilled.

Lift and Stair Cores

In accordance with the SPPR 6, the scheme provides a maximum 9 units per floor per core. It is noted that long corridors are proposed to access units from core stairs and lift areas. The number of units per core is in accordance with SPPR6.

Private Amenity Space

As per Appendix 1 of the apartment guidelines a minimum of 5sqm for 1 bedroom units; 6sqm for 2 bed (3 person units); 7sqm for 2-bed (4 person units) and 9sqm for 3 bed units is required.

The HQA submitted indicates all apartments being provided with the minimum standard of private amenity space, and the drawings submitted show the areas of the balconies and terraces proposed. All units appear to meet the minimum requirements of the Apartment Guidelines in terms of size of balcony and all balconies appear in excess of 1.5m in depth.

There is concern with regard to the number of units which are shown to access the balcony space via a bedroom only. This is concerning given that balconies are intended to be an extension of the living space and should function as such, adding to the amenity of future occupants. It is noted that 7no. single aspect apartment types within the scheme show access via a bedroom only (these include; apartment type 1B1, 1B2, 1B9, 1B14, 1B15, 1B16 & 1B17). Section 3.36 of the apartment guidelines states that *Balconies should adjoin and have a functional relationship with the main living areas of the apartment.*

The overall number of units which access balcony areas via the bedroom is c.103 no. units of the 457 overall, which is seriously concerning. In this regard the Planning Authority considers that the requirements of quality private open space as per the Apartment Guidelines have not been fulfilled.

Daylight/Sunlight

A Daylight and Sunlight Assessment Report has been prepared by 3D Design Bureau, and it gives the details of the assessments undertaken and the results of these.

With regard to effect on vertical sky component or effects on daylight – the residential properties 51 -81 Shanliss Avenue have been included in addition to the industrial units to the north. Effects on sun on ground to surrounding gardens and external play areas have been assessed and effects on sunlight to surrounding properties has also been assessed. The results show that all residential properties would experience a negligible level of effect. The minor adverse, moderate adverse and major adverse impacts are all recorded for the commercial units to the north, which are noted. This may impact negatively on future development potential of these units/site but given their existing commercial use at present the Planning Authority has no major concern with these results.

The ADF is a measure of the overall daylight in a space, and the guidelines state that 'below 2% the room will look dull and electric lighting is likely to be turned on'. The assessment was carried out on the basis of both the current guidelines BRE 209/2022 and the IS EN 17037. The study submitted states that 98% of units within the scheme meet the ADF requirement as assessed under the BRE guidelines for 2.0% ADF in KLD rooms, and 1% in bedrooms. This is noted.

However when the IS EN 17037 standard is assessed the results are more concerning. This shows that a larger number of ground and first floor units do not meet the recommended % of area above 300 Lux. For example Block A from ground and first floor units surveyed within the main block of Block A of the 42 rooms assessed, only 15 of these or 36% meet the IS EN 17037 standard. This is largely due to the depth of the rooms proposed, the layout of the blocks, proximity to site boundaries, and the high number of single aspect units. There is serious concern with regard the quality of these units for future occupiers.

With regard to sun on ground in proposed outdoor amenity areas the BRE guidelines recommend that for a garden area or amenity to appear adequately sunlit throughout the year at least half of the area should receive at least 2 hours of sunlight on March 21st. The analysis submitted shows a number of amenity areas and the areas of the site that will receive this 2 hours of sunlight. Whilst the overall scheme meets the minimum requirement in this regard there is concern with the high level of areas that are shown in dark blue which do not receive the minimum 2 hours. These areas include part of amenity spaces between blocks A & B and to the north of blocks C and D where separation from the common boundary is limited.

There is concern with the proposed quality of the units and the associated amenity spaces both private amenity areas and parts of the communal areas.

While overall the scheme meets the minimum requirements there are a large number of units that do not meet the new guidelines and there are large areas of communal open space that will be limited in its function due to overshadowing and poor natural light.

Internal Storage Space

Appendix 1 of the Apartment Guidelines sets out the requirements for internal storage, 1 bedroom units require 3sqm, and 2 bedroom units require 5-6sqm. The Housing Quality Assessment submitted demonstrate all units comply with these standards. The drawings appear to show storage areas for all units in compliance with the quantum, and some incorporating wardrobe spaces.

Privacy

With regards to ground level units, there is sufficient defensible space/planting around the ground floor terrace areas of these units to maintain an acceptable level of privacy for future residents. There is concern however at higher levels with units facing into living areas of units in the neighbouring block at limited and restricted separation distances. This is problematic at the corners of Blocks A & B where living spaces have large windows and neighbouring balconies are located at very close proximity. It is also a concern with limited separation distances between the blocks, namely Blocks C & D, where balconies and living space windows face one another at reduced separation distances.

Security

The proposed development has a number of pedestrian accesses identified off the Swords Road. Through the subject site a number of walkways are also proposed. As discussed earlier in this report there is concern with the safety of routes into the site given the dominance of the car in the immediate environment, and given that both routes cut through car parking areas to access the site.

In terms of anti-social behaviour, while the use of CCTV and existing security on site are both noted, it is further noted that good design should ensure safe environments for future occupants. There are dark areas of the site which will have no close access into or out of the buildings. The lighting plan is noted but there remains concern with regard to routes which have long lengths of building façade, with no direct links into the amenity space that serves the building.

Communal Amenity Space

The Apartment Guidelines 2020 require communal amenity space as follows: 5sqm for a 1-bed; 6/7sqm for a 2-bed unit, and 9sqm for a 3 bed unit. The application indicates a provision of 3552sqm which meets the required 2802sqm. Communal Open Space should be distinct from public areas by use of boundaries so that privacy and security is maintained for future residents. Additional active recreational elements, such as basketball half court, external gym units should be included. Two playspace are provided, and both play space generally meet guideline requirements.

There are concerns with regard to the usability of the full area of communal open space with play areas, given their siting and the lack of integration with the buildings they serve.

Quality of Proposed Units

The plans demonstrate that the proposed units are a mix of 1, 2 and 3 bed units, with a calculated percentage of 55% single aspect units, which for a site such as this, is below the recommended requirement as set out in the Apartment Guidelines 2020.

There is serious concern with regard to the quality of the proposed units for future occupants given the number of single aspect units, the long lengths of corridors which serve the units, the proposed accesses to private amenity spaces from the units through bedroom areas rather than living spaces and the limited level of natural light the future units will receive. The Planning Authority does not consider the proposed units to be of a high quality. There is serious concern with regard to the amenity of the future occupants of the scheme.

Impact on Neighbouring Properties

The site is currently bounded by existing residential development, to the west which are two storey dwellings. A large number of third party submissions have been received, which raise issues relating to potential negative impacts on the residential amenities of these existing dwellings. In this regard in terms of overlooking and loss of privacy, it is noted that a number of balconies are proposed on the corners of both blocks A & B which face north and south but have a side on relationship to the western boundary. Privacy screens are not shown on the sides of balconies to prevent undue overlooking, and balconies do not appear to have been designed to minimise overlooking. High level windows are however proposed on the elevations. However the balconies for some units in Block A are shown to face west (units A1. 1.2 & 1.3, 2.2 & 2.3 and upwards each floor to A1 7.2) and are sited in close proximity to the common boundary (c.4.7m). This is cause for serious concern in relation to noise and disturbance and overlooking, given the close proximity to the site boundary c.4.7m – 6.2m.

A large number of objections related to the overbearing impact that the proposed development would have on their properties and the surrounding area. The Planning Authority has concern with regard to undue overbearing impact given that both Block A and Block B with a height of c.13.8m, given the limited set back along the western boundary. The blocks rise up to c. 18.8m & 25.8m, set back from the common site boundary by c.4.7m – 6.2m. Given the limited separation distance between these rear garden areas and dwellings and these closest Blocks, and given the proposed scale and mass of the blocks as they extend into the site it is considered that the proposed development would have a detrimental impact on the residential amenities, particularly of these dwellings, by way of overbearing impacts.

Loss of light and overshadowing are also concerns raised by third parties in the immediate area given the scale and bulk of the proposed development. In this regard it is noted that the relevant guidance for the assessment of impacts on daylight and sunlight on amenity spaces is *Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice* (Building Research Establishment Report, 2011). The applicant has submitted a Daylight and Sunlight Assessment Report for the proposed development. The reports comprises an assessment of the likely potential daylight, sunlight and overshadowing impacts associated with the proposed development. The results show that all residential properties would experience a negligible level of effect. This is noted.

Notwithstanding the analysis within the reports submitted, there remains concern with regard to additional shading of the garden areas, and overbearing impact and loss of light to the rear garden areas. These garden areas are notably good sized but there remains concern with regard to overbearing impact given the limited set back of the blocks and the proposed heights.

The site is surrounded by existing 2 storey dwellings, and low industrial units and commercial units. The Planning Authority, as noted above, has concerns in relation to the overall scale, height and massing of the proposed development which is considered in its current form will have negative impact on the character, and visual and residential amenity of the area.

The proposed development is considered to represent a significant and incongruent transition from the scale of the surrounding established residential neighbourhood, in particular the two-storey dwellings in Shanliss Avenue to the west of the application site. It is considered that it would have undue negative impacts in terms of overbearing and overshadowing and would result in loss of light from the neighbouring properties.

This is a transitional zone and the proposed development is considered to be contrary to Section 14.7 of the City Development Plan 2016 -2022 in that it would be detrimental to the amenities of the more environmentally sensitive Z1 zone and therefore seriously injure the amenities of property in the vicinity.

Community and Social Infrastructure

Section 16.10.4 of the CDP requires that proposals for 50 units or more must make a contribution to an area in terms of community facilities and social infrastructure, where significant shortfalls are identified. An audit of existing facilities will be required in such circumstances, which demonstrates how a proposed development will contribute to the range of facilities in the surrounding area. In addition, such schemes will be required to provide an assessment of the capacity of local schools to accommodate the proposal.

A Social Infrastructure Audit has been submitted, which identifies existing provision of health services, childcare and educational facilities, community services and facilities – sport facilities, faith facilities and emergency related infrastructure within the area.

The Planning Authority notes the findings of the audit. It is further noted that a number of references to ‘no response’ are made within the Audit, particularly in relation to availability school places. It is also noted that within the third party submissions received, the issues of existing community and social infrastructure running at full capacity was raised namely in relation to doctor’s surgeries not taking new patients and school places being full, and the lack of other facilities in the area – e.g. – library etc.

A number of recent schemes have been granted planning permission over the last few years (noted above in the history section). These schemes occupants will also require services in the immediate area. The cumulative impact of the recently granted schemes in conjunction with this proposed scheme is concerning with regard to community and social infrastructure in the immediate area, particularly given the lack of mixed uses currently proposed on these Z4 lands.

Child Care Facilities

Appendix 13 of the current Development Plan 2016-2022 sets out guidelines for childcare development in new residential schemes and requires the inclusion of 1 no. childcare facility in residential schemes of over 75 units unless there are significant reasons to the contrary. Notwithstanding this, section 4.7 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020 states that

‘the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms’.

Excluding one bedroom units, the development comprises of 211 x 2 bedroom units and 24 x 3 bedroom units, and therefore the proposed development meets the threshold for onsite provision of childcare facilities.

The development generates the requirement for a crèche to cater for c.62/63 children. The planning report submitted notes that a facility for 45 -47 children is proposed. The floor plans submitted however show a crèche proposed with c.37 no. spaces. The crèche is located at ground floor of Block C. An associated play area is shown to serve the crèche. The crèche external play space shall be fully enclosed and a condition is recommend in the event of a grant of planning permission.

Transportation

A detailed report from the Transportation Planning Division is attached (see Appendix A).

Vehicular access to the site is proposed via the existing shopping centre, which would access the basement parking serving the development. Primary pedestrian access is proposed along existing industrial estate road to the east, with additional pedestrian access provided to the south into an existing car park. There is no designated cycle routes from the site and it is assumed that cyclists would use the pedestrian access routes also. Service access from the Swords Road along the access road south of AIB, Swords Road, Santry.

A Stage 1 Road Safety Audit has been included as Appendix I of the TA. The recommendations of the RSA have been addressed in the revised drawings. A Bus Capacity/Demand Report has been provided as part of Appendix J of the TA and its contents are noted.

In relation to the proposed car parking it is noted that the proposed development provides for 213 no. car parking spaces for residential use at basement level. It is also proposed to reconfigure of existing car parking with net reduction in 104 no. spaces to provide for new public plaza and provision of 7 no. crèche drop off spaces and 6 no. car share spaces. It is noted in the Draft Development Plan 2022-2028 (Appendix 5) that all new developments are to be future proofed with EV charging with a minimum of 50% of all car parking spaces to be equipped with fully functional EV charging points. 22 no. spaces at basement level will be designated as EV charging spaces, with the remainder of spaces able to be upgraded should the demand arise following occupation; this equates to c. 10% of the overall parking provision.

It is noted within the report received that whilst the applicant is advocating a residential development based on the use of sustainable transport modes, it is considered that these modes have not been adequately facilitated as part of this residential development, in particular with regards the bicycle parking provision. In the event of a grant of permission, conditions are recommended to address this.

Construction Management Plan

A Construction Environmental Management Plan (CEMP) has been submitted with the application. The contents of same are noted.

Infrastructure

Irish Water have raised no objection to the proposed development and recommends conditions in the event of a grant of planning permission.

A detailed report from the Drainage Department is attached (see Appendix A). Drainage Department have no objection subject to conditions to be attached in the event of a grant of planning permission.

Environmental considerations

Green Roofs

Dublin City Council promote the use of green roofs on all flat or gently sloped roof to at least 70% of roof areas. The area of green roof proposed is considered small in comparison to overall building roof area. The feasibility of incorporating a wider use of green roof area shall be assessed and details submitted for agreement to Drainage Division prior to the commencement of construction.

Microclimate

The Impact of Wind on Microclimate Effects and pedestrian comfort Study has been submitted. Wind flow speeds are shown to be within an acceptable range. It is noted that some local accelerations can be found on the top level balconies when wind is from west-south-west. The Planning Authority notes the study.

Sustainable Building Design

Policy QH12 promotes more sustainable development through energy end-use efficiency and increasing the use of renewable energy and improved energy performance of all new development. A Building Life Cycle Report has been submitted, showing how energy performance for the development will be maximised.

Third Parties:

The third-party submissions have been duly noted and summarised above, with concerns raised in the third-party submission addressed in the relevant sections of the assessment above and all planning issues pertaining to the proposed development taken into consideration in the assessment of same.

Other matters

Part V

The applicant has submitted proposals in relation to Part V compliance. The Part V proposal consists of 45 units. These units are spread across a number of floors within Block D. It is noted that the proposals have been discussed with the Council's Housing Division, who have raised no objection.

Taking in Charge

No proposed roads/footpaths are intended to be taken in charge. Open space is not proposed to be taken in charge.

Appropriate Assessment and EIAR

Appropriate Assessment and Environmental Impact Assessment are matters for the Board to consider, as the competent authority for this application.

Conclusion

The Planning Authority has serious concerns with regard to the proposed development in terms of scale, height and proximity to the boundaries. There is serious concern with regard to the undue negative impacts on the residential amenities of the existing residential properties, in terms of overbearing impact, and overlooking. The proposed development is considered visually overbearing and will not integrate satisfactorily with the existing area, and would unduly impact on the character and visual amenity of the receiving environment.

There is also serious concern with regard to the standard of residential amenity for future occupants of the scheme which fails to meet the minimum standards as set out in the Dublin City Development Plan 2016 - 2022 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2020).

Recommendation:

It is recommended that the application be refused planning permission for the following reasons:

1. The proposed development by reason of its height, scale, massing, density and proximity to the site boundaries is considered overdevelopment of the site and would adversely impact on the amenities of existing adjacent properties by way of undue overlooking and would be visually overbearing when viewed from existing residential properties on Shanliss Avenue. The proposed development is contrary to Section 14.7 of the City Development Plan 2016 - 2022 in that it would be detrimental to the amenities of the more environmentally sensitive Z1 zone adjacent to the application site, and would therefore seriously injure the amenities of property in the vicinity, be contrary to the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

2. The proposed development will provide an inadequate standard of residential amenity for future occupants of the scheme as a result of design elements which do not comply with the minimum standards as set out in the Dublin City Development Plan 2016 - 2022 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2020). The proposal does not comply with SPPR 4 in terms of the number of dual aspect units, provides units which have private amenity space in the form of balconies accessed solely from bedrooms, and units with poor levels of privacy and natural light given the design of blocks and limited separation distances. The proposed development would result in an unsatisfactory level of residential amenity for future occupants of the scheme and would, therefore, be contrary to the provisions of Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2020), the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

3. The proposed development by reason of its backland location, excessive height, overall scale and close proximity to site boundaries, would not integrate satisfactorily with the existing area, and would unduly impact on the character and visual amenity of the receiving environment. The proposed development would be discordant relative to the established height profile of the receiving environment at this location. The proposed development would therefore, be contrary to Section 16.7 of the Dublin City Development Plan 2016-2022 and the Urban Development and Building Height Guidelines for Planning Authorities December (2018) and be contrary to the proper planning and sustainable development of the area.

In the event of a grant, the Board is advised that a number of conditions are proposed in the appended departmental reports.

Rebecca Greene
Executive Planner

Date: 17/10/2022

Siobhán O'Connor
Senior Executive Planner
19.10.2022

Appendix A

Interdepartmental Reports

Drainage Division:

Transportation Planning Division:

Parks & Landscape Services:

Archaeology