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# Large-Scale Residential Development Appeal Correspondence Form

Case No: ABP 320106

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1. Update Plean-IT with new agent of Applicant/Appellant

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Amendments/Comments:

Applicants response to grounds / rec'd online.

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EO: Litz Cleche

AA: p.p. Fadime Ulatyar

Date: 06-08-24

Date: 11/08/24



**ARMSTRONG  
FENTON**

ASSOCIATES

30<sup>th</sup> July 2024.

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

Re:

<b>AN BORD PLEANÁLA</b>	
LDG- _____	
ABP- _____	
<b>30 JUL 2024</b>	
Fee: € _____	Type: _____
Time: <u>13:00</u>	By: <u>Courier</u>

**Response to a third party appeal in relation to a decision by Dublin City Council  
to Grant Permission to Dwyer Nolan Developments Ltd for  
a Large-Scale Residential Development (LRD)  
at the junction of Santry Avenue and Swords Road, Santry, Dublin 9.  
Reg. Ref.s LRD6044/24-S3A & ABP-320106-24**

Dear Sir/Madam,

We, Armstrong Fenton Associates, Planning Consultants of 13 The Seapoint Building, 44-45 Clontarf Road, Dublin 3, act on behalf of our client, Dwyer Nolan Developments Ltd, of Stonebridge House, Stonebridge Close, Shankill, Co. Dublin, who is the applicant for the above mentioned development, and we acknowledge receipt of your letter dated 10<sup>th</sup> July 2024 enclosing a third party appeal submitted to An Bord Pleanála against the decision of Dublin City Council to grant permission for a Large-scale Residential Development (hereafter "LRD") located at the junction of Santry Avenue and Swords Road, Santry, Dublin 9, under Ref. ABP-320106-24.

The subject LRD is comprised of 321 no. apartments, comprised of 104 no. 1 bed, 198 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no. seven to thirteen storey buildings, over basement level, with 3 no. retail units, a medical suite / GP Practice unit and community/arts & culture space (total c.1,460sq.m), all located at ground floor level, as well as a one storey residential amenity unit, facing onto Santry Avenue, located between Blocks A & D. The proposed development also includes the demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m<sup>2</sup>).

We have read the content of the appeal and our response to same is set out herein.



## 1.0 Content and Context of the Third Party Appeal

One no. third party appeal was lodged with An Bord Pleanála by Chadwicks Group Ltd. of Ashfield, Naas Road, Clondalkin, Dublin 22. The appellant is currently operating the existing builder's providers on the subject site.

It is imperative to note, in order to fully understand the context of the subject appeal, that the applicant, Dwyer Nolan Developments Ltd., is the full owner of the subject site (under Folio No. DN4150F) since 2019. When our client, the applicant, purchased the subject site, Chadwicks Group was the sitting tenant and their lease expired in 2022. Chadwicks Group has not vacated the property and continues to operate on the site. Chadwicks Group has also brought court proceedings against our client seeking a new lease to be issued to them and/or compensation for business disturbance if they are unsuccessful in the proceedings and that they have to vacate the premises when a final grant of planning permission is obtained. It is therefore evident that the basis of this third party appeal is to delay our client in obtaining planning permission thereby extending their occupancy of the property until such time as a grant of planning permission is issued for the redevelopment of the subject site.

Our client, Dwyer Nolan Developments Ltd. has successfully developed the adjoining site to the immediate south i.e. at Santry Place, via which access to the proposed development is facilitated. As will be outlined further on in this appeal response, the subject site has had a lengthy planning history attached to it since 2021. It is also put forward that the proposed development is an appropriate development response for the subject site and that the appeal submitted by the appellant is nothing more than a delay tactic by them for their continued occupancy of the site and is therefore vexatious and ought to be dismissed by An Bord Pleanála.

We note however, that the appellant has been prudent enough to outline "grounds of appeal" such that the appeal has been deemed valid and therefore we acknowledge that the proposed development will be assessed *de novo* by An Bord Pleanála. The subject LRD planning application contains a considerable amount of information that we will not repeat in this appeal response as we understand the Planning Authority will furnish An Bord Pleanála with a full copy of the application details. We will however, set out a response to the appellant's appeal along with the context of the proposed development such that An Bord Pleanála is made aware of all the relevant details that will allow them to undertake a comprehensive assessment of the proposed LRD on the subject site.

The appellant has set out a number of grounds of appeal which can be summarised as follows, and our response to same is set out in section 5 of this appeal response:

- i. Extent of non-residential floorspace,
- ii. density,
- iii. apartment layouts,
- iv. bicycle parking,
- v. bat surveys, bird surveys, biodiversity monitoring & arboricultural queries,
- vi. wind-microclimate assessment,
- vii. Part V,
- viii. Telecommunications infrastructure.



## 2.0 Proposed Development

The proposed LRD can be described as follows, as per the public notices issued:

Dwyer Nolan Developments Ltd. wishes to apply for permission for a Large-Scale Residential Development (LRD) on this site, c. 1.5 hectares, located at the junction of Santry Avenue and Swords Road, Santry, Dublin 9. The development site is bounded to the north by Santry Avenue, to the east by Swords Road, to the west by Santry Avenue Industrial Estate, and to the south by the permitted Santry Place development (granted under Dublin City Council Ref.s. 2713/17 (as extended under Ref. 2713/17/X1), 2737/19 & 4549/22).

The proposed development provides for 321 no. apartments, comprised of 104 no. 1 bed, 198 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no. seven to thirteen storey buildings, over basement level, with 3 no. retail units, a medical suite / GP Practice unit and community/arts & culture space (total c.1,460sq.m), all located at ground floor level, as well as a one storey residential amenity unit, facing onto Santry Avenue, located between Blocks A & D.

The proposed development consists of the following:

- (1) Demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m<sup>2</sup>).
- (2) Construction of 321 no. 1, 2, & 3 bed apartments, retail units, medical suite / GP Practice, community/arts & culture space, and a one storey residential amenity unit in 4 no. buildings that are subdivided into Blocks A-G as follows:
  - Block A is a 7-13 storey block consisting of 52 no. apartments comprised of 22 no. 1 bed, 24 no. 2 beds & 6 no. 3 bed dwellings, with 2 no. retail units located on the ground floor (c. 132sq.m & c.172sq.m respectively). Adjoining same is Block B, which is a 7 storey block consisting of 37 no. apartments comprised of 22 no. 1 bed, 15 no. 2 bed, & 7 no. 3 bed dwellings, with 1 no. retail unit (c.164sq.m) and 1 no. medical suite / GP Practice unit located on the ground floor (c. 130sq.m). Refuse storage areas are also provided for at ground floor level.
  - Block C is a 7 storey block consisting of 53 no. apartments comprised of 14 no. 1 bed & 39 no. 2 bed dwellings. Adjoining same is Block D which is an 8 storey block consisting of 44 no. apartments comprised of 22 no. 1 bed, 15 no. 2 bed, & 7 no. 3 bed dwellings. Ground floor, community/arts & culture space (c. 583sq.m) is proposed in Blocks C & D, with refuse storage area also provided for at ground floor level.
  - Block E is an 8 storey block consisting of 49 no. apartments comprised of 7 no. 1 bed & 42 no. 2 bed dwellings. A refuse storage area, substation, & switchroom are also provided for at ground floor level. Adjoining same is Block F which is a 7 storey block consisting of 52 no. apartments comprised of 13 no. 1 bed & 39 no. 2 bed dwellings. Ground floor, community/arts & culture space (c.877sq.m) is proposed in Blocks E & F. A refuse storage area, bicycle storage area, substation, & switchroom are also provided for at ground floor level of Blocks E & F.
  - Block G is a 7 storey block consisting of 34 no. apartments comprised of 20 no. 1 bed & 14 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.
- (3) Construction of a 1 storey residential amenity unit (c. 166.1sq.m) located between Blocks A & D.
- (4) Construction of basement level car park (c.5,470.8sq.m), accommodating 161 no. car parking spaces, 10 no. motorbike parking spaces & 664 no. bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, & F. External vehicular access to the basement level is from the south, between Blocks B & C. 33 no. car parking spaces & 58 no. bicycle parking spaces are also provided for within the site at surface level.



- (5) Public open space of c. 1,791sq.m is provided for between Blocks C-D & E-F. Communal open space is also proposed, located between (i) Blocks E-F & G, (ii) Blocks A-B & C-D, and (iii) in the form of roof gardens located on Blocks A, C, & F and the proposed residential amenity use unit, totalling c. 2,986sq.m. The development includes for hard and soft landscaping & boundary treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.
- (6) Vehicular access to the development will be via 2 no. existing / permitted access points: (i) on Santry Avenue in the north-west of the site (ii) off Swords Road in the south-east of the site, as permitted under the adjoining Santry Place development (Ref. 2713/17).
- (7) The development includes for all associated site development works above and below ground, bin & bicycle storage, plant (M&E), sub-stations, public lighting, servicing, signage, surface water attenuation facilities etc.

### 3.0 Locational & Planning Context

The subject site measures c. 1.5 hectares and is currently occupied by Chadwicks Builders Merchants (formerly Heiton Buckley Builders Merchants) in a large industrial type building with an associated yard and car parking. The site is roughly square in shape and is generally level with the road but rises slightly at the southern end.

The existing boundary to the Swords Road comprises a steel fence and mature hedging, while the boundary at Santry Avenue consists of a low wall with a steel fence on top. Existing vehicular access to the site is from Santry Avenue to the north.

The site is currently fenced off from the Santry Place development to the south (due to on-going construction by the applicant), and the existing access to same from the Swords Road; however, the proposed development will see integration between permitted and proposed developments in this regard.

The application site is zoned "Z3" (Neighbourhood Centres) in the existing Dublin City Development Plan 2022-2028 (hereafter CDP) which has an objective *"To provide for and improve neighbourhood facilities."* The CDP notes that Z3 zoned lands generally provide for local facilities within a residential neighbourhood which can range from the traditional parade of shops to larger neighbourhood centres. The CDP goes on to state that Z3 lands: *"can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level"*.

Residential use is listed as a 'permissible use' under the Z3 zoning, together with, *inter alia*: community facility, cultural / recreational building and uses, medical use and related consultants, office use, open space, primary health care centres, restaurants and shops (both local and neighbourhood).

The CDP recognises the importance of Z3 lands in contributing to meeting the future housing requirements of the city. To this end, it is considered that the site represents a highly suitable location for the provision of new residential development, given its location on an established entrance route into the city, next to high frequency public transport (Swords Road QBC), and the accessibility of M50 / M1 motorways.

The objective of the Z3 zoning is to provide for and improve neighbourhood facilities. The proposed development provides for c. 1,460sq.m of community/arts & culture space, 3 no. retail units, a medical suite / GP Practice unit and a residential amenity unit. These proposed uses are all located at ground floor level providing direct frontage onto Swords Road and Santry Avenue, and the internal open spaces, that will be linked to Santry Place to the south, thus



affording a generous footfall. It is considered that these non-residential uses will provide for strong active frontage at street level, bringing vibrancy to a prominent corner location, and improve the range of facilities in the area, in compliance with the vision for lands contained in the CDP.

To summarise, in compliance with the Z3 zoning objective, the proposed development includes for retail, community/arts & culture space, and residential amenity uses at ground floor level, with high density residential development alongside and above.

#### 4.0 Planning History

The site is currently occupied by Chadwicks Builders Merchants, in a large industrial type building, with an associated yard and car parking, and aside from same, we are not aware of any significant planning history associated with the site prior to the acquisition of the site by our client.

The applicant acquired the subject site in 2019 and since then has submitted two no. Strategic Housing Development (hereafter "SHD") planning applications, which are detailed as follows:

##### **Application No. 1 - Reg. Ref. ABP-310910-21**

A SHD planning application was submitted on this site under Ref. ABP-310910-21, proposing the development of 350 no. apartments, comprised of 113 no. 1 bed, 218 no. 2 bed, & 19 no. 3 bed dwellings, in 7 no. seven to fourteen storey blocks, over basement level, with 5 no. retail / commercial units and a community use unit located at ground floor level facing onto Santry Avenue and Swords Road. A one storey residential amenity unit, facing onto Santry Avenue, is also provided for between Blocks A & D.

A decision to refuse permission was made on 4<sup>th</sup> November 2021 for one reason only which related to the fact that proposed mix of dwelling units was not addressed in the Material Contravention Statement submitted with the application which precluded An Bord Pleanála from granting permission.

We note that Dublin City Council (hereafter "DCC") recommended a grant of permission subject to conditions and having read the Inspector's Report, it is also considered that An Bord Pleanála had no objection in principle to the proposed development. Referencing the DCC Chief Executive's Opinion, the Inspector stated: *"The Chief Executive has recommended that permission be granted for the proposed development subject to conditions. I generally concur with that recommendation"*.

In relation to the environmental impact assessment of the proposed development, the Inspector concludes that *"I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment"*.

The Inspector concludes by stating: *"The proposed development is considered to be acceptable in principle on these Z3 lands having regard to the mix of uses proposed and the surrounding pattern of development. The design and layout is acceptable and will deliver a satisfactory standard of residential amenity for future residents will not result in undue impacts on the amenities of the surrounding area. The proposed building heights materially contravene the provisions of the city development plan but are not regarded as unacceptable for this location, having regard to national guidance and the surrounding context. Redevelopment of this brownfield site is considered to be in accordance with local, regional and national policy promoting the consolidation of urban areas. The site is well served by existing public transport services and it is not considered that the development will give rise to negative impacts on traffic and transportation. Significant impacts on cultural heritage or ecology are not anticipated. The development is generally acceptable in principle and would, subject to conditions, generally accord with the proper planning and sustainable development of the area. I note, however, that the development would materially contravene the development plan*

provisions relating to the mix of housing units which is not addressed in the material contravention statement submitted. It is therefore recommended that, in accordance with Section 9(4) of the Act, a decision to refuse planning permission be issued in this case”.

Based upon the fact that Dublin City Council recommended a grant of permission, subject to conditions, and having read the Inspector's Report, it is also considered that An Bord Pleanála had no objection in principle to the proposed development.

An order to refuse permission was issued under Ref. ABP-310910-21 stating: “Section 16.10.1 of the Dublin City Development Plan 2016-2022, which refers to Mix of Residential Units, states that each apartment development shall contain a maximum of 25 to 30% one-bedroom units and a minimum of 15% three or more bedroom units. Having regard to the range of dwellings units proposed within the development, it is considered that the proposed development would materially contravene this provision of the plan. The statutory requirements relating to the submission of a material contravention statement have not been complied with the applicant in respect of this matter. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with”.

Notwithstanding the reason to refuse being issued, we note that under another SHD planning application for a site in Ballyfermot (Ref. ABP-313320-22) submitted to An Bord Pleanála in April 2022, and under the same Dublin City Development Plan 2016-2022, the An Bord Pleanála Inspector stated the following in assessing the proposed apartment mix: “The mix of apartments proposed would comprise 35% one-bedroom, 58% two-bedroom apartments and 7% three-bedroom apartments. Section 16.10.1 of the Development Plan requires a mix of no more than 25% to 30% of one-bedroom units in a development and a minimum of 15% of three or more bedroom units. The proposed development would not comply with this standard of the Development Plan. **I do not consider this to be a material contravention of the Development Plan, as it only relates to deviation from a standard of the Development Plan, and not a policy of this Plan. Furthermore, the more contemporary requirements under SPPR1 of the New Apartment Guidelines state that apartment developments may include up to 50% one-bedroom or studio-type units and that there shall be no minimum requirement for apartments with three or more bedrooms.** The Planning Authority do not object to the unit mix and I am satisfied that the mix would comply with SPPR1 of the New Apartment Guidelines” [our emphasis added]. While we acknowledge that permission was refused for the first SHD application on the subject site, based upon a subsequent decision by An Bord Pleanála on another SHD (Ref. ABP-313320-22) under the same Development Plan, it is considered that the same assessment could have been provided / applied to the first SHD application on the subject site.

Taking all of the above into account, a second SHD planning application was submitted to An Bord Pleanála by the applicant for the subject site. The second SHD application contained the required Material Contravention Statement thus addressing the previous reason for refusal (which was based upon the previous Dublin City Development Plan 2016-2022) and also took into account comments made in the assessment of the previous application by both the Planning Authority and An Bord Pleanála. Accordingly, a revised, subsequent SHD planning application was lodged with An Bord Pleanála in July 2022, having completed the required pre-planning consultation steps.

## **Application No. 2 - Reg. Ref. ABP-314019-22**

A second SHD planning application was submitted on this site under Ref. ABP-314019-22 in July 2022 proposing the development of 350 no. apartments, comprised of 113 no. 1 bed, 218 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no. seven to fourteen storey buildings, over basement level, with 4 no. retail / commercial units, a medical suite / GP Practice unit and a community use unit located at ground floor level facing onto Santry Avenue and Swords Road. A one storey residential amenity unit, facing onto Santry Avenue, is also provided for between Blocks A & D.



We note that Dublin City Council recommended a grant of permission subject to conditions. However, to date, no decision has been received on this SHD application from An Bord Pleanála. It is our understanding that it has been at Board level since December 2022 and the applicant is currently awaiting a decision on same. Given the time that has elapsed since the initial SHD application was lodged in 2021, and with no indication as to when a decision will be made on the SHD application under Ref. ABP-314019-22, the applicant decided to prepare a LRD planning application, which is the application that is currently the subject of this appeal.

### **Application No. 3 - Reg. Ref. LRD6044/24-S3A**

A LRD planning application was submitted to Dublin City Council by the applicant on 18<sup>th</sup> April 2024, proposing the development of 321 no. apartments and mixed uses. A notification of a decision to grant permission was issued by Dublin City Council on 12<sup>th</sup> June 2024, granting permission subject to conditions. One no. third party appeal by the Chadwicks Group was submitted to An Bord Pleanála.

Taking into account the three planning applications submitted by the applicant on the subject site over the past three years, all of which were deemed acceptable by Dublin City Council, and as concurred in principle by An Bord Pleanála in their assessment of the first SHD application, it is respectfully put forward that the current proposal is an acceptable form of development and ought to be granted permission. It is also put forward that the applicant has been unlucky in achieving a grant of permission for the redevelopment of the subject site, based upon the intricacies of the SHD planning application process and the subsequent, unforeseen judicial review implications associated with same. We fully consider that permission should be granted for the proposed development and that over the past three years, circumstances outside of the control of the applicant have resulted in permission not being granted for the redevelopment of this strategic site and therefore continued occupancy of the site by the appellant, who is now attempting to further frustrate the planning process by submitting a third party appeal. We respectfully request that in their assessment of the subject LRD planning application that An Bord Pleanála give genuine consideration to the circumstances our client finds themselves in, as well as acknowledging the merits of the proposed LRD and grant the permission being sought.

On the lands to the immediate south, adjoining the subject site, the following is the relevant planning history attached to same:

**Reg. Ref. 2713/17** - Carnamadra Ltd. received a final grant of permission on 23<sup>rd</sup> April 2018 for a mixed use development located at Santry Avenue and Swords Road, Santry, Dublin 9. The development included for the partial demolition of existing buildings and the construction of 137 no. residential dwellings, 3 no. retail/commercial units, commercial office uses and a creche in 5 no. four and five storey blocks (Blocks A-E). The development also included for new vehicular and pedestrian accesses via Swords Road, environmental improvements along the Swords Road frontage, basement level car parking, and all ancillary and associated site development works on a site of c. 1.9 hectares.

Subsequent to the granting of permission under Ref. 2713/17, which has the approved name of "Santry Place", the site was put up for sale and is now owned by Zoltorn Limited. Our client, Dwyer Nolan Developments Ltd is currently carrying out the construction of this permitted development on behalf of the landowner.

It should be noted that the duration of this permission has been extended until 26<sup>th</sup> August 2026, as permitted under **Reg. Ref. 2713/17/X1**.

Dwyer Nolan Developments Ltd. submitted an application for modifications to the permitted development to Dublin City Council in April 2019. The details of same are as follows:



**Reg. Ref. 2737/19** – permission granted on 1<sup>st</sup> October 2019 for modifications to the development permitted under Reg. Ref. 2713/17. This permission increased the heights of the permitted Blocks A, B & C from 5 storeys to 7 storeys, and included for a change in unit type and increase in number of apartments (68 no. apartments after design changes at Additional Information stage). The permission included for the provision of balconies and roof terraces (i.e., 240sq.m. each) to Blocks A, B & C.

**Reg. Ref. 4549/22** – permission was granted on 9<sup>th</sup> January 2023 for modifications to the development permitted on site under DCC Reg. Ref.: 2713/17 and 2737/19. The proposal will include construction of an urban block comprising 3 no. 7 storey blocks (Blocks D, E, and F). Block D, and the ground floors of Blocks E and F will provide c. 13,921 sqm office space (an increase of 2,454.7sqm). Residential apartments are proposed on the upper floors of Blocks E and F providing 48 no. apartments (16 no. 1 beds, 24 no. 2 beds, and 8 no. 3 beds) to provide a new total of 253 no. residential units (in increase from 205 units). All residential units will have north/south/east/west facing private open spaces. The development will also include communal open space at podium level, 95 no. car parking spaces and 269 no. cycle parking spaces at surface and undercroft level (an increase of 15 no. car parking spaces and 164 no. cycle parking spaces), and all other site services and works to enable the development including bins, substations/plant areas, boundary treatments and landscaping.

The above three planning applications (Ref.s 2713/17, 2737/19 and 4549/22) relate to the adjoining site to the immediate south known as “Santry Place”, which is under construction by the applicant, Dwyer Nolan Developments Ltd, and into which the current LRD proposal will directly connect.

Following the commencement of construction on Santry Place, the current LRD application site was put up for sale and acquired by the applicant. The site remains occupied by Chadwicks Builders Merchants, even though their lease has expired, however, with the Santry Place development to the south currently nearing completion, the subject development proposal is considered to represent an ideal opportunity for an integrated mixed-use development which will continue the recent regeneration of the Santry area.

We also note the following developments in the vicinity of the subject site which have been recently permitted and /or are under construction:

- **ABP-306987-20** - Permission for the development of 120 no. apartments and associated site development works on the former Swiss Cottage lands, Swords Road, Santry, Dublin 9. The development included for building heights of 3 no. storeys to 7 no. storeys and caters for a density of c. 250 no. dwellings per hectare. The development supersedes and amended the previously permitted development granted under ABP-303358-19. The site is located approximately 100 meters to the south-east of the subject application site.
- **ABP-307011-20** - Permission for the development 324 no. apartments, a creche and associated site development works on lands to the northeast of Omni Park Shopping Centre, Swords Road, Santry, Dublin 9. The development included for building heights of 5 no. storeys to 12 no. storeys and caters for a density of c. 250 no. dwellings per hectare. The site is located approximately 250 meters to the south of the subject application site.

It is considered that the proposed development is in keeping with the aforementioned recently permitted developments at Santry Place, Swiss Cottage and the site to the northeast of Omni Shopping Centre, particularly in terms of height and density, and represents sustainable and coherent planning of this important corner location on an established entrance route into Dublin City.

## 5.0

**Response to Grounds of Appeal**

We have read the content of the third party appeal submitted, and set out below is our response to the grounds of appeal set out by the appellant:

- i Extent of non-residential floorspace,
- ii density,
- iii apartment layouts,
- iv bicycle parking,
- v bat surveys, bird surveys, biodiversity monitoring & arboricultural queries,
- vi wind-microclimate assessment,
- vii Part V,
- viii Telecommunications infrastructure.

## 5.1

**Extent of non-residential floorspace**

The application site is zoned "Z3" (Neighbourhood Centres) in the existing CDP which has an objective *"To provide for and improve neighbourhood facilities."* The CDP notes that Z3 zoned lands generally provide for local facilities within a residential neighbourhood which can range from the traditional parade of shops to larger neighbourhood centres. The CDP goes on to state that Z3 lands: *"can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level"*.

Residential use is listed as a 'permissible use' under the Z3 zoning, together with, *inter alia*: community facility, cultural / recreational building and uses, medical use and related consultants, office use, open space, primary health care centres, restaurants and shops (both local and neighbourhood).

In accordance with the Z3 land use zoning objective attached to the site, the proposed development includes 3 no. retail units, a medical suite / GP Practice unit, c. 1,460m<sup>2</sup> of community/arts & culture space, all located on the ground floor of Blocks A, B, C, D, E and F, and a dedicated 1 storey residential amenity use unit located between Blocks A and D. The proposed non-residential uses face onto Santry Avenue and Swords Road to cater for active frontage at an important corner location, with the proposed community/arts & culture space also extending into the site and addressing the open spaces (Blocks C, D, E and F).

The following is the proposed mix of non-residential uses:

**Retail:**

Block A – 2 no. units, 132.4m<sup>2</sup> & 171.8m<sup>2</sup> respectively = 304.2m<sup>2</sup> total  
 Block B – 1 no. unit, 163.9m<sup>2</sup>  
 Total retail / commercial = 468.1m<sup>2</sup>

**Medical suite / GP Practice:**

Block B - medical suite / GP Practice unit (130.4m<sup>2</sup>)

**Community/arts & culture space:**

C.1,460m<sup>2</sup> laid out on ground floors of Blocks C, D, E & F.

The total floor area of proposed non-residential uses = 2,058.5m<sup>2</sup>.

In addition:

**Residential amenity unit:**

a 1 storey residential amenity unit (c. 166.1m<sup>2</sup>) located between Blocks A & D.

Details of the proposed non-residential uses are as follows:

**Retail Use**

The development includes 3 no. retail uses located on the ground floors of Blocks A and B. These retail units have been strategically located, fronting on to both Santry Avenue and Swords Road, to cater for active frontage and bring a new vibrancy to a highly visible corner location in this urban community. The proposed retail units are also put forward in recognition of the Z3 (Neighbourhood Centres) zoning attached to the site. In accordance with the vision for Z3 lands, these uses will create a new focal point in the neighbourhood by providing a range of convenience type services to both the existing and future local population. It is also considered that these retail units compliment larger existing retail facilities in the area, particularly the Aldi supermarket to the west and the Omni Shopping Centre to the south, but are of a scale that will not detract from the vitality and vibrancy of the long established Omni Shopping Centre to the south.

It is submitted that the provision of 3 no. retail units at ground floor level, forming a strong ground floor frontage, directly addressing the adjoining streetscapes, and adjacent to an existing large urban park (Santry Demesne), will provide for an attractive new range of facilities to serve local needs in compliance with the zoning objective attached to the site.

**Medical Suite / GP practice use**

On the ground floor of Block B, it is proposed to accommodate a medical suite / GP use in Unit E. Under the Z3 "Neighbourhood Centres" land use zoning objective attached to the site, "medical and related consultants" is a permissible use in accordance with the CDP.

We note from the assessment of the previous SHD application (Ref. ABP-310910-21) that the Planning Authority stated that in terms of the ground floor uses that a condition should require retail / medical use of such units. The Planning Authority also noted that many observations referred to the lack of GP services in the area. We also note that in their recommendation to grant permission, the Planning Authority suggested that commercial unit E shall be provided as a medical suite/GP practice unit.

In addition, in his assessment of the application, the An Bord Pleanála Inspector concurred with the Planning Authority and stated the following: *"In respect of the commercial units proposed on the site, I note that condition no. 4 recommended by the Chief Executive identifies uses for the commercial units, including the use of Unit E as a medical suite / GP practice. I consider this condition to be reasonable and appropriate having regard to the objectives for the Z3 zone. Such condition would also satisfactorily address observer's concerns regarding the lack of healthcare facilities in the area. In the event that the prescribed uses proved unviable, it would be open to the landowner to demonstrate same and seek a change of use at a later date. I consider that the condition should allow some flexibility with regard to which specific unit is used for medical / GP surgery use".*



Based upon all of the foregoing, the current proposal provides for a medical suite / GP practice unit on the ground floor of Block B, occupying a space of c. 130sq.m

### **Community/Arts & Culture Use**

In accordance with the Z3 "Neighbourhood Centres" zoning attached to the site, the proposed development provides for community/arts & culture uses, totalling 1,460sq.m, which is spread across the ground floors of Blocks C-D and E-F. The submitted ground floor plan illustrates that a variety of community/arts & culture uses can be accommodated within the proposed floor area dedicated to such uses. On the ground floor of Blocks C-D, c.583sq.m of floorspace is proposed, while Blocks E-F cater for an additional c.877sq.m. Prior to the submission of this application for permissions, the Applicant engaged with Dublin City Council and Dublin Arts Office regarding the provision of the required 5% of floorspace to cater for community/arts/cultural uses. In addition, the subject LRD planning application is accompanied by a Cultural Infrastructure (Impact) Assessment (hereafter "CIA") which has examined what the demand for such uses is in the local area. The CIA finds that *"the proposed space across 4 blocks (blocks C and D providing c. 583sq.m and blocks E and F providing c. 877.2 sq.m) is sufficient in scale to host multiple cultural (artist workspace, performance, rehearsal, maker or multipurpose space) and community typologies, as well as to accommodate a wide range of artforms and community uses"*. In addition, the CIA has revealed a lack of appropriate cultural infrastructure near the site and asserts that *"a shared community / music and dance or makerspace, alongside provision for artist workspace studios, would deliver a notable cultural /community asset not just to the creative and arts professionals in the area, but to the wider community of Artane-Whitehall. In addition to this, through a co-design model, should areas within the cultural allocation of the site be fitted out to accommodate dance they could also serve the needs of the local sporting community through provision of martial arts, boxing, and/or gymnastics"*. Based upon the findings of the CIA, the ground floor space in Blocks C-D and E-F has been designed to accommodate potential uses such as maker space, dance studios, community resource, artists studios.

The total proposed community/arts & culture uses is also put forward in compliance with objective CUO25 of the CDP, which requires that for all large scale developments above 10,000sq.m in total area, that a minimum of 5% community, arts and culture spaces including exhibition, performance and artist workspaces predominantly internal floorspace is to be provided. The total floor area of the proposed development is 25,530.1m<sup>2</sup>. 5% of the total proposed floor area equates to c.1,276.5m<sup>2</sup>, therefore the proposed 1,460m<sup>2</sup> exceeds the minimum requirement under objective CUO25 of the CDP.

It is considered that the floor spaces proposed to be dedicated to community/arts & culture uses, dependant on the tenant(s), will provide the opportunity to implement a range of programmes and services to benefit the community and meets the demand for such uses, as identified in the submitted CIA. It is envisaged that the community/arts & culture uses will enable new and established communities in Dublin 9 to engage with each other, fostering a sense of community and increasing the social interaction.

The proposed community/arts & culture spaces fronting onto Santry Avenue in Blocks D and E have been designed as a welcoming space, with large windows maximising light and amenity use. It is considered that these spaces have the potential to cater for a number of functions such as community resource / maker space, and will offer a focal point within the scheme. To the rear of same, as one moves into Blocks C and F, larger spaces are proposed to accommodate further community/arts & culture uses, e.g. artist studios and dance studios, and through a co-design model, should areas within the cultural allocation of the site be fitted out to accommodate dance they could also serve the needs of the local sporting community through provision of martial arts, boxing, and/or gymnastics which provides flexibility and long term sustainability in terms of the viability of the use of these spaces. The frontage of all of these spaces onto either the public realm or open spaces will ensure that there will be a consistent level of activity in this part of the development. It is envisaged that the management of the proposed community/arts & culture spaces will be operated by a specified management company, who may liaise with Dublin City Council and / or Dublin City Council's Arts Office and / or the Dublin City Local Community Development Committee in terms of what services the allocated



floorspace caters for. It is considered that upon a grant of permission being issued for the proposed development, that the specific details of quantum and location of such floor space/uses will be agreed with the Planning Authority at compliance stage, post planning.

### **Residential Amenity Use**

In addition to the above commercial / retail and community uses, the proposed development includes for a one storey residential amenity use unit (166.1m<sup>2</sup>) located between Blocks A & D which fronts onto Santry Avenue. It is considered that the proposed residential amenity use unit will be capable of supporting a range of services while also providing for recreation space to future residents of the development, helping to create a sense of community between residents of the proposed apartment blocks. The residential amenity use unit also provides for a focused entrance point to this new development on Santry Avenue, aiding the creation of a sense of place and identity for the development.

The proposed residential amenity use unit has been designed to provide recreation and relaxation amenity spaces to its residents close to home. Communal amenity facilities that can be accommodated in the residential amenity unit will be up to the eventual operator as to the function of the space; however, the design of this unit allows flexibility to facilitate numerous uses. Common amenity uses include:

- Gym
- TV Room
- Co-Working Desks
- Conference Facilities
- Cinema Room
- Library Area / Quiet Zone
- Dining / Entertainment Area
- Concierge

Within the stand alone residential amenity unit, flexible residential amenities are catered for, such as a residents lounge for recreation and co-working which could include work booths for individual work or two to four person meetings. The use of the co-working facilities will be managed by the Management Company. Residents can use the space to meet up and socialise or it could be used for many activities including presentations, workshops or classes. The Management Company will be responsible for managing the leasing or booking of these spaces.

The dedicated residential amenity unit fronts onto the new public realm at Santry Avenue, positioned in between the proposed retail unit at ground floor of Block A and the proposed community/arts & culture unit at ground floor of Block D. The location of these units alongside each other and fronting onto the street will create a vibrancy along the new street front and provide residents with essential amenity space. It is considered that in combination these units will create a homely and welcoming atmosphere within the development.

We note that in their assessment of the proposed non-residential uses within the subject LRD, that the Planning Authority asserted the following:

*"Many objections cite the fact that the land use ratio of residential to non-residential use does not comply with the requirements for neighbourhood centres (Z3-zoned) sites as the percentage of residential use is so high and the extent of neighbourhood and commercial facilities is so low. In this regard, the provisions of 14.8.3 of the city development plan for neighbourhood centres should be highlighted. Z3 areas are those areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres... they provide a limited range of services to the local population within 5 minutes' walking distance... Neighbourhood centres may include an element of housing, particular at higher densities, and above ground floor. While the percentage of development dedicated to purely residential use is indeed considered*

significant, it is proposed to be provided above ground floor level and at higher densities with neighbourhood shops and amenities i.e. retail / commercial units and residential and community amenities, provided at ground floor level where they address the public domain. The ratio of uses proposed in this application is similar to many higher density developments on Z3-zoned sites in the city and has been accepted by the planning authority and An Bord Pleanála as compliant with the Z3-zoning objective, including on the former Swiss Cottage site where 120 apartments have been permitted above ground floor retail on a site zoned Z3 (ABP-306987-20 refers). It is, therefore, considered that the development does not contravene the requirements of the zoning objective for the site. The proposed uses are therefore in compliance with the zoning objective of the area [our emphasis added].

We also refer back to the An Bord Pleanála Inspector's report on the first SHD application submitted for the subject site for a similar development proposal. We note that whilst the previous Dublin City Development Plan 2016-2022 was effective at that time, the site was zoned also Z3 and a similar type of ground floor non-residential uses were proposed. Under the assessment of that SHD application, the Inspector stated the following:

*"Observers have raised issues regarding compliance with the Z3 zoning objective. As noted above, the range of uses are permissible in principle and I consider therefore that the issue relates to the extent of residential development proposed on the site. In this regard, I note that the development plan does not specify limits or proportionate uses on such lands. The development provides a number of ground floor commercial units and a community facility with frontage to adjoining public roads. I consider that these would meet the development plan requirement for local facilities providing a limited range of services to the local population within 5 minutes walking distance, while also facilitating residential development at higher densities. I note also the relatively large extent of Z3 zoned lands within this area, including existing commercial properties to the east of the Swords Road and which includes the recently completed Swiss Cottage development and lands further south. I do not consider therefore that further, extensive commercial / retail provision on the site would be warranted and that such could serve to undermine the District Centre role of the Omni Centre to the south. I do not therefore consider that the proposed development would undermine or contravene the land use objectives of the development plan for this site or the wider area"* [our emphasis added].

We note that in their conclusion to the assessment of the subject LRD planning application that the Planning Authority stated the following: "The site is zoned for Z3 which is to provide for local neighbourhood facilities. The applicant has put forward that much of the ground floor uses will be non-residential and that the quantum of residential above should not been seen as a providing for a development which is contrary to the Z3 zoning objective and therefore noncompliant. The Planning Authority concur with this argument and consider the mix of uses appropriate and that the applicant has taken into consideration the results of the supplementary reports in what the best uses for the ground floor spaces would be i.e. medical, dance studio, smaller individual studios, retail etc."

It is therefore evident that the quantum of non-residential uses put forward for permission in the subject LRD are appropriate and acceptable in terms of the Z3 land use zoning objective attached to the site, to which both the Planning Authority and An Bord Pleanála have deemed acceptable in principle.

We note the appellant refers to a decision made by An Bord Pleanála concerning a site in Glenageary, Co. Dublin (Ref. ABP-318921-24) which is in a different administrative area and therefore under a different Development Plan i.e. the 2016-2022 Dun Laoghaire Rathdown County Development Plan. The site reference is zoned objective 'NC' Neighbourhood Centre which seeks to 'To protect, provide for and/ or improve mixed-use neighbourhood centre facilities'. It is not considered appropriate to compare the proposed development with the requirements of another Development Plan from a separate administrative area. We accept that An Bord Pleanála will assess this application based upon its own merits and the locational context of the subject site and we request that the Board dismiss the suggestion that a planning precedent has been set on a site over 25 miles away from the subject site in another administrative area. In addition, we request that An Bord Pleanála upholds the decision of Dublin City Council to grant permission for the proposed LRD but to also adhere to the previous planning assessment and acceptance of the quantum of non-residential uses on the subject site.



## 5.2

## Density

The application site measures c. 1.5 hectares and therefore, based on the construction of 321 no. dwellings, the development produces a gross and net density of c. 214 dwellings per hectare.

As required by Appendix 3, Volume 2 of the CDP, based upon the proposed dwelling mix, as set out in Table 3 above, the proposed development is likely to accommodate 1,089 no. persons, which equates to a density of 726 bedspaces per hectare.

The CDP includes the following policies, which support the attainment of greater residential densities and land-use intensities, which also accord with the overarching principles of the NPF requiring same:

**Policy SC10 (Urban Density)** - *"To ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Urban Development (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof."*

**Policy SC11 (Compact Growth)** - *"In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:*

- *enhance the urban form and spatial structure of the city;*
- *be appropriate to their context and respect the established character of the area;*
- *include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents;*
- *be supported by a full range of social and community infrastructure such as schools, shops and recreational areas;*
- *and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture."*

**Policy QHSN10 (Urban Density)** - *"To promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area."*

In accordance with the Apartment Guidelines, the site can be defined as "central and/or accessible site" given its proximity to a high frequency, high-capacity bus service (we refer the reader to Section 5.2.1 of the submitted Statement of Consistency for a detailed consideration of same). Such sites are considered suitable for higher density development. No density limits are set out within these guidelines. As such the proposal is broadly in line with the principles as set out in the Apartment Guidelines.

We note that Policy SC10 'Urban Density' of the current CDP seeks to ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in the 2009 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (now superseded by the 2024 Sustainable Residential Development and Compact Settlements Guidelines). Policy SC11 'Compact Growth' seeks to *inter alia* promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors. Policy QHSN10 'Urban Density' seeks to promote residential development at sustainable densities in accordance with the core strategy.....having regard to the need for high standards of design...and to integrate with the character of the surrounding area.



In the context of the CDP as a whole, reference is made to meeting the density targets within the National Planning Framework and the Regional Spatial and Economic Strategy, providing opportunities for increased density in a sustainable manner whilst ensuring the highest standards of design as well as the protection of existing amenities and encouraging higher-density development along public transport routes and more intensive development on sites located adjacent to high quality public transport.

There is supporting policy within the CDP which promotes greater densities in sustainable locations such as the subject site. We note section 4.5.3 "Urban Density" of the CDP states the "NPF recognises that there is a need to increase densities on underutilised lands within core urban areas in order to promote consolidation and compact growth, prevent further sprawl and address the challenges of climate change. It is a requirement under the NPF that at least half of all future housing and employment growth in Dublin be located within and close to the existing 'built up' area of the city, specifically within the canals and the M50 ring. The RSES and Dublin MASP also promotes greater densification and more intensive forms of development particularly on infill, brownfield and underutilised lands along key strategic public transport corridors. It is recognised at a national and regional policy level, that land-use and transport are critical inter-linked policy tools that need to work together to better realise economic success, environmental protection and quality of life" [Our emphasis added].

The CDP also states that "the objective is to provide opportunities for increased density in a sustainable manner whilst ensuring the highest standards of design as well as the protection of existing amenities and the natural and historical assets of the city. There will be continued consolidation of the city to optimise the efficient use of urban land. Higher densities will be promoted in the city centre, within KUVs, certain SDRAs and within the catchment of high capacity public transport". This is supported by the aforementioned policy of the Council: SC10: Urban Density.

In relation to Policy SC10 of the CDP, it could be argued that the proposed development contravenes this element of the Development Plan in light of a reference to an upper density limit of 120 units/ha on lands in the Outer Suburbs (as Table 1 of Appendix 3 of the CDP refers). However, it is put forward that the general thrust of the Development Plan, which seeks to provide for higher densities at appropriate locations, in particular on sites well served by public transport, and seeks to apply performance criteria to determine appropriate densities for individual sites, and in determining the acceptability of the density proposed for the subject site, the submitted Statement of Consistency has clearly considered the proposed development in light of these performance criteria, and demonstrates that the proposed development generally complies with same, and therefore the proposed density is in compliance with the CDP, and does not materially contravene same.

Under the previous SHD application for the subject site for 350 no. dwellings and a resultant density of 233 units/ha, the Planning Authority assessed that application against the provisions of the previous City Development Plan (2016-2022) and stated the following: "With regard to the proposed density, the proposed figure of 233 units per hectare (plus commercial development at ground floor) is high. The planning authority does not have any objection in principle to a high-density development on this site, given its close proximity to a high frequency public transport corridor. The changing character of the area is taken into account, and it is noted that permission has been granted by ABP for a Strategic Housing Development at lands to the north-east of the Omni Shopping with a density of 250 residential units per hectare plus an aparthotel and a density of 250 residential units plus ground floor commercial at the former Swiss Cottage site on the opposite side of Swords Road. The density proposed in this proposal is comparable to these recently permitted developments which have proven acceptable to An Bord Pleanála". We note that the Planning Authority did not consider the proposed density a material contravention of the previous Development Plan, notwithstanding similar references to the Sustainable Residential Development Guidelines in Policy QH1, Policy SN4, and within Section 16.4 'Density Standards' of the previous Development Plan (2016-2022).

Section 15.5 of the current CDP states that "Development proposals should make the most efficient use of land by delivering an optimum density and scale of development for the site having regard to its location within the city. Certain areas of the city, such as those located adjacent to high quality public transport will lend themselves to a more intensive

form of development. Similarly, brownfield and infill sites can also achieve greater densities subject to the location and proximity to other services. Appendix 3 of the plan sets out guidance regarding density and building height in the city in order to achieve sustainable compact growth [Our emphasis added].

Section 15.5.1 of the CDP refers to brownfield, regeneration and large comprehensive sites. The subject site is considered to be a brownfield site, which was acknowledged by the An Bord Pleanála Inspector under the previous SHD application (Ref. ABP-310910-21), where he stated that "The proposal for 350 no. residential units on the site equates to a density of approx. 233 / ha. Having regard to the central / accessible urban location and **brownfield** nature of the site, proximity to services and amenities and public transport services, such densities are regarded as acceptable and in accordance with national, regional and local planning policy. I also note the objectives of recent Government Policy set out in Housing for All which identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning. The consolidation of existing built-up areas in the manner proposed will be an important contributor to the achievement of such targets in a more sustainable manner". The CDP states that "brownfield sites are generally referred to as previously developed lands that are not currently in use. Quite often these brownfield sites are located in areas in need of regeneration. These sites often contain derelict or vacant buildings which are underutilised and in need of redevelopment. Brownfield lands have the ability to regenerate and rejuvenate large portions of the city through redevelopment".

Section 15.5.5 of the CDP "Density" states that "Dublin City Council will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the Section 28 guidelines which seek to consolidate development within existing urban areas. Higher density development allows land to be used more efficiently, assists in regeneration and minimises urban expansion. Higher densities maintain the vitality and viability of local services and provide for the critical mass for successful functionality of public transport facilities. New development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity. An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods".

The proposed density is put forward with regard to the guidance set out in the 2024 Sustainable Residential Development and Compact Settlements Guidelines which sets out the density ranges for Dublin and Cork, given their overall size and scale. Under Table 3.1 of these new Compact Settlements Guidelines, "Areas and Density Ranges Dublin and Cork City and Suburbs", the subject site can be described as "City – Urban Neighbourhoods": "The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) **lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area**. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork" [Our emphasis added].

We note that Section 3.4 "Refining Density" refers to the application of density in the consideration of individual planning applications, and states that "the density ranges set out in Section 3.3 should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibility to services and public transport". The first step is to consider the proximity and accessibility to services and public transport. The Compact Settlements Guidelines state that "while densities within the ranges set out will be acceptable, **planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area**" [Our emphasis added]. Table 3.8 "Accessibility" of the Compact Settlements Guidelines provides definitions for terms used to define accessibility to allow for consistent application, while the Compact Settlements Guidelines also states that "The approach to refining density should be informed by the capacity and wider network accessibility of



public transport services at a node or interchange (number of options, capacity and peak hour frequency) and the journey time to significant destinations (e.g. city centre or significant employment location)".

The necessary definitions are provided in Table 3.8, including the term 'High Capacity Public Transport Node or Interchange', which is defined as including lands within 1500 metre walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop. The proposed development site is within the Metropolitan Area of Dublin City, along a prominent public transport route into the city, within the existing built-up urban environs of Dublin. Swords Road, which abuts the subject site to the east, is an established entrance route into Dublin city centre from the north of city and caters for high frequency public transport i.e. the Swords Road QBC, while the proposed BusConnects Corridor is also planned along this route. The subject site has good, proximate access to a wide range of services, facilities, employment and education opportunities, and amenities, and therefore the scale and quantum of development proposed for the subject site achieves compact growth. The development provides for a density of c. 214 no. dwellings per hectare. It is considered that given the location of the site in close proximity to a number of surrounding services, including being located along a public transport corridor and having access to proximate public transport links, that the proposed density on site is appropriate in this instance, and accords with the guidance set out in the SCS Guidelines.

We note from the previous/current SHD proposals for 350 no. dwellings (Ref.s ABP-310910-21 & ABP-314019-22 respectively), which equated to a density of 233 units per hectare that the Planning Authority stated the following in relation to same (under both applications): *"with regard to the proposed density, the proposed figure of 233 units per hectare (plus commercial development at ground floor) is high. The planning authority does not have any objection in principle to a high density development on this site, given its close proximity to a high frequency public transport corridor. The changing character of the area is taken into account and it is noted that permission has been granted by ABP for a Strategic Housing Development at lands to the north-east of the Omni Shopping with a density of 250 residential units per hectare plus an aparthotel and a density of 250 residential units plus ground floor commercial at the former Swiss Cottage site on the opposite side of Swords Road. The density proposed in this proposal is comparable to these recently permitted developments which have proven acceptable to An Bord Pleanála"*.

Furthermore, the An Bord Pleanála Inspector in his report under SHD planning ref. ABP-310910-21 also stated *"The proposal for 350 no. residential units on the site equates to a density of approx. 233 / ha. Having regard to the central / accessible urban location and brownfield nature of the site, proximity to services and amenities and public transport services, **such densities are regarded as acceptable** and in accordance with national, regional and local planning policy. I also note the objectives of recent Government Policy set out in Housing for All which identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning. The consolidation of existing built-up areas in the manner proposed will be an important contributor to the achievement of such targets in a more sustainable manner"*. [Our emphasis added].

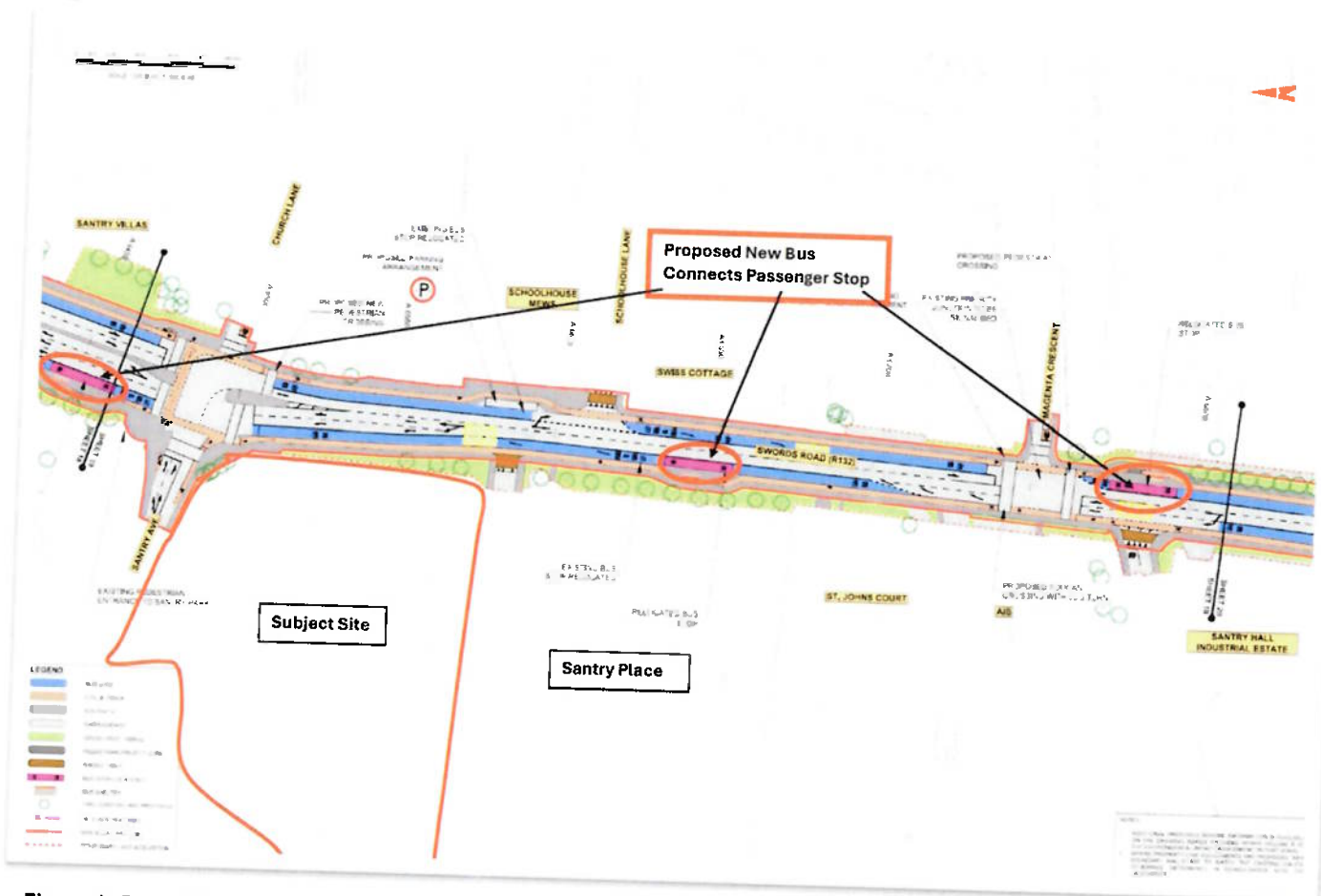


Figure 1: Extract from Swords to City Centre Core Bus Corridor Scheme General Arrangement Drawings, May 2023 (Drawing no. BCIDB-JAC-GEO\_GA-002\_XX\_00-DR-CR-0019 by Jacobs for NTA). Subject site is identified, indicatively outlined in red with 3 no. proposed bus stops on the Swords Road Core Bus Corridor identified in close proximity to the subject site i.e. within c.65m.

It is put forward that national planning policy focuses on the provision of sustainable residential development, including the promotion of layouts that prioritise sustainable transport modes by reducing car use and are universally accessible and legible for ease of movement. In this regard, the development is considered to be highly accessible for future occupants, as well as the existing community, with a permeable layout, both internally and externally as new linkages are provided to surrounding land uses, and is therefore compliant with national planning policy. The submitted TTA provides details of the existing and planned public transport infrastructure to serve the site with adequate capacity within same to cater for the proposed development, which further reinforces that the proposed development is acceptable and accords with national planning policy which seeks to increase densities and compact forms of development in existing urban areas.

The proposed density is also put forward with consideration to the guidance set out in the National Planning Framework (NPF), the Urban Urban Development and Building Heights Guidelines (UD&BHG), the Apartment Guidelines, all of which promote compact development in existing urban areas by increasing building heights, densities and compact forms for development in order to accelerate housing supply. In particular Objective 35 of the NPF which states the need to: *"Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights"*.

With regard to the sequential approach to development, it is notable that the subject site is located in a built up, urban area with mixed land uses and existing developments surrounding the site to the north, south, east and west. The site is zoned Z3 "Neighbourhood Centres" in the existing CDP. The proposed development is therefore considered to be in compliance with the sequential approach to the development of land and makes efficient use of available lands at a

prominent location that is well served by existing and planned public transport and local services.

The proposed development is also considered to be making the most efficient use of the lands available, increasing residential development in an existing urban area and providing for high density residential development in a key location, alongside non-residential uses that are employment generating and appropriate for community/cultural uses, which will also serve the needs of future residents on site.

Sustainable neighbourhoods require a range of community facilities, while each neighbourhood needs to be considered within its own wider locality, as some facilities may be available in the wider area while others will need to be provided locally. The site is well served by existing infrastructure available in the Santry area, as detailed in the Social Infrastructure Assessment which accompanies this submission as a separate, standalone document.

Appendix 3 of the CDP "Height Strategy" refers to density, stating "Appropriate densities are essential to ensure the efficient and effective use of land. It is important to make the best use of the city's limited land supply in order to meet the need for new homes, jobs and infrastructure required by the city's growing population. More compact forms of development, ensuring a mix of uses, the containment of 'urban sprawl' and achieving social and economic diversity and vitality are critical for the future of the city and addressing climate change". The CDP also states: "Appropriate higher density schemes are considered to be ones that combine mixed tenure homes, public space and community infrastructure. This can often be achieved by using building forms of 4 to 8 storeys and in this regard".

Appendix 3, section 3.2 "Density" of the CDP also asserts that "The strategic approach is that the highest densities should be located at the most accessible and sustainable locations. Sustainable densities in accordance with the standards set out in the Guidelines on Sustainable Residential Development in Urban Areas 2009 will be supported", and "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 accessibility and capacity will also determine the appropriate density permissible. A varied typology of units will be encouraged to ensure a diverse choice of housing options in terms of tenure, unit size and design in order to ensure demographic balance in residential communities" [Our emphasis added].

It is considered that the subject site is wholly suitable to providing higher density residential accommodation in proximity to high frequency public transport, employment locations, services and facilities, which can meet the housing needs of a greater number of persons and will address the acute housing shortage and the significant demand that exists in Dublin. In addition, the provision of community/arts/cultural space, retail units and a GP/medical practice will significantly enhance the provision of community facilities and social infrastructure in the wider area. The opening up of the site to the public, through the creation of a new urban quarter at this prominent junction location and assimilating with the adjoining Santry Place development, as well as creating new public open spaces will also significantly enhance the local area. Therefore, the proposed development will contribute to healthy place making and will improve the liveability and identity of the area.

Appendix 3, section 3.2 "Density" of the CDP contains Table 1 "Density Ranges" (refer to Fig. 6 below) states, that as a general rule, the following density ranges will be supported in the city: [Our emphasis added]

Location	Net Density Range (units per ha)
City Centre and Canal Belt	100-250
SDRA	100-250
SDZ/LAP	As per SDZ Planning Scheme/LAP
Key Urban Village	60-150
Former Z6	100-150
Outer Suburbs	60-120

**Figure 2: Copy of Table 1: Density Ranges from Appendix 3 of CDP**

It is acknowledged that the subject site is located in the Outer Suburbs as per Table 1, of Appendix 3, and that the density range for the 'Outer Suburb' is 60 to 120 units/ha. However, it is considered that these density ranges set out in the CDP are a generality, and where higher densities are proposed, that are denser than the surrounding area, as is the case in this proposed development, the performance criteria in Table 3 of Appendix 3 shall apply. Full details of the proposed development's compliance with Table 1, of Appendix 3 of the CDP were set out in section 8 – refer to Table 10 of the Planning Statement submitted with the LRD application – a copy of same is provided for in Appendix A of this appeal response.

It is put forward that the CDP policy clearly states, in relation to Table 1, that *"as a general rule, the following density ranges will be supported in the city"*. In this regard the density ranges indicated are not hard limits, whereby all proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3, Appendix 2 of the CDP (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale). The CDP also refers to plot ratio as measures that can be considered in terms of assessment of density. In this case the plot ratio and site coverage are within the indicative ranges identified for the Outer Employment and Residential Area (1.7 and 33.5% respectively). In the case of open space, the development provides over the required 10% of public open space required by the Z3 zoning, in addition to communal open spaces on site. The performance criteria under Table 3 "Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale" from Appendix 3 of the CDP are elements that are fully addressed, as set out in Appendix A of this appeal response, and as detailed in the section 8 (refer to Table 10) of the Planning Statement submitted with the subject LRD planning application, and given the proposed development's compliance with same, the density proposed is considered acceptable.

The subject site is located on the western side of the Swords Road and the southern side of Santry Avenue, at the junction of these two roads, with frontage onto both. The Outer City (Suburbs) is recognised as being outside of the canal ring where heights of 3 to 4 storeys will be promoted as the minimum, and greater heights will be considered on a case by case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity etc. It is considered that the size and location of the site, being adjacent to good public transport services, employment and a wide range of amenities and services, provides an opportunity for a high density scheme at this location. In addition, the approach to the distribution of scale and massing, distribution of building height across the scheme and the assimilation of the proposed scheme with the adjoining Santry Place development is also considered appropriate.

Through the assessment of the previous SHD application for the subject site (Ref. ABP-310910-21), the site has been acknowledged as being a "public transport corridor". Therefore, in light of same, the current CDP also acknowledges that there is recognised scope for the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors including *inter alia* Bus connects/Core Bus Corridors (CBC's),

and that locations for intensification must have reasonable access to the nearest public transport stop. In line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, with the subject site being adjacent to an existing public transport corridor (Swords Road QBC), which is also a proposed BusConnects Core Bus Corridor. The existing QBC running along Swords Road is utilised by Dublin Bus routes 16, 33, 41, 41b, and 41c. The aforementioned bus routes travel along the Swords Road corridor which lies to the immediate east of the subject site. Bus route numbers 16, 16c, 49, 54a and 9 are highly accessible being within c.65 metres walking distance from the subject site (being directly adjacent to the adjoining Santry Place development). All the aforementioned Dublin Bus operated bus services operate on a daily basis and offer relatively frequent schedules – ranging from every 10-15 mins and every 20-25 mins.

It is put forward that the Planning Authority actively encourages higher densities on appropriate sites across the city, accompanying highest quality of urban design on accessible, connected sites. This is reinforced by **Policy SC10 Urban Density**: *To ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof.*

It is considered that the subject site is suitable site for increased densities based on both national and local planning policy, and it is respectfully put forward that there is no reason to consider that the proposed density is excessive. The proposed development in this location does not, in our opinion, contradict density standards contained in the current CDP which advocates an approach of consolidation and densification in the city, while the proposed density also complies with Government policy to increase densities on underutilised lands, within core urban areas in order to promote consolidation and compact growth, prevent further sprawl and address the challenges of climate change.

Taking into account all of the foregoing information regarding national planning policy, the planning history and context of the subject site, the proximity of the site to a wide range of services and amenities and its immediate proximity to public transport services, it is considered that the proposed residential density of 214 no. dwellings per hectare is appropriate and ought to be granted permission. It is put forward that the proposed development is in full compliance with national planning guidance and policy regarding residential density. Furthermore, it is put forward that the proposed development complies with the CDP's requirements regarding density which consistently refers to higher densities being promoted within the catchment of high-capacity public transport services, and also states that "*Dublin City Council will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the Section 28 guidelines which seek to consolidate development within existing urban areas*". In line with same, it is also put forward that the proposed development complies with Appendix 3, section 3.2 "Density" of the CDP and its Table 1 "Density Ranges" which states, that its density ranges will be supported **as a general rule** [Our emphasis added]. In addition, the proposed development fully complies with the performance criteria under Table 3 "Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale" from Appendix 3 of the CDP, which are elements that are fully addressed in Appendix A of this appeal response, and given the proposed development's compliance with same, the density proposed is considered acceptable. The LRD planning application submitted to Dublin City Council, and as approved by them clearly sets out (a) how the proposed development fully complies with national planning policy regarding density and (b) how the proposed development results in an appropriate form of residential density that accords with the CDP, and therefore the permission being sought can be granted by the An Bord Pleanála, thus upholding the decision of Dublin City Council to grant permission which they considered to be in full compliance with their Development Plan.

We note that in their assessment of the proposed LRD, DCC stated the following points in relation to the proposed density:

- *Dublin City Council actively encourages higher densities on appropriate sites across its administrative with accompanying highest quality of urban design on accessible, connected sites.*



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

In relation to the proposed development's compliance with Appendix 3 of the Development Plan, and Table 3 which sets out Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale, and which was fully addressed in section 8 (refer to Table 10) of the submitted Planning Statement (with a full copy of same set out in Appendix A of this appeal response), the Planning Authority stated the following:

- The Planning Authority concur with this view and considered that the development has been appropriately designed to a scale and density which is considered appropriate for the area positioned on a corner site, at a junction with a large park opposite to the north and link into an adjoining residential apartment development scheme to the south i.e. Santry Place. The Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale set out in Appendix 3 of the Development Plan, Table 3 as listed above has been considered in detail by the applicant in the design of this scheme and it is the view of the Planning Authority that the proposals deliver on all the elements required in said table. Furthermore the proposal provides for an opportunity to redevelop on existing underutilised lands, to provide for a mix of uses on the ground floor i.e. retail, medical, community, individual studios and 2 dance studios, resident support facilities with residential above. The height of the blocks to the south of the site harmonies with the adjoining residential development at 7 stories with an increase of 1 floor to the north of the site and for a landmark tower element at 13 stories.

Taking all of the foregoing into account, it is considered that the proposed density of 214 no. units per hectare is appropriate and in compliance with the relevant planning policy and guidance for density and that the LRD permission as applied for can be granted by An Bord Pleanála.

### 5.3 Apartment Layouts

The proposed development has been designed to accord with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (hereafter "Apartment Guidelines") and the Specific Planning Policy Requirements (SPPRs) set out in same, which must be applied by planning authorities, or An Bord Pleanála, in the exercise of their functions.

Both the Statement of Consistency and the Planning Statement submitted with the LRD planning application, as well as the Housing Quality Assessment (HQA) all clearly demonstrated that the proposed development and its apartments were fully compliant with the Apartment Guidelines. We note from the DCC Planners Report that their assessment of the apartment units was considered to be compliant with the Apartment Guidelines. Whilst we note the appellant's grounds of appeal regarding this matter, it should also be noted that the Planning Authority also stated the following: *"The submitted Housing Quality Assessment details the apartment's compliances with the Apartment Guidelines, and while the layout with the entrances to the apartment directly into the communal kitchen, living and dining room is not ideal it does mean that valuable floor space is not taken up with corridors"* [our emphasis added]. It is respectfully put forward that the design and layout of the proposed apartments is fully compliant with the necessary requirements of the Apartment Guidelines and its SPPRs, and therefore An Bord Pleanála can grant the permission being sought.

## 5.4

**Bicycle Parking**

In total, the proposed development caters for 740 no. bicycle parking spaces, provided in the form of basement level parking, surface level parking, and within the proposed buildings. The 740 no. cycle provision includes:

- 690 no. standard 'long term' spaces (664 no. spaces at basement level, 10 no. spaces within the ground floor level at Block G and 16 no. covered spaces at surface level). These will be allocated to both residents (660) and staff (14).
- 8 no. cargo parking spaces is proposed within the secure basement area.
- 58 no. 'short term' parking located at surface level.

Full details of the proposed bicycle parking and rationale for the proposed quantum are set out in the submitted Traffic & Transport Assessment prepared by DBFL Consulting Engineers – please refer to section 4.4 of same.

We note that in accordance with the Table 1 in Appendix 5, Volume 2 of the CDP, the proposed development is required to provide for 1 no. cycle space per bedroom for apartments, which would equate to 557 no. spaces. However, it is noted that the Apartment Guidelines, state new apartment schemes should generally cater for 1 no. bicycle parking space per bedroom plus 1 no. visitor parking space for every 2 no. dwellings, which would equate to 718 no. spaces. As stated above, the proposed development caters for a total 740 no. bicycle parking spaces which is in excess of the required standards and ensures that ample bicycle parking will be available within the proposed scheme for the proposed uses.

We note that the Planning Authority stated that *"Comparing the submitted floor plans, site plan, and schedule of accommodation against the minimum standards of Table 1, Appendix 5, Volume 2, the proposed development achieves the total minimum number of bicycle parking spaces of 740no spaces. This Division offers no further comment on the quantum"* [our emphasis added].

We note the attachment of condition no. 13(j)(f) which requires: *"The redesigned bicycle parking facility shall maintain a total of 740no. bicycle spaces whereby 5% of spaces are designed for accessible / cargo"*.

We also note the attachment of condition no. 13(l) which requires: *"Prior to occupation, the applicant shall submit a Bicycle Management Plan for the written agreement of the Planning Authority. The plan shall detail in relation to maintenance, management and services provided to users of the facilities. Details of bicycle parking infrastructure including type of bicycle stands, and provision of E-charging and cargo / accessible spaces. Cycle parking at surface level design shall be of the Sheffield design so as to allow both wheel and frame to be locked. All cycle parking shall be in situ prior to the occupation of the proposed development"*.

The applicant has no issue with / objection to the attachment of this or a similar condition to an order to grant permission.

We also note that the Planning Authority acknowledged *"The request for Further Information in relation to matters of technical detail that was unforeseen at the time of the LRD opinion is due the requirements of SPPR4. The opinion issued for the application was issued on the 12th of December 2023 while the requirements under SPPR4 came in effect on the 12th of January 2024"*. The Planning Authority refers to SPPR4 of the 2024 Compact Settlements Guidelines.

It is considered that the appropriate quantum of bicycle parking to serve the proposed development has been catered for and that any amendments to same are not material and can be dealt with by way of condition attached to an order



to grant permission and therefore we request that An Bord Pleanála grant the permission being sought subject to whatever conditions they consider appropriate.

## 5.5 Bat surveys, Bird surveys, Biodiversity Monitoring & Arboricultural Queries

It is respectfully put forward that the subject site is currently of low value for ecology, with only marginal vegetation / habitats on the perimeter of the site. The site is not currently attractive for birds and observations and surveys on the site do not indicate that this is a sensitive site. The application site is currently in use as a builder's providers and is occupied by large structures / buildings while the hard standing, external storage areas are provided with external lighting and there is little vegetation or corridors present on the site which we consider would be likely to facilitate bat roost or foraging activities. Bat surveys have been undertaken for the subject site, at various times and at appropriate times. The surveys undertaken did not detect any bats or bat activity and details submitted with the application note that the site lacks commuting and foraging routes to more suitable habitats, and that the landscape is of low suitability for bats.

The submitted Biodiversity chapter (no. 5) of the Environmental Impact Assessment Report (EIAR) that was submitted as part of this subject LRD planning application states the following in relation to bats:

*"An assessment of the Site's bat potential was conducted on 14<sup>th</sup> February 2024 by Enviroguide Ecologists. This assessment included a potential bat roost assessment (PBRA) of the structures on Site as well as an assessment of the habitat suitability therein; to update the baseline conditions established by AW in their April 2021 assessment. The results of the bat survey carried out by AW of Ash Ecology on the 28<sup>th</sup> of April 2021 found:*

*'an absence of bat activity onsite during the survey despite the ambient weather conditions on the night and found the site itself to be of Lower Importance for bats for the following reasons:*

- *No bats were recorded during the bat survey carried out in ambient weather conditions during the appropriate time of year.*
- *The site is well illuminated due to the fact it is a live retail site (likely to deter bats).*
- *The site lacks mature trees and therefore commuting and foraging routes to other more suitable habitats.*
- *All buildings occupying the site lacked roosting suitability for bats.'*

*The results of the February 2024 assessment confirm that the Site continues to hold negligible bat roost potential and negligible habitat suitability, therefore no further surveys were required as per the BCT Guidelines (Collins, 2023). The Site continues to comprise a well lit, active commercial premises, almost entirely comprised of hard-standing. The buildings on Site are modern and provide no suitable roosting opportunities.*

*These assessments aligns with the that of the NBDC's bat suitability index (Lundy et al. 2011) score for the area. The index provides a visual map of the broad scale geographic patterns of occurrence and local roosting habitat requirements for Irish bat species, and shows that the area surrounding the Site of the Proposed Development carries an overall bat suitability score of 18.89 out of 100. The index ranges from 0 to 100 with 0 being least favourable and 100 most favourable for bats. A higher score is given just inside the northern boundary of the Site; 25.89 likely due to the close proximity of Santry Park with its wooded areas. The species with the highest individual suitability scores for the area encompassing the site are Common Pipistrelle *Pipistrellus pipistrellus* and Lesser Noctule *Nyctalus leisleri* with 40 and 33 respectively" [our emphasis added].*

It is put forward that it is unlikely that bats would leave areas of higher potential e.g. within Santry Park to forage on the subject site. Trees and buildings on the site are classified as being of negligible bat potential and no signs of bat usage are reported. Furthermore, the illuminated nature of the site is noted as discouraging most bats. Proposed mitigation measures in relation to bats are as follows:

As agreed with Davey Smith Architects and the applicant, it is proposed to include 40 No. Swift bricks as part of the Proposed Development. The Swift bricks will be installed side by side, in four sets of 10 on the western elevation of Blocks A & B and the eastern elevation of blocks C & D; as Swifts are a social nesting species (See Figure 1). These nest bricks will be installed at least 5 metres above the ground, in safe areas where they will not be disturbed. As the bricks tend not to overheat, they can be placed on any aspect, N, S, E, W. Care will be taken to ensure no obstacles or plate glass windows are located below the bricks.

Guidelines for the bird box scheme should also follow guidelines published by Swift Conservation Ireland, and those published by Birdwatch Ireland entitle "Saving Swifts" (2009/2010). The incorporation of Swift Bricks will help recover the declining swift population, which are now Red Listed in Ireland (Gilbert et al., 2021).

Swifts are a "clean" bird species which remove their own wastes from their nests periodically. As such, Swift bricks do not require any cleaning by the management company.

It is advised to install a Swift calling system to attract Swifts and encourage them to take up residence at a new site. A Swift calling system is a small speaker set-up that plays Swift calls during the summer. It should be located close to the brick entrances and has been seen to greatly increase the chances of Swifts using the Swift boxes/bricks. Solar powered options are possible.

An Ecologist will be instructed to set up the Swift calling system once the construction of the Proposed Development is complete. This can be with the help of active local Swift groups as required (e.g., Dublin Swift Conservation Group), who can help and advise as to the best set-up etc.

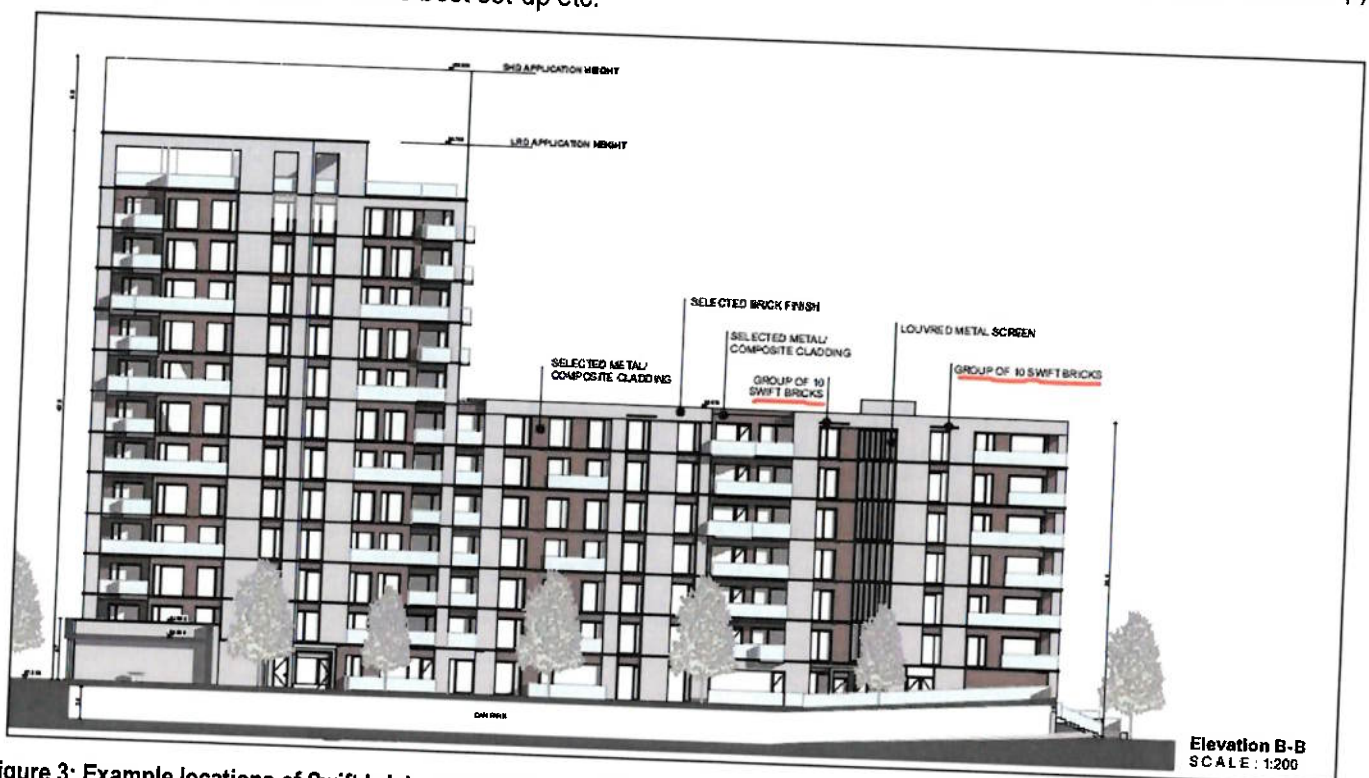


Figure 3: Example locations of Swift bricks on western elevation of Blocks A & B

(Source: Davey Smith Architects, Layout ID: D1809.P20)

Taking all of the above into account, it is put forward that the subject site is already developed, albeit in a less intensive manner than that now put forward for permission and is already subject to external lighting. It is not considered attractive to, or of importance for, bat species in the area and its redevelopment would not appear to result in any severance of existing commuting / foraging routes. Appropriate mitigation measures are put forward for the operational stage of the proposed development and therefore it is considered that significant effects on bat species are not likely as a result of the proposed development.

The submitted EIAR states that although the site currently holds no suitability for bats, post construction the site will provide more suitable vegetated habitats and insect prey resources. As such, by way of enhancing the site's suitability for bats, the public lighting has been designed to minimise light spill onto habitat features such as treelines and planting where possible. This is achieved by ensuring that the design of lighting adheres to the guidelines presented in the Bat Conservation Trust & Institute of Lighting Engineers 'Bats and Lighting in the UK - Bats and Built Environment Series', (ILP, 2018) the Bat Conservation Trust 'Artificial Lighting and Wildlife Interim Guidance' and the Bat Conservation Trust 'Statement on the impact and design of artificial light on bats'.

The submitted EIAR also notes that limited bird species were recorded during the site visits on the 13<sup>th</sup> of May 2021 and 14<sup>th</sup> of February 2024. A total of ten species were identified within the vicinity of the Site, predominantly associated with the boundary vegetation and the occasional flyover. All species recorded during the survey are shown in Table 5.10 of the Biodiversity Chapter (no. 5) of the submitted EIAR. One species, Herring Gull observed flying over the Site and loafing on an adjacent rooftop is on the Amber List of the Birds of Conservation Concern in Ireland. All other species observed are Green Listed. The site is deemed to provide limited suitable habitat for common and widespread urban species i.e., sections of hedgerow and treelines for the passerines observed using the site and warehouse roof providing some potential nesting habitat for gull species.

Impacts of the proposed development to birds are considered to as follows:

Local birds are likely to adapt to a certain degree of urban ambient noise due to the location of the site, the construction phase of the proposed development will likely result in elevated noise levels associated with the demolition and construction works. As a result, there is a potential risk of noise disturbance to birds in the vicinity of the site, representing a short-term, negative, slight impact in the absence of suitable mitigation.

The bird species recorded on site were all associated with the treelines and hedgerow along the boundary of the site. Should demolition of the warehouse or hedgerow vegetation be cleared from the site during the breeding bird season (March 1<sup>st</sup> to August 31<sup>st</sup>) there is the potential for nesting birds to be harmed and nests to be destroyed. This would be in contravention of the Wildlife Acts and Amendments (2000) which provides protection to breeding bird species and their nests and young. Therefore, in the absence of any mitigation or precaution, this risk represents a potential short-term, negative, significant impact to breeding birds at the site scale.

No significant adverse effects on bird species are anticipated to arise as a result of the operational phase of the proposed development. However, it will have a permanent, positive, significant impact on birds utilising the site through the increased presence of vegetation. It is proposed to use native species to create new hedgerows, treelines, meadows and gardens. This will potentially provide new foraging, nesting/roosting and commuting habitat at the site and have an overall positive impact on local biodiversity including birds. The provision of roof space will also provide potential habitat for nesting gulls into the future.

Any demolition works or clearance of vegetation will be carried out outside the main breeding season, i.e., outside of period: 1<sup>st</sup> March to 31<sup>st</sup> August, in compliance with the Wildlife Act 2000. Should any demolition/ vegetation removal be required during this period, these areas to be affected will be checked for birds and nests by a suitable qualified Ecologist, and if any are noted during this evaluation prior to removal, the nest will be protected until the young have fledged as confirmed by the Ecologist, after which time the inactive nest can be destroyed.

Mitigation or biodiversity enhancement measures proposed for birds, as part of the proposed development include:

A minimum of 3 no. bird boxes are proposed to be installed within suitable areas at the Site as outlined in further detail below. Bird boxes should be installed prior to the breeding bird season to ensure their presence at the Site from February onwards, when birds begin seeking out new nest locations. Installation will be overseen by an Ecologist; monitoring of bird boxes post-installation is discussed in the Biodiversity Management Plan (BMP) accompanying this



application under separate cover (Enviroguide, 2024b).

A range of different bird boxes are available that meet the specific need of the species of birds. The variety of options suitable for installation at the Site and information on the positioning of each type of box are outlined briefly below. A minimum of three boxes should be installed, with preference given to boxes suitable for amber- and red-listed species such as House Sparrow and Starling. Such boxes are described as follows:

- Sparrow Nest Box
- Starling Nest Box

Sparrow nest boxes should be placed 2-4m off the ground with a clear flight path to the entrance. Starling nest boxes 3-4 metres above ground level where there is easy flight access and where it cannot be reached by cats or other potential predators.

Other appropriate bird box types are as follows:

- 'Hole type' bird boxes (28 mm hole)
- Open fronted bird boxes for blackbirds
- Open fronted bird boxes for wrens and robins

Hole type bird boxes should be positioned 2-4m off the ground, with good-visibility, a clear flight line, and away from the prevailing wind direction. The open-fronted boxes for robins, wrens and blackbirds should be installed lower than 2m but amongst dense vegetation, or newly planted vegetation that will grow to become dense upon establishment, and somewhere cats and other predators won't easily see or access them. Boxes will not be drilled or nailed to trees to avoid damage, but instead be attached via a wire strap wrapped around the tree. Boxes will be located in areas away from direct exposure to public lighting to increase chances of uptake.

The loss of the hedgerow vegetation from the site to facilitate the proposed development is noted in the submitted EIAR to be mitigated against with the planting of new trees, shrubs and hedge planting within the completed landscaped development. Tree planting will consist of native tree species such as Alder *Alnus glutinosa*, Birch *Betula nigra*, Hazel *Corylus avellana* and semi mature Oak *Quercus robur*. The current treeline along the western and eastern boundary will also be protected and supplemented as it is largely outside of the redline boundary; although it must be noted that some of these trees are Ash trees suffering from Ash die-back disease, and may be removed in the future. The Biodiversity chapter of the EIAR concludes "that the Proposed Development will thus have an overall positive impact on the habitat make-up at the Site, and therefore no additional mitigation is necessary" during the construction phase of the proposed development.

Given the predominantly hard standing nature of the subject site in its current condition, the landscaping plan for the proposed development will inherently offset any loss of the existing poor quality habitat that will result from the proposed development, and will provide a net increase in biodiversity value at the site; through the provision of an increased variety of native and non-native vegetation planting at the site, along with specific enhancement measures such as the swift bricks included along the elevations of some of the blocks.

The existing trees are generally located externally to the site boundary but in close proximity. We concur with the assessment of the Planning Authority who stated: "The tree/hedge impact is considered low and there is adequate compensatory planting under the landscape architecture proposals. A tree bond is required to enhance protection of existing trees to be retained, which includes the row of public street trees on the eastern boundary".



We also note the An Bord Pleanála Inspector's Report under the first SHD application on the subject site (Ref. ABP-310910-21) which stated *"Trees on the eastern and western boundaries are to be retained, however, I note that the trees on the western site boundary are not of high quality. The planning authority Parks Dept. describe the tree / hedge impact of the development as low and that there is adequate compensatory planting and landscaping proposed. I concur with this conclusion"* – it is respectfully put forward that this condition / stance remains unaltered.

Taking into account the various surveys undertaken on the site, the findings of the submitted AA Screening and EIAR, as well as the current hard standing condition of the subject site, it is respectfully put forward the impacts of the proposed development on birds, bats and existing planting have been appropriately considered and therefore the permission being sought can be granted by An Bord Pleanála.

## **5.6 Wind-microclimate Assessment**

A comprehensive wind-microclimate assessment of the proposed development was submitted as standalone report that forms part of the LRD application. It is also available on the dedicated website set up by the applicant [www.santrypavenueird.ie](http://www.santrypavenueird.ie), and under the "environmental" tab/section of same, the assessment is available to view, alongside the EIAR. The submitted wind-microclimate assessment provides the necessary information for the Planning Authority and An Bord Pleanála to assess the proposed development, as well as informing the public. It is considered irrelevant as to whether this information was presented as a standalone report or within the EIAR – the fact remains that the necessary assessment was carried out and was easily available to those who required to consider it.

## **5.7 Part V**

The applicant put forward a Part V proposal which was accepted as the LRD planning application was validated. We note that the notification of the decision to grant permission includes a condition (no. 22) which states: *"Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000 (as substituted by Section 3 of the Planning & Development Amendment Act 2002) in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy"*

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

The applicant is fully aware and accepting of this condition. As an experienced developer, our client has provided numerous social and affordable housing units to Dublin City Council and upon a grant of permission, subject to a Part V condition being attached to same, will engage with and agree their Part V obligations with the Housing Department of Dublin City Council.

## **5.8 Telecommunications Infrastructure**

The submission of a telecommunications report was not considered necessary for the proposed development nor was it required by the Planning Authority, or set out in their LRD opinion. Furthermore, we note Table 15-1 of the CDP which provides a list of various reports to be included as part of planning applications based upon various thresholds. In line with same, the subject LRD planning application included all of the relevant reports as required.



We note that a telecommunications reports is required under site specific circumstances on a case-by-case basis. It is noted that such reports are required for landmark / tall buildings i.e. buildings over 50m. The proposed LRD includes the following building heights:

Block	Building Height – Storeys	Max Building Height – Metres (m)	No. of Dwellings
A	13	44.2m	52
B	7	24.4m	37
C	7	22.9m	53
D	8	26.3m	44
E	8	26.2m	49
F	7	22.9m	52
G	7	22.9m	34

Table 1: Proposed Building Heights.

It is evident therefore that not only do none of the proposed buildings exceed 50m but accordingly no telecommunications reports are required, and therefore none were submitted as part of the subject LRD application.



## 6.0 Conclusion & Request that Permission is Granted

Dwyer Nolan Developments Ltd. purchased the subject site in order to redevelop it for a mixed use / residential development. The subject site is considered to occupy a strategic, corner locations, in Santry that will adjoin and compliment the Santry Place development to its immediate south, which the applicant has also delivered, and provide a comprehensive development of lands fronting onto Swords Road and Santry Avenue, in an area that is undergoing redevelopment.

In principle, the proposed development is acceptable, to both An Bord Pleanála and Dublin City Council, and this assertion is based upon the planning history attached to the subject site. It should also be noted that this assertion is based upon the reports available with the three planning applications our client has submitted since 2021 to redevelop this site:

1. A SHD which An Bord Pleanála considered they were precluded from granting permission,
2. A second SHD which An Bord Pleanála is yet to make a decision on, despite the file being at Board level since December 2022,
3. The subject LRD which Dublin City Council has approved.

The appellant, Chadwicks Group, is the sitting tenant on the subject site, despite their lease having expired in 2022, and who have brought court proceedings against the applicant seeking either a lease extension or compensation. They have based this court case on the grounds that no planning permission has been granted to date. Yet they are now the only appellant to the LRD, thus seeking to further frustrate the planning status of this site.

The proposed Large-scale Residential Development (LRD) provides for a residential element consisting of 321 no. apartments in 4 no. buildings, sub-divided into 7 no. blocks (Blocks A-G), ranging from 7 no. storeys to 13 no. storeys in height and comprised of the following mix of dwellings:

- 104 no. 1 bed dwellings:
- 198 no. 2 bed dwellings:
- 19 no. 3 bed dwellings.

The proposed development also provides for 3 no. retail units, a medical suite / GP Practice unit on the ground floors of Blocks A-B, and c. 1,460sq.m of community/arts & culture space, all located at ground floor level of Blocks C-D and E-F, and a one storey residential amenity unit, facing onto Santry Avenue, located between Blocks A & D. The development includes for a basement level car park (c. 5,471sq.m), public open space (c. 1,791sq.m) and communal open space (2,986sq.m).

The proposed development is put forward in compliance with the Z3 ("Neighbourhood Centres") land use zoning objective attached to the site by catering for a range of new local facilities at ground floor level, which address the surrounding streetscapes and are capable of forming a focal point for a neighbourhood, with high density housing located alongside and above.

All of the proposed apartments are put forward in compliance with the floor areas standards for new apartment developments and the SPPRs of the 2023 Sustainable Urban Housing: Design Standards for New Apartments ensuring a high quality development and standard of living for future residents.

The proposed building heights are put forward in recognition of the 2018 Urban Development and Building Heights Guidelines for Planning Authorities which seek to remove blanket limitations on building heights and increase both height and density in appropriate locations. Given the corner location of the site and its proximity to existing public



transport corridors and public open space, the proposed building heights are considered to be wholly appropriate in the context of national and regional planning policies.

In accordance with both the 2018 Urban Development and Building Heights Guidelines and the 2024 Sustainable Residential Development and Compact Settlements Guidelines, the proposed density of 214 no. units per hectare is put forward for permission. Furthermore, the submitted details on density, as set out in both the submitted Planning Statement and Statement of Consistency, demonstrate that the proposed density also accords with the Dublin City Development Plan 202-2028. We also note that Planning Authority does not have any objection in principle to a high density development on this site, given its close proximity to a high frequency public transport corridor. In their assessment of this LRD planning application, the Planning Authority noted the changing character of the area and that permission has been granted by An Bord Pleanála for a Strategic Housing Development at lands to the north-east of the Omni Shopping with a density of 250 residential units per hectare plus an aparthotel and a density of 250 residential units plus ground floor commercial at the former Swiss Cottage site on the opposite side of Swords Road. The density proposed in this proposal is comparable to these recently permitted developments and should therefore be granted permission.

The development provides for public and communal open space which is in excess of the required standards of the existing Dublin City Development Plan 2022-2028. Careful consideration has been given to the design of the proposed development to ensure integration with the permitted Santry Place development to the south, and a positive relationship with the surrounding environments of the site.

It is considered that the proposed LRD represents the proper planning and sustainable development of the subject site and supports the objectives national, regional and local planning policy. It is also put forward that the current proposal addresses the previous reasons for refusal on the subject site, which are no longer relevant given the change in Development Plan. Therefore, it is put forward that the proposed development should be judiciously considered and granted permission so that an urban, infill, zoned, serviced site, within the existing urban footprint of Dublin City can be developed in an appropriate manner for the benefit of both existing and future residents of Dublin 9.

Having regard to the following:

- the location of the site in the established urban area of Dublin City in an area zoned Z3,
- the policies and objectives of the Dublin City Development Plan, 2022-2028,
- Housing for All – a New Housing Plan for Ireland, 2021;
- the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024,
- the Urban Development and Building Heights Guidelines for Planning Authorities, 2018,
- the Sustainable Urban Housing: Design Standards for New Apartments, 2023,
- the nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure, and;
- the pattern of existing and permitted development in the area,

it is respectfully put forward that the proposed development constitutes an acceptable quantum and density of development in this accessible urban location, will not seriously injure the residential or visual amenities of the area, is acceptable in terms of urban design, height and quantum of development and is acceptable in terms of traffic and pedestrian safety. Taking all of the foregoing set out in this appeal response as well as all of the documentation and drawings submitted with the LRD application for permission, we consider that the proposed development is in accordance with the proper planning and sustainable development of the area. Given the planning history attached to the subject site, as well as the context of the appellant, we request that An Bord Pleanála applies a practical and judicious assessment to the proposed development and issues an order to grant permission subject to whatever conditions the Board deems necessary / appropriate.

Trusting all the above and enclosed are in order, we look forward to a favourable decision in due course.

Yours sincerely,



Tracy Armstrong, BA, MRUP, MIP, MRTPI

Chartered Town Planner

**Armstrong Fenton Associates.**

**Planning & Development Consultants**

## APPENDIX A

### Compliance with the objectives and criteria of Table 3 "Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale" from Appendix 3 of the Dublin City Development Plan 2022-2028.

The CDP states that: "All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3." In order to demonstrate compliance with Appendix 3 of the CDP, Table 2 below and overleaf has been prepared, which sets out the objectives and criteria of Table 3 "Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale" from Appendix 3, as well as responses illustrating how the proposed development complies with them. These various 'performance criteria' of Table 3 are set out under 10 no. 'objectives' in the CDP:

1. To promote development with a sense of place and character;
2. To provide appropriate legibility;
3. To provide appropriate continuity and enclosure of streets and spaces;
4. To provide well connected, high quality and active public and communal spaces;
5. To provide high quality, attractive and useable private spaces;
6. To promote mix of use and diversity of activities;
7. To ensure high quality and environmentally sustainable buildings;
8. To secure sustainable density, intensity at locations of high accessibility;
9. To protect historic environments from insensitive development; and
10. To ensure appropriate management and maintenance.

**Table 2: Compliance with Table 3: "Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale" from Appendix 3 of the Development Plan:**

Objective	Criteria	Compliance
1 - To promote development with a sense of place and character	Respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints.	<p>The subject site occupies a prominent location which, while currently developed, is considered underutilised. Given the scale of surrounding development, the existing use of the site is lost and provides no definition or sense of place. The current industrial, low level, and enclosed nature of the site will be significantly improved by the proposed development, as it will be opened up to activity and animation.</p> <p>The subject site is prime for redevelopment and the delivery of the proposed high-quality scheme will assimilate into the area. The scheme will promote a sense of place and character especially due to the animation of activity provided along the streetscapes to the north and east, opening up the site for the public to utilise.</p> <p>A sense of place will be achieved will be through the positioning of the varied building heights and by the design of the hard and soft landscape. The combination of these factors will give the development definition and legibility within the wider environs.</p>

	<p><b>Have a positive impact on the local community and environment and contribute to 'healthy placemaking'.</b></p>	<p>Block A acts as a building announcing both the development and the urban environs of Dublin City as commuters enter from the north of the city. Blocks A &amp; B give a strong urban frontage to Swords Road streetscape which both compliments and contrasts with the scale of existing development in the immediate environs. Similarly, Blocks A, D and E front onto Santry Avenue to the north creating a new, contemporary streetscape here too. Combined, the proposed frontages onto both Swords Road and Santry Avenue will be a welcome improvement in providing animation along both streets.</p> <p>The varying heights of the proposed buildings break up the mass and volume of the scheme, with only one tall building of 13 storeys proposed, which will act as a landmark to the prominent corner at the junction of Swords Road and Santry Avenue. The proposed height of 7 storeys at the southern end of the scheme, marries in with the adjoining Santry Place, currently under construction, but also presents an appropriate urban street edge onto Swords Road. The introduction of 8 storey buildings fronting onto Santry Avenue sit side by side of the tallest building thus creating a variance and natural transition between 7 and 13 storeys.</p> <p>The punctuation in the site layout between buildings allows for light penetration into the site but also replicates the positioning of the buildings to the south in Santry Place. The proposed site layout plan provides for connectivity and permeability into Santry Place and for urban open spaces to be created. The overall design proposed allows for this site to be developed as a landmark setting for Santry thus creating a sense of place in itself.</p> <p>The proposed development will result in the redevelopment and regeneration of a large brownfield, urban site, thereby enhancing the public realm and the healthy placemaking through the creation of a more attractive and desirable environment. Open spaces and permeable links are proposed and will provide areas within which the public and community can play, socialise and exercise. Additionally, the provision of open spaces, retail units, medical suite / GP practice and community/cultural spaces aids in the facilitation and promotion of healthy lifestyles and social interaction between residents and the public, which will ultimately result in the creation of a strong sense of community.</p>
	<p><b>Create a distinctive design and add to and enhance the quality design of the area</b></p>	<p>The design rationale is detailed in the submitted Architectural Design Statement prepared by Davey+Smith Architects. The development will significantly improve the aesthetic of the subject site, as its current closed off and industrial condition is oppressive and encloses the site from the public. The</p>



		<p>proposed permeable links and open spaces will enhance the public realm and will enhance the quality design of the area.</p> <p>The carefully designed, shaped and modulated development creates an attractive proposition, which will enhance the streetscape, improving the relationship of the site with the surrounding area and will allow the residents and wider community to integrate.</p>
	<p><b>Be appropriately located in highly accessible places of greater activity and land use intensity.</b></p>	<p>The subject site is adjacent to a QBC and has been acknowledged as being a site that is on a Public Transport Corridor, therefore the proposed development is easily linked with the rest of the City. The development will, in its own right, increase the activity and land-use intensity at this location by way of its mix of uses.</p>
	<p><b>Have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area</b></p>	<p>There is variation in height, scale and form across the proposed buildings. The approach has sought to respect the surrounding properties, by modulating heights throughout the site and providing adequate separation distances from neighbouring properties.</p> <p>The proposed scheme is presented in various forms and heights across the site, transitioning from the lower heights along more sensitive boundaries to the highest form which is positioned at the most prominent position on the site, thus creating a landmark building at this important node into the city.</p> <p>Overall, the proposed building heights will avoid any abrupt transitions in scale and height from neighbouring development, therefore the positioning of the higher building forms has been subject to detailed consideration to ensure that the scheme can be assimilated into the receiving environment.</p>
	<p><b>Not be monolithic and should have a well considered design response that avoids long slab blocks</b></p>	<p>The proposed development has been designed to ensure interesting and lively facades which reduce the perceived mass and scale of the blocks. The proposed heights vary across the site and the orientation of the blocks ensure maximum daylight/sunlight allocation, whilst also protecting the existing amenities of neighbouring properties, all of which demonstrates that the blocks have been broken down to ensure that the scheme will not represent a monolithic form. The material palette has comprehensively considered the surrounding neighbourhood.</p> <p>The high-quality open spaces and permeable links provide visual relief throughout the scheme.</p> <p>An interesting feature of the scheme is the views provided through the site from outside through the new entrance points, particularly the north south axis of open spaces that will connect into the open spaces</p>

		in Santry Place to the south whilst also affording views northwards to Santry Demesne.
	<b>Ensure that set back floors are appropriately scaled and designed</b>	<p>The submitted Architectural Design Statement prepared by Davey+Smith Architects sets out the rationale for the design approach and how conscious efforts have been made to provide architecturally interesting forms and spaces, whilst also addressing the previous reasons for refusal on the subject site. It is clear that a significant effort has been made to provide well considered and interesting building forms which enhances legibility, wayfinding and connectivity within the site for future residents and the existing wider area.</p> <p>The setting back of upper levels is proposed as a means to gradually increase heights, whilst respecting the surrounding properties existing and proposed.</p> <p>The development ranges from 7 no. to 13 no. storeys, with the highest form positioned at the most prominent location of the site, at the junction of Swords Road and Santry Avenue, thus following principles of good urban design, and creating a landmark building at this location.</p>
<b>2. To provide appropriate legibility</b>	<b>Make a positive contribution to legibility in an area in a cohesive manner.</b>	<p>In its existing state, the site is currently in private use and generally inaccessible to the wider community. The proposed development will open the site to pedestrians and cyclists with permeability / accessibility provided from Swords Road, and Santry Avenue.</p>
	<b>Reflect and reinforce the role and function of streets and places and enhance permeability</b>	<p>The site layout plan has been developed in a manner that provides for pedestrian priority throughout. The neighbouring lands bounding the southern boundary of the site are currently being developed as part of the permitted residential scheme known as Santry Place (Ref.s 2713/17, 2737/19 &amp; 4549/22). The site layout plan provides for direct connectivity and permeability into Santry Place. The proposed scheme has been designed to allow for it to assimilate with Santry Place to the south, with a view to developing this area of Santry as a landmark setting, creating a sense of place.</p> <p>The site is to be accessed via Santry Avenue and Swords Road which allows for direct accessibility to Santry Park and proposed retail / commercial units. The proposed scheme will provide footpaths facing onto both Santry Avenue and Swords Road which will enable the flow of footfall to safely visit the proposed community/cultural uses, retail / commercial units and GP practice unit.</p> <p>The layout of the blocks ensure that proposed public and communal open spaces are integrated and overlooked by pedestrian and cyclists as they move through the site.</p>

		<p>The proposed development will redefine the building line and streetscape at this prominent urban location.</p> <p>The improvements to permeability and safety for pedestrians and cyclists, is also a significant planning gain.</p>
<p>3. To provide appropriate continuity and enclosure of streets and spaces.</p>	<p>Enhance the urban design context for public spaces and key thoroughfares</p>	<p>The development proposal provides for significant improvements to the public realm and pedestrian accessibility to the site, therefore creating a people friendly environment of streets and spaces.</p> <p>Proposed routes through the site follow the principles of DMURS ensuring that traffic speeds are minimised and that the pedestrian is favoured. The priority for access into and through the site and onwards to adjoining lands is afforded to pedestrians and cyclists.</p> <p>The provision of public open space will be a significant benefit to the local community and will be useable and inviting as people traverse the site from Santry Avenue and Swords Road into the scheme and onwards to Santry Place. As one travels north from Santry Place through the proposed development it provides direct connectivity to Santry Demesne to the north on the opposite side of Santry Avenue.</p> <p>The areas of public and communal open space are centrally located in easy walking distance of all dwellings. The open space incorporates a playground and is overlooked by dwellings on all sides for active supervision.</p> <p>A mixture of shared surfaces and limited surface parking will also aid the creation of a pedestrian friendly environment.</p> <p>The development also provides for high quality ground floor active uses which will invite and attract people to the development thereby creating attractive and friendly spaces and provide activity throughout the day.</p> <p>The tallest element of the proposed development is 13 storeys, however the modulation and variation in building heights is such that it ranges from 7 to 8 up to 13 storeys.</p> <p>The small size of the subject site (c.1.5Ha) as well as its configuration provides for the creation of a compact urban form. The layout of the buildings assists with breaking down the massing of the development which ensures that the development will not be excessive or overbearing.</p>



	<p><b>Provide appropriate level of enclosure to streets and spaces</b></p>	<p>Throughout the development, the heights vary either in response to higher adjacent context or to provide accent and variation within the scheme, thus enhancing legibility, wayfinding, and connectivity as one traverses the site. The width of central access routes through the site are generous with separation widths between the proposed blocks ranging from c. 18m – 22m – 24m – 26m.</p> <p>The disposition of the blocks is broken up by public and communal open spaces with the north/south axis being the optimum layout in terms of the most preferable orientation for apartment blocks, public open spaces and communal spaces. This allows high levels of sunlight and daylight for all aspects of the development. Furthermore, the proposed frontages onto Swords Road and Santry Avenue is essential to enliven both streets with activity.</p> <p>The introduction of an internal pedestrian street allows a spine of activity through the site and represents the ambition to create a high quality urban development with a sense of place.</p>
	<p><b>Not produce canyons of excessive scale and overbearing of streets and spaces</b></p>	<p>The proposed buildings address both the external streets (Swords Road &amp; Santry Avenue) as well as the internal public and communal open spaces, with the buildings having varying heights thus lessening any perceived impacts of scale, mass and bulk on these spaces and streets, given the small infill nature of the site. The height and massing of buildings has been carefully considered to ensure an appropriate human scale while creating a degree of enclosure to the internal public realm.</p>
	<p><b>Generally, be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3.</b></p>	<p>This results in the perception of height to assimilate with the surrounding development, with generous internal separation between buildings and a general strategy to gradually increase height from seven up to eight up to thirteen storeys. The proposed building heights are considered to be in keeping with the neighbouring scale of development to the south at Santry Place. All this combines to create a development that is within a human scale.</p> <p>These building elements face large open spaces which provide an appropriate street width to building height ratio, as follows:</p> <p>Swords Road: 1 : 1.44  Santry Avenue: 1 : 1.2  Corner of Swords Rd &amp; Santry Ave: 1 : 2.4  Street along eastern boundary = 1 : 1.22  Street along southern boundary = 1 : 1</p>

	<p><b>Provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street-level activity, animation and visual interest.</b></p>	<p>Ample passive surveillance is provided throughout the development. All open spaces and streets are overlooked by apartments or the community/cultural space.</p> <p>All entrances will be sufficiently overlooked and new streets, spaces and connections will create visual interest for the surrounding streetscape and provide permeable connections for the residents and wider public. The non-residential ground floor uses will also generate additional animation along the street level with the layout broken up by open spaces which act as attractive meeting points for the local community and residents and thus the development will promote activity throughout.</p>
<p><b>4. To provide well connected, high quality and active public and communal spaces.</b></p>	<p><b>Integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport.</b></p>	<p>The non-residential ground floor uses fronting onto both Swords Road and Santry Avenue ensure an appropriate level of activity is provided at street level thus creating safe, secure and enjoyable public areas.</p> <p>The location of the public open space provision for the development has been carefully selected in terms of orientation for sunlight, to connect physically and visually with the open spaces in Santry Place to the south and also create a visual connection with Santry Demesne to the north. The open spaces are in easy walking distance of all dwellings and passively supervised. The open space incorporates children's play, while communal open spaces for the development are also centrally located so as to be in easy walking distance of all dwellings and passively supervised. The layout of the blocks allows for light penetration into these areas of open space for maximum amenity.</p> <p>Landscaping and boundary treatments will ensure that communal and public open spaces are clearly defined from each other, ensuring a safe and enjoyable environment for the future residents.</p>
	<p><b>Be appropriately scaled and distanced to provide appropriate enclosure / exposure to public and communal spaces, particularly to residential courtyards.</b></p>	<p>A balance was sought by the Design Team between securing open and accessible, but also attractive and safe open spaces. The public open spaces will be overlooked by each of the proposed blocks and the locations of these spaces are appropriately enclosed.</p> <p>The location and layout of the open spaces makes them accessible and visible, thus inviting users into them thus visually opening the site up to the public and enhancing legibility in the area.</p>

	<p><b>Ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities.</b></p>	<p>CS Consulting carried out the submitted daylight and sunlight assessment, along with an accompanying shadow study for the proposed development – please refer to same for full details.</p> <p>The submitted assessment tested the development's performance for sunlight on the ground SOG (shadow) gardens and open spaces, which tests for the availability of sunlight in amenity areas, and found that most new provided communal and public amenity spaces pass the BRE requirement. There are compensatory factors relating to those that do not. The tested spaces generally comply with the requirements of the BRE guidelines.</p> <p>Therefore, it is clear that the proposed development will provide high-quality public and communal open spaces.</p>
	<p><b>Ensure the use of the perimeter block is not compromised and that it [is]<sup>1</sup> utilised as an important typology that can include courtyards for residential development.</b></p>	<p>The size, shape and orientation of the site, as well as the need to open up the site to accessibility and permeability precludes the inclusion of perimeter blocks on the site.</p>
	<p><b>Ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated.</b></p>	<p>B-Fluid has prepared the submitted Wind Microclimate Modelling which has been carried out to identify the possible wind patterns around the area proposed, under mean and peak wind conditions typically occurring in Dublin, and also to assess impacts of the wind on pedestrian levels of comfort/distress.</p> <p>The proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings. Moreover, in terms of distress, no critical conditions were found for "Frail persons or cyclists" and for members of the "General Public" in the surrounding of the development.</p> <p>Therefore, the CFD study carried out has shown that under the assumed wind conditions typically occurring within Dublin for the past 15 years:</p> <ul style="list-style-type: none"> <li>▪ The development is designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrian).</li> <li>▪ The development does not introduce any critical impact on the surrounding buildings, or nearby adjacent roads.</li> </ul> <p>Please refer to the submitted Wind Microclimate Modelling study for full details.</p>

<sup>1</sup> The word [is] is missing from the CDP.

	<p><b>Provide for people friendly streets and spaces</b></p>	<p>The proposed site layout plan remains relatively the same as that previously proposed, but that the heights of the buildings have been reduced. Please refer to the submitted Wind Microclimate Modelling study, prepared by B-Fluid, which states:</p> <ul style="list-style-type: none"> <li>▪ The assessment of the proposed scenario has shown that no area is unsafe, and no conditions of distress are created by the proposed development.</li> <li>▪ All the roads proposed can be used for their intended scope.</li> <li>▪ All terraces are suitable for sitting/standing. It is important to note that fluctuations in velocity on rooftop terraces may lead to door slamming issues. Therefore, it is recommended to consider such conditions in terrace design. Possible means of reducing the risk of door slamming include installing door actuators, using automatic or sliding doors, etc.</li> <li>▪ The wind microclimate of the proposed development is comfortable and usable for pedestrians.</li> </ul> <p>The development is designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrian).</p>
<p><b>5. To provide high quality, attractive and useable private spaces</b></p>	<p><b>Not compromise the provision of high quality private outdoor space</b></p>	<p>Each dwelling has access to usable private outdoor space, in the form of terraces at ground floor level and balconies on all upper floors, which meets and/or exceeds the minimum standards for residential dwellings detailed in the Apartment Guidelines, and as confirmed in the submitted HQA.</p>
	<p><b>Ensure that private space is usable, safe, accessible and inviting</b></p>	<p>Terraces that interface with the public/communal amenity areas have adequate buffers to protect privacy and enhance residential amenity.</p> <p>As discussed above, these spaces are appropriately sized, located and designed. They are positioned off main living areas rather than bedrooms and level access is provided.</p>
	<p><b>Ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards.</b></p>	<p>This aspect of the design has been considered and full details of the assessment are included in CS Consulting's <i>Daylight and Sunlight Assessment</i>, which demonstrates significant compliance with the 3rd Edition of BRE 209.</p> <p>As outlined above, an updated Wind Microclimate Modelling study will be submitted with a prospective LRD planning application.</p>



	<b>Assess the microclimatic effects to mitigate and avoid negative impacts.</b>	Inappropriate levels of overlooking have been avoided as part of the proposed development, with a balance struck between protecting privacy and residential amenity and ensuring adequate passive surveillance is secured.
	<b>Retain reasonable levels of overlooking and privacy in residential and mixed use development.</b>	Ample separation distances and setbacks from surrounding properties have been proposed as discussed, thereby ensuring that the existing residences are not overlooked.
<b>6. To promote mix of use and diversity of activities.</b>	<b>Promote the delivery of mixed use development including housing, commercial and employment development as well as social and community infrastructure</b>	In accordance with this criterion, whilst residential is the primary use, mixed uses including retail, medical /GP practice and community/cultural space are also proposed. Therefore, the proposed development will promote the delivery of mixed and neighbourhood uses. The proposed non-residential elements of the development are located at ground floor level and front onto Swords Road and Santry Avenue, creating animated street frontages.
	<b>Contribute positively to the formation of a 'sustainable urban neighbourhood'.</b>	<p>Several factors illustrate the proposed development's contribution to the formation of a 'sustainable urban neighbourhood':</p> <ul style="list-style-type: none"> <li>a) A broadening of the housing stock will enhance the demographic and socio-economic composition of the local area;</li> <li>b) The mix of uses will meet the needs of future residents, as well as existing neighbouring residents, and will also provide opportunities for employment;</li> <li>c) Additional local population will support the attainment of critical mass required to sustain local services and businesses;</li> <li>d) Greater provision of local services and amenities reduces the dependency to travel further (and potentially use a car) to avail of same, aligning with the principles of the 15-minute city;</li> <li>e) Low car parking provision, ample cycle parking and proposed car share services are considered means through which to reduce car ownership and use rates to environmentally and socially sustainable levels;</li> <li>f) The provision of public open spaces and an enhancement of the built-form and public realm in this area are much-needed given the closed off/gated and underutilised nature of the existing site and its failure to provide an animated street frontage, notable aesthetic, social and economic benefits.</li> </ul>

	<p><b>Include a mix of building and dwelling typologies in the neighbourhood.</b></p>	<p>The development includes a wide mix of unit types / sizes including 1, 2 and 3 bed dwellings. A wide variety of tenures and housing formats are provided to suit a range of lifestyles and demographics, all of which is detailed in Section 6.1 of this Planning Statement. The mix of dwelling types proposed will enhance the existing housing stock in the neighbourhood.</p> <p>The mix of apartment types (1-bed, 2-bed (3-person), 2-bed (4-person) &amp; 3 bed (5-person)) accord with SPPR 1 of the Apartment Guidelines. Furthermore, they will add to the stock of housing in the area and broaden its mix given that traditionally Santry was predominantly comprised of houses, with newer apartment developments having been recently delivered in the vicinity.</p>
	<p><b>Provide for residential development, with a range of housing typologies suited to different stages of the life cycle</b></p>	<p>The units are designed to be adaptable and flexible in order to suit different stages of the life cycle. In this regard, out of the 321 no. units proposed in total, 212 no. exceed the minimum floor area requirements by over 10%, which equates to c.66% of the total. Of the aforementioned 212 no. units, 81 no. are capable of being adapted as universal design units (which also equates to c.25% of the total units provided).</p>
<p><b>7. To ensure high quality and environmentally sustainable buildings</b></p>	<p><b>Be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, and views to minimise overshadowing and loss of light</b></p>	<p>The modulation of height, which varies from 7 up to 13 storeys, in a stepped arrangement, ensures that the proposed development is not monolithic in its built-form, with its scale and massing distributed appropriately.</p> <p>As per the submitted results of CS Consulting's Daylight and Sunlight Assessment Report, the scheme performs well, and we note that the design of the subject scheme has evolved through a creative process, in conjunction with the results of the Daylight and Sunlight Assessment Report to ensure an attractive living environment for future residents which has a limited impact on the amenity of surrounding properties.</p> <p>The variation in height and massing allows for natural ventilation to be achieved, with no long, unbroken sections of building proposed. The height of the subject scheme modulates throughout the site depending on the block location.</p> <p>Privacy is secured by way of separation distances, planted screening/buffers, and offset windows and balconies.</p>
	<p><b>Not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain</b></p>	<p>CS Consulting's Daylight and Sunlight Assessment Report indicates that there will be limited impacts on surrounding properties, however, the scheme has undergone numerous design iterations in order to minimise impacts on surrounding properties. Large</p>



	setbacks have been provided from surrounding properties.
<b>Ensure a degree of physical building adaptability as well as internal flexibility in design and layout.</b>	<p>The design of the proposed development considered adaptability and the prospect of different uses in the future. The scheme provides 212 no. units (66%) out of the total of 321 no. are over 10% minimum areas. 81 no. of these units are capable of being adapted as universal design units.</p> <p>The community/arts/cultural spaces are flexible internally and layouts/uses will be agreed with Dublin City council post-planning.</p>
<b>Ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive.</b>	Davey + Smith Architects have sought to minimise rooftop plant and infrastructure. Furthermore, the submitted EIAR includes a Landscape Visual Impact Assessment of the proposed development – please refer to same for details.
<b>Maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage.</b>	A total of 145 no. of the 321 no. proposed units are dual aspect in their design, which equates to 45% of the overall units, thus exceeding the requirement in this location, with a further 6 no. apartments being triple aspect, so a total of 151 no. units are dual/triple aspect (i.e. 47%).
<b>Be constructed of the highest quality materials and robust construction methodologies.</b>	This design principle has been applied in the proposed development. Brick, along with metal cladding, rather than render, are the predominant materials used, which are more robust and require less maintenance and upkeep.
<b>Incorporate appropriate sustainable technologies, be energy efficient and climate resilient.</b>	The proposed development has been designed to be fully compliant with existing Building Regulations and this LRD planning application is accompanied by an Energy Statement which provides details of the intended sustainable technologies, energy efficiencies and climate resilience – please refer to same for details.
<b>Apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not possible in the context of a particular site (See Appendix 16),</b>	Quantitative approaches to the assessment of sunlight and daylight are in accordance with the requirements set out in Appendix 16. The submitted Daylight and Sunlight Assessment Report by CS Consulting should be referred to for a comprehensive assessment. We note that page 30 of the submitted Daylight and Sunlight Assessment refers to the compensatory design measures for the scheme in relation to the units that could be considered to be underperforming. These measures include large apartment sizes and large private balconies etc.



	<b>Incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions are in place (See Appendix 13).</b>	Surface water proposals are set out in the submitted Engineering Services Report and within the suite of engineering drawings prepared by DBFL Consulting Engineers. Included in Section 3 of the submitted Engineering Services Report are details on the site's compliance with surface water policy. The surface water strategy includes SuDS features such as green / blue roofs, permeable paving, etc. and landscaped areas for example.
	<b>Include a flood risk assessment – see SFRA Volume 7.</b>	DBFL Consulting Engineers have also prepared the enclosed Site-Specific flood Risk Assessment under separate cover – please refer to same.
<b>8. To secure sustainable density, intensity at locations of high accessibility</b>	<p><b>Enhanced density and scale should:</b></p> <ul style="list-style-type: none"> <li>▪ be at locations of higher accessibility well served by public transport with high capacity frequent service with good links to other modes of public transport,</li> </ul>	<p>The development provides a gross and net density of c. 214 no. dwellings per hectare. The proposed density is therefore considered to be making full, efficient, use of the available lands. The proposed density and building heights capture the opportunity to develop the site appropriately, with the site's location adjacent to public transport options and existing surrounding environs ensuring that the site is capable of supporting such height and density without any detriment to existing residential amenity.</p> <p>The subject site is well served in terms of public transport provision. There is a Quality Bus Corridor (QBC) running along Swords Road utilised by Dublin Bus routes 16, 33, 41, 41b &amp; 41c. The aforementioned bus routes travel along the Swords Road corridor which lies to the east of the subject site. In addition, Dublin Bus Route 27b operates along the R132 Road corridor (to the north east of the subject site) providing links to/from Dublin City Centre and Harristown. The Go-Ahead Ireland bus Route 17a operates along Santry Avenue providing links to/from Blanchardstown and Kilbarrack. The aforementioned bus services are all within walking distance of the subject site, i.e. between 5m-500m. These bus services operate on a daily basis and offer relatively frequent schedules as set out in the submitted Traffic and transport Assessment (TTA).</p> <p>Bus services will be further enhanced and improved as BusConnects is rolled out to a greater extent in the coming years. The development proposes bicycle parking in excess of requirements which will promote sustainable development. A study on the capacity of public transport in the area has been prepared by DBFL Consulting Engineers and is enclosed separately.</p> <p>A site coverage of c.33.5% is proposed which demonstrates the concerted efforts made by the Design Team to ensure that the development maximises opportunities to provide meaningful and accessible areas of open space and generous separation distances from neighbouring</p>
	<ul style="list-style-type: none"> <li>▪ look to optimise their development footprint; accommodating access, servicing and parking in</li> </ul>	



	the most efficient ways possible integrated into the design.	developments. This has been optimised, ensuring that the 10% public open space requirement is met, access to the basement car parking is safely designed and located, set down spaces are included, and the scheme does not result in excessive height in order to achieve appropriate floor area (i.e. plot ratio).
9. To protect historic environments from insensitive development	Enhanced density and scale should: <ul style="list-style-type: none"> <li>not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments – see section 6 below.</li> </ul>	Dermot Nolan, Conservation Architect has prepared the submitted Architectural Heritage Impact Assessment (AHIA) of the subject site in light of the industrial building on site and due to Santry's long history as a location for commercial and industrial purposes in Dublin – please refer to same for full details.
	<ul style="list-style-type: none"> <li>be accompanied by a detailed assessment to establish the sensitivities of the existing environment and its capacity to absorb the extent of development proposed,</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>assess potential impacts on key views and vistas related to the historic environment.</li> </ul>	<p>As part of the submitted EIAR, chapter 15 The Landscape provides for a full Landscape Visual Impact Assessment (LVIA) of the proposed development.</p> <p>We also note from the assessment of the EIAR submitted with SHD Ref. ABP-310910-21, that the An Bord Pleanála Inspector noted the following in relation to the LVIA: "The EIAR describes the sensitivity of the site and receiving environment as medium. There are no protected views or Architectural Conservation Areas (ACAs) relevant to the subject site". He also stated: "I note the changing urban context in this area and do not regard the assessment of landscape and visual impacts as unreasonable. I note that the PA Conservation Officer has not raised any objections to the development in respect of impacts on St. Pappan's Church. The impact on views from Santry Demesne is noted, however, this is not considered to have a significant negative impact, and is not out of character with other existing views on the fringes of, this regional urban park, and reflects the change in the surrounding context".</p> <p>He concluded: "I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Landscape would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Landscape".</p> <p>Given the proposed reduction in building heights from those previously proposed, we consider that</p>



		there will be no negative visual impacts arising from the current proposal.
<b>10. To ensure appropriate management and maintenance</b>	<b>Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.</b>	<p>As part of this LRD planning application, the following reports are submitted in support of the proposed development:</p> <ul style="list-style-type: none"><li>• <i>Operational Waste Management Plan</i></li><li>• <i>Property Management Strategy Report</i></li><li>• <i>Mobility Management Plan</i></li><li>• <i>Building Lifecycle Report</i></li><li>• <i>Landscape Planning Report</i></li></ul> <p>Upon receipt of a future grant of permission an Owners Management Company (OMC) will be established to ensure proper and sustainable maintenance of the development throughout the operational phase.</p>

**Table 2 – Compliance with the objectives and criteria of Table 3 “Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale” from Appendix 3 of the Dublin City Development Plan 2022-2028.**

It is considered that, in compliance with the guidelines of Appendix 3 of Volume 2 of the existing CDP, the development proposal and its proposed building heights can be absorbed at the subject site.

Having regard to the locational context of the subject site, the national and local planning policy regarding building height, and the planning history attached to the site, an opportunity has been taken to explore the potential for increased heights. The height of the proposed development is modulated throughout the site, principally ranging from c. 22.9m up to a maximum height of c.44.2m, only on Block A. It is put forward that the subject site, as an acknowledged public transport corridor has the capacity to absorb increased height as the site has significant frontage onto Swords Road, being positioned on a main arterial route into the city centre. The highest element of the scheme (Block A) is located at the junction of Swords Road and Santry Avenue, at an important node as one enters the city, thus acting as a landmark building at this prominent location. It is considered that appropriate heights have been provided responding to the Building Height Guidelines as demonstrated in the submitted Statement of Consistency, and as reaffirmed in the submitted Architectural Design Statement prepared by Davey+Smith Architects, all of which were included in the planning application details under Ref. LRD6044/24-S3A submitted to Dublin City Council.

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