



Planning Statement

Proposed Residential Development, Units 64 & 65, Cherry Orchard
Industrial Estate, Dublin 10

Client: AAI Palmerstown Ltd.

December 2021

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Connecting places.

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01. Development Context

1.1 Site Context

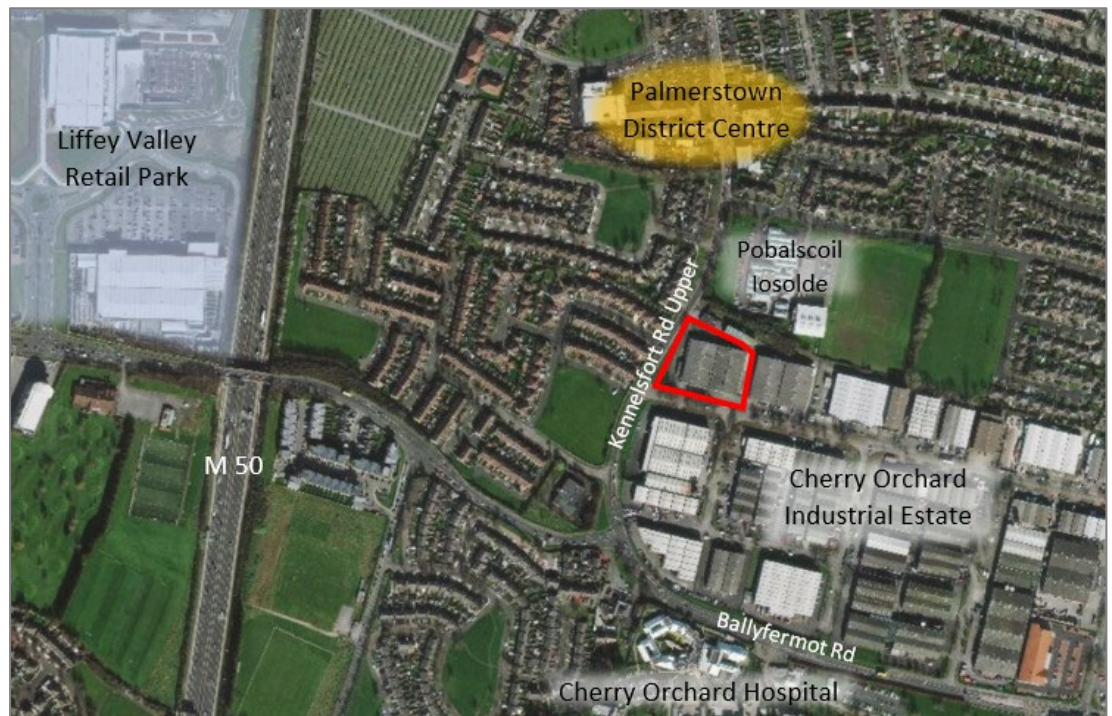


Figure 1.1 Site Context

AAI Palmerstown Ltd. who are the owners of identified lands at Units 64 & 65, Cherry Orchard Industrial Estate, Dublin 10, are seeking planning permission from An Bord Pleanála for a proposed Strategic Housing Development consisting of the demolition of existing warehouse/factory buildings and the construction of 144 no. residential units in 4 no. apartment buildings ranging in height from 1-9 storeys, complete with supporting resident amenities and local employment use areas.

The subject lands are c. 0.8544 ha (2.11 acres) in area and located in the north western corner of the Cherry Orchard Industrial Estate. The site fronts on to the Kennelsfort Road Upper to the west opposite the established residential area of Palmerstown Manor. Palmerstown Shopping Centre is located c.300 m to the north. Kennelsfort Road Upper connects with the Ballyfermot Road to the south where there is a concentration of convenience retail and social and community infrastructure, including Cherry Orchard Hospital and primary care facilities. The site is approximately 1km by road from Liffey Valley Retail Park.

The site is located within the defined 'Consolidation Areas within Gateway' as per the South Dublin County Council Development Plan 2016 Core Strategy where the objective is to realise "opportunities to strengthen and consolidate through infill and brownfield redevelopment". The largest proportion of planned growth for the plan period to 2022 is earmarked for this 'consolidation area'. The Plan identifies that such lands have the capacity to deliver 3,088 units.



Figure 1.2 Extract from Zoning Map, South Dublin County Council Development Plan 2016 (as varied)

The subject lands are zoned REGEN in accordance with Core Strategy Policy 1 Objective 2 to promote and support the regeneration of underutilised industrial areas (to facilitate enterprise and/or residential led development). The subject lands are also identified as a housing capacity site in Section 1.6.4 of the Development Plan.

Section 1.8.0 of the Development Plan establishes phasing priorities for the delivery of development commensurate with infrastructure. In relation to REGEN lands, it states the following:

“4) Underutilised industrial lands that are close to town centres and transport nodes are designated with Zoning Objective Regeneration ‘REGEN’ (to facilitate enterprise and/or residential led regeneration). These lands are serviced and offer significant potential for more intensive employment and/or residential development and associated uses. The transition from underutilised industrial areas is likely to occur on an incremental basis and may need to be supported by an economic regeneration strategy. It is envisaged that not more than 50% of these areas will come forward for housing during the period 2016-2022”

1.2 Proposed Development

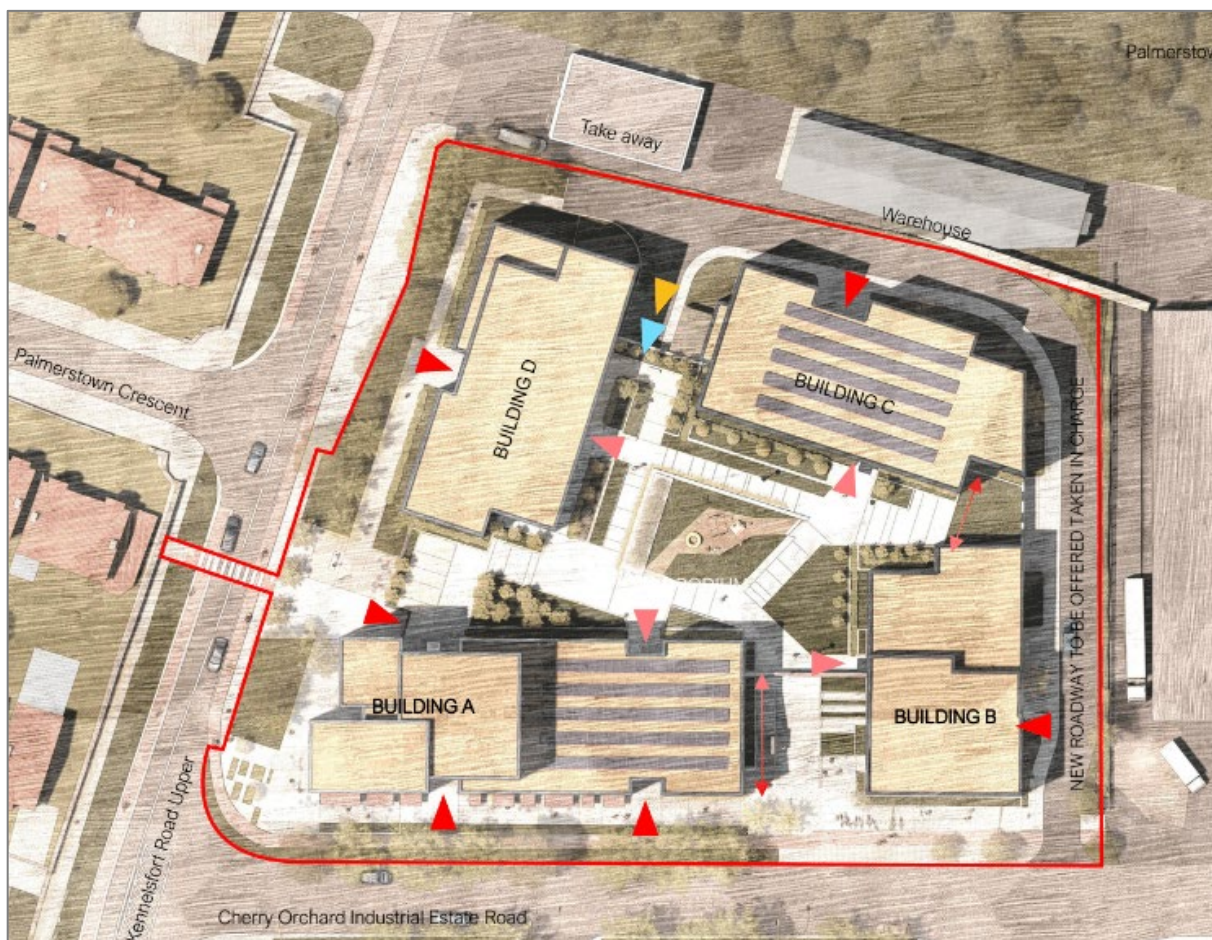


Figure 1.3 Proposed Site Layout

The applicant seeks permission for a strategic housing development at Units 64 & 65, Cherry Orchard Industrial Estate, Palmerstown, Dublin 10. The development will consist of the demolition of an existing warehouse / factory building and the construction of a residential development of 144 no. apartments with supporting tenant amenity facilities (gym and activity areas, lounges and meeting room), employment uses including 2 no. incubator units and a remote working space, building management facilities and all ancillary site development works. The proposed development includes 72 no. 1-bedroom apartment and 72 no. 2-bedroom apartments to be provided as follows: Building A (35 no. 1-bedroom & 24 no. 2-bedroom over 5-9 storeys), Building B (7 no. 1-bedroom & 10 no. 2-bedroom over 3-4-storeys), Building C (16 no. 1-bedroom, 19 no. 2-bedroom over 5-storeys), Building D (14 no. 1-bedroom & 19 no. 2-bedroom over 4-5-storeys). Vehicular access to the proposed development will be provided via an entrance from the existing estate road as accessed from Kennelsfort Road Upper.

The proposal includes improvement works on the northern side of the junction at the estate road/Kennelsfort Road Upper, new pedestrian/cycle paths on the estate road to the south of the site, and provision of a controlled pedestrian crossing on Kennelsfort Road Upper to the west as part of enabling infrastructure. The proposed development provides for outdoor amenity areas, landscaping, external podium lift, under-podium and street car parking, bicycle parking, bin stores, ESB substation, public lighting, roof mounted solar panels and all ancillary site development works.

Table 1.1. Summary of Housing Units

Total Residential Units	144
1 Bedroom Apartment	72
2 Bedroom Apartment (4 person)	72

Table 1.2. Summary Site Statistics

Total Site Area (ha)	0.8544 ha (2.11 acres)
Developable Site Area (ha)	0.8544 ha
Density (units per ha)	168.5 units per ha
Open Space Provision (m ²)	<p>1,303m² semi-private landscaped podium courtyard with central play area, lawns, scattered play elements, covered seating areas and benches.</p> <p>1,385 m² public open space in the form of a landscaped green buffer along western and southern boundaries with a number of small public squares.</p> <p>2,688 m² total public and communal / semi-private open space.</p>
Open Space Provision (%)	<p>15.25% communal/semi-private open space.</p> <p>16.21% public open space.</p> <p>31.46% total including semi-private and public open space.</p>
Gross Floor Space (m ²)	18,165.9m ²
Plot Ratio	2.13
Site Coverage	58%
Car Parking Provision	65 spaces & 2 go-car spaces
Bicycle Parking Provision	226 resident spaces (216 required) & 84 visitor spaces (72 required)

1.3 Site History

Planning permission was refused by South Dublin County Council for the retention of advertising billboards on the 14th September 2000, registered reference S00A/0499 refers.

02. Pre-Application Consultation Opinion

On the 7th October 2021, An Bord Pleanála issued their Notice of Pre-application Consultation Opinion which confirmed that the documents submitted with the request to enter into consultations constituted a reasonable basis for an application for strategic housing development.

2.1 Specific Submission Requirements

The Notice of Pre-Application Consultation Opinion also directed the applicant to submit 14 no. items of additional specific information with the application.

- 1. Consideration is required of potential impacts upon future residential populations of the site, resulting from the existing uses. Any mitigation should be clearly described alongside any measures to preserve mitigation features.***

The proximity of the subject site to existing employment uses has been considered in detail as part of the design approach. Following discussions with the Planning Authority some employment uses have been included along the eastern boundary. While the inclusion of this use is not specifically required in policy terms under the REGEN zoning, it was requested by the Council, and it has been incorporated in the interests of a positive working partnership. It is acknowledged that it also has the associated benefit of acting as a transitional buffer between the proposed residential units and the existing adjacent employment uses to the east.

Furthermore, the applicant wants to build an attractive and viable development for the future residential population. Section 3.2 of this Planning Statement considers the potential impacts on future residents arising from the existing uses and refers to a series of specialist studies undertaken in relation to noise, air quality, daylight reception and sunlight which conclude that the future residents will enjoy good quality amenity and not be impacted by existing adjoining uses.

- 2. Consideration is required of any matters that have potential to be material contraventions of the Development Plan, with submission of a statement regarding the same if required***

This item has been considered in detail having regard to established precedent under other SHD applications in South Dublin County Council. A statement of material contravention prepared by HW Planning is enclosed with the application.

- 3. Landscape drawings clarifying the quantum of public open space proposed and the quality, functionality / usability of the public open space. Any deviation from policy requirements should be highlighted and consideration as to whether a material contravention arises.***

A Landscape Design Context and Public Open Space Strategy drawing (ref. 1000) has been prepared by Ilsa Rutgers Landscape Architecture to address this item. It is supported by the Landscape Design Strategy Report, which includes a focused response to the request. At 1,385

square metres (16.2%), the public open space provision is in excess of 10% minimum requirement as stipulated in Section 11.3.1 of the South Dublin County Council Development Plan 2016-2022. As such, we consider that a material contravention does not arise in this context.

- 4. A plan of landscape proposals clearly delineating communal and private spaces should also be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children is also required. Consideration of security of access to communal amenity space is also required.**

Please refer to the above referenced Landscape Design Context and Public Open Space Strategy drawing (ref. 1000) as prepared by Rutgers Landscape Architecture which clearly delineates communal and semi-private amenity space. The submitted Landscape Design Strategy Report comprehensively addresses the issues raised by the Board in term of the usability of the amenity provision for all age groups and the accessibility and security of communal and public open space. The strategy is also supported by a hard landscape finishes and street furniture, podium level, street level and primary planting plans.

In response to the An Bord Pleanála and Planning Authority's comments at the tripartite meeting, entry to the podium courtyard from the Cherry Orchard Estate Road entrance is now via a proposed colonnaded, gated entry, which differentiates between the public open space and the residents' communal amenity as shown on drawing no. 2100 (Landscape Design – Podium Level Plan). The Landscape Design Strategy responds positively to site context and will provide for a high quality, usable and place-focused living environment across the full age spectrum.

- 5. Cross sections of the development should be submitted, clearly detailing the change in levels from the site to surrounding public realm areas and how this will be addressed. The inclusion of a ramp instead of a lift should be considered, where this is demonstrated to be unachievable, a comprehensive explanation of the arrangements for security and management of the lift should be outlined.**

The submitted plans and supporting Design Statement prepared by Shipsey Barry Architecture contains a full and complete drawings set with levels and cross-sections illustrating the change in levels from the site to the surrounding public realm areas. The Design Statement includes a focused section on possible provision of a ramp in lieu of an external lift. This was discounted on the basis of a number of practical, security and aesthetic design consideration. The proposed external lift represents a better solution for this site. It is passively overlooked and will be managed in a secure and appropriate manner by the operational management company. In addition, further internal means of access to the podium is available via the concierge area.

- 6. Drawings to be provided giving comprehensive detail of the appearance of all areas of 'podium edge' within the proposed development**

The submitted Design Statement by Shipsey Barry includes a focused podium edge study which presents the design approach for each edge in section and 3D formats. It confirms that the design approach is well considered and will give rise to a high quality and human scale local environment.

- 7. A plan annotating separation distances between all windows and balconies / terrace areas, to surrounding areas, and between development blocks in the proposal.**

In addition to the architectural plans, the submitted Design Statement by Shipsey Barry includes a focused chapter on internal and external proximities, inclusive of proposed design mitigation, where necessary.

- 8. *A Daylight, Sunlight and Overshadowing Assessment is required to demonstrate how the proposed development responds to recommendations in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (the BRE guidelines). The methodology of the BRE guidelines should be followed and clearly stated within the submitted assessment. Analysis of all proposed units on each floor should be provided until it can be demonstrated that all units on a floor meet recommended targets, at which point it can be logically assumed units above will also pass (where a stacked arrangement to room use is proposed). APSP analysis of both the proposed accommodation and existing properties should be provided. Overshadowing analysis of all exterior amenity areas both within the development and in surrounding areas should also be provided. Consideration should include potential impact on the school site to the north.***

In response to this request, revised daylight, sunlight and overshadowing analysis reports have been prepared by DK Partnership. These confirm that they have been carried out in line with the methodology of the BRE guidelines and analysis of all proposed ground floor level units has been included. Analysis has been undertaken whereby if units at lower floors are compliant, rooms at higher levels with similar configuration/parameters are also deemed compliant. The analysis concludes that acceptable levels of residential amenity are achieved for future occupiers of the proposed development, both within the proposed residential units and in private and shared open spaces. No mitigation measures are required.

The potential impact of the development on neighbouring properties has also been assessed in detail. It demonstrates that there is no significant impact from the development on the adjacent homes in respect of daylight and shadow impacts.

- 9. *A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.***

The submitted Design Statement by Shipsey Barry Architects includes a dedicated chapter on proposed materials and finishes. Reflecting feedback at the pre-consultation stage, a simpler brick palette has been applied to the taller building element.

Alongside this, the suite of landscape plans and supporting report includes a detailed breakdown of hard and soft landscaping proposals. The specified materials are well considered and will provide for a durable and high quality living environment.

- 10. *Details of waste storage and collection.***

The application is accompanied by a Waste Management Plan by Shipsey Barry Architects which includes a summary of applicable policy and standards, waste calculation requirements and waste storage and collection practices for the operational development.

- 11. *Additional details and/or revised proposals in relation to comments from Transportation Planning at the Planning Authority.***

Roads / Transportation issues raised by the Transportation Planning Section in South Dublin County Council are addressed in Section 10 of the submitted Traffic Impact Assessment

prepared by TPS M Moran & Associates. Further to discussions with the Council, the planning application makes provision for a controlled pedestrian crossing on Kennelsfort Road Upper. This area has been red-lined with the written consent of South Dublin County Council to provide for certainty in approach.

12. Additional details and/or revised proposals in relation to comments from the Drainage Division at the Planning Authority.

Full details of the project design approach in respect of drainage are set out in the submitted Civil Engineering Services Report prepared by Hayes Higgins Partnership Chartered Engineers. The engineering consultants have worked closely with the project landscape architect to develop a SUDs compliant scheme including permeable surfaces, tree pit / bio retention landscaped areas, green roofing and gravity feed drainage system discharging to a stone storage attenuation system on site. These surface water drainage designs have been revised in line with the Planning Authority's comments at the pre-consultation stage and were shared with the Council prior to submission of the application.

13. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development.

The accompanying Design Statement prepared by Shipsey Barry Architecture includes a Quantitative Assessment, which provides a detailed breakdown of compliance with all standards contained in the Sustainable Urban Housing Design Standards for New Apartments - Guidelines for Planning Authorities.

14. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 accompanies this application in a standalone document EIA Screening Report prepared by HW Planning.

03. Planning Assessment

3.1 Compliance with Zoning Objectives

3.1.1 REGEN ZONING

The site is located within the defined 'Consolidation Areas within Gateway' as per the South Dublin County Council Development Plan 2016 Core Strategy where the objective is to realise 'opportunities to strengthen and consolidate through infill and brownfield redevelopment'. The largest proportion of planned growth for the plan period to 2022 is earmarked for this 'consolidation area'. The REGEN zoning on the subject lands explicitly provides for residential-led regeneration conferring direct policy support for the proposed development. The genesis of the REGEN zoning itself emanated from the identified need to facilitate the reuse of underutilised industrial lands proximate to centres and/or key public transport nodes for more intensive development. It follows that the process of zoning the subject lands involved recognition that the site is a sustainable development location. The site is identified as a 'housing capacity' site in the South Dublin County Council Development Plan 2016 in acknowledgment that it can readily contribute to the realisation of housing targets in the life of the current plan. The South Dublin County Council's Opinion (dated 09/07/2021) states that:

'the principle of residential development on the proposed lands generally accords with the zoning and settlement strategy of the Development Plan. Subject to the inclusion of employment uses, in line with Policy ET2 Objective 3 of the current County Development, and meeting the detailed policies and objectives relating to proper planning and sustainable development as outlined in the body of this report the Planning Authority generally considers the development of this site as a positive intervention'.

In response to this the proposed scheme has been amended to include employment uses in the form of incubator employment units and a remote working space.

3.1.2 SEQUENTIAL SUITABILITY

The Development Plan recognises that REGEN lands are serviced and offer significant opportunities for intensive residential use. While not all of these lands will come forward during the current plan period, the subject site represents the perfect place to start this process of regeneration at the northwest corner of the industrial estate, being close to the district centre of Palmerstown and immediately adjacent to existing residential development to the west. As such, the site is considered to be strategically important in terms of both its location and role as a likely enabler of further future regeneration in the area. The proposal has been designed on this very basis, please refer to the Design Statement as prepared by Shipsey Barry Architecture for related rationale.

3.1.3 MASTERPLANNING

The configuration of block design has considered future interaction between the subject lands and those adjacent which are also zoned 'REGEN'. It is not known if or when these other lands will come forward for development, but it is considered prudent to plan for an improved interrelationship. The accompanying Design Statement by ShipseyBarry Architecture illustrates

the potential arrangement between the sites. The proposal includes a new street on the eastern boundary of the subject site providing for dedicated access to both the subject site and the adjoining land holding which it is proposed will be taken in charge.

3.1.4 TENURE

The tenure of the proposed development is 'build-to-sell'. The Council issued Opinion at pre-consultation stage stated that this market option would be most welcome from their perspective. As illustrated in the submitted Design Statement, the proposal has been designed to market standards having regard to the Sustainable Urban Housing: Design Standards for New Apartments 2020. In support of the final design, the amount of resident amenity space has been increased by 32% on that previously presented (c,548 m²). The provision of gym and activity areas, lounges and meeting rooms will create a collegial community setting and provide for additional service needs. Taken alongside the general provision of public and communal open space, as well as the dedicated incubator / remote working space, it will provide for a high-quality environment for future residents.

3.2 Amenity Of Future Occupants

3.2.1 AGENT OF CHANGE

The proposed development will introduce a residential use next to an existing employment use as part of the natural regeneration of the area. The '*agent of change principle*' means that an applicant introducing a new land use should be responsible for managing the impact of that change. A practical issue has arisen on occasion in England in circumstances where new residents have moved into an area where noise is emanating from a licensed music premises. In the case of the subject proposal, the applicant wants to build an attractive and viable development, and as such, has undertaken a number of specialist studies to ensure prospective future residents will enjoy good quality amenity, and secondly, ensure that the development will not discommode any adjoining employment use.

3.2.2 NOISE

An External Noise Impact Report has been prepared by DK Partnership to determine if there is any potential for 'industrial' noise (from the adjoining industrial site to the south-east of the subject lands) or traffic noise (from Kennelsfort Road Upper) to impact on ambient internal room noise in the development. A noise survey was completed at the site on Friday the 23rd March 2021 and concluded that the majority of the noise level effecting the proposed development would be generated by the traffic on Kennelsfort Road Upper, with little nuisance noise being generated by the industrial estate units. Conservative reduction capabilities for the modern construction were applied. The findings confirm internal room noise levels ranging from 34dB(A) to <25dB(A) which places the development at 'Good / Reasonable' levels during daytime and 'Very good' for nighttime. As such, no particular measures are required to lower the noise level threshold as part of the development. It is also noted that the calculated predicted noise levels in the amenity area of 50dBday and 41dBnight are also well within the EPA NG4 day and nighttime noise level guidelines for general amenity spaces and we therefore deemed to be satisfactory and within the recommendations of the relevant standards and guidelines.

3.2.3 AIR QUALITY

An Air Quality Impact Assessment report was also prepared by DK Partnership by an evaluation of EPA monitoring data. The data shows that the air quality is in the band of 'Good' in terms of health for people in the vicinity. During the construction phase, with standard mitigation

measures in place, the report considers impacts of the proposed development on air quality for the construction phase are likely to result in negligible impacts.

During the operational phase, results show an expected small increase in annual NO₂, PM₁₀, benzene and CO but each parameter remains well below the limit values for EU regulations. This predicted increase above the existing situation results in a negligible impact and would not result in a perceptible change in the existing local air quality environment.

There are no existing industrial emissions of concern that would have an adverse impact on future resident's air quality. The predicted air quality index for future occupancies is index 1 & 2. The Index 2 corresponding health advice for future residents for both general and at-risk groups of people is 'Enjoy your usual outdoor activities'. Overall, the predicted AQIH is categorized as good for future occupancy.

3.2.4 DAYLIGHT RECEPTION AND SUNLIGHT

A daylight reception report has been prepared in accordance with BRE, European and British day lighting standards. The BRE report 'Site Layout Planning for Daylight and Sunlight' recommends as a methodology, that the calculated Average Daylight Factor (ADF) of a habitable room to be in excess of the BRE benchmarks of a kitchen at 2%, a living room at 1.5%, a bedroom at 1% and a living room/bedroom at 1.5%. Analysis has been carried out on all proposed units on each floor until it has been demonstrated that all units on a floor meet recommended targets, at which point it can be logically assumed units above will also pass. From the modelled calculations, all modelled rooms have an ADF which exceeds or is equal to the guidelines of the BRE with no mitigation required.

A sunlight reception analysis of proposed amenity spaces was also undertaken by DK Partnership. Based on the BRE guidelines at least 50% of the amenity space should receive at least two hours of sunlight on the 21st March. Completed analysis confirms that all the amenity spaces receive more than 2 hours, with this standard significantly exceeded in some cases. The combined areas were calculated to have 4 hours at 50% of the area.

Based on the above analysis, the design of the proposed development has been rigorously tested against a number of key assessments and the proposal will provide future occupants with high quality amenity.

3.3 Residential Amenity of Existing Dwellings

The design of the proposed development has actively considered the amenity of existing residential properties in the area as well as prospective future occupants of the proposed development. The form, massing and height of the proposed scheme have been carefully modulated to maximise access to natural daylight, ventilation and minimising overshadowing/loss of light.

- The apartment blocks are set out to have appropriate distances between new residents to offer privacy and maintain private amenity standards.
- Privacy of the gardens to residents of Palmers Crescent is addressed by an appropriate setback of the scheme to provide adequate separation distances and the configuration of internal layouts to ensure west facing rooms exclude living rooms and balcony areas.
- The issue of perceived overbearance of the proposed taller building relative to the existing residences to the west has been assessed as part of the submitted Townscape

and Visual Impact Assessment by Macroworks. Any sense of overbearing is lessened by the gable-on orientation of the existing dwellings as it is apparent that their visual amenity does not relate to the Kennelsfort road or views in that direction. The setback distances and apron of intervening landscape strips, footpaths, cycle paths and road network offset the increased height, which is further softened by the landscaped western plaza of the development which anchors the proposal in place.

- Separate Daylight and Shadow Impact reports have been prepared by DK Partnership which verify that the scale, massing and orientation of the apartment blocks will not have an adverse impact on existing residents in the area or future residents within the proposed scheme itself.

3.4 Compliance with Height Guidelines

The proposed development complies with the Urban Development and Building Heights Guidelines for Planning Authorities 2018. The ministerial guidelines emphasize that it is Government policy that building heights must be generally increased in appropriate urban areas. Section 3 of the guidelines stipulate that in making an application, the applicant shall demonstrate that the proposal satisfies the following criteria:

<p>At the scale of the relevant city/town</p> <ul style="list-style-type: none"> ▪ <i>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</i> ▪ <i>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</i> ▪ <i>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</i>
<p>The subject site is located in a highly accessible location that meets the definition of a 'Central and/or Accessible Urban Location' as defined in the Apartment Guidelines on the basis that it is within easy walking distance (5 minutes or 400-500 m) to a high frequency urban bus services (current service every 10-12 minutes), namely the 40 which serves the Charlestown Shopping Centre to Liffey Valley via a quality bus corridor. The path of the route along the Ballyfermot Road is also a BusConnects Bus Corridor (G Spine) which is earmarked for significant upgrades in terms of dedicated bus lanes to improve travel times and new cycle paths to tie in with existing infrastructure. The route will connect local residents to some key employment centres across Dublin.</p> <p>The increase in building height on the site has been considered in detail having regard to its immediate context. Significant public realm works are proposed to the west and south of the scheme to provide definition and anchor the proposal into the local context.</p> <p>The proposals provide for a new formal and active living edges on Kennelsfort Road Lower complete with dedicated cycle lane, green buffer setback and a mix of live uses, including employment uses. The operational development will also contribute to placemaking via the</p>

development of a number of communal and publicly accessible amenity spaces including a playground.

A Townscape and Visual Impact Assessment for the project has been undertaken by a chartered landscape architect which concludes that the proposed development is an appropriate contribution to both the existing and likely future built fabric of this urban area and it will not result in any significant townscape or visual impacts.

At the scale of district/ neighbourhood/ street

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*
- *The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*
- *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*
- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*
- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.*

The proposal will make an extremely positive contribution to the urban neighbourhood addressing underutilisation of zoned REGEN land and introducing much needed residential accommodation to address housing needs and support the critical mass of existing services in the nearby local centre.

The proposal enhances the urban design context on a brownfield site which is not subject to environmental constraints such as flood risk. It has also been designed to facilitate the future development of the REGEN lands to the east of the site by means of a shared access arrangement, widened pedestrian and cycle paths which can be easily extended through the regeneration area commensurate with follow on phases of development.

A prominent site, the proposal will improve legibility in the local area and create a new distinct identity at the start of the regeneration area by introducing high-quality contemporary elevations and treatments. The development will provide active frontage onto Kennelsfort Road thus providing passive surveillance and improving nighttime safety. The local housing market in the area is typified by traditional dwelling housing stock. The subject development will contribute positively to available dwelling typologies in the area.

With the inclusion of residential and employment space, the proposal will contribute to a sustainable mix of uses in the local area.

At the scale of the site/building

- *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*
- *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research*

Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

- *Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.*

As illustrated in the submitted Design Statement by ShipseyBarry Architecture, the form, massing and height of the proposed development has been considered in detail relative to future occupier requirements and the avoidance of impacts in the local environment. The design approach has been tested by means of daylight reception and shadow analysis. The proposal affords access to natural daylight and ventilation and appropriately mitigates the potential for any impacts on adjoining amenities.

As outlined, it has been demonstrated by means of a number of technical assessments that the proposed development meets all quantitative performance standards set out in the BRE document 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

Specific Assessments

- *Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.*
- *In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.*
- *An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.*
- *An assessment that the proposal maintains safe air navigation.*
- *An urban design statement including, as appropriate, impact on the historic built environment.*
- *Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate*

The subject site is located within an Outer Approach Area relating to Casement/Baldonnel Aerodrome, which is situated approximately 6 km southwest. Under the Outer Approach Surface (outside the Inner Approach Area but within the approach funnels), graded heights of development below the Obstacle Limitation Surfaces of the runways may be permitted, subject to demonstration that the development is not an obstacle to the operation of a runway. Under Section 11.6.6 of the South Dublin County Council Development Plan 2016, the Planning Authority will require the applicant to submit a longitudinal section through the relevant Approach Surface funnel based on the ordnance datum of the relevant runway and the application of the following aerodrome surface slopes. Please refer to submitted section by ShipseyBarry Architects which confirms there will be no adverse impact arising from the proposed development.

A microclimate report has been prepared by DK Partnership which confirms that the proposed development will not have significant effects on microclimate. Separate noise and air quality assessments have also been undertaken which confirms that the proposed development will not have any adverse impacts on the amenity of existing or future residents. The application also includes a specialist study confirming that the proposal will not impede telecommunication channels in the local area.

The site has been subject to ecological survey as per submitted reporting by Dixon Brosnan Ecological Consultants. Overall, the development will impact on low value habitats. There will be a net gain by the planting of grass areas, flowerbeds and treelines. With the exception of localised and short-term disturbance impacts during construction, no significant impacts on fauna, including birds, are envisaged. No buildings or trees suitable as bat roosting habitat were identified within the site. No watercourses are located within the site boundary and no impact on aquatic habitats in the vicinity of the site is predicted. No adverse impact on designated sites or their conservation objectives will occur.

The application is accompanied by a detailed urban design statement. The site is not located near any protected structures or architectural conservation areas and the project will not have an impact on any buildings of heritage value.

Collectively, we consider that these assessments demonstrate that the overall scale and massing of the proposal is well judged, carefully composed and an appropriate response to local context.

The South Dublin County Council's Opinion (dated 09/07/2021) supports this view and states that:

'the applicant may be able to satisfactorily meet the criteria set out in the Guidelines and SPPR 3 for the level of increased building height proposed. It is recognised that an increase in regeneration areas, particularly a site such as this, on the edge, is reasonable having regard to SPPR 3, the associated criteria and noting the sustainable location'.

3.4.1 REQUIREMENT FOR A STATEMENT OF MATERIAL CONTRAVENTION

This item and relevant precedent cases have been discussed with South Dublin City Council. Based on a review of precedent (ABP-309731-21, ABP- 308763-20), it has been concluded that the enclosed material contravention statement is required to support the subject planning application. It is noted that having regard to the provisions of the South Dublin County Development Plan 2016-2022, the statement is required in relation to the following specific policies:

- Housing Policy 9 - Objective 3 requiring proposals to comply with Section 11.2.7 of the South Dublin County Development Plan 2016-2022, which states that new residential development that would adjoin existing one and/or two-storey housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved,
- Housing Policy 9 - Objective 4 states the following:

‘To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use Zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme’.

We consider that the subject site is suitable for increased height on the basis that it is zoned for residential-led regeneration in a highly accessible location where increased height and density of development should be promoted. The imposition of a 35m separation distance as stipulated in section 11.2.7 of the Development Plan is not achievable within an urban environment and imposes a significant constraint on the development of REGEN brownfield sites. The considered design of the proposal fully respects existing context and will not give rise to any adverse local impacts in respect of overlooking, overshadowing, noise, air quality or micro-climatic consideration as the accompanying technical reports demonstrate. We consider the section 11.2.7 requirement is in conflict with key objectives contained in the National Planning Framework including the express need to create a more compact urban form in our cities.

Further, both the Section 11.2.7 requirement and policy H9 Objective 4 conflict with ministerial guidelines in the form of the Urban Development and Building Heights – Guidelines for Planning Authorities which state that *“general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location of the site where it can be demonstrated that residential amenity and adequate light is not compromised”*. We submit that these conflicts only arise on the basis that the NPF and identified guidelines were published after the adoption of the current and governing Development Plan, the contents of which will be amended as part of the ongoing Development Plan review process.

In their opinion, the Council confirmed their view that the blanket height restrictions in the current South Dublin County Development Plan 2016 run contrary to the Urban Development and Building Height Guidelines, specifically SPR1. It is considered that the site is an appropriate location for increased height based on proximity to high frequency public transport and the quality of design proposals which provide for enhanced character and public realm, place making and due consideration of existing adjoining development.

3.5 Transport & Connectivity

The subject site meets the definition of a *‘Central and/or Accessible Urban Location’* as defined in the Apartment Guidelines on the basis that:

- It is located within 1,000-1,500 m of a centrally located employment area;
- It is within easy walking distance (5 minutes or 400-500 m) of a high frequency urban bus services.

The site is served directly by the no.18 bus (Palmerstown to Sandymount) and no. 26 bus (Merrion Square to/from Liffey Valley) on Kennelsfort Road with a south-bound stop next to the site entrance. The no. 18 operates every 10 minutes at peak time and the no. 26 offers a service every 30 minutes Monday-Friday. The stop for the no. 40 bus is a c. 3 minute walk away with the route serving Liffey Valley and Dublin City Centre at 10-12 minute frequencies.

The path of this route along the Ballyfermot Road is also a BusConnects Core Bus Corridor (G Spine) which is earmarked for significant upgrades in terms of dedicated bus lanes to improve travel times and new cycle paths to tie in with existing infrastructure. The existing Kennelsfort Road includes footpath and dedicated cycle lane facilities outside the site and serving Palmerstown District Centre to the north which is a short 4 minute walk away.

The application is accompanied by a Traffic Impact Assessment (TIA) Report prepared by TPS M Moran & Associates which establishes the local context in respect of public transport and connectivity. It considers the level of traffic generated by the proposed development can be accommodated within the existing road network, with there being sufficient practical reserve capacity at the Kennelsfort Road Upper/Cherry Orchard Industrial Estate junction.

The proposed development provides for a total of 67 car parking spaces (including 2 no. Go-car spaces), the equivalent of 60% of the maximum parking standard as contained in the current South Dublin County Development Plan 2016-2022. The TIA concludes, based on the proximity to the Clondalkin Quality Bus corridor and the census data for the area, that the proposed parking provision is more than sufficient to serve the application and will promote the adoption of sustainable travel modes¹. In this context it notes that bicycle provision in excess of the Apartment Guidelines is proposed, as is the inclusion of a dedicated cycle lane along the southern frontage of the site. The TIA confirms the scheme is also in line with the principles of DMURS.

3.6 Archaeology

Based on a review of historic records, there are no recorded archaeological monuments listed in the Record of Monuments and Places (RMP) within the proposed development site. The closest recorded archaeological sites to the proposed development comprise of a barrow – ring-barrow (DU017-025) in Palmerstown Lower and a weir in Castleknock (DU018-143) located to the north-east of the site and a castle (DU00938) in Rowlagh to the west of the site. These archaeological sites are all located between c.1.3km – 1.5km from the subject site. The site is brownfield in nature, contains a number of existing buildings which cover a sizable footprint of the site and has been in industrial use for decades. Based on this, the site has a long development history inclusive of extensive site works. These works have reduced the archaeological potential of the subject lands to a negligible level. As a result, the potential for unrecorded, sub-surface archaeological features is considered to be very low.

3.7 Services Infrastructure

An Engineering Services Report by Hayes Higgins Partners Chartered Engineers accompanies the application addressing matters related to surface water, sustainable urban drainage (SUDS) measures, foul sewer discharge, water supply and flood risk for the site.

A statement of design acceptance from Irish Water is enclosed with the submission confirming that a connection to Irish Water networks can be facilitated.

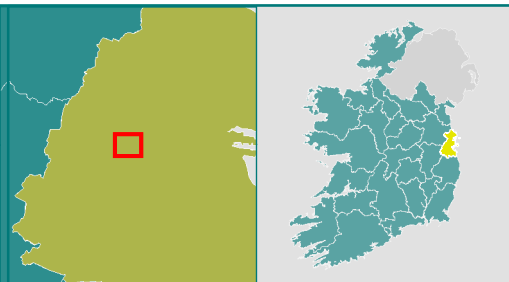
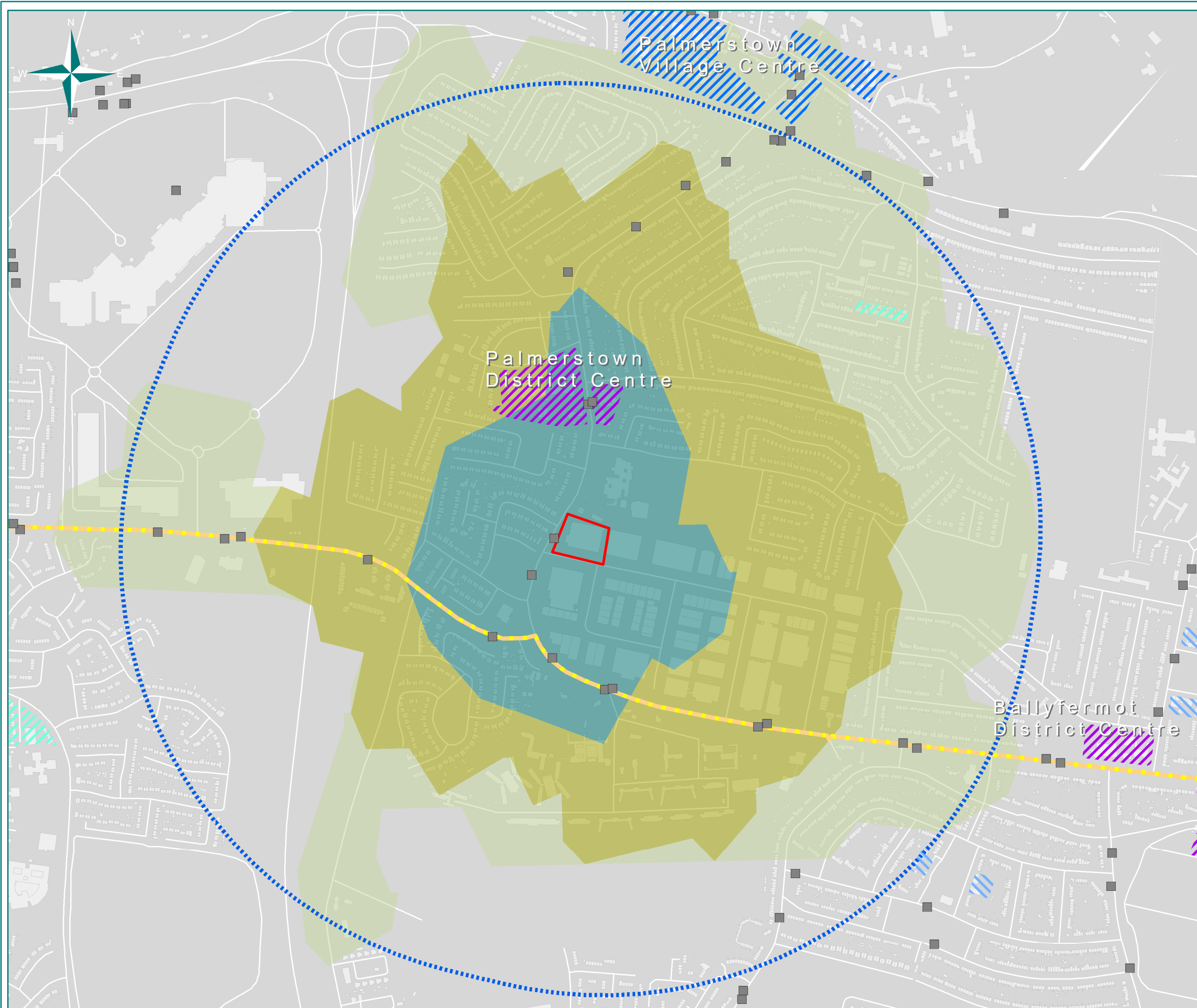
An Outline Waste and Construction Management Plan has also been prepared to guide the construction stage of the project, inclusive of Asbestos Survey and Site Investigations Reporting.

¹ We note generally that at a proposed ratio of 0.45 car parking spaces per unit, the proposed level of car parking is higher than that permitted elsewhere, including under reference ABP-309658-21.

04. Conclusions

The proposed development represents a natural and positive evolution of an important urban regeneration site in the administrative area of South Dublin County Council. The principle of developing the site for residential and employment use is supported by land use zoning as well as other key policy objectives contained in the South Dublin County Development Plan 2016-2022. The project will also deliver directly on key objectives contained in the National Planning Framework including the express need to create a more compact urban form in our cities to ensure they can compete internationally and be drivers of national and regional growth, investment and prosperity.

The design of the proposed development has been considered in detail and the project will act as an enabler for the development of adjoining regeneration lands. The subject site is a highly sustainable location which benefits from high frequency public transport services. It is a location where increased heights and densities of development should be supported having regard to ministerial guidelines, as well as national, regional and local policy objectives. The design of the proposal fully respects existing context which has been advanced on the basis of sound, well considered best-practice architectural principles. It has been demonstrated that the proposed development will not give rise to any adverse local impacts in respect of overlooking, overshadowing, noise, air quality or micro-climatic considerations.



Co. Dublin

- Legend**
- Site Boundary
 - 1500m Distance from Site Boundary
 - Development Plan Zoning**
 - Local Centre
 - Village Centre
 - Neighbourhood Centre
 - District Centre
 - Walking Travel Time from Site Access (Minutes)**
 - 5
 - 10
 - 15
 - Bus Stops
 - Existing no. 40 High Frequency Bus Route
 - Proposed Bus Connects G Spine Route

Figure Title

Strategic Accessibility Map

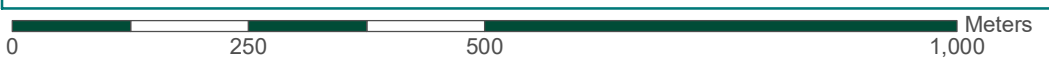
Figure No. 2

Project Cherry Orchard

Client AAI Palmerstown

Scale 1:8,000 **Page Size** A3

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HW Planning
5 Joyce House,
Barrack Square,
Ballincollig, Co. Cork

www.hwplanning.ie
info@hwplanning.ie
+353 (0)21 487 3250



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