

June 2021

Planning Report



Proposed Alterations to
Approved Strategic Housing Development
(Permitted under Ref. ABP-307092-20 & ABP-309899-21)
Lands at Palmerstown Retail Park,
Kennelsfort Road Lower, Palmerstown, Dublin 20

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1.0 Introduction

Downey Planning, Chartered Town Planners, 1 Westland Square, Pearse Street, Dublin 2, have prepared this planning report, on behalf of the applicant, Randelswood Holdings Ltd. This report accompanies a planning application to An Bord Pleanála for proposed alterations to the approved Strategic Housing Development (permitted under Ref. ABP-307092-20 & ABP-309899-21) in respect of lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20. This application to amend the terms of a Strategic Housing Development planning permission falls under Section 146B of the Planning and Development Act, 2000 (as amended).

The permitted SHD scheme can be briefly described as a residential development of 250 no. 'Build to Rent' apartments in 5 no. apartment blocks (ranging from 3-8 storeys over basement in height), with a café and ancillary residential amenity facilities, and all associated engineering and site works.

This permitted development is now subject to this proposed alterations application. The proposed alterations to the approved scheme include a proposed increase to the total number of residential units previously permitted under Ref. ABP-307092-20 and ABP-309899-21 i.e. an additional 24 units now proposed resulting in an overall total of 274 units.

This planning report sets out the planning rationale and justification for the proposed alterations to the approved SHD scheme and demonstrates how it accords with the proper planning and sustainable development of the area. This report should be read in conjunction with the plans, drawings and documentation submitted as part of the overall planning pack. The following consultants have assessed the proposed alterations in the context of the approved SHD scheme (ABP-307092-20 & ABP-309899-21):

- Downey Planning & Architecture – Project Architects
- Jane McCorkell Landscape Architects – Landscape Architects
- Faith Wilson Ecological Consultant – Ecologist
- Lohan & Donnelly Consulting Engineers – Project Engineers
- AECOM Consulting Engineers – Traffic & Transportation Engineers
- Digital Dimensions – Sunlight Daylight Shadow Analysis Consultants
- Digital Dimensions – Photomontages and CGI Consultants
- Downey Planning – Planning Consultants

2.0 Site Location and Description

The application site, which extends to approximately 1.2708 hectares, is located in Palmerstown which is within the functional area of South Dublin County Council. The subject lands are located at the junction of Kennelsfort Road Lower and the Chapelizod Bypass (N4), with extensive frontage onto this road. The lands are accessed via an existing vehicular entrance from Kennelsfort Road Lower. Part of the site is known locally as the former Vincent Byrne site and is referenced as such within the South Dublin County Council Development Plan 2016-2022.

The subject site enjoys excellent connectivity given its proximity to the adjoining Chapelizod Bypass, which provides access directly to the M50 and M4 motorways as well as to Dublin City Centre. The Chapelizod Bypass also comprises a Quality Bus Corridor (QBC) which ensures that the lands are easily accessible by public transport. The subject site is less than 100m from this QBC bus stop, i.e. Stop No.

2241 on R148 (old N4) Chapelizod Bypass. This QBC also forms part of a proposed BusConnects route which will reduce travel times to the city centre and other destinations.

The application site currently comprises of a number of units in multiple occupation including car showrooms/car dealerships, furniture stores, barbers, etc. Planning permission was granted on this site last year for a Strategic Housing Development, under Ref. ABP-307092-20, for demolition works and the construction of 250 no. apartments, with a café and ancillary residential communal facilities, in 5 no. blocks ranging from 3 to 8 storeys in height, over basement car park.



Fig. 1 – Site Context Map

Palmerstown is a large, western suburb of Dublin City located within the M50 ring, with vast areas of traditional housing. However, the immediate built environment surrounding the application site is characterised by a variety of land uses noting the site's location within Palmerstown village; such uses include commercial, retail including a large supermarket (Aldi), industrial, medical, ecclesiastical, educational, leisure, etc. Liffey Valley Shopping Centre and The Retail Park Liffey Valley are located a short distance from the site and are recognised as one of the leading shopping destinations within Dublin. The surrounding area is also rich with high-quality amenity spaces including the expansive Waterstown Park and Liffey Valley.

Palmerstown village will benefit from the injection of population from the approved Strategic Housing development, now subject to proposed alterations, whilst the future residents, will also benefit from the café and the range of amenities proposed including the gym, games room, meeting rooms, resident lounges, roof garden, etc.

In light of the above, it is evident that the subject site is well served by a wide range of existing social and community facilities and is well located in terms of proximity to large retail centres and existing high-quality public transport. The injection of population as a result of the development will help sustain the long-term viability of this social infrastructure. The development of this underutilised, brownfield site represents an important opportunity to deliver much needed housing in South Dublin County and to meet the ever-increasing demand for housing in the Greater Dublin Area.



Fig. 2 – Site Location Map (approximate boundaries of application site outlined in red)

3.0 Description of Previously Permitted Development

By Order dated 1st September 2020, An Bord Pleanála granted planning permission for a Strategic Housing Development on the subject site in Palmerstown, subject to 23 no. conditions. This planning permission was granted under Ref. **ABP-307092-20**. A copy of this planning permission is contained within Appendix A of this report for ease of reference.

This approved Strategic Housing Development provides for the following:

Demolition of all existing structures on site and the construction of a residential development of 250 no. 'build to rent' apartments (134 no. 1 beds, 116 no. 2 beds) in 5 no. blocks; with a café and ancillary residential amenity facilities, to be provided as follows:

- *Block A containing a total of 27 no. apartments comprising of 13 no. 1 beds and 14 no. 2 beds, in a building ranging from 3-6 storeys over basement in height, with 1 no. communal roof garden (at third floor level), and most apartments provided with private balconies/terraces. Block A also provides a café, a reception/concierge with manager's office and bookable space*

at ground floor level; meeting rooms and workspace/lounge at first floor level; a gym at second floor level; and a cinema and a games room at basement level;

- *Block B containing a total of 46 no. apartments comprising of 18 no. 1 beds and 28 no. 2 beds, in a building 6 storeys over basement in height, and all apartments provided with private balconies/terraces;*
- *Block C containing a total of 47 no. apartments comprising of 30 no. 1 beds and 17 no. 2 beds, in a building 6 storeys over basement in height, and all apartments provided with private balconies/terraces;*
- *Block D containing a total of 67 no. apartments comprising of 33 no. 1 beds and 34 no. 2 beds, in a building 7 storeys over basement in height, and most apartments provided with private balconies/terraces;*
- *Block E containing a total of 63 no. apartments comprising of 40 no. 1 beds and 23 no. 2 beds, in a building 8 storeys over basement in height, and all apartments provided with private balconies/terraces.*

The development also includes the construction of a basement providing 120 no. car parking spaces, 10 no. motorcycle spaces, 250 no. bicycle spaces, and a plant room and bin stores. The proposal also incorporates 5 no. car parking spaces and 26 no. bicycle spaces at surface level; upgrades and modifications to vehicular and pedestrian/cyclist access on Kennelsfort Road Lower; utilisation of existing vehicular and pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road); 1 no. ESB sub-station; landscaping including play equipment and upgrades to public realm; public lighting; boundary treatments; and all associated engineering and site works necessary to facilitate the development.

In recent months, proposed alterations to this approved scheme were submitted under Ref. ABP-309899-21, which the Board deemed would not be material and therefore made the said alterations to the permitted development on 20th May 2021. The alterations made to the permitted development on 20th May 2021 under Ref. ABP-309899-21 were as follows:

- *Proposed external and internal alterations to previously permitted Blocks A & B only including elevational changes; increase in height to accommodate construction method requirements including lift shaft overrun, AOV and parapet; minor increase in footprint of Blocks A & B to accommodate construction method requirements; alterations to and increase of residential amenity spaces within Block A and at basement level including removal of basement plant room; alterations to previously permitted apartment layouts and communal spaces within Block A; alterations to previously permitted apartment layouts and communal spaces within Block B and alterations to the previously permitted apartment unit mix within this block only from 18 no. 1 beds and 28 no. 2 beds (46 units) to now provide 12 no. 1 beds and 34 no. 2 beds (46 units)*
- *Proposed alterations to previously permitted landscaping proposals including relocation of vents and of 1 no. bike shelter; and,*
- *Proposed alterations to previously permitted basement plan.*

4.0 Description & Rationale for Proposed Alterations

Randelswood Holdings Ltd. are now applying to An Bord Pleanála for proposed alterations to the approved Strategic Housing Development (permitted under Ref. ABP-307092-20 & ABP-309899-21). The proposed alterations are the result of extensive collaboration between the design team in the post-planning stage of the project, in terms of the evaluation and progression of detailed design for construction purposes. The proposed alterations pertain to Blocks C, D and E including external and internal modifications and proposed increase in height with also an additional proposed setback floor on each of the three buildings, resulting in an overall increase of 24 proposed additional units, with associated alterations to the previously permitted basement, ESB sub-station and landscaping proposals. No alterations are proposed to the previously permitted Blocks A & B (as permitted under Ref. ABP-307092-20 and recent alterations made under Ref. ABP-309899-21).

The proposed alterations which are now subject to this current Section 146B application can be briefly described as follows:

- *Proposed external and internal alterations to previously permitted Blocks C, D & E only including elevational changes; reduction in site levels; increase in height to accommodate construction method requirements including lift shaft overrun, AOV and parapet; minor increase in footprint/floor plans of Blocks C, D & E to accommodate construction method requirements and revised apartment mix/layouts;*
- *Proposed alterations to previously permitted apartment layouts and communal spaces within Block C, a proposed additional setback floor (i.e. proposed 7 storey building) comprising 7 no. additional units (6 no. 1 beds and 1 no. 2 bed), with alterations also proposed to the previously permitted apartment unit mix within this block, resulting in an overall increase of 8 no. units in total i.e. from 30 no. 1 beds and 17 no. 2 beds (47 no. units) to now provide 37 no. 1 beds and 18 no. 2 beds (55 no. units);*
- *Proposed alterations to previously permitted apartment layouts and communal spaces within Block D, a proposed additional setback floor (i.e. proposed 8 storey building) comprising 5 no. additional units (2 no. 1 beds and 3 no. 2 beds), with alterations also proposed to the previously permitted apartment unit mix within this block, resulting in an overall increase of 8 no. units in total i.e. from 33 no. 1 beds and 34 no. 2 beds (67 no. units) to now provide 38 no. 1 beds and 37 no. 2 beds (75 no. units);*
- *Proposed alterations to previously permitted apartment layouts and communal spaces within Block E, a proposed additional setback floor (i.e. proposed 9 storey building) comprising 7 no. additional units (6 no. 1 beds and 1 no. 2 bed), with alterations also proposed to the previously permitted apartment unit mix within this block, resulting in an overall increase of 8 no. units in total i.e. from 40 no. 1 beds and 23 no. 2 beds (63 no. units) to now provide 47 no. 1 beds and 24 no. 2 beds (71 no. units). This results in an overall total increase of 24 no. units from the previously permitted 250 no. units (134 no. 1 beds and 116 no. 2 beds) to now provide 274 no. units (147 no. 1 beds and 127 no. 2 beds);*
- *Proposed alterations to previously permitted ESB sub-station;*
- *Proposed alterations to previously permitted landscaping proposals to accommodate minor increase in footprint of Blocks C, D & E;*

- Proposed alterations to previously permitted basement plan layout and configuration including minor increase in size and provision of an additional 24 bicycle parking spaces and 26 car parking spaces

For further information, please refer to the enclosed plans and particulars prepared by Downey Planning & Architecture, including the updated Housing Quality Assessment (HQA), and the updated Architectural-Urban Design Statement which assesses the proposed alterations in greater detail.



Fig. 3 – Permitted Site Layout Plan (ABP-309899-21)



Fig. 4 – Proposed Site Layout Plan (with ground floor plan shown)

Proposed Alterations to Previously Permitted Blocks C, D & E & Site Levels

This application proposes alterations to the previously permitted Block C, Block D and Block E. No alterations are proposed to the previously permitted Blocks A and B (as permitted under Ref. ABP-307092-20 and recent alterations made under Ref. ABP-309899-21).

The appointed engineers for construction, Lohan & Donnelly Consulting Engineers, are proposing some minor site level changes across the site as a result of proposed revised finish floor levels for construction which brings about a minor revision to the proposed invert levels of the sewers, manholes and chambers serving the permitted scheme. These minor revisions are displayed in the attached civil works drawings 21133-LDEZZ-00-DR-SC-5C12-REV 2 and 21133-LDE-ZZ-00-DR-SC-5C13-REV 2. All sewer designs remain valid for the proposed changes in level and all works can still be carried out in compliance with their respective standards. For further information in this regard, please refer to the enclosed drawings and documents prepared by Lohan & Donnelly Consulting Engineers.

The proposed alterations also include internal alterations to the previously permitted apartment layouts of these three apartment blocks (Blocks C, D and E) to accommodate construction and operational requirements. This has resulted in the reconfiguration of the apartments and associated communal spaces. These modifications, together with a proposed additional setback floor to these three buildings, provide for a proposed increase of 24 units. The breakdown is as follows:

Block C: Proposed alterations to previously permitted apartment layouts and communal spaces within Block C, a proposed additional setback floor (i.e. proposed 7 storey building) comprising 7 no. additional units (6 no. 1 beds and 1 no. 2 bed), with alterations also proposed to the previously permitted apartment unit mix within this block, resulting in an overall increase of 8 no. units in total i.e. from 30 no. 1 beds and 17 no. 2 beds (47 no. units) to now provide 37 no. 1 beds and 18 no. 2 beds (55 no. units).

Block D: Proposed alterations to previously permitted apartment layouts and communal spaces within Block D, a proposed additional setback floor (i.e. proposed 8 storey building) comprising 5 no. additional units (2 no. 1 beds and 3 no. 2 beds), with alterations also proposed to the previously permitted apartment unit mix within this block, resulting in an overall increase of 8 no. units in total i.e. from 33 no. 1 beds and 34 no. 2 beds (67 no. units) to now provide 38 no. 1 beds and 37 no. 2 beds (75 no. units).

Block E: Proposed alterations to previously permitted apartment layouts and communal spaces within Block E, a proposed additional setback floor (i.e. proposed 9 storey building) comprising 7 no. additional units (6 no. 1 beds and 1 no. 2 bed), with alterations also proposed to the previously permitted apartment unit mix within this block, resulting in an overall increase of 8 no. units in total i.e. from 40 no. 1 beds and 23 no. 2 beds (63 no. units) to now provide 47 no. 1 beds and 24 no. 2 beds (71 no. units).

The proposed alterations, as detailed above, result in an overall total increase of 24 no. units from the previously permitted 250 no. units to now provide 274 no. units (147 no. 1 beds and 127 no. 2 beds).

All apartment units have been designed in accordance with the pertaining Development Plan standards and '*Sustainable Urban Housing: Design Standards for New Apartments*' Guidelines. Most apartment units within the development have been provided with adequately sized balconies or

patios/terraces which have been designed in accordance with quantitative and qualitative standards and which have been provided with appropriate treatments to ensure privacy and security. There was a total of 9 no. apartments out of the 250 no. units permitted scheme that did not include a private amenity space (6 of which are located in Block D). There is no change to this permitted quantum as part of the proposed alterations to the previously permitted apartment layouts. However, the proposed additional setback floor on Block D includes 1 additional no. unit without private amenity space. For further information, please refer to the enclosed Architectural-Urban Design Statement and the Housing Quality Assessment (HQA) prepared by Downey Planning & Architecture.

It is considered that the overall quality of the facilities provided throughout the development is appropriate and of a high-quality and therefore provides an enhanced standard of amenity for the future residents of the scheme. In addition, the recent alterations application made under Ref. ABP-309899-21 provide increased residential amenity facilities for the overall scheme.

Overall, the approved SHD scheme with the design alterations now proposed, will form a distinctive new residential neighbourhood which is of a density and character that assimilates well to its location within walking distance of a public transport node, i.e. bus corridor. The units are suitable for all family and age demographics and are designed such that there is adequate space and generously sized open space available within the development.

As part of the proposed alterations, an increase in the overall heights and footprint of Blocks C, D and E is required to accommodate the relevant construction method requirements including lift shaft overrun, AOV and parapet, and insulation requirements, etc. and to accommodate additional units by way of an additional setback floor on each building. There have also been elevational changes made to Blocks C, D and E as a result. This has been appropriately and comprehensively assessed within the updated Daylight Sunlight Internal Light Analysis Report prepared by Digital Dimensions which concludes that *'100% of the rooms to the proposed development will exceed the minimum recommendations for the Average Daylight Factor and will be well daylight. The proposed development meets the recommendations of the BRE Guidelines and BS8206 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting.'* In terms of the residential amenity of adjoining properties, *'there will be minimal impact to the daylight and sunlight to the adjacent dwellings with no perceivable reduction in either daylight or sunlight. All areas assessed continue to meet or exceed the recommendations of the BRE guidelines.'*

An updated verified views/photomontages report has also been prepared by Digital Dimensions which assesses the existing context with the permitted scheme and the proposed alterations. It is considered that the proposed alterations, as demonstrated in these views, are of a high quality design and are in accordance with the proper planning and sustainable development of the area.

All selected materials are of high-quality, low maintenance and durable, the variety of which adds interest to the development. The materials chosen complement the surrounding area, thus creating a development rooted to its context. The elevational treatment has been a key consideration throughout the design process. The distinct composition of the scheme alongside the chosen materials and external design will make a positive contribution to the area and surrounding environs.



Fig. 6 – Permitted CGI (View from Kennelsfort Road Lower Junction)



Fig. 7 – Proposed CGI (View from Kennelsfort Road Lower Junction)

Please refer to the plans, sections, and elevations drawings prepared by Downey Planning & Architecture for further details on the unit types and overall design. Please also refer to the Architectural-Urban Design Statement prepared by Downey Planning & Architecture for further details on the proposed alterations.

Proposed Alterations to Previously Permitted Landscaping Proposals & ESB Sub-Station

Minor proposed alterations are required to the previously permitted ESB sub-station on site in order to comply with ESB requirements for the scheme. Please refer to the proposed ESB sub-station drawing prepared by Downey Planning & Architecture for further details in this regard.

In term of open spaces, the landscape design incorporates minor alterations to accommodate the proposed minor increase in footprint/floor plans of Blocks C, D & E to accommodate construction method requirements and revised apartment mix/layouts. The landscape design creates a high-quality landscape for residents to partake with; an attractive landscape for people to live in and move through whilst enhancing the biodiversity value and ecological function of the green infrastructure network. The design approach proposed as part of the overall scheme also aims to repair habitat fragments and provide for the regeneration of flora and fauna where existing landscape lacks. This is done by incorporating appropriate elements of green infrastructure, new tree planting, woodland style planting, mixed ornamental planting and raised planters positioned in areas of hard landscape, thus reducing the amount of hardscape. The landscape character areas remain the same as those

previously permitted, including a green boundary fringe, communal spaces, open space areas and children's playgrounds, and a roof garden. These are described as follows:

- A 'Green Boundary Fringe', creates a natural boundary between the apartment buildings and the surrounding environment thus acting as a transition zone. The proposed trees and hedges along the south boundary have been selected for effective wind mitigation and to provide a natural screen and buffer from the Chapelizod Bypass. As part of the landscape proposal, woodland planting is proposed in a mix of indigenous native species that will provide shelter, habitats, as well as screening from adjacent properties.
- A set of 'Communal Spaces' across the development, will provide for an enjoyable attractive space to be appreciated from the above apartments, and a pleasant, inviting area for the residents to engage with while passing through as well as relaxing in one of the seating arrangements.
- A set of areas of 'Open Space and Children's Playgrounds', aim to create a strong pedestrian linkage throughout the scheme. The open space areas have been designed to provide both passive and active recreational amenities. There are two main areas designated for children's play with play equipment for all ages, which are located to the north of the apartment buildings to shelter the play areas from any potential noise from the road, as per the recommendations provided by the acoustic consultants as part of the permitted scheme and in accordance with best practice guidance. There is a plaza located by the access onto Kennelsfort Road Lower adjoining the café for the enjoyment of residents and the local community.
- A 'Roof Garden', can be enjoyed by the residents of the scheme throughout the year. The roof garden is located on the third floor of Block A and would provide a visually pleasing place for residents to enjoy and relax in, with seating provided on hard landscape areas of the garden. There is a 3m glass balustrade around the perimeter of the roof garden for wind mitigation.

The design and layout of the permitted development which is now subject to proposed alterations, is such that it provides a high-quality living environment for residents and indeed for visitors to the scheme. The landscaping has been designed to ensure high-quality active and passive recreational amenity spaces for the enjoyment of all residents including southerly facing public open space, play equipment for children and a high-quality designed roof terrace/garden, all of which contribute to the overall visual character, identity and amenity of the area. The amenity spaces benefit from passive surveillance from the residential units. The boundary treatments for the scheme also provide a sense of security and privacy whilst also providing visual interest and distinction between spaces. Furthermore, the public realm enhancements, as previously permitted, will improve the sense of place at Kennelsfort Road Lower. The development also provides additional complementary recreational land-uses such as a gym, community rooms, and residents' amenity areas to ensure that high-quality facilities are provided on-site for this new residential community.

A detailed set of updated landscape plans have been prepared by Jane McCorkell Landscape Architects and are enclosed with this application.

Proposed Alterations to Previously Permitted Basement Plan

In terms of the basement, minor alterations are proposed to accommodate construction method requirements and compliance with relevant standards, including minor increase in size and provision of an additional 24 bicycle parking spaces and 26 car parking spaces to cater for the additional 24 units proposed as part of this alterations application. AECOM Consulting Engineers have carried out a Traffic & Transportation Assessment and Mobility Management Plan for the proposed alterations to the permitted scheme. Such assessments confirm that the additional units (24 no.) result in a relatively minor increase over the permitted and in accordance with TII Guidelines, the amended application does not meet the threshold requirements for traffic modelling analysis. An outline of the Mobility Management Plan has been prepared indicating the potential measures that could be implemented by the management company to promote more sustainable forms of transport to potential residents/staff. It is AECOM's considered opinion that there is no traffic or transportation reason why this development should not proceed.

5.0 Planning Assessment

At this juncture, it must be noted that a detailed Statement of Consistency with Planning Policy accompanied the planning application for the Strategic Housing Development which was granted planning permission by An Bord Pleanála under Ref. ABP-307092-20. This section of this report essentially represents an addendum to that Statement of Consistency with Planning Policy.

5.1 Sustainable Urban Housing: Design Standards for New Apartments

The *'Sustainable Urban Housing: Design Standards for New Apartments'* build on the content of the previous apartment guidance, much of which remains valid, particularly with regard to design quality safeguards such as internal space standards for apartments, internal storage and amenity space. The Guidelines state that, *"in the longer term to 2040, the Housing Agency has identified a need for at least 45,000 new homes in Ireland's five cities (Dublin, Cork, Limerick, Galway and Waterford), more than 30,000 of which are required in Dublin City and suburbs, which does not include additional pent-up demand arising from under-supply of new housing in recent years."* It is also stated that it is *"critical to ensure that apartment living is an increasingly attractive and desirable housing option for a range of household types and tenures."*

The Guidelines also state that, *"aspects of previous apartment guidance have been amended and new areas addressed in order to:*

- *enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;*
- *make better provision for building refurbishment and small-scale urban infill schemes;*
- *address the emerging 'build to rent' and 'shared accommodation' sectors; and,*
- *remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduces costs."*

The Guidelines state that Ireland is a long way behind European averages in terms of the numbers of households living in apartments, especially in our cities and larger towns. Given the gap between Irish and European averages in numbers of households living in apartments and the importance of addressing the challenges of meeting the housing needs of a growing population in our key cities and

towns and by building inwards and upwards rather than outwards, apartments need to become the norm for urban housing solutions.

The Guidelines also state that, *“ongoing demographic and societal changes mean that in addition to families with children, the expanding categories of household that may wish to be accommodated in apartments include:*

- *Young professionals and workers generally;*
- *Those families with no children;*
- *‘Downsizers’; and,*
- *Older people, in both independent and assisted living settings.”*

The Guidelines identify types of locations that may be suitable for apartment developments. In this regard it is considered that the development falls within (1) *Central and/or Accessible Urban Locations* as it meets the criteria for this location in that the site is within easy walking distance of a high frequency urban bus service, i.e. the Lucan – Dublin City Centre QBC is located immediately adjacent to the subject site. This type of location is also suitable for large scale and higher density development.

The Guidelines also have specific planning policy requirements (SPPRS), which include:

Specific Planning Policy Requirement 1: *“Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).”*

Specific Planning Policy Requirement 3: *“Minimum Apartment Floor Areas:*

- *Studio apartment (1 person) 37 sq.m*
- *1-bedroom apartment (2 persons) 45 sq.m*
- *2-bedroom apartment (4 persons) 73 sq.m*
- *3-bedroom apartment (5 persons) 90 sq.m”*

In relation to Build-to-Rent (BTR) apartments, the Guidelines define these as *“purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord”*. A key point outlined in the Guidelines states that, *“the provision of dedicated amenities and facilities specifically for residents is usually a characteristic element. The provision of such facilities contributes to the creation of a shared environment where individual renters become more integrated and develop a sense of belonging with their neighbours in the scheme. This provides the opportunity for renters to be a part of a community and seek to remain a tenant in the longer term, rather than a more transient development characterised by shorter duration tenancies that are less compatible with a long term investment model. There are a range of potential facilities that may be provided in conjunction with BTR in other jurisdictions such as dedicated laundry facilities, communal leisure areas, gym, workspaces/hotdesks,*

concierge service, etc. Facilities may also include private dining rooms, kitchen areas, office spaces, TV/lounge rooms, etc, that can be booked on occasion by individual residents for their own use.”

In this regard, the permitted scheme provides for a total of 250 no. ‘Build to Rent’ apartment units within 5 no. blocks (Block A, B, C, D and E). The proposed alterations pertain to Blocks C, D and E, with associated alterations to the previously permitted basement and landscaping. No alterations are proposed to the previously permitted Blocks A and B (ABP-307092-20 & ABP-309899-21). The proposed alterations propose an increase to the total number of units approved on site under approved SHD scheme ABP-307092-20, by proposing 24 additional units.

The proposed alterations, as detailed above, result in an overall total increase of 24 no. units from the previously permitted 250 no. units (134 no. 1 beds and 116 no. 2 beds) to now provide 274 no. units (147 no. 1 beds and 127 no. 2 beds).

The proposed additional units will be served by the increased residential amenity facilities on offer, recently permitted under Ref. ABP-309899-21. There are also extensive open space areas including play equipment as previously permitted. The development provides residents with the required level of amenity as outlined within the Guidelines.

It is worth mentioning that only 9 no. apartment units out of the previously permitted 250 no. units did not include a private amenity space, i.e. balcony/terrace. 6 such units are in Block D. This was deemed acceptable by An Bord Pleanála in the decision to grant planning permission, and is in accordance with the Guidelines where SPPR 8 states:

“For proposals that qualify as specific BTR development in accordance with SPPR 7:

[...]

- (ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development.”*

There is no change to this permitted quantum as part of the proposed alterations to the previously permitted apartment layouts. However, the proposed additional setback floor now proposed for Block D includes 1 additional no. unit without private amenity space. It is considered that the overall quality of the facilities provided throughout the permitted scheme, and further increased by the recently permitted alterations under Ref. 309899-21, are appropriate and of high-quality, thus providing an enhanced standard of amenity for the future residents of the scheme. In light of the above, Downey Planning are of the professional opinion that the proposed development complies with the SPPRs of the ‘Sustainable Urban Housing: Design Standards for New Apartments’.

For further information in this regard, please refer to the enclosed architectural drawings and detailed Housing Quality Assessment schedules prepared by Downey Planning & Architecture, which provide confirmation that the proposed alterations to Blocks C, D and E are consistent with the design standards of these Guidelines.

The Guidelines also note the following with regard to aspect of units under Specific Planning Policy Requirement 4 which states:

“In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.*
- (ii) In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.*
- (iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.”*

The development in this instance is located at a central/accessible location within close proximity of Dublin City Centre and which is well-served by public transport. In this regard, the minimum requirement for dual aspect units is 33%. The proposed alterations to the permitted scheme, still ensures an overall 50% dual aspect units within the overall scheme and therefore accords with the guidelines.

In terms of Children’s Play areas, the previously permitted SHD considered the recreational needs of children and incorporates children play equipment as part of the communal amenity space within the scheme. As stated within the Guidelines:

“Children’s play needs around the apartment building should be catered for:

- within the private open space associated with individual apartments;*
- within small play spaces (about 85-100 sq.m) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms; and,*
- within play areas (200-400 sq.m) for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms.”*

Minor alterations are proposed to the landscaping areas to accommodate minor increase to the footprint of Blocks C, D and E. The playgrounds have been given safe access and are located within two communal open spaces within sight of different apartment buildings. As such, the development is consistent with the Guidelines in this instance. Please refer to the enclosed updated landscape drawings prepared by Jane McCorkell Landscape Architects for further information in this regard.

In relation to bicycle and car parking requirements, the Guidelines state that it must be ensured that, *“new development proposals in central urban and public transport accessible locations and which otherwise feature appropriate reductions in car parking provision are at the same time comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors”*. The required quantity for cycle parking spaces to be provided include a general minimum standard of 1 no. cycle storage per bedroom shall be applied, at least 1 no. cycle storage space shall be provided for studio units, and visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. The approved SHD provided a total of 276 no. bicycle spaces (250 no. spaces at basement level and 26 no. spaces at surface level), in high quality, safe and accessible locations. It is proposed to provide an additional 24 bicycle spaces to cater for the proposed additional 24 units now proposed as part of this alterations application. The proposals are considered to be acceptable and in accordance with the requirements of the Guidelines and the pertaining Development Plan standards.

As stated within the Guidelines, *“the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria”*. The site is situated in a strategic highly accessible location in close proximity to a high frequency bus network, and as such the car parking provision can be minimised, substantially reduced or eliminated in certain circumstances. In this regard, the previously permitted SHD scheme provided for 120 no. car parking spaces within the underground basement car park and 5 no. surface level spaces which provides for an appropriate quantum to serve the residential development. It is proposed to provide an additional 26 car parking spaces to cater for the proposed additional 24 units now proposed as part of this alterations application. The proposals are considered to be acceptable and in accordance with the requirements of the Guidelines and the pertaining Development Plan standards. Please refer to the TTA and Mobility Management Plan prepared by AECOM Consulting Engineers for further information.

Specific Planning Policy Requirement	Compliance
SPPR1 <i>(Housing Mix)</i>	In compliance
SPPR2 <i>(Building Refurbishment and Urban Infill Development on sites up to 0.25ha)</i>	Not applicable; SPPR1 applies to the overall development
SPPR3 <i>(Minimum Apartment Floor Areas)</i>	In compliance with the standards
SPPR4 <i>(Dual Aspect Ratios)</i>	In compliance with the requirements
SPPR5 <i>(Floor to Ceiling Height)</i>	In compliance with the requirements
SPPR6 <i>(Lift and Stair Cores)</i>	In compliance with the required quantum
SPPR7 <i>(Specific BTR Developments)</i>	In compliance; tenures have been described where relevant; Resident Support Facilities and Resident

	Services and Amenities are provided within the proposed scheme
SPPR8 <i>(Qualified as BTR Developments)</i>	In compliance
SPPR9 <i>(Shared Living)</i>	Not applicable

Table 1 – Compliance with Specific Planning Policy Requirements

5.2 Urban Development and Building Heights Guidelines for Planning Authorities

The ‘Urban Development and Building Heights, Guidelines for Planning Authorities’ are intended to set out national planning policy guidelines on building heights in relation to urban areas, building from the strategic policy framework set out in the National Planning Framework 2040 (NPF). This document recognises that in recent years local authorities, through the statutory plan processes, have begun to set generic maximum height limits. However, such limits if inflexibility and unreasonably applied, can undermine national policy objectives to provide more compact urban forms as outlined in the National Planning Framework and instead can continue unsustainable patterns of development.

These Guidelines reinforce that *“a key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels”*.

The document states that it is critically important that development plans identify and provide policy support for specific geographic locations or precincts where increased building height is not only desirable but a fundamental policy requirement. Locations with the potential for comprehensive urban development or redevelopment should be identified where, for example, a cluster of higher buildings can be accommodated as a new neighbourhood or urban district or precinct.

Section 1.10 of the Guidelines states, *“the rationale ... for consolidation and densification in meeting our accommodation needs into the future must also be applied in relation to locations that development plans and local area plans would regard as city and town centre areas”*. It continues, *“in such areas, it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of the objectives and criteria laid out in Sections 2 and 3 of these guidelines, for example on suitably configured sites, where there are particular concentrations of enabling infrastructure to cater for such development, e.g. very significant public transport capacity and connectivity, and the architectural, urban design and public realm outcomes would be of very high quality.”*

Additionally, Section 1.11 states, *“these guidelines therefore set out national planning policy that:*

- *Expand on the requirements of the National Planning Framework; and*
- *Applies those requirements in setting out relevant planning criteria for considering increased building height in various locations but principally (a) urban and city-centre locations and (b) suburban and wider town locations.”*

The previously permitted SHD at Palmerstown, including the proposed alterations now subject to this application, are consistent with these objectives and given the physical and social infrastructure already in place can easily accommodate the heights of 3-9 storeys proposed across the subject lands. As previously discussed, the proposed alterations provide for a minor increase in height to Blocks C, D and E to accommodate construction method requirements including lift shaft overrun, AOV and parapet. In addition to this, an additional proposed setback floor is also proposed on each of the three buildings. This has been appropriately and comprehensively assessed within the updated Daylight Sunlight Shadow Analysis Report prepared by Digital Dimensions which concludes that *'there will be minimal impact to the daylight and sunlight to the adjacent dwellings with no perceivable reduction in either daylight or sunlight. All areas assessed continue to meet or exceed the recommendations of the BRE guidelines.'*

An updated verified views/photomontages report has also been prepared by Digital Dimensions which assesses the existing context with the permitted scheme and the proposed alterations. It is considered that the proposed alterations, as demonstrated in these views, represent a high-quality design and are in accordance with the proper planning and sustainable development of the area.

The Guidelines go on to state that, *"In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility"*. As such, the previously permitted SHD at Palmerstown, including the proposed alterations now subject to this application, is considered to be in accordance with these guidelines given that the subject site is well served by public transport and enjoys excellent connectivity to Dublin City Centre as it is located immediately adjacent a high frequency urban bus service, i.e. the Lucan – Dublin City Centre QBC.

The following Special Planning Policy Requirements are contained within the Guidelines and are relevant to the proposed development:

SPPR1: *"In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height."*

The development in Palmerstown is situated at a strategic location within Dublin immediately adjoining several transportation services which connect the site to Dublin City Centre, thus it is capable of supporting taller buildings and increased density.

SPPR 3: *"It is a specific planning policy requirement that where;*

- (A) 1. An applicant for planning permission sets out how a development proposal complies with the criteria above; and,*

2. The assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

Then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise."

The proposed development promotes higher density development that is immediately adjacent to a QBC. The proposed density of the subject site is c.216 units per hectare. The proposed density is in excess of the recommended minimum of 50 units per hectare as advised under Section 28 Ministerial Guidelines. The subject site is located on a high-quality transport route and is located in an existing centre within an urban context (within the M50 ring) and therefore has the capacity to achieve higher densities. The proposed density is therefore considered appropriate due to the site's location adjoining a high-quality transport corridor and the context of the site within the M50 ring.

The application for the proposed alterations contains sufficient reports, documentation, plans and justification to support the proposed alterations to the approved SHD scheme, and outlines how the development is in accordance with the relevant planning policies and guidelines pertaining to the area. Such documents include architectural plans and elevations, Architectural-Urban Design Statement, AA Screening, planning reports and daylight and shadow analysis, etc.

In light of the above, it is considered that the proposed development is consistent with the requirements of these guidelines on building heights for urban developments and that greater heights and taller buildings are achievable.

The development at Palmerstown is very well served by public transport and therefore can be expected to achieve high density residential development. Furthermore, the existing lands at Palmerstown are brownfield lands that are zoned and permitted for SHD residential development and are serviced with road and public transport infrastructure.

5.3 South Dublin County Council Development Plan 2016-2022

5.3.1 Land Use Zoning & Surrounding Uses

Under the current South Dublin County Council Development Plan 2016-2022, the subject site is zoned 'Objective 'VC', which seeks:

"To protect, improve and provide for the future development of Village Centres."

The Development Plan states that:

"the Village Centre zoning will support the protection and conservation of the special character of the traditional villages and provide for enhanced retail and retail services, tourism, residential, commercial, cultural and other uses that are appropriate to the village context."

The uses are permitted in principle under this zoning designation.



Fig. 7 – ‘VC’ Land Use Zoning Designation (subject site outlined in dashed black)

Downey Planning carried out a community and social infrastructure audit of Palmerstown village and its environs including a review of Census population statistics, as part of the supporting documentation for the previously permitted SHD scheme. This audit assessed the SHD scheme in terms of the existing infrastructure within the village. Noting the results of the audit and particularly the quantum of existing vacant retail units within the immediate area, it was considered unnecessary to provide further retail/shop units for the area as part of the development. It is the injection of a new population into this area as a result of the delivery of apartments that will provide footfall and a reliable consumer base to the village. This will enable vacant shops within the heart of the village to re-open or support new uses in these units as there now will be a considerable new population within walking distance to support these businesses, something which the village currently lacks.

This is in accordance with the Development Plan which recognises that, *“these areas have a range of urban services such as transport, retail, medical and community facilities. Recent Census data identifies an aging population and stagnant or falling populations, which presents a serious risk for the viability of services and facilities into the future.”* (County Development Plan: pg.20)

The Core Strategy of the South Dublin County Council Development Plan 2016-2022 seeks to accommodate an additional 43,262 people during the lifetime of the Development Plan and would require approximately 40,650 housing units to provide for the population growth. The proposed alterations does involve a proposed increase to the total number of residential units previously permitted under Ref. ABP-307092-20 and ABP-309899-21 i.e. proposed additional 24 units resulting in a total of 274 units (250 units were previously permitted). According to the total housing capacity under the 2016-2022 County Development Plan, approximately 9,620 units can be accommodated within the ‘Consolidation Areas within the Gateway’ (includes Palmerstown), within which the subject site is located.

In light of the above, it is submitted that the permitted SHD scheme now subject to these alterations, will create a new, sustainable community which will integrate with Palmerstown village centre and surrounding land uses, and will revitalise the area through the introduction of high-quality designed residential units with a café and additional complementary facilities and amenity spaces for the

enjoyment of the residents of the proposed development and the Palmerstown community. Palmerstown village has a stagnant, declining population and as such the permitted strategic housing development with proposed alterations will provide an injection of population into the area to ensure the viability and vitality of services and facilities within Palmerstown into the future. It is therefore considered consistent with the objectives of the village centre zoning designation and the objectives of the South Dublin County Council Development Plan 2016-2022.

In terms of building heights, it is respectfully requested that An Bord Pleanála have regard to the justification for a material contravention of the South Dublin County Council Development Plan 2016-2022 in terms of height on the basis that there are conflicting objectives within the said Development Plan and that the policies and objectives stated in the Section 28 Government Guidelines, particularly *'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)'*, *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'* (2018), the *'Urban Development and Building Heights, Guidelines for Planning Authorities'*, and the *'Project Ireland: National Planning Framework 2040'* enable increased building height and residential densities on sites adjacent to quality transport routes and within existing urban areas. Therefore, the proposed development should be considered acceptable even if the proposed development materially contravenes the Development Plan relating to the area.

It is respectfully submitted that the justification set out within the material contravention statement submitted with the approved SHD scheme (ABP-307092-20) clearly demonstrates that the proposed strategic housing development at Palmerstown should be considered for increased building heights due to the location of the subject site adjacent to quality public transport corridors and the policies and objectives set out within the Section 28 Guidelines. Such justification includes:

- Objectives within South Dublin County Council Development Plan 2016-2022 which restrict height at the application site contradict National Planning Policy and Section 28 Guidelines;
- Conflicting objectives exist within the South Dublin County Council Development Plan 2016-2022 insofar as the proposed development is concerned;
- The application site is an underutilised brownfield site in close proximity to quality public transportation, i.e. the Lucan to Dublin City QBC is within 100m walking distance;
- Improved public transportation is also planned for the Lucan to Dublin City Centre QBC under the BusConnects proposal;
- National Policy promotes and encourages increased densities in excess of 50 units per hectare on zoned lands adjacent to public transport corridors;
- The National Planning Framework and its pertaining objectives place a strong emphasis on increased building heights in appropriate locations within existing urban centres and along public transport corridors such as the application site;
- The proposed development is consistent with the *'Urban Development and Building Heights, Guidelines for Planning Authorities'*;
- The application site has an established planning permission precedent for increased heights;
- The considerations within the Inspector's Report in which higher densities and increased heights are considered acceptable for the subject site.

In light of the foregoing, it is respectfully requested that An Bord Pleanála have regard to the justification set out within this statement and permit the proposed height contravention of the South

Dublin County Council Development Plan 2016-2022, having regard to section 37(2)(b)(i) and (iii) of the Planning and Development Act, 2000 (as amended), specifically the conflicting objectives within South Dublin County Council Development Plan 2016-2022 insofar as the proposed development is concerned, the policies and objectives set out within the Section 28 Guidelines and noting the national importance of delivering housing given the current housing crisis.

6.0 Appropriate Assessment Screening

A Screening for Appropriate Assessment has been carried out by Faith Wilson Ecological Consultant. Given the nature of the project and implementation of best practice construction measures particularly in relation to protection of water quality, it is concluded that there will be no negative impacts on the qualifying interests or species of any Natura 2000 site within a 15km radius of the proposed development at Palmerstown. The proposed alterations to the permitted development at Palmerstown, either individually or cumulatively in combination with the other identified plans and projects, will not adversely affect the integrity of any Natura 2000 site. Thus, there will be no impact on SACs and SPAs / Natura 2000 sites, as confirmed by Faith Wilson, ecologist. For further information in this regard, please refer to the Screening for Appropriate Assessment report which is submitted with this application.

7.0 EIA Screening

An EIA Screening Report has been prepared which has assessed the potential impact of the proposed alterations to the permitted development on the environment. The project now under assessment, *Proposed Alterations to Approved Palmerstown Strategic Housing Development*, whilst it does involve a proposed increase to the total number of residential units previously permitted under Ref. ABP-307092-20 and ABP-309899-21 i.e. proposed additional 24 units resulting in a total of 274 units now proposed, this still does not meet the thresholds for which the preparation of an Environmental Impact Assessment Report (EIAR) is a mandatory requirement.

The project is sub-threshold for a mandatory EIA, but has been fully screened for potential significant effects on the environment in accordance with EIA Directives. It is considered that the proposed alterations would not result in any significant changes to environmental impacts from those permitted under ABP-307092-20 & ABP-309899-21. The Board completed an environmental impact assessment screening of that original permitted development (ABP-307092-20) and considered that *'the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. Having regard to: (a) the nature and scale of the proposed development on an urban site served by public infrastructure, (b) the absence of any significant environmental sensitivities in the area, (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended), the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.'*

In addition, the Board in their assessment of the proposed alterations made to this permitted development on 20th May 2021 under Ref. ABP-309899-21 stated:

‘Having regard to: (i) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-307092-20 for this site, (ii) the screening for appropriate assessment and environmental impact assessment carried out in the course of that application, (iii) the limited nature and scale of the alterations, and (iv) the absence of any significant new or additional environmental effects (including those in relation to Natura 2000 sites) arising as a result of the proposed alterations, and (v) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations, (vi) the report of the Planning Inspector it is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.’

It is therefore submitted that no new considerations arise in relation to impacts on the environment which were not considered in the assessment of impacts for the approved SHD scheme ABP-307092-20 & ABP-309899-21. Thus, having regard to the above, and in particular to the nature, scale and location of the proposed project, by itself and in combination with other plans and projects, the proposed development is not likely to have significant effects on the environment and it is considered that an Environmental Impact Assessment is not required for this project. Please refer to the enclosed EIA Screening Report for further details.

8.0 Conclusion

This Planning Report has been prepared to accompany a planning application to An Bord Pleanála for proposed alterations to the approved Strategic Housing Development (permitted under Ref. ABP-307092-20 & ABP-309899-21) in respect of lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20. This application seeks to amend the terms of a Strategic Housing Development planning permission which falls under Section 146B of the Planning and Development Act, 2000 (as amended).

The permitted SHD scheme can be briefly described as a residential development of 250 no. ‘Build to Rent’ apartments in 5 no. apartment blocks (ranging from 3-8 storeys over basement in height), with a café and ancillary residential amenity facilities, and all associated engineering and site works. This permitted development is now subject to this proposed alterations application.

The proposed alterations pertain to Blocks C, D and E including external and internal modifications, proposed increase in height to accommodate construction requirements, and a proposed additional setback floor on each of these three buildings, resulting in an additional 24 no. units being proposed, with associated alterations to the previously permitted basement, ESB sub-station and landscaping proposals. No alterations are proposed to the previously permitted Blocks A & B (as permitted under Ref. ABP-307092-20 and recent alterations made under Ref. ABP-309899-21).

This planning report sets out the planning rationale and justification for the proposed alterations to the approved SHD scheme and demonstrates how it accords with the proper planning and sustainable development of the area. The applicant is committed to delivering this high-quality residential scheme, with site clearance works currently underway on site. The development will provide for an effective, efficient, sustainable use of what is a brownfield site in a highly accessible location which is well served by public transport (QBC). Palmerstown village will benefit from the injection of population

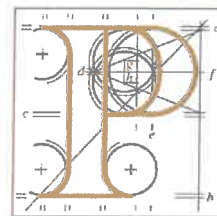
from this development as it will provide much needed additional homes and will help sustain the long-term viability of the existing community and social infrastructure offering.

It is submitted that the proposed alterations to the approved Palmerstown SHD scheme are in accordance with the proper planning and sustainable development of the area in which it is located as expressed in national, regional and local planning policy and Guidelines issued under Section 28 of the Planning and Development, 2000 (as amended).

Appendix A– Board Orders ABP-307092-20 & ABP-309899-21

Our Case Number: ABP-307092-20

Your Reference: Randelswood Holdings Limited



**An
Bord
Pleanála**

Downey Planning
1 Westland Square,
Pearse Street,
Dublin 2

Date: 17/07/2020

Re: Demolition of existing structures, construction of 250 no. Build to Rent apartments and associated site works.
Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20.
(www.palmerstownshd2.ie)

Dear Sir / Madam,

An Bord Pleanála has made a decision in respect of the application for Strategic Housing Development for the above mentioned proposed development. A copy of the Board Order is enclosed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

Overleaf contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please mark in block capitals "STRATEGIC HOUSING UNIT" and quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended.

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

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Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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D01 V902	D01 V902

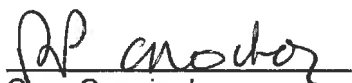
The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

Yours faithfully,

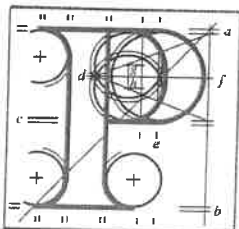


Cora Cunningham
Senior Executive Officer
Direct Line: 01-8737169

SHA32

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An
Bord
Pleanála

Board Order
ABP-307092-20

Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st day of April 2020 by Randelswood Holdings Limited care of Downey Planning, 1 Westland Square, Pearse street, Dublin 2.

Proposed Development:

A planning permission for a strategic housing development at lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20.

The proposed development will consist of the demolition of all existing structures on site and the construction of a residential development of 250 number 'build to rent' apartments (134 number one-bed, 116 number two-beds) in five number blocks with a café and ancillary residential amenity facilities, to be provided as follows:

- Block A containing a total of 27 number apartments comprising of 13 number one-bed and 14 number two-beds, in a building ranging from three to six storeys over basement in height, with one number communal roof garden (at third floor level), and most apartments provided with private balconies/terraces. Block A also provides a café, a reception/concierge with manager's office and bookable space at ground floor level; meeting rooms and workspace/lounge at first floor

level, a gym at second floor level; and a cinema and a games room at basement level

- Block B containing a total of 46 number apartments comprising of 18 number one-bed and 28 number two-beds, in a building six storeys over basement in height, and all apartments provided with private balconies/terraces
- Block C containing a total of 47 number apartments comprising of 30 number one-bed and 17 number two-beds, in a building six storeys over basement in height, and all apartments provided with private balconies/terraces
- Block D containing a total of 67 number apartments comprising of 33 number one-bed and 34 number two-beds, in a building seven storeys over basement in height, and most apartments provided with private balconies/terraces
- Block E containing a total of 63 number apartments comprising of 40 number one-bed and 23 number two-beds, in a building eight storeys over basement in height, and all apartments provided with private balconies/terraces

The development also includes the construction of a basement providing 120 number car parking spaces, 10 number motorcycle spaces, 250 number bicycle spaces, and a plant room and bin stores.

The proposal also incorporates five number car parking spaces and 26 number bicycle spaces at surface level; upgrades and modifications to vehicular and pedestrian/cyclist access on Kennelsfort Road Lower; utilisation of existing vehicular and pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road); one number ESB sub-station; landscaping including play equipment and upgrades to public realm; public lighting; boundary treatments; and all associated engineering and site works necessary to facilitate the development.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the location of the site on lands with a zoning objective for residential development in the South Dublin County Council 2016-2022,
- (b) the nature, scale and design of the proposed development and those issues relating to the contravention of Site Specific Objectives UC 6 SLO:1 and H7 Objective 4 of the South Dublin County Council 2016-2022,
- (c) the National Planning Framework, Project 2040,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Eastern & Midland Regional Assembly RSES 2019-2031,
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2019 and DMURS Interim Advice Note – Covid-19 Pandemic Response May 2020,
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018,

- (i) Spatial Planning and National Roads Guidelines (Department of Environment, Community and Local Government 2012).
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the report of the Chief Executive of South Dublin County Council,
- (m) the submissions and observations received, and
- (o) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Information for Screening for Appropriate Assessment document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that a grant of permission could materially contravene the South Dublin County Development Plan 2016-2022. The Board considers that, having regard to the provisions of section 37(2)(b)(i), (ii) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Specific Site Objective UC 6 SLO:1 and H7 Objective 4, which relates to a restriction in height of proposed development, would be justified for the following reasons and considerations: -

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended)

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), and support for the National Policy Objectives in the National Planning Framework, in particular Objective 35 which seeks to *"increase density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights"*. In this regard, the brownfield characteristics of the site, the location directly adjoining the Chapelizod Bypass (R148) and the high quality of urban design at an important interface into Dublin City are considered of particular relevance.

In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended)

It is considered that Specific Site Objective UC 6 SLO:1 and H7 Objective 4 of the South Dublin County Development Plan 2016-2022, which includes a blanket height restriction on the subject site, are in direct conflict with Policy H13 and Policy H14 of the County Development Plan, which requires compliance with national standards as set out in the Sustainable Urban Housing: Design Standards for New Apartments, and with H8 Objectives 1 and 2 of the County Development Plan which requires compliance with Sustainable Residential Development in Urban Areas Guidelines regarding the site specific assessment of heights for sustainable communities.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended)

It is considered that permission for the proposed development should be granted having regard to The Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy 2019-2031, which seeks to increase densities on appropriate sites within Dublin City and Suburbs. In relation to Section 28, Guidelines of particular relevance are the Urban Development and Building Height Guidelines (2018) which state that building heights must be generally increased in

appropriate urban locations, subject to the criteria as set out in Section 3.2 of the Guidelines. The proposal has been assessed against these criteria. The Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), support increased densities in appropriate locations and the proposal has been assessed in relation to these.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

Future connectivity into the commercial lands, as per the submitted masterplan, along the north of the site shall be integrated into the internal road layout.

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

Reason: In the interests of residential amenity and to ensure future connectivity is retained.

3. The proposed cycle access into the site and the basement area shall be designed so as to comply with all necessary standards in the National Transport Authority National Cycle Manual.

Details of the layout, marking demarcation and security provisions for the cycle spaces and cycle infrastructure shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

4. The proposed car parking layout shall be modified so that at least six number spaces are provided for persons with impaired mobility. These spaces shall be located as close as possible to the building entrance. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority). Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

5. The applicant shall notify/engage with Weston and Casement Aerodromes to ensure that any crane operations during construction do not adversely impact the safety of operation and the operation of cranes shall be co-ordinated with the Air Corps Air Traffic Services, no later than 30 days before use.

Reason: In the interests of public safety and aviation movement.

6. The development hereby permitted shall be for 250 residential units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

Reason: In the interest of the proper planning and sustainable development of the area.

7. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area.

8. Prior to the commencement of development, the owner shall submit to and agree in writing with the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be let or sold separately for that period.

Reason: In the interests of proper planning and sustainable development of the area.

9. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment

or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

10. Details of all external shopfronts and signage in Block A shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area/visual amenity.

11. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The design of the children's play areas shall be submitted for the written approval of the planning authority and designed in accordance with the relevant standards.

This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. (a) Prior to the commencement of development, the applicant/owners shall lodge the following for the written agreement of the planning authority: -

A bat survey for bat usage carried out across the site and immediately adjoining sites to assess roosting and feeding/ foraging activities and assessing potential impact on the species arising from the proposed development. No building, structure, feature or tree/hedgerow shall be altered, destroyed or removed prior to this assessment. The survey shall

be undertaken by a qualified and experienced bat surveyor carrying professional indemnity insurance, during the correct time of the year and under the weather conditions appropriate for the survey of such species. The requirements of the Heritage Officer shall be ascertained in this regard prior to the commencement of development.

If bats are found to be present on the site or immediately adjoining sites, no development shall take place until the necessary permission/derogation licence has been obtained from the National Parks and Wildlife Service.

- (b) The bat mitigation measures within the Bat Survey prepared by Faith Wilson, Ecologist shall be adhered to at all times during demolitions and construction works.

Reason: To ensure the protection of the natural heritage on the site.

13. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

15. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

16. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid-19 Pandemic Response (May 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interests of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

17. A minimum of 10 per cent of all communal car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

18. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

19. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall: -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the

agreement to An Bord Pleanála for determination.

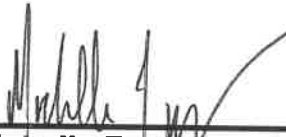
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

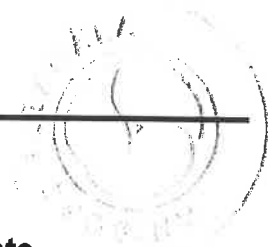
Reason: To ensure the satisfactory completion of the development.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



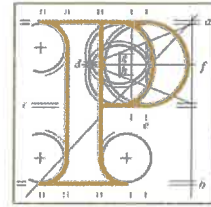
Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this ^{1st} day of *September* 2020

Our Case Number: ABP-309899-21

Your Reference: Randelswood Holdings Ltd



**An
Bord
Pleanála**

Downey Planning
1 Westland Square,
Pearse Street,
Dublin 2

Date: 27 May 2021

Re: Alterations to external and internal Blocks A and B, landscaping proposals and basement plan all previously permitted under ABP-307092-20 and associated site works.
Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20.

Dear Sir / Madam,

An Bord Pleanála has made a decision in respect of the above mentioned Strategic Housing Development. A copy of the Board Order is enclosed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please mark in block capitals "STRATEGIC HOUSING UNIT" and quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Hereunder contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended.

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section

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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

Yours faithfully,

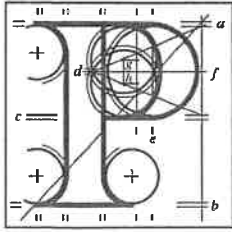


Ciaran Hand
Executive Officer
Direct Line: 01-8737295

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**An
Bord
Pleanála**

**Board Order
ABP-309899-21**

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Associated Reference Number: ABP-307092-20

REQUEST received by An Bord Pleanála on the 8th day of April 2021 from Randelswood Holdings Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin 2 under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development the subject of a permission under An Bord Pleanála reference number ABP-307092-21.

WHEREAS the Board made a decision to grant permission, subject to 23 conditions, for the above-mentioned development by Order dated the 1st day of September 2020,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- Proposed external and internal alterations to previously permitted Blocks A and B only including elevational changes; increase in height to accommodate construction method requirements including lift shaft overrun, Automatic Opening Vent Systems and parapet; minor increase in footprint of Blocks A and B to accommodate construction method requirements; alterations to and, increase of residential amenity spaces within Block A and at basement level including removal of basement plant room; alterations to previously permitted apartment layouts and communal spaces within Block A; alterations to previously permitted apartment layouts and communal spaces within Block B and alterations to the previously permitted apartment unit mix within this block only from 18 number one-beds and 28 number two-beds (46 units) to now provide 12 number one-beds and 34 number two-beds (46 units),
- Proposed alterations to previously permitted landscaping proposals including relocation of vents and of one number bike shelter; and,
- Proposed alterations to previously permitted basement plan. all located at lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20.

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would not result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by the Board on the 8th day of April 2021.

REASONS AND CONSIDERATIONS

Having regards to:

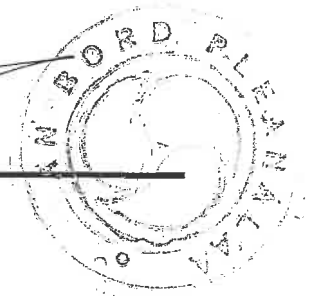
- (a) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-307092-20 for this site,
- (b) the screening for appropriate assessment and environmental impact assessment carried out in the course of that application,
- (c) the limited nature and scale of the alterations,
- (d) the absence of any significant new or additional environmental effects (including those in relation to European Sites) arising as a result of the proposed alterations,
- (e) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations,
- (f) the report of the Planning Inspector.

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning and Development Act 2000, as amended, the Board hereby makes the said alterations.



Paul Hyde

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 20th day of MAY, 2021