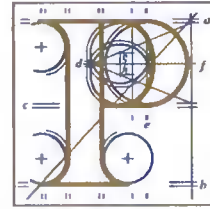


Our Case Number: ABP-313828-22

Planning Authority Reference Number: SD21A/0271



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Land Use Planning & Transportation

24 JUN 2022

South Dublin County Council

Date: 23 June 2022

Re: Demolition of existing building and construction of 5 storey over partial basement mixed use development comprising gastro pub/restaurant with off-licence, 2 retail units, 50 apartments, parking and associated site development works.
Lands at the Silver Granite pub, Palmerstown, Dublin 20

Dear Sir / Madam,

Enclosed is a copy of 4 appeals and a request for an oral hearing under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

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Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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

permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313828-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print: (_____)

Date: _____

Yours faithfully,

PP Daniel O'Connor

Liam Halpin

Direct Line: 01-8737280

BP07

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AN BORD PLEANÁLA
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ABP- _____
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~~21~~ JUN 2022
Fee: € 220 Type: cheque
Time: 17.26 By: hand

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LDG- _____
ABP- _____
20 JUN 2022
Fee: € _____ Type: _____
Time: _____ By: _____

PLANNING APPEAL

Third Party Appeal

Land at 'The Silver Granite' Pub,
Kennelsfort Road Upper and Wheatfield Road,
Palmerstown, Dublin 20

SOUTH DUBLIN COUNTY COUNCIL

JUNE 2022

SUBMITTED ON BEHALF OF:
The Moriarty Group

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1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2 have been appointed by The Moriarty Group, to prepare this third party appeal in respect of the planning permission granted to the proposed development at the lands at 'The Silver Granite' Pub, Kennelsfort Road Upper and Wheatfield Road, Palmerstown, Dublin 20.

This appeal has been prepared in respect of the following planning application:

Reg. Ref.: SD21A/0271
Applicant: Hollyville Investments Ltd.
Address: Lands at 'The Silver Granite' pub, Kennelsfort Road Upper and Wheatfield Road, Palmerstown, Dublin 20
Proposal: Planning permission is sought by Hollyville Investments Ltd. for the demolition of the existing building on site and the construction of a 5-storey over partial basement, mixed-use development comprising a gastro public house/restaurant with off-licence, 2 retail units, associated bin stores, bike stores, 1 ESB sub-station, all at ground floor level; a small plant room at basement level; a total of 50 apartments (25 one beds and 25 two beds) on the upper floors, all provided with private balconies/terraces; communal roof gardens; car parking; motorcycle parking; bicycle parking; landscaping and upgrades to public realm including upgrades to existing pedestrian crossing on Kennelsfort Road Upper; and all associated engineering and site works necessary to facilitate the development on lands at The Silver Granite pub, junction of Kennelsfort Road Upper and Wheatfield Road, and at The Silver Granite car park adjoining Palmerstown Shopping Centre car park (accessed from Kennelsfort Road Upper via Palmerstown Park).

The proposal seeks approval for the construction of a 5-storey mixed-use development comprising 50 no. apartment units at the junction of Kennelsfort Road Upper and Wheatfield Road. However, a request for further information was issued by South Dublin County Council on 25th November 2021, which car parking requirements has been addressed but we consider the haphazard and piecemeal proposal prompting road hazards and safety concerns. Nonetheless, the proposed development represents a fundamental overdevelopment of what is effectively a constricted site, an overconcentration of retail uses in the area, and for which is contrary to several South Dublin County Development Plan (2016-2022 and 2022-2028) policy objectives. Our clients are not opposed to the principle of an appropriately scaled residential development on the subject site, however, the provision of a 50-no. unit development at five storeys is excessive in relative terms and would reduce the amenity afforded to the neighbouring dwellings due to its mass and scale, whilst also encroaches on our clients' property resulting in the loss of much needed car parking spaces which serve the shopping centre. In addition, the provision of open space is sorely insufficient for what is proposed in consideration of the surrounding area and overall detrimental to the vitality and viability of the existing supermarket.

As mentioned above, the car parking space design solution agreed by the Applicant and South Dublin County Council is inadequate in its current guise and presents an informal arrangement between the parties setting poor planning precedent for future development within the area. This indicates that the proposed mixed-use development is unsuitable for the subject property, leading to development that is anomalous within the existing streetscape, and further prompting the design and location of the associated traffic/car parking arrangements to overcompensate.

Whilst it is appreciated that residential development is required within Dublin to ease pressures on the housing demand, our client's concerns have been ignored by the Applicant, and subsequently by South Dublin County Council who have chosen to grant a development that will have a series of catastrophic implications for the viability and vitality of our clients' business.

Accordingly, our appeal is submitted on the basis that South Dublin County Council has made a grave error in judgement in their decision to grant permission and failed to take into consideration of during their assessment of the detrimental and catastrophic impact the oversized and overdeveloped nature of the development will have on:

- (i) The viability of the existing supermarket due to the proposed overconcentration of this usage;
- (ii) The residential amenity of the neighbouring residents; and
- (iii) How (in particular) the proposed car parking strategy will have disastrous consequences to the road safety of current residents, future residents in the proposed development and users of the pedestrian access (which include hundreds of students in an area comprising of no less than 5 nearby schools).

We request that An Bord Pleanála duly consider the manner in which this proposal, if approved, will set a precedent for incongruous development within Lucan. The grounds of appeal are summarised as follows:

- Overdevelopment of the site, resulting in:
 - Overbearing impact;
 - Negative visual impact and residential amenity;
 - Loss of privacy;
 - Catastrophic implications for residential amenity; and
- Access and Traffic hazards;
- Overconcentration of retail development and detrimental to the existing supermarket; and
- Contravention of planning policies.

We refer to the letter received from South Dublin County Council acknowledging the submission made to the Planning Authority under Reg. Ref. SD21A/0271. The letter outlines our client's right to appeal the decision to the Board and is included at Appendix A. The required appeal fee of €220.00 is enclosed to accompany this appeal. The proposal was granted permission by South Dublin County Council on 23rd May 2022 and can be found at Appendix B. Please forward all correspondence relating to this matter to this office.

This appeal is also supported by a Traffic and Transport assessment prepared by Tent Engineering which is included at Appendix C. This assessment has found significant flaws in the planning application which misled the Planning Authority. The proposal will result in significant health and safety risks

We trust that the Board will have regard to this submission and will overturn the decision of the Planning Authority and **refuse** planning permission for the proposed monstrosity.

2.0 Site Location & Description

The subject lands have a combined stated area of approximately 0.48 hectares and is situated at the junction of Kennelsfort Road Upper and Wheatfield Road, and at the Silver Granite Pub car park adjoining Palmerstown Shopping Centre car park (accessed from Kennelsfort Road Upper via Palmerstown Park). The site is bordered by a Circle K petrol station to the south, mature residential developments to the immediate east and north, and commercial and retail businesses to the west. Located within a District Centre in Palmerstown, the site is in the administrative area for South Dublin County Council.

The subject site is comprised of a two-storey building, 'The Silver Granite' public house, with associated off-license and bookmaker fronting Wheatfield Road. The building as it stands is surrounded by car parking which serves the existing businesses on site. The proposal submitted by Hollyville Investments Ltd, proposes to demolish the existing structure on site containing the public house, bookmaker, and off-license and replace with mixed-use commercial and residential development.



Figure 1.0 Image showing the extent of the appeal site, outlined in red.

The appeal site is surrounded by established, mature, low-density, residential housing schemes at each boundary, with all existing developments being primarily two storeys in height. There is a severe shortage of developments above two storeys in the area with the only example found being Palmerstown Park Medical near Palmerstown Cemetery, defining the area as a low-rise area. The appeal site is within 200m of various retail provisions like Supervalu, barber shops/salons, an autopart store, a large 24/7 fitness centre, a childcare centre, and a few take away restaurants at Palmerstown Shopping Centre. Further, there are no apartment blocks within an 800-metre radius. Larger scaled developments have been utilised in areas primarily located closest to Chapelizod Bypass (R148) and Coldcut Road-Ballyfermot Road (R833).

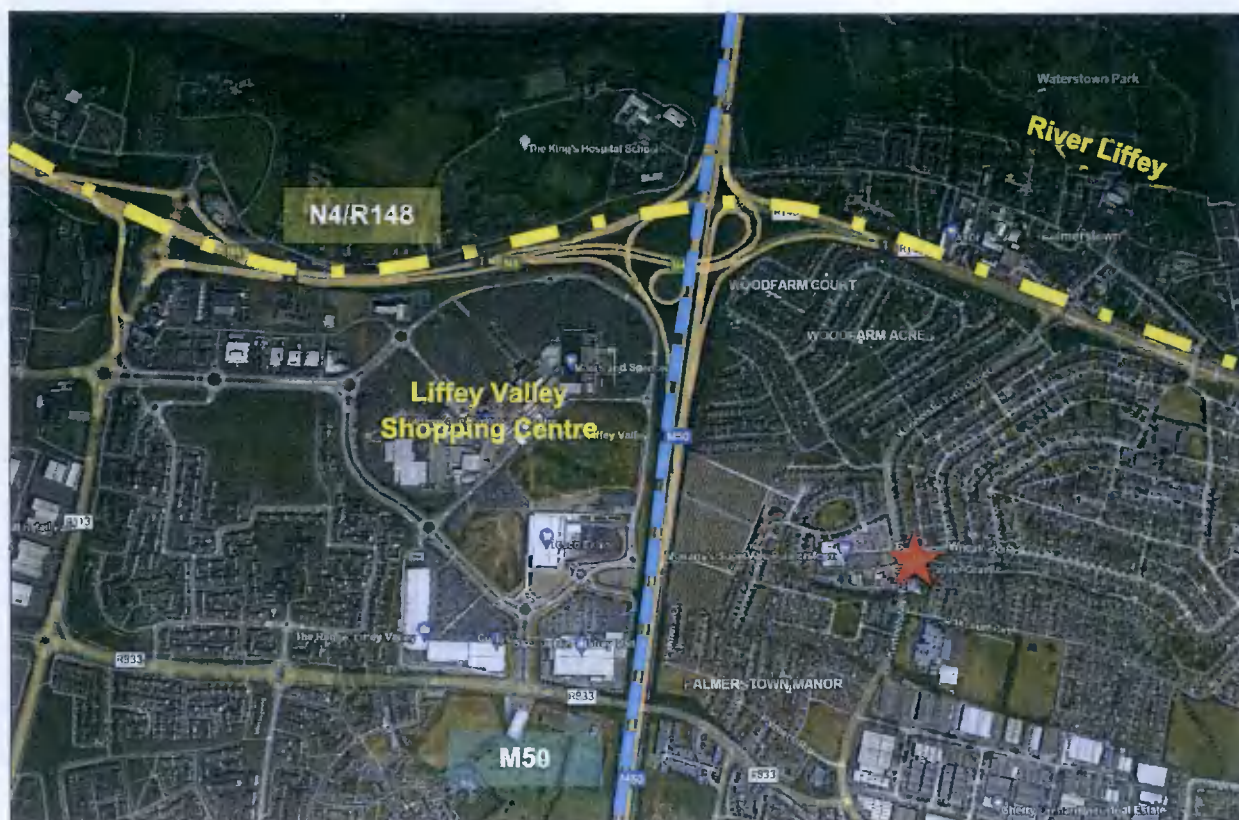


Figure 2.0 Aerial view of the subject site (indicated by red star) in the context of the wider area.

3.0 Proposed Development

3.1 Initial Proposal

The original proposal submitted by Hollyville Investments Ltd., and registered 1st October 2021, sought permission for the demolition of the existing building and a significant redevelopment on lands at 'The Silver Granite' public house. The development proposed is for 5-storey mixed-use commercial and residential building outlined as follows:

- 1 No. 5-storey apartment building
- 2 No. Retail Units

The mix of the proposed 50 No. apartments is as follows:

- 25 No. 1 bed apartments
- 25 No. 2 bed apartments

Additional information relating to the proposed development is as follows:

- 1 No. Gastropub/Restaurant with Off-License
- 1 No. Spar Convenience/Grocery Store (or similar)
- 1 No. Pharmacy/Bookmaker
- 53 no. vehicular parking spaces (32 no. resident spaces & 21 no. commercial spaces)
- 2 no. motorcycle parking spaces
- 128 no. cycle parking spaces (96 no. residential spaces & 32 no. visitor spaces)

Under the premise of this redevelopment proposal, commercial car parking is to remain at the existing car park area located near the Palmerstown Shopping Centre. Public and sheltered car parking to existing along Wheaton Road. A pharmacy/bookmaker and Spar shop to exist along the same road. The bar/off-license will have public pedestrian access from Wheatfield Road and Kennelsfort Road

Upper with the gastropub being located along the south facing portion of the existing 'The Silver Granite' public house site.

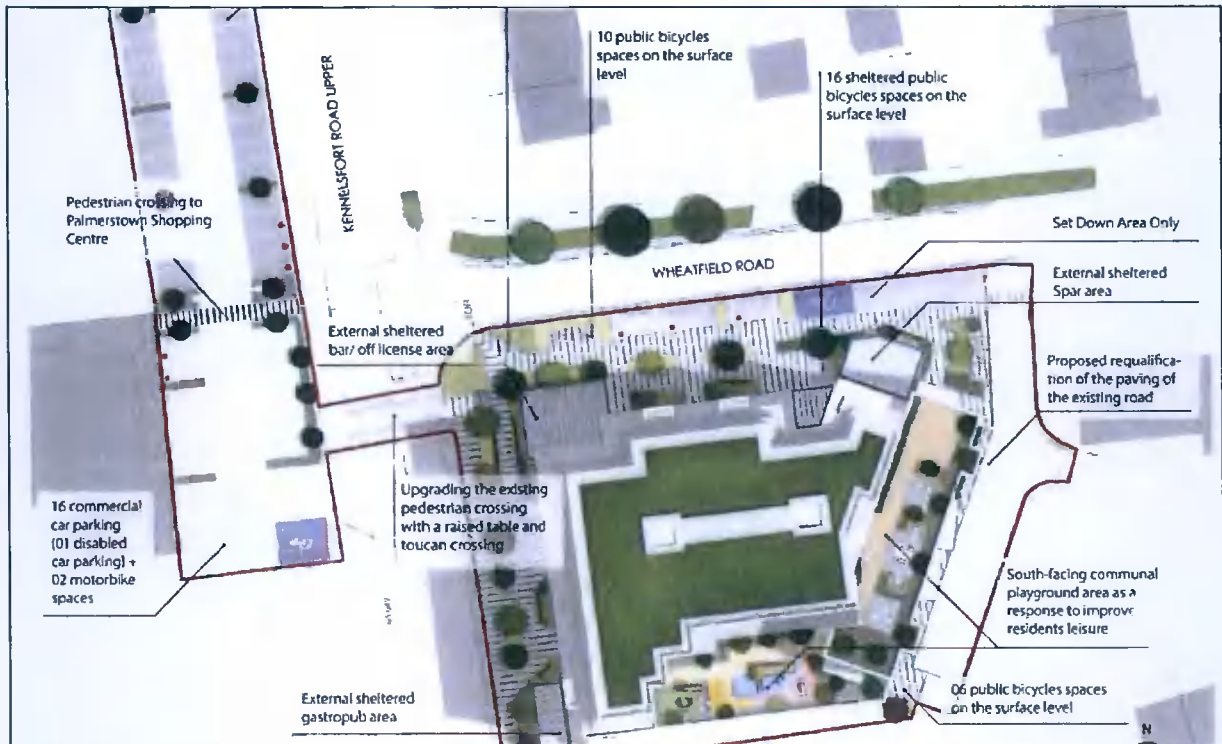


Figure 3.0 Conceptual site plan of proposed mixed-use commercial and residential development under Reg. Ref. SD21A/0271.

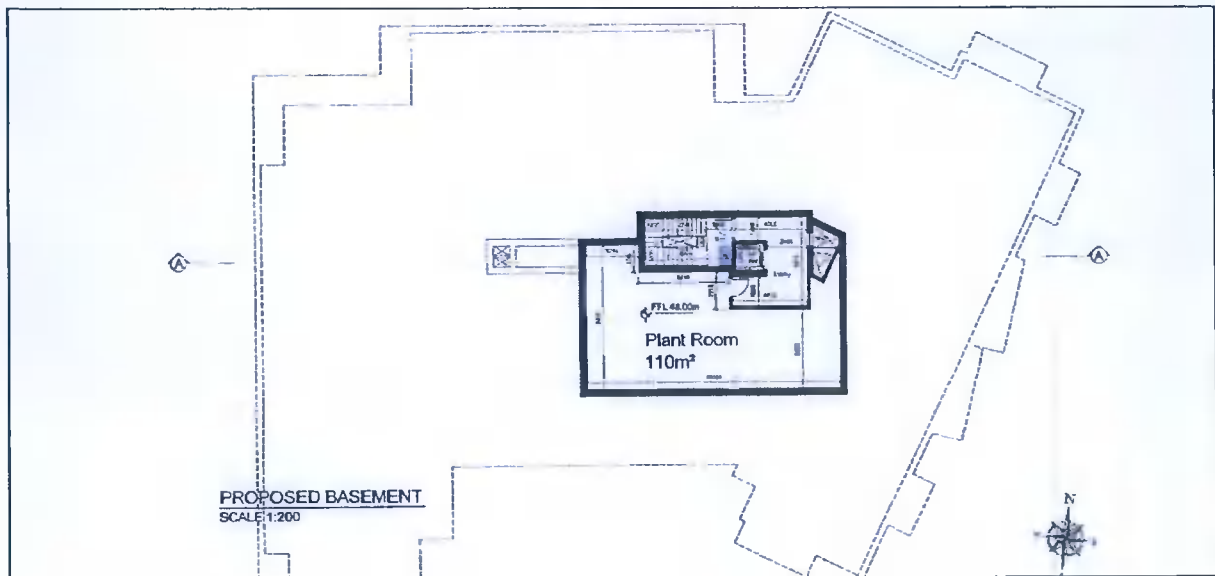


Figure 4.0 Proposed basement plan submitted under Reg. Ref. SD21A/0271.

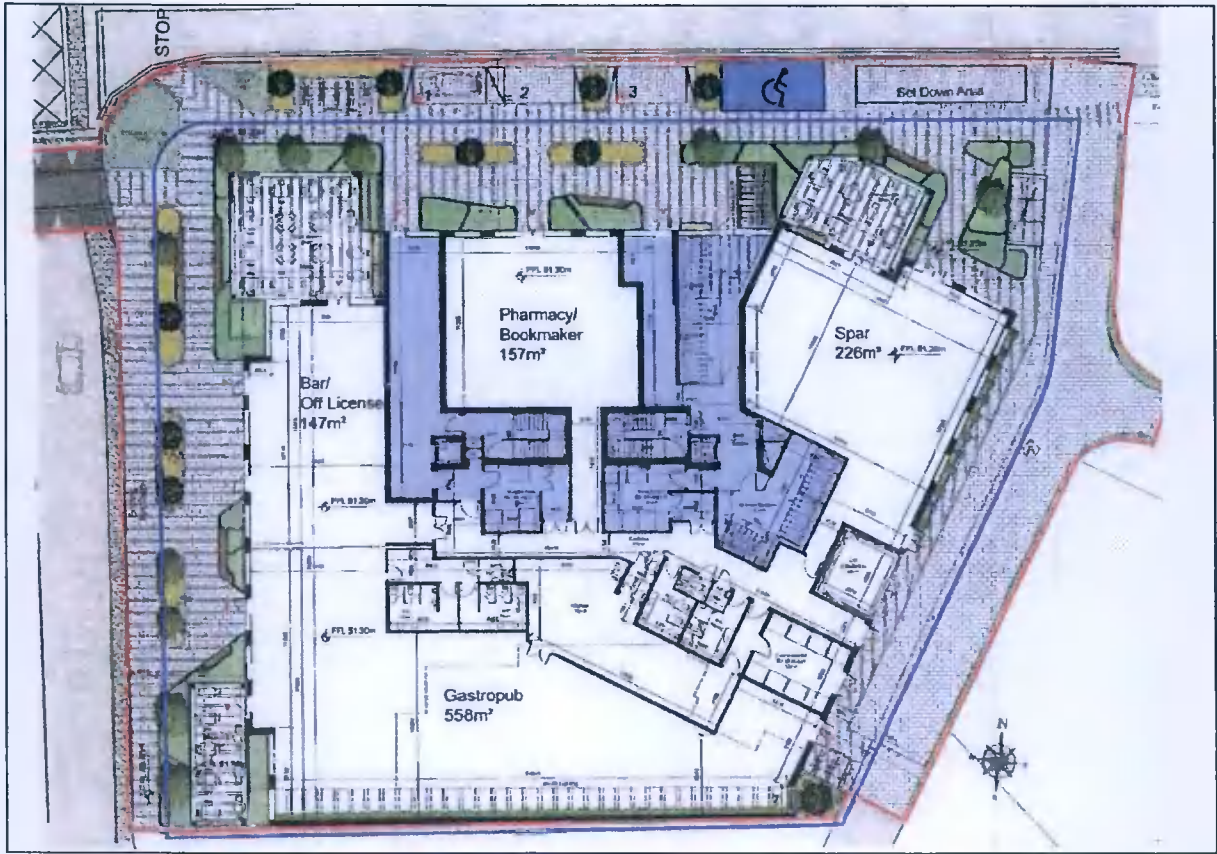


Figure 5.0 Ground floor plan of proposed development

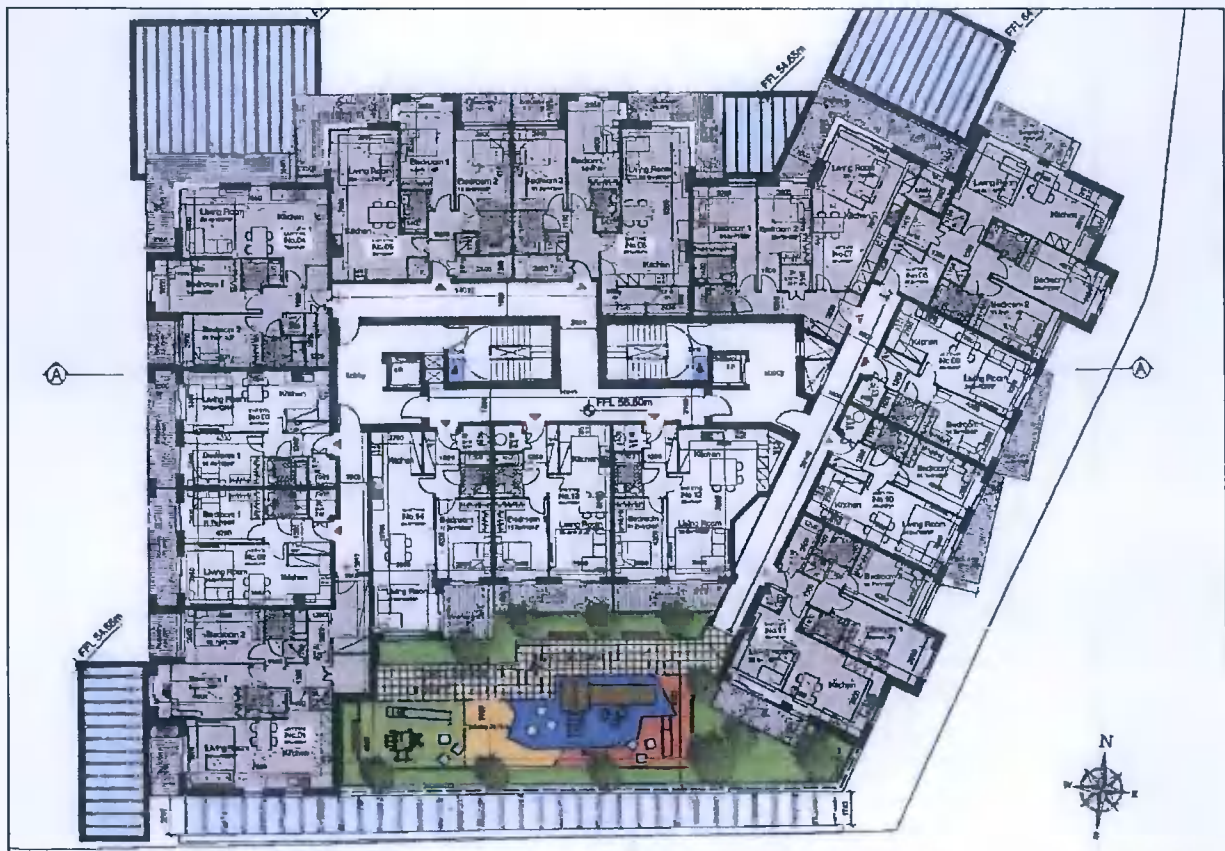


Figure 6.0 First floor plan of proposed development

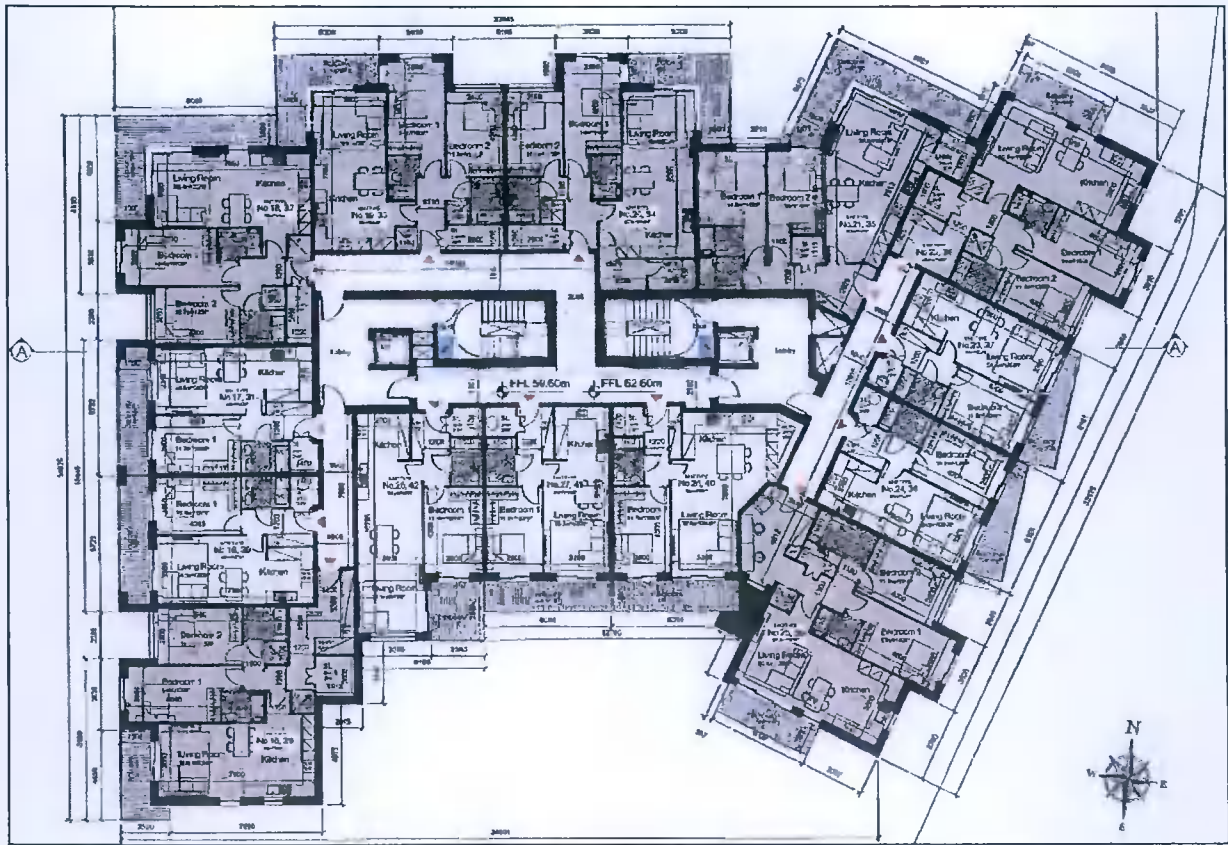


Figure 7.0 Second and third floor plan of proposed development

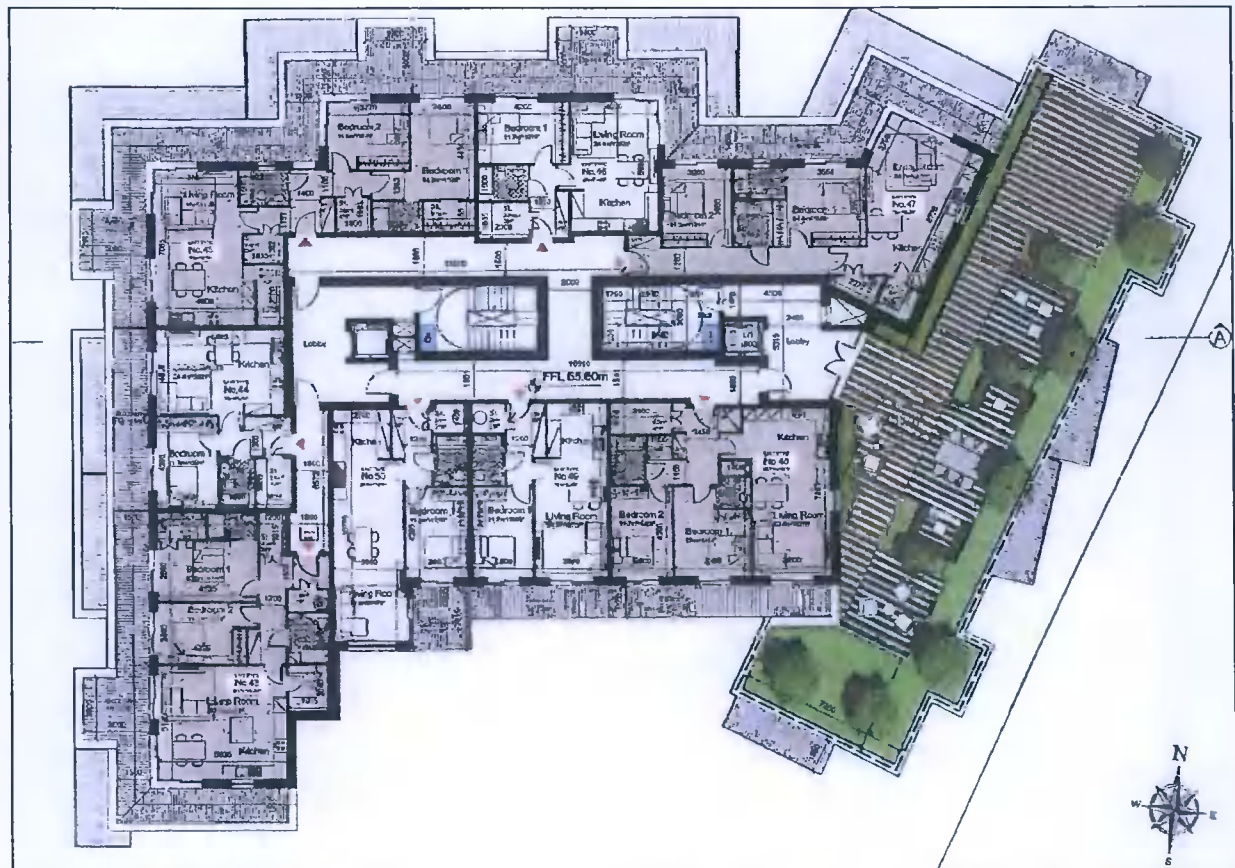


Figure 8.0 Fourth floor plan of proposed development



Figure 9.0 Roof plan of proposed development

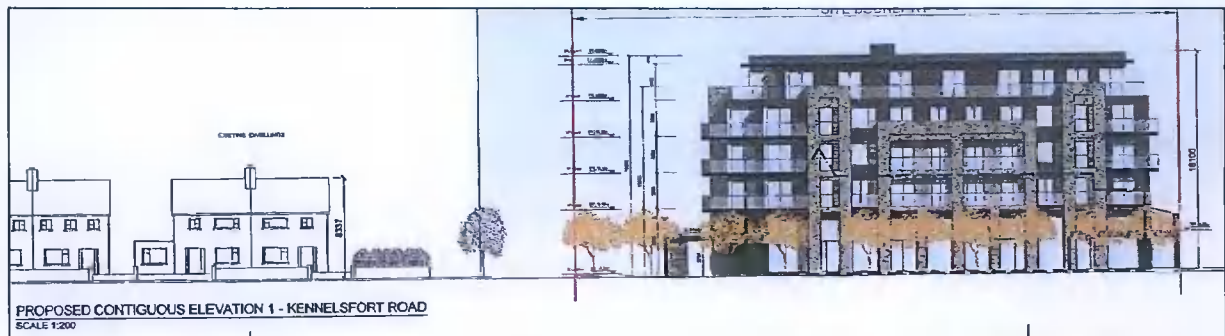


Figure 10.0 Proposed 5-storey building elevation from Kennelsfort Road (east of development)



Figure 11.0 Proposed 5-storey building elevation from Wheatfield Road (north of development)

3.2 Response to Further Information Request

On the 25th of November 2022, South Dublin County Council requested Additional Information on the proposed development. The following 7 no. items were requested by the Council:

1. *The applicant is requested to submit revised drawings and documentation, including a revised Site Layout Plan of the car parking located to the west of Kennelsfort Road, clearly delineating the following:*
 - (a) *The existing pedestrian access and east-west aligned walkway shall be closed and relocated as follows:*
 - (b) *A new pedestrian access should be created at car parking spaces 12-13 from the Kennelsfort Road (to align with the upgraded crossing).*
 - (b) *The relocated east-west walkway should connect the new pedestrian access (required under item a.) to the pathway to the west of car parking spaces 04-05.*
 - (c) *Car parking spaces 04-05 and 12-13 should be omitted and relocated to the area created by the omission of the existing pedestrian entrance and walkway.*
 - (d) *Proposals for the suitable landscaping of the new east-west walkway and pedestrian entrance should also be submitted.*
2. *The applicant is requested to submit:*
 - (1) *A revised layout of not less than 1:200 scale showing the car parking, bicycle parking and pedestrian routes within the development. Please refer to Table 11.22: Minimum Bicycle Parking Rates- SDCC County Development Plan 2016-2022. Please refer to Table 11.23: Maximum Parking Rates (Non-Residential) - from the SDCC County Development Plan 2016-2022. The revised layout should also indicate:*
 - (a) *The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users (specific regard to footpath along the eastern boundary with the laneway.*
 - (b) *All external bicycle parking spaces covered.*
 - (c) *Footpath layout providing adequate connectivity around the development and footpaths on the main road.*
 - (2) *Accurate plans demonstrating the provision of a visibility splay of 2.4m x 50m in both directions from the entrance to the east side (rear lane). Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).*
 - (3) *A revised layout of not less than 1:200 scale showing 5% of vehicular parking spaces for mobility impaired users, and 10% vehicular parking spaces to be equipped with electrical charging points.*
 - (4) *A revised layout of not less than 1:200 scale detailing the removal of the existing vehicle access from the car park directly on to Kennelsfort road.*
 - (5) *A revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e. Autotrack or similar) demonstrating that fire tenders and large refuse vehicles can access/egress the site. An Autotrack demonstrating how vehicles access the parking facilities within the shopping centre.*
 - (6) *A revised layout of not less than 1:100 scale, showing a suitable designated bin collection/delivery vehicle set-down spaces not on wheatfield Road or Kennelsfort Road, i.e., this should be located within the development.*
3. *The applicant is requested to submit a Drainage plan/SuDS strategy that are consistent with SuDS shown on the landscape plans. This should show how much water each/all of the SuDS features are attenuating and for SuDS to be retrofitted in the adjoining car park as indicated on the landscape plans. At present, there are conflicts between the information on the Landscape Proposals (Downey Landscape Drawings 525-001-PL-610/525-001-PL-613) and the SuDS Layout Strategy (gdcl Consulting Engineers Drawing P-2012-C-105). SuDS proposals in the drainage strategy should be consistent with those in the Landscape Proposals. Some of the bioretention features are missing from the SuDS strategy including retrofitted bioretention SuDS tree pits in the car park across the Kennelsfort Road Upper.*

4. *The applicant states that 623sq.m public open space will be provided. The applicant has not indicated this area on drawings. The applicant is requested to clearly indicate the location of the 623sq.m public open space on a revised plan and provide clarity on the material finishes and taking in charge.*
5. *The applicant is requested to:*
 - (1) *provide a clearly labelled plan, indicating land within their ownership, as well as land where consent has been obtained to secure planning permission.*
 - (2) *detail whether there are any existing agreements which would restrict the parking area identified on the west side of Kennelsfort Road Upper from being used as parking as part of the current application.*
6. *The applicant is requested to submit a full schedule detailing how each apartment satisfies the minimum standards in Appendix 1 of the Apartment Guidelines 2020.*
7. (a) *The applicant is requested to provide a building lifecycle report in accordance with Section 6.13 of 'Sustainable Urban Housing: Design Standards for New Apartments' (2020).*
 (b) *It is noted that no contiguous elevations have been provided for elevations 3 and 4. It is noted that these are not front facing/principal elevations, however, they are still necessary for a full assessment. The applicant is requested to provide these contiguous elevations.*

A revised proposal was submitted in response to the above items of Further Information Request. The amended proposal, which was granted by South Dublin County Council on 23rd May 2022, is shown below. The development would now comprise the relocation of the walkway to align with the pedestrian crossing, the relocation and reduction in car parking spaces provided, and modifications to the associated landscaping. The development now includes 51 no. car parking spaces; a reduction of 2 no. residential parking spaces from the original proposal. It is our contention that the revised scheme comprised of significant amendments, however, the Planning Authority did not request Significant Public Notices to be issued, thereby preventing observations on the amendments.

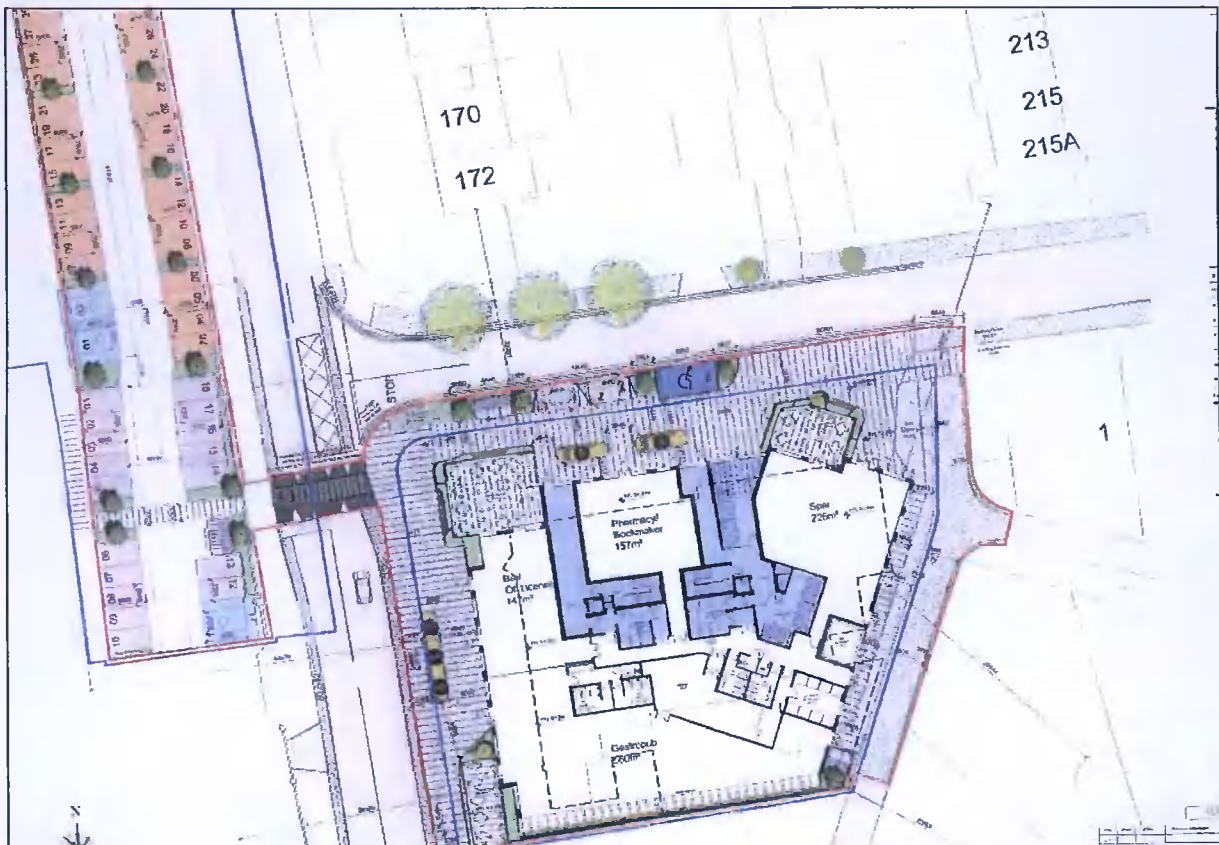


Figure 12.0 Referenced drawing (no. 525-001-A1-001), in response to Additional Information Item Nos. 1, 2, 5 and 6.

Further to the above the applicant provided the following plans to address conflicts associated with landscape design, SuDs strategy, public open spaces, land ownership, and other design afflictions:

Relocated East-West Walkway



Figure 13.0 Proposed site plan layout provided at further information stage highlighting car parking and foot path provision.

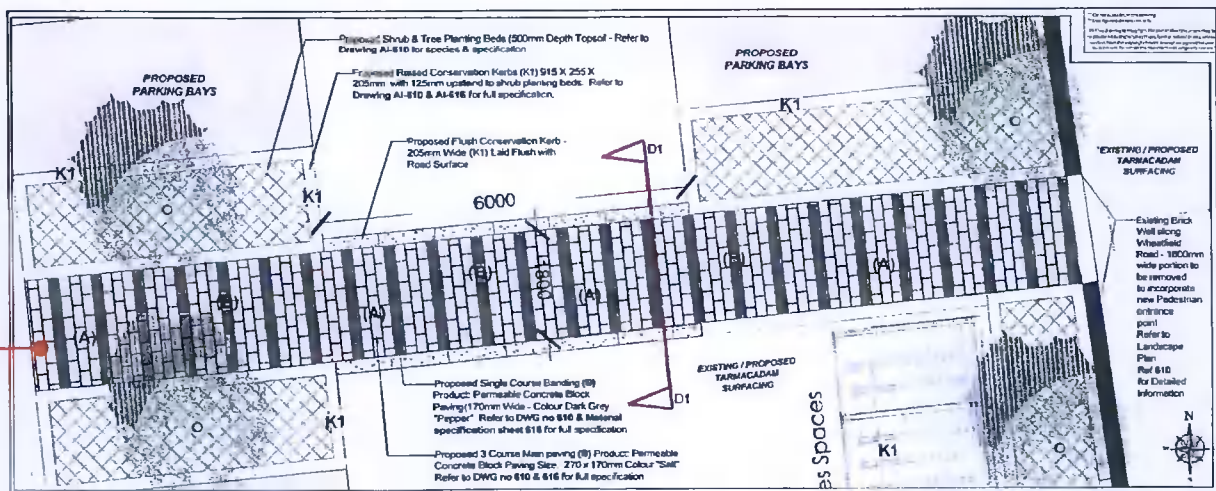


Figure 14.0 Extract of east-west walkway detail provided in response to additional information request Item No. 1.

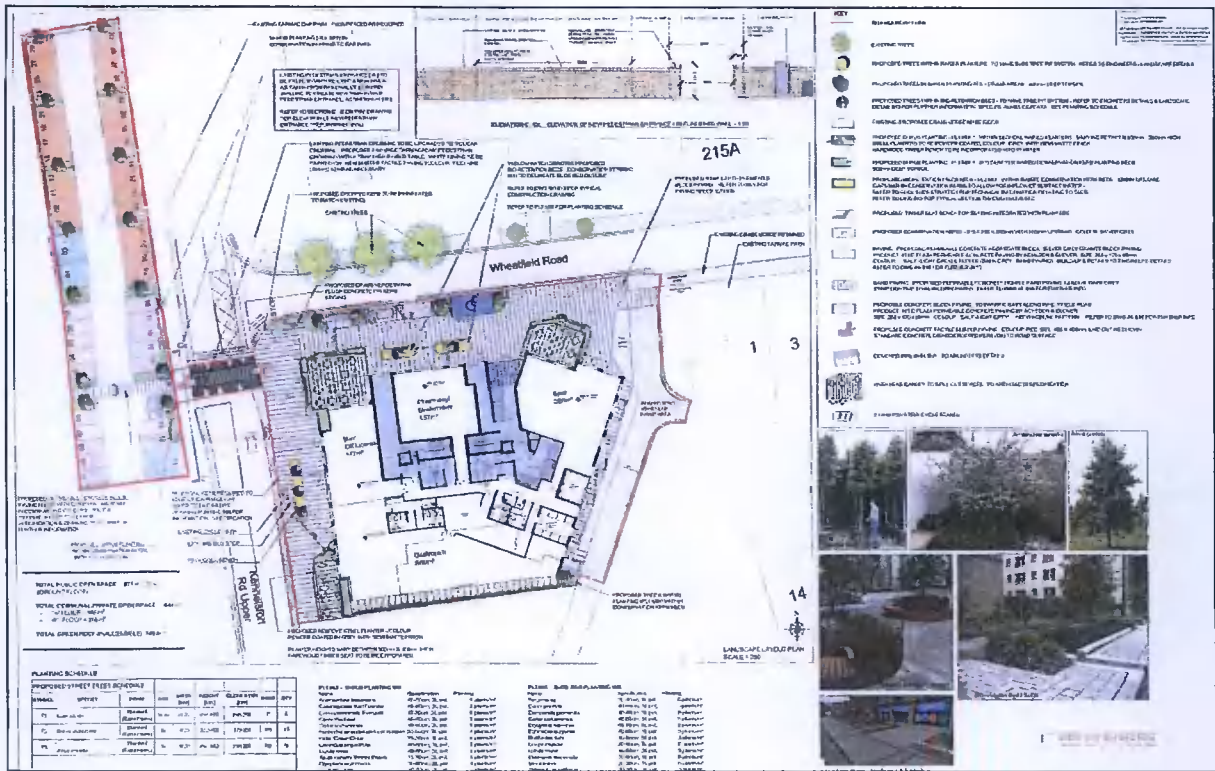


Figure 15.0 Landscape site layout provided in response to additional information requested for Item Nos. 1, 3, and 4.



Figure 16.0 Contiguous elevation of showing laneway view of existing (top) and proposed (bottom) development provided in response to additional information request.



Figure 17.0 Contiguous elevation of showing gas station view of existing (top) and proposed (bottom) development provided in response to additional information request.

The Applicant was also requested to produce additional details in relation to building lifecycle, materials and finishes, underground services, and autotracks of various vehicles accessing proposed development at the Silver Granite public house. These items were provided in the further information pack which can be further located on the planning register under Reg. Ref.SD21A/0271.

4.0 Appellant's Grounds of Appeal

The following section of the appeal submission sets out the applicant's key grounds of appeal which can be summarised as follows:

- Contravention of planning policies;
- Overdevelopment of the site;
- Overbearing impact;
- Negative visual impact and residential amenity;
- Loss of privacy;
- Access and Traffic hazards; and
- Overconcentration of retail development and detrimental to the existing supermarket.

The purpose of this appeal submission is to highlight how the development proposal will drastically impact on the clients' place of business which is located just west of the proposal in the neighbourhood shopping centre. Whilst it is generally accepted that residential development is required within Dublin to ease pressures on the housing demand, our client's concerns have been completely ignored by the Applicant and the Planning Authority who have chosen to grant a development that will have a series of implications for them. This section will explore in great detail each element where our client considers their property and the amenity of the neighbourhood will be directly impacted, as well as the hazardous implications along Kennelsfort Road Upper, as a result of the development.

From the outset, it is submitted that the proposal will have immeasurable economic implications on the vitality and viability of our client's business due to the loss of car parking spaces. This will also give rise to additional impacts such as traffic and pedestrian safety on our clients' premises.

4.1 Contravention of Local and National Planning Policy

The proposal, submitted by Hollyville Investments Ltd., is for the redevelopment on lands at 'The Silver Granite' public house, as well as 'The Silver Granite' car park adjoining Palmerstown Shopping Centre car park (accessed from Kennelsfort Road Upper via Palmerstown Park).

It is contended that the design and height of the mixed-use residential and commercial development is not in keeping with the surrounding residential properties and character of the area. Whilst the site is zoned 'RES' with the objective *'To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant uses in inner city areas'*, we note that directly adjoining and opposing residential units within the immediate area are subject to the 'RES' zoning objective, the objective of which is *'to protect, provide and improve residential amenities'*.

The 5 storeys mixed-use development would be the only development above 2 storeys within 800m. The proposed development would result in a residential density of 188 units per hectare which is completely inappropriate, considering the low-density setting of the immediate area around the site. The proposal provides 53 no. car, 128 no. bicycle and 2 no. motorcycle parking spaces, thus accommodating a total of 183 no. potential daily movements excluding delivery/refuse vehicles. This provision replaces the existing extent of vehicular and pedestrian movements operating from the existing commercial/retail site. This extent and increase of vehicular/cycle movement will have a detrimental impact on the local traffic system. The increase of pedestrian movements along Kennelsfort Road Upper, is considered to have profound impacts on this thoroughfare by way of congestion, traffic queuing and associated safety risks.

4.1.1 South Dublin County Council Development Plan 2016-2022

The County Council assessed the current proposal under the South Dublin County Development Plan 2016-2022, which is the relevant statutory development plan for the subject proposal.

4.1.2 Zoning Contravention

Under the South Dublin County Council Development Plan 2016-2022, the subject site is primarily zoned 'Objective 'DC'', which seeks: *'To protect, improve and provide for the future development of District Centres'* while a small portion of the site is zoned Objective 'RES' with the objective *'to protect and/or improve residential amenity'*.

Whilst we note that the variety of uses proposed under the current application are permissible under the 'DC' zoning objective, we would consider the extent of mixed-use commercial and residential development to be insufficient its location relative to the inner city.

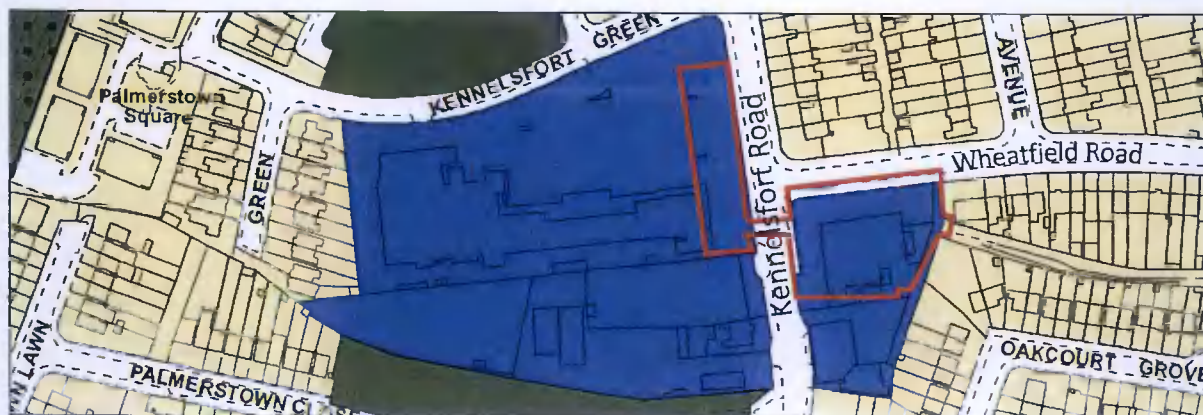


Figure 18.0 Extract from Zoning Map 2 of the South Dublin County Council Development Plan 2016-2022 with application site outlined in red

Chapter 5 of the Development Plan 2016-2022 aims to guide development based on *hierarchy of urban centres* in South Dublin County and *'principles of good urban design and sustainable development'*. The goal is the following:

'...To achieve an efficient use of land in centres, and to achieve development densities that can support vibrant, compact, walkable places that prioritise pedestrian movement'.

It is considered that the subject development, in the absence of a comprehensive proposal for the traffic calming measures, failure to justify overdevelopment and increased density, and overabundance of retail provision outside of a 'Gateway Core' community, is representative of piecemeal development and will lead to the uncoordinated development of this site and the continued disruption of local residential amenity.

Further to this, it is contended that the design and height of the mixed-use residential and commercial development is not in keeping with the surrounding residential properties and character of the area. Whilst the site is primarily zoned 'DC' with the objective *'To protect, improve and provide for the future development of District Centres'*, we note that directly adjoining and opposing residential dwellings within the immediate area are subject to the 'RES' zoning objective, the objective of which is *'to protect, provide and improve residential amenities'*.

The five-storey mixed-use development would be the only development above two storeys within 800m. The proposed development would result in a residential density of 188 units per hectare which is completely inappropriate, considering the low-density setting of the immediate area around the site. The proposal provides 51 no. car and 128 no. bicycle parking spaces, thus accommodating a total of 183 no. potential daily movements excluding delivery/refuse vehicles. In addition, **over 82% of the parking required for this development would be provided across the street, opposing the proposed development.** This provision replaces the existing extent of vehicular and pedestrian movements operating from the existing commercial/retail site. This extent and increase of vehicular/cycle movement will have a detrimental impact on the local traffic system. The increase of pedestrian movements along Kennelsfort Road Upper, is considered to have profound impacts on this thoroughfare by way of congestion, traffic queuing and associated safety risks.

4.1.3 Housing Strategy

Section 2.1 of the Development Plan provides for guidance on incorporating strategies to achieve the overall objective of the National Housing Policy Statement, DECLG (2011) which is 'to enable each household to have access to good quality housing that is appropriate to its circumstances and in a community of its choice'. This section primarily corresponds to guidance on housing strategy of South Dublin communities.

In addition to the above, nationally recognised goal, we find the following *Supply of Housing* objective relevant to this appeal:

H2 Objective 1 *To ensure that sufficient zoned land, which could be serviced by sufficient public transport and road capacity, continues to be available at appropriate locations to satisfy the housing requirements of the County and to support and facilitate the development of housing lands based on the Settlement Strategy outlined in Chapter 1 Introduction and Core Strategy.*

We consider the proposal to be in contravention of the overarching housing goals and the objective listed above as the development is not appropriate to the settlement strategy of the area. The proposal for a five-storey development in a suburban area of Dublin that is primarily comprised of low-rise residential development is incongruous with the development pattern of the area. The proposal also negatively impacts our clients' property which has, for a substantial period of time, catered to the daily needs of residents in the area. The proposal will jeopardise this in its current format which is not considered to be in accordance with the principle of planning and sustainable development.

4.1.4 Sustainable Neighbourhoods

South Dublin County Council promotes the development of sustainable communities within its administrative boundaries and as per national guidance in which it is a policy objective 'to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.' The Guidelines on Quality Housing for Sustainable Communities, DEHLG (2007), the Urban Design Manual – A Best Practice Guide, DEHLG (2009), and Design Manual for Urban Roads and Streets (DMURS), DTTAS & DECLG (2013) are the national guidelines relevant to achieving sustainable communities. The following objective is directly relevant to the site subject to this appeal:

H7 Objective 4 *That any future development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three storeys in height.*

As the proposal is for a development that is two storeys higher than the Council's noted objective for the Palmerstown Area, we find that the development is in direct contravention with the settlement and housing policies of the South Dublin County Development Plan of 2016-2022. In addition to dwellings, sustainable neighbourhoods also contain businesses and service providers which serve the residents in the locality. The proposal puts our clients' premises at risk. The negative consequences on our clients' business will have a knock-on effect on the quality of living for the existing local residents.

4.1.5 Residential Densities

Section 2.2.2 in the Development Plan has regard to residential densities. This section notes that densities should take account of the location of the site, the proposed mix of dwelling types and the availability of public transport services. Policy 8 in the Development Plan has regard to residential densities and states that 'it is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context'. The following objectives are relevant in this regard:

H8 Objective 1 *To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in*

accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

- H8 Objective 2** *To consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high-capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).*
- H8 Objective 3** *To encourage the development of institutional lands subject to the retention of their open character and the provision of quality public open space in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).*
- H8 Objective 4** *To support proposals for more intensive enterprise and/or residential led development within areas designated with Zoning Objective 'REGEN' (To facilitate enterprise and/or residential led regeneration), subject to appropriate design safeguards and based on traditional urban forms that adhere to urban design criteria.*
- H8 Objective 6** *To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County.*

The appeal site has an area of c. .265 hectares and proposes to provide 50 no. residential units thus resulting in a residential density of c. 50 units per ha. This is excessive considering the provision of retail development and in consideration of the surrounding area having a substantially lower density. Therefore, the development would be completely out of character with the surrounding area and as a result is considered to be unacceptable. Whilst we appreciate that higher densities are encouraged on sites with strong public transport links, with appropriate traffic consideration for the area, we argue that the subject site is not appropriate. The subject site is located along a busy junction that directly adjoins a popular pedestrian link used by school goers. Increasing the density at this location also increases the amount of private vehicle ownership and puts pressure on existing road networks. The major concern for the development proposal is the inadequate traffic arrangement that is required to facilitate the development.

4.1.6 Building Height

The South Dublin County Council Development Plan 2016-2022 recognises that South Dublin is comprised of primarily mature, low density, residential areas. The area surrounding the subject site is mostly made of two storey developments in which Section 2.2.1 of the Development Plan states the following:

'That any future development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three stories in height.'

The development plan states that it is policy to reduce development height in areas within the Palmerstown Village and greater Palmerstown area. It is noted that the submitted development proposal is well in excess of height at 5 storeys.

Section 2.2.3 addresses Residential Building Height in which the Development Plan explains that there *'is support for varied building heights across residential and mixed-use area in South Dublin County'*. However, proposed developments must follow the below policy objectives:

- H9 Objective 2** *To ensure that higher buildings in established areas respect the surrounding context.*

H9 Objective 3 *To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).*

It is considered that the proposed development does not comply with the above criteria for building heights in Palmerstown as proposed mixed used development does not conform to the context of the surrounding area. There are no developments above two storeys in the immediate vicinity and the proposal would have a detrimental impact on their residential amenities. In this regard, the following policies are also relevant.

H17 Objective 4 *To promote and encourage residential uses on the upper floors of appropriate buildings located in Town, District, Local and Village Centres within the County save for public houses and nightclubs and other inappropriate places where similar business is conducted.*

UC6 Objective 2 *To ensure that higher buildings in established areas take account of and respect the surrounding context.*

4.1.7 Infill Development

Section 2.4.0 in the Development Plan outlines guidance with regard to 'Residential Consolidation – Infill, Backland, Subdivision & Corner Sites'. This section notes that sensitive intensification is important to revitalise areas. Policy 17 in the Development Plan has regard to Residential Consolidation and states that 'it is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County'. The following objectives are relevant in this regard:

H17 Objective 1 *To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders*

H17 Objective 2 *To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.*

H17 Objective 3 *To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.*

H17 Objective 4 *To promote and encourage residential uses on the upper floors of appropriate buildings located in Town, District, Local and Village Centres within the County save for public houses and nightclubs and other inappropriate places where similar business is conducted.*

H17 Objective 5 *To ensure that new development in established areas does not impact negatively on the amenities or character of an area.*

H17 Objective 6 *To support the subdivision of houses in suburban areas that are characterised by exceptionally large houses on relatively extensive sites where population levels are generally falling and which are well served by public transport, subject to the protection of existing residential amenity.*

H17 Objective 7 *To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic*

character and visual setting) of the area (see Section 9.1.4 Older Buildings, Estates and Streetscapes).

It is considered that the proposed development is not an appropriate infill development as it does not sufficiently protect existing residential amenities and fails to preserve the established character of the surrounding residential area. It is submitted that the construction of the proposed apartment scheme would have a significant negative impact on residential amenities currently enjoyed by adjoining properties. The dwellings to the north and west of the subject site are two-storey, semi-detached dwellings. The western boundary of the proposed development would directly abut the private gardens of several dwellings and would be seriously injurious to the visual amenity of at least 6 no. residents. As a result, the proposed development will tower over the existing streetscape and the resultant overbearance will cause a severe loss of residential amenity for existing residents in the area. Such a severe loss of residential amenity is a direct contravention of the policies outlined above.

4.1.8 Retail Provision

Chapter 5 discussed retail objectives based on County hierarchy in which the Development Plan explains Retail (R) Policy 1 seeks:

'...To ensure adequate retail provision at suitable locations in the County and to protect the vitality and viability of existing centres in accordance with the retail framework provided by the Retail Planning Guidelines for Planning Authorities (2012) and the Retail Strategy for the Greater Dublin Area 2008-2016.'

Retail provisions in District Centres (Level 3 & 4) were created to 'maintain and enhance the retailing function' of the area. The subject site is located in a Level 4 District Centre and would therefore be subject to the following Retail objectives:

- R1 Objective 9** *To encourage and facilitate the provision of local convenience shops (Shop – Local) in existing residential areas where there is a deficiency of retail provision in the catchment, subject to protecting residential amenity.*
- R6 Objective 2** *To ensure that the scale and type of retail offer in District Centres is sufficient to serve a district catchment, without adversely impacting on or drawing trade from higher order retail centres.*

It is to be considered the subject site and adjacent areas are not 'retail deficient' due to the concentration of retail currently afforded nearby specifically at the Palmerstown Shopping Centre. The proposal has been granted by South Dublin County Council for 2 no. retail units in which a Spar (or similar) and Pharmacy/Bookmaker is proposed however, a 'higher order retail centre' exists across Kennelsfort Road Upper.

As the proposal provides for a 226 sq.m retail unit dedicated to the development of a 'Spar', we strongly consider this to be an overconcentration of retail development that is detrimental to the vitality and viability of the existing supermarket at the Palmerstown Shopping Centre. We find that this overconcentration of retail type uses in combination with the proposed reduction of car parking spaces for the shopping centre, which acted as an over-flow car park only for The Silver Granite pub, would prove to impact not only the shopping centre but our clients' business.



Figure 19.0 Google image showing existing businesses within the vicinity. Subject site indicated using a red star. Nearby retail includes but not limited to; Foley's Life Pharmacy, Moriarty's SuperValu, Planet Health Palmerstown, and Kid's Inc. Childcare (Creche, Montessori, & Afterschool).

4.1.9 Walking and Cycling

The Walking and Cycling policies in Section 6.3 is the following:

'The policy of the Council to re-balance movement priorities towards more sustainable modes of transportation by prioritising the development of walking and cycling facilities within a safe and traffic calmed street environment.'

In analysing the proposed development, we find there are a couple of concerns in regard to pedestrian and cyclist safety. The following are objectives in the Development Plan to consider for the proposed development:

- TM3 Objective 2** *To ensure that connectivity for pedestrians and cyclists is maximised in new communities and improved within existing areas in order to maximise access to local shops, schools, public transport services and other amenities, while seeking to minimise opportunities for anti-social behaviour and respecting the wishes of local communities.*
- TM3 Objective 3** *To ensure that all streets and street networks are designed to prioritise the movement of pedestrians and cyclists within a safe and comfortable environment for a wide range of ages, abilities and journey types.*
- TM3 Objective 4** *To prioritise the upgrade of footpaths, public lighting & public realm maintenance and supporting signage on public roads/paths where a demonstrated need exists for busy routes used by runners & walkers.*

The main subject site is located directly across from an existing and quite busy shopping centre while the residential car park area is proposed as being shared with that of the shopping centre. The site is in close proximity to many primary schools and experiences foot traffic from school aged children throughout the day. Our clients have concerns about the development and its impact on the pedestrian and cyclist safety and infrastructure of the area especially prior and post school being in session.

4.1.10 Road and Street Network

The Road and Street Network section is located in section 6.4 of the South Dublin County Council Development Plan 2016-2022. This section addresses and ensures that there is implementation of a range of design measures that make sure roads and streets are designed and managed to cater for all users, not just cars. The development plan highlights that road networks will need to be carefully managed and expanded to include the following:

- *Facilitate access to areas of economic activity to and from the National Road network, especially on the periphery of urban areas.*
- *Effectively manage access to and from the National Road network to minimise any impacts on the local road and street network.*
- *Provide access to new communities and development lands.*
- *Make the most efficient use of existing road space.*
- *Provide a safer street environment with reduced vehicle speeds, particularly in areas where pedestrians and cyclists are likely to be more active.*
- *Manage car parking in an effective manner.*

Section 6.4.3 of the development plan provides commentary relating to Road and Street design while Section 6.4.4 relates to Car Parking. In this regard, the Development Plan notes that the aim to design roads and streets with safety in mind and to provide a balanced approach to car parking management. The following is mentioned in Section 6.4 of the development plan:

TM6 Objective 2 *To ensure that all streets and street networks are designed to passively calm traffic through the creation of a self-regulating street environment.*

According to the aforementioned objective, The Design Manual for Urban Roads and Streets (DMURS), indicates that the speed at which people drive is primarily influenced by the design of the street or road, with regulatory features (such as speed limits) having a secondary role. Taking into the DMURS guidelines and standards, the proposed development is not in conformance. The proposed design does not 'ensure that streets and roads are designed to balance the needs of place and moved, provide a traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.' Furthermore, the proposed development does not take into account the following objectives:

TM7 Objective 1 *To carefully consider the number of parking spaces provided to service the needs of new development.*

TM7 Objective 3 *To ensure that car parking does not detract from the comfort and safety of pedestrians and cyclists or the attractiveness of the landscape.*

The lack of significant proposed traffic calming measures, design improvements, and increasing density with shared residential parking has the potential to have detrimental effects on pedestrian and cyclist safety and traffic. As the Palmerstown Shopping Centre experiences high volumes of vehicular and pedestrian traffic in the afternoon and early mornings, the availability of car parking during those times are a huge concern as it is currently being use as a non-separated and shared space. Additionally, the applicant proposes minor changes to existing street infrastructure while proposing all residential parking be located across the street, forcing residents to cross at a narrow crosswalk. The existing SuperValu operated by our clients will be unfairly impacted by the development proposal as a result.

4.2 Contravention of National Planning Policy

It is contended that the proposal contravenes policy at a national and regional level.

4.2.1 Project Ireland 2040: National Planning Framework

The National Planning Framework is 'the Governments high-level strategic plan for shaping the future growth and development of our country out to the year 2040'. The Project Ireland 2040 - National Planning Framework (2018) seeks more balanced and concentrated growth, particularly within the five major cities in Ireland. The following target is outlined in relation to national growth:

'We have five cities in Ireland today in terms of population size (>50,000 people): Dublin, Cork, Limerick, Galway and Waterford. In our plan we are targeting these five cities for 50% of overall national growth between them, with Ireland's large and smaller towns, villages and rural areas accommodating the other 50% of growth.'

In the Planning Report submitted with the application, it is noted that the NPF states that *'a major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages'* (Section 1.2 A New Strategy for Managing Growth).

As submitted, the proposal granted by South Dublin County Council, will fail to reduce sprawling development. The proposal is for 25 no. 1-bed and 25 no. 2-bed residential apartments (50 no. total). One-bed and two-bed units are specific to certain individuals or family structures which in turn can be quite exclusive. As residents of Dublin continue to live further away, in the suburbs, from their jobs it is important to note that many people tend to leave central Dublin due to the trade-off of rental rates vs. space offered. The proposal site is an area surrounded by a number of pre-schools and primary schools and should offer housing that is considerate of the neighbourhood demographics to prevent the dispersed and fragmented character found in areas of Ireland.

Upon reviewing the development, it is evident that the project is in clear contrast with Objectives 4, 13, 33, 34 and 35 in the National Planning Framework. This is a clear oversight and failure by the Applicant to consider the implications of a 5-storey development in a low-density area, which is characterised by two-storey dwellings. It is acknowledged that the site provides opportunity for residential growth, however, the scale and height of development does not achieve a well-designed high-quality housing growth outcome.

- NPF Objective 4: *Ensure the creation of attractive, liveable, **well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.***

The proposed development does not integrate with adjacent communities or properties.

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

It is acknowledged that the site provides opportunity for residential growth, however, the scale and height of the proposed development does not achieve a well-designed high-quality housing growth outcome. The building height is completely inappropriate in the low-density residential setting and the car parking and traffic implication, particularly given location of access onto an existing side road of limited use creates considerable congestion and parking concerns.

- NPF Objective 33: *Prioritise the provision of new homes at locations that can support sustainable development and **at an appropriate scale of provision relative to location.***

Although the site can accommodate residential development, the proposed scale and height represents a considerable overdevelopment of the site and adjacent car park area. No consideration has been given to the surrounding pattern of development and building heights with the development representing an audacious bid to overdevelop the site and not respecting the need to appropriately locate such apartment development within Dublin.

- NPF Objective 34: *Support the provision of lifetime adaptable homes that **can accommodate the changing needs of a household over time.***

The development is solely made up of 1–2-bedroom units and does not provide family-sized units and does not provide for flexibility in changing households or for families.

- NPF Objective 35: *Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, **infill development schemes, area or site-based regeneration** and increased building heights*

The proposed development is not an appropriate infill development and not area based for the surrounding context which is a low-density residential area.

Whilst higher densities are encouraged in appropriate locations, we would not consider the subject site appropriate to facilitate the development of 188 units per ha. There are policies and guidance surrounding densities at a local, regional and national level. The development has failed to ensure that the existing dwellings are protected from such an intense form of development and is therefore in direct contravention of the above.

4.2.2 Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (2009)

The aim of the Sustainable Residential Development in Urban Areas guidelines is to identify the primary principles and criteria important to the design of housing and to highlight specific design features, requirements and standards. The document makes reference to redevelopment projects and states that, *'infill developments and urban redevelopment projects should respect the character of the existing neighbourhood'*. In relation to the main considerations regarding redevelopment projects, the guidelines also state the following:

'It is important to recognise the existing character, street patterns, streetscapes and building lines of an area, particularly in the case of infill sites or where new dwellings will adjoin existing buildings' and that *'the degree to which they will impact on any new development will need to be taken into account in assessing the development potential of any proposed site'*.

As noted, these guidelines provide Local Authorities with guidance on sustainable development in urban areas. Detailed advice on the criteria to be considered in the design and assessment of residential developments include:

- Acceptable building heights;
- Avoidance of overlooking and overshadowing;
- Provision of adequate private and public open space, including landscaping; and
- Suitable parking provision close to dwellings.

Furthermore, privacy and security are listed as important elements of residential amenity that contribute towards the sense of security felt by people in their homes.

In relation to infill residential development, Section 5.9(i) of these Guidelines state the following:

'Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas, whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e., views, architectural quality, civic design etc.'

There is a clear failure in meeting this policy in every facet as is highlighted by the overdevelopment of the site with complete disregard for the surrounding character, extent of built form and building heights. In respect to residential densities on outer suburban / greenfield sites, Section 5.11 states the following:

'Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.'

The development, subject to this appeal, provides for a residential density of 188 units per hectare. This far exceeds the recommended residential densities outlined in the guidelines above. It is therefore submitted that the residential densities granted for this development is completely unacceptable and would result in overdevelopment of the subject site, causing serious disamenity to adjoining properties.

4.2.3 Sustaining Urban Housing: Design Standards for New Apartments (March 2018)

With respect to the overall design and layout of the proposed apartments, the development is considered to be inadequate and will result in poor residential amenity. The following points are considered to be of significant importance:

- The poor percentage mix of units provides limited flexibility for changing households or for families and the aforementioned concentration of social housing units would suggest the segregation of this housing provision;
- All of the proposed apartments are studios, 1-bedroom and 2-bedroom apartments. This does not provide for flexibility in changing households or for families.

Given the residential development represents overdevelopment, the layout of the development should have been redesigned, to maintain and promote residential amenity, flexibility in housing types and reduce the amenity impacts on adjoining properties.

4.2.4 Urban Development and Building Heights Guidelines for Planning Authorities (2018)

The *'Urban Development and Building Heights Guidelines for Planning Authorities'* set out national planning policy that *'expands on the requirements of the National Planning Framework (NPF) 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 report recognises 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.'

We acknowledge that redevelopment, increased densities, and apartment development will occur within Dublin, however, what is critical is that building heights must reflect the urban environment in which it lays. The five-storey development, approved by the Council, is completely out of context and is of an inappropriate scale and height. The report comments further on the importance of local environment in accommodating higher residential densities:

'Areas to be included in this assessment are central and/or accessible locations and also intermediate urban locations where medium density residential development in excess of 45 residential units per hectare would be appropriate. Additional matters to be considered in such an assessment include:

- *Proximity to high quality public transport connectivity, particularly key public transport interchanges or nodes;*
- *The potential contribution of locations to the development of new homes, economic growth and regeneration in line with the compact urban growth*

principles as set out in the National Planning Framework and Project Ireland-2040;

- ***The resilience of locations from a public access and egress perspective in the event of major weather or emergency or other incidents;***
- *The ecological and environmental sensitivities of the receiving environment; and*
- ***The visual, functional, environmental and cumulative impacts of increased building height.***

The last point above, as emphasised in bold, further suggests that the development is a serious overdevelopment of the site, with no visual, functional, environmental gain from increasing the building height to such a level and increase safety concerns from lack of safe- 'pedestrian' infrastructure improvements. The density is above the recommended 45 units per hectare outlined above.

The development provides 50 no. units on a 0.265-hectare site which would result in a residential density of 188 units per hectare. This density is inappropriate and representative of the excessive overdevelopment of the site. The cumulative impacts to the surrounding area are immense. Upon this assessment it is evident that the site cannot accommodate such a significant increase in residential density and building height.

4.2.5 Best Practice Urban Design Manual – Department of Housing

Chapter 10: 'Privacy and Amenity' of the Best Practice Urban Design Manual informs of how buildings can provide a decent standard of amenity. Privacy and amenity are described in the document as basic human needs.

The Urban Design Manual also considers that as well as providing a good level of privacy from the street, *'it is important that rooms and private outside sitting areas are not directly overlooked by neighbouring residents'*. Interestingly, the Manual also considers that rather than establishing a minimum window-to-window standard, such as the 22 metres previously mentioned in this report, the aim should be to assess the impact on privacy of each home design based on:

- *The site's location and residents' expected levels of privacy;*
- *The size of the windows – both those overlooking and overlooked;*
- *Changes in level between overlooking windows; and*
- *Ability to screen/partially obscure views through design or judicious use of planting.*

Overall, the development will result in a significant loss of residential amenity of the immediately adjacent dwellings that are all situated within lands subject to the 'RES' zoning objective, where it is the objective to protect and-or improve residential amenity.

As such, it is considered that the residential development, approved by the Council, which includes 5 storey mixed-use commercial and residential development consisting of 50 no. units would seriously detract from the residential amenity of the immediate area and adjacent properties. It is considered to be contrary to Section 5.9 (i) of the Guidelines for Planning Authorities for Sustainable Residential Development in Urban Areas (2009).

4.3 Loss of Residential Amenity

It is submitted that that there will be a significant loss of residential amenity to residents living in the surrounding area. The extent of undoubtedly negative visual impact, both within the immediately surrounding residential area and the wider locality are of significant concern due to the profound impacts of the scheme with regards to building height.

A significant loss of privacy and a general reduction in the amenity offered within the rear gardens of adjoining properties is also expected as a result of both overlooking impacts and the overbearing impacts arising both from the dominant nature of the proposed residential area and the ancillary site works which are undertaken to allow for the site's development. The following sections of this report will examine the expected impacts on residential amenity within the immediate and wider area.

4.3.1 Overshadowing, Overlooking, and Loss of Privacy

It is considered that the proposed development will result in significant overlooking of the residential dwellings located immediately to the east and south east of the development. Whilst we note a separation distance of between 30.8m and 36.2m has been achieved between the rear, south and eastern, boundary to the properties at Nos. 12-13 Oakcourt Grove and No. 1-3 Wheatfield Road, this distance is considered inadequate given the extent of private balconies proposed on the elevation of this apartment block, see Figure 16.0.

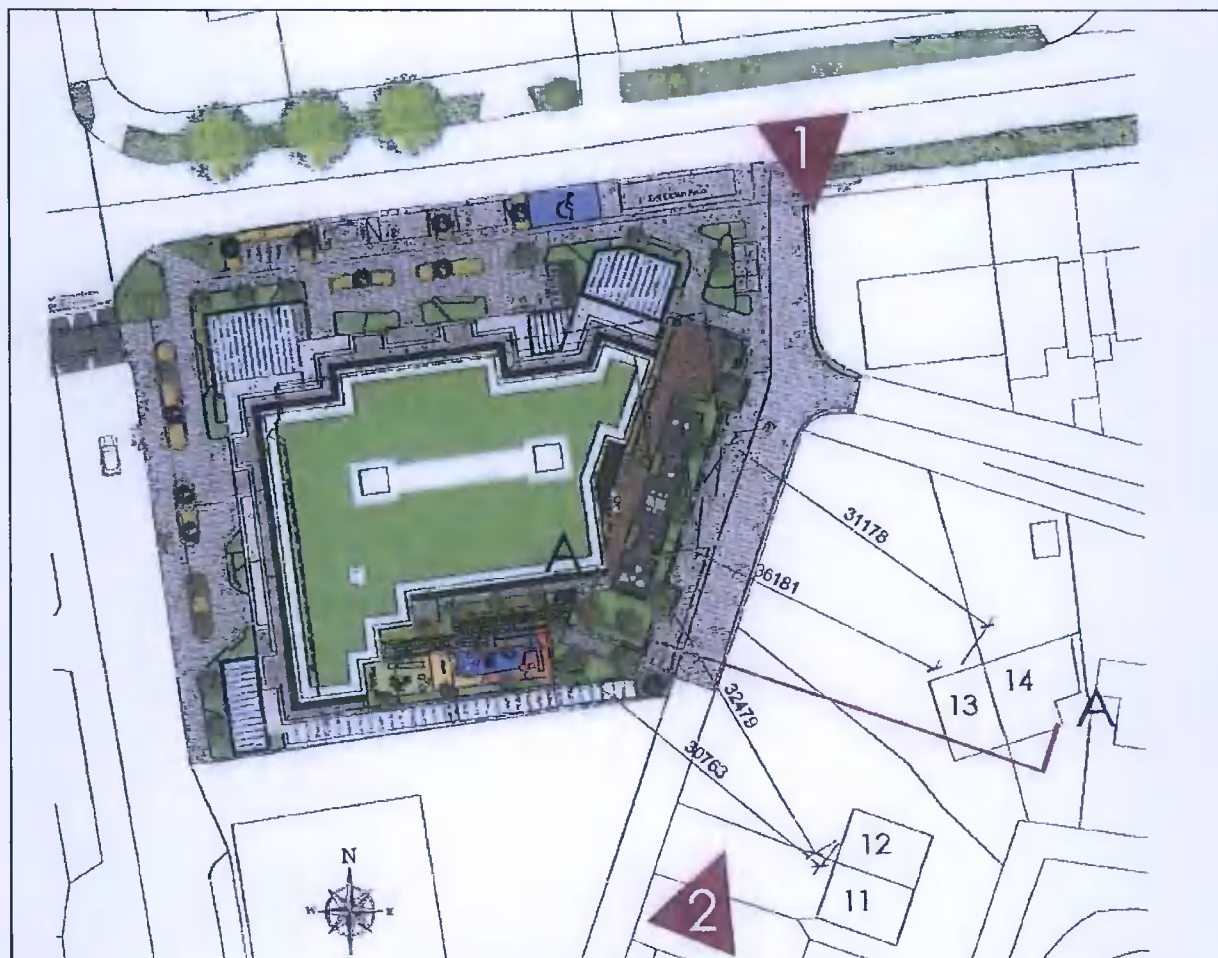


Figure 20.0 Proposed site layout plan showing separation distances between proposed development and existing dwelling southeast of the subject site (~30.8m and 36.2m)

Approximately 6 no. balconies on are located on Proposed Elevation 3 submitted with the project, the vast majority of which will have direct views towards these properties, and in excess of windows above first floor level. It is considered that this elevation will cause unreasonable overlooking of the aforementioned neighbouring residential dwellings, along Wheatfield Road and the laneway accessed from Wheatfield Road, and will also affect residential amenity by way of the perception of overlooking. The proposal is stated to be *'a high-quality development at an underutilised site within an urban setting'* and that *'the proposed development will provide appropriate levels of daylight and sunlight and will not give rise to adverse overshadowing'*. We refer to the proposed shadow diagram from the Daylight and Sunlight report submitted by applicant, see Figures 17.0-18.0.

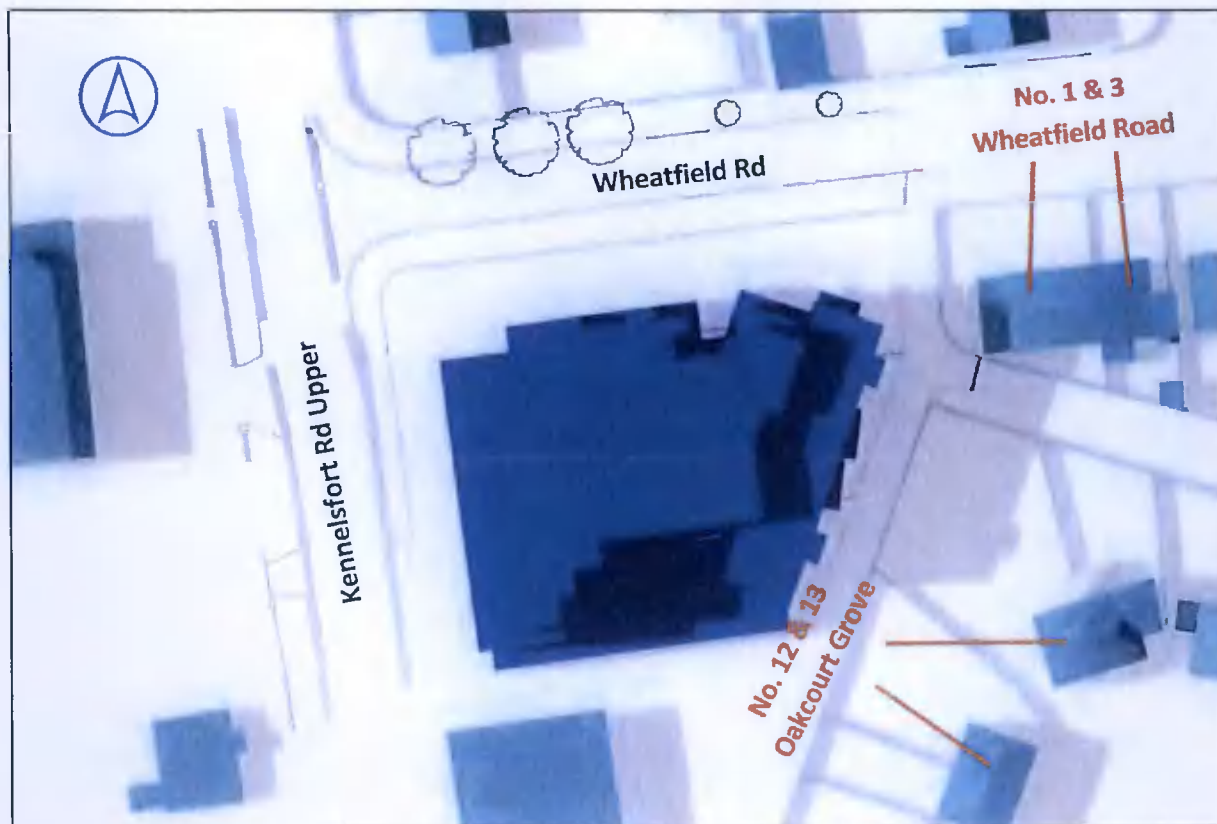


Figure 21.0 Shadow diagram from Daylight and Sunlight report (21 June 18:00 GMT +1)

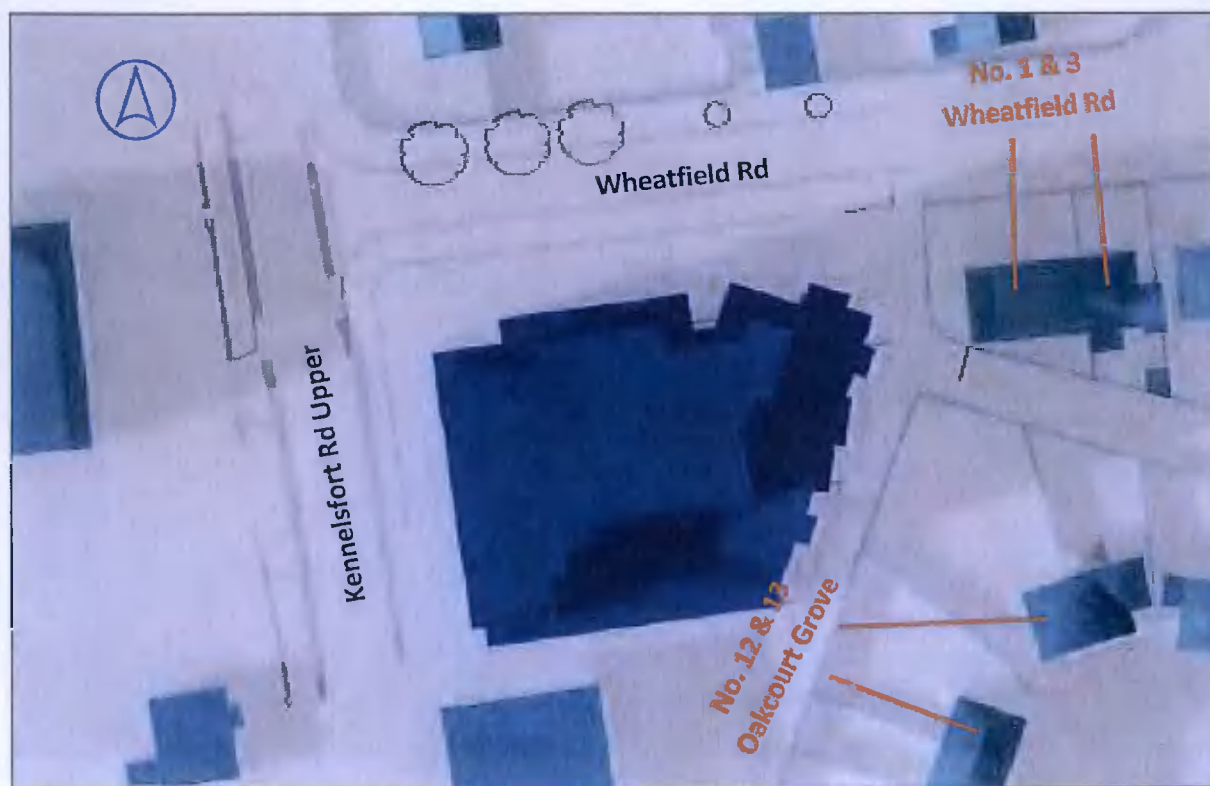


Figure 22.0 Shadow diagram from Daylight and Sunlight report (21 March 17:00 GMT)

As noted above, the first through fifth floors of the proposed development will serve as dual aspect residential units. If the proposed development was permitted, it would result in severe overshadowing due to the height difference between the mixed-used development and the existing residential dwellings. The overbearing structure which is quite significant in mass and scale in the local context would have detrimental effects on the residential amenity currently afforded to these dwellings.

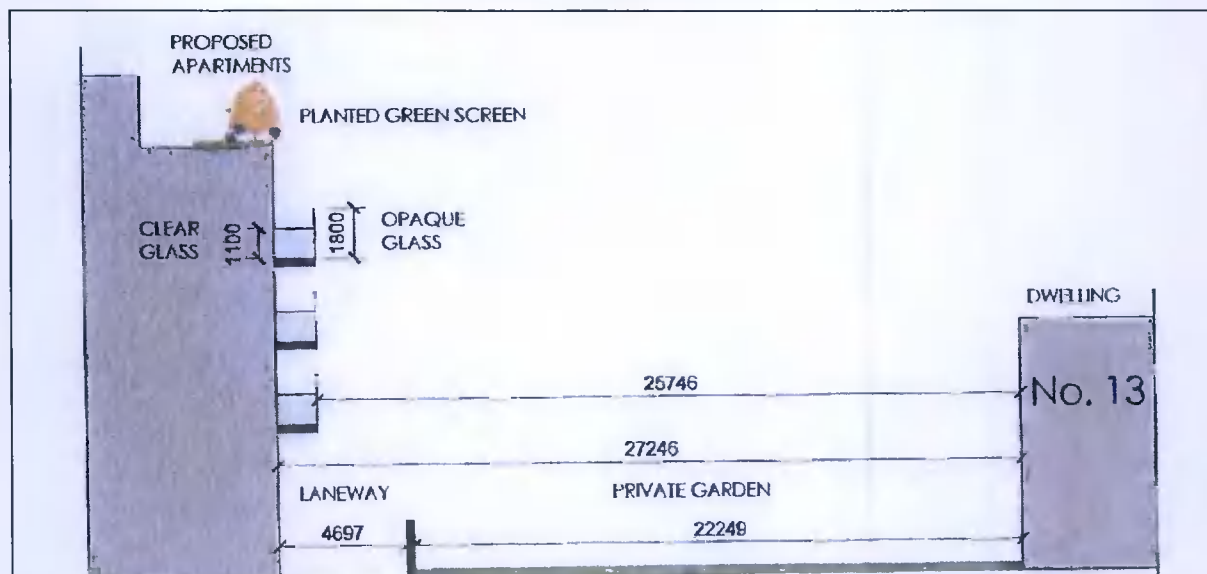


Figure 23.0 Schematic Section AA showing separation distances between proposed development and existing dwelling at 13 Oakcourt Grove.

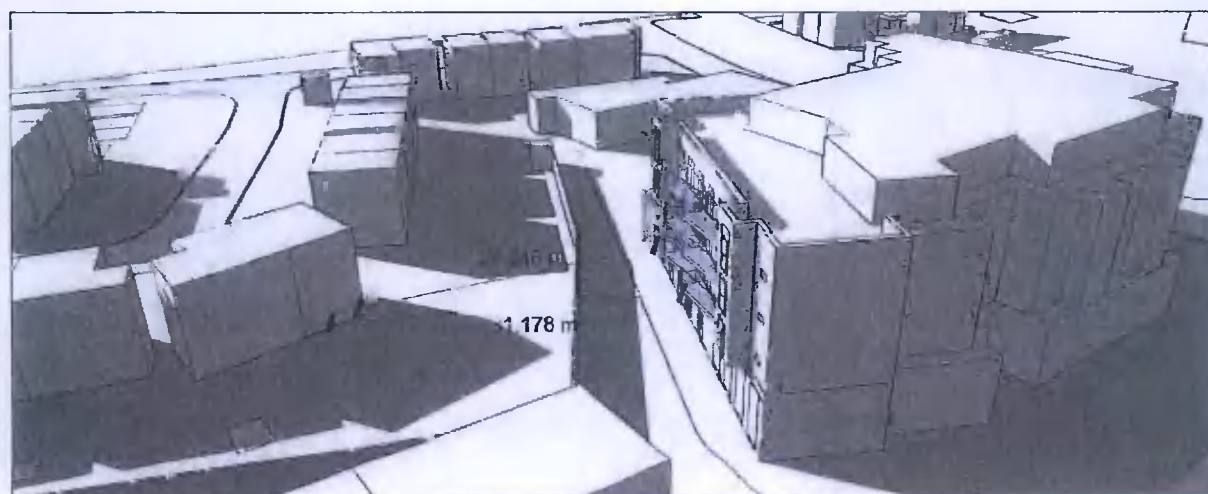


Figure 24.0 3D Study looking southwest and down laneway from Wheatfield Road.

The proposed development directly contravenes objectives set out in the South Dublin County Council Development Plan 2016-2022 with relation to heights and privacy. The following objectives are relevant to this appeal:

- H7 Objective 4** *That any future development of both residential and/or commercial developments in Palmerstown Village and the greater Palmerstown Area shall not be higher than or in excess of three storeys in height*
- H15 Objective 4** *To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.*

The proposed development at a 5-storey maximum, as submitted, would reduce the amenity afforded to the neighbouring building due to significant in mass and scale in the local context.

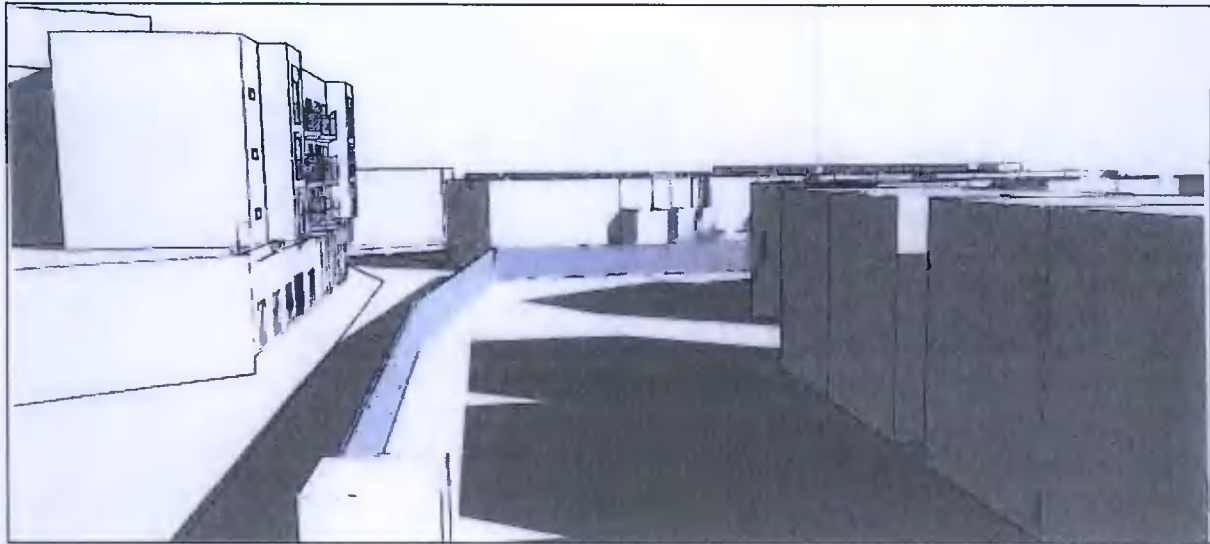


Figure 25.0 3D Study looking northeast and from laneway toward Wheatfield Road.

The development is over-scaled and bulky and is expected to result in overshadowing of these properties, particularly No. 1 & 3 Wheatfield Rd, Johnstown, Dublin 20 as well as the rear yards of Nos. 12 & 13 Oakcourt Grove, Johnstown, Dublin 20.

4.3.2 Overbearing

This proposal suggests that there will be a significant degree of overbearing that will result from the development. It is considered that the scale of the proposed 5 storey mixed-use and commercial development is excessive and oppressive for such a prominent site which abuts sensitive low-density residential development within proximity. The overall height differential is completely inappropriate with no consideration given to the adjoining residential development and the massing of the apartment blocks is of considerable concern as it will significantly contribute to the development dominating the surrounding landscape. This elevation illustrates the sheer audacity of the transition in scale proposed by the applicant with adjacent properties completely enclosed and their character irreparably altered by the height and form of the proposed development.

The below contextual images illustrate the impact and inappropriate form of development which causes overbearing, does not ensure the protection of the streetscape and skyline within the immediate area and establishes a negative precedent for the redevelopment of opportunity sites within the area.

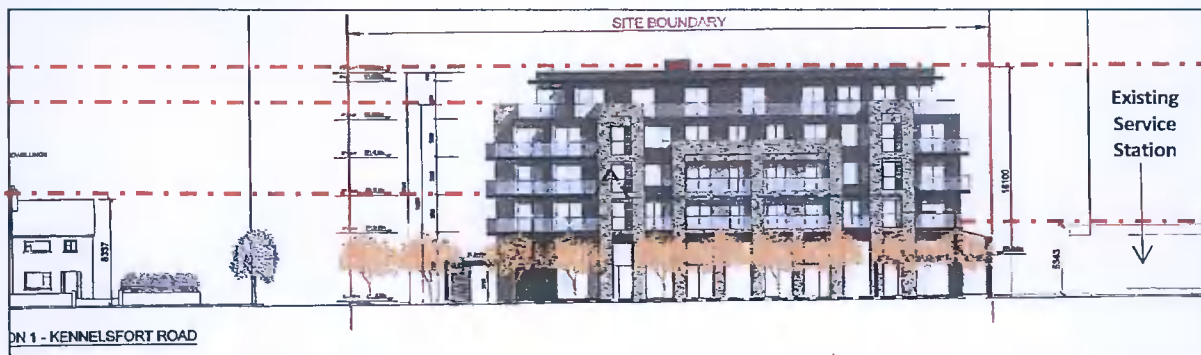


Figure 26.0 Contextual elevation of the proposed development as it interfaces with Kennelsfort Road Upper.

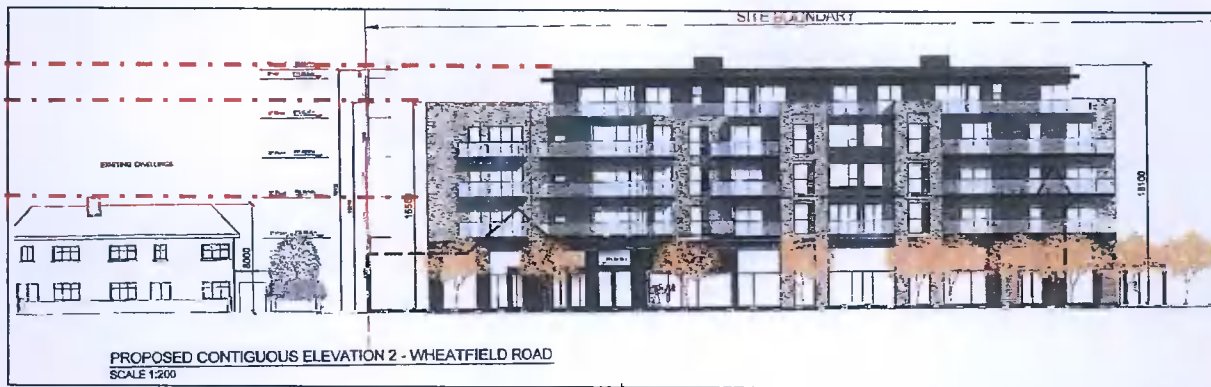


Figure 27.0 Contextual elevation of the proposed development as it interfaces with Wheatfield Road.



Figure 28.0 Extract from submitted *Urban Design Statement* of Building Heights showing proposed as the only development at 5-stories within the immediate vicinity.

The result of the proposed scheme, if permitted, would be an over-scaled residential scheme which would significantly contrast the existing character of the area and predominant dwelling heights. The proposal is overbearing to both the residential properties which immediately the site and the wider Palmerstown area. The apartment blocks, which reaching a height of between 15.55-18.10 metres, substantially exceed existing built form in this area, in terms of height. This is completely unacceptable and will result in unavoidable negative overbearing impacts and would significantly impact on the amenity offered by private garden space of the surrounding properties, particularly those of homes directly to the east and southeast of the subject site, and the visual amenity of the immediate streetscape.

4.3.3 Overdevelopment

The proposal is a clear example of overdevelopment in considering all the arguments that have been raised thus far. The site coverage is quite large, stretching across Kennelsfort Road Upper to incorporate worrying and inappropriate car parking spaces. As previously mentioned, it is acknowledged that national policy seeks more balanced and concentrated growth within the five major cities of Ireland and to promote infill and redevelopment ahead of urban sprawl. However, this does not give rise to inappropriate development to be considered acceptable purely based on the requirement for redevelopment within Dublin. The proposed 5 storey development, comprising 50 no. apartment units, is vastly in contrast with prescribed building heights on the subject site, along with the residential density. These two critical points have led to an array of inconsistencies and amenity issues as they do not respond to the site nor the local character.

Further, the site is proposing 2 no. retail developments including a Spar (or similar) and a pharmacy/bookmaker. Our client is concerned that the site is located in close proximity to an already established and viable retail area. Nor has the applicant demonstrated why it is necessary for the retail element to be in excess of 383sqm.

The area's existing services, including schools, medical facilities and public transport facilities, are incapable of accommodating the population increase that will occur as a result of this development. To add a development of this density to the mix would exacerbate the existing overstretched services in this area.

4.4 Development Potential

It is submitted that the proposed development would reduce the development opportunities afforded to No. 12 & 13 Oakfield Road due to the excessive scale and bulk of the development and its proximity to the site boundary. The rear backlands of these properties have potential for redevelopment in which this proposal would cause devaluation to their properties. It would be unfeasible for the owners to develop further on their properties as the proposed development would cause overshadowing, rendering potential development uncompliant with national standards.

It is noted that the development will exceed the height and massing of existing mixed-use buildings along Lower Kennelsfort Road and therefore will be out of character with the surrounding area. In an area that is characterised by single and two-storey buildings, it is considered that a development that reaches a height of 3-storeys and is located on the boundary of the neighbouring property is unacceptable.

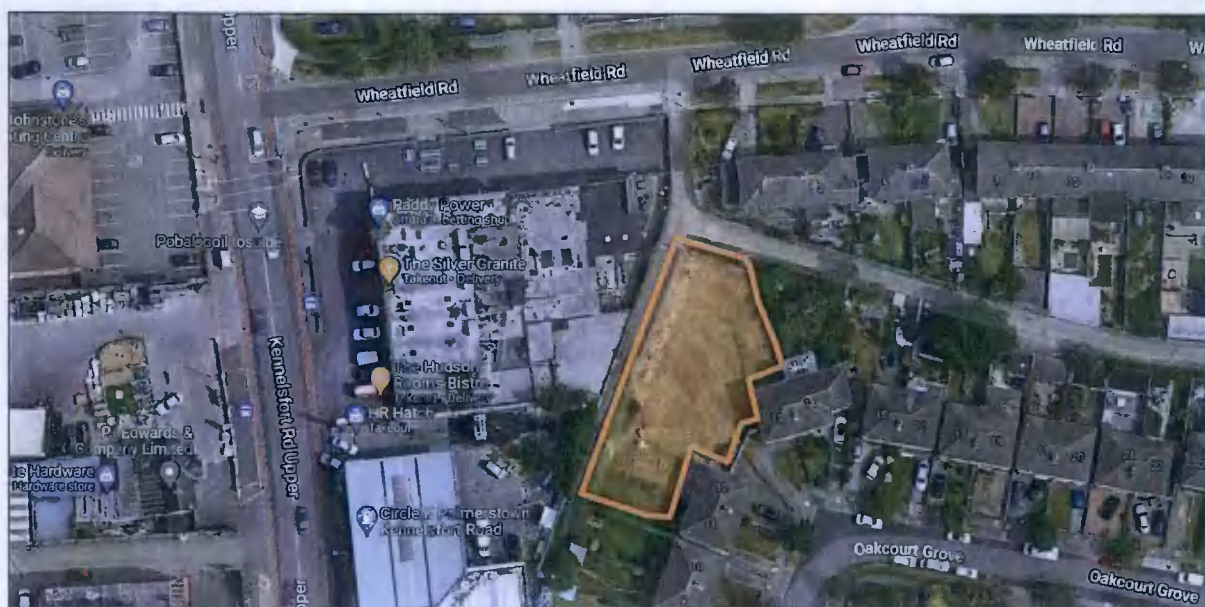


Figure 29.0 Aerial view showing back lands of Nos. 12 & 13 Oakfield Road residences (outlined using orange).

4.5 Access and Traffic Hazards

Our client is concerned that the proposed development will have serious consequences for traffic and pedestrian safety on Kennelsfort Road Upper. The intersection and crossing at Wheatfield Road and Kennelsfort Road Upper are an active area for pedestrians and cyclist alike. Additionally, with 50 no. residential units proposed and a density of 188 units per hectare, the development is likely to affect congestion.

Car parking is proposed and allocated outside of the site area at existing 'Silver Granite' public house lands. The existing and proposed designated car park area is located opposite of the proposed mixed-use residential development at the Palmerstown Shopping Centre. Over the years the car park has been generally shared with no exclusive delineation markers for the public. The applicant proposes 24 no. car parking spaces are allocated for residents, 15 no. commercial car parking spaces, and 3 no. disabled parking, located at the Palmerstown Shopping Centre, making it obligatory for residents to walk across a busy and active street (Kennelsfort Road Upper). We would question the capacity of the existing car park to accommodate both the proposed development and existing long standing uses inclusive of the gym. In addition to the previous concerns, the following historical application for development of the car park are on the subject site is considered to be of direct relevance in the context of the current proposal.

Reg. Ref. 92A/2055 Planning permission granted by South Dublin County Council on 23rd December 1992 for a new carpark layout and associated site works including feature signage.

Not only is there a concern with the lack of designated parking spaces within the site, car parking spaces allocated outside of the main site location, and the ability of traffic to circulate at the Palmerstown Shopping Centre with the potential increased activity. The access located off of Kennelsfort Road Upper is to remain '*permanently closed in the interest of traffic safety*' due to a condition set forth in this precedent.

4.5.1 Traffic Hazards and Pedestrian Safety

A fundamental concern for our client is the car parking provided, traffic arrangement and proposed access points for the development. There is only 1 no. vehicular access points to the proposed development and 86% of parking is provided on contested lands, adjacent to the development. It baffles belief that there were no additional traffic calming measures requested at the Additional Information stage.

The junction at Kennelsfort Road Upper and Wheatfield Road is non-traffic-controlled junction. According to our client and other submission, there are often 'bottlenecks' during the mornings and evenings. Further to this, the subject site is within 300 metres of 5 no. schools and experiences heavy pedestrian activity before and after school hours. In these instances, pedestrian foot traffic is made up of primarily primary school aged children which in turn would need improved traffic calming and safety measurements for the junction.

Surrounding Traffic Networks

A grave misjudgement has occurred in the granting of the subject application without a full traffic impact assessment by a qualified consultant. Kennelsfort Road Upper provides connection from Chapelizod Bypass (R148) to the M50 and N4 motorways. Kennelsfort Road Upper serves as a multifunctional network which allows for a multitude of residential access points to various neighbourhood communities, while being the most viable option for car and truck transit leading out of Palmerstown Village.

The image below demonstrates the number of residential developments that rely on the use of Kennelsfort Road Upper. If we were to take this into account and combine all the existing residential developments using a singular and narrow road network with a single bus lane, we find chaos during peak hour traffic.



Figure 30.0 Accessed points for residential developments using Kennelsfort Road Upper indicating the sheer amount of individual capacity maintained along the road. The appeal site is indicated by a red star.



Figure 31.0 Current road arrangement of Kennelsfort Road Upper.

The proposed access to the site relies on the amount of occupants utilising public transit and a disputed parking lot currently shared between Palmerstown Shopping Centre and Silver Granite Pub patrons. The pedestrian passage proposed does not comprise stopping measures and its location approximate to the junction will have a serious impact on all road users which may lead to major traffic hazards and accidents. We urge the Board to refuse permission on this basis and insist that any future applications to South Dublin County Council must be accompanied by a full traffic impact assessment carried out by a qualified consultant.

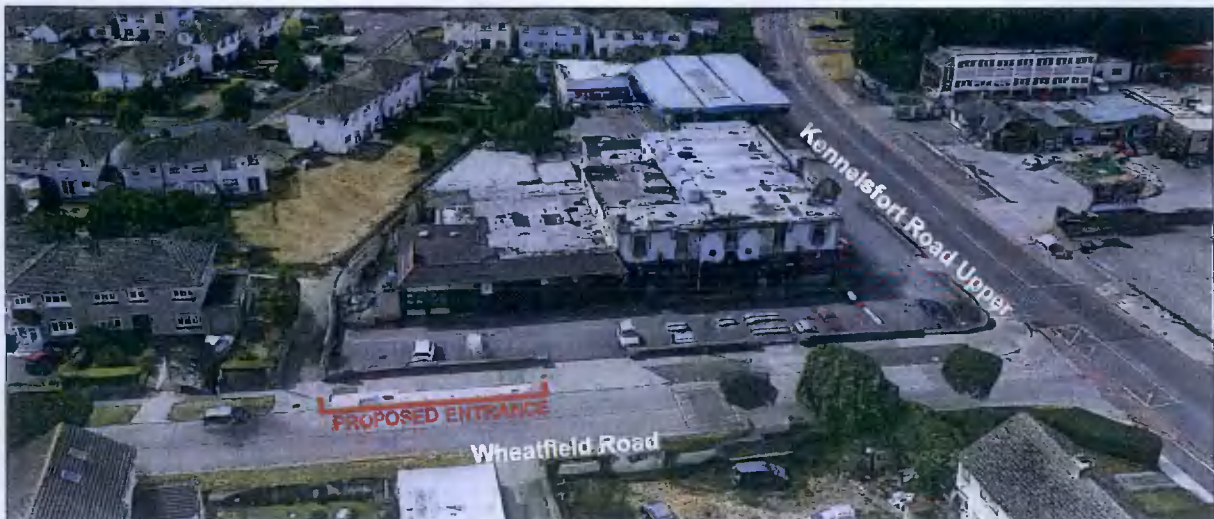


Figure 32.0 The subject site entrance proximate to the junction of Wheatfield Road and Kennelsfort Road Upper.

Traffic and Road Hazard

Section 5.1.3 of South Dublin County Council Development Plan 2016-2022 are policies tailored toward lands categorised as *District Centres* in which the following objective has been created:

UC4 Objective 4 *To improve walking and cycling infrastructure within the local catchment of the County's district centres.*

Further to this, increasing the residential density in the area, would increase traffic within the well-established, pedestrianized area along Kennelsfort Road Upper and Wheatfield Road, thereby creating a hazardous for hundreds of school children and residents.



Figure 33.0 Street view image of school aged pedestrians crossing at the busy intersection of Wheatfield Road and Kennelsfort Road Upper.



Figure 34.0 Aerial view showing all schools, and playgroups within 300 metres of the subject site.

The Transportation Assessment Report created by NRB Consulting Engineers and submitted to South Dublin County Council does not sufficiently discuss the effect of the density increase on the existing transportation infrastructure. The appeal site's location next to a petrol station increases the prevalence of vehicular traffic along Kennelsfort Road Upper further increasing safety concerns for pedestrians and cyclists.

Additionally, the site is located near commercial businesses frequented by light commercial vehicles (LCVs). A hardware store, civil engineering company, tyre shop, and builder providers are located west of the proposed development. There are instances in which LCVs associated with those businesses park on the footpath out front which in turn reduces pedestrian/cyclist movement.



Figure 35.0 Street view image of looking west of 'The Silver Granite' from Kennelsfort Road Upper at commercial businesses across the road. Image shows LCVs parking on footpaths meant for pedestrians.



Figure 36.0 Street view image of looking north on Kennelsfort Road Upper. Oakcourt Avenue bus stop (2204) and existing pedestrian crossing shown.

In traffic reports submitted the engineer consultant, the proposal to the existing road layout involves the addition of a 75mm raised pedestrian platform, Toucan Crossing. It was also noted that *'the proposed Development will have an absolutely negligible impact upon the established local traffic conditions.'*

As the new development proposes a density of 188 units per hectare, the raised platform and Toucan Crossing would not be a sufficient infrastructure improvement for pedestrian and cyclist safety. Furthermore, the proposed residence as well as business car park is located away from the proposed development. This has the potential to increase pedestrian traffic crossing a fairly wide road (Kennelsfort Road Upper). Although the raised platform would decrease vehicles from stopping in the existing crossing area, during high vehicular traffic times, the potential increase in traffic congestion, pedestrian, and cyclist foot traffic from the proposal has latency to create a hostile environment for pedestrians, primarily school aged children, who wish to cross the road. We find that the submitted traffic report does not appropriately address the safety of pedestrians and cyclists for the density proposed.

We urge the Board to consider that high-concentration of schools that are located within the immediate area of the subject site and the ramifications that the increase of traffic levels will have on their safety. A full traffic assessment, highlighting the issues above, should have been mitigated prior to South Dublin County Council granting the development proposal, however this was not the case, which is an oversight from the Planning Authority. The location of the subject site presents severe implications for all road users. There has been little or no regard for safety within this proposal.

Under Provision of Car Parking

The development comprises of 51 no. car parking spaces which equates to a shortfall of 5.25 spaces according to Development Plan standards. The proposed development is required to provide approximately 56.25 no. car parking spaces which has been determined by the Development Plan. It is understood that national level policy has called for a reduction in car parking spaces in recent years to favour more sustainable forms of transport. However, we note that the location of the development does not warrant a reduction in Development Standards, as it is located within a car dominated area due to its peripheral location.

To provide only 51 no. car parking spaces to serve 50 no. apartment units within the application location is grossly inadequate and will have detrimental impacts on the overspill onto surrounding areas including our clients' business premises. This will also cause a build-up of traffic for those waiting to enter the development from Wheatfield Road and further issues with regard to 86% of car parking provided, adjacent to the residential units and on contested lands. In the event that there are no spaces to park, the circling vehicles will cause havoc at this busy junction. There will undoubtedly be a situation whereby residents and visitors to the development will conveniently utilise dedicated parking spaces available to the Palmerstown Shopping Centre and our client's business, Moriarty SuperValu, in which will further cause significant impacts to the traffic along this busy thoroughfare. This inevitable situation will be exacerbated by the increased volume of individuals in the area as well as an already busy pedestrian transit route. An issue that was never raised by South Dublin County Council.

4.5.2 Assessment of Traffic and Transport

As stated previously in the report, this appeal submission has been furnished by a Traffic and Transport Assessment prepared by Tent Engineering which has reviewed the proposal put forth by the Applicant. The assessment has found:

'significant failings to the planing application with respect to traffic and transport which make the scheme fundamental flawed and ultimately undeliverable. The grant of permission has a car movement arrangement failing and as a consequence has serious implication for the viability of the whole scheme.'

We request that An Bord Pleanála consider the contents of this report in full (as contained at Appendix C). The following sections and commentary contained within the report are of particular note:

Impact on local Community

'The direct loss of parking spaces associated with the planned development, coupled with the high likely hood the car park will become an uncontrolled overflow parking for the residents and their visitors parking'

Health and Safety

'The development creates a significant health and safety risk by proposing cars exiting the residents car park should drive the wrong way down a 1 way lane. This creates significant road safety concerns.'

'The developer failed to address basic rules of the road in preparing their application. This creates significant road safety concerns.'

Undeliverable Application

'The management plan for the car park is likely to rely on a new entrance and exit point which will be a significant deviation from the current planning application, making the current approval is not viable.'

Blocking of Existing Service Entrance

'Car Park space No 10 will blocks rear service access route and disrupt the operations of the shopping centre'



Figure 37.0 Extract of Tent Engineering assessment showing the existing access which has been in daily use since 1988 and will be blocked by the proposed development in an unauthorised manner.



Figure 38.0 Extract of Tent Engineering assessment showing the existing access which has been in daily use since 1988 and will be blocked by the proposed development in an unauthorised manner.

5.0 Conclusion

The proposed development is not in the interests of the proper planning and development of the area. We firmly believe that the proposal is unsuitable for the subject site and will compromise the residential amenity along Kennelsfort Road Upper and Wheatfield Road. The proposal would represent overdevelopment on the subject site which is located within a mature low-density area. The scheme would contribute to the significant loss of residential amenity to numerous adjacent residents by way of overlooking, overbearing and visual amenity impacts in conjunction with compromising the character of the immediate area. There are also implications in respect of potential traffic hazard arising from the under-provision of parking, densification, allocation of car parking spaces, devaluation of property value and the potential for inappropriate precedent to be set which could lead to further 5-storey developments within the surrounding low-density area.

It is considered that the proposal has had little regard to the amenity of surrounding properties and the consequences of developing in such close proximity to third party lands. The proposed development is therefore not in the interests of the proper planning and sustainable development of the area and, if permitted, would set a poor precedent for similar developments. We would ask that the Planning Authority refuse permission for this development.

The development proposal is also considered to represent a fundamental overdevelopment of a site which would encroach on our clients' property and business resulting in the loss of much needed car parking spaces. Our clients' premises would suffer a significant adverse impact due to the subject planning application. The proposal in its detrimental to the vitality and viability of the existing supermarket.

We trust An Bord Pleanála will consider the contents of this appeal submission and request that the Board sees fit to overturn the decision of the Planning Authority Council and refuse permission for the planning application.



Kevin Hughes MIPI MRTPI
for HPDC Ltd.

Appendix A

Copy of the letter, dated 8th November 2021, from South Dublin County Council acknowledging our client's submission/observation made in respect of Reg. Ref. SD21A/0271.

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department

Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

The Moriarty Group, Ladgrove Stores Ltd.
Palmerstown Shopping Centre
Kennelsfort Road
Palmerstown
Dublin 20

Date: 08-Nov-2021

Dear Sir/Madam,

Register Ref: SD21A/0271

Development: Demolition of the existing building on site and the construction of a 5-storey over partial basement, mixed-use development comprising a gastro pub/restaurant with off-licence, 2 retail units, associated bin stores, bike stores, 1 ESB sub-station, all at ground floor level; a small plant room at basement level; a total of 50 apartments (25 one beds and 25 two beds) on the upper floors, all provided with private balconies/terraces; communal roof gardens; car parking; motorcycle parking; bicycle parking; landscaping and upgrades to public realm including upgrades to existing pedestrian crossing on Kennelsfort Road Upper; and all associated engineering and site works necessary to facilitate the development on lands at The Silver Granite pub, junction of Kennelsfort Road Upper and Wheatfield Road, and at The Silver Granite car park adjoining Palmerstown Shopping Centre car park (accessed from Kennelsfort Road Upper via Palmerstown Park).

Location: Lands at the Silver Granite pub, Palmerstown, Dublin 20

Applicant: Hollyville Investments Ltd.

Application Type: Permission

Date Rec'd: 01-Oct-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdblincoco.ie.

Appendix B

Copy of the notification of decision to grant planning permission issued by South Dublin County Council on 23rd May 2022.

The Moriarty Group, Ladgrove Stores Ltd.
Palmerstown Shopping Centre
Kennelsfort Road
Palmerstown
Dublin 20

Date: 01-Jun-2022

Dear Sir/Madam,

Register Ref. No: SD21A/0271
Development: Demolition of the existing building on site and the construction of a 5-storey over partial basement, mixed-use development comprising a gastro pub/restaurant with off-licence, 2 retail units, associated bin stores, bike stores, 1 ESB sub-station, all at ground floor level; a small plant room at basement level; a total of 50 apartments (25 one beds and 25 two beds) on the upper floors, all provided with private balconies/terraces; communal roof gardens; car parking; motorcycle parking; bicycle parking; landscaping and upgrades to public realm including upgrades to existing pedestrian crossing on Kennelsfort Road Upper; and all associated engineering and site works necessary to facilitate the development on lands at The Silver Granite pub, junction of Kennelsfort Road Upper and Wheatfield Road, and at The Silver Granite car park adjoining Palmerstown Shopping Centre car park (accessed from Kennelsfort Road Upper via Palmerstown Park).
Location: Lands at the Silver Granite pub, Palmerstown, Dublin 20
Applicant: Hollyville Investments Ltd.
App. Type: Permission
Date Rec'd: 26-Apr-2022

I wish to inform you that by Order dated 23-May-2022 it was decided to **GRANT PERMISSION** for the above proposal.

This decision together with the conditions/reasons attached to the decision is recorded in the Planning Register kept at this office in accordance with Article 7 of the Planning & Development Act 2000.

This Register may be inspected during office hours 9.00 a.m. – 4.00 p.m. and interested parties may obtain a certified copy of an entry therein on payment of a fee of €9.00 in respect of each entry. Alternatively, the information can be accessed on-line at www.sdblincoco.ie by selecting “*Planning Applications*” and conducting a search using available information such as the Planning Application number, Applicant Name or Location. Scanned planning files can be downloaded at this site.

It should be noted that any person who made a submission within 5 weeks of the date of receipt of the application by the Planning Authority and which was accompanied by the appropriate fee of €20.00 may appeal to An Bord Pleanála against the decision or any conditions attached to the Council's decision *within 4 weeks* beginning on (and including) the date of the Council's decision.

Appendix C

Assessment prepared by Tent Engineering