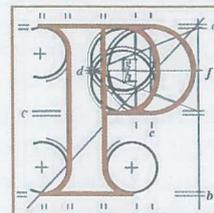


Our Case Number: ABP-312571-22



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Land Use Planning & Transportation

11 JUL 2022

South Dublin County Council

Date: 08 July 2022

Re: Demolition of existing single storey shed, ESB substation and oil tank, construction of 130 no. apartments, change of use of existing Blocks A, B and C at Dolcain House and associated site works.

Dolcain House, Monastery Road, Clondalkin, Dublin 22. (www.dolcainhouseshd.ie)

Dear Sir / Madam,

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

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

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

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

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

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

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

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Glaio Áitiúil	LoCall	1890 275 175
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Láithreán Gréasáin	Website	www.pleanala.ie
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64 Sráid Maoilbhríde	64 Marlborough Street
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D01 V902	D01 V902

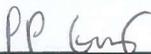
The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period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

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

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

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

Yours faithfully,

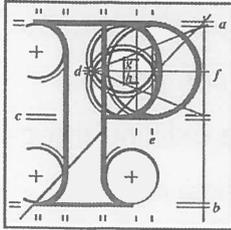


Hannah Cullen
Executive Officer
Direct Line: 01-8737246

SHA32

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An
Bord
Pleanála

Board Order
ABP-312571-22

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st day of January 2022 by Randleswood Holdings Limited care of Hughes Planning and Development Consultants of 85 Merrion Square South, Dublin.

Proposed Development comprises of the following:

1. Demolition of existing single storey shed (15.7 square metres), Electricity Supply Board substation (29.5 square metres) and oil tank (12.1 square metres) located in the north-eastern section of the subject site;
2. Change of use of the existing Blocks A, B and C at Dolcain House from office use to residential use which range in height from four to five storeys over basement, together with modifications to the existing blocks;
3. Alterations to the existing Blocks A, B and C will include the removal of the existing fourth floor level and replacement with a new fourth floor level at Block A only, the provision of an additional floor level to all blocks with two number setback floors proposed to the atrium to now provide for a height of four, five and six storeys to Blocks A, B and C and upgrading of the existing external fabric of the building as well as internal modifications to layouts to accommodate the proposed residential apartments;
4. Alterations to Block A to include a five storey extension to northern elevation;

AMG

5. Alterations to Block B include the demolition of the existing single storey element on the eastern façade (73.2 square metres) which comprises a kitchen area, office and storage space, the demolition of the existing three-storey connection between Blocks B and C (23 square metres) and the relocation of the existing telecommunications mast equipment at roof level;
6. Construction of a new six storey Block D to the east of Block B to accommodate 29 number apartment units. The proposed alterations and modifications to the existing Blocks A, B and C and the proposed Block D will accommodate a total of 130 number apartment units (comprising 61 number one-bedroom apartments, 59 number two-bedroom apartments and 10 number three-bedroom apartments, as follows:
 - (a) Block A (including atrium) will comprise 50 number apartments (consisting of 22 number one-bedroom apartments, 22 number two-bedroom apartments and six number three-bedroom apartments) and will range in height from four to five to six storeys over basement level;
 - (b) Block B will comprise 22 number apartments (consisting of nine number one-bedroom apartments, nine number two-bedroom apartments and four number three-bedroom apartments) and will be five storeys in height;
 - (c) Block C will comprise 29 number apartments (consisting of 13 number one-bedroom apartments, and 16 number two-bedroom apartments) and will be six storeys in height; and,
 - (d) Block D will comprise 29 number apartments (consisting of 17 number one-bedroom apartments, and 12 number two-bedroom apartments and will be 6 storeys in height.
7. The proposed development will be served by communal residential amenities and facilities at surface and basement level, including communal open space and outdoor areas at surface level; 310 number bicycle parking spaces (254 number at basement level and 56 number at surface level); 78 number car parking spaces (62 number at basement level and 16 number surface level) including five number car-club spaces and three number accessible parking spaces and; four number motorcycle parking spaces at basement level. The basement level also comprises a proposed bin storage area and plant room.

MSB

The proposed development also includes landscaping, a pedestrian and cyclist access onto the adjacent Monastery Road to the north; and internal pedestrian and shared surfaces.

8. Vehicular access to the development is proposed through the existing access and entrance to Dolcain House to the east. The application is accompanied by two number site layout options, Option A and B. Option A includes a new public pedestrian footpath along the southern side of Monastery Road which extends east to the north-eastern application site boundary to facilitate a connection to future footpath. Option B provides for the omission of this footpath.
9. Associated site and infrastructural works are also proposed which include foul and surface water drainage; plant areas; Electricity Supply Board substation; and all associated site development works necessary to facilitate the proposed development all located at Dolcain House, Monastery Road, Clondalkin, Dublin.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

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Reasons and Considerations

1. Having regard to the nature, scale and layout of the proposed development and the proposed site access and egress arrangements, which do not include dedicated pedestrian and cycling infrastructure along the access route from the east to serve future occupants of the residential scheme, it is considered that the proposed development represents an inappropriate form of development, which would create an unacceptable conflict between vehicular traffic and pedestrians and cyclists and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proximity of the proposed development to the adjoining established commercial asphalt production land use, to the nature of the operations carried out on the adjoining site, and on the basis of the information submitted with the application, the Board is not satisfied that the existing operations on the adjoining asphalt production site would not seriously injure the amenities of future occupants of the proposed development, by reason of noise, odour and air quality. In this regard the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



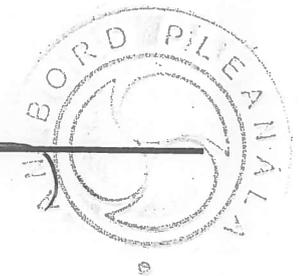
3. Having regard to the relevant provisions of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, published by the Department of the Environment, Community and Local Government in 2009 and of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities published by the Department of Housing, Planning and Local Government in 2020, and to the nature, form and layout of the proposed development to the site context and the proximity of the proposed residences to boundaries, to the lack of adequate quality open space, to the lack of private amenity space for two of the apartments, to the results of the Daylight and Sunlight Assessment as submitted with the application. It is considered that the proposed development would fail to provide for an adequate level of residential amenity for future occupants and amounts to a substandard form of urban development, which is not in accordance with the Ministerial guidelines. The proposed development would, therefore, be contrary to these Ministerial guidelines and would be contrary to the proper planning and sustainable development of the area.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 8th day of July 2022

