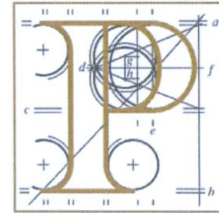


Our Case Number: ABP-313828-22

Planning Authority Reference Number: SD21A/0271



An
Bord
Pleanála

Land Use Planning & Transportation

31 AUG 2022

South Dublin County Council

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 30 August 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,

I have been asked by An Bord Pleanála to refer to the above mentioned appeal.

The Board is of the opinion that, in the particular circumstances of this appeal, it is appropriate in the interests of justice to request you to make submissions or observations in relation to the enclosed submission dated 20th July, 2022 received from Downey, Chartered Town Planners on behalf of Hollyville Investments Limited.

In accordance with section 131 of the Planning and Development Act, 2000, (as amended), you are requested to make any submissions or observations that you may have in relation to this enclosure **on or before 19 September 2022**. The Board cannot consider comments that are outside the scope of the matter in question. Your submission in response to this notice must be received by the Board not later than **5:30pm on the date specified above**.

If no submission or observation is received before the end of the specified period, the Board will proceed to determine the appeal without further notice to you, in accordance with section 133 of the 2000 Act.

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

Yours faithfully,

P.P. Karen Byrne

Mary Tucker
Executive Officer
Direct Line: 01-8737132

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

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
20 JUL 2022	
Fee: € _____	Type: _____
Time: 17:32	By: <i>hwd</i>

20th July 2022

Re: First Party Response to Third Party Appeals – 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 on lands at The Silver Granite pub, Palmerstown, Dublin 20

Planning Authority Reference Number – SD21A/0271
ABP Case Number – ABP-313828-22
Date of ABP Correspondence – 23rd June 2022
Last Date for Response – 20th July 2022

Dear Sir/Madam,

DOWNEY, Chartered Town Planners, 29 Merrion Square, Dublin 2, D02 RW64, have been retained by our client, Hollyville Investments Ltd., Leixlip House Hotel, Captains Hill, Leixlip, Co. Kildare, to prepare this first party response to the 4 no. third party appeals and 1 no. request for an oral hearing (ABP Ref. 313828-22) that were made against the decision of South Dublin County Council to grant planning permission under Reg. Ref. SD21A/0271 for a proposed mixed-use development on lands at The Silver Granite pub, Palmerstown, Dublin 20. The third-party appeals are as follows:

- Joan Sheahan, 10 Oakcourt Grove, Palmerstown, Dublin 20
- Dermot Keogh, 11 Oakcourt Grove, Palmerstown, Dublin 20
- The Moriarty Group appeal (submitted by Hughes Planning & Development Consultants, 85 Merrion Square, Dublin 2)
- Kennelsfort Management Company Ltd. appeal (submitted by BPS Planning Consultants Ltd., Ballinatone, Greenan, Wicklow)

DOWNEY have been appointed to act as planning agents in respect of this appeal response and therefore request that all correspondence from An Bord Pleanála relating to this appeal be issued to DOWNEY, Chartered Town Planners, 29 Merrion Square, Dublin 2, D02 RW64.


In support of this first party response to the third-party appeals, please find enclosed the following:

1. **'Appeal Response by NRB – Traffic & Roads Issues'** technical note prepared by Eoin Reynolds Chartered Engineer/Director of NRB Consulting Engineers;
2. **'Daylight & Sunlight Assessments of a Proposed Mixed-Use Development for the 'Silver Granite' site, Palmerston, Dublin 20 – This includes responses to third party appeals'** report prepared by John Healy B.Eng, M.Sc. of Digital Dimensions;
3. **'Appeal Response'** technical note prepared by GDCL Consulting Engineers;
4. **'First Party Response to Third Party Appeals'** document prepared by DOWNEY.

DOWNEY are responding within the four-week timeframe. We respectfully request that An Bord Pleanála uphold the decision of South Dublin County Council in granting planning permission.

We would be grateful for a written acknowledgement of this appeal response at your convenience and look forward to the Board's decision in due course.

Yours sincerely,



Eva Bridgeman MIPI
Director
For and on behalf of DOWNEY

20 July 2022
21-022/ER

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Downey Planning & Architecture,
29 Merrion Square N.
Dublin
D02 RW64

FAO Eva Bridgeman

Sent by Email

Dear Sir/Madam,

DEVELOPMENT AT THE SILVER GRANITE PUB (REF ABP-313828-22, SDCC REF SD21A/0271)
APPEAL RESPONSE BY NRB – TRAFFIC & ROADS ISSUES

NRB Consulting Engineers are specialist in the area of Roads/Traffic/Transportation, and we do not offer advice in other areas of Consulting Engineering. The original Transportation Report and this review of the Planning Appeal Documentation and particulars was undertaken by Eoin Reynolds, a Chartered Engineer and founding Director of NRB Consulting Engineers Ltd. Eoin specialises in the field of Traffic & Transportation and Roads Design - assessing the infrastructure needs of developments.

With over 32 years of experience, he is expert in the provision of advice to both private sector and public sector clients on all aspects of roads, traffic and transportation, and mobility management. Eoin is also expert in the use of Traffic Engineering Modelling Software (TRICS, ARCADY, PICADY, LINSIG, TRANSYT and Micro-Simulation Techniques). He has given expert evidence at planning appeals, oral hearings, and public enquiries, and has given Papers at Engineers Ireland on related topics.



The remainder of this submission is written in the 'first person' by Eoin.

I have reviewed the Appeal Documentation supplied:

1. The lengthy appeal submission by BPS on behalf of Kennelsfort Management Company Limited (which I understand to be The Palmerstown Shopping Centre, containing **Supervalu**),
2. The appeal submission by Hughes Planning & Development on behalf of the Moriarty Group (**Supervalu**),
3. The submission by local resident Dermot Keogh, and
4. The submission by local resident Joan Sheahan.

I have reviewed and read each of the submissions, and, as there are common themes and issues across all submissions, for ease of reference I have attempted to list the issues raised under headings below, with our response to same following-on.

I understand the concerns of Appellants, and of course the legitimate due-process nature of an ABP Appeal. Whilst the focus of this submission is on Traffic/Roads issues, being my specific area of expertise, I nonetheless note the variety of issues raised within both Appeals (1) & (2) above, including the 'Spar' element of the subject application and the potential for this proposed new shop to detrimentally impact the Supervalu commercial business.

I set out below the 'Headline' issues raised within the various Appeals, together with the NRB Response to same thereafter.

1 - Capacity and Parking Within Suplevalu Car Park

NRB Response

The majority of the Appeals and in particular (1) and (2) have a particular emphasis on the availability of car parking within the Centre. We note that, other than anecdotal photographs submitted, there is no firm evidence presented that availability of parking is an issue of concern, such as daily peak-period parking beat surveys.

I have worked for Food Retailers for many years as a Traffic/Transportation Consultant, and many 'Weekly Shop' Convenience Retailers have been reluctant to introduce parking controls through implementing and enforcing simple parking measures. Many remain tied to and reliant upon families carrying home the average 35kg (5.5st) of weekly shop groceries in the boot of the car, and in my experience many Retailers therefore feel that introducing parking restrictions will make their centres less attractive as a shopping destination.

The point I am making is that, if car parking provision at the Centre is of concern to Appellants (1) & (2) above, as it clearly is from their submissions, it appears to me that simple cost-effective parking management controls could be introduced by the Operators to assist in controlling/managing parking demand and duration of stay. I include below as **Figure 1** an annotated image showing the current Parking Controls in place (Basically and simply explained as **"Make sure you park in a parking space or you might be clamped, but park for as long as you like"**):



Figure 1 – Annotated Extract (April 2022) Google Street View

The operators could easily introduce proper parking controls, incentives, maximum duration of stay or indeed paid parking if parking availability is of such concern.

2 - Creation of Replacement Vehicular Access & Safety

NRB Response

I note that many of the Appellant's and their representatives take issue with the Toucan Crossing and the layout of the parking proposed for the development, stating/intimating that they are substandard/hazardous and will in some way create 'chaos'. However, I note that the majority do not appear to have based this assessment on any input from fully qualified experts in Traffic & Roads Engineering.

In these terms, and in terms of NRB's indemnity to design adequate and safe roads, I highlight to ABP that it is through the application of good roads design principles that we as designers try to minimise the likelihood of accidents, which is the policy we and SDCC have applied here in a consultative manner in the planning process, conscious that the proposal was approved by SDCC including the Roads/Traffic Dept.

I am very conscious of NRB's responsibilities to our client and to the general public. Responsible roads design, by qualified Engineers is achieved through the application of modern design guidance principles and through the commissioning of follow-on independent Road Safety Audits of said design. Application of these procedures has proven successful in contributing to minimising the likelihood and severity of road traffic accidents in Ireland. These are the simple principles that have been applied here in the case of the subject site where an appropriate junction form in a currently difficult and currently constrained urban environment was designed that meets the highest standards in terms of improved road safety and improved capacity, whilst also accommodating the SDCC Policies.

The car parking proposed is consistent with the Design Recommendations for Car parks and best practice. The proposed Toucan Crossing itself is of the correct geometry, it provides adequate sightline & pedestrian inter-visibility and there are no unacceptable conflicts between vehicles and pedestrians/cyclists. It provide for ease of access between the subject site, the associated parking and the Shopping Centre on a desire line, and creates a traffic calming feature consistent with DMURS. And of course it will be subject to the normal independent statutory Road Safety Audit process. For ease of reference an extract from the Plans showing the proposed crossing is included below as **Figure 2**

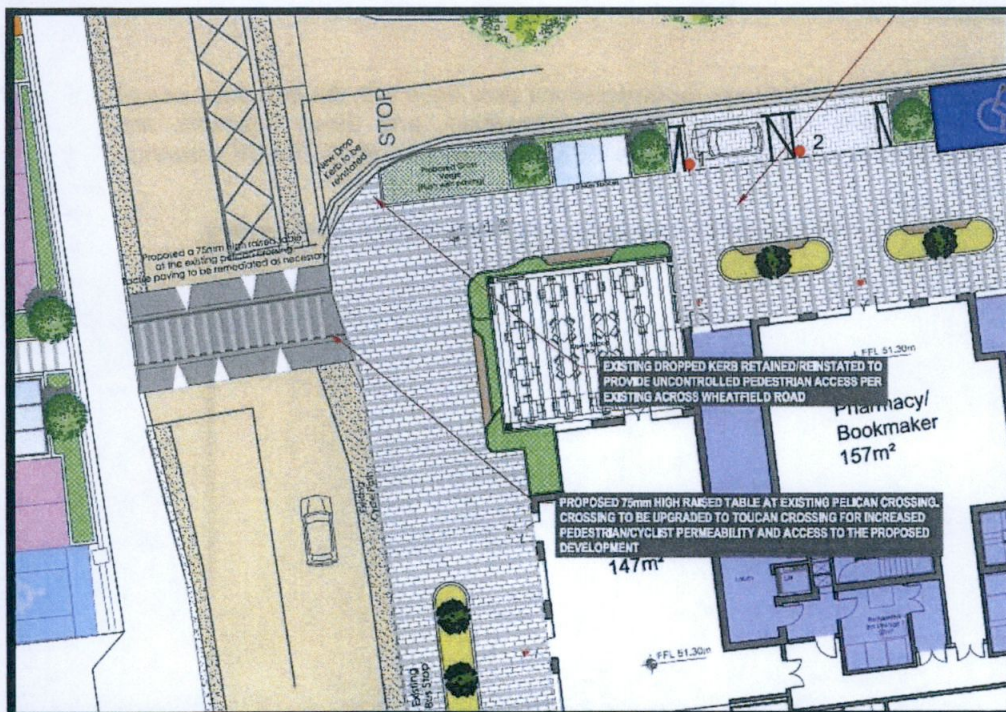


Figure 2 – Proposed Toucan Crossing, including Raised Platform

I also highlight that DMURS actively promotes the use of deflections and street features for the purposes of traffic calming – the plan is therefore consistent with DMURS Principles. Whilst in the past the concern may have been maintaining the free-flow of traffic on Kennelsfort Road, the

modern thinking in DMURS is to use features such as this so as to slow traffic, improving safety characteristics.

3 - Transportation Assessment Report Underestimates Traffic Impact

NRB Response

In this case I note that Hughes Planning state the following under their Appeal Section 4.5.1:

“A grave misjudgement has occurred in the granting of the subject application without a full Traffic Impact Assessment by a qualified Consultant”.

I am surprised and confused by this statement by Hughes Planning, as NRB works with Hughes on many current and past projects, in many cases recommended by them directly as specialists in this field. And of course, for the subject application, I/NRB prepared a detailed Transportation Assessment Report, which was submitted at Planning Application stage. I/NRB also then assisted in preparing the response to the RFi.

In terms of Vehicular Traffic Generated by the Subject Application, I include below the extract from the full Traffic Impact Assessment submitted setting out the total traffic generated (2-way traffic expressed as PCUs, Passenger Car Units or “Cars”).

Extract Table 3.4 from TA Report ; - Total Traffic Generated by Entire Development

Network Hour	Arrivals (PCUs)	Departures (PCUs)
Weekday AM Peak Hr	19	24
Weekday PM Peak Hr	40	33

This is by any measure a low volume of traffic, particularly when considered in the context of the continuous large volumes of car traffic generated by the adjacent shopping centre (encouraged through the provision of seemingly free and unrestricted car parking).

A detailed and comprehensive assessment of the impact of this small volume of traffic was included within the TA Report.



4-Service/Refuse Collection

NRB Response

I note that many of the Appellant's and their representatives take issue with the proposed use of the laneway for the purposes of Refuse Collection/Servicing, and these concerns are understandable. For convenience, I include below an extract from the NRB TRACK drawings submitted as **Figure 3**.

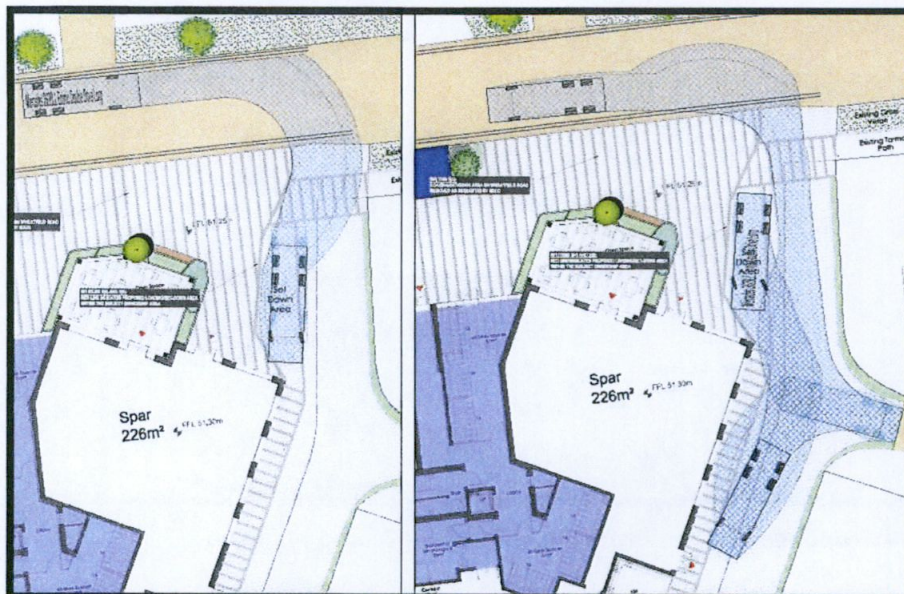


Figure 3 – Extract from TRACK Drawing Showing Servicing Arrangement

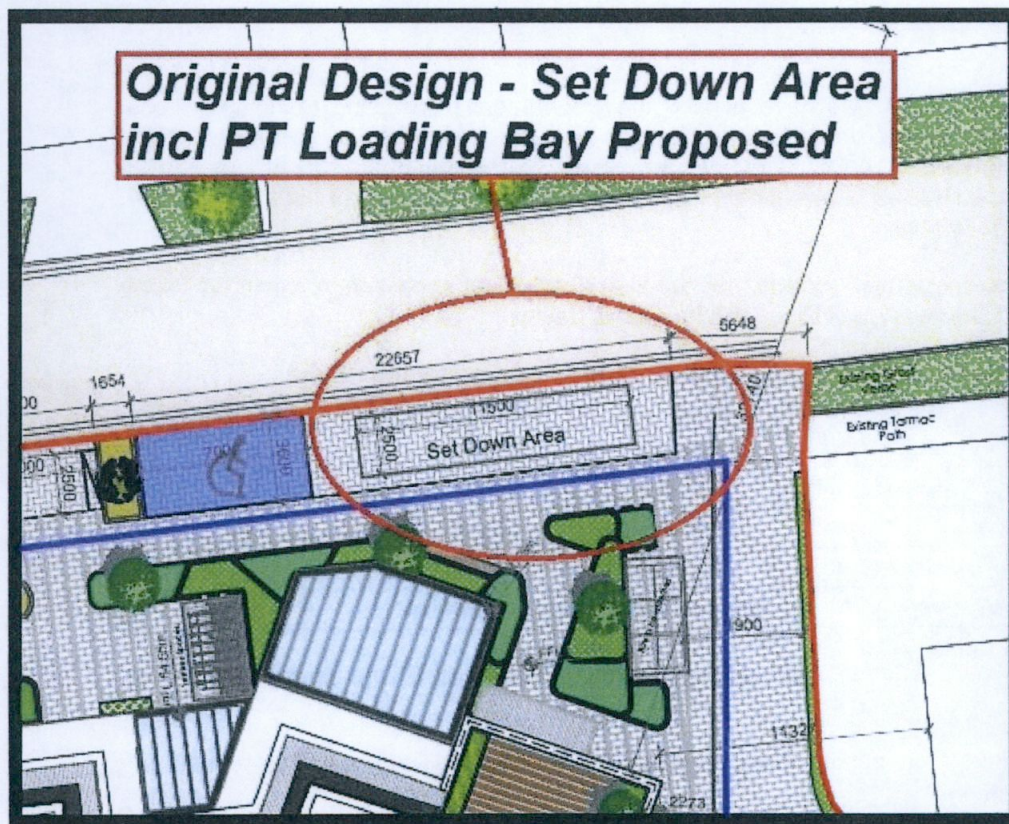
I believe that the proposed system, including the nearside indented-bay, will operate in an appropriate, safe and acceptable manner, and this is demonstrated through the TRACK drawings provided. And the safe controlled operation can be further enhanced through the implementation of a Servicing & Operational Waste Management Plan, with the agreement of SDCC.

Servicing and Refuse collection is a necessary and normal part of any commercial and/or residential development, it is generally infrequent, with low volumes of traffic generally off-peak, and it often passes wholly unnoticed locally.

I would highlight to ABP that the original proposal was for the creation of a dedicated Part Time Loading bay on Wheatfield Road, a suggestion that SDCC would not accept. An extract below from the **original** NRB TA Paragraph 2.10 states:

“In terms of servicing, the commercial elements of the scheme will be facilitated by the provision of the proposed new loading bay on Wheatfield Road. This can be a timed loading bay, with the agreement of SDCC”

I include and extract from the **original** plans showing same as **Figure 4**.



NRB consulting engineers

Figure 4 – Extract from Original Design Drawing Showing Part-Time Loading Bay

SDCC were reluctant to agree to such a plan. However, signed Part-Time indented Loading Bays of this nature are facilitated throughout all modern cities, including Dublin, and I see no reason why such a facility cannot, or could not, be accommodated here in the event that ABP deem the initial proposal preferable to that as now-proposed.

4 - Controlled Pedestrian/Cyclist Crossing Design

NRB Response

The design of the crossing itself will meet the normal standards for capacity and safety of SDCC and is a matter of planning condition and compliance.

I note that some Appellants are concerned with the design of the proposed controlled crossing and the potential for it to increase traffic congestion. In addition, some state that the design is deficient, without identifying the nature of the deficiency.

There is no design issue whatsoever in respect of stopping site distance, visibility, conflict or location of the proposed improved Toucan crossing, in terms of vehicles, pedestrians or cyclists.

In fact, I believe that the introduction of a modern controlled pedestrian/cyclist crossing ('Toucan') on a clear desire line, with a raised crossing affording easier access for pedestrians/mobility impaired, will have significant user-safety benefits that by-far outweigh any potential traffic capacity concerns (if indeed any existed).

The addition of such a modern raised platform, a vertical feature with a controlled TOUCAN crossing, will act as a further traffic calming feature in this location (which likely suffers from inappropriate traffic speeds, particularly off peak). Slowing traffic in built up urban areas is a beneficial effect of the proposed development of the improved crossing.

I also highlight that the location of the crossing will aid the movement of vehicular traffic into and out of Wheatfield Road, and the proposed vehicular access, due to the breaks in traffic flow as a result of the crossing signals being called by users. The proximity of the pedestrian crossing will aid traffic flow into and out of Wheatfield Road.

5 - Cycle Parking Provision

NRB Response

For the residential elements we have applied the Department of Housing Planning & Local Government "***Sustainable Urban Housing Design Standards for New Apartments***" to the proposed 50 apartments. The Guidance would require 75 residential bicycle spaces and 25 visitor spaces for the residential elements (1 per bedroom and 1 for every 2 apartment units), being a total of 100 spaces.

In terms of the non-residential elements, we have undertaken an assessment based on **Table 11.22** of the SDCC Development Plan, with the results below;

Total Non-Resi Bicycle Parking Requirements (Table 11.22 SDCC Dev Plan)

Element	GFA m2 (Staff)	Short Stay	Long Stay	Requires (Spaces)
Pub/Rest	558 (10 staff)	1/5 Staff	1/150m ²	6
Spar Shop	226 (3 staff)	1/5 Staff	1/50m ²	5
Pharmacy	157 (3 staff)	1/5 staff	1/50m ²	4
Off-Licence	147 (3 staff)	1/5 staff	1/50m ²	4
Total Development Plan Requirement				19



There are a total of 32 external cycle parking spaces provided, which is in excess of the Plan requirements.

We therefore believe cycle parking meets requirements and will assist in reducing demand for car use.

6 - Over-Spill Parking & Traffic Hazard

NRB Response

We do not believe that this will occur, with residential parking for the apartments adequately provided for, consistent with National Apartment Guidelines.

Parking Policies have changed, with maximum standards or restrictive parking being a demand management measure to help affect a change in travel behaviour, encouraging the use of alternative modes to the car.

Parking controls, paid parking, and management/enforcement, if implemented by Local Authorities and 3rd Party adjacent developments would assist in ensuring that car ownership within the apartments will be consistent & proportional to the quantity of parking provided.

7- Sightline/Design of Wheatfield Road/Service Access

NRB Response

There is adequate sightline, forward stopping distance and pedestrian inter-visibility at the proposed junction. Crossing of footpaths with lightly trafficked lanes/roads of this nature, with the normal occurrence of parking, landscaping and trees, is common in town and city centre urban areas. This does not represent an unacceptable traffic safety or pedestrian hazard in my opinion and experience.

In any event, it is normal for SDCC to require an independent Road Safety/Quality Audit of layouts prior to construction as part of compliance and this would be provided.

8 - Suggested Provision of a Bus Lay-By

NRB Response

Indented Bus Lay-bys in urban areas, allowing the bus to pull in from the main through-traffic lane, are generally no longer used as they create additional vehicle conflicts and also result in additional road crossing widths for pedestrians. Best practice dictates that regular vehicular traffic and 'idling' buses should share the lane-space, with other traffic forced to wait safely behind a stopped bus in the process of picking up or dropping off passengers. Modern thinking dictates that traffic capacity is of a much lesser concern than traffic safety, pedestrian safety and cyclist safety.

9 – Bollards on Wheatfield Rd

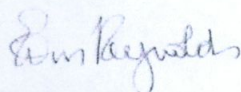
NRB Response

It is a matter for SDCC to provide or remove bollards on Wheatfield Road. Beyond the site frontage it does not affect the development in my opinion.

I trust the above adequately addresses the issues raised by Appellants.

In conclusion I invite An Bord Pleanála to uphold the SDCC Grant of Planning Permission for the proposed development.

Yours sincerely,



**Eoin Reynolds
Chartered Engineer
Director**



**Daylight & Sunlight Assessments of a
Proposed Mixed Use Development
for the 'Silver Granite' site, Palmerston, Dublin 20.**

This includes responses to third party appeals.

Applicant: Hollyville Investments Ltd

Date: 20-07-2022

Prepared by John Healy

MSc Environmental Design of Buildings

1. Introduction

Digital Dimensions has reviewed the third party appeals with regard to the points raised in relation to the daylight and sunlight assessment prepared by us regarding the potential impact from the proposed development.

Three of the appellants listed below have raised concerns related to Daylight and Sunlight. We have addressed each of these and supplied additional assessment where necessary to address the concerns.

The third-party appeals are as follows:

1. Joan Sheahan, 10 Oakcourt Grove, Palmerstown, Dublin 20.
2. BPS Planning Consultants on behalf of Kennelsfort Management Company Ltd., Ballinacorney, Greenan, Wicklow.
3. Hughes Planning submitted on behalf of the Moriarty Group, 85 Merrion Square, Dublin 2

2. Methodology

2.1 Notes on the use of BS 8206-2 2008 and BRE guidance document (2011) Site layout planning for daylight and sunlight.

This Daylight and Sunlight Assessment demonstrates compliance with the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. This is in accordance with the most relevant S.28 Ministerial Guidelines including Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments 2020, and Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018).

We are aware of a new European standard, BS EN 17037:2018, however this is not currently enforced until such time as confirmed by a government circular, or as an update to the Development Plan or the relevant S. 28 Ministerial Guidelines.'

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020 directs Planning authorities to have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or British Standard BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The standards for daylight and sunlight access in buildings (and the methodologies for assessment of same) suggested in both of these documents have been referenced in this Sunlight and Daylight Access Analysis.

Neither the British Standard nor the BRE Guide set out rigid standards or limits. The BRE Guide is preceded by the following very clear warning as to how the design advice contained therein should be used:

"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aims is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design."

That the recommendations of the BRE Guide are not suitable for rigid application to all developments in all contexts is of particular importance in the context of national and local policies for the consolidation and densification of urban areas.

2.2 Daylight to the existing dwellings

The site is analysed in plan, section and building use. Windows and amenity area are selected to test for impact from the proposed development.

BRE guidelines recommend that: *"Loss of light to existing windows need not be assessed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window."*

To check for this if part of a new building measured in a vertical section perpendicular to the main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse light of the existing building may be adversely affected. If a window falls within a 45° angle both in plan and elevation with a new development in place then the window may be affected and should be assessed.

For loss of daylight and sunlight to existing buildings BRE guidance document (2011) "Site layout planning for daylight and sunlight" is used and BS8206 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting.

For loss of light the report recommends calculation of the Vertical Sky Component. This is the ratio of direct sky illuminance falling on the outside window, to the simultaneous horizontal illuminance under an unobstructed sky. The standard CIE Overcast Sky is used and the ratio is usually expressed as a percentage. The maximum value is just under 40% for a completely unobstructed vertical wall. The Vertical Sky Component on a window is a good measure of the amount of daylight entering it.

The BRE guidelines set out a two stage assessment for the Vertical Sky Component:

a) Where the Vertical Sky Component at the centre of the existing window exceeds 27% with the new development in place then enough sky light should still be reached by the existing window.

b) Where the Vertical Sky Component with the new development in place is both less than 27% and less than 0.8 times its former value, then the area lit by the window is likely to appear more gloomy, and electric light will be needed more of the time.

2.3 Sunlight

The BRE guidelines recommend assessing the loss of sunlight to the main living rooms and conservatories if they have a window wall facing within 90° of due south. Kitchens and bedrooms are less important but care should be taken not to block too much sun. If the proposed development is fully north then sunlight need not be assessed.

The Annual Probable Sunlight Hours (APSH) is used to assess the quantity of sunlight for a given location. This is the total amount sunshine for a given location on an unobstructed horizontal surface taking cloud cover into account. To Assess the APSH and the Probable Sunlight Hours for winter statistical data from the Irish Meteorological Service is used. Table 1 shows the average sunlight hours for each month and the maximum possible without any cloud cover. This gives the factor of possible sunlight hours for each month.

Met Eireann Sunlight Hours Data Set 1981-2010													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Average Sunlight Hours/ Day	1:54	2:45	3:36	5:32	6:44	6:40	5:17	5:13	4:16	3:17	2:10	1:44	
Average Sunlight Hours/ Month	58:54	77:00	111:36	166:00	208:44	200:00	163:47	161:43	128:00	101:47	65:00	53:44	1496.25
Total Available Sunlight Hours	252	265	358	412	488	485	496	451	375	320	250	248	4383
Probable Sunlight Hours Ratio	23.37%	29.06%	31.17%	40.29%	42.77%	41.24%	33.02%	35.86%	34.13%	31.81%	26.00%	21.67%	34.14%

Table 1: Average monthly sunlight hours recorded at Dublin Airport - Data set 1981-2010

The BRE guidelines recommend that the centre of a window or 1.6m above ground for a door be assessed and receive at least 25% of the APSH and at least 5% during the period of 21st September to 21st March. If the available APSH is less than this then it should not be reduced below 0.8 times its former value or noticeable loss of sunlight may occur.

2.4 Sunlight to gardens and open spaces

For calculations of sunlight analysis it is general practice to use March 21 and the recommendations of the BRE guidance document (2011) "Site layout planning for daylight and sunlight". P.J Littlefair, in relation to Gardens and open spaces section 3.3.17 state:

"It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March."

2.5 Calculations of Trees & Hedges

Trees are not usually included in the assessments of impact, unless specified otherwise. In relation to the effects of trees and hedges the BRE guidelines states,

"It is generally more difficult to calculate the effects of trees on daylight because of their irregular shape and because some light will generally penetrate through the crown. Where the effects of a new building on existing buildings nearby is being analysed, it is usual to ignore the effects of existing trees. This is because daylight is at its scarcest and most valuable in winter when most trees will not be in leaf."

2.6 Daylight in the proposed development.

The proposed project is analysed in plan & section, and building use. The rooms are assessed for Average Daylight Factor (ADF). Input values for the assessment of the Average Daylight Factor below in Table 2.

Surface Reflectance			
Element	Reflectance	Transmissivity	
Internal walls	84%	0%	White Painted Walls
Internal ceiling	88%	0%	White Painted Ceiling
Floor	52%	0%	Light wood Flooring
External walls - proposed development	58.3%	0%	Light yellow Brick
External walls - outside site	20%	0%	CIBSE
External ground	20%	0%	CIBSE
Glass	20.1	68.8	Triple glazed clear glass

Table 2: Surface reflectance parameters for ADF calculation

Sensor Grid spacing 0.6m, inset 0.45m, minimum inset 0.3m, Work plane offset 0.85.

2.7 Environmental impact assessment

The BRE guidelines sets out criteria for classification for assessment of impact where a new development affects a number of existing buildings or open spaces. The guide does not give a specific range or percentages but sets out parameters set out below.

"Where the loss of skylight or sunlight fully meets the guidelines in this book, the impact is assessed as negligible or minor adverse. Where the loss of light is well within the guidelines, or only a small number of windows or limited area of open space lose light (within the guidelines), a classification of negligible impact is more appropriate. Where the loss of light is only just within the guidelines, and a larger number of windows or open space area are affected, a minor adverse impact would be more appropriate, especially if there is a particularly strong requirement for daylight and sunlight in the affected building or open space.

Where the loss of skylight or sunlight does not meet the guidelines in this book, the impact is assessed as minor, moderate or major adverse. Factors tending towards a minor adverse impact include:

- *only a small number of windows or limited area of open space are affected*
- *the loss of light is only marginally outside the guidelines*
- *an affected room has other sources of skylight or sunlight*
- *the affected building or open space only has a low level requirement for skylight or sunlight*
- *there are particular reasons why an alternative, less stringent, guideline should be applied.*

Factors tending towards a major adverse impact include:

- *a large number of windows or large area of open space are affected*
- *the loss of light is substantially outside the guidelines*
- *all the windows in a particular property are affected*
- *the affected indoor or outdoor spaces have a particularly strong requirement for skylight or sunlight, eg a living room in a dwelling or a children's playground.*

Beneficial impacts occur when there is a significant increase in the amount of skylight and sunlight reaching an existing building where it is required, or in the amount of sunlight reaching an open space.

Beneficial impacts should be worked out using the same principles as adverse impacts. Thus a tiny increase in light would be classified as a negligible impact, not a minor beneficial impact."

A flexible approach should be taken when assessing the impact with daylight and sunlight being one of many factors that influence

the environment when planning a new development.

2.8 Assessment model

Neighbouring property model development is based on information available from Architectural and survey drawings, Local Authority planning records, Google Earth and on site observation. Window locations are represented as accurately as possible and are determined based on available information. Access to private rear gardens was not possible and any omissions or inaccurate window locations are unintentional.

3.0 Joan Sheahan, 10 Oakcourt Grove, Palmerstown, Dublin 20

3.1 Observation

...my house will suffer from the shadow of the development within this location and this is not acceptable. My house will suffer from the shadow of the development and will be seriously overlooked. The apartments proposed on the second, third and fourth floor will be able to look directly in the windows to the rear of my house and directly into my garden space..... No consideration has been taken in the shadow plans from the existing levels of my house (or adjoining properties) relative to the proposed development, the floor levels of the houses and not even shown on the site maps, this can increase and reduce potential impacts and should have been factored into the plans and models.

3.2 Response

The Daylight and Sunlight report assessed the impact of the proposed development on the surrounding properties. No 10 Oakcourt Grove is entirely due south of the proposed development. The proposed development is 14.8m north of the northern most point of the rear garden to No.10 Oakcourt Grove which is 36m to the east at this point. The closest point of the proposed development is 21.7m to the north of the northern most point of the rear garden. The BRE guidelines BR206 2011 (second edition) current at the time of submission and BR206 2022 (third edition) recommends that developments wholly due north of an existing dwelling need not be analysed. Figure 3.1 below sets out the relationship of the proposed development to No. 10 Oakcourt Grove. Figure 3.2 is an extract from the BRE guidelines BR209 2022 (third edition) which is the same as BR209 2011(second edition).

It can be seen from the shadow diagrams in section 7 in the assessment document that there is no additional shadows cast to the amenity space at No.10 Oakcourt Grove in any of the diagrams.

There will be no additional shading / overshadowing to the dwelling and amenity space at No.10 Oakcourt Grove

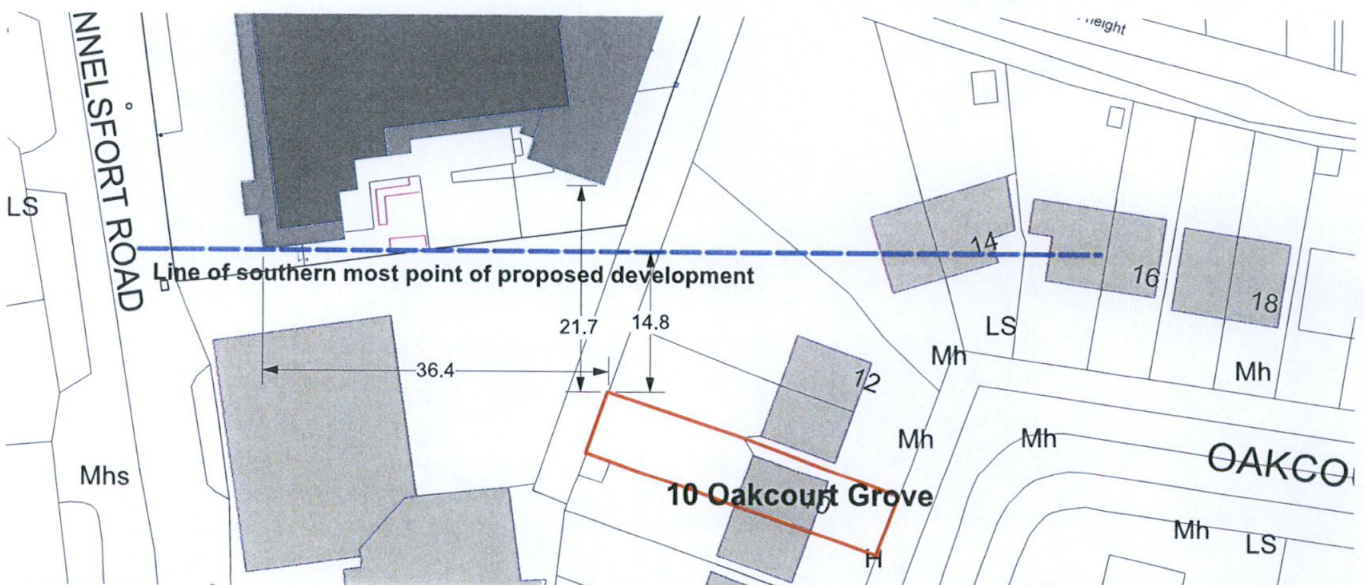


Figure 3.1: Site Plan indicating the relationship between the proposed development and No.10 Oakcourt Grove

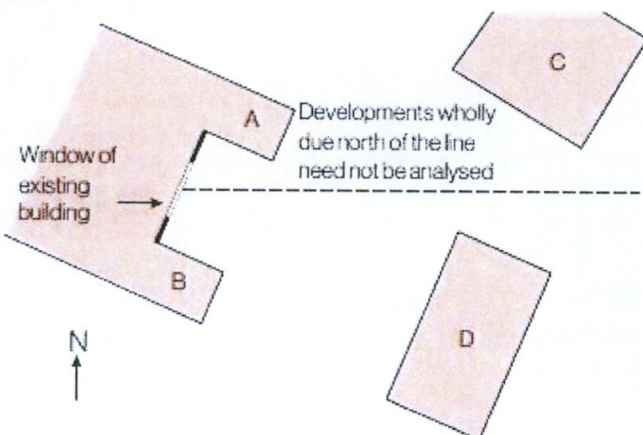


Figure 27: In analysing the sunlighting impact on the existing window, no check need be made for proposed extension A and new building C, as they lie within 90° of due north of the window. Proposed extension B should be checked, as should new building D if it subtends more than 25° to the horizontal, measured in section from the centre of the window

Figure 3.1: Extract from the BRE guidelines

4.0 BPS Planning Consultants on behalf of Kennelsfort Management Company Ltd., Ballinatore, Greenan, Wicklow.

4.1 Observation

- 4 The building will cause afternoon and evening negative overshadowing of the closest residential properties. We note the 'Daylight and Sunlight Assessment' produced by Digital Dimensions, has undertaken an analysis of the gardens of adjacent properties. Five locations have been detailed - S1 - 172 Kennelsfort Road Upper - S2 - 215 and 215A Palmerstown Ave - S3 - 1 Wheatfield Road - S4 - 13 Oakcourt Grove - S5 - 12 Oakcourt Grove For 21st March, there are no discernible changes and the report sets out that, for each property, the ratio of proposed to existing sunlight received is 100%. BPS has been involved in multiple Judicial Review cases against SHD schemes wherein this claim has been made by a firm such as Digital Dimensions.

Dr Littlefair who wrote the BRE guidelines has asked in multiple affidavits why it is that Irish assessors can find that the loss of sunlight from a very large new building which is much larger than the one it is replacing can be the same as that from the existing much smaller building. Such statements are repeated in the Applicant planning application. Dr Littlefair points out that it cannot and this has caused ABP to lose such cases. The nearest residential properties cannot experience the same level of sunlight - existing and proposed - all they can do is pass the BRE guidelines. The BRE guidelines are not a standard in themselves but a tool to aid assessment and are not appropriate in all cases. They are not appropriate here. BPS has reviewed the proposed building's shadows via www.suncalc.org and we can confirm that there would in fact be significant overshadowing of the closest rear gardens to the east. They would experience a loss of sunlight throughout the year.

4.2 Response

The Daylight and Sunlight report assessed the impact of the proposed development to the amenity space on the surrounding properties. The Sun's azimuth and elevation transitions throughout the day during the course of the year. As a result any development no matter how modest can create additional shading on a neighbouring amenity space depending on height, proximity and relative location to due south. Allowance has to be made for some level of additional shading and BR209:2022 (third edition) states that:

"In interpreting the impact of such differences, it must be borne in mind that nearly all structures will create areas of new shadow, and some degree of transient overshadowing of a space is to be expected."

The guidelines recommends the use of before and after plan shadow diagrams for a comparative illustration and this was carried out in section 7

It is clear from the shadow diagrams on 21st March that there will be no additional shading to the neighbouring properties until late evening when the sun is at a very low angle.

The report notes the detailed assessment of the amenity spaces to the 5 closest dwellings listed in table 4.1 and Figures 4.3 and 4.4 below. The BRE guidelines sets out a detailed objective assessment method for assessing the loss of sunlight to adjacent amenity spaces in section 3.3.7 BR209:2022 (third edition):

"3.3.7 As a check, it is recommended that at least half of the amenity areas listed above should receive at least two hours of sunlight on 21 March. It is instructive to draw the 'two hours sun contour' that marks this area on plan, because the use of specific parts of a site can be planned with sunlight in mind."

This was carried out in 6.1 of the original assessment report and is repeated below. The results indicate that the percentage of the amenity space receiving 2 hours sunlight on the 21st of March is the not reduced below its current value and the ratio of existing to proposed is 100%. The assessment clearly states that the assessment is for the 21st March. Additionally It can be seen from the false colour map that there will be no reduction in the sunlight availability for the areas receiving more than 2 hours sunlight on this day. The shadow diagrams confirm there will be no additional shading on the 21st March other than late evening when the sun is below 10° to the horizon.

Section 1.1 in the Executive summary summarises the impact on the adjacent properties:

"Impact on adjacent properties

There will be minimal impact to the daylight and sunlight to the adjacent dwellings with no perceivable reduction in either daylight or sunlight. There will be minimal reduction in the sunlight to any of the adjacent amenity spaces. All areas assessed meet or exceed the recommendations of the BRE guidelines."

The executive summary states that there will be minimal impact and it does not state there will be no impact as stated in the BPS appeal document. The BPS appeal refers to the 100% ratio in the sunlight on the ground Table repeated here in Table 4.1 and to unspecified statements from Dr Littlefair in SHD Judicial review cases regarding assessments in Ireland.

The assessment carried out in section 6 is an objective assessment as set out in BR209:2011 (second edition) and the currently released BR209:July 2022 (third edition), PJ Littlefair et al. Digital Dimensions does not state that the 100% ratio indicates there will be no additional shading at any time of the year.

BPS planning states that *"The BRE guidelines are not a standard in themselves but a tool to aid assessment and are not appropriate in all cases. They are not appropriate here."*

The methodology section in Digital Dimensions assessment states that they are guidelines and should be interpreted as such. They are appropriate because the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020 directs Planning authorities to have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or British Standard BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The standards for daylight and sunlight access in buildings (and the methodologies for assessment of same) suggested in both of these documents have been referenced in this Sunlight and Daylight Access Analysis.

Additionally all draft and enacted local authorities reference the BRE guidelines and the use of the assessment methods within. BPS does not state the reason they are not appropriate in this case.

The BPS appeal refers to the use of suncalc.org and additional shading to the rear garden to the East. The objective assessment carried out in Section 6 indicates that the proposed development meets the recommendations of the BRE guidelines and there will minimal and limited shading to No1 Wheatfield Road. The relationship between No1 Wheatfield Road and the proposed development can be seen in Figure 4.2. The proposed development is 13.1m at the closet point to the rear garden of No.1 and the proposed development angles away from the neighbouring property. The section indicates the extent of the shadow in Figure 4.2. The sun angle at 12am on 21st March is 36.62° with a shadow ratio of 1.35. The diagram in the BPS report may not take into account the set back top floor.

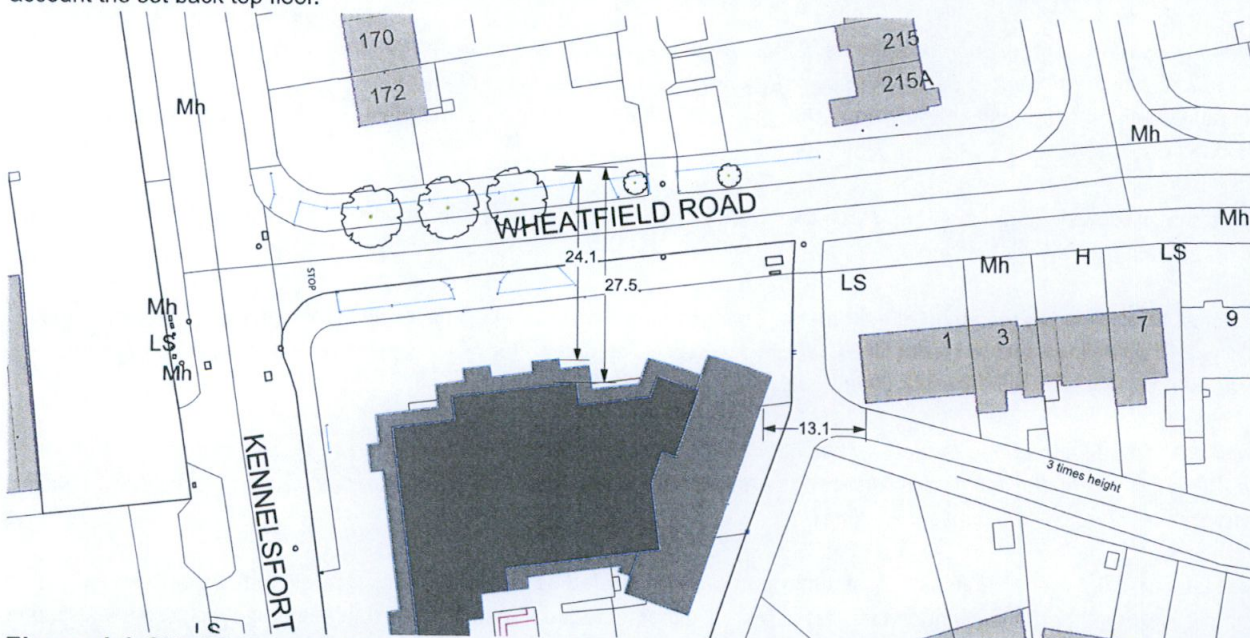


Figure 4.1: Site Plan indicating the relationship between the proposed development and No.1 Wheatfield Road, 172 Kennelsfort Road and 215A Palmerstown Avenue.

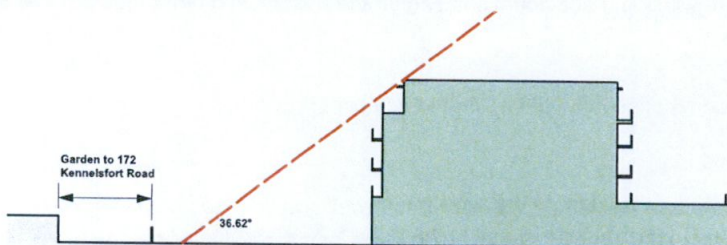


Figure 4.2: Section indicating the extent of the shadow cast at 12noon on the 21st March towards 172 Kennelsfort Road and 215A Palmerstown Avenue.

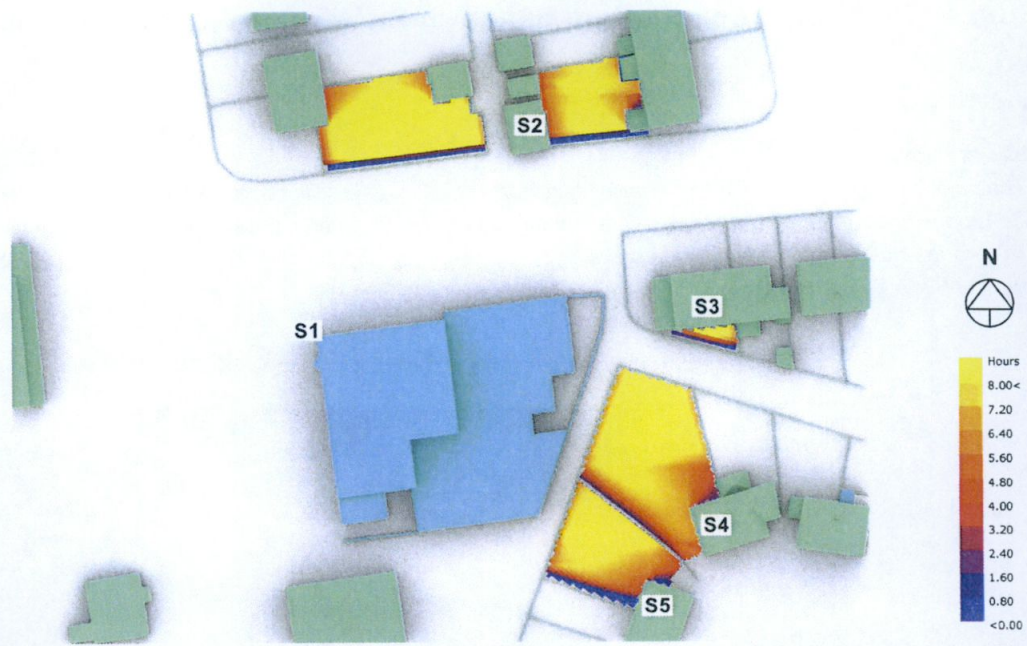


Figure 4.3: Existing Radiation map of amenity areas, showing available sunlight on 21st March. The scale represents the percentage of daylight received from 0 - 8 hrs.

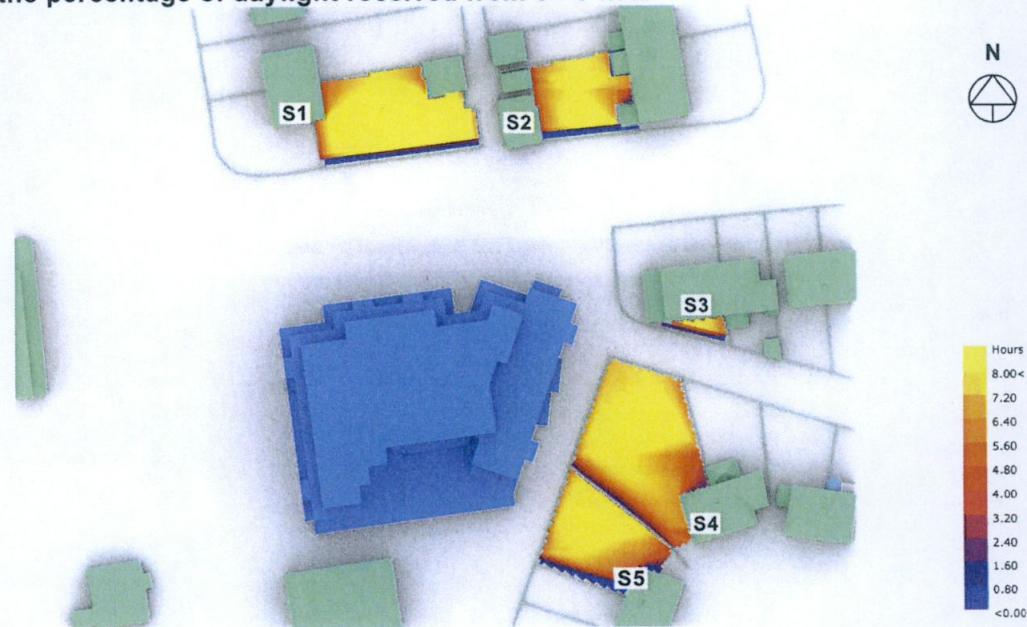


Figure 4.4: Proposed Radiation map of amenity areas, showing available sunlight on 21st March. The scale represents the percentage of daylight received from 0 - 8 hrs.

Sunlight on the Ground - Adjacent Properties						
No.	Location	Existing	Proposed	Ratio Proposed to Existing	Meets criteria of >50% area <u>Or</u> if <50% but >80% Existing Value	
		% Area receiving 2 hours sunlight on 21st March				
S1	172 Kennelsfort Rd Upper	90.6	90.6	100%	Y	
S2	215 & 215A Palmerstown Ave	84.6	84.6	100%	Y	
S3	1 Wheatfield Rd	69.2	69.2	100%	Y	
S4	13 Oakcourt Grove	97.1	97.1	100%	Y	
S5	12 Oakcourt Grove	90.2	90.2	100%	Y	

Table 4.1 Calculation of Sun on the Ground to adjacent amenity areas on 21st March.

5.0 Hughes Planning submitted on behalf of the Moriarty Group, 85 Merrion Square, Dublin 2.

5.1 Observation

"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."

Third Party Appeal

June 2022

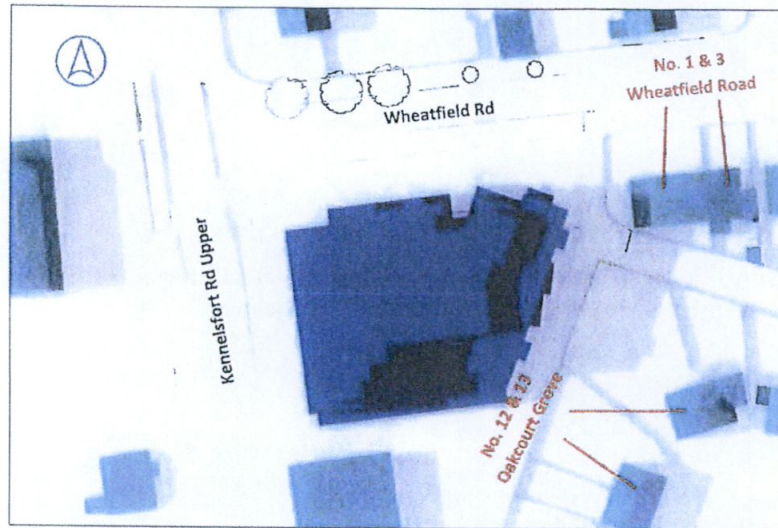


Figure 21.0 Shadow diagram from Daylight and Sunlight report (21 June 18:00 GMT +1)

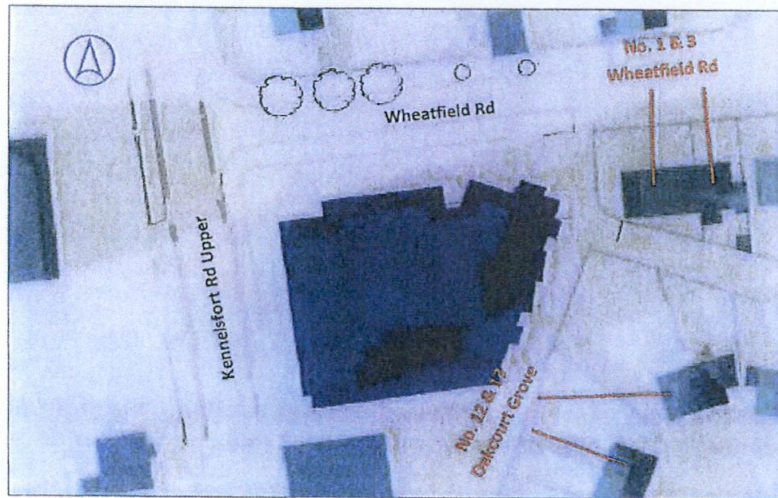


Figure 22.0 Shadow diagram from Daylight and Sunlight report (21 March 17:00 GMT)

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."

3.2 Response

Shadow diagrams are a visual aid to understand where possible shading may occur. The use of shadow diagrams as an assessment method should be taken over the course of the day and not a specific time due to the transient nature of the sun and the shade caused by obstructions. An objective assessment on the extent of shading for existing and proposed is carried out in section 6.1 with conclusions and the shadow diagrams can be used to inform where and what time any potential additional shading may occur.

The appellant has taken the shadow diagrams from 16:00 and 17:00 on March 21st. The sun is low in the sky at this time of the day and the loss of potential sunlight is minimal as can be seen in the assessment of sun on the ground in section 6.1 where there is not reduction in available sunlight in the partially shaded areas of the garden.

7 Shadow Diagrams

7.1 BRE Guidance on Shadow Studies

Shadow diagrams are a visual aid to understand where possible shading may occur. The BRE guidelines recommend using the March Equinox due to the equal length of the day and night time. It states:

"If a space is used all year round, the equinox (21 March) is the best date for which to prepare shadow plots as it gives an average level of shadowing. Lengths of shadows at the autumn equinox (21 September) will be the same as those for 21 March, so a separate set of plots for September is not required."

June 21st and December 21st are provided below for information but it should be noted that the summer solstice is the best case scenario with shadows at their shortest. In Winter even low buildings will cast long shadows and it is common for large areas of the ground to be in shadow throughout the day especially in a built up area and sun barely rises above an altitude of 10° during the course of the day. The guidelines recommends that Sunlight at an altitude of 10° or less does not count. Below are the times for the Equinox and Solstice that the sun is above 10° altitude rounded to the nearest half hour.

Equinox: between 8:30 and 17:30

Summer Solstice: Between 6:30 and 20:00

Winter Solstice: Between 10:30 and 14:00

Section 7.2 shows the existing and proposed shadow diagrams for the Equinox on the 21st March at 2 hourly intervals during the day between 09:00 and 17:00.

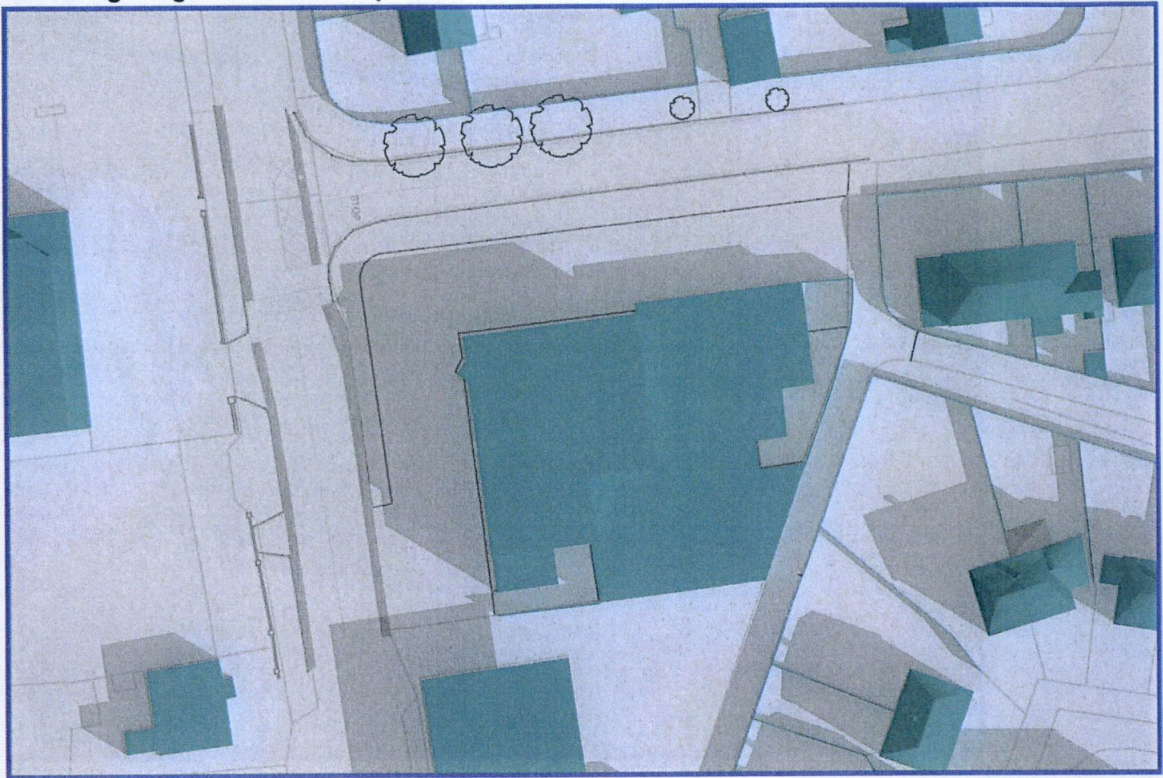
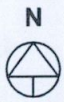
Section 7.3 shows the existing and proposed shadow diagrams for the Summer Solstice on the 21st June at 2 hourly intervals during the day between 10:00 and 18:00.

Section 7.4 shows the existing and proposed shadow diagrams for the Winter Solstice on the 21st December at 2 hourly intervals during the day between 10:00 and 14:00.

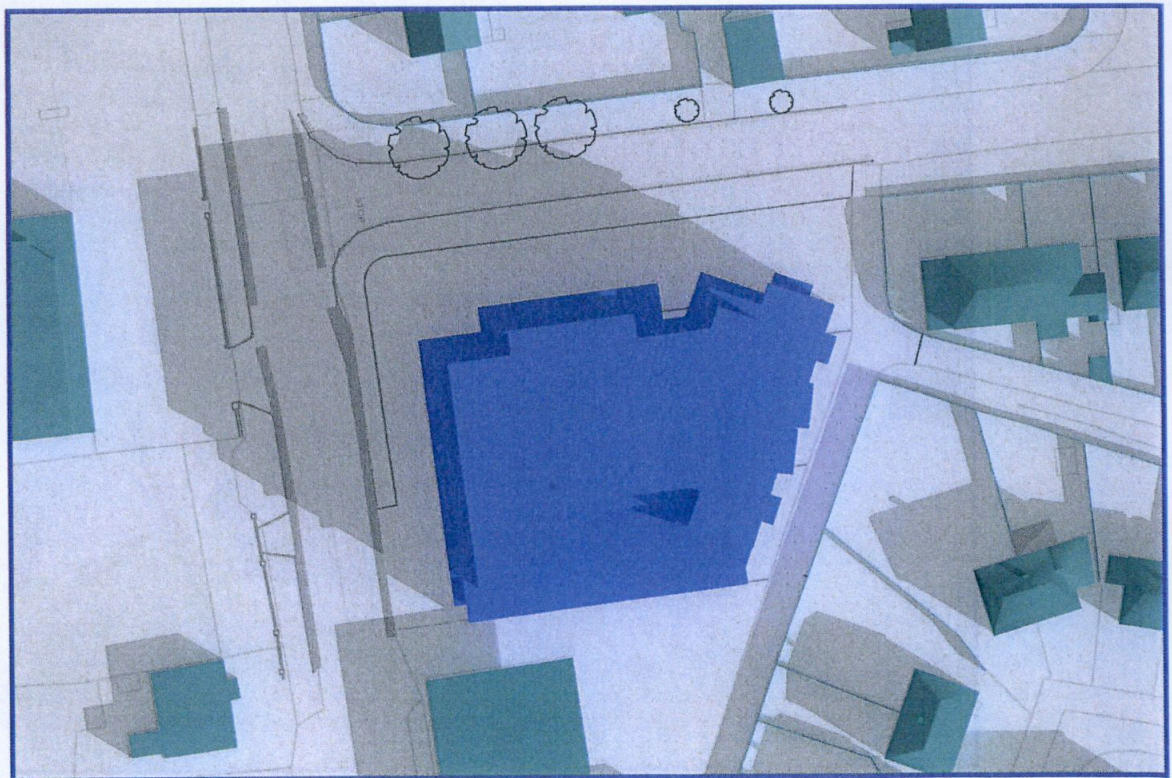
The use of shadow diagrams as an assessment method should be taken over the course of the day and not a specific time due to the transient nature of the sun and the shade caused by obstructions.

Appendix A

7.2 Shadow Casting diagrams March Equinox

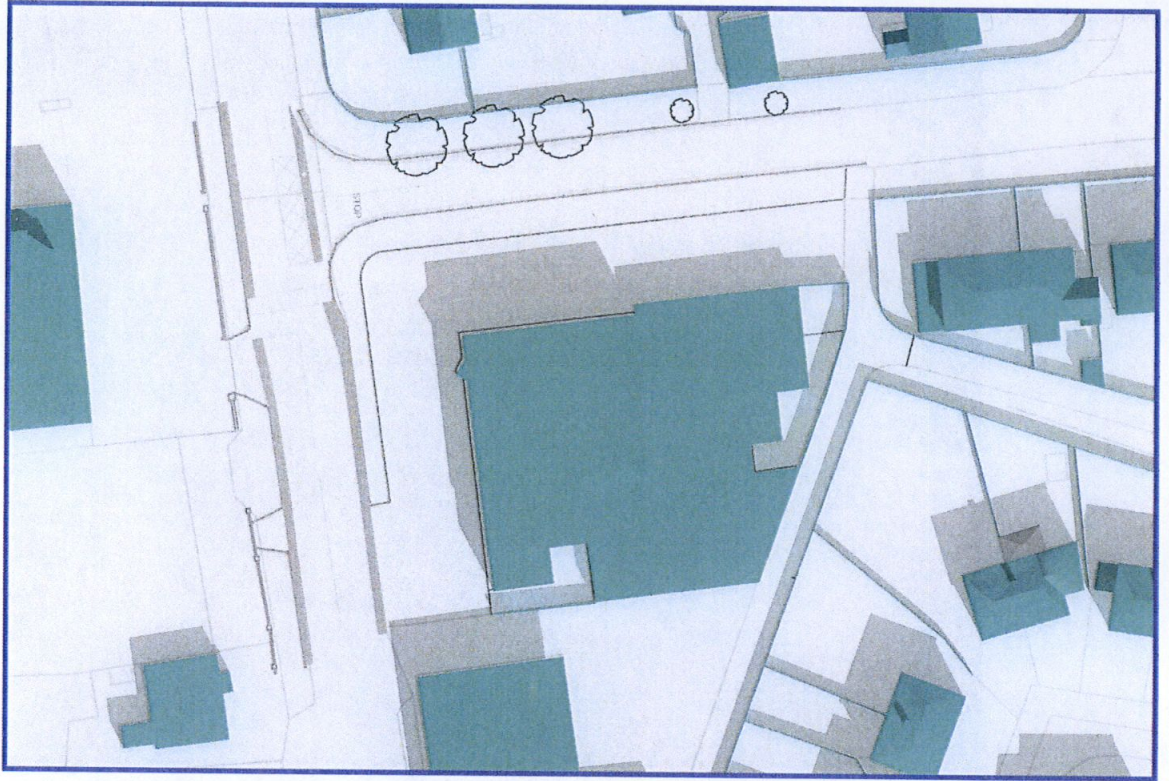


Existing

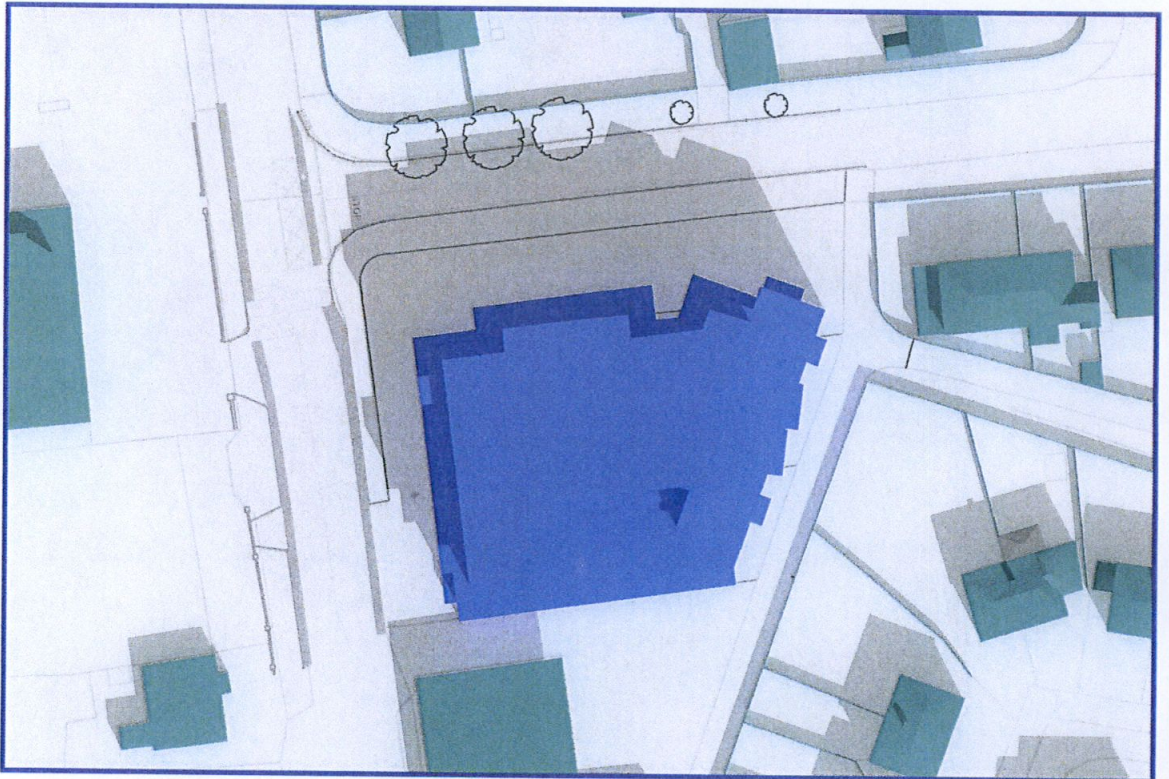


Proposed

Figure Shadow diagrams 21 March 09:00 GMT

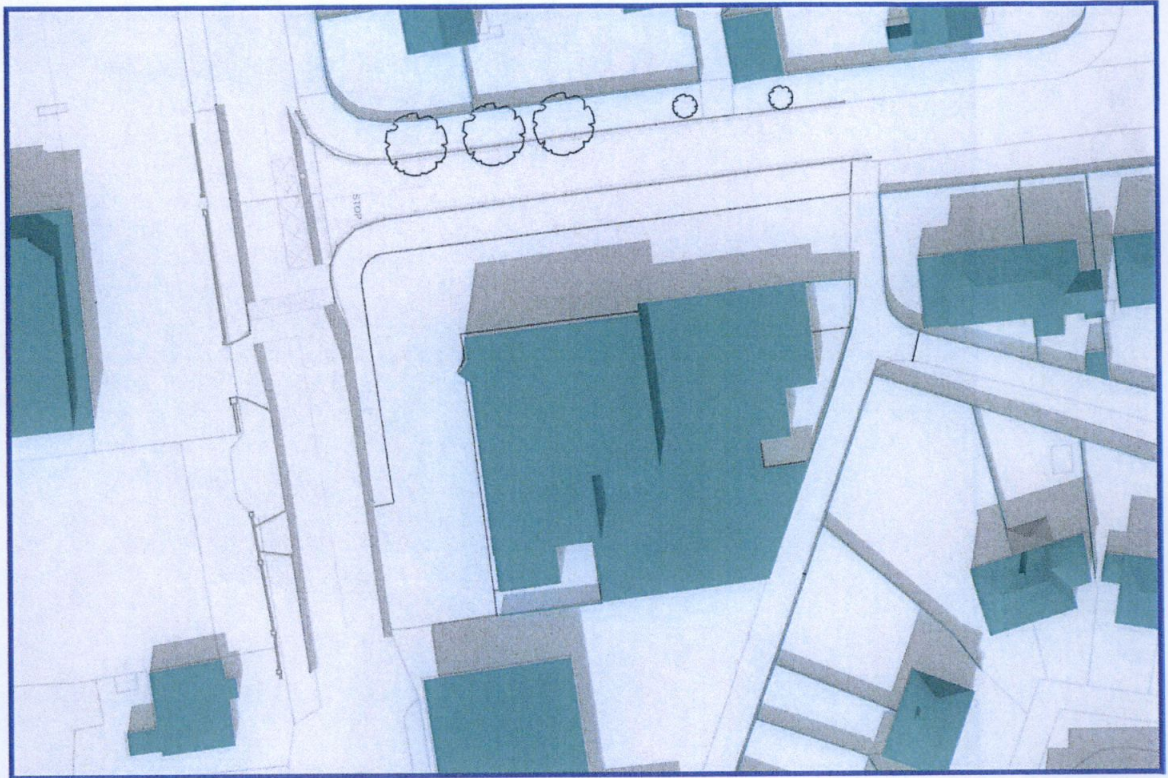


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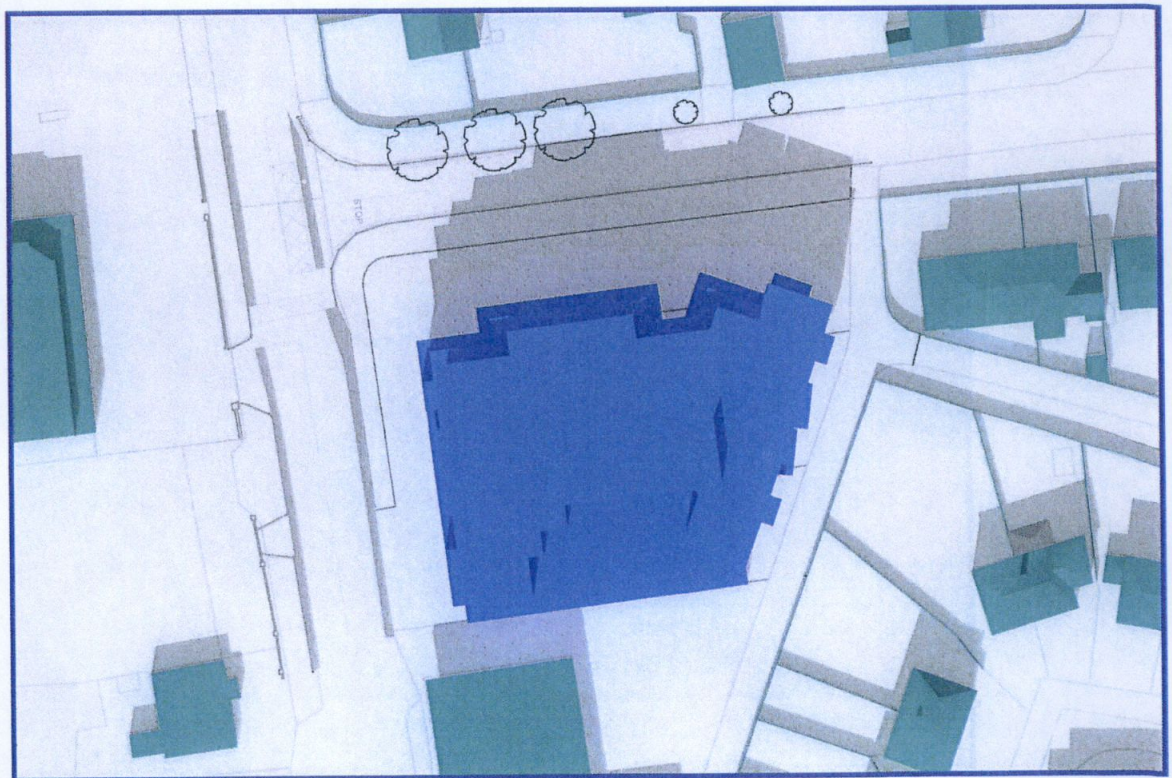


Proposed

Figure Shadow diagrams 21 March 11:00 GMT

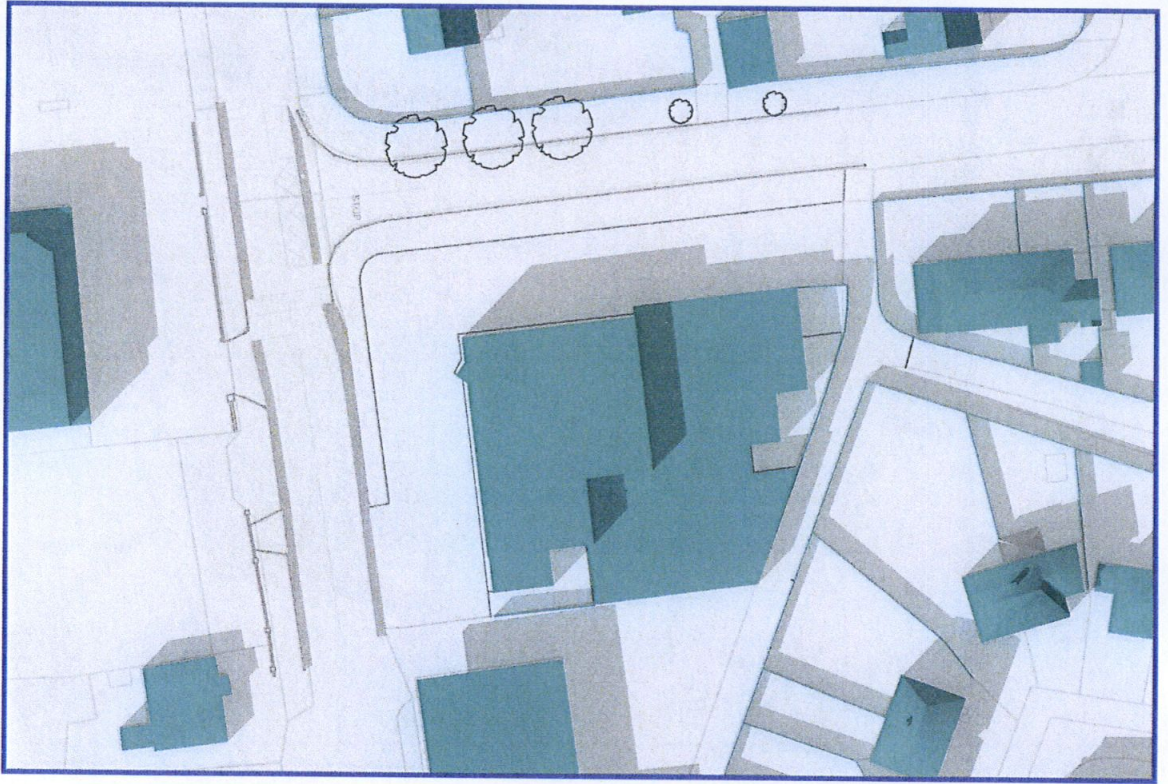


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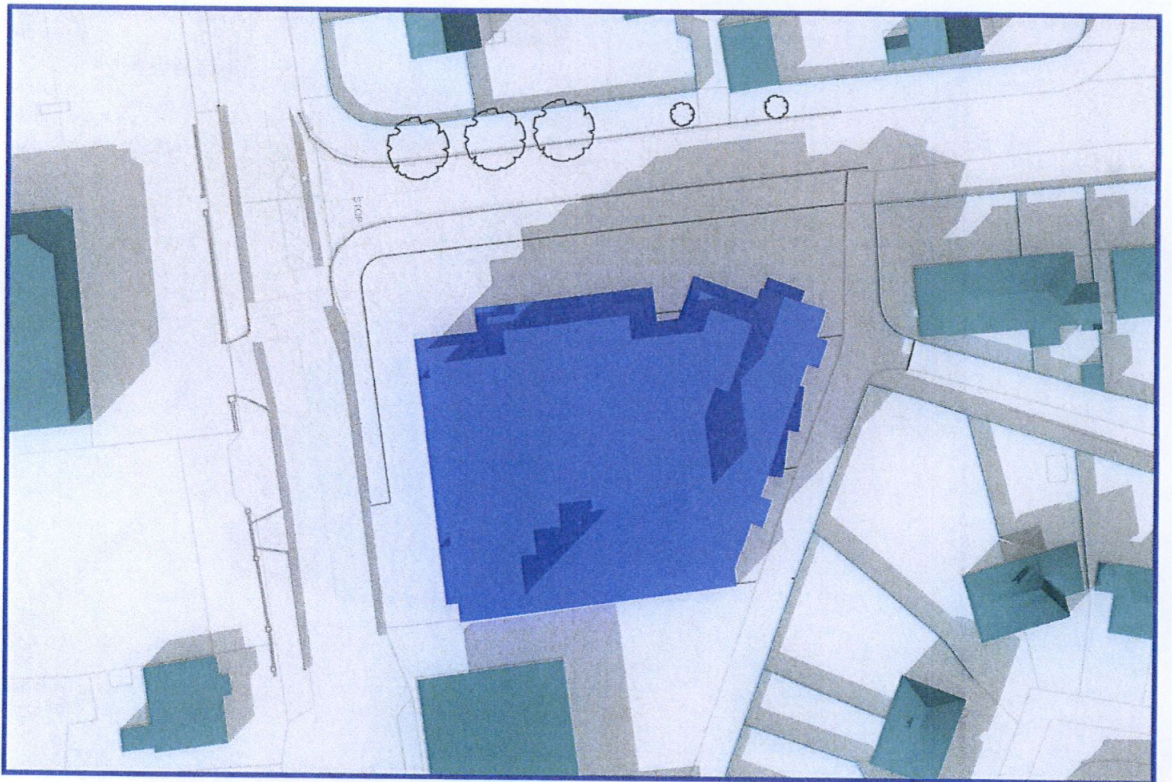


Proposed

Figure Shadow diagrams 21 March 13:00 GMT

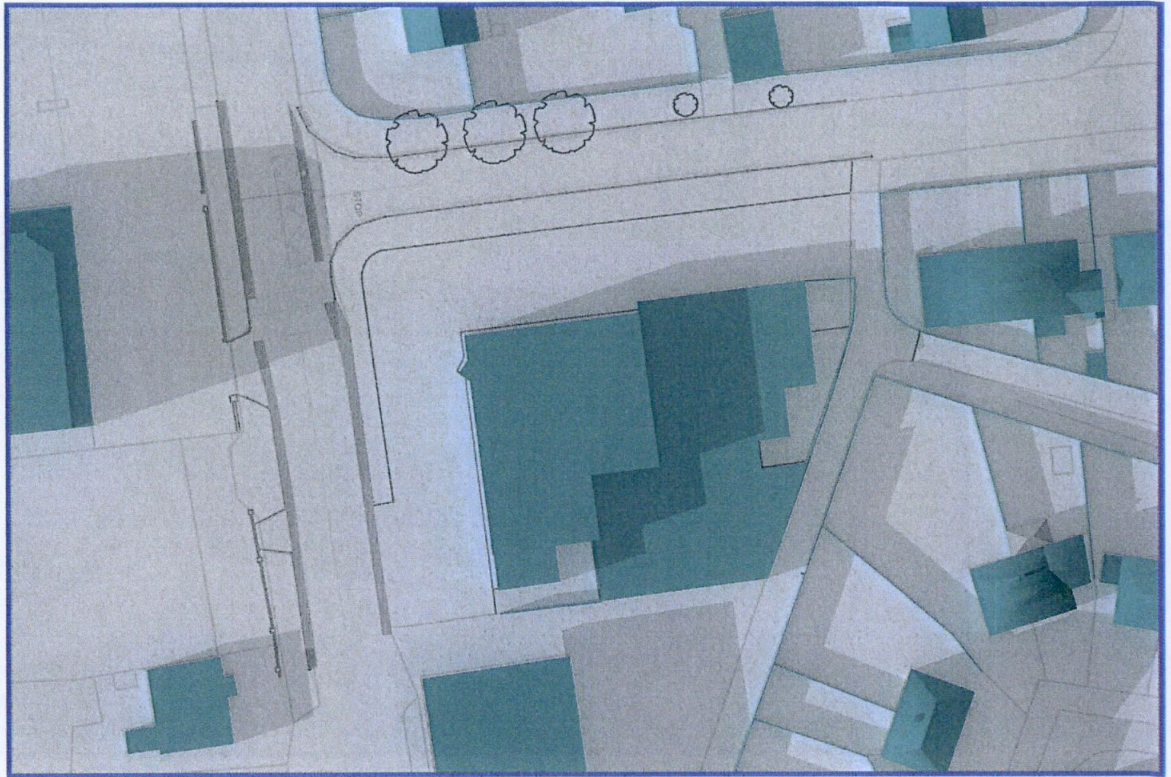


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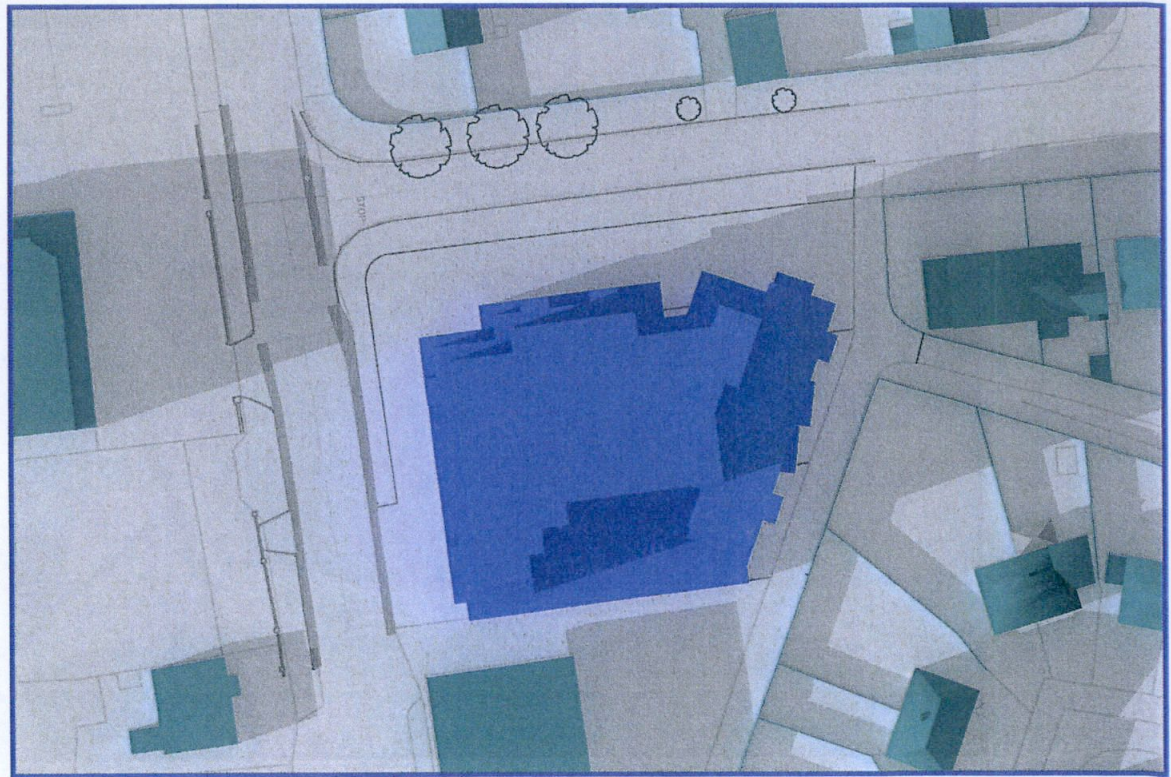
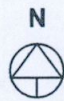


Proposed

Figure Shadow diagrams 21 March 15:00 GMT



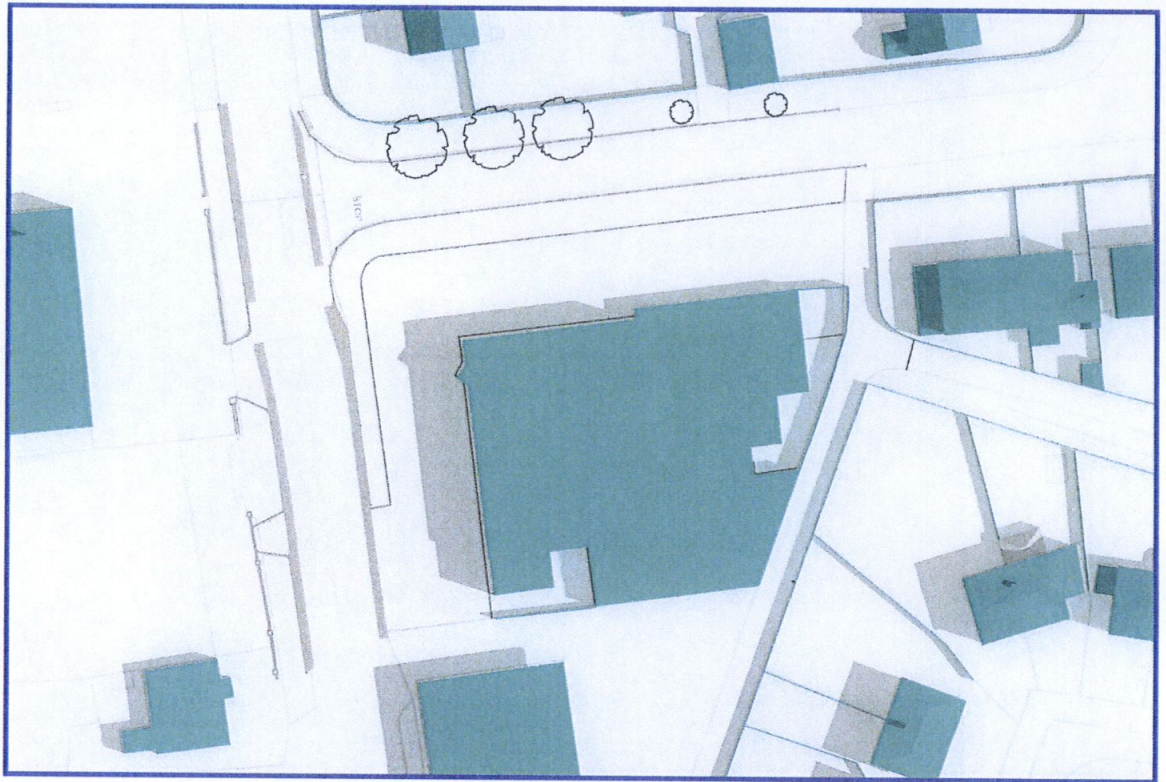
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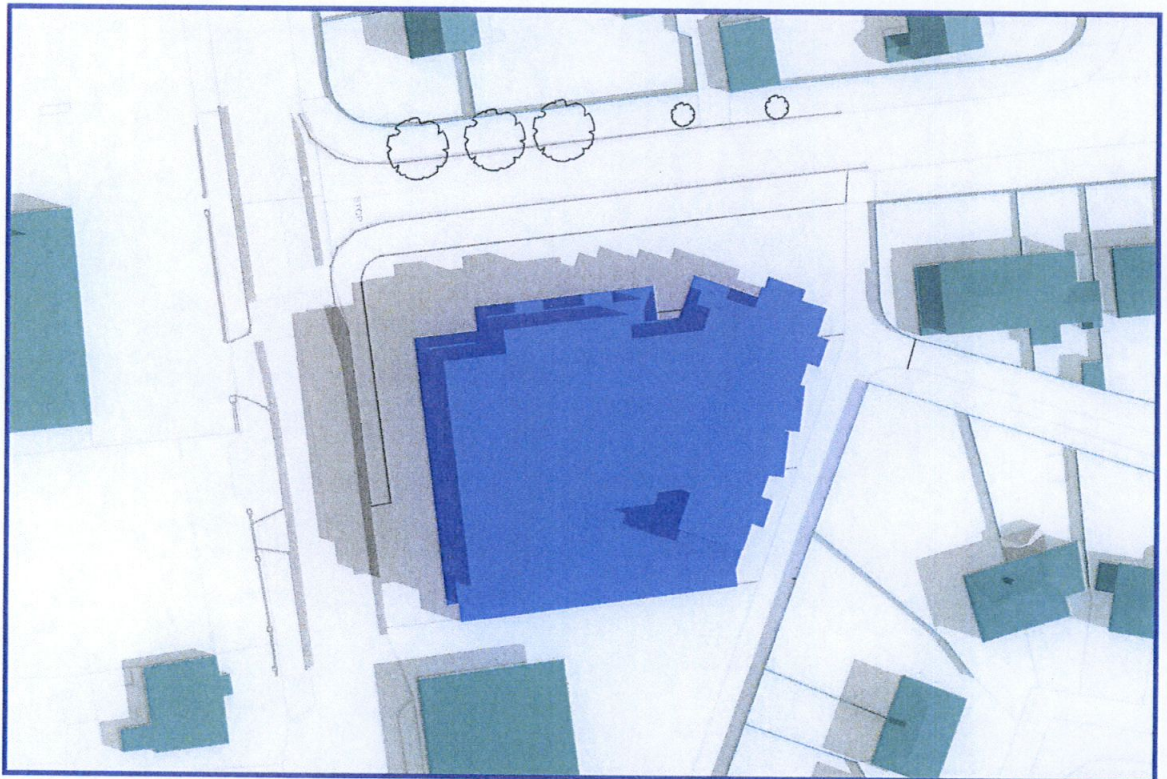
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Figure Shadow diagrams 21 March 17:00 GMT

7.3 Shadow Casting diagrams June Solstice

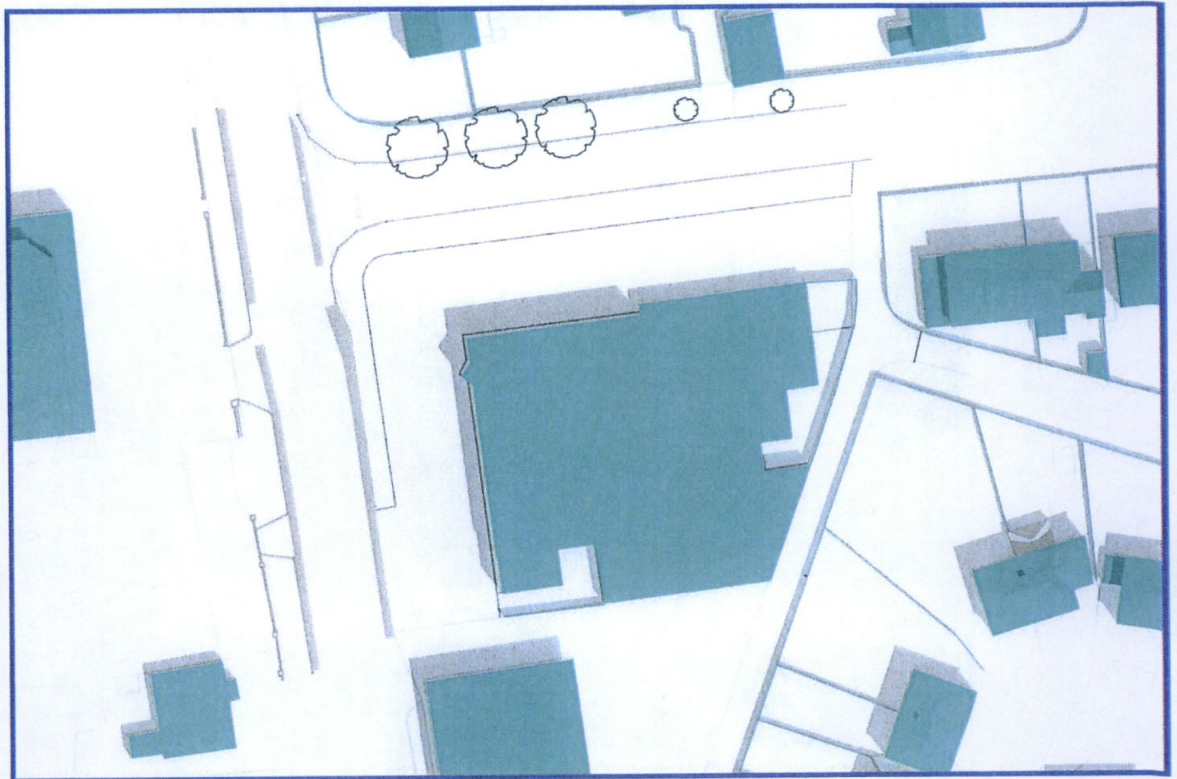


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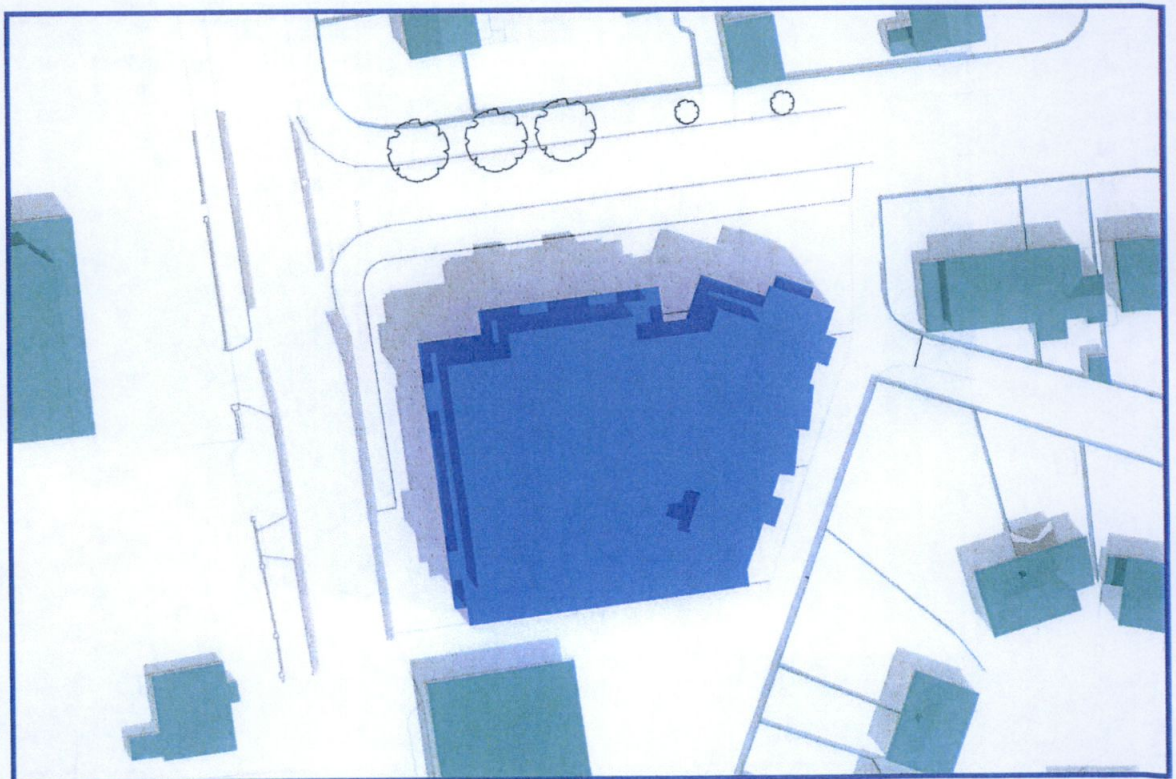
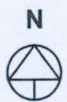


Proposed

Figure Shadow diagrams 21 June 10:00 GMT +1 (DST)

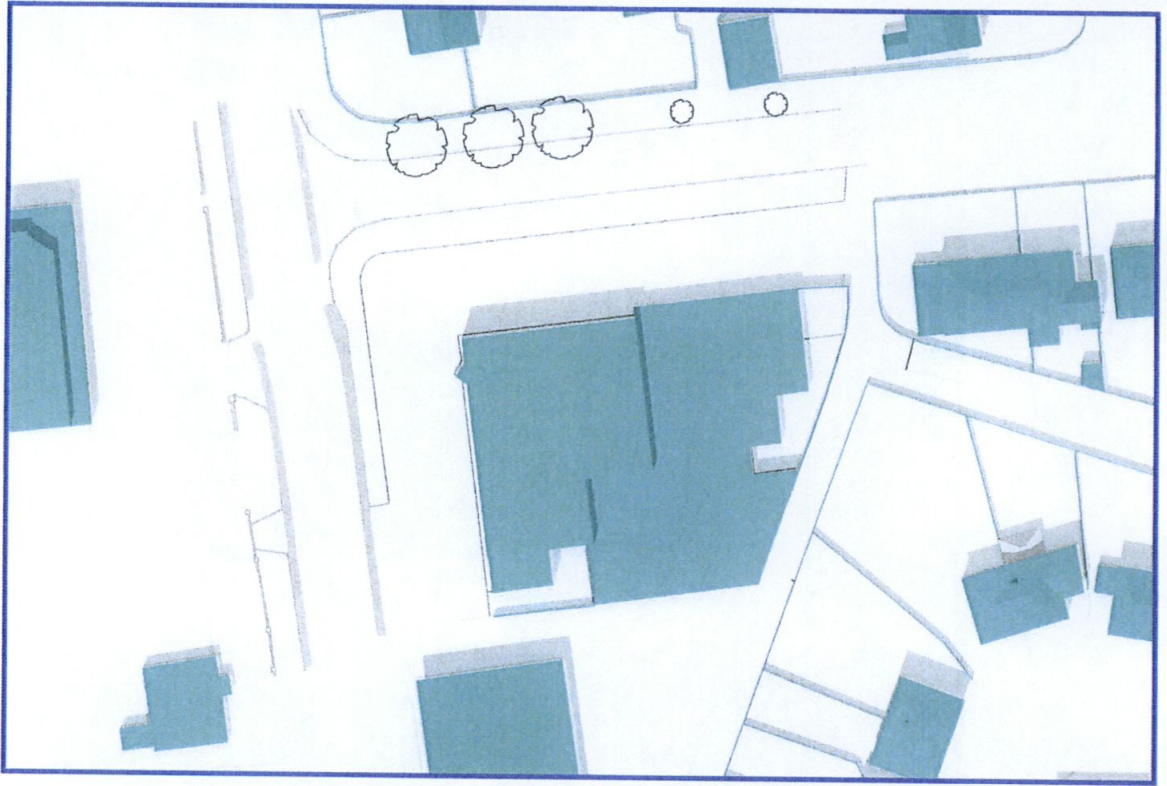


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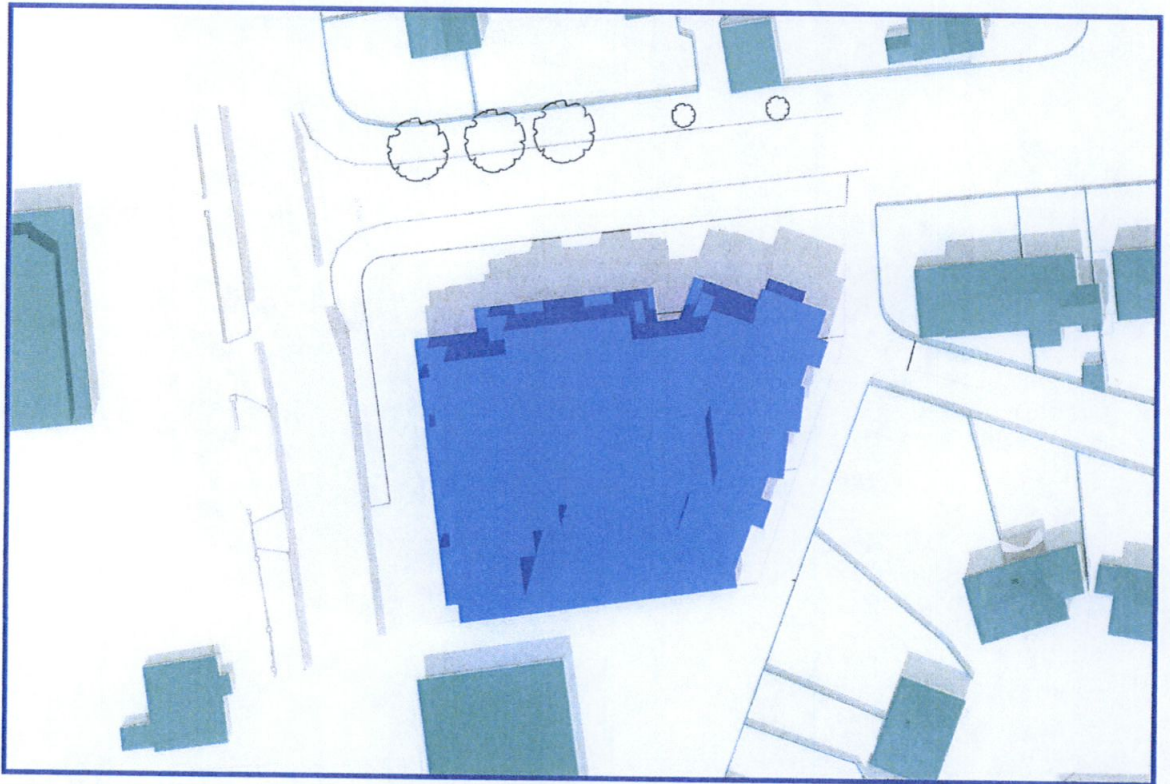


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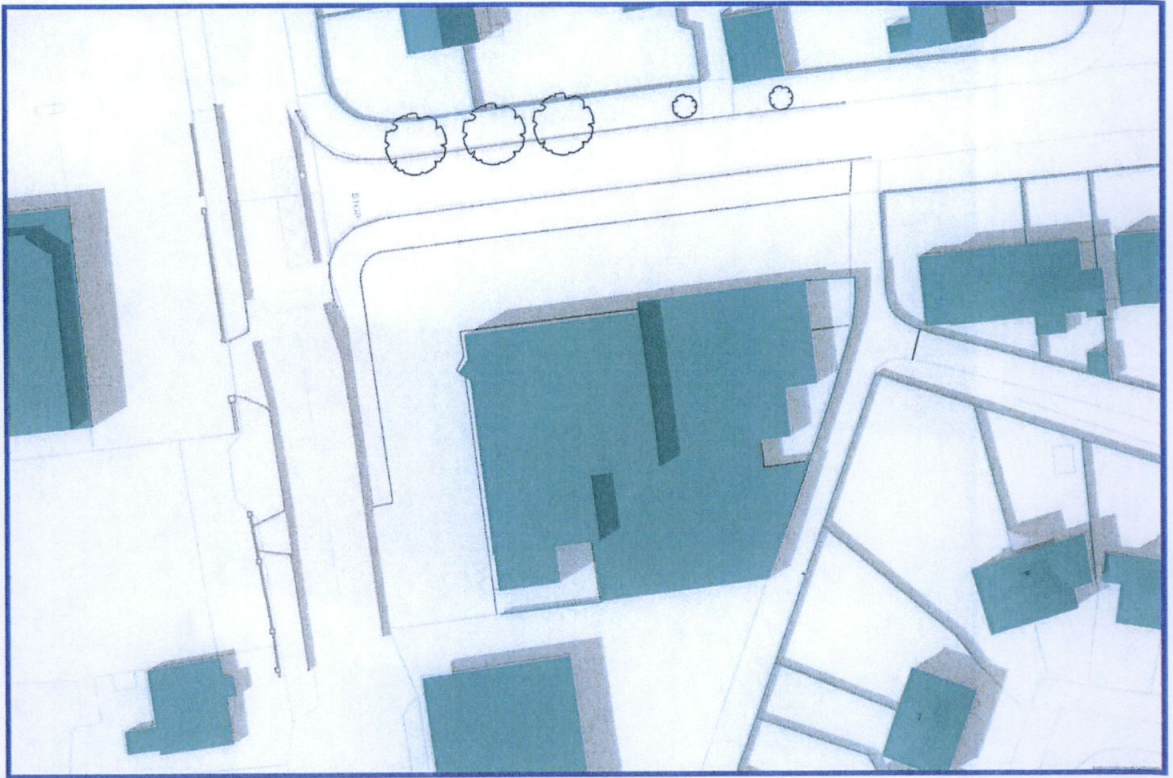


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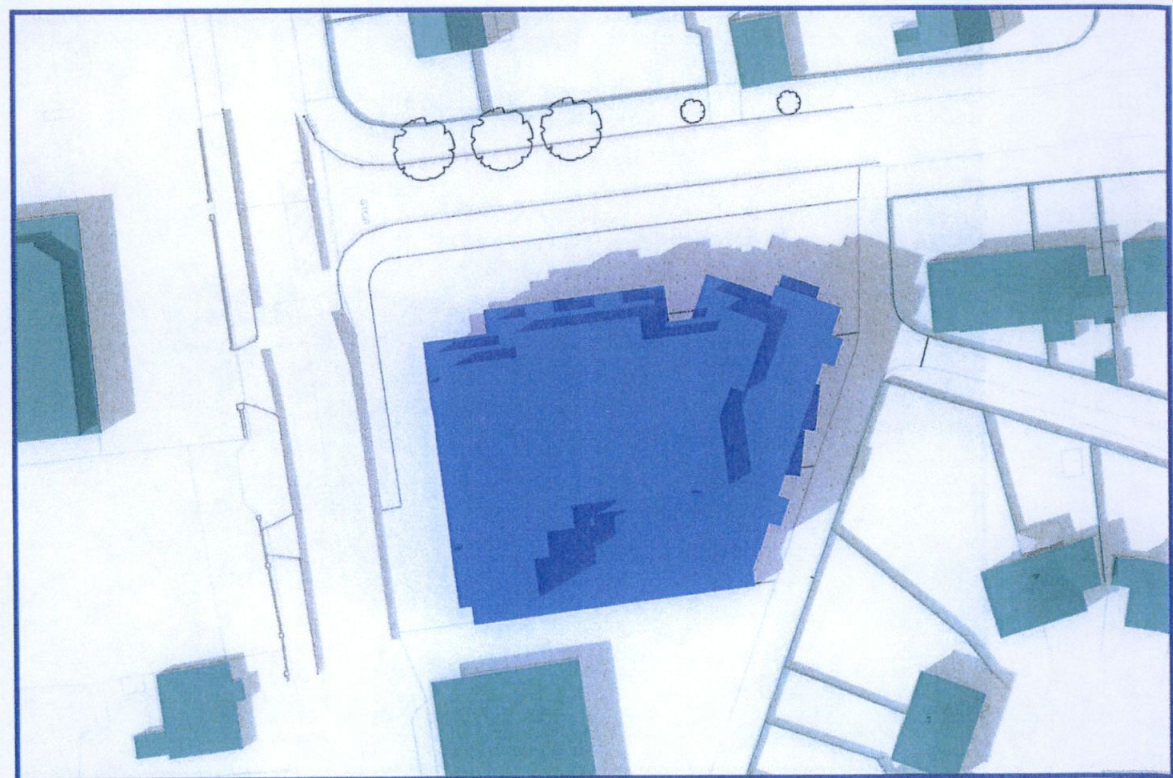
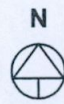


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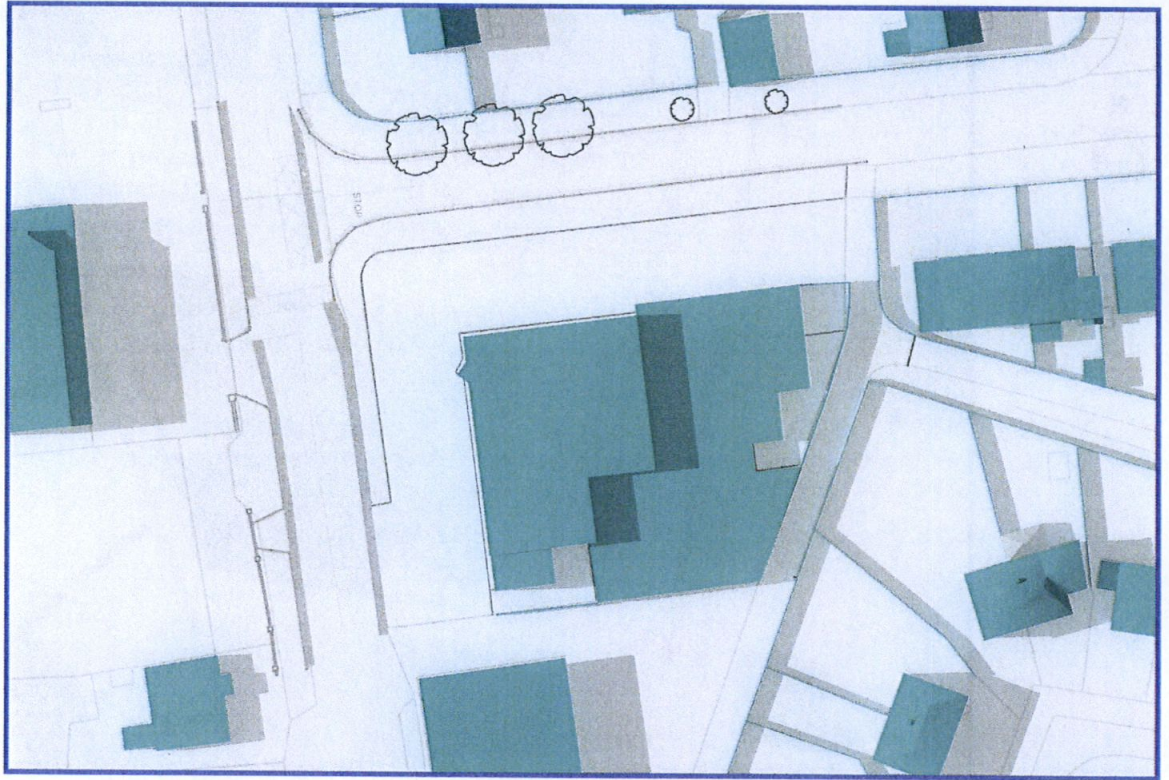


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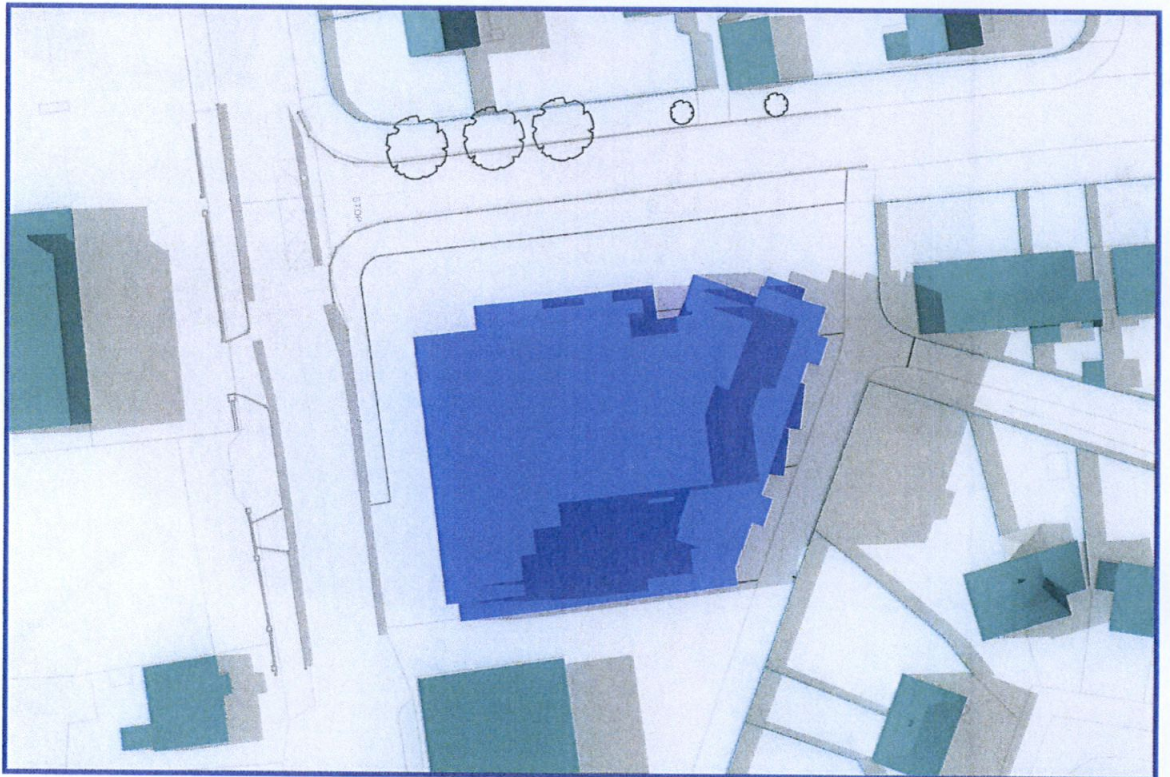


Proposed

Figure Shadow diagrams 21 June 16:00 GMT +1 (DST)



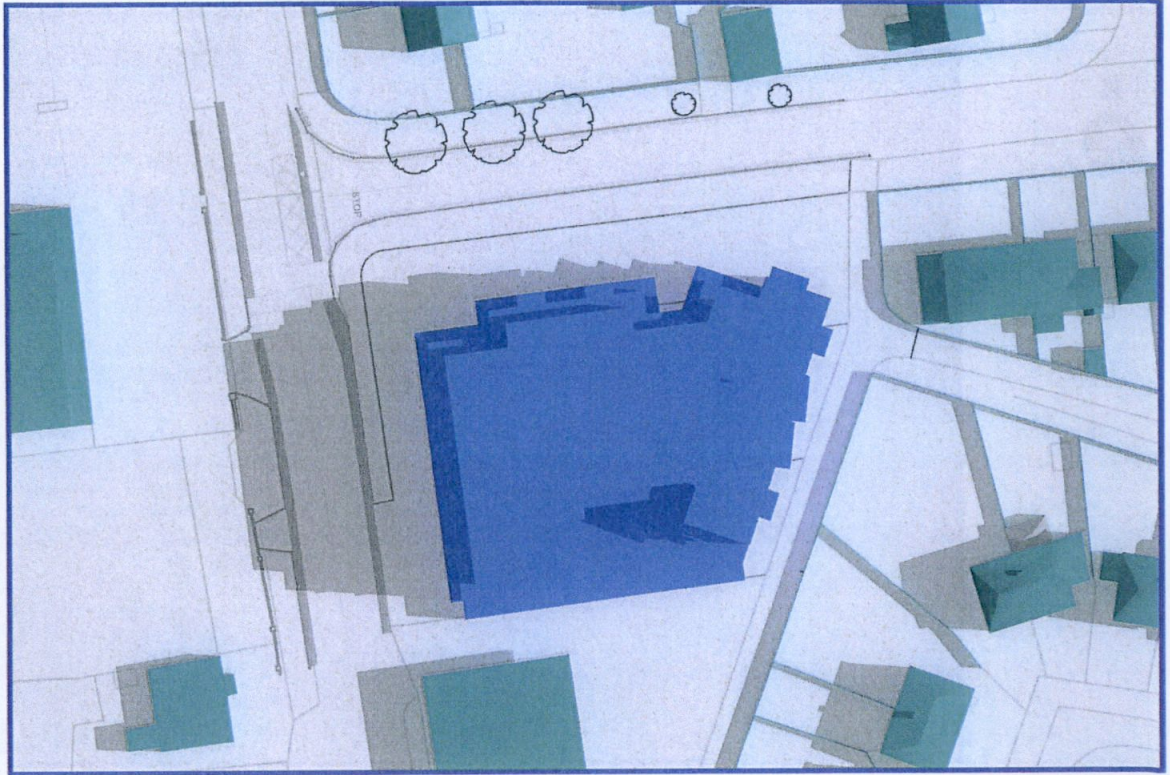
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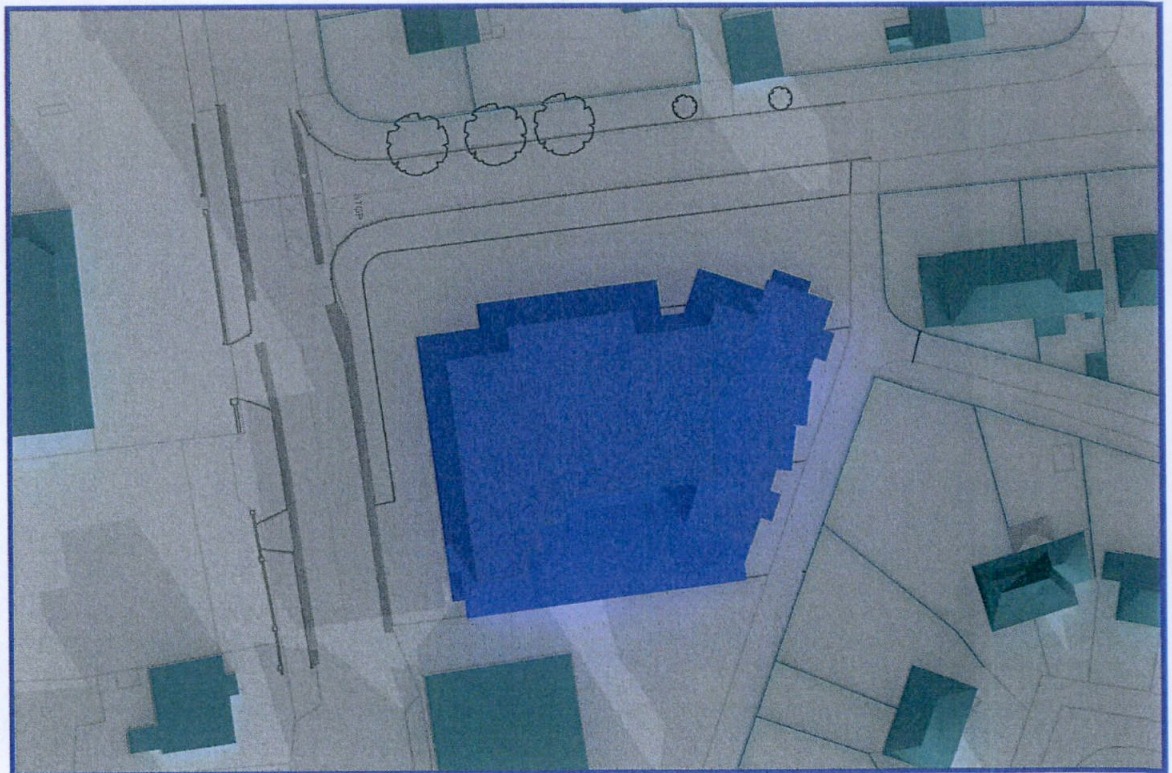
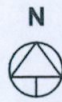
Proposed

Figure Shadow diagrams 21 June 18:00 GMT +1 (DST)

7.4 Shadow Casting diagrams December Solstice

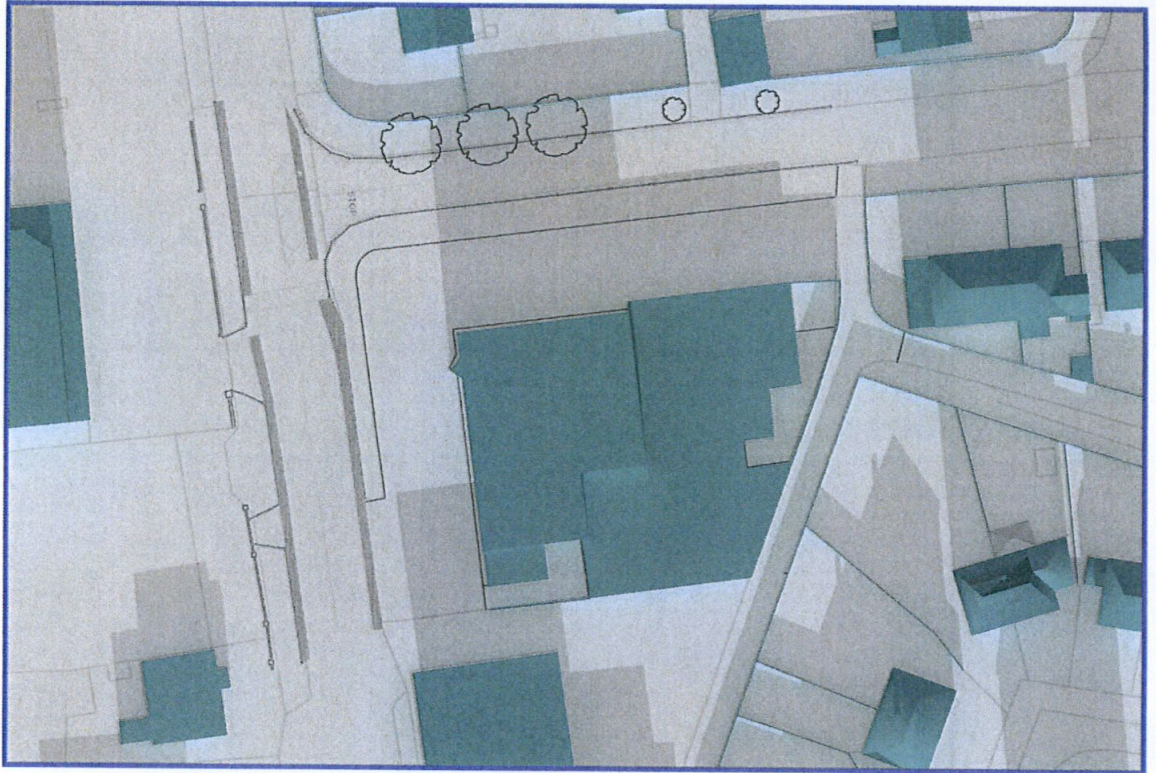


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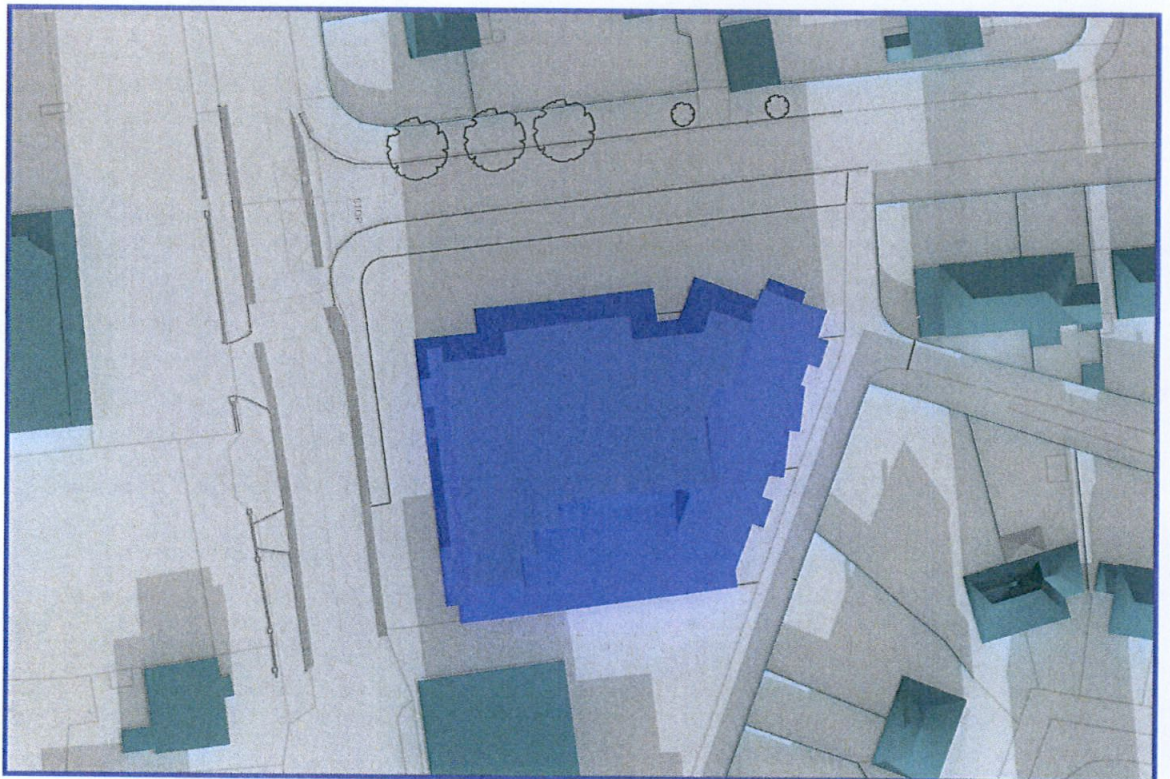


Proposed

Figure Shadow diagrams 21 December 10:00 GMT

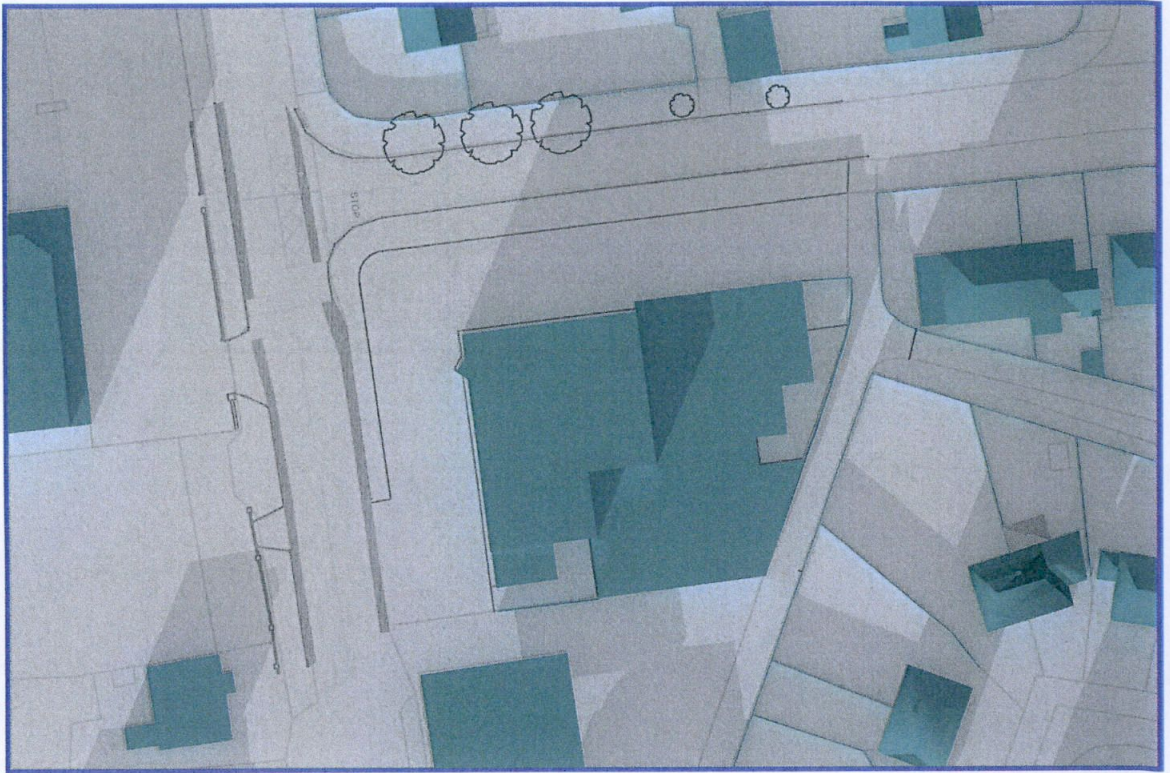


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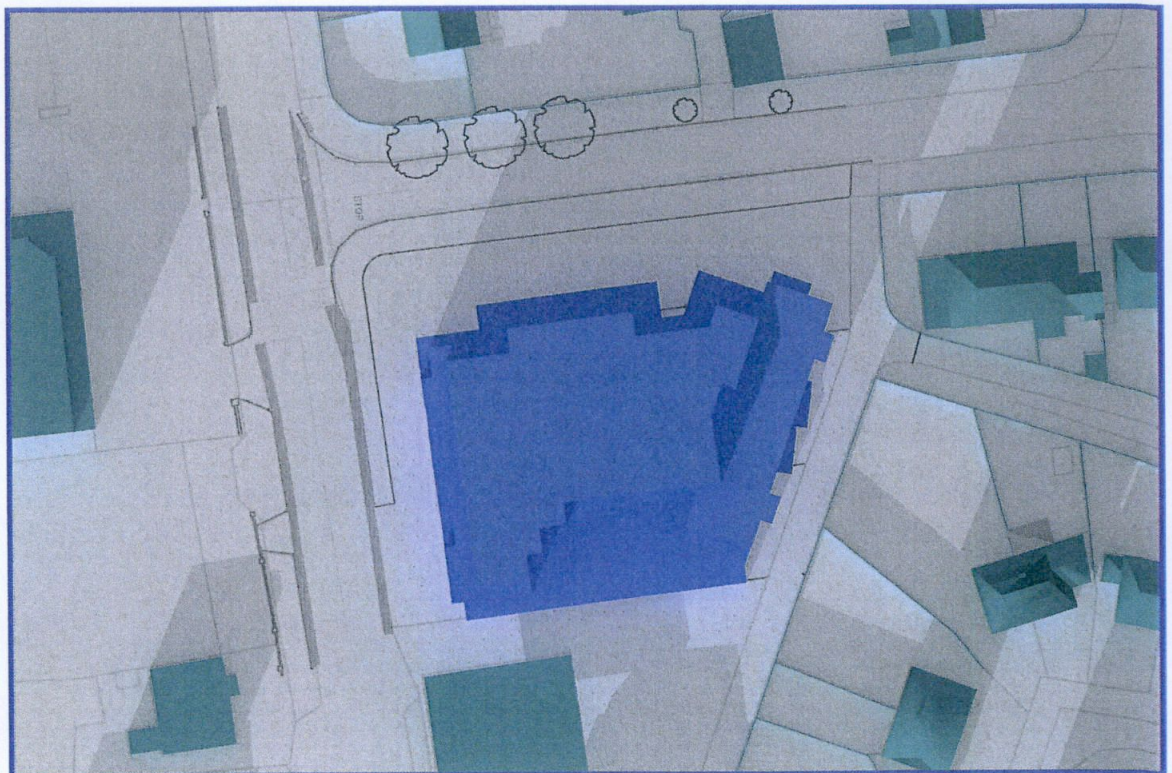
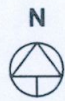


Proposed

Figure Shadow diagrams 21 December 12:00 GMT



Existing



Proposed

Figure Shadow diagrams 21 December 14:00 GMT

APPEAL RESPONSE

(REG. REF SD21A/0271)

Doc. No: P2012-C-006

PROJECT: SILVER GRANITE, PALMERSTOWN

STATUS: PLANNING PERMISSION

CLIENT: HOLLYVILLE INVESTMENTS LTD

ARCHITECT: DOWNEY PLANNING & ARCHITECTURE



Ireland Office:
Scope House
Whitehall Road
Dublin 12K8PP

UK Office:
75 Shelton St
Covent Garden
London WC2H 9JQ

Where this document has been revised it is recorded as indicated below. Please replace all superseded pages of this document with current version.

Rev	Date	Description	By	Checked	Approvals	
P	20 Jul 22	Appeal Response	SJ	GD		
<input checked="" type="checkbox"/> Entire Document Issued this Revision						

CONTENTS

1.0 INTRODUCTION

2.0 BPS PLANNING & DEVELOPMENT CONSULTANTS APPEAL

1.0 INTRODUCTION

A planning application was submitted by Hollyville Investments Ltd. for the construction of a mixed-use development located at Silver Granite public house, Kennelsfort Road Upper, Johnstown, Dublin 20.

The planning register reference number for the application is SD21A/0271.

The planning grant decision has been appealed to An Bord Pleaná, and additional information in relation to this planning application, which includes engineering items is requested.

The engineering items which are addressed in this report are set out below.

2.0 BPS Planning & Development Consultants Appeal

4.9 – Issues of concern over the Outline Construction Management Plan

4.9.2 – No construction vehicles or worker vehicles should be parked in the shopping centre

It is intended that the parking locations for construction and worker vehicles be finalised in the post-planning stages of the project. In this regard, we confirm that the consultant shall set out actual predicted details of the parking based on similar sized construction schemes in similar locations.

Additionally, a detailed Construction Management plan will be compiled by the appointed contractor for approval prior to the commencement of the works. We confirm that this is to be reviewed and agreed by the applicant.

4.9.3 – Working hours should be fixed and not subject to revision for any reason

We confirm that the working hours for the construction of this scheme are to be agreed with SDCC prior to commencement of the works, and was not included during the planning stages of the project.

4.9.5 – The applicant has provided no baseline noise requirements

We confirm that the baseline noise requirements for the duration of the construction of this scheme are to be agreed with SDCC prior to commencement of the works and shall be in line with the SDCC Development Plan 2016-2022. The noise requirements were not detailed during the planning stages of the project as this will be agreed with the council post-planning.

4.9.6 – The applicant has provided no baseline noise requirements

As with the baseline noise requirements, we confirm that any vibration concerns for the duration of the construction of this scheme are to be addressed and adhered to during the works, as outlined in the SDCC Development Plan 2016-2022. A baseline vibration survey will be submitted during the post-planning stages of the project.

4.9.7 – Construction phase visual impacts on surrounding properties should be minimised

It is intended that the appointed contractor submit a detailed Construction Management Plan prior to the commencement of the works, which outlines the proposed fencing and mitigation of visual impact of the works during construction stage.

4.9.8 – Construction phase could cause light overspill impacts on residential dwellings

It is intended that the appointed contractor submit a detailed Construction Management Plan prior to the commencement of the works, which outlines the proposed methods that will mitigate and prevent any overspilling that might be caused during the works.

4.9.9 – Dust impact on nearby areas

It is intended that the appointed contractor submit a detailed Construction Management Plan prior to the commencement of the works, which outlines the proposed methods that will mitigate and prevent any significant impact of dust on the surrounding areas. The contractor will also outline what methods will be used in order to mitigate dust pollution from the site.

DCWNEY

First Party Response to Third Party Appeals

**Lands at The Silver Granite Pub,
Palmerstown, Dublin 20**

Applicant: Hollyville Investments Ltd.

Case Reference Number: ABP-313828-22

July 2022

TABLE OF CONTENTS

1.0	INTRODUCTION.....	3
2.0	SITE LOCATION AND DESCRIPTION	4
3.0	MERITS OF DEVELOPMENT.....	5
3.1	Development Within Context of National Policy & Current Schedule of Government Policy	5
3.2	Appropriate Urban Response.....	6
4.0	FIRST PARTY RESPONSE TO THIRD PARTY APPEALS	10
4.1	Material Contravention to Planning Policy.....	10
	Policy Review on Heights	13
	Density 14	
4.2	Concerns on Overlooking & Overshadowing.....	15
	Overshadowing.....	15
	Overlooking & Privacy.....	16
4.3	Ownership & Appropriate Consent: Road Network, Laneway and Carparking Proposals ...	18
	Carpark on the western side of Kennelsfort Road Upper.....	19
4.4	Joan Sheahan Appeal.....	21
	Deliveries, Refuse and the laneway from Wheatfield Road.....	21
	Additional Issues.....	22
	Oral Hearing Request.....	23
4.5	Dermot Keogh Appeal.....	23
	Delivery & Refuse.....	23
	Communal Roof Area.....	24
4.6	The Moriarty Group Appeal.....	24
	Development Potential.....	24
	Loss of residential amenity	25
	Retail provision	26
	Additional Issues Raised within the Appeal.....	26
4.7	Kennelsfort Management Company Ltd. Appeal.....	26
	Further Information Submission did not address all objections.....	26
	Objections to the SDCC Planning Assessment	27
	Other issues within the third-party appeal document	28
5.0	CONCLUSION.....	29
6.0	ANNEX ONE.....	31
6.1	Land Registry Folio 5245	31

1.0 INTRODUCTION

DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, have been engaged by our client, Hollyville Investments Ltd., Leixlip House Hotel, Captains Hill, Leixlip, Co. Kildare, to prepare this first party response to the 4 no. third party appeals and request for an oral hearing (ABP Ref. 313828-22) that were made against the decision of South Dublin County Council to grant planning permission under Reg. Ref. SD21A/0271 for a proposed mixed-use development on lands at The Silver Granite pub, Palmerstown, Dublin 20. The proposed development as per the description contained in the statutory notices was as follows:

“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-license, 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 bed 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 The Silver Granite car park adjoining Palmerstown Shopping Centre car park (accessed from Kennelsfort Road Upper via Palmerstown Park).”

This first party response sets out the rationale and justification for the proposed development, how it accords with proper planning and as such represents an appropriate urban design response for this district centre within Palmerstown. The response then sets out a rebuttal against the grounds of the 4 no. third party appeals made against South Dublin County Council’s decision to grant planning permission under planning Reg. Ref. SD21A/0271. The third-party appeals are as follows:

1. Joan Sheahan, 10 Oakcourt Grove, Palmerstown, Dublin 20
2. Dermot Keogh, 11 Oakcourt Grove, Palmerstown, Dublin 20
3. Hughes Planning 85 Merrion Square, Dublin 2 submitted on behalf of the Moriarty Group
4. BPS Planning Consultants on behalf of Kennelsfort Management Company Ltd., Ballinatone, Greenan, Wicklow

DOWNEY, respectfully express to An Bord Pleanála, that the planning permission granted under Reg. Ref. SD21A/0271 was comprehensively assessed under the relevant planning policy and design criteria. The appropriate site assessments were undertaken which helped inform the overall design. Additionally, every design intervention has been made to reduce any potential negative impact in terms of overlooking & overshadowing. Moreover, the proposed development on DC zoned lands meets the appropriate separation distances from the existing residential properties, in line with the Building Height Guidelines (2018). The design response and the development’s setting within the relevant/applicable planning policy framework are discussed in the following sections. DOWNEY respectfully submit that the proposed development accords with the proper planning and sustainable development of the area.

2.0 SITE LOCATION AND DESCRIPTION

The application site is located within a District Centre in Palmerstown which is within the administrative area of South Dublin County Council. The subject lands are situated at the 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 site is bound by Kennelsfort Road Upper and Palmerstown Shopping Centre to the west. Wheatfield Road and residential dwellings are to the north of the site. Additionally, the site is bound by a petrol station to the south and by residential development to the east.

Access to the subject lands is via an existing vehicular entrance to the Silver Granite car park (within Palmerstown Shopping Centre car park) from Kennelsfort Road Upper, and via Kennelsfort Road Upper and Wheatfield Road bounding 'The Silver Granite' pub site.

The site consists primarily of the one-two storey building comprising 'The Silver Granite' pub with associated off-licence, and the bookmaker fronting Wheatfield Road. The building is surrounded by an apron of car parking which serves the existing businesses on site. It is proposed to demolish the existing structure on site in order to facilitate the proposed development.

The subject site enjoys excellent connectivity given its proximity to the Chapelizod Bypass, which provides access directly to the M50 and M4 motorways as well as to Dublin City Centre, and high frequency bus routes on Kennelsfort Road Upper. The Chapelizod Bypass also comprises a Quality Bus Corridor (QBC) which ensures that the lands are easily accessible by public transport. The subject site is c.800m from this QBC bus stop, i.e., Stop No. 2241 on R148 (old N4) Chapelizod Bypass. This QBC also forms part of a proposed BusConnects route which will reduce travel times to the city centre and other destinations - as a result of this, the site is an appropriate location of increased height & density.

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

As such, it is evident that the subject site is well served by a wide range of existing social and community facilities and is well located in terms of proximity to large retail centres and existing high-quality public transport. The development site constitutes a Tier 1 zoned & serviced site, as set within the NPF. This level of infrastructure is considered sufficient to support the proposed development. Furthermore, the influx of population as a result of the proposed development will help sustain the long-term viability of this social infrastructure. The proposed development of this underutilised, brownfield site represents an important opportunity to deliver much needed housing in South Dublin County and to meet the ever-increasing demand for housing in the Greater Dublin Area.

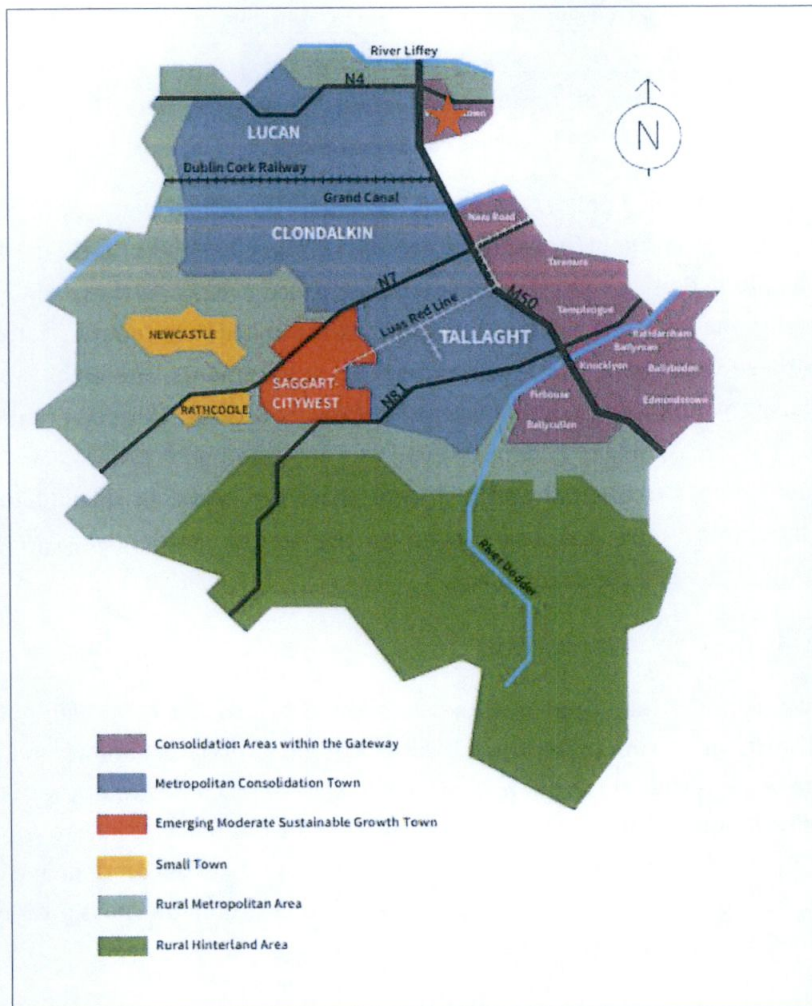


Figure 1: The proposed developments setting within the Core Strategy and transport routes

3.0 MERITS OF DEVELOPMENT

This section will discuss the merits of the development particularly in the context of National Policy and the Government’s current schedule of urban planning policy, whilst also demonstrating how the proposed development represents an appropriate design response for the area.

3.1 Development Within Context of National Policy & Current Schedule of Government Policy

The importance of apartment living, and Compact Growth are key features within the Government’s Schedule of Planning Policy. The NPF is the cornerstone of Ireland’s plan led system, the no. 1 objective of this document is Compact Growth. The key features Compact Growth can be defined as 1) targeted development within and close to the existing footprint of built-up areas, 2) ensure transition to more sustainable modes of travel (walking, cycling, public transport) and 3) enabling urban infill development. Thus, the current planning policy paradigm supports making better use of under-utilised land and buildings, including ‘infill’, vacant and under-occupied buildings, with higher density housing, better serviced by existing facilities and public transport. The proposed development and it’s lands are

quintessential of the Compact Growth model approach, which aims to move away from sprawled suburban & rural car dependant development. Overall, this is a targeted growth approach which aims to facilitate the development of communities close to existing infrastructure (i.e. nearer to employment & service centres) thus lowering car dependency.

Additional and interim planning policy documents have been published by the Government of Ireland to align the NPF's overarching goal for Compact Growth such as the Height Guidelines (2018), Housing for All (2021), Climate Action Plan (2021) and Town Centre First (2022). All these guidance documents call for higher density living along existing transport routes in order to reduce car dependence. Key agendas within these documents are lower carparking requirements, the emphasis on apartment living and development within the existing footprint of towns & cities. Targeting future development within existing urban areas, height & density increases are laden with challenges, particularly with regard protecting existing residential and historical character areas. In relation to the proposed development, the utmost care has been given to the exiting residential environment and all appropriate site assessments have taken place.

3.2 Appropriate Urban Response

The proposed development has been sensitively designed to provide for a high-quality mixed-use scheme that will introduce an attractive visual landmark at this strategic location in Palmerstown while at the same time being respectful and sensitive to the established character of the surrounding area. The proposed development site is a Tier 1: Serviced Zoned Land which makes the most of existing infrastructure road and footpaths as well as public lighting, foul sewer drainage, surface water drainage and water supply. Moreover, in line with Tier 1 classification the site is positioned within the existing built-up footprint of a settlement.

The proposed development seeks to provide an active setback streetscape along Kennelsfort Road Upper and Wheatfield Road by providing restaurant and retail uses at ground floor level. At the upper floors the balconies & roof terrace add passive security & a modern urban façade to the street. In term of open spaces, the proposed landscape design aims to create a high-quality urban streetscape for residents and visitors to partake with; an attractive location for people to sit in and move through whilst enhancing the visual amenity of the area. The design approach incorporates appropriate elements of new tree planting, mixed ornamental planting and raised planters with seating. The communal open space terraces for the apartments afford residents the opportunity to sit out and enjoy these high-quality spaces, with play equipment also provided for children.

The proposed development represents an appropriate urban response for the district centre, which at its current standing is defined by an apron of carpark and low concrete walls which poorly address the street and junction of Kennelsfort Road Upper and Wheatfield Road. The building itself is in poor condition and warrants redevelopment.



Figure 2: Existing streetscape, apron of carparking and poor connection with street

The Silver Granite gastro pub fronts onto Kennelsfort Road Upper, the building which was first granted in 1999 uses a medley of Georgian & Victorian architectural features including; a pitch roof tower feature with wind dial, ornate windows, plaster elements and feature stone. The building has a flat roof and there is a single storey commercial extension to its rear fronting onto Wheatfield Road. There is a bookmakers, off-licence, and restaurant/takeaway operational on site. Outdoor seating and a coffee dock have been an addition on site following covid-19 restrictions. Overall, the development onsite represents a poor urban response both in relation to the roads and the street corner element.

The existing use on the Tier 1 serviced site represents a poor urban design response to this central location as well as under development of such a centrally located, zoned and serviced site. DOWNEY, submit to the Board that the proposed development will have a positive local impact and successful urban response.

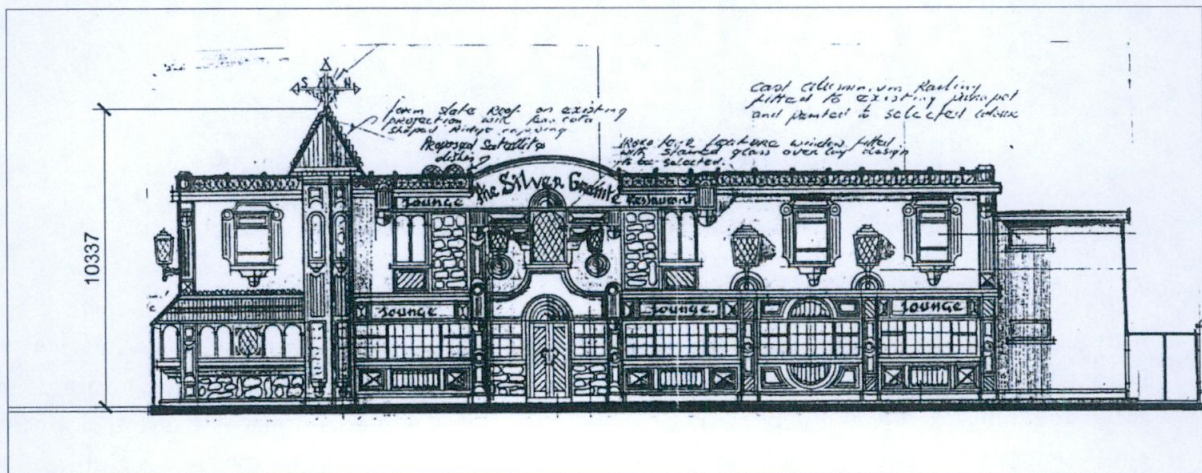


Figure 3: Existing elevation, with an array of Victorian and Georgian themed features



Figure 4: Proposed elevation, modern urban features, use of brick and vertical windows to reduce perceived massing



Figure 5: Appropriate modern urban response and streetscape

The quantum of public open space has been assessed and approved by the Planning Authority. Proposals for open space is considered in the context of the quality and quantum of private open space and the proximity of a public park & usable green space. It was considered that the proposed development's approach to public open space is acceptable at this location, having regard to the proximity of pockets of open space in the area, see figure below. Furthermore, the subject site is c.800m from this QBC bus stop, i.e., Stop No. 2241 on R148 (old N4) Chapelizod Bypass making the Phoenix Park and city centre highly accessible. Moreover, the proposed development provides high quality playground, road & public realm improvements/seating and active streetscape.



Figure 6: Quantum of public open space within the vicinity of the proposed development site

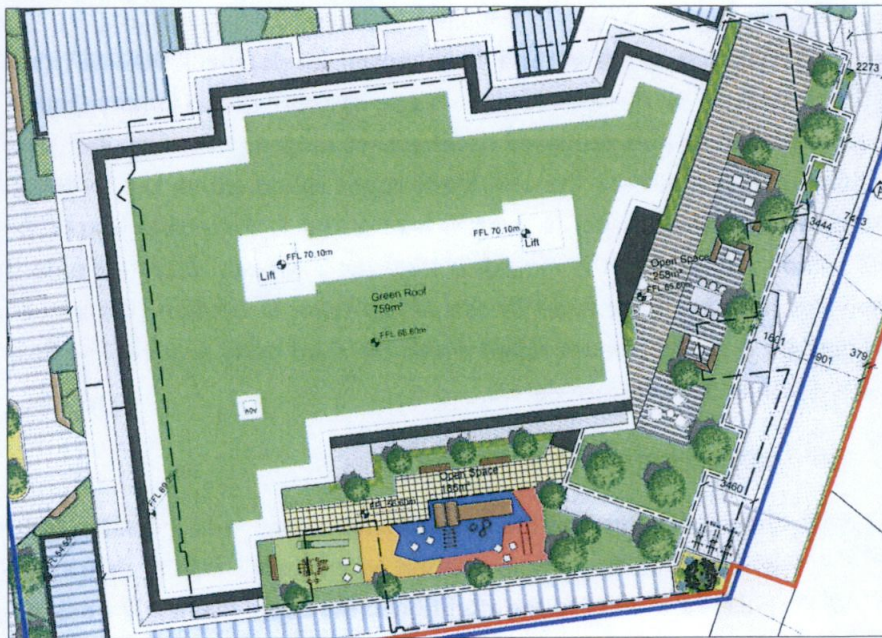


Figure 7: Children's play area and outdoor seating provided as part of the development



Figure 8: Waterstown Park located a short distance from the site

The proposal also seeks to introduce a residential use on the site by providing 50 no. apartments on the upper floors, with 25 no. 1 beds and 25 no. 2 beds proposed in total. All apartment units have been designed in accordance with the pertaining Development Plan standards and 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines complying with or exceeding the minimum standards by at least 10% as per the aforementioned Guidelines. The proposed apartments have been designed to maximise opportunities for dual aspect units, which make up 60% of the proposed units. Furthermore, the influx of population as a result of the proposed development will help sustain the long-term viability of this social infrastructure.

DOWNEY respectfully submit that the Board that the proposed development represents an appropriate urban response within the District Centre. It must be noted that the design of the public realm improvements was discussed at pre-planning stages and informed by the Planning Authority, and overall, the proposals were welcomed/considered acceptable by the Council noting their decision to grant planning permission.

4.0 FIRST PARTY RESPONSE TO THIRD PARTY APPEALS

Having set out the background to the site and the proposed development, DOWNEY shall now provide a rebuttal of the grounds of the third-party appeals against South Dublin County Council's decision to grant planning permission for this proposed development lodged under Reg. Ref. SD21A/0271. The following section will firstly address the prominent issues raised within the third-party appeals 1) material contravention, 2) overlooking & overshadowing and 3) ownership & appropriate consent. Secondly, this section will address the individual third-party appeals. DOWNEY note that separate, technical responses have been prepared by the design team in relation to engineering, traffic & transport and daylight & sunlight issues raised within the third-party appeals. The Board are invited to refer to these documents for further details.

4.1 Material Contravention to Planning Policy

Within the appeals, there are claims that the development contravenes a number of Local, Regional and National Planning Policy; particularly in relation to proposals height, density and carparking numbers. DOWNEY would like to bring to the attention to the Board that it is the objective (Policy H7) of South Dublin County Council "to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 [Planning Authority's emphasis](as amended)."

Additionally, it is stipulated under SPPR 3 of the *Building Height Guidelines*, that the Planning Authority may approve development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. This has been solidified following recent judgment *Pembroke Association Vs Waltham Abbey Residents Association*. As stated within the Council Planner's Report:

"Having regard to the submitted documentation and given the DC zoning of the site, the separation distance from the existing residential properties and the measures proposed to protect the amenities of the surrounding area, it is considered that the

principle of the overall building height is compliant with the Building Height Guidelines and SPPR3.”

As stated within SRP 3:

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

- (A) 1. An applicant for planning permission sets out how a development proposal complies with the criteria above; and,*
- 2. The assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;*
- Then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.”*

Section 3 of the Guidelines sets out development management principles and criteria that proposals for higher buildings are to be assessed against. The Development Management Principles are in accordance with and consistent with securing the objectives of the NPF and the South Dublin Development Plan. The Development Management Criteria are as follows:

1. At the scale of the relevant city/town:

- The subject site is well served by public transport, particularly Dublin Bus directly outside the site and it is also within short walking distance (i.e. within 800m) of the Lucan – City Centre QBC, which is also a proposed BusConnects route. The proposed BusConnects will further improve the public transportation offerings.
- There are no sensitive or protected external views in the vicinity of the site, which would be affected by the proposed development and the 4-5 storey taller building proposed.
- The proposed increase in height will help to create a strong urban edge at this corner site at the junction of Kennelsfort Road Upper and Wheatfield Road, as well as adding to the place-making design of the scheme.

2. At the scale of the district/neighbourhood/street:

- The proposal for the height will help to create added visual interest at the junction of Kennelsfort Road Upper and Wheatfield Road, which will be supported by the provision of improvements to the public realm accessible to the wider community and the improved connections to Palmerstown Shopping Centre.
- The increased height will help to create a stronger urban design response to what is generally considered to be an unresponsive area of urban design at this key corner site at the junction of Kennelsfort Road Upper and Wheatfield Road.
- It is respectfully considered that the proposal introduces a high-quality development at an underutilised site within an urban setting. The proposed development responds appropriately to the surrounding built context and respects adjoining residential amenity by stepping down to the east to four storeys towards the dwellings on Wheatfield Road, providing appropriate separation distances and through the introduction of screening measures for proposed open spaces such as balconies and communal terraces.

Palmerstown is also experiencing change in its built context with the construction of the SHD scheme in the village (accessed via Kennelsfort Road Lower) now underway which will range in height from 3 – 8 storeys.

- The proposed design includes an appropriate palette of materials that are sensitive to the overall development and avoids the creation of monolithic design.
- The site is not in an area at risk from flooding and as such is appropriate for this form of development.

3. At the scale of the site/building:

- The design of the development avoids long and uninterrupted elevations, with a variation in the form and height of the building being a central element of the architectural design.
- The proposed development will provide appropriate levels of daylight and sunlight and will not give rise to adverse overshadowing, as confirmed in the report prepared by Digital Dimensions, which is included as part of the application.

4. Specific Assessment:

- The AA Screening confirms that the development will not result in a significant impact on any Natura 2000 sites.
- The proposed development provides for 50 apartments and retail and commercial uses on a site extending to 0.469ha and therefore is sub-threshold for the purposes of mandatory EIA.
- The proposed height of the development will not affect air navigation or result in any undue glare or impact on telecommunication measures.

In addition, the application contains sufficient reports, documentation, plans and justification to support the proposed development and outlines how the development is in accordance with the relevant planning policies and guidelines pertaining to the area. Such documents include architectural plans and elevations, Architectural/Urban Design Statement, Traffic and Transport Assessment, AA Screening, planning reports, daylight and shadow analysis, verified views, etc.

In light of the above, it is considered that the proposed development is consistent with the requirements of these guidelines on building heights for urban developments and that greater heights and taller buildings are achievable. The proposed development at Palmerstown is well served by public transport and therefore can be expected to achieve higher density residential development. Furthermore, the existing lands at Palmerstown are brownfield lands that are zoned for development and are serviced with road and public transport infrastructure. Therefore, higher density residential development can be achieved on the lands in accordance with the aforementioned policy guidelines.

While *H7 Objective 4* within the County Development Plan states “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 application has been assessed in accordance with the *Section 28 Urban Development and Building Height Guidelines for Planning Authority, 2018* and therefore complies with Government guidance on the design of sustainable residential development.

In relation to building heights *Policy UC6* within the South Dublin County Development Plan seeks to;

“Policy UC6: *Support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County”.*

Other relevant policy objectives relating to increasing building heights include;

“UC6 Objective 1: *To encourage varied building heights in town, district, village, local and regeneration areas to support compact urban form, sense of place, urban legibility and visual diversity while maintaining a general restriction on the development of tall buildings adjacent to two-storey housing.”*

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

It must be noted that the Development Plan defines tall buildings as exceeding five storeys, as such the development approved under Reg. Ref. SD21A/0271 is not a tall building. The development does represent a higher building and height increase within the context of existing developments. When considering proposals for increased heights, the Planning Authority must heed the prevailing building height in the area, proximity of existing housing and Protected Structures, the formation of a cohesive streetscape pattern and separation distances from existing development. Again, DOWNEY note that the proposed development was assessed and found to be of a building height compliant with the Building Height Guidelines and was considered acceptably by the Planning Authority in their decision to grant planning permission.

Policy Review on Heights

It must also be noted that the Development Plan for South Dublin is also currently being reviewed, with the creation of a new Development Plan for the period 2022-2028. The Draft Plan takes a *Context Driven Approach to Height*. This is in line with the Urban Development and Building Height Guidelines and specifically SPPR1 which prohibits numerical limitations on building height by planning authorities. For example, a ten-storey building is ‘tall’ in the context of a 2-storey streetscape but is only ‘taller’ in a block where the prevailing height is 8-storeys. Building heights are increased relative to the prevailing heights in their vicinity. For example, a ten-storey building is 5xCH in a two-storey streetscape but 1.25xCH in an eight-storey streetscape. The proposed development is a five-storey building situated within a District Centre with a prevailing street scape of 2 & 3 storeys (2.5xCH & 1.6xCH). Moreover, in relation to the existing residential amenity which is primarily characterised by 2-storey housing, the contextual height ratio is 2.5xCH and represents a modest contextual height increase. As stated within the Draft Development Plan:

“Proposed increased heights should be proportionate to the role and function of buildings and the scale of their impact on the receiving environment. By this measure, the more prominent a role the development plays at the larger urban scale the more a larger contextual height ratio would be expected; conversely the more locally oriented a role the building plays the lower the expected contextual height ratio.”

The proposed development has been sensitively designed to provide for a high-quality mixed-use scheme that will introduce an attractive visual landmark at this strategic location in Palmerstown while at the same time being respectful and sensitive to the established character of the surrounding area.

H7 Objective 4 within the 2016-2022 Development Plan is restrictive policy that relies on numerical limitations of height and is not in keeping with current planning policy, particularly the National Height Guidelines. It must be noted that in its current standing, the Draft Development Plan 2022-2028 does not include H7 Objective 4.

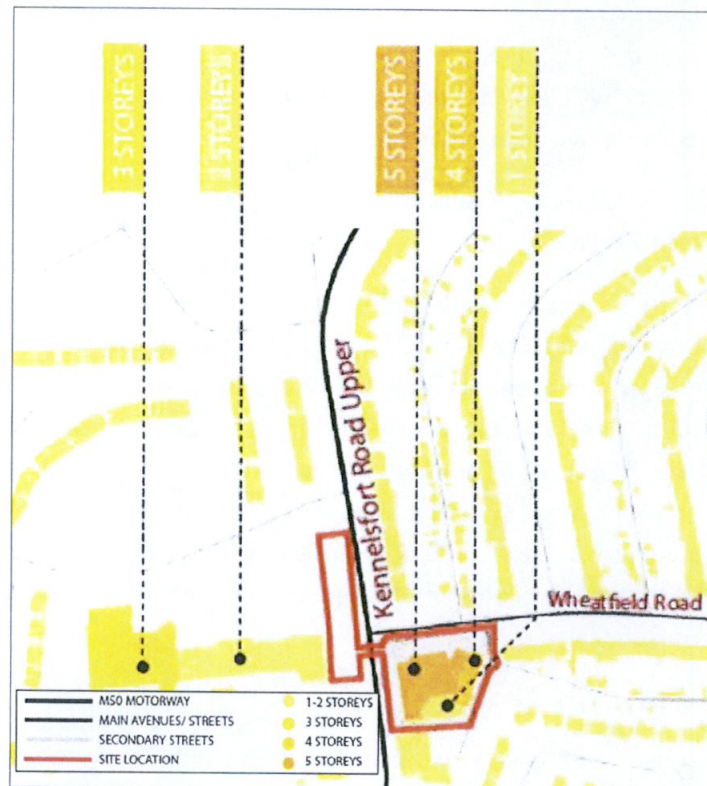


Figure 9: Local Contextual Height 'DC' - 3 to 5 storeys represent the appropriate contextual height increase

Density

Within the third-party appeals, there are claims that the proposed development constitutes overdevelopment of the site and that its density is too high. DOWNEY respectfully submit that the proposed development at Palmerstown is well served by public transport and therefore can be expected to achieve higher density development, in line with the NPF's overarching Compact Growth approach. This is a Tier 1 zoned and serviced site which can cater for increased density and population influx.

Furthermore, the existing lands at Palmerstown are underutilised brownfield lands that are zoned for development and are serviced with road and public transport infrastructure. Therefore, higher density residential development can be achieved on the lands in accordance with the aforementioned policy guidelines. It is considered that the gross density is 106units/ha (including all parking etc.) and the net density is 188 units/ha.

The proposed density is in excess of the recommended minimum of 50 units per hectare. However, the subject site is located on a high-quality transport route and is located in an existing centre within an urban context (within the M50 ring) and therefore has the capacity to achieve higher densities. The

proposed density is therefore considered appropriate due to the site's strategic location in close proximity to a high-quality transport corridor and the context of the site within the M50 ring.

The 2009 Guidelines cite town centres, areas along public transport, infill sites and redevelopment sites as areas that may be suitable for higher densities. Moreover, the Apartment Guidelines (2020) also guide higher densities to 'Central and/or Accessible Urban Locations'; which states that densities over 45 units per hectare are also acceptable at 'Intermediate Urban Locations'. It is important to note that the Planning Authority found that the proposed density suitable for this site, as stated within the Council Planner's Report:

"Given the location, in proximity to existing retail and supporting facilities and located along a significant public transport route, the proposed density is considered acceptable".

The residential mix provides a good choice for future residents in the area and caters for a broad range of housing requirements within the market, namely first-time buyers, young families, singles, downsizers, and retirees. National Policy has recognised the need to cater for a broad range of buyers as included in Housing for All with *Housing Policy Objective 20: Make more efficient use of existing housing stock* which has the goal to *develop a national policy on rightsizing and explore options to support and incentivise rightsizing on a voluntary basis.*

The proposed residential mix is a welcome addition to the area. It will support better tenure, age, and social mix within the locality – which in its current standing is primarily defined by low density semi-detached type development.

4.2 Concerns on Overlooking & Overshadowing

Overshadowing

Whilst third-party concerns are noted, it is important to stress that the development has been designed cognisant of neighbouring properties and achieves appropriate separation distances from existing residential developments. There are concerns within the third party appeals that the proposed development will overshadow and overlook neighbouring properties, most notably at Oakcourt Grove. Perceived overlooking and overshadowing chiefly relates to the rear gardens of properties on Oakcourt Grove. The BRE Guidelines indicate that for an amenity area to have good quality sunlight throughout the year, 50% should receive in excess of 2 hours sunlight on the 21st March. It must be recognised that the Daylight & Sunlight Assessment found no impact to the amenity of any adjacent residential properties and the proposed development meets the BRE guidelines for Gardens and Open Spaces.

A separate document has been prepared by Digital Dimensions which contains a comprehensive response to the issues raised within the third party appeals regarding daylight/sunlight and overshadowing. The Bord are invited to refer to this document which provides a full rebuttal on third party concerns relating to the Daylight & Sunlight Assessment.

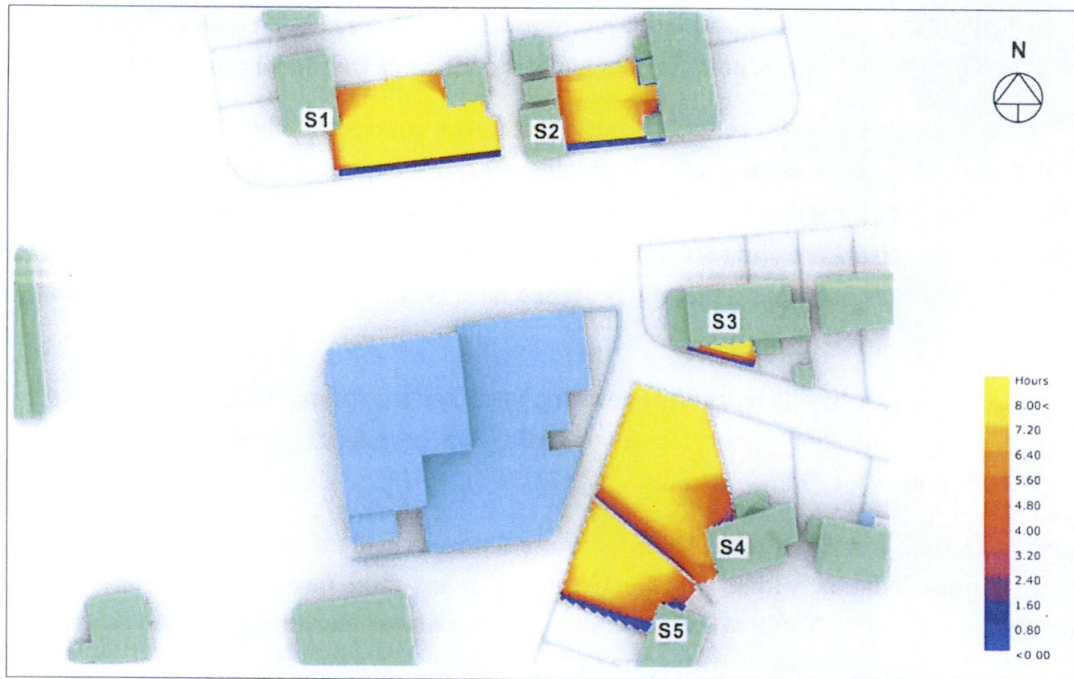


Figure 10: Existing Radiation map of amenity areas, showing available sunlight on 21st March. The scale represents the percentage of daylight received from 0 - 8 hrs.

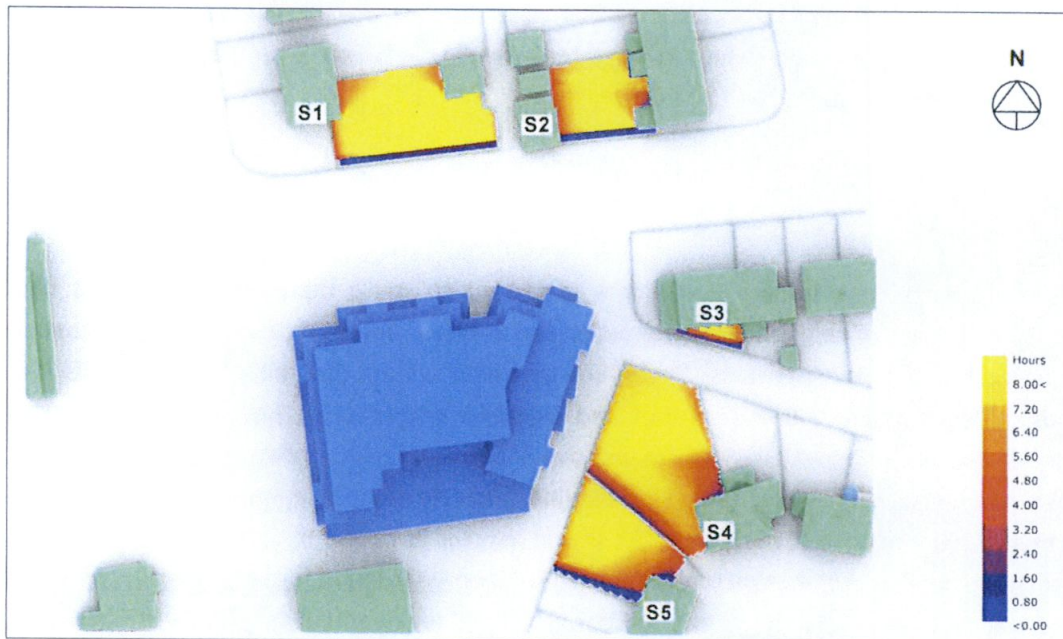


Figure 11: Proposed Radiation map of amenity areas, showing available sunlight on 21st March. The scale represents the percentage of daylight received from 0 - 8 hrs.

Overlooking & Privacy

The proposed development is an increased height from existing surrounding development and introduces a residential use on the upper floors. The proposed apartments have individual private balcony spaces, some of which face towards the rears of existing properties and their back gardens. However, every design intervention has been made to reduce any potential negative impact. The

balconies which are situated nearest existing properties at Oakcourt Grove are on the third floor of the proposed development; these are opaque and 1.8m high. Design interventions that have been used to mitigate against overlooking include setting balconies at an angle. There is screening to outdoor dining areas and at the 4th floor terrace. Additionally, significantly deep ornamental shrub planting has been used at fourth floor level, which will support the protection of private amenity space of existing residential areas, particularly to Oakcourt Grove.

It must be noted that the proposed development has been assessed under the considerations of H15 Objective 4 of the County Development Plan, which states:

“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 building design reduces undue overlooking & privacy. It must be noted that the Council Planner’s Report states that the Planning Authority “*considers that no undue overlooking of, or negative impact on, existing private amenity space would arise and therefore consider the development to be generally acceptable in this regard*”.

As a rebuttal to the third-party appeals, DOWNEY submit that the proposed height at this location is appropriate for a number of reasons, including:

- The appropriate site assessments including Daylight & Sunlight were undertaken which helped inform the final building design. No impact was noted to the amenity of any adjacent residential properties. The proposed development meets the BRE Guidelines for Gardens and Open Spaces.
- Every intervention has been made to reduce potential negative impact including the use of 1.8m height opaque balconies at the third-floor level, balconies set at an angle and the use of deep ornamental shrubs. The development achieves the appropriate separation distances from Oakcourt Grove.
- The proposed development ranges in height from 4 storeys to 5 storeys which means that the proposed height is more than the Development Plan height restrictions. However, it must be noted that whilst the proposed scheme exceeds the stipulated height, it remains consistent with other relevant policies and objectives pertaining to the subject site, and thus the proposed height is justified in this instance. Stipulation of such height restrictions within Palmerstown would be contrary to proper planning and would contradict Section 28 Ministerial Guidelines. Considerations for increasing height within the Draft Plan now utilise the contextual height approach.

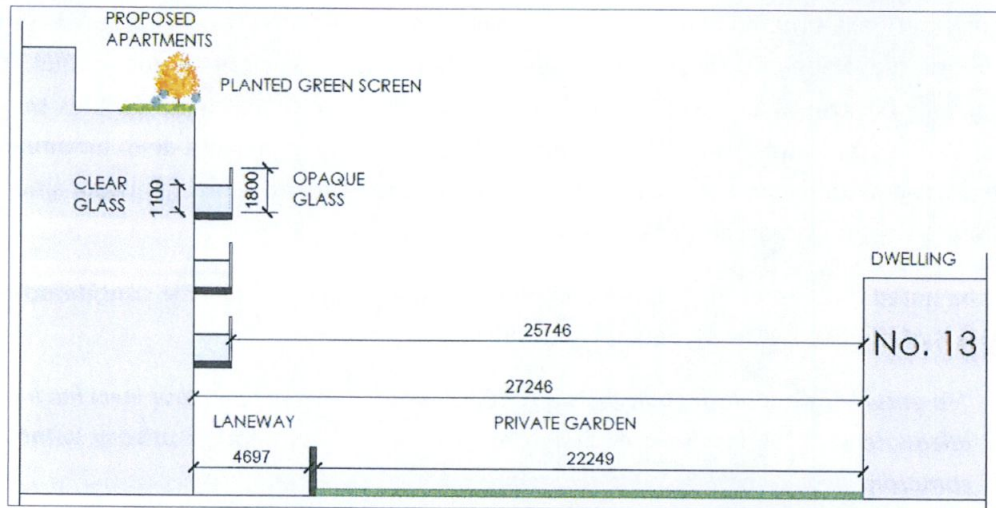


Figure 12: Separation distances and design intervention prevent and mitigate against undue overlooking

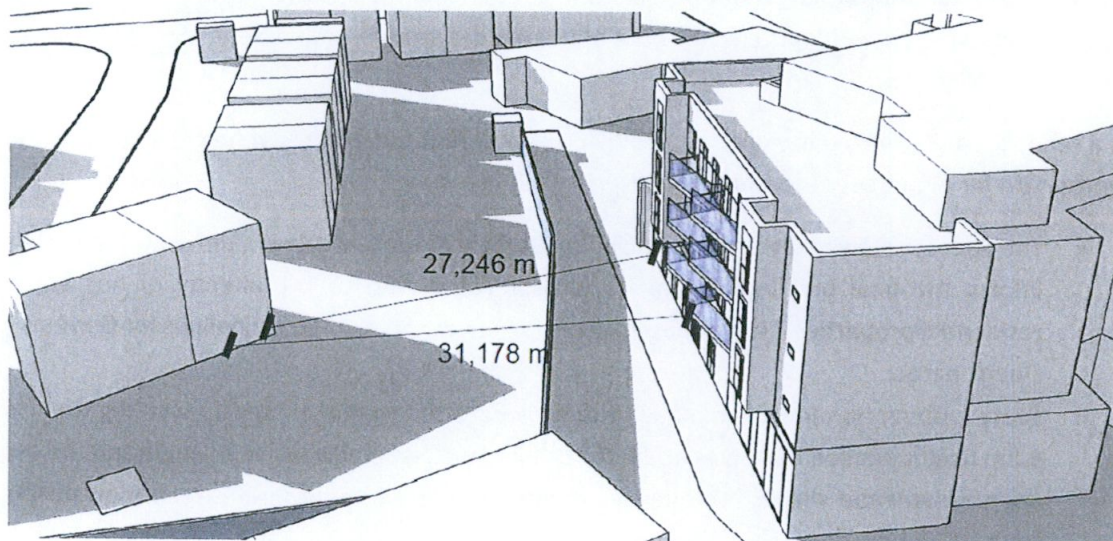


Figure 13: Separation distances achieved from dwellings at Oakcourt

The application has been assessed in accordance with the *Section 28 Urban Development and Building Height Guidelines for Planning Authority, 2018* and it is of a high-quality design and complies with Government guidance on the design of sustainable residential development.

4.3 Ownership & Appropriate Consent: Road Network, Laneway and Carparking Proposals

The application lodged under Reg. Ref. SD21A/0271 contained a letter of consent from Bunker Estates who owns the Silver Granite lands. The objections submitted under Reg. Ref. SD21A/0271 raised concerns regarding the ownership of the lands including the road, laneways and the carpark on Kennelsfort Road Upper. At Additional Information stage, the applicant was requested to provide a clearly labelled plan, indicating land within their ownership, as well as land where consent has been obtained to secure planning permission. At this juncture, Folio maps DN14252F and DN3982F were submitted to the Planning Authority exhibiting the areas of land within the applicant's ownership and

how the extent of this ownership line was established. As stated within the Council Planners Report, "the applicant is clear regarding ownership".

Issues of consent and landownerships have carried through to third party appeals. Joan Sheahan claims that the lands within Folio DN5245 is owned by *Graham Kenny*. DOWNEY can confirm that the lands contained within Folio DN5245 represents a wider folio on public roads/streets, all of which are in the charge of the Local Authority. The Land Registry Register of Ownership of Freehold Land of Folio DN5245 is attached to this Response (Annex 1). Road improvements and upgrades form part of the overall proposed development submitted under Reg. Ref. SD21A/0271 – hence the red line extension at Wheatfield Road, Kennelsfort Road and the laneway at the south-eastern end of the site. It must be noted that the proposed development was subject to pre-planning consultation with South Dublin County Council which included discussions on the road improvements/upgrades proposed. Furthermore, public realm improvements including the upgrade of the existing pedestrian crossing on Kennelsfort Road Upper were welcomed by the Council.

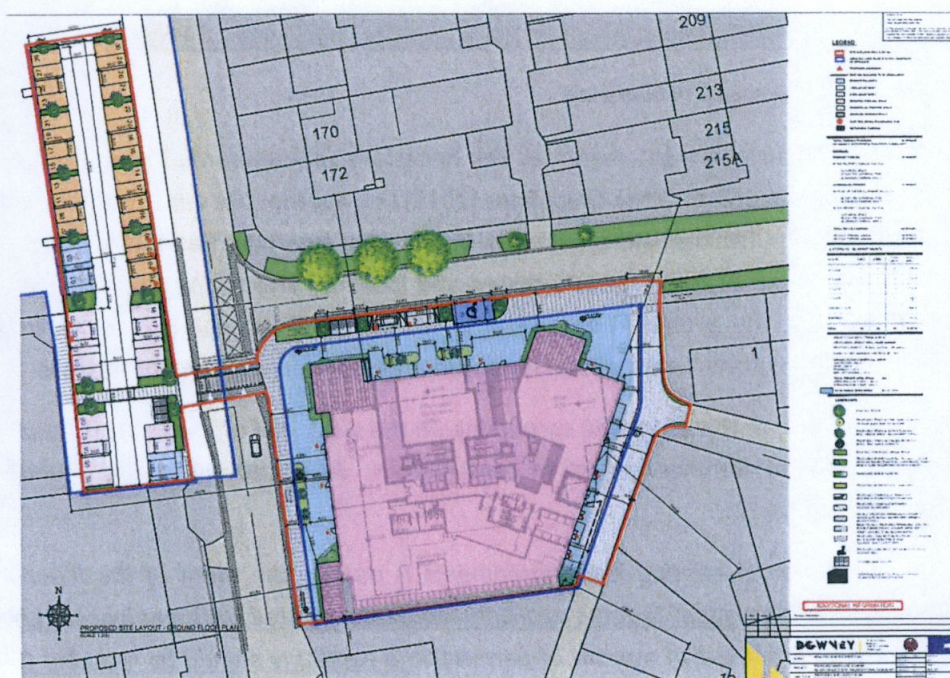


Figure 14: Proposed site layout with details on footpaths and carparking

Carpark on the western side of Kennelsfort Road Upper

It must be noted that third party appellants including The Moriarty Group and Kennelsfort Management Company have interests in the car park as business owners within Palmerstown Shopping Centre; this has been expressed in the third-party appeal documents. However, the applicant is the legal owner of land Folios DN14252F & DN3982F and is proposing upgrades to this section of the carpark and use as parking for the mixed-use development proposal. Furthermore, in its current standing that section of the car park operates as the Silver Granite car park. DOWNEY submit that this proposal is appropriate given the nature of the mixed-use development and the proposed road upgrades at Kennelsfort Road Upper which includes a raised pedestrian crossing. Contrary to the third-party appeals, the car park does not only serve the shopping centre; it is used by

the district centre as a whole and the proposed upgrades represent an appropriate design response. DOWNEY note that this section of the car park is currently used by The Silver Granite's customers; in essence it's function will not change. The Board are invited to refer to NRB Consulting Engineers which further address the car parking capacity of the shopping centre car park.



Figure 15: Google Street View image indicating use

The proposed subject development meets all the necessary requirements for reduced car parking provision as set under Section 4.19 the Guidelines (2018) i.e., appropriate density apartments, central location & proximity to public transport networks. In this case, a parking 'Ratio' of 0.64 per residential unit. Following our review of the scheme's design and location, and taking guidance from National Policy, we believe that the provision of a total of 53 managed car parking spaces to serve this residential and commercial elements of the development is adequate and is appropriate.

Details on the operation of the proposed carparking on the west side of Kennelsfort Road Upper are to be submitted prior to commencement of construction. As stated within the Council Planner's Report dated 26th April 2022:

"The assessment of existing legal agreements is outside the remit of the Planning Authority, and it is evident that the applicant has demonstrated sufficient legal interest in the site. In the event of a grant of permission a condition should be included that ensures that these car parking spaces are designated and managed for the development in line with what has been proposed. It is therefore considered that this item has been satisfactorily addressed subject to conditions".

Conditions attached to the proposed development approved by the Planning Authority under Reg. Ref. SD21A/0271 include:

Condition 4: (a) Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority a management plan detailing how the car parking area within the red line on the western side of Kennelsfort Road Upper will be managed in conjunction with the development. This plan shall include how the car parking spaces will be delineated from the adjacent car parking spaces. It should be ensured that these car parking spaces are designated for the development and remain available for the users/residents of the development.

(b) Prior to the occupation of the development the applicant/developer shall submit for the written agreement of the Planning Authority documentation and drawings showing the works that has been carried out as per the management plan, to delineate the car parking spaces.

(c) The location of these car parking spaces may be amended subject to planning permission.

DOWNEY respectfully submit to the Board that parking proposals for Reg. Ref. SD21A/0271 are appropriate with respect to the National Guidance on parking for centrally located apartment developments. Furthermore, Condition 4 attached to Reg. Ref. SD21A/0271 calls for details to be submitted on the operation and management of the car parking area within the red line on the western side of Kennelsfort Road Upper prior to commencement – which is welcomed by the applicant. Notwithstanding this, NRB Consulting Engineers have prepared a Response Document with a comprehensive statement on the carpark & traffic issues raised within the third-party appeals. The Board are invited to refer to this document which has been submitted as part of this response under separate cover.

4.4 Joan Sheahan Appeal

Deliveries, Refuse and the laneway from Wheatfield Road

The appellants have voiced concerns on the refuse storage for apartments and commercial bin storage, claiming that both are inadequate. As stated with this third-party appeal letter;

“It is proposed to have internal refuse storage within the centre of the development, refuse from 50 apartments will require substantial storage areas which are not provided, there is also a commercial bin storage area which is inadequate to service 3 commercial properties, I am seriously concerned that the alley way adjacent to my house and the houses of Oak Court Grove will become an alleyway full of bins and a haven for vermin and anti-social behaviour.”

DOWNEY note that both commercial and residential bins stores have been designed cognisant of the relevant standards, and particularly those set out within the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)*.

In line with the standards, the no. 2. residential refuse stores are accessible to each apartment stair/lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required. Furthermore the 8 no. design considerations for the provision of refuse store facilities has been factored into the design, including;

- *Sufficient communal storage area to satisfy the three-bin system for the collection of mixed dry recyclables, organic waste and residual waste;*
- *Waste storage areas must be adequately ventilated so as to minimise odours and potential nuisance from vermin/fly and taking account the avoidance of nuisance for habitable rooms nearby;*

- *Provision in the layout for sufficient access for waste collectors, proximity of, or ease of access to, waste storage areas from individual apartments, including access by disabled people;*
- *Waste storage areas should not present any safety risks to users and should be well-lit;*
- *Waste storage areas should not be on the public street, and should not be visible to or accessible by the general public. Appropriate visual screening should be provided, particularly in the vicinity of apartment buildings.*

DOWNEY respectfully submit to the Board that the refuse storage provided as part of the proposed development is appropriate. Moreover, details on the Autotruck of large refuse vehicle entering the loading/set down area was submitted in response to the Planning Authority's request for further information. The appropriate site line assessments in both directions from the entrance to the east side (rear lane) were also submitted. Both items were deemed to be satisfactorily addressed, as stated within the Council Planner's Report "the Autotruck for fire tender and refuse vehicle have been submitted and are sufficient".

The appellant also claims that there would be undue noise and disturbance due to commercial activity on site particularly in relation the proposed bar and off-licence. DOWNEY respectfully submit that these uses already exist on site. There is an existing off-licence, bar and restaurant on the site that would be replaced by this proposal. It is also submitted that the proposed retail units are of a scale that would not undermine the vitality of the existing shops at the district centre and wider area.

The appellant has concerns stating *"the developer's intention is to use the alleyway purely for servicing the development and deliveries etc"*. The appellant is referring to the existing laneway to the rear of the Silver Granite at the back gardens on Oakcourt Grove. The laneway is currently utilised by The Silver Granite and other adjoining landowners with access to the lane. The proposed development will continue to utilise the laneway which will include for such servicing purposes which are infrequent and essential for any residential/commercial development. The corner element of the proposed retail unit (spar) will improve this area through street activity. Moreover, the residential balconies will add passive security/surveillance mitigating against any potential anti-social behaviour.

The Board are invited to refer to NRB Consulting Engineers Response Document for further details on the service & refuse collection proposed for the development.

Additional Issues

Additional issues raised within this appeal have been addressed within the previous sections of this report such as ownership and consent, building heights and parking. The third-party appeal document also states that:

"The lighting of the development has not been evaluated or modelled, its impacts on adjoining residential properties has not been considered".

And,

“Services from the kitchen and 40 apartments has not been considered... Where will the extract fans from the refuse areas be situated, will they also be brought five stories high or will the fumes be extracted at ground floor level and filtered into the upper storey windows”.

In response, DOWNEY note the conditions attached to the planning permission grant decision of South Dublin County Council under Reg. Ref. SD21A/0271. As per Condition 5 attached to the development:

“Prior to the commencement of development, a Public Lighting Design for the development shall be submitted to and agreed in writing by the Planning Authority”.

Additionally, this is a Tier 1 serviced site with existing street lighting.

Moreover, as per Condition 15:

“All rooms, passageways, sanitary accommodation, and lobbies shall be ventilated to the outer air. Provision of adequate ventilation shall be provided throughout the proposed development:

- 1 In the case of natural ventilation, openings to the external air equivalent to a minimum of 5% of the floor area must be provided.*
- 2 Otherwise, mechanical ventilation capable of achieving the following air changes per hour:*
 - stores 3: air changes per hour*
 - entrance halls/corridors: 3-5 air changes per hr*
 - staff areas: 4-8 air changes per hour*
 - WC’s: 3 air changes per hour*
 - WC lobbies: 2 air changes per hour*
 - Offices :4-6 air changes per hr”*

DOWNEY respectfully submit to the Board that the proposed development will be adequately serviced with lighting, ventilation and refuse.

Oral Hearing Request

The Appellant has requested an oral hearing. It must be noted that it is the decision of the Board to decide whether or not to hold an oral hearing in any case. Typically, oral hearings are held for large appeal cases or appeal cases which are complex or where significant national, regional or local issues arise, compulsory purchase orders and related cases, or any other case types when considered necessary. In light of this, DOWNEY are of the professional opinion that the proposed development does not warrant an oral hearing.

4.5 Dermot Keogh Appeal

Delivery & Refuse

The Appellant is concerned about additional refuse, deliveries and the use of the entrance at Wheatfield Road for deliveries & refuse vehicles. It must be noted that there is a bar, restaurant and

off-license currently operating on the application site. The proposed development will warrant a similar goods delivery approach to the which already exists on site. As previously addressed within this report, details on the Autotrack of large refuse vehicle entering the loading/set down area were submitted as part of the response to the Planning Authority's request for further information, as well as the appropriate site line assessment in both directions from the entrance to the east side (rear lane). Both items were deemed to be satisfactorily addressed, as stated within the Planner's Report "*the Autotrack for fire tender and refuse vehicle have been submitted and are sufficient*".

DOWNEY respectfully submit that the proposed refuse areas are appropriate and have been designed in accordance with best practice in terms of waste management and using the 8 design considerations for the provision of refuse store facilities outlined within the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)*. The applicant would welcome the inclusion of a waste management plan to be submitted to the planning authority prior to commencement of construction.

Communal Roof Area

The appellant has raised concerns on the proposed communal roof terrace including fears of "*parties*" or celebrations being thrown and "*anti-social behaviour.*" DOWNEY respectfully submit to the Board that the terrace will not encourage anti-social behaviour. The space acts as a communal amenity space for residents in addition to the private balconies i.e. amenity spaces which provide the same function as the private gardens of nearby houses. The roof terraces front Wheatfield Road and Kennelsfort terrace and represent an appropriate urban response to the streets. This adds passive security from both street and building perspectives. Additionally, the position of the terrace will not affect surrounding residential properties. The communal roof terrace was discussed with the Planning Authority at pre-planning consultation stage and as such the design has been informed by the Planning Authority's requirements. DOWNEY respectfully submit that the roof garden terrace represents the appropriate provision of open spaces and successfully address the street corner.

4.6 The Moriarty Group Appeal

Development Potential

The appellant asserts that the proposed development would reduce development opportunities on no. 12 & 13 Oakfield Road. As stated within the third-party appeal document "*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 it's proximity to the site boundary*". DOWNEY have conducted a brief planning history search of the garden site at no. 12 & 13 Oakfield Road;

- **Reg. Ref. SD17A/0273:** By Order dated 28th September 2017 South Dublin County Council refused planning permission for the development at the side garden areas of 12 & 13, Oakcourt Grove, Palmerstown, Dublin 20. The proposed development consisted of 2 3-bedroom houses in a semi-detached block. The planning permission was refused for the following reasons; **Reason 1:** The restricted nature of the proposed car parking arrangements for all four dwellings would result in: (i) insufficient space to accommodate the vehicles of

residents of both the existing and proposed houses to allow them to access and exit the proposed driveway safely; (ii) cause vehicles to park in the vicinity of the site thereby impacting the flow of traffic and pedestrians. As a result, the proposed development would endanger public safety by reason of a traffic hazard. **Reason 2:** Insufficient information has been submitted in order to allow Irish Water and the Council's Water Services Section to fully assess the planning application. In particular, (i) The exact location of the 1,200mm surface water sewer and distance to nearest boundary wall of proposed House A would require to be determined in the presence of an official from South Dublin County Council. A minimum 5 metre wayleave either side of the existing 1,200mm existing surface water sewer north and northwest of the proposed development is required. (ii) No watermain drawings were submitted with the planning application; these concerns are significant because the development requires to be assessed with respect to the Building Regulations 2010 Technical Guidance Document B and the Irish Water Standard Details. Irish Water require that each dwelling should have its own separate individual watermain connection to the public water supply system. In the absence of the information set out above, it is not possible to establish that the proposal would not be prejudicial to public health. **Reason 3:** Having regard to: (i) the restricted nature of the subject site; (ii) the close proximity between the front elevation of proposed house B and the side elevation of existing house No. 13 and (iii) the location of the proposed car parking spaces in relation to and in close proximity to the neighbouring existing dwellings, the proposal would result in overdevelopment of the site which would seriously injure the residential amenities of the existing houses, and would provide inadequate residential amenity for future occupants of the proposed houses. As such, the proposal would materially contravene the 'RES' zoning objective of the area, as set out in the South Dublin County Development Plan 2016-2022, which seeks 'to protect and/or improve residential amenity', and would be contrary to the proper planning and sustainable development of the area. **Reason 4:** The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

DOWNEY respectfully submit to the Board that the proposed development would not hinder the development potential of the gardens of no. 12 & 13 Oakfield Road.

Loss of residential amenity

Within the Moriarty Group's Third-Party Appeal document, it claims that there will be "*significant loss of residential amenity to residents living in the surrounding area*". As previously discussed within this Response, all appropriate site assessments including Daylight & Sunlight were undertaken which helped inform the final building design. No impact was noted to the amenity of any adjacent residential properties. The proposed development meets the BRE Guidelines for Gardens and Open Spaces. Furthermore, every intervention has been made to reduce any potential negative impact including the use of 1.8m height opaque balconies at the third-floor level, balconies set at an angle and the use of deep ornamental shrubs. As noted within the Council Planner's Report;

The Planning Authority has assessed this element of the design and considers that no undue overlooking of, or negative impact on, existing private amenity space would arise and therefore consider the development to be generally acceptable in this regard.

DOWNEY respectfully submit that the proposed development has been designed cognisant of neighbouring residential amenity. Mitigation measures and design interventions have been used to reduce any potential overlooking & overbearing impact.

Retail provision

Within the Third-Party Appeal Document, it claims that the development of a 'Spar' would constitute an overconcentration of retail development – thus *“detrimental to the vitality and viability of the existing supermarket at the Plamerstown Shopping Centre”*. DOWNEY, respectfully submit to the Board that such claims should be disregarded. The application site is appropriately zoned for such a use. Furthermore, proposed development supports the appropriate higher order of retail in line with *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 submitted that the proposed retail units are of a scale that would not undermine the vitality of the existing shops at the district centre and wider area. The 'Spar' or other store which would be facilitated as part of the overall development reflects the higher order retail centres – the proposed is a smaller grocery/convenience type store and the existing Supervalu is a supermarket; thus reflecting the appropriate higher order to promote business and choice for the Palmerstown area.

Additional Issues Raised within the Appeal

DOWNEY note that additional issues have been raised within The Moriarty Group's third-party appeal including traffic, road pedestrianisation and carparking, daylight/sunlight analysis and material contravention to Local, Regional and National policy. These issues have been addressed within the previous sections of this report and within the supporting documentation submitted as part of this overall appeal response. The Board are invited to refer to these documents.

Tent Engineering have prepared a Residential Development Traffic and Transport report on behalf of The Moriarty Group as part of their Third-Party Appeal. On behalf of the applicant, NRB Consulting Engineers have prepared a response document addressing the traffic and transport concerns raised within the Third-Party Appeals.

4.7 Kennelsfort Management Company Ltd. Appeal

Further Information Submission did not address all objections

Within this third-party appeal document, it states *“that the further Information Submission did not address all objections”*. The third-party submissions were noted and considered by the Planning Authority. Within the Planner's report dated 23rd May 2022, as stated within the report *“submissions are noted and have been taken in consideration in the assessment of the proposed development”*.

Objections to the SDCC Planning Assessment

Within the Third-Party appeal report, the Appellant airs several grievances in relation to the Planning Authority's Planning Assessment; particularly in relation to parking provision, which has been addressed in the above sections and within NRB Consulting Engineers' Response Document. A number of the appellant's concerns have been addressed in the former sections of this report – particularly in relation to ownership and consent, overbearing and overlooking, parking and retail hierarchy. DOWNEY will now respond to the additional issues raised in Section 4.4 of BPS's appeal.

Parking & vehicular access

The applicant asks "why the basement parking was omitted at pre-planning stage?" As stated within the County Development Plan;

"Basements: To ensure a safe and secure environment basement should be well lit and well ventilated. Basement car parks that protrude above the ground level as a street interface will generally not be acceptable in town and village centres due to their visually obtrusive and inactive nature. A protrusion of up to 1.2m may be acceptable in residential areas provided the facade is screened with planting and it does not inhibit levels of passive surveillance from residences or the formation of 'own door' access from the street".

DOWNEY respectfully submit that the omission of basement car parking represents the appropriate design and planning response for the District Centre, and also ensures the viability of the development.

The appellant claims the car parking arrangement have not been addressed. DOWNEY note that this section of the car park is currently used by the Silver Granite customers; in essence it's function will not change. Moreover, a condition attached to the permission states that:

"the applicant/developer shall submit for the written agreement of the Planning Authority a management plan detailing how the car parking area within the red line on the western side of Kennelsfort Road Upper will be managed in conjunction with the development".

DOWNEY respectfully submit that car parking arrangements have been fully addressed by the application. The Board are invited to refer to the Response Document prepared by NRB Consulting Engineers for further details on traffic and parking management associated with the development.

FI requests

The appellant claims that the Planning Authority's assessment of the Additional Information request was inadequate. DOWNEY respectfully submit that the Planning Authority have adequately and appropriately assessed the current proposal for development in accordance with the provisions of the Planning and Development Act 2000 (as amended) as the competent authority in the planning application stage of the planning process.

Public Space

The quantum of public open space has been assessed and approved by the Planning Authority. Proposals for open space will be considered in the context of the quality and quantum of private open space and the proximity of a public park. It was considered that the proposed development's approach to public open space is acceptable at this location, having regard to the proximity of pockets of open space in the area; as address is the above sections. Furthermore, the subject site is c.800m from this QBC bus stop, i.e., Stop No. 2241 on R148 (old N4) Chapelizod Bypass making the Phoenix Park and city centre highly accessible. Moreover, the proposed development provides a playground, road & public realm improvements and active setback streetscape. DOWNEY respectfully submit that the Board that the approach the application has taken to public open space is acceptable at this location, having regard to the proximity of pockets of open space in the area.

Depreciate value of nearby properties

The applicant claims that the proposed development would depreciate the value of nearby properties. The development proposed is cognisant of existing properties and all appropriate site assessments have taken place. The development will not injure the amenities of nearby properties nor depreciate the value of surrounding properties.

The proposed development would undermine the district centre and its shopping centre

The third-party appeal document states that *"the proposed retail units and off-licence would undermine the vitality of the existing shopping centre and business in the area and would conflict with R Objective 2"*. As previously stated within this document the retail proposal will replace that existing on site, therefore it cannot undermine existing businesses – as these are currently operational on site. The additional provision of a smaller grocery/convenience type store reflects the appropriate higher retail order. It is considered that the proposed retail units are of a scale that would not undermine the vitality of the existing shops at the district centre and wider area.

Other issues within the third-party appeal document

There are additional grounds of appeal stated within the third-party appeal document including *"the proposal will set poor precedents"* and *"the proposal impacts development potential of the shopping centre"*. DOWNEY respectfully submit to the Board that the proposed development represents an appropriate urban design response for the district centre. The road improvements including the pedestrian crossing create a positive streetscape and these interventions have been welcomed by the Planning Authority. The proposed development will set a welcomed precedent for future development both within the district centre.

Once more, DOWNEY state that additional issues raised within this third-party appeal document have been addressed within the previous sections of this report; particularly in relation to carparking, ownership and consent, material contravention, and height and density. Moreover, the Board are invited to refer to the following supporting documentation submitted as part of this response:

- GDCL Consulting Engineers response document addressing engineering items.
- NRB Consulting Engineers response document addressing traffic and transport items.

- Digital Dimensions response document addressing overshadowing, daylight and sunlight items.

5.0 CONCLUSION

The proposed mixed-use development on lands at 'The Silver Granite' pub, junction of Kennelsfort Road Upper and Wheatfield Road, and at Silver Granite car park adjoining Palmerstown Shopping Centre car park provides for the construction of a gastro pub/restaurant with off-licence, 2 no. retail units at ground floor level, and 50 no. apartments (25 no. 1 beds, and 25 no. 2 beds) provided with private balconies/terraces and communal roof gardens, on the floors above, in 1 no. 5-storey block over partial basement.

It is considered that the proposed development is an opportunity to deliver housing at this strategic location in close proximity to high-quality public transport and a wide range of existing social, community and physical infrastructure, which will help meet the ever-increasing demand for residential accommodation in the Greater Dublin Area.

This first party response has set out a full rebuttal against the 4 no. third party appeals against South Dublin County Council's decision to grant planning permission the applicant under Reg. Ref. Reg. Ref. SD21A/0271. The rationale and planning merits for the proposed development are as follows:

- The proposed development represents an appropriate urban response at the district centre by providing a modern streetscape at Kennelsfort Road Upper and Wheatfield Road. In its current standing, the existing development represents under development of Tier 1 zoned and serviced site.
- The proposed development and its lands are quintessential of the Compact Growth model approach, which aims to move away from sprawled suburban & rural car dependant development.
- The appropriate site assessments including Daylight & Sunlight were undertaken which helped inform the final design. No impact was noted to the amenity of any adjacent residential properties.
- Every intervention has been made to reduce potential negative impact including the use of 1.8m height opaque balconies at the third-floor level, balconies set at an angle and the use of deep ornamental shrubs.
- The proposed development ranges in height from 4 storeys to 5 storeys which means that the proposed height is more than the Development Plan height restrictions. It must be noted that even though the proposed scheme exceeds the stipulated height, it remains consistent with other relevant policies and objectives pertaining to the subject site, and thus the proposed height is justified in this instance. Imposition of such height limits within Palmerstown would be contrary to proper planning and would contradict Section 28 Ministerial Guidelines. Moreover, considerations for increasing height within the Draft Plan use contextual height.

Having regard to the submitted documentation and given the 'DC' zoning of the site, the separation distance from the existing residential properties and the measures proposed to protect the amenities

of the surrounding area, it is considered that the principle of the overall building height is compliant with the Building Height Guidelines and SPPR3.

In light of the foregoing, DOWNEY respectfully requests that An Bord Pleanála uphold the decision of the Planning Authority and grant planning permission for the proposed development in this instance.

6.0 ANNEX ONE

6.1 Land Registry Folio 5245