

MODULE

ARCHITECTURE | INTERIORS | PROJECT MANAGEMENT

Planning Department,
South Dublin County Council,
County Hall, Tallaght,
Dublin 24, D24 A3XC



Date: 13/04/2023

Applicants: Alan & Monica Holmes

Development Description: Demolition of an existing commercial two storey building and the construction of 2 commercial units with Plantroom on Ground floor level with 8 residential apartments comprising 2 one Bed apartments 3 two bed apartments and 3 three bed apartments all with private balconies over 4 floors; A communal roof garden is located on the fourth floor; Enclosed bin stores for the commercial and residential units is located at the rear of the building; 5 total car parking spaces including 1 disabled car space is provided; 8 bicycle spaces are provided at the front for commercial units and 10 no. bicycle spaces at the rear for residential units; Sustainable drainage (SuDs) roof and roof garden are provided for the development and all associated engineering and site works necessary to facilitate the development.

Development Address: Paintworld, 1-2 Ballymount Road Lower, Dublin 12

Planning Reg. Ref.: SD22A/0406

Dear Sir/ Madam,

On behalf of our Clients (Alan and Monica Holms), hereafter 'the Applicants', we submit a response to the request for further information issued on the 15th of December 2022.

In support of this submission, please find enclosed the following drawings and particulars.

- P1002 – Site Layout Plan
- P1003 – Proposed Masterplan
- P2002 – Proposed Floor Plans
- P4001 – Proposed Elevations
- P4002 – Existing & Proposed Contiguous Elevations
- P4003 – Existing and Proposed Photomontage Views
- P5001 – Proposed Sections
- P5002 – Typical Green Roof Details

This submission sets out details of the information requested in the Council decision of December 2022 and responds to each in turn.



Response to Request for Further Information

1. South Dublin Development Plan 2022

A new development plan has been effective within South Dublin since August 3rd 2022. This has not been accounted for in the application pack provided. The applicant is requested to review the proposed development, and associated reports and drawings, and ensure that the development appropriately responds to the policies and objectives of the South Dublin County Development Plan 2022 – 2028. The applicant should have specific regard to policies and objectives in relation to the design of the building, Section 5.2.1 and 12.5.2 in relation to 'The Plan Approach', and Appendix 10 'Building Height and Density Guide'.

We acknowledge and welcome the publication of the South Dublin Plan 2022, which will provide a positive planning framework for the future development of the County and will work achieve the objectives of the National Planning Framework and Regional Spatial and Economic Strategy. Within the new Plan the subject site is zoned Objective LC, to protect, improve and provide for the future development of Local Centres.

Fig.1 Extract Map 5, South Dublin Development Plan, 2022



We consider many of the issues raised in this request have been considered within the submitted Architectural Urban Design Statement submitted with the application (October 2022).



Section 5.2.1 and 12.5.2: Taking Into Consideration “The Plan Approach”

While setting out our response to the Development Plan provisions below, we have also been mindful of the aspirations of the National Planning Framework (NPF) which targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. National Policy Objective 11 provides that in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages. We consider that this proposal contributes towards achieving this objective, acknowledging this key opportunity site is not currently being used to its full potential.

We note the following extract from the NPF as being worthy of strong consideration:

“To enable brownfield development, planning policies and standards need to be flexible, focusing on design-led and performance-based outcomes, rather than specifying absolute requirements in all cases. Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes. This is in recognition of the fact that many current urban planning standards were devised for application to greenfield development sites and cannot account for the evolved layers of complexity in existing built-up areas” (NPF, page 67)

This pragmatic approach to planning for infill development enshrined in National Policy Objective 13, which provides that:

“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.” (NPF, page 67)

With this in adaptive approach in mind and taking account of the substantial work which has gone into the proposed redesign of the proposed building façade to ensure a high-quality design approach, we consider the new South Dublin County Development Plan, in the following paragraphs.

Sustainable Neighbourhoods

a) The Context of the Area (Character / Infrastructure – GI / Natural / Physical)

The site is located within a Local Centre, in an edge of city location, on the southern side of Ballymount Road Lower. It is currently occupied by a single storey red brick retail building, of limited architectural value dating from the 1980s. It is currently operated as a comparison retail shop, with 6 no. car parking spaces to the front, accessing directly onto the Ballymount Road Lower. The site is rectangular in shape extending to just 459sqm. Typically of small infill sites within existing centres, it

is constrained by neighbouring buildings and uses on all sides. The site is serviced by a laneway which runs along its eastern boundary. The building itself adjoins a parade of retail units providing local convenience, comparison goods and services further west of the site. To the north east, lies Cross, a busy roundabout and thoroughfare to the City, characterised by heavy traffic flows.

To the north of the site, on the opposite side of Ballymount Road Lower, are a row of single storey residential houses. Moving westward, the development context becomes increasingly industrial in nature and comprises a mix of building typologies and uses of varying architectural quality. To the north and east, is predominantly residential development within the Dublin City Council area and which are served by this local centre and the other commercial/service uses which surround the wider Walkinstown Cross.

At a site-specific level, there are no natural, heritage, architectural, ecological or other distinguishing features on the site of any value or interest. The existing building covers almost 56% of the site, and only a small laneway exists between the rear of the building and the boundary of the adjoining property to the rear. All the remaining areas are covered with hard-standing.

An important contextual consideration is the nature and scale of the proposal, and the constrained nature of the site. The proposal itself is very small scale – comprising just 2 no. retail units and 8 no. apartment units. Such small developments can make an important contribution to housing supply, when considered cumulatively with other such proposals. The site itself is not a large infill site with ample opportunity for creation of public open spaces – however, it does not follow that it cannot make a real contribution to improved visual amenity and consolidated retail offer which would benefit the wider area, including the public realm, and acting as a catalyst for other such regeneration projects. It is this balance of constraints, opportunity and aspirations, that has lead the design and development approach to the proposal.

b) Healthy Place-Making

A key objective of the SDCC Development Plan is *“to achieve an efficient use of land with a focus on key urban centres, and to achieve development densities that can support vibrant, compact, walkable places that prioritise pedestrian movement”*.

The proposed development supports this objective by three primary means:

- **Consolidates and improves the retail offer in an existing Local Centre:** The proposal represents a key development opportunity to consolidate a local centre, improve the retail offer, and provide good access to services by local residents, particularly those without access to a car.
- **Promotes residential development close to good public transport routes (see fig 1 below):** The site is located close to several existing and proposed high quality bus networks including new BusConnects proposals. Consolidating residential and retail development in close proximity to high frequency bus corridors, supports public transport and active travel measures as a first choice for residents.



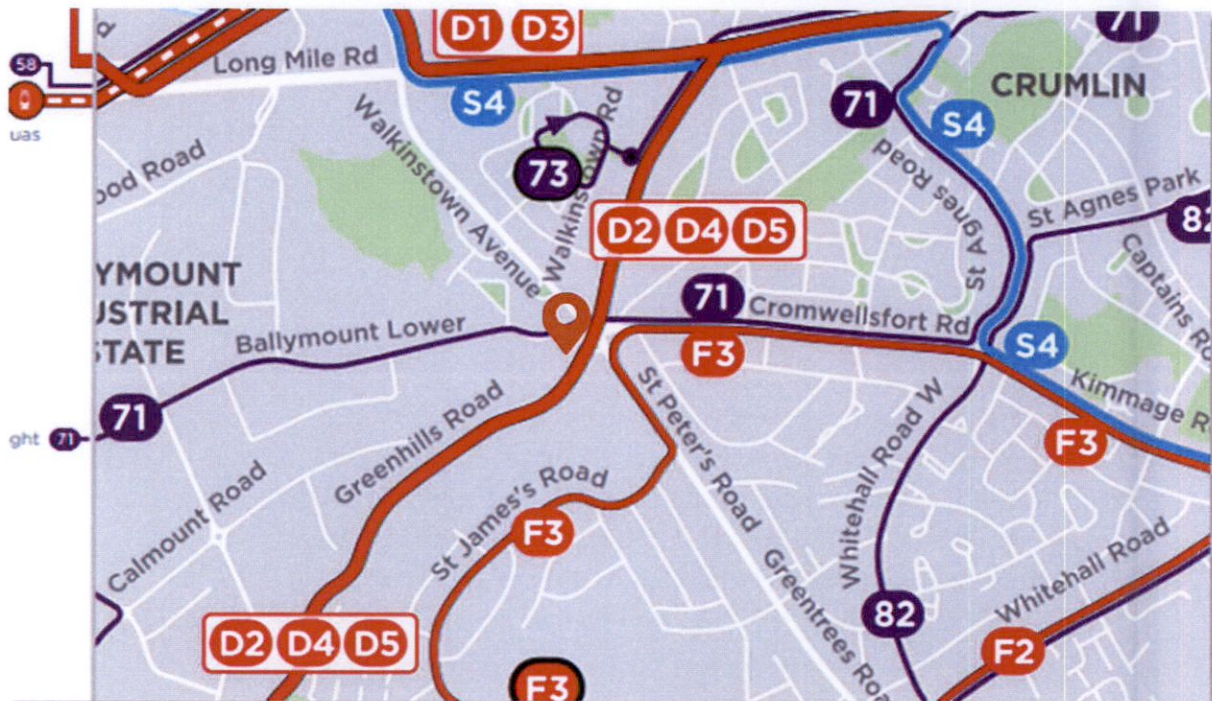
- **Improves the visual amenity of the area through good design** The revised design concept, as provided for later in this response, will contribute significantly towards the delivery of successful and sustainable, well-functioning and attractive local centre serving the wider Walkinstown area.

c) **Connected Neighbourhoods**

The proposed development provides the following characteristics which contribute towards a connected neighbourhood:

- Provides a living over the shop arrangement, which is well supported in planning policy terms, contributing to active local neighbourhoods, with good passive surveillance. In addition, residents can commercially benefit the business below, provide potential staff, and repopulate this urban 'twilight zone' between a more residential part of the city to the East and the increasingly industrial landscape to the west.
- Strengthens the existing Local Centre through provision of additional retail/service offer. A strong retail node fosters greater connections between and beyond neighbourhoods. Already this Local Centre provides a take away, local pharmacy and café in close proximity to the site. Further strengthening the retail offer in this location will also allow for greater economies of scale, with other retailers benefiting from increase in footfall to the immediate area.
- By offering new retail opportunities at ground floor level will serve local residents without recourse to the private car, thus promoting accessibility and aiding convenience and quality of life. This concept is at the core of designing people-centred urban development where people do not need to travel far to meet their basic daily needs.
- Lastly, the development will maximise accessibility to the public transport system, acknowledging the proximity of the site to proposed spine routes of the BusConnects project – including good access to higher order centres of employment and retail such as Tallaght, Ellensborough and City West – and Dublin City.

Figure 2: BusConnects Proposals in the Vicinity of the Site (Source: BusConnects.ie)



d) Public Realm

High quality public spaces and footpaths contribute to the enjoyment of the urban environment by users of the proposal and the wider public. While only enjoying frontage of 16m onto the streetscape, the development must make the most of the limited opportunity to contribute towards enhancing the public realm. In this respect, the proposal will contribute towards the public realm through:

- Replace an existing single-storey structure of low architectural value, with a high-quality multi-storey development which applies a high-quality design approach to infill development
- Enhancing the streetscape and creating more pedestrian activity at ground floor level
- Provide for a dedicated footpath to the front of the building, to be kept free from cars, which currently dominate the area. This will promote linkages to other retail units adjoining the site.
- Use of high-quality materials and installations, which tie into the existing context
- Incorporation of high-quality signage and lighting in the proposal, which we are happy to agree with the Council, ensure the development is welcoming and inviting to the public, including at night.
- The height of the proposal will reflect the importance of this local neighbourhood centre as a focal point for the wider area and community.



e) The Delivery of High-Quality and Inclusive Development;

The proposed development provides for a high-quality design approach to a small infill site. This will be achieved through:

- Adding character, interest and visual amenity to the streetscape
- Ensuring balance and alignment across the façade of the building
- Providing good proportions and repetition in the fenestration treatment to ensure architectural legibility
- Providing an interesting and varied front elevation which strikes a good balance between movement and blank spaces
- Palette of material finishes used in the building are low maintenance with long life span.
- Meeting all provisions of Part M of the Building Regulations to ensure the building, including rooftop garden is accessible to all.
- Removing clutter in the public realm, avoiding barriers and unnecessary changes in level to aid accessibility.

f) Appropriate Density and Building Heights (includes consideration of Appendix 10)

The Development Plan provides that proposals are required to demonstrate to the satisfaction of the Planning Authority that the overall positive benefits of the development justify the scale of increased height being proposed. We note that, in line with NPO35 and SPPR1, the Guide provided in Appendix 10 supports the objective of the Plan to proactively consider increased building heights on certain lands including those zoned LC – Local Centre.

Two key categories considered in Appendix 10 are most relevant:

“2. At the scale of the District / Neighbourhood / Street:”

The proposal must respond to its overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape;

The proposal must not be monolithic and must avoid long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered;

The proposal must enhance the urban design context for public spaces and key thoroughfares thereby enabling additional height and development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of ‘The Flood Risk Management Guidelines’;

The proposal must make a positive contribution to the improvement of legibility through the site or wider urban area;

The proposal must positively contribute to the mix of uses and / or building / dwelling typologies available in the neighbourhood

Consideration

While the proposed building is taller than the surrounding buildings, we consider it is not out of character, and could fall into the category of an 'Amplified Height' as described in Appendix 10. While it deviates somewhat from the prevailing height this has been mitigated by setting back of the top floor and by providing for a flat roof profile to minimise the visual appearance of the development.

The additional height in this location will:

- Make a positive contribution to the variety and visual interest of the streetscape.
- Work to positively highlight the primacy of the Local Centre to the wider area, enhancing its profile and presence.
- Support a viable scheme which will be capable of delivered, contributing to the housing supply and mix of house types in the area

There are no Flooding Issues on site, and the proposed adoption of SuDs principles will improve runoff to greenfield rates in line with the Development Plan.

"3. At the scale of the Site / Building:"

The form, massing and height of proposed developments should be carefully modulated so as to 'maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light';

Consideration

The status of the site as a Local Centre and the character of the local area have been key considerations when considering the scale and massing of the proposed design. Other strategic considerations included:

- The good separation distances from sensitive receptors on the opposing side of the Ballymount Road Lower
- The relationship between the proposal and its surrounding context, ensuring respectful adjacency to neighbouring buildings and ensuring it acts as a landmark rather than overpower adjoining properties.
- Ensuring a human scale at street level, ensuring a proportion and scale that is welcoming
- The quality of the internal environment for the proposed apartments, ensuring a dual aspect for good access to daylight and sunlight for future occupants as well as comfortable and plentiful interiors
- Respect for the existing strong building line which currently exists at this location
- Recognising the opportunity for a moderate building height (4-5 storeys) at key locations including within the LC zoning
- The existing laneway to the east of the site, separating the proposal from the detached



Fig 3: Existing parade of shops to the West of the Subject Site



g) Mix of dwelling types

The South Dublin Development Plan seeks to ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028. Section 12.6.1 of the Plan provides that on smaller infill sites, the mix of dwellings should contribute to the overall dwelling mix in the locality.

Acknowledging the dominance of semidetached dwelling types in the wider area, the proposed development will seek to balance this by contributing to the apartment offer that is available. This will assist downsizers, those seeking to get onto the property ladder or those seeking the convenience of apartment living. In line with this, the proposed development provides the following range of apartment types:

Apartment Type	No.	Proportion
1 Bed Apartment	2	25%
2 Bed Apartment	3	37.5%
3 Bed Apartment	3	37.5%
Total	8	100%

h) Materials, Colours and Textures

The proposed building style is based on consideration urban qualities of Walkinstown, seeking to be compatible with existing building styles in the vicinity of the site, and contributing to the character and quality of the existing streetscape.

Careful consideration has been given to articulating the front elevation in the revised design proposal, particularly given its profile, close to Walkinstown Cross. Proposed materials (including red brick, render finishes) reflect local materials and finishes with a focus on being durable and low maintenance. We are happy to agree all finishes with the Council post-planning by way of compliance.

2. Planning Precedent

If developed, this building will set a precedent for development in the area. The quality of the design of this proposal is therefore critical for the success of this site, and the wider area. The scheme, as currently designed, is not considered acceptable or appropriate, the following should be addressed by way of revisions:

a) The height of the building is considered to be excessive, when viewed in the context of the surrounding area, the nature of development immediately bounding the site, and the overall character of the area as an established mixed-use neighbourhood. The applicant is requested to reduce the height of the building to 3-storeys (with the top floor inset), to better reflect the pattern of development in the area. The applicant is strongly encouraged to revise the scheme, and provide an updated rationale for the design, with regard to Appendix 10 of the Development Plan 2022 – 2028.

We have provided a review of Appendix 10 in the forgoing section which should go some way to addressing the Planning Authority's concerns respecting the proposed height at this location.

We would also like to acknowledge the Planning Authority's concerns respecting the height of the proposed development, in particular that it might impact on the visual amenities of the area. However, we consider this site presents a key opportunity to provide for a positive precedent for achieving increased density in this local centre location close to high-quality, high-frequency public transport, with good access to centres of employment and higher order retail centres.

Appendix 1 to this response provides for a photo appendix of a range of precedent planning examples in the surrounding area where increases in height have been found to be acceptable. We also note that in Local Centres that there is good opportunity to develop at increased heights, even where there is immediate adjacency to 2 storey buildings. Below, we provide a Visual of The Stillorgan Leisureplex Redevelopment which was granted approval by ABP by way of an SID application. As can be seen in the far left of the picture, this development rises to 5 storeys immediately adjoining a 2-storey retail shop (Nimble Fingers – part of a parade of shops as in this case before the Planning Authority). This proposal is currently under construction.



Figure 4: Stillorgan Leisureplex Site (2 Storey Development (existing) adjoining 5-Storey (permitted))



On this basis, we ask that the planning authority consider the proposal of 4 storeys plus one set back, in this location on its merits, having regard to the strategic opportunity presented by the site within a Local Centre and the positive precedent that it will provide in terms of setting a gold standard by which other proposals within this area could follow.

Lastly, we would like to confirm that we have given strong consideration to the Planning Authority's request to reduce the overall height of the proposal. Further, a design review has confirmed that it would be possible to remove 1 storey, retaining the set back at the top floor from a design and constructability perspective. However, in a climate of increasing interest rates and exorbitant construction price inflation, the viability of the scheme would be seriously jeopardised by the application of such a condition. We would respectfully ask the planning authority to consider the importance of delivering smaller residential schemes as part of the housing supply stream, before such action is taken. We do not consider removing one floor from the proposal is either necessary or desirable in terms of visual impact of the streetscape, impact on adjoining properties or setting of a negative planning precedent.

b) While the principle of increased density at the site are acceptable, the proposed plot ratio of 2.2 is excessive. A plot ratio of 0.75-1 would be more appropriate to this location. The site coverage of 54% and the absence of any open space proposals also suggest overdevelopment, the applicant is requested to address these concerns and revise the density downwards.

We note the NPF's provisions in respect to a flexible approach to the application of planning standards. We consider this small infill development on a gap site, within a local neighbourhood centre, is a good example of where a flexible approach is desirable and would not offend against proper planning principles. This recognises the limited impacts on adjoining properties or on the

setting of the development. We respectfully ask that this request is reconsidered in light of this national level policy.

c) The front elevation and building form is not considered to provide a high quality design, and instead is considered to maintain many of the same concerns of the previous application in relation to the design, bulk and mass of the building. The front elevation is considered to be monotonous and does not provide visual interest. The setback of the top floor is welcomed however, there is minimal articulation in the façade, with the projecting element only adding to an impression of bulk. The applicant is requested to revise the scheme, utilising fenestration and setbacks as well as materials to improve the quality of the design.

We have revisited the proposed design having regard to the Planning Authority's comments. Following detailed consideration of the scheme, we have provided for the following enhancements to the final approach to the façade:

- Large curtain wall window fenestration breaks bulky appearance at the front.
- The top floor is set back and with the high roof pitch of adjacent buildings creating a visual profile of 1.33CH height ratio in context.
- Brick, stone cladding, metal cladding and metal & glass curtain wall are high quality durable materials used in the front elevation.



Figure 5: Proposed Revised Front Elevation



d) There are concerns about the proximity of the building footprint to the red line boundary, and the potential impact and extent of development at this site might have on future development lands to the south, along Greenhills Road. In particular, the provision of all private amenity space on the rear elevation poses a potential conflict and raises issues of how the privacy of future residents could be maintained. The applicant is requested to consider this and revise the scheme as necessary.

It is not possible to further reduce the distance to the site boundary to the rear, without seriously negatively impacting the internal space and layout of the proposed apartments.

Currently we have provided for screens on the balconies at 1.1m in height. We are happy to increase the height of these screens to 1.8m opaque glass screens to ensure the privacy of future occupants is protected. This will also ensure occupants of any adjoining scheme which may be provided in future to the south of the site will also be safeguarded. We are happy to be led by the planning authority as to any further proposals for privacy in this regard.

e) The masterplan submitted only relates to the existing commercial strip along Ballymount Road Lower, suggesting that neighbouring units could be developed in a similar piecemeal fashion, with parking courts to the front creating multiple accesses onto Ballymount Road Lower, extending the full

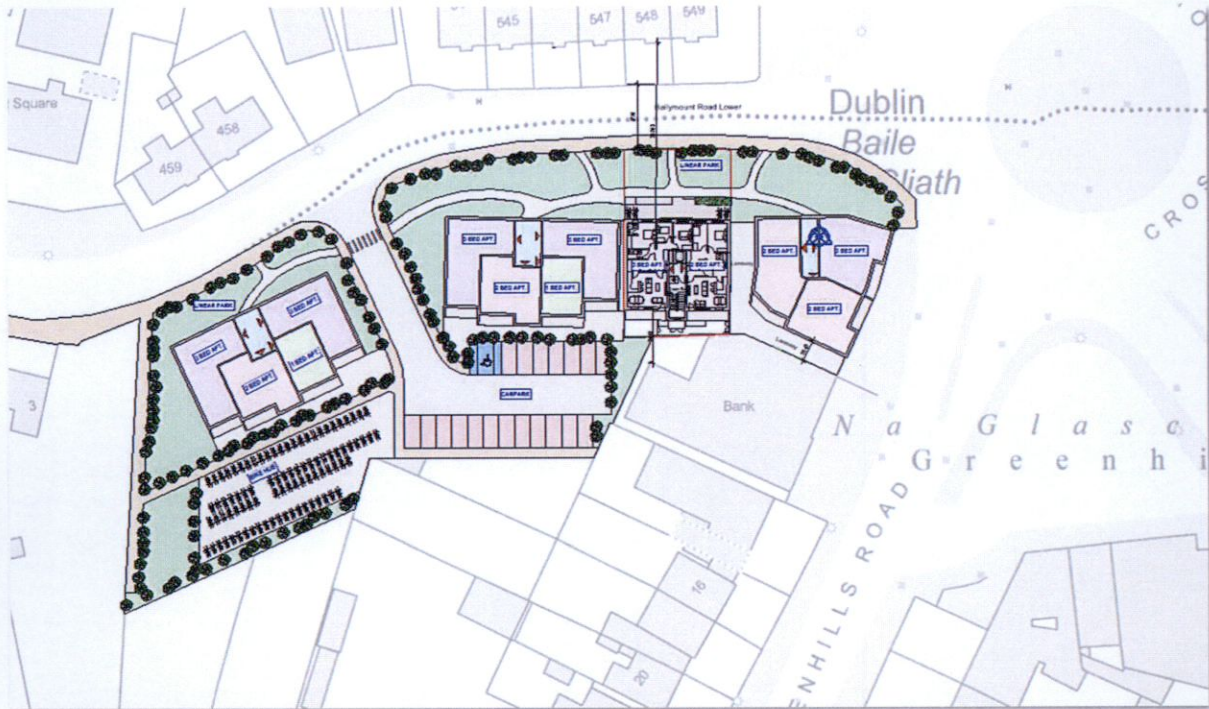
depth of sites and providing no public open space. This masterplan is considered inadequate insofar as it does not consider the potential to incorporate development along Greenhills Road, and how development along Ballymount Road Lower must protect the development potential of the lands to the south. Redevelopment proposals should enhance the current situation. The applicant may wish to consider further site assembly or work with other neighbouring properties to develop a more robust masterplan that could be implemented and would meet the requirements of the development plan. In doing so, the applicant may wish to consider locating car parking to the rear of the building and develop lands along both Ballymount Road Lower and Greenhills Road in tandem.

We acknowledge the laudable proposal by the planning authority that we engage local landowners in the vicinity of the site and together provide for a Masterplan of the wider area. However, opportunity for site assembly and our agency over third-party land, which is neither in our ownership or control, is limited. Without statutory powers to create a binding plan, including ensuring public right of participation in the plan making process and appropriate environmental assessment under the applicable directives (including SEA and AA), we consider such a proposal would have minimal practical effect, application or influence.

We consider investment in the subject site does have potential to act a catalysis for investment and redevelopment of the area by setting a benchmark of quality design by which others can follow. In particular, there are a number of derelict and underutilised sites in the area, meaning there is a good opportunity for the Council to spearhead such an initiative, which would then become a material consideration for other sites as they are brought forward for planning. We agree that the subject site and surrounding area provides a key strategic opportunity centrally within Walkinstown to improve the urban realm in particular to support a move away from car-based transport. Accordingly, we have set out a concept Masterplan (figure x below) showing how the proposed site might sit within the wider area, which could be given some consideration as part of any plan making process.



Figure 6: Green Infrastructure and Masterplan Concept for the Wider Area



We consider also that there is opportunity to provide for small urban realm projects on public owned land to improve and add to the level of green and public realm infrastructure immediately around the Walkinstown Cross. Indeed, the area immediately to the front of the site offers an opportunity to provide for a linear park, which would prioritise pedestrian activity and improve the public realm. Further, lands the site immediately to the north east (east of no 549 on the opposing side of Ballymount Road Lower) provides a perfect opportunity on a high profile corner site to create a small outdoor green oasis (ref. Figure x below).

Figure 7: Area in the Control of the Council to the immediate north of the site, which would represent a key opportunity site for an urban realm improvement project – such as a pocket park.



f) It is not considered that the applicant has met the minimum storage requirements for all units. Hot presses and wardrobe areas cannot be counted towards storage calculations. The applicant is requested to submit revised proposals ensuring all units meet, or exceed, the requirements as per the Design Standards for New Apartments (2020).

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities provide that storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. The following minimum standards apply:

Minimum storage space requirements

Studio	3 sq m
One bedroom	3 sq m
Two bedrooms (3 person)	5 sq m
Two bedrooms (4 person)	6 sq m
Three or more bedrooms	9 sq m

Having regard to these guidelines we have reconsidered storage across the apartments and confirm that all proposed apartments meet with these requirements.



g) Bicycle parking to the rear does not appear to be covered and it is not clear how these spaces could be reserved for the sole use of the apartments. Revised proposals are requested showing covered and secure bicycle parking to serve the apartment units only.

We have provided a covered and lockable bicycle parking spaces to the rear of the property for the exclusive use of occupants. Bike storage to be Pittman wall bike rack or approved equal enclosed in a lockable tubular metal enclosure with residents' access to lock.

3. Proposed Retail Uses

The applicant has not provided sufficient information in relation to the retail uses. A letter from the applicant clarifying certain elements is mentioned in the application pack, however does not appear to have been submitted. There is a concern regarding the occupiers of the retail units, the vehicular and pedestrian traffic that this might create, and the suitability of the access to these units, through the proposed private parking area serving the residential element of the scheme. The location of bicycle parking also impacts the potential permeability of the area, as other sites are developed in a similar manner. The applicant is requested to provide greater detail on the anticipated uses of the commercial units and how their access can be guaranteed whilst also ensuring the security of parking for the residential element of the proposal.

We acknowledge the concerns of the planning authority with respect to traffic and access to the ground floor retail units. However, we consider these concerns are misplaced given the proposed units will cater for local need only and will in fact represent a like-for-like proposal in terms of traffic generation when considering the existing use on site, which will be extinguished.

We also consider omission of retail uses at ground floor would represent a missed opportunity within this local neighbourhood centre. Consolidation of street level retail units will safeguard towards a lively and animated streetscape, promote vibrancy, and contribute to a positive sense of place, community and active urban realm. The Retail Planning Guidelines confirm these benefits, providing the following guidance:

*"Local retail units such as corner shops or shops located in local or neighbourhood centres serving local residential districts perform an important function in urban areas. Where a planning authority can substantiate the local importance of such units in defined local centres, they should safeguard them in development plans, through appropriate land-use zoning. **Development management decisions should support the provision of such units, particularly where they encompass both food-stores and important non-food outlets such as retail pharmacies, and have significant social and economic functions in improving access to local facilities especially for the elderly and persons with mobility impairments, families with small children, and those without access to private transport.**" (Section 4.11.6 Local Retail Units)*

Notwithstanding, the existing retail use on site is a busy paint store, catering for both trade and small domestic customers. It is not anticipated that any more traffic would be generated over and

above what already exists. The existing paint store has 455sqm retail space, while the proposed units have a total 155sqm space.

Further, it is not proposed to providing a high volume traffic generating use, although we note the decision of ABP in 2015 (ABP Ref.: PL 06S.244449) granting permission for a Take Away on a neighbouring property to the east. In deciding that case, the Board had regard to the nature and scale of the proposal and the location of the premises within an established Local Centre.

While is not possible at planning stage to confirm exactly the nature and activities of the final occupiers, we can confirm the end-users will serve local retail needs only. Given the size of the units (at 88sqm and 67sqm respectively) they are ideally suited to small, local, neighbourhood convenience, service or comparison units which benefit from passing trade (rather than destination-retail which generates traffic). We confirm the Applicants are happy to accept a condition to this effect, requiring final details of the end-occupiers to be agreed with the planning authority by way of planning compliance, and prior to occupation of the units. This will give the Applicants the opportunity to market the properties and gauge the appetite for lettings by potential end-users.

4. Access Arrangements

This application has still not sufficiently addressed access to the site via, what is noted as, a third party laneway to the east. No wayleave is indicated on the site location map and the Planning Authority therefore cannot be satisfied that access will be guaranteed to the rear of the site long term. The applicant is requested to provide greater detail in relation to all proposals requiring use of this laneway, indicating if any wayleaves are in effect and how ongoing access can be ensured.

The existing laneway to the east of the site is used and managed by the Applicants and their agents since the acquisition of the site, before which, it was in the active management of the previous owners of the property. It has been in continuous active use for an extended period of time, meaning a Private Right of Way (an easement) over the land has been established. In addition, the gate which serves to manage access, and provide security to this laneway is in the full ownership of the Applicant, having been transferred with the sale of the land. This arrangement has been in place for more than 20 years. This right of way was established before the Applicant gained ownership of the property in question and has never been disputed.

S. 4(13) of the Planning & Development Act 2000 (as amended) provides that “A person shall not be entitled solely by reason of a permission under this section to carry out any development”. This provision is given consideration in Section 5.13 of the Development Management Guidelines, which provides:

“The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision. Accordingly, where in making an application, a person asserts that he/she is the



owner of the land or structure in question, and there is nothing to cast doubt on the bona fides of that assertion, the planning authority is not required to inquire further into the matter.”

The Applicants’ rights over this land are not in dispute. No objection to the ongoing or proposed future use of the laneway has been raised by any third party either in this application or the preceding application (Reg. Ref. SD22A/0017).

The Guidelines further provide that:

“Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis. If, notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission. However, such a grant of permission is subject to the provisions of section 34(13) of the Act, referred to above. In other words the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission.”

Acknowledging this, we consider the Guidelines’ recommended action is appropriate in this case, having regard to the Applicants’ rights respecting the lane, in particular the active management of and ongoing use. Should any further details be required by the planning authority, we are happy to provide these post-planning by way of compliance.

5. Open Space

a. The applicant is not providing any open space as part of this scheme, nor do they indicate that open space could be provided as part of future development along Ballymount Road Lower. Table 8.2 of the Development Plan requires all new residential development on such lands to provide 10% public open space. The applicant is requested to consider how this can be achieved at the site, noting that, while there are open spaces nearby the development, access is across several large roads and junctions and would not be considered optimum, especially for families.

We would like to acknowledge the land locked nature of this site and its size relative to other such sites where there might be an opportunity to provide a genuine contribution towards public open space. Further there is a need to respect the existing building line as set by the site context. Taking these considerations into account there is no such opportunity here to contribute to public open space in a meaningful way. There may however, be scope at a future point in time to provide for a linear park to the front of the store as part of wider public realm works in consultation with other owners in this location (Ref Masterplan in Figure 6 above). In the interim, our priority is to provide a small infill gap site development. We respectfully ask that the planning authority recognise the practical considerations and apply the appropriate flexibility that might be afforded in cases such as this.

b. The communal open space would be located on the fifth storey, facing north. The Daylight and Sunlight assessment provided by the applicant concludes that this space will not achieve the recommended hours of sunlight. Without providing public open space, and with regard to this

substandard communal open space provision, there would be concerns about the level of amenity being provided for future residents. The applicant is requested to consider how communal open space provision at the site can be improved, ensuring all relevant standards are adhered to.

6. Roads and Access

In order to provide the requisite number of units to make this scheme viable and achievable means a certain level of units needs to be provided. Further, we have provided the green space on the roof acknowledging the limited opportunities for such communal open space on this infill gap site. We have achieved this by setting back the top floor of the proposed building. This set back acknowledges the Planning Authority's concerns in respect of visual impact on the streetscape and provides for a good balance of ensuring the visual impact is minimised, shared public open space is provided while also ensuring passive surveillance.

6. Roads and Access

a. The applicant is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting).

We note the proposed development is located close to the Walkinstown Roundabout. Recognising the nature of this junction, traffic exiting this roundabout is slow moving. The proposed development will amount to an improvement on the existing site access arrangements. We are happy to provide any such further details or traffic safety measures as the planning authority might require post planning.

b. The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location car parking spaces to be provided at the development. Please refer to the SDCC County Development Plan 2023-2028. Any details of the expected nature of the retail units should be submitted in the context of assessing parking provision.

Please find enclosed drawing no. P1002 showing the location of the proposed car parking spaces. Please refer to Response Item no. 3 above in respect of the details of the retail units which are intended to serve local neighbourhood convenience or comparison goods only. We are happy to agree the end users by way of compliance with the Council prior to occupation of the units. We do not envisage any additional traffic generation over what is already provided on the site.

c. The applicant is requested to submit a revised layout of not less than 1:200 scale showing the boundary walls/bollards and gates at vehicle access points, these shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, access widths shall be limited to 3.5m, in order to improve forward visibility for vehicles. The methods to prevent non-residents from parking at the development.



We confirm no boundary walls or gates are proposed to be provided at vehicle access points. Bollards of a maximum height of 1.2m are provided along the road as shown on drawing P1002 to prevent non residents from parking.

d. A swept path analysis (i.e. Autotrack) confirming that larger vehicles such as refuse trucks/fire engines will have sufficient access to the site.

Larger Vehicles will access the site from the front (Ballymount Road Lower), where there is ample space to gain access to the proposed development.

7. Landscape Design Proposals

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:

i. The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.

Submitted as part of the original application.

ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.

Submitted as part of the original application.

iii. The landscape plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.

Detail of green roof included in this Further Information submission.

iv. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site

The proposed development will not impact on existing green infrastructure within or adjacent to the proposed development site in any way.

v. Demonstrate how natural SUDs features can be incorporated into the design of the proposed Development

Full details of SuDs measures have been included in the information accompanying the planning application.

vi. Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.

It is not clear how the proposal impacts the existing site, given there is no green infrastructure on the site or in the immediate site surroundings. We have included a green roof and adhere to the principles of SuDs measures. The Applicants are happy to work with the Planning Authority post planning by way of compliance to achieve your objectives in this regard.

8. Roof Garden

Details regarding the provision of the roof garden and green roof within the development to be submitted and agreed in writing with the Planning Authority. The roof garden and green roof proposed shall be designed so that they contribute to: i. SUDS, ii. the creation of appropriate and biodiversity

The details to be submitted shall comprise: a. identification of the roof areas to be used for the provision of the roof garden and green roof; b. details of the planting to be used; and c. details of the maintenance including irrigation.

The proposed development provides for the provision of a green roof with all details contained within the original application pack. We are happy to supplement this with further details as the Planning Authority may require.

9. Boundary Treatment

The applicant is requested to submit elevation drawings specifying the proposed boundary treatment to the front of the site.

There are currently no proposed boundary treatments to the front of the site which directly fronts onto the street. This is a very traditional approach to street frontage in an urban area. We wish to promote ease of access to other adjoining retail areas, which might be compromised by any such boundary treatments. Again, The Applicants are happy to work with the Planning Authority post planning by way of compliance to achieve your objectives in this regard.

10. Sustainable Drainage Systems

A. The applicant should demonstrate compliance with the SDCC SUDS Design Guide 2022, and Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3. of the South Dublin County Development Plan 2022 - 2028 in relation to sustainable drainage systems.

B. In relation to SUDs, the applicant is requested to submit plans showing how surface water shall be attenuated to greenfield run off rates and showing what SuDS (Sustainable Drainage Systems) are proposed.



C. SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.

D. Natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

E. The applicant is requested to submit a report to show surface water attenuation calculations for proposed development. Show on a report and drawing what surface water attenuation capacity each SuDS (Sustainable Drainage System) system has in m³. Show in report what surface water attenuation capacity is required for proposed development. Show what different surface types, areas in m² are proposed such as, green roofs, permeable paving, buildings, roads and their respective run off coefficients. Submit a drawing showing the treatment train of SuDS and proposed natural flow controls for each SuDS system.

We confirm all requested details concerning SuDS measures, surface water attenuation, drainage calculations, etc. were submitted with the original planning application pack. A typical detail of a green roof is submitted as part of this additional information submission.

11. Green Infrastructure and Green Space Factor (GSF)

The applicant is requested to provide additional information as follows and in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

a. To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.

This is a small gap brownfield infill site. The proposed development will not fragment or reduce green infrastructure on the site, of which there is none. Please refer to the submitted Urban Design Plan, which demonstrate proximity and connections to the wider GI network in the area.

b. To demonstrate how the appropriate Greening Factor will be achieved for the relevant land use zoning objective. See link to the Green Space Factor Worksheet: Related Documents - SDCC .

As a small gap brownfield infill site the developer is open engage with the Council on alternative GI solution for the subject site.

12. Irish Water

Irish Water The applicant is required to submit a drawing and report showing the proposed wastewater and the proposed watermain layout for the development.

We confirm all requested details concerning watermain and wastewater connections were submitted with the original planning application pack.

Conclusion

The National Strategic Outcome No. 1 of the NPF provides that Ireland will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages - pursuing a compact growth policy at national, regional and local level. Further, national policy objective No. 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities and towns.

We consider the proposed development will contribute towards achieving these ambitious objectives, providing a quality development with good access to public transport, promoting regeneration and revitalisation of the surrounding area, and taking advantage of this zoned and serviced site.

We hope this response to further information meets with your satisfaction and that you look favourably on this application. While recognising it is a small constrained site, we consider that if permitted in its current form, it presents real opportunity to contribute to housing supply in the area, consolidate this important local centre, improve the public realm through high quality design.

Kind regards,



Zubi Efobi (B.Sc, M.Sc, Arch, MRIAI)

For and on behalf of Module.



Photo Appendix 1

Examples of planning precedent supporting taller buildings, in the surrounding area

Proposed Development under construction at CHM Premises, Ballymount Road Lower, Walkinstown (Reg. Ref. SHD3ABP-309658-21) which is proposed 280m from the subject site.





Drimnagh Road, Dublin 12



Drimnagh Road, Dublin 12



Drimnagh Road, Dublin 12



Drimnagh Road, Dublin 12



On Canal, Harold's Cross Road, Dublin 6



Parnell Avenue, Dublin 12 Canal



Harold's Cross Road, Facing Park, Dublin 6



Harold's Cross Road, Dublin 6



Harold's Cross Road, Dublin 6