



An
Bord
Pleanála

Inspector's Report

ABP-321523-24

Development

Demolition of buildings and construction of 5 storey mixed-use development, including 2 retail units, pub/restaurant and 43 apartments, together with all associated works.

Location

Lands at The Silver Granite Pub, junction of Kennelsfort Road & Wheatfield Road and adjoining Palmerstown Shopping Centre Car Park, Palmerstown, Dublin 20.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD24A/0221W

Applicant

Hollyville Investments Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission with conditions

Type of Appeal

Third Party

Appellants

1. Joan Sheahan
2. Dermot Keogh
3. Ladgrove Stores Limited
4. Kennelsfort Management Company Limited

Observers

1. Eamonn Deegan
2. Kevin Hope and Others

Date of Site Inspection

20th February 2025 and 2nd April 2025

Inspector

Jim Egan

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.477ha, is located in Palmerstown, Dublin 20. The surrounding area is suburban in character with a variety of uses including residential estates, retail, commercial units, educational and community facilities.
- 1.2. The site comprises two parts, separated by Kennelsfort Road Upper. The main part of the development site is located on the south-east corner of the junction between Kennelsfort Road Upper and Wheatfield Road, bound to the west by Kennelsfort Road Upper, to the north by Wheatfield Road, further north are two-storey dwellings fronting onto Kennelsfort Road Upper, to the south by a Petrol Station (Circle-K), to the east by the side elevation of a two-storey dwelling at No. 1 Wheatfield Road and to the southeast by the rear gardens of dwellings on Oakcourt Grove.
- 1.3. The main part of the development site contains a two-storey building comprising the Silver Granite public house, a bookmakers and barbers. The site has open frontage to Kennelsfort Road Upper to the west and Wheatfield Road to the north, with both boundaries comprising a knee-high wall. The internal yard fronting the building to the north and west comprises surface car parking. Access to the site is available from both Wheatfield Road and Kennelsfort Road Upper.
- 1.4. The second part of the site is located on the opposite / west side of Kennelsfort Road Upper, comprising a surface level car park associated with the Silver Granite public house and is contiguous to the wider car park of the Palmerstown Shopping Centre. The car park is accessed off Palmerstown Park to the north
- 1.5. The car park site is bound to the west by the Palmerstown Shopping Centre which comprises a two-storey row of retail and commercial uses, including a supermarket (SuperValu), pharmacy, community and youth centre, medical centre, post office, public library, gym, dry-cleaners, diner and takeaway and further surface level car parking, to the south by a builders suppliers and a tyre centre and to the east by Kennelsfort Road Upper

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing building on site and the construction of a four / five storey over partial basement mixed-use

development comprising a gastro pub/restaurant (c. 708sq.m), 2 no. retail units (convenience shop c. 226sq.m and pharmacy/bookmakers c. 157sq.m), associated bin stores, bike stores, 1 no. ESB sub-station, all at ground floor level; a small plant room at basement level; a total of 43 no. apartments (17 no. 1 bed, 13 no. 2 bed and 13 no. 3 bed) on the upper floors, all provided with private balconies.

- 2.2. The proposed scheme also includes communal roof gardens, 43 no. surface level car parking spaces (3 no. in front of development on Wheatfield Road and 40 no. reconfigured spaces within existing car park on opposite side of Kennelsfort Road Upper); 128 no. bicycle parking (96 no. internal and 32 no. external); landscaping and upgrades to public realm including upgrades to existing pedestrian crossing on Kennelsfort Road Upper; and all associated engineering and site works.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to 24 no. conditions. Conditions of note are as follows:

- Condition 2 requires amended drawings to show (a) reduced height to 1.6m of the proposed brise soleil panels fitted to an east facing balcony serving apartments at first, second and third floor levels, as a measure to improve amenity of the balcony; and (b) consider introducing high level, angled or louvred windows to the bedrooms along the eastern elevation as a measure to address overlooking of rear gardens at Oakcourt Grove.
- Condition 3 requires submission of details on hours of operation of the gastro pub and 2 no. retail units.
- Condition 5 required submission of material finishes.
- Condition 6 relates to access and parking, requiring (i) details of the pedestrian crossing upgrade on Kennelsfort Road Upper, (ii) access point on the south-east corner of the shopping centre car park to be reinstated, (iii) swept path analysis for turning movements within the car park, (iv) car park management plan. Condition 6 also requires that the residential portion of the car park be fitted with a minimum of 5 no. EV charging points, and that a Mobility

Management Plan be submitted within 6 months of the opening of the development.

- Conditions 8, 9 and 10 relate to the requirement for a Resource and Waste Management Plan, an Operational Waste Management Plan and Construction / Traffic Management Plan.
- Condition 11 requires submission of a public lighting scheme.
- Conditions 12 and 14 require submission of details on surface water management / SuDS measures.
- Condition 16 relates to construction and operational controls with regards emissions.
- Condition 22 requires submission of details regarding signage.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planners Report, dated 27th November 2024, recommended that permission be granted subject to conditions. The report contained the following main points:

- Applicant confirms legal ownership of the site.
- The principle of development on the site was accepted by both the council and the Board under the previous application / appeal (ABP-313828-22), albeit refused by the Board. The proposal includes measures to address the previous Board refusal, including a reduction in the number of apartments from 50 to 43.
- The proposed development is consistent in principle with District Centre zoning objective as per current County Development Plan. Refers to Policy EDE12 and Objective EDE12, which seek to support the retailing function of District Centres.
- A small element of the site is zoned 'RES' (part of the laneway to the east), noting that no significant works are proposed within this area.
- Given the subject site's location and proximity to public transport, which is demonstrated within the supporting traffic and transport documentation

submitted, the subject site provides a central location for high density development that is well served by public transport.

- With reference to the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (2024), the site would fall within the scope as a *City – Urban Neighbourhood* site as opposed to a *City – Suburban/Urban Extension*. On this basis, the proposed net density of 162 uph is above the medium density range for a *City – Urban Neighbourhood* site (50-250 uph), and, therefore, would be considered acceptable for the subject site.
- 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 SPPR 3 of the *Urban Development and Building Height Guidelines* (2018).
- The submitted photomontages and elevations provided indicate that the design of the proposed development is generally sympathetic to the surrounding area and that the proposal would enhance the existing streetscape and strengthen this corner site as a focal point for the district centre.
- The proposed commercial uses at ground floor level would comply with QDP7 Objective 2 of the CDP, which seeks *To actively promote well-designed streets and public spaces that provide for active frontages and 'live' edges that feel safe, secure and attractive for all to use.*
- The proposed bin storage arrangement is satisfactory. Issues around ventilation will be addressed under building control.
- With reference to SPPR 1 of *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (2024) Adequate separation distances to any adjacent properties have been provided.
- Proposal has been redesigned to address previous Board refusal, including internal reconfiguration to provide three-bed units and by association the reduction in the number of balconies on the eastern elevation. Use of brise soleil panels is acceptable in terms of the issue of overlooking however there

is concern with regards the panels in the context of the overall design and maintenance of same. Revisions can be conditioned.

- Additional measures such as high level, angled or louvred windows to the bedrooms should be introduced along the eastern elevation to further mitigate privacy concerns on the amenity areas proximate to the east of the site. Revisions can be conditioned.
- Screening provided to the outdoor dining areas at the proposed 4th floor roof terrace including 'ornamental shrub planting', will support the protection of private amenity space of existing residential areas, particularly to the east.
- The proposed unit mix (40% 1 bed, 30% 2 bed, 30% 3 bed) meets the minimum 30% requirement for 3-bed units under the County Development Plan.
- The submitted Housing Quality Assessment (HQA) demonstrates that the proposed development generally complies with the relevant guidelines: the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' 2024, 'Sustainable Urban Housing Design Standards for New Apartments' 2023, as amended, and the 2022-2028 South Dublin County Development Plan in relation to residential accommodation.
- 60% of the units provide dual aspect, while the remaining 40% of single aspect, this would exceed of the minimum standards contained within the Apartments Guidelines which requires 50% provision of dual aspect in schemes where there is greater freedom in design terms to do so.
- The proposed development is acceptable in terms of daylight and sunlight access for proposed apartments.
- Considering the infill nature of development, the Planning Authority is satisfied with the design, location and provision of the proposed public open space and communal/semi-private areas throughout the site.
- Further information recommended by the Roads Department can be addressed by condition.
- It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects,

on the Natura 2000 network and appropriate assessment is not therefore required.

- Having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination.

3.2.2. Other Technical Reports

Roads Department: A report dated 8th November 2024 recommended that further information be sought with regards the proposed pedestrian crossing upgrade, provision of EV charging points, requirement to reinstate the vehicular access on the south-east corner of the shopping centre car park, swept path analysis for turning movements within the car park, carpark management plan. The planning authority included conditions to cover the aforementioned items.

The report also recommended standard conditions in the event of a grant of permission with regards taking in charge standards, public lighting plan, road signage, mobility management plan and construction traffic management plan. The planning authority included standard conditions regarding same.

Water Services: A report dated 22nd November 2024 raised no objection to the proposed development subject to conditions, including clarification on the extent of the surface water catchment area.

Environmental Health: A report dated 31st November 2024 raised no objection subject to conditions.

Public Realm and Parks Section: A report dated 22nd November 2024 raises no objection to the proposed development subject to conditions.

Housing Section: A report dated 14th October 2024 raised no objection subject to conditions.

3.3. Prescribed Bodies

Uisce Eireann: The report dated 6th November 2024 raised no objection in principle subject to conditions.

3.4. Third Party Observations

11 no. observations were made on the application, including observations from two elected members of South Dublin County Council, namely Cllr. Paul Gogarty (since elected a TD) and Cllr. Madeleine Johansson. The content of the observations generally reflects the content of the third-party appeals. Grounds of appeal are discussed in greater detail under Section 6.0 below.

4.0 Relevant Planning History

4.1. Subject Site

There are a number of previous decisions associated with the Silver Granite Pub site and the Palmerstown Shopping Centre and, by association, the part of the car park which is included in the current application, however the following are considered most relevant to the appeal:

P.A Ref. SD21A/0271, ABP-313828-22 – refers to a 2024 decision to refuse permission for 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. Reasons for refusal were as follows:

- 1. The design and layout of the proposed car parking area would result in vehicles exiting the car park the wrong way onto a one-way system within the existing Palmerstown Shopping Centre car park. The car parking area would also remove an existing emergency vehicular access to the Shopping Centre from Kennelsfort Road Upper and would block access to an existing service area to the south of the Palmerstown Shopping Centre. It is considered that the design and layout of the car parking area would, therefore negatively impact on the*

existing operation of the Palmerstown Shopping Centre and would endanger public safety by reason of a traffic hazard.

2. *It is considered that the 1.8 metre-high opaque screens to serve six numbers of single aspect east facing units (numbers 9, 10, 23, 24, 37, 38), in addition to the provision of six number single aspect north facing units (numbers 6, 7, 20, 21, 34 and 35), would result in substandard residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

P.A. Ref. SD05A/0518, ABP PL.06S.214169 – refers to a 2006 decision to grant permission for a three-storey extension to the northern elevation of the Palmerstown Shopping Centre. The red line boundary included the full extent of car parking to the north and east of the shopping centre, including the section of car parking which forms part of this current appeal. Permission was granted in August 2008 for revisions (P.A. Ref. SD08A/0610) and retention permission granted in December 2008 for further revisions (P.A. Ref. SD08A/0611).

P.A. Ref. 92A/2055 – refers to a 1993 grant of permission for a new car park layout. As above, the red line boundary included the full extent of car parking to the north and east of the shopping centre, including the section of car parking which forms part of this current appeal.

4.2. Surrounding Area

ABP-317668-23, P.A. Ref. LRD.23A/0003 – refers to a 2023 grant of permission for a Large-Scale Residential Development, comprising demolition of warehouse / factory buildings and the construction of 127 no. apartments, 3 no incubator units and all associated works in 4 no. blocks ranging in height from 5-8 storeys at Cherry Orchard Industrial Estate and Kennelsfort Road Upper, c. 200m south of the appeal site.

ABP-307092-20 – refers to a 2020 grant of permission for a Strategic Housing Development comprising demolition of existing structures and the construction of 250 no. Build to Rent apartments and associated site works in 5 no. blocks ranging in height from 4-8 storeys at Palmerstown Retail Park, Kennelsfort Road Lower, c. 600m north of the appeal site, on the opposite side of the N4.

P.A. Ref. SD17A/0273 – refers to a 2017 decision to refuse permission for the construction of 2 no. three-bed houses in the rear garden of no. 12 and 13 Oakcourt Grove. This site is located east of appeal site, on the opposite side of the laneway. The reasons for refusal related to (1) endangering public safety by reason of a traffic hazard, (2) over-development of the site and (3) undesirable precedent.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022 - 2028

The site is located within the 'Dublin City and Suburbs' and is zoned 'DC' District Centre as per the County Development Plan, the objective of which is '*to protect, improve and provide for the future development of District Centres*'. Public house, shop (local and neighbourhood), car park and residential uses are permitted in principle on lands zoned District Centre.

A small part of the site (part of the rear laneway to the east) is zoned 'RES' - Existing Residential, the objective of which is 'to protect and / or improve residential amenity'. There is no development proposed on the part of the site zoned 'RES' - Existing Residential.

Relevant policies and objectives include:

CS6 Objective 2: To promote compact growth and to support high quality infill development in existing urban built-up areas by achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs (consistent with NSO 1, RSO 2, NPO 3b and RPO 3.2).

CS6 Objective 4: To promote higher densities (50+ units per hectare) subject to meeting qualitative standards at appropriate locations, in urban built-up areas, especially near urban centres and / or high-capacity public transport nodes in line with prevailing Section 28 Ministerial Guidelines and where it can be demonstrated that the necessary infrastructure is in place or can be provided to facilitate the development.

Policy CS7: Promote the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary.

Policy QDP1: Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.

Policy QDP2: Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.

Policy QDP4: Promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in.

Policy QDP5: Promote short distance neighbourhoods and strive towards the achievement of 10-minute settlements over the lifetime of the Plan, promoting a more compact development form, sustainable movement, and ease of access to services, community facilities, jobs and amenities.

Policy QDP6: Promote a multi-disciplinary and co-ordinated approach to the delivery and management of the public realm within South Dublin County.

QDP6 Objective 1: To require that all development proposals, whether in established areas or in new growth nodes, contribute positively to the creation of new, and the enhancement of existing public realm. To demonstrate how the highest quality in public realm design is achieved and how it can be robustly maintained over time

Policy QDP7: Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

QDP7 Objective 4: To ensure that the principles of good shopfront design as set out in South Dublin County Council Shopfront Design Guidelines (2019) (or any superseding guidelines) are adhered to.

Policy QDP8: Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021.

QDP8 Objective 2: In accordance with NPO35, SPPR1 and SPPR3, to proactively consider increased building heights on lands zoned Regeneration (Regen), Major

Retail Centre (MRC), District Centre (DC), Local Centre (LC), Town Centre (TC) and New Residential (Res-N) and on sites demonstrated as having the capacity to accommodate increased densities in line with the locational criteria of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the Urban Design Manual – Best Practice Guidelines (2009), where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County’s Building Height and Density Guide that it is contextually appropriate to do so.

Policy QDP9: Apply a context driven approach to building heights in South Dublin, as supported by South Dublin’s Building Heights and Density Guide.

Policy QDP10: 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.

Policy QDP11: Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

H1 Objective 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that: a) there are unique site constraints that would prevent such provision; or b) that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or à the scheme is a social and / or affordable housing scheme.

Policy H7: Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

H7 Objective 1: To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring.

H11 Objective 4: To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.

Policy H8: Public Open Space Ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area.

Policy H13: Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H13 Objective 4: To promote and encourage 'Living-Over-The-Shop' residential uses on the upper floors of appropriate buildings located in Town, District, Local and Village Centres within the County save for public houses and nightclubs and other inappropriate places where similar business is conducted.

SM2 Objective 3: To ensure that connectivity for pedestrians and cyclists is maximised and walking and cycling distances are reduced by promoting compact growth and permeability in the design and layout of new development areas.

Policy SM7: Implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

SM7 Objective 1 To implement maximum car parking standards for a range of land-use types, where provision is based on the level of public transport accessibility.

Policy EDE12: Maintain and enhance the retailing function of District Centres (Level 3 and Level 4).

EDE8 Objective 4 To support the viability and vitality of the existing retail centres in the County, in particular in town, village and district centres and to facilitate a

competitive and healthy environment for the retail industry, while reinforcing sustainable development.

Appendix 10 – South Dublin County’s Building Height and Density Guide 2022

This appendix provides a toolkit for the assessment of proposed increased building heights, as required under SPPR1 of the Urban Development and Building Heights Guidelines, 2018. I will consider it in detail under Section 7.6.

Map 12 – Aviation Safeguarding

5.2. Revised National Planning Framework, 2025

- 5.2.1. On the 8th April 2025, the Government approved the Revised National Planning Framework (NPF) which, subject to the approval of both Houses of the Oireachtas, will create the conditions for accelerated housing delivery in Ireland.

The Revised NPF includes an amended Targeted Pattern of Growth between 2022 and 2040 for the regional assembly areas. For the Dublin City and Suburbs, the revised NPF allocates a minimum target population growth to 1.56 million persons in total by 2040, this being over the 2022 Census figure, compared to a target growth for the same period of at least 1.41 million persons allocated in the 2018 NPF.

Relevant national policy objectives are as follows:

National Policy Objective 4 A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

National Policy Objective 8 Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

National Policy Objective 13 Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

National Policy Objective 16 To ensure that the targeted pattern of population growth of Ireland’s cities to 2040 is in accordance with the targets set out in Table 4.1,

which includes a minimum target population for Dublin City and Suburbs of 1.56 million by 2040.

National Policy Objective 22 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.

5.3. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 guidelines are as follows:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments, 2023
- Urban Development and Building Heights Guidelines, 2018
- The Planning System and Flood Risk Management Guidelines, 2008

5.4. Climate Action Plan

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting Ireland's national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

5.5. National Biodiversity Action Plan (NBAP) 2023-2030

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows

Objective 1 Adopt a whole of government, whole of society approach to biodiversity

Objective 2 Meet urgent conservation and restoration needs

Objective 3 Secure nature's contribution to people

Objective 4 Enhance the evidence base for action on biodiversity

Objective 5 Strengthen Irelands contribution to international biodiversity initiatives

5.6. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The followings RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

5.7. Natural Heritage Designations

The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Rye Water Valley / Carton SAC (001398) c. 8km west of the appeal site.
- Glenasmole Valley SAC (001209) c.10km south of the appeal site.
- South Dublin Bay SAC (000210) c. 11km east of the appeal site.
- North Dublin Bay SAC (000206) c. 13km east of the appeal site.
- Wicklow Mountains SAC (002122) c. 13km north of the appeal site.
- South Dublin Bay and River Tolka Estuary SPA (004024) c. 10km east of the appeal site.
- North Bull Island SPA (004006) c. 14km east of the appeal site.
- Wicklow Mountains SPA (004040) c. 15km south of the appeal site.
- Noth-West Irish Sea SPA (004236) c. 15km east of the appeal site.

The Rye Water Valley / Carton pNHA (Site Code: 001398) is c. 8km to the west and the Liffey Valley pNHA (Site Code: 000128) is c. 950m to the northeast.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 4 no. third party appeals were received against the decision of the planning authority to grant permission, as follows:

1. Joan Sheahan, 10 Oakcourt Grove, Palmerstown
2. Dermot Keogh, 11 Oakcourt Grove, Palmerstown
3. Ladgrove Stores Limited (parent company of the Moriarty Group)
4. Kennelsfort Management Company Limited (representing the businesses within the Palmerstown Shopping Centre)

The concerns raised in the appeals are similar and are summarised below:

Principle of Development

- The proposed residential density is too high. The site falls under the category of 'City – Suburban/Urban Extension' rather than 'City – Urban Neighbourhood' as per the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.
- Palmerstown District Centre not high enough on the County's settlement hierarchy or retail hierarchy to justify the proposal.
- The site is not identified as a potential development site under the County Development Plan.
- The existing pub is a landmark local building of historic value to the area, offering a positive visual setting and contributes to the built heritage of the area.
- Proposal fails to protect, improve and provide for the future development of the district centre is therefore not consistent with the DC zoning objective. The proposal impacts on the development potential of the shopping centre and sets a poor precedent for schemes of similar context.
- The proposal sprawls outside its boundaries, relying on the use of public land on the interface with Wheatfield Road and residential zoned land to the east.
- The proposal results in an overdevelopment of the site, with no further need for two retail units or 43 apartments.
- No precedent for apartments on the site.
- Provision of apartments above a public house represents a material contravention of the county development plan.
- The area, in terms of services and community facilities, is not capable of accommodating the additional population generated by the proposed apartment development in combination with previously approved residential schemes in the Palmerstown area.
- A grant of permission would set a poor precedent for future development in the area and for schemes which adjoin residential developments of much lower densities, scales and heights.

Land Ownership / Easement over Car Park

- Applicant has not demonstrated sufficient legal interest to make the application.
- The proposed development conflicts with a legal easement over the car park lands, the implication of which is that the applicant cannot reserve, designate or protect the proposed car parking spaces for the exclusive use of the residents and users of the proposed development. The application is therefore predicted on a fundamental uncertainty in terms of car park capacity and should be refused.
- No consent to make the application given by the beneficiary of the easement.
- No agreement in place with, or permission obtained from, Kennelsfort Management Company Ltd. to carry out the work to the shopping centre car park.
- Concern regards ability of applicant to implement a permission having regard to the car park ownership issue, which remains unresolved.
- Land located outside the read line is public land and not in applicant's ownership control.

Previous Refusal

- The proposal does not overcome reason no. 1 on the previous Board decision. The proposal would remove car parking spaces and the emergency entrance, has no plan for parking allocations and provides an arrangement where cars and emergency vehicles must travel through the wider car park via the main entrance to the north.
- The proposal does not overcome reason no. 2 on the previous Board decision. Concern that the alternative screening measure to the east facing balconies will not improve privacy of future occupants of the apartments. The proposal has not addressed the refusal reason in terms of treatment of north facing windows.
- All reasons for refusal as recommended by the Inspector under the previous appeal remain relevant. Under the previous appeal, the Board did not accept the entire refusal reasons recommended by the Inspector. The timing of the previous Board decision was not ideal. The decision was made shortly before

the South Dublin County Development Plan 2022-2028 came into effect and c. 1 month after the reporting of allegations regarding transparency at An Bord Pleanála.

Design Approach

- The proposal is excessive in scale, form and density, and by reason of height, is disproportionate to the role and function of the building and also disproportionate to the receiving environment.
- The proposal is inappropriately scaled and visually overbearing and will compromise the visual amenity of the area.
- The height is excessive, does not have regard to the prevailing building heights with inappropriate transition of height to neighbouring buildings, contrary to South Dublin County's Building Height and Density Guide (Appendix 10 to the current County Development Plan) and SPPR 3 of the Urban Development and Building Heights Guidelines, 2018.
- No conflicting objectives under the County Development Plan to justify granting permission under SPPR 3.
- Proposal fails to contribute positively to the public realm.
- Proposal does not respond appropriately to SPPR 2 of the Urban Development and Building Heights Guidelines, 2018 in terms of delivery of necessary social infrastructure to respond to population growth.
- Concerns raised that this is a material contravention of the development plan by reason of height.
- No plot ratio figure is provided, the use of which would demonstrate overdevelopment.
- Proposal would detract from the established design and visual environment of the adjoining shopping centre.
- Concerns regarding the roof garden and risk of damage to adjacent properties as a result of falling objects during stormy weather.
- Concerns regarding the internal location and capacity of the bin storage units.

- Concerns regarding the layout of the commercial units, which require shared staff facilities.
- Concerns regarding unspecified location of extract ducts for pub / restaurant kitchen and ventilation ducts for bin storage, and visual impact of same.
- Concerns regarding emergency access for apartments on the eastern side of the building.
- Insufficient and poor quality public open space provided.
- Concerns that many of the apartments are north facing and many are single aspect or primary single aspect, reflecting overdevelopment.
- Concerns regarding the nature of 2nd and 5th storey communal open space, reflecting overdevelopment.
- Creation of unsafe environment for future residents of the proposed apartments by reason of location of car spaces on the opposite side of the road and limited bicycle parking.
- Insufficient bicycle parking for proposed commercial units.
- No adequate private / shared ventilated clothes drying facilities provided for apartments.
- Council's Water Services Section found that the surface water attenuation could be undersized by between 3% and 25%. Concerns regarding how adequate attenuation can be achieved given the scale of development proposed.

Residential Amenity

- The proposed development, which is five-storeys would result in undue overshadowing of adjacent two-storey houses and associated gardens.
- The scale and massing of the scheme is inappropriate at this location and would have an overbearing impact on adjacent residents. Depiction of the existing building on the contiguous eastern elevation is inaccurate.
- The proposed development would result in direct overlooking of adjacent properties and amenity spaces from windows and balconies.

- 1.8m high metallic brise soleil panels on all sides of east facing balconies will adversely impact future residents of those apartments.
- Maintaining deep ornamental shrub planting to the edge of the 4th floor roof garden to protect privacy of adjoining residents is not credible by reason of the reality of the Irish climate.
- Due to the absence of adequate screening, there will be overlooking from the public realm of balconies serving north and west facing apartments.
- Noise and nuisance from the use of the laneway to service the commercial units.
- Concerns regarding maintenance of the laneway which is proposed to be taken in charge.
- Inadequate provision of bin storage to serve residential and commercial uses, leading to overspill bin storage on rear laneway attracting vermin, this impacting on amenity of adjacent dwellings.
- Concerns regarding anti-social behaviour in the rear laneway and communal roof garden.
- Concerns regarding light spill from the proposed development.
- Noise and nuisance during the construction phase.
- There is potential for damage to adjacent properties during the construction of the basement level.
- Provision of apartments over a public house is not appropriate, with the use of the public house causing noise and disturbance on the future occupants of the apartments.
- Concerns with regards the privacy of private of apartments at 1st and 4th floor level by reason of overlooking from the adjacent communal open space.
- Concerns with regards adherence to building regulations / fire prevention.
- Construction and Demolition Waste Management Plan not submitted.
- Concerns regarding adverse impacts during construction phase.

Retail Use

- Provision of car parking to serve the apartments is less than the quantum required by the county development plan, leading to overspill of car parking into wider shopping centre car park, compromising accessibility to the shopping centre. Condition 6 on planning authority's decision places no onus of the applicant to ensure that the remaining shopping centre car park is not used by the residents of the apartments.
- Palmerstown shopping centre meets the needs of the surrounding community and is of a size which ensures that it remains viable. Additional retail units are not required in the area, and the provision of same would negatively impact on the viability of the existing businesses operating in the Palmerstown shopping centre.

Transportation

- Traffic in the area is already very heavy, particularly during school times. The proposed development along with previously approved apartment schemes in the wider area will result in more traffic, leading to further congestion.
- There is inadequate car parking adjacent to the proposed retail units leading to cars pulling up across bus / cycle lane, causing a traffic hazard.
- Inadequate provision of car parking to serve the proposed development. A provision less than the maximum standard cannot be justified in this case.
- Provision of disabled car parking spaces is inadequate.
- The introduction of a residential use with car parking located away from the site, together with a lack of traffic calming measures, inadequate road / pedestrian crossing design improvements and loss of car parking spaces, has the potential to have detrimental effects on pedestrian, cyclists and traffic safety.
- The existing laneway is a proposed pedestrian route and a service area. Concerns regarding the potential for conflict as there is no limitation on service times.
- The existing laneway would be effectively privatised and altered from a residential access lane to a commercial area.

- Potential for traffic hazard on Wheatfield Road due to the use of the proposed service laneway for deliveries / refuse collection and poor sightlines for egressing from same.
- The proposal will intensify the use of the pedestrian crossing on Kennelsfort Road Upper to unsustainable levels.
- Road / pedestrian safety concerns regarding the proposed uncontrolled pedestrian crossing within the car park.
- No consideration for recent cycle lane improvement works to Kennelsfort Road Upper in the vicinity of the site.
- Road / pedestrian safety concerns regarding proposed tree planting within the car park and implications of same on the sightlines for emergency entrance on Kennelsfort Road Upper.
- No details provided on cycle parking demand in the area. It is not an attractive environment for cyclists. Census data on percentages choosing cycling as a mode of transport to work is likely to be very low for this area.
- Shopping centre car park is heavily used, with high demand generated by existing uses including a medical centre and gym.
- Loss of car parking spaces to the public will lead to illegal parking on the adjacent roads, resulting in a hazard for road users.
- Proposal would adversely affect the function, efficiency and carrying capacity of the shopping centre car park, Kennelsfort Road Upper and endanger public safety by reason of traffic hazard, contrary to the County Development Plan and contrary to 'Spatial Planning and National Roads – Section 28 Guidelines for Planning Authorities, 2012'.
- The principle of a proposal relying on the shopping centre car park in the manner proposed is unacceptable.
- Excessive reliance on public transport and cycling. Same bus route has served the years for years. No new public transport to justify a lower parking provision.
- Basement level car park would be an option.

- The proposal will be a car-based scheme by virtue of the locational context close to the M50, R148 and R833 and not being close to the LUAS or any rail line.
- The proposal would disrupt the ongoing operation of Palmerstown Shopping Centre through the introduction of a use which will compromise the accessibility of vehicular parking spaces and will remove the sustainable dual day time / night-time use that currently exists between the shopping centre and public house.
- No documentation submitted to assess the impact of the proposal in terms of parking demand / queuing, on the wider car park and immediate road network.
- Application incorrectly references the main car park entrance as the entrance to the existing pub.
- Concerns regarding the removal of the emergency entrance on Kennelsfort Road Upper.
- Concerns regarding the provision of 3 no. car spaces to be located on the footpath of Wheatfield Road, which currently comprises and double yellow lines and bollards to the edge of the footpath.
- The 3 no. car spaces are located on the public road and thus would not be managed by the applicant.
- Concern regarding the location of the proposed set-down area off Wheatfield Road and impact of same on sightlines for the adjacent laneway and facilitation of fly-parking for customers to the proposed retail units.
- The access to the surface car park is from lands within the ownership of a third party.
- Concerns regarding the nature by which technical issues associated with the car park have been dealt with by the planning authority, including a management plan and how the car park would be segregated from the rest of the car park, reinstatement of the emergency access, swept path analysis and EV charging points.

Other Issues

- No consultation with existing communities, stakeholders or other relevant third parties.
- The shopping centre site has always been treated as a whole with regards previous planning applications.
- The proposal is contrary to the planning permissions on the site and is not in the best interest of the district centre.
- No record of pre-planning meetings.
- Inaccurate figures provided in the application form for floor area of existing building and area of the main site.
- Red line differs from previous application.
- Red line boundary covers laneway to the east and footpath to the west, as such dimensions to the red line is misleading.
- Proposal sets a poor precedent of incorporating public footpaths in private development schemes.
- Development description does not reference development in the shopping centre car park.
- Absence of details drawings of the proposed works to the shopping centre car park.
- Proposal will result in a devaluation of residential properties and businesses in the vicinity.

6.2. Applicant Response

The Board received a response on behalf of the applicant on the 29th January 2025 to the third-party appeals. The response, summarised below, includes land registry details (with a reference map), a letter from a solicitor in respect of the car park easement, and an engineering response to traffic, parking and roads related issues.

Principle of Development

- The site is Tier 1: Serviced Zoned Land, development of which makes the most of existing infrastructure and services.
- The development, in terms of range of uses proposed, is permitted in principle under the District Centre zoning objectives, aligning with the planning authority's vision and supporting the long-term goal of establishing a thriving District Centre at this location.
- The scheme is consistent with the principles of national policy which advocates for higher density developments in locations well-served by existing transportation routes to mitigate car dependency.
- Palmerstown is well served by public transport and therefore can be expected to achieve higher density residential development.
- The proposed density of 162 units per hectare is well within the range recommended for urban neighbourhoods, making it a suitable addition to the area as per the Sustainable Residential Development and Compact Settlements Guidelines (2024).
- The proposal exemplifies the principles of compact growth by promoting high-quality, higher-density urban living in close proximity to essential infrastructure and services, while also respecting the character of the existing neighbourhood.
- The proposal is in accordance with SPPR 3 of the Building Height Guidelines.
- Appeals submitted provide no factual evidence that the local services such as schools and public transport are incapable of accommodating the population increase generated by the proposal.
- The existing use on the site fails to maximise the potential of a Tier 1 serviced site.
- The site is not located within a conservation area, and the building is not a Protected Structure.
- The proposal comprises an appropriate urban design response for the district centre and would set a welcomed precedent.

Land Ownership / Easement over Car Park

- Application includes the necessary landowner consent.

- Applicant is the legal owner of the car park land shown within the red line boundary.
- Road improvement works are proposed outside the applicant's landownership. The planning authority are supportive of same.
- The interpretation and significance of the deeds in respect of the easement over the car park is for the Courts to determine.
- Sufficient legal interest was not a reason for refusal under the previous appeal (ABP-313828-22).
- A 2006 Board decision to grant permission for an extension to the Palmerstown Shopping Centre (PL 06S.214169) illustrates precedent that a legal easement is not a planning consideration.

Previous Refusal

- In respect of the first reason for refusal, the revised car park configuration aligns with the existing traffic system at the shopping centre. The configuration also prioritises pedestrian safety and mitigates traffic hazards, effectively addressing the concerns of the Board.
- The access off Kennelsfort Road Upper is a disused closed-gated access with a sign which reads 'Silver Granite car park' and was never an emergency route. Access, including emergency access, is via Palmerstown Park to the north.
- In respect of the second reason, the revised proposal addresses the concern of the Board through the use of 1.8m high metallic brise soleil panels, combating the concern relating to the creation of a sense of enclosure associated with the use of opaque glazing. The applicant also notes Condition 2 on the planning authority's decision which requires the panels to be reduced to 1.6m high to ensure that the measure does not impact on the quality of the amenity provided by the balconies.

Design Approach

- The development, which is on an under-utilised brownfield site, has been sensitively designed to provide a high-quality mixed-use scheme that would

introduce an attractive landmark building along with a dynamic and engaging streetscape.

- The development is contextually sensitive, carefully responding to the predominantly two-storey urban fabric by introducing a step-staggered building form suitably set away from existing properties.
- High quality, low maintenance material have been chosen for their aesthetic appeal, durability and sustainability, enhancing the overall visual character of the area.
- The design approach is consistent with the concept of ‘amplified heights’ as outlined in the County Development Plan and will help to create added visual interest and stronger urban design response at the junction of Kennelsfort Road Upper and Wheatfield Road, supported by the proposed public realm works and improved connections to the shopping centre.
- The site is surrounded by a variety of existing social and community uses and amenities and services.
- The scheme incorporates active uses at ground floor level with residential uses above, contributing to passive security and street activation.
- The proposal balances the private amenity space with proximity to a public park.
- The proposed landscaping within the car park creates a practical yet visually appealing environment complementing the area’s aesthetic, drawing on the urban-green blend seen along Kennelsfort Road Upper and Wheatfield Road.
- All apartments comply with or exceed the communal open space and floor area standards set out in the County Development Plan and Apartment Guidelines, and the minimum standards set out in the Apartment Guidelines in respect of design, internal facilities, aspect, lift/stair core, communal facilities, refuge storage, bicycle parking and children’s play and amenity spaces.
- The mix of units is appropriate, supporting a range of tenure, age and social mix in the area.
- 60% of units are dual aspect, which exceeds the minimum requirement.

- Condition 9 on the planning authority's decision required an Operational Waste Management Plan, providing assurance of appropriate and operational management.
- Internal layout at ground floor level has been carefully considered to ensure an efficient and practical use of space while maintaining the necessary separation between commercial and residential.
- Condition 11 on the planning authority's decision also ensures that the proposed development will be adequately serviced with ventilation.
- The proposal has been designed with consideration of fire risk. Autotrack for fire tender vehicles was submitted. The development will also be subject to the Fire Safety Certification process including to ensure the use of fire-retardant materials and provision of safe evacuation routes.

Residential Amenity

- The siting and massing of the four to five storey building has been thoroughly considered in relation to the privacy and amenity of surrounding properties, aligning with the principles of the County Development Plan, Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and Sustainable Urban Housing: Design Standards for new Apartments Guidelines (2022).
- The design of the development, including siting, separation distances, placement of balconies and communal terraces and appropriate screening measures to balconies and communal terraces, ensures no unreasonable overlooking of adjoining residential properties. Separation distances provided comply with and exceed the minimum standard of SPPR 1 under the Apartment Guidelines.
- The submitted Daylight and Sunlight Assessment found that the proposed scheme would have no unreasonable impact to the amenity of adjacent properties.
- Communal terraces have been designed to include safety measures to mitigate risk of items falling or blowing off.

- With regards to concerns of light spill, Condition 11 on the planning authority's decision required a public lighting design to be agreed with the planning authority. It is also noted that there is existing public lighting on surrounding roads.
- The laneway from Wheatfield Road is currently used by the Silver Granite public house. The proposed development would continue to use this laneway in a similar manner, which are infrequent servicing and deliveries. Condition 3 on the planning authority's decision will ensure operational hours and delivery times are managed appropriately.
- Conditions 8, 10 and 16 on the planning authority's decision relate to the construction stage requiring submission of a Resource and Waste Management Plan and Construction / Traffic Management Plan, ensuring the safeguarding of adjoining amenity.
- The construction of the basement would not be detrimental to neighbouring structures by reason of the central location of the proposed basement on the site, separation distances to nearby dwellings and adherence to standard construction techniques and measures.

Transportation

- The car parking area within the larger car park currently operates as a car park for the Silver Granite public house and the applicant is the legal owner. The car park does not only serve the Palmerstown Shopping Centre, rather serves the entire district centre area.
- The proposal aligns with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which advocates for higher density, well-located developments that promote sustainable transportation options and reduced dependency on cars.
- While the car park may have been initially allocated to another development under a previous permission, such allocations are not necessarily fixed and can be adjusted to meet evolving needs as long as there is sufficient capacity maintained.

- Adequate parking has been provided. No evidence submitted with the appeals showing that the proposal lacks pull in areas or would lead to overspill / illegal parking. The proposal includes a well-designed and legible parking layout within the wider shopping centre car park, deemed satisfactory to the planning authority. Condition 6 on the planning authority's decision ensures that all parking and transportation related matters are to be agreed and implemented accordingly.
- A review of Google Street View imagery from 2009 to 2024 demonstrates that the car park often has numerous vacant spaces, suggesting that the current parking capacity is suitable for the existing demand.
- The proposed works do not obstruct or hinder the circulation within the existing parking area.
- If there are car parking capacity issues within the Palmerstown Park Shopping Centre this could be addressed by introducing parking control measures.
- The proposed upgrade to the pedestrian crossing on Kennelsfort Road Upper, to comprise a raised pedestrian platform and Toucan Crossing, was agreed in consultation with Council officials, improving pedestrian and cyclist safety and accessibility for the benefit of the wider community.
- The proposed pedestrian crossing is the correct geometry and provides adequate sightlines. It creates a traffic calming feature and is consistent with DMURS. Road Safety Audit 2 and 3 will be carried out as per normal design obligations.
- Auto-track drawings were submitted with the application which indicate the large refuse truck can access and egress the laneway. Appropriate sightlines are also available on Wheatfield Road and were submitted. These were deemed sufficient to the planning authority.
- Servicing and refuse collection are a necessary and normal part of any commercial and residential development, it is generally infrequent, with low volumes of traffic generally off-peak.
- Omission of a basement level car park was the appropriate design and planning response and ensures viability of the development.

Retail Use

- The proposed convenience retail unit would not result in an overconcentration of retail development. The site is zoned for district centre uses and the units are not of a scale that would undermine the vitality of the existing uses within the Palmerstown Shopping Centre.
- The proposed retail units will complement rather than compete with existing businesses in the shopping centre, ensuring a vibrant and varied commercial development.

Other Issues

- Proposal description as per the public notices is both clear and explanatory, with no concern raised by the planning authority.
- The public areas have been included in the redline boundary as it is proposed to upgrade these areas as part of the development. The planning authority was supportive of this.
- The proposal will not injure the amenities of nearby properties nor depreciate the value of surrounding properties.

6.3. Planning Authority Response

In a response received on the 23rd January 2025 the planning authority confirms its decision and notes that the issues raised in the appeals have been covered in the planner's report.

6.4. Observations

- 6.4.1. 2 no. observations were received from Eamonn Deegan and Kevin Hope & Others (the latter was signed by 53 no. residents of 27 no. dwellings comprising 26 no. in Oakcourt Grove and 1 no. in Oakcourt Avenue). The grounds of the observations are similar to those raised in the appeals. To avoid repetition only additional concerns raised are summarised below.

- No consideration for wildlife.

- Pub should be assessed to determine suitability as an addition to the Record of Protected Structures.
- Potential for project to commence but not completed and implications of same on the Irish taxpayer.
- Proposal would cause extra air pollution, noise levels and waste pollution.
- Increased pressure on drainage and foul water network which are already at capacity.
- Cumulative effect of other developments

7.0 Assessment

Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Previous Refusal
- Retail Uses
- Density / Quantum of Development
- Design and Layout
- Building Height
- Open Space
- Residential Amenity
- Car Parking
- Bicycle Parking
- Transportation
- Water Services
- Other Issues.

The issue of appropriate assessment screening also needs to be addressed.

7.1. Principle of Development

- 7.1.1. The site is zoned 'DC' District Centre as per the current County Development Plan, with the associated land use zoning objective '*to protect, improve and provide for the future development of District Centres*'. Public house, shop (local and neighbourhood), car park and residential uses are all permitted in principle on lands zoned District Centre.
- 7.1.2. Chapter 2 of the Plan sets out the core strategy and settlement strategy for the county. Table 14 identifies Palmerstown as being within the settlement of Dublin City and Suburbs (edge of city). Section 2.5.6 states that based on the population targets and housing need set out within national and regional planning policy, the Development Plan must accommodate an additional 45,002 persons and 15,576 residential units over the lifetime of the plan. Table 11 envisions an additional 2,673 no. residential units in Lucan, Adamstown and Palmerstown by 2028. Furthermore, the revised NPF (approved by the Government and currently waiting on approval of both Houses of the Oireachtas) targets a total population for the Dublin City and Suburbs of at least 1.56 million persons by 2040 compared to a target growth for the same period of at least 1.41 million persons allocated in the 2018 NPF, representing an additional 150,000 persons.
- 7.1.3. On the basis of the foregoing, I am satisfied that the proposed development is acceptable in principle.

7.2. Previous Refusal

- 7.2.1. A previous application by the same applicant for a broadly similar development was refused by the Board in January 2024 (ABP-313828-22). The applicant has sought to address the two reasons for refusal, which relate to (1) the design and layout of the proposed car park and omission of an existing emergency access, and (2) standard of amenity to future occupiers of the proposed apartments by virtue of the use of opaque glazing and quantum of single aspect north facing units. These issues are discussed under Sections 7.10 and 7.6 below, respectively.
- 7.2.2. An appeal raised an issue that the previous Board decision was made prior to the date on which the County Development Plan 2022-2028 came into effect, therefore

the decision was based on the previous / outdated County Development Plan. As a matter of clarity, the South Dublin County Development Plan 2022-2028 came into effect on the 3rd August 2022 whilst the previous Board decision was dated 18th January 2024. I would further note that the Inspector's Report published in respect of that previous decision clearly stated that the assessment was based on the current County Development Plan, 2022-2028.

7.3. Retail Uses

- 7.3.1. Concerns are raised regarding the impact of the proposed retail uses on the viability and vitality of the Palmerstown Shopping Centre. The proposed scheme includes 2 no. retail units at ground floor level, comprising a convenience store / Spar (c. 226sqm) and a Pharmacy / Bookmaker (c. 157sqm). It is noted that the previous application included an off-licence however this use is not included in the current application.
- 7.3.2. The County's Retail Strategy is set out in Section 9.4 of the Development Plan. Under the County Retail Hierarchy, Palmerstown Shopping Centre is identified as a Level 4 Centre. In the context of Palmerstown Shopping Centre, the County Development Plan states that Level 4 centres are neighbourhood centres that usually contain one supermarket with a limited range of supporting shops and retail services and possibly other services such as post offices, community centres or health clinics grouped together to create a focus for the local population, and that these centres meet the local day-to day needs of surrounding residents.
- 7.3.3. Having regard to the 'District Centre' zoning objective, existing retail uses on the site and the locational context contiguous to the Palmerstown Shopping Centre, I am satisfied that the appeal site is a suitable location for retail uses to support the district centre as a whole. Furthermore, having regard to the relatively limited floor area of the proposed retail units in the context of the size and range of uses and facilities provided at the Palmerstown Shopping Centre, I am satisfied that the proposed development would not negatively impact on the vitality or viability of the existing retail units within the Palmerstown Shopping Centre. I consider that the proposed uses are in accordance with Policy EDE12 of the County Development Plan which seeks to maintain and enhance the retailing function of district centres and EDE8 Objective 4

which seeks to support the viability and vitality of the existing retail centres in the County, including within district centres and to facilitate a competitive and healthy environment for the retail industry, while reinforcing sustainable development.

7.4. Density / Quantum of Development

- 7.4.1. The appeal site has a stated area of 0.47ha, with a net developable area of c. 0.27 ha equating to a net residential density of c. 162 units per hectare. The net area excludes the site of the car park and the works to the public realm.
- 7.4.2. Grounds of appeal include that the proposed density is excessive at this location, does not accord with the Building Height and Density Guide (Appendix 10 of the County Development Plan) and that the site should be categorised as a '*City – Suburban/Urban Extension*' (up to 100dph) rather than '*City – Urban Neighbourhood*' (50dph to 200dph) as per the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (referred to hereafter as the Compact Settlements Guidelines 2024).
- 7.4.3. While the issue of density and building height are interrelated, I will deal with them separately. Building height is discussed under Section 7.7 below.

Closely related to density is housing delivery targets. The site is located within the 'Dublin City and Suburbs' CSO settlement boundary. Revised National Planning Framework (NPF) 2025 seeks to deliver half of future population and employment growth in the existing five cities and their suburbs (NPO 4), deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth (NPO 8), seeks to develop cities and towns of sufficient scale and quality (NPO 13), and seeks to ensure that the targeted pattern of population growth of Ireland's cities to 2040 is in accordance with the targets set out, which includes a minimum target population for Dublin City and Suburbs of 1.56 million by 2040.

- 7.4.4. There is no prescribed maximum density set out under the County Development Plan. Figures for housing and population targets outlined in Table 11 (Core Strategy, which aims to provide an additional 2,673 residential units in Lucan, Adamstown and Palmerstown by 2028, equating to a target population growth of 9,483 persons (16%

of total target population growth for the county). The population / housing targets set out in the Core Strategy are based on an 'average' density of 40-50 units per hectare within Dublin City and Suburbs, however CS6 Objective 4 promotes higher densities (50+ units per hectare) subject to meeting qualitative standards at appropriate locations in line with prevailing Section 28 Ministerial Guidelines and where it can be demonstrated that the necessary infrastructure is in place or can be provided to facilitate the development.

- 7.4.5. CS6 Objective 2 seeks to align the settlement strategy for the County with the NPF and RSES promoting compact growth, while CS6 Objective 4, Policy CS7 and Policy H13 seek to promote higher densities in existing urban built-up areas within the Dublin City and Suburbs settlement boundary, especially near urban centres and / or high-capacity public transport nodes and to support ongoing viability of social and physical infrastructure and services.
- 7.4.6. The Board is advised that the Compact Settlements Guidelines 2024 were published by the Department of Housing, Local Government and Heritage on the 15th January 2024 and did not form part of the assessment of the previous application (ABP-313828-22). It is intended that the Compact Settlements Guidelines 2024 should be read in conjunction with, but take precedence over, other guidelines where there is overlapping policy and guidance, including the *Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2023* and the *Urban Development and Building Height Guidelines for Planning Authorities 2018*.
- 7.4.7. Table 3.1 of the Compact Settlements Guidelines 2024 outlines three area types for the Dublin City and Suburbs, along with a density range for each, namely:
1. City-Centre (100 to 300dph) which comprises the city centre and immediately surrounding neighbourhoods. The Guidelines state that the *City-Centre* area type comprises the city core and its immediately surrounding neighbourhoods within the canals.
 2. City-Urban Neighbourhoods (50 to 250dph) relates to land within the boundary of Dublin City and Suburbs and which is highly accessible with good access to employment, education / institutional uses and public transport. The category includes (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses,

(ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges, including locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop.

3. City-Suburban/Urban Extension (up to 100dph) relates to suburban areas with lower density car-orientated residential suburbs and urban extensions comprising greenfield lands at the edge of the existing built-up footprint that are zoned for residential development.

- 7.4.8. It is a Policy and Objective (3.1) of the Compact Settlements Guidelines 2024 that the recommended residential density ranges are applied in the consideration of individual planning applications.
- 7.4.9. The planning authority considered that the site falls within the '*City–Urban Neighbourhood*' area type by virtue of the locational context of the site and availability of public transport and thus concluded that the density of c. 162 units per hectare is acceptable.
- 7.4.10. The site is accessible to a large range of services, community facilities and employment centres. The site is directly adjacent to the Palmerstown Shopping Centre (which includes a SuperValu supermarket, pharmacy, community and youth centre, medical centre, post office, public library, gym, dry-cleaners, diner and takeaway), c. 1.2km of the Liffey Valley Shopping Centre, c. 1km of Palmerstown Village, c. 100m of Palmerstown Community School and Palmerstown Sports Complex, c. 800m of St. Brigid's Girls and St. Lorcan's Boys National Schools, c. 600m of Cherry Orchard Hospital, c. 250m of the Cherry Orchard Industrial Estate and c. 2.5km of the Park West Business Park and Industrial Estate. The site is also relatively close to Glenaulin Park to the east along with Waterstone Park and Phoenix Park to the north and northeast.
- 7.4.11. The site is served by all necessary public infrastructure, including water, sewerage and surface water drainage. Kennelsfort Road Upper includes footpaths and recently constructed cycle lane upgrades, connecting to Coldcut Road / Ballyfermot Road Quality Bus Corridor to the south and Palmerstown Village to the north.

- 7.4.12. While the surrounding neighbourhoods are traditionally characterised by medium density housing estates, recent permission for higher density development indicates a transition in the settlement pattern for the area. As outlined in Section 4.0, permission was granted in 2023 for demolition of a warehouse and construction of 127 no. apartments on a site at Kennelsfort Road Upper, c. 220m south of the appeal site and visible from same, comprising 4 no. blocks ranging in height from 5-8 storeys, at a density of 143 units per hectare. Permission was granted in 2020 for the demolition of existing structures and the construction of 250 no. Build to Rent apartments at Kennelsfort Road Lower, c. 600m north of the appeal site, on the opposite side of the N4, comprising 5 no. blocks ranging in height from 4-8 storeys, at a density of 197 unit per hectare. Construction of this scheme is now complete.
- 7.4.13. In terms of public transport, Kennelsfort Road Upper is served by routes 26 and L55 with bus stops for both directions of the bus route located directly adjoining the appeal site. The 26 service provides connectivity between Liffey Valley Shopping Centre and Merrion Square via Palmerstown. The route has a frequency of 10 minutes during peak periods and 15 minutes otherwise, in both directions, on weekdays, with 15-minute and 20-minute intervals during the day on Saturdays and Sundays, respectively. The BusConnects website¹ indicates that the 26 service would no longer operate under the revised scheme. Kennelsfort Road Upper would be served by the no. 80 bus. This route would provide connectivity between Liffey Valley and Ballinteer via the city centre. Similar to the existing service, this route would operate every 10 minutes during the peak periods, utilising the bus stop directly adjoining the appeal site. The L55 is a local route that connects Palmerstown Village with Chapelizod Village, via Kennelsfort Road Upper. This service operates every hour.
- 7.4.14. The Core Bus Corridor Scheme, as referred to in the Compact Settlements Guidelines 2024, comprises upgrades to 12 no. key public bus corridors across the Dublin region. The Liffey Valley to City Centre Core Bus Corridor Scheme², including associated compulsory purchase orders, was approved by the Board in December 2023 (HA29S.314056 / CPO Ref. KA29N.314091 refers). The route commences at the Liffey Valley Shopping Centre west of the M50 and travels east towards the city

¹ [BusConnects Redesign Map](#)

² <https://liffeyvalleyscheme.ie/>

centre, passing St. James's / National Children's Hospital. The scheme includes bus priority infrastructure as well as improved pedestrian and cycling facilities.

- 7.4.15. The route of the Core Bus Corridor Scheme comes within c. 490m (walking distance) to the south of the appeal site at the junction between Kennelsfort Road Upper and Coldcut Road. The closest proposed bus stop to the site is on Coldcut Road c. 570m (walking distance) to the south, connected by an existing footpath on Kennelsfort Road Upper and with a new pedestrian crossing at the Kennelsfort Road Upper / Coldcut Road junction proposed as part of the Core Bus Corridor Scheme. While marginally above the 500m threshold in terms of accessibility to a bus stop on a Core Bus Corridor as per the Compact Settlements Guidelines 2024, the Core Bus Corridor Scheme also includes enhanced cycle and pedestrian infrastructure, with the submitted EIA for same outlining that the proportion of segregated cycle lanes on the route would increase from 12% on the existing corridor to 68%, which, together with the cycle lane on Kennelsfort Road Upper, will provide a high quality cycle connection between the site and Liffey Valley Shopping Centre to the west and the city centre to the east.
- 7.4.16. Having regard to the location of the site within Dublin City and Suburbs and its proximity to employment centres, urban amenities, services and facilities, the changing context of the city in response to the principle of compact growth, and access to existing and planned³ quality high frequency public transport and cycling infrastructure, it is my opinion that the site falls within the area type of *City-Urban Neighbourhoods* as per the Compact Settlements Guidelines (2024) aligning specifically with criteria (ii) '*compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses*', and is therefore suitable to accommodate a density range of between 50 to 250dph, supporting compact growth, achieving effective density and consolidation and supporting ongoing viability of social and physical infrastructure and services, consistent with a National Strategic Outcome of the Revised NPF 2025 and consistent with CS6 Objective 2, CS6 Objective 4, Policy CS7 and Policy H13 of the County Development Plan. The proposal would also support the Core Strategy of the County

³ The Compact Settlements Guidelines 2024 refers to 'Planned public transport' as being transport infrastructure and services identified in a Metropolitan Area Transport Strategy for the five cities and where a public authority (e.g. National Transport Authority, Transport Infrastructure Ireland or Irish Rail) has published the preferred route option and stop locations for the planned public transport.

Development Plan which seeks to provide 2,673 residential units in Lucan, Adamstown and Palmerstown by 2028.

- 7.4.17. On the basis of the foregoing, it is my view that the proposed density of 162dph is acceptable for the application site, subject to consideration of other development standards including building height and residential amenity.

7.5. Design and Layout

Design

- 7.5.1. Concerns are raised in the appeal that the height, scale and mass of the proposed development is inappropriate at this location, fails to contribute positively to the public realm and would negatively impact on the visual amenities of the surrounding streetscape.
- 7.5.2. The building is 5-storeys (ground, first, second, third and fourth floor levels) over a partial basement. The basement is c. 110sqm and would accommodate plant only. The proposed building has a parapet roof height of 18.1m, excluding 2 no. lift shafts, both of which extend by c. 850mm above the parapet height and are positioned c. 6m and c. 9.5m in from the east and west edges of the building, respectively.
- 7.5.3. The ground floor level is built to the southern boundary with the petrol station. The first to third floor levels are set back between c. 2.4m and c. 13.3m from the southern boundary, accommodating first floor level communal open space and playground within the setback. The ground to third floor levels are set back c. 8.3m from the western boundary with the existing cycle lane on Kennelsfort Road Upper and c. 11.4m from the northern boundary with Wheatfield Road, with land within both the west and north setback accommodating hard and soft landscaped public realm denoted as public open space. The ground to third floor levels are also set back c. 7.8m from the eastern boundary of the existing laneway, which accommodates additional width to the laneway. The fourth floor level (top floor) is set in by c. 1.9m from the southern, western and northern side elevations of floors below, and from the eastern side elevation by between c. 6m and c. 8.25m, accommodating a third floor level communal amenity space within that eastern setback.
- 7.5.4. The principal external dimensions of the proposed building, including height and separation distances to boundaries, remain as per the previous application assessed

by the Board (ABP-313828-22) noting that building layout, design, height and material finishes were not a reason for refusal under the Board's previous decision. Modifications to the north and east elevations, including arrangement of fenestration, vertical emphasis banding and treatment of balcony balustrades (on east elevation), reflect internal changes made in response to the Board's second reason of refusal, which related to amenity of future occupiers.

- 7.5.5. The proposed building has a contemporary design with a flat roof, internalised and external balconies, and large sections of glazing. Referring to the submitted design statement, material finishes would comprise dark coloured window frames and alternate sections of brown and lighter buff coloured brick. I consider the proposed materials to be acceptable, keeping with the brick finish to the shopping centre and also to the contemporary design and brick finish to the approved 5 to 8 storey / 127 no. apartment development c. 240m to the south on Kennelsfort Road Upper. I note that the design statement refers to possible alternatives for material finishes. Having regard to Policy QDP11 to promote high-quality building finishes I recommend that if the Board is minded to grant permission, a condition be attached that requires final details of the external material finishes to be agreed with the planning authority.

Commercial Units and Public Realm

- 7.5.6. The ground floor uses comprise a gastro pub / restaurant (708sqm) and 2 no. retail units with 43 no. apartments above. The gastro pub is located within the western and southern ends of the ground floor fronting Kennelsfort Road Upper and partially fronting Wheatfield Road. The pub includes an outdoor seating area on the western and northern sides, interfacing with Kennelsfort Road Upper and Wheatfield Road, respectively. The 2 no. retail units would front onto Wheatfield Road with outdoor seating adjacent to the proposed retail /Spar unit. As part of the landscaping / public realm works, it is proposed to lay out permeable concrete block paving to the west and north sides including the repaving of existing footpaths on the public road, also extending south on the rear laneway. The public realm proposal also includes soft landscaping, including trees, to the west and north sides with integrated seating areas.
- 7.5.7. Having regard to the submitted plans and documentation, including photomontages, and having visited the site and noting the current interface with the public domain, I consider that the proposed works to the public realm would improve the visual amenity

of the site and contribute positively to the overall visual amenity and aesthetics of the area as a District Centre, consistent with County Development Plan Policy QDP7 which seeks to promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture. I also consider that the provision of ground floor commercial uses and associated outdoor seating areas, further support Policy QDP7, providing active and animated frontage to the public realm and streets. Furthermore, the proposal supports Policy QDP2 and a number of key principles for healthy placemaking and public realm at the neighbourhood level, as set out under Table 12.5.5 of the County Development Plan, including that neighbourhood and local areas should be attractive, with a distinct sense of place and high-quality public realm and that development should incorporate different amenities into the streetscape, such as outdoor seating and bike racks which encourage people to stay longer and increase their enjoyment of an area. In this regard, I also consider that the proposal satisfies the key principles of 'Responsive Built Form' set out under Section 4.4 of the Compact Settlements Guidelines 2024, consistent with Policy and Objective 4.2 of same.

Unit Mix

- 7.5.8. The Compact Settlements Guidelines 2024 does not provide a unit mix standard rather directs planning authorities to rely on the provisions of its County Development Plan and associated Housing Need and Demand Assessment. Policy QDP10 of the County 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, whilst H1 Objective 12 of the County Development Plan requires a minimum of 30% 3-bedroom units, with justification required for a lesser provision. I also note that the Housing Need and Demand Assessment, contained in Appendix 11 of the County Development Plan concludes that by 2031, household composition for the County is anticipated to be made up of 1, 2 and 3 person households totalling 65% and will largely require 1 and 2 bed units.
- 7.5.9. The proposed development comprises 43 no. apartment units, with a mix of 17 no. 1-bed units, 13 no. 2-bed units and 13 no. 3-bed units. This equates to 40% 1-bed, 30%

2-bed, and 30% 3-bed units. I am satisfied that the proposal in respect of mix is consistent H1 Objective 12 in this regard.

Apartment and Room Sizes

- 7.5.10. H7 Objective 1 of the County Development Plan promotes a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in guidelines including the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring.
- 7.5.11. A submitted Housing Quality Assessment shows that the proposed apartment units reach and exceed the minimum standards for overall unit size and room sizes as set out in the Apartment Guidelines (2023). I am satisfied that the proposal is acceptable in this regard, consistent with H7 Objective 1 of the County Development Plan.
- 7.5.12. Dual and Single Aspect
- 7.5.13. Concerns were raised in the third party appeals with respect to the provision of north-facing single aspect apartments. The second reason for refusal on the previous appeal related to aspect, stating that the scheme would result in substandard residential amenity for future occupiers by virtue of 1.8-metre-high opaque screens to serve six number single aspect east facing units (no. 9, 10, 23, 24, 37, 38), in addition to the provision of six number single aspect north facing units (no. 6, 7, 20, 21, 34, 35).
- 7.5.14. The County Development Plan aligns with the Apartment Guidelines 2023 in respect of the provision of single and dual aspect apartments. Under the current application, a submitted Housing Quality Assessment outlines that 26 no. (60%) of the apartments are dual aspect, above the 33% standard (relating to more central and accessible urban locations), as set out in SPPR4 of the Apartment Guidelines. However, I note that the submitted Architects Design Statement outlines that 22 no. (51%) of the apartments would be dual aspect, which is also above the 33% standard set out in SPPR4. Therefore, I have no objection to the ratio of dual aspect units.

- 7.5.15. The Section 12.6.7 of the County Development Plan states that *dual aspect apartments should have openable windows on two or more walls which provides a view in more than just one direction. The use of windows, indents or kinks on single external elevations, in apartment units which are otherwise single aspect apartments, is not considered acceptable and / or sufficient to be considered dual aspect and these units, will be assessed as single aspect units.*
- 7.5.16. As outlined above the submitted Housing Quality Assessment and Architects Design Statement respectively refer to 60% and 51% of units being dual aspect, which means that, in the applicant's view, single aspect apartments account for either 40% (17 no.) or 49% (21 no.) of all units, however a breakdown of aspect in terms of direction is not provided. The applicant appears to have sought to address this element of the second reason for refusal by reconfiguring the apartment layout of Units 6 and 7 at first floor, Units 20 and 21 at second floor and Units 34 and 35 at third floor. It is my view that the units on the north facing elevation of the building having been sufficiently designed to comply with the Apartment Guidelines 2023, comprising adequate west or east facing windows and balconies to serve living areas.
- 7.5.17. Submitted drawings show that Units 5 and 6 at first floor, Units 17 and 18 at second floor and Units 29 and 30 at third floor have a primary orientation to the north but have been designed to provide either west or east facing windows / balcony doors to the main living area. I consider that these north-facing apartments have been sufficiently designed to ensure no unit has a north-facing single-aspect, by reason of the extent of openings to the west or east serving the living areas, in tandem with associated balconies, consistent with the Apartment Guidelines 2023.

Screening to East Facing Balconies

- 7.5.18. Concerns were raised in the third party appeals with respect to the proposed treatment of east facing balconies with a 1.8m high brise soleil screening to overcome second reason for refusal on the previous appeal which stated that the scheme would result in substandard residential amenity for future occupiers by virtue of 1.8-metre-high opaque screens to serve six number single aspect east facing units (no. 9, 10, 23, 24, 37, 38).
- 7.5.19. Submitted drawings show that Unit 8 at first floor, Unit 20 at second floor and Unit 32 at third floor are single aspect east facing units. Each of these units is served by a

single balcony off the living area. By reason of their overhanging design, the balconies are located between c. 5.5m and c. 6.4m of the eastern property boundary with the rear garden of No. 13 Oakcourt Grove to the east / northeast, with orientated views to the north-east towards the rear gardens of dwellings at Oakcourt Grove to the east and dwellings fronting Wheatfield Road to the northeast. To prevent overlooking from these balconies to the rear gardens of existing dwellings in the vicinity, the balconies have been fitted with c. 1.8m high metallic brise soleil, which comprises angled slats with vertical emphasis. The planning authority concluded that while the use of 1.8m high brise soleil may mitigate against loss of privacy to adjoining dwellings, concern was raised regarding the proposed metallic brise soleil panels in the context of H11 Objective 4 of the County Development Plan in terms of amenity of the future occupants of the apartments. Condition 2 on the planning authority's decision requires the screening to be reduced to 1.6m in height.

7.5.20. The screening measure is fitted to the front of the balcony with the side elevations comprising a c. 1.1m high glazed screen. The extent of screening in this fashion amounts to c. 4.95m (being the front elevation of the balcony), compared to c. 12.2m under the previous application assessed by the Board, reflecting the reconfiguration of units.

7.5.21. Having regard to the limited extent of brise soleil panelling required and its location on the east elevation, thus not interfacing the public domain, I consider that the screening measure is acceptable from a visual amenity perspective. By reason of its angled design, I consider that the measure will mitigate against overlooking to the rear gardens of adjoining dwellings and their rear gardens. In terms of the amenity of the apartments themselves, I consider that by virtue of their height in combination with the relatively narrow width of the balcony, the screening would have potential to adversely impact on the amenity of the future occupiers of the apartments by reason of it causing a sense of enclosure with limited outlook, notwithstanding that the sides would comprise glazing. I further consider that a reduction in height to 1.6m would have the effect of maintaining privacy to neighbouring dwellings by reason of the apartments being at upper floor levels, whilst also mitigating against that sense of enclosure and loss of outlook to future occupants. Therefore, if the Board is minded to grant permission, I recommend that Condition 2(a) of the planning authority's decision be attached.

Apartments above Public House

- 7.5.22. Concern is raised that the provision of apartments over a public house is not appropriate, with the use of the public house causing noise and disturbance on the future occupants of the apartments, and the proposal in this regard is a material contravention of the County Development Plan.
- 7.5.23. H13 Objective 4 of the County Development Plan promotes and encourages '*Living-Over-The-Shop*' residential uses on the upper floors of appropriate buildings, with the exception of public houses, and other inappropriate places where similar business is conducted.
- 7.5.24. There are 12 no. apartments at first floor level, comprising 4 no. units (2 no. one-bed and 2 no. two bed – namely Units 1, 2, 3 and 4) located directly above the footprint of the publicly accessible part of the gastro-pub. In addition, the balcony serving Unit 1 interfaces with the glass-roofed outdoor seating area on the western side elevation of the pub, while, similarly, the balcony serving Unit 4 together with the balcony for Unit 5 (a three-bed apartment) interface and partially extend over the glass-roofed outdoor seating area on the northern side elevation of the pub. Furthermore, the balcony serving Unit 7 (a two-bed apartment) would interface with the proposed glass-roofed outdoor seating area associated with the retail unit / Spar.
- 7.5.25. Under the previous application assessed by the Board, the Board considered that H13 Objective 4 relates to the provision of residential accommodation above existing commercial premises rather than as part of new builds and thus considered that the proposal was not contrary to the County Development Plan in this regard.
- 7.5.26. From a design perspective, I consider the provision of outdoor seating areas to serve the gastro pub and retail unit / Spar would activate the interface to the public realm, supporting County Development Plan Policy QDP2, and is therefore acceptable in principle. The drawings indicate that the seating areas would be partially enclosed thereby potentially accessible outside normal business hours, which, in my view, may lead to anti-social behaviour, resulting in noise and nuisance, adversely affecting the amenity of existing dwellings in the vicinity including apartments overhead. Furthermore, by reason of the positioning of the outdoor seating areas relative to the balconies overhead and proposed use of glass for the roofs to the outdoor seating areas and glass for the balcony balustrades, the outdoor seating areas have, in my

view, the potential cause loss of privacy, including perceived loss of privacy, to apartment units 1, 2, 3, 4, 5 and 7 at first floor level. If the Board is minded to grant permission, I recommend that a condition is included which requires details, including amended plans, which outlines measures to mitigate these concerns.

- 7.5.27. Notwithstanding the interpretation of H13 Objective 4, there is potential for loss of amenity to apartment units 1, 2, 3 and 4 at first floor level by reason of the noise generated by the use of the gastropub. I note that Condition 16 on the planning authority's decision relates to emissions during construction and operational stages, including a requirement for certain noise levels to be adhered to. I consider that by way of building regulation compliance, this impact would be substantially mitigated. However, if the Board is minded to grant permission, I recommend that a condition is included with respect to noise mitigation / sound proofing.

Shared ground floor facilities

- 7.5.28. Concerns have been raised with regards the layout of the ground floor and the requirement for the units to share staff facilities, namely toilets. The submitted ground floor plan shows that toilet facilities would be shared by the staff of the 3 no. commercial units. I consider that the absence of independent staff comfort facilities for each commercial unit results in a substandard form of development. If the Board is minded to grant permission, I recommend that a condition is included which requires revised plans in this regard to be submitted for agreement with the planning authority.
- 7.5.29. Further concern is raised in respect of clothes drying facilities, contending that no adequate private / shared ventilated clothes drying facilities are for provided for apartments. The Apartment Guidelines 2023 refer to two options for providing clothes drying facilities, by way of either providing a screened section of a balcony where the balcony is large enough to accommodate same and secondly the option for providing communal laundry facilities in well-ventilated areas. Having regard to the number of apartments in the scheme, I consider it to be prudent that drying facilities, either private or communal, be required. If the Board is minder to grant permission I recommend that a suitable condition is included in this regard.

Refuse Storage

- 7.5.30. Concerns have been raised with regards the provision of bin storage at ground floor level in terms of capacity of same and ventilation measures. Bin storage for residential units is proposed at ground floor level in 2 no. internal storage rooms (c. 23sqm and c. 26sqm). Concerns were raised by third parties regarding the size and location of the residential bin storage units. The applicant has stated that the bin storage area is in accordance with the standards set out in the Apartment Guidelines. Section 4.9 of the guidelines sets out design considerations for refuse storage facilities. These include sufficient communal storage area to satisfy the three-bin system; consideration of other recyclables such as glass and plastics; ventilation; access for waste collectors; safety risks to users and should be well-lit; should not be visible to or accessible by the general public. Waste storage areas in basement car parks should be avoided where possible; and capacity for washing down waste storage areas, with wastewater discharging to the sewer. In my opinion sufficient consideration has not been given to the location and size of the residential refuse storage area.
- 7.5.31. The planning authority was satisfied with the proposal for bin storage and referred to a report from Environmental Health and considered that ventilation would more appropriately fall within the scope of the relevant Building Regulations. I also note that the provision and location of bins was not a reason for refusal under the previous appeal decision (ABP-313828-22).
- 7.5.32. I consider that the location of bin storage at ground floor level is acceptable in principle. The two main issues, in my view, are capacity and ventilation. Condition 9 on the planning authority's decision requires an Operational Waste Management Plan to be submitted for agreed with the planning authority. There is no specific condition included with regards ventilation of the bin stores. Having regard to the concerns regarding bin store size / capacity, and if the Board is minded to grant permission, I recommend that Condition 9 on the planning authority's decision is retained. Furthermore, having regard to the internalised nature of the bin stores, and if the Board is minded to grant permission, I recommend that a condition is included which requires the location of ventilation for the residential bin stores to be agreed with the planning authority prior to commencement of development.

7.6. Building Height

- 7.6.1. The height of the proposed building is a primary concern of appellants, contending that the proposed building height, in combination with the scale of the proposed building, would have a negative impact on the existing residential and visual amenities of the area, contrary to the Urban Development and Building Heights Guidelines, 2018 and the Building Heights and Density Guide 2022 contained in Appendix 10 of the County Development Plan. An appeal also contends that, by reason of height, the proposal materially contravenes the County Development Plan.
- 7.6.2. As outlined under the previous section, the principal external dimensions of the proposed building, including height and separation distances to boundaries, remain as per the previous application assessed by the Board (ABP-313828-22) noting that building layout, design, height and material finishes were not a reason for refusal under the Board's decision.
- 7.6.3. The County Development Plan does not set out a maximum building height. Policy QDP8 requires that proposed developments adhere to the requirements set out in the Urban Development and Building Height Guidelines 2018 through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide. The county's Building Heights and Density Guide 2022 is set out in Appendix 10 of the development plan and is reflective of the principles of the Building Height Guidelines. QDP8 Objective 2 seeks to proactively consider increased building heights at appropriate locations including on land zoned District Centre (DC) where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County's Building Height and Density Guide that it is contextually appropriate to do so.
- 7.6.4. Section 3 of the Building Height Guidelines 2018 acknowledges that to achieve compact growth, it will also be necessary to increase the scale of new buildings in all parts of cities and towns, with highest densities at the most central and accessible urban locations, particularly in city centres and close to public transport nodes and interchanges, and that higher densities and taller buildings that exceed the traditional scale will be encouraged in the most central and accessible parts of cities and large towns. In this regard and in my view, national and local policy supports a higher building on the appeal site, subject to development management standards including

safeguarding surrounding residential amenity and contributing positively to the public realm and visual amenity of the area.

- 7.6.5. The surrounding area is predominantly two-storeys in height, noting the three-storey element to the front / north end of the adjoining shopping centre. Wheatfield Road is characterised by traditional two-storey houses. Kennelsfort Road Upper accommodates a variety of uses including Palmerstown Shopping Centre, which has a max parapet height of c. 11.65m, stepping down to c. 10.5m, a Builder Provider's, a Petrol Station (Circle-K), 2-storey commercial units and traditional 2-storey houses. It is also noteworthy that permission was granted in 2023 for demolition of a warehouse and construction of 127 no. apartments on a site at Kennelsfort Road Upper, c. 220m south of the appeal site comprising 4 no. blocks ranging in height from 5-8 storeys. While not yet commenced I observed during a site inspection that the scheme would be visible from the appeal site.
- 7.6.6. A Landscape and Visual Impact Assessment was not submitted with the application, however a booklet of 7 no. verified views of the scheme were submitted. The verified views provide a comparison of the existing site and the proposed development. It is my view that the submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear. The photomontages indicate that the scheme would be highly visible when viewed from both Kennelsfort Road Upper and Wheatfield Road. It is acknowledged that the proposed height is significantly taller than the existing adjacent two-storey buildings and would introduce a new feature in the skyline. However, it is my opinion that the proposed height, in combination with the scale and bulk of the building, would not significantly detract from the visual amenities when viewed from Kennelsfort Road Upper or Wheatfield Road. It is also my view that the proposed site is capable of absorbing a high-density urban scheme and that it would make a positive contribution to the streetscape, which would aid with placemaking and legibility, while from a wider neighbourhood perspective, the proposal provides a graduated height change within the streetscape on approach to the approved 5-8 storey scheme c. 220m to the south.
- 7.6.7. The four-storey element of the building which interfaces to the east, has a parapet height of c. 15.55m and set back c. 7.8m from the rear garden boundaries of No. 12 and No. 13 Oakcourt Grove, and, its nearest point, c. 25.9m and c. 28.2m, respectively, from the dwellings on these properties.

- 7.6.8. Photomontage no. 7 represents a view of the proposed building from the northwest corner of the roadway on Oakcourt Grove through a gap between the dwellings at No. 12 and 13. While this view does not fully represent the outlook from the rear gardens of west and northwest facing rear gardens of dwellings on Oakcourt Grove, it does show that the fourth / top floor level, stepped back from the eastern elevation by between c. 6m and c. 8.25m and rising c 2.55m above the third floor parapet height, would not be visible from the northwest corner of Oakcourt Grove and, by association, not visible from west and northwest facing rear gardens of dwellings on Oakcourt Grove.
- 7.6.9. In my view, whilst the building would represent a significant change in the outlook from dwellings in the vicinity, particularly from the rear of dwellings on the northwest corner of Oakcourt Grove, I consider that by virtue of the separation distances between the existing dwellings and the proposed building, the proposal would not be visually obtrusive when viewed from rear of properties and from the public road of Oakcourt Grove.
- 7.6.10. The Building Heights Guidelines 2018 sets out information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town. In addition, South Dublin County Council's Building Heights and Density Guide 2022 (Appendix 10 of County Development Plan) was prepared to satisfy the requirements of the Building Heights Guidelines 2018, particularly with respect to SPPR 1 and SPPR 3, with further guidance on the terminology around building height. The Building Heights Guidelines 2018 provides 4 no. criteria (to which SPPR 3 relates) for consideration in the designing of higher buildings with the applicant's response to form part of an assessment of a planning application. These same criteria are set out in the Council's Building Heights and Density Guide 2022. The applicant submitted a response to this criteria as part of the appeal response. I make the following conclusions in respect of the 4 no. criteria:

Scale of Relevant city/town:

- Site is well served by public transport. Kennelsfort Road Upper is served by routes 26 and L55 with bus stops for both directions of the bus route located directly adjoining the appeal site. The 26 service provides connectivity between Liffey Valley Shopping Centre and Merrion Square via Palmerstown. The route

has a frequency of 10 minutes during peak periods. The Liffey Valley to City Centre Core Bus Corridor Scheme was approved by the Board in December 2023. While marginally above the 500m threshold in terms of accessibility to a bus stop on a Core Bus Corridor as per the Compact Settlements Guidelines 2024, the Core Bus Corridor Scheme will also include significant improvements to cycling infrastructure on the route. I note that the Compact Settlement Guidelines 2024 takes precedence over the Building Heights Guidelines 2018 where policies overlap. In this case, the criteria for higher densities and, by association, higher buildings include the location of the site within '*compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses*'.

- At the city scale, I consider that the proposal will not cause an adverse impact on long distance views. The submitted photomontages give a useful understanding of how the scheme would appear within the local receiving environment. There are no protected views affected by the proposal.
- As outlined in Section 7.6, permission was granted in 2023 for 127 no. apartments in 5-8 storeys, on Kennelsfort Road Upper, c. 220m south of the appeal site. Due to the alignment of Kennelsfort Road Upper, the development, which has not yet commenced, would be visible from the appeal site. Permission was also granted in 2020 for 250 no. Build to Rent apartments comprising 5 no. blocks ranging in height from 4-8 storeys on a site at Kennelsfort Road Lower, c. 600m north of the appeal site. Construction of that scheme is complete.
- Improvement works to the public realm on Kennelsfort Road Upper and Wheatfield Road, including the building setback achieved to the public roads west and north along with new planting and hard landscaping, would make a positive contribution to placemaking and legibility.

Scale of district/neighbourhood/street:

- In my view, the design responds well to its corner location within a district centre. The northern and eastern façade onto Kennelsfort Road Upper and Wheatfield Road would sufficiently animate the corner location and positively contribute to the mix of uses on the street.

- The proposal is five storeys stepping down to four storeys on the eastern elevation and stepped down further to single storey interfacing with the southern boundary with the service station. The fifth / top floor is stepped in from each elevation. The street facing elevations to the north and west comprise suitable articulation in the form of material finishes and varying balcony types. On this basis, the building, in my view, is not monolithic.
- No flood risk identified for the site. The submitted site specific flood risk assessment concluded that the site is located within Flood Zone C and that the only risk of flooding relates to pluvial in terms of the impact of a heavy rainfall event on the surface water drainage infrastructure in the area. The Council's Water Services section did not raise an objection with regards flooding.
- The proposed development comprises 43 no. apartment units, with a mix of 17 no. 1-bed units (40%), 13 no. 2-bed units (30%) and 13 no. 3-bed units (40%), consistent with the Apartment Guidelines 2023 and County Development Plan. The Housing Need and Demand Assessment (HNDA), contained in Appendix 11 of the County Development Plan, concludes that by 2031, household composition for the County is anticipated to be made up of 1, 2 and 3 person households totalling 65% and will largely require 1 and 2 bed units. The proposal comprises 30 no.1 and 2 bed units supporting the HNDA in this regard. The proposed apartments would contribute to the mix of dwelling typologies in the neighbourhood.

Scale of site/building:

- The Daylight and Sunlight Analysis submitted demonstrates that that the proposed development would not result in any undue overshadowing of adjacent properties.

Specific Assessments:

- Referring to Map 10 of the County Development Plan, the site is located within an Approach Surface and Take Off Climb Surface associated with Dublin Airport. However, the same map identifies that the site is within an area in which developments of up to 30m in height above ground are unlikely to have

significance in relation to aviation. The proposed building has a maximum parapet height of 18.1m.

- 7.6.11. I am satisfied that the relevant specific assessments required to support the development have been carried out in the reports submitted. It is also noted that the applicant's response to the third-party appeals addresses each of the 4 no. criteria set out in the Building Height Guidelines 2018 / Council's Building Heights and Density Guide 2022.
- 7.6.12. Third parties also raised concerns that the proposed building height does not have regard to the prevailing heights in the area.
- 7.6.13. Council's Building Heights and Density Guide 2022 states that any proposal for increased building heights needs first to identify the extent of the increase in height over existing patterns of development in the area in which it is proposed. This is an identification of the prevailing height by means of a contextual urban analysis at the relevant scale of the proposal; that is at the scale of the city, the neighbourhood, the block or the street depending on the size of the development proposed. The Guide also refers to transitional heights, stating that variations in prevailing heights and the vertical expression of taller built elements should serve to promote a sense of legibility and place, and that part of this will be managing the transition between existing and new urban fabric by means of a height strategy that fosters a consistent and legible urban form while providing visual interest and avoiding a monotonous intrusion into the streetscape or skyline.
- 7.6.14. The Council's 2022 Guide also refers to the contextual height ratio – a multiplier factor of prevailing heights, which presents proposals for increased building heights as an expression of their amplification of prevailing heights.
- 7.6.15. I have analysed the proposal having regard to the Council's guidance on transitional height and the use of the contextual height ratio. The building is five storeys in height (c. 18.1m) stepped down to four storeys (c. 15.5m) on the eastern side, interfacing with the side elevation of a two-storey dwelling on No. 1 Wheatfield Road, and the rear gardens of two-storey dwellings on the north-west corner of Oakcourt Grove, giving a contextual height ratio of 2.0. Furthermore, this four-storey element of the proposed building is setback c. 13.5m from the main two-storey side elevation of No. 1 Wheatfield Road (noting a single storey garage attached to the west side elevation),

and c. 7.8m from the rear garden boundaries of No. 12 and No. 13 Oakcourt Grove, and, at its nearest point, c. 25.9m and c. 28.2m, respectively, from the dwellings on these properties. I consider that by reason of the stepped down approach to four storeys, along with the associated contextual height ratio, and the separation distance to adjoining residential properties, the transitional height is acceptable on the east elevation.

- 7.6.16. The five-storey element of the building interfaces with the junction of Kennelsfort Road Upper and Wheatfield Road to the northwest corner of the site, and with the Palmerstown Shopping Centre to the west and with the side elevation of a two-storey dwelling to the north.
- 7.6.17. The building is 23.7m from the southern boundary of No. 172 Kennelsfort Road Upper to the north and c. 32.3m from the southern elevation of the associated two-storey dwelling. The contextual height ratio in this relationship is 2.5, however by reason of the setback, local topography which slopes down from north to south, and the intervening street and proposed public realm measures on same and within the site, I consider that the transitioning in height is acceptable in this instance.
- 7.6.18. As outlined above, the adjoining shopping centre comprises two elements from a height perspective. The eastern half of the building comprises two storeys, with a ridge line height of c. 10.5m, while the western half, comprising a projected flat roofed structure, is three storeys, with a parapet height of 11.65m. Therefore the contextual height ratio in this relationship with the proposed building is 1.66.
- 7.6.19. The Board granted permission in 2023 for a 5-8 storeys scheme c. 220m south of the site, giving a contextual height ratio with the 5-storey proposal of 0.625. Whilst not in the immediate vicinity of the site it is, in my view, relatively close in terms of prevailing heights, allowing a transitional height approach to the larger building already approved.
- 7.6.20. On the basis of the above, I consider that the proposed building is an acceptable contextual design response to the site. The proposal supports Policy H13 to promote and support residential consolidation and sustainable intensification at appropriate locations. On the basis of the above assessment, in my view, the proposal, by reason of building height, does not materially contravene to the County Development Plan. It is also noted that the planning authority raised no objection in principle to the proposed

height, whilst building height was not a reason for refusal under the 2024 Board decision for a relatively similar proposal for the site.

7.7. Open Space

Public Open Space

- 7.7.1. Concerns were raised by third parties with respect to the provision of public open space particularly in the form proposed at the interface of the building at ground floor level.
- 7.7.2. Policy and Objective 5.1 of the Compact Settlement Guidelines 2024 sets out that the requirement in a development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area, but that in some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising such as in case where it is unfeasible, due to site constraints or other factors, to locate all of the open space on site. The Guidelines also outlined that while public open space in this context differs from a public park, there is a need to focus on the overall quality, amenity value and biodiversity value of public open spaces and that the public open spaces should form an integral part of the design and layout of a development and provide a connected hierarchy of spaces, with suitable landscape features, including seating and provision for children's play.
- 7.7.3. Policy H8: of the County Development Plan seeks to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area, whilst Table 8.2 of the development plan states that there is an overall standard of 2.4ha of public open space per 1,000 population. This equates to 24sqm of public open space per person. The proposed scheme has the potential to accommodate a maximum of 151 no. bedspaces / persons. This requirement equates to 3,624sqm of public open space. It is noted that the site has a net developable area of 2,650sqm.
- 7.7.4. Table 8.2 of the development plan also states that a minimum of 10% of the total site area should be provide as public open space for new residential developments. The

Site Layout Plan submitted indicates that a total of 671sqm of open space would be provided within the site which equates to c.14% of the gross site area.

- 7.7.5. The proposed public open space comprises the land within the ground floor level building setback on the western, northern and eastern boundaries. Whilst the proposal supports Policy H8 in terms of providing for active and passive recreation and enhancing the visual character, identity and amenity of the area, I consider that the provision of public open space is incidental to the development as it comprises footpaths and access / egress to and from the ground floor retail, commercial units, residential units above, and rear service access to the eastern side. I further consider that the treatment of the building setback to the west and north represents a form of quality public realm interface rather than public open space. Therefore, I consider that the proposed public open space does not provide any active or passive amenity space for future residents or the wider environs.
- 7.7.6. Section 8.7.4 of the plan notes that in exceptional circumstances a financial contribution in lieu of public open space may be acceptable. If the Board is minded to grant permission, I recommend that a condition be attached requiring a financial contributions in lieu of public open space. This would be calculated in accordance with the South Dublin County Council Development Contribution Scheme prepared under Section 48, of the Planning and Development Act, 2000 (as amended).

Communal Open Space

- 7.7.7. The Compact Settlements Guidelines 2024 state that apartments shall be required to meet the private and semi-private (communal) open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023. Table 12.21 of the development plan sets out communal open space standards for apartments. These standards are reflective of the standards set out in the Apartment Guidelines. The minimum requirement for communal open space is 5sq.m per 1-bed apartment, 7sq.m per 2-bed (4 person) apartment and 9sq.m per 3-bed apartment. I note that all 2-bed apartments proposed comprise 4 bedspaces. Therefore, the proposed scheme has a requirement for 293sq.m of communal open space. It is proposed to provide a total of 444sq.m of communal open space in 2 no. areas. An area of communal open space measuring 186sqm is proposed a first floor level, over the public house at the sites southern elevation with

the petrol station. This area would include a children's play area. An additional 258sqm of communal open space is proposed at fourth floor level within the setback of the fourth floor from the eastern boundary.

- 7.7.8. Concern was raised in third party appeals with respect to the principle of providing communal open space at upper levels of a building, indicating overdevelopment of the site. Further concern was with respect of the potential loss of amenity to private amenity space / balconies serving first floor level apartments where they interface with communal open space.
- 7.7.9. With respect to the principle of the location of communal open space at upper floor levels, the Apartment Guidelines 2023 note that roof gardens may be provided but must be accessible to residents, subject to requirements such as safe access by children with suitable passive surveillance. In my view, both areas of communal open space can be categorised as a roof garden. By reason of the interface of the spaces with balconies at first floor level and living room windows at fourth floor level, I consider the spaces to be afforded sufficient passive surveillance. I also consider that the apartments that interface with the first floor level communal open space would not suffer undue loss of amenity by virtue of the mitigation measures proposed, which comprise tree and shrub planting in a raised bed within 1.5m of the balconies, with the children's play area setback a further c. 1.8m.
- 7.7.10. Similar setback and landscaping measures are proposed to the eastern and southern edges of the third-floor terrace / communal open space, which, in my view, would sufficiently mitigate third party concerns with regards loss of amenity to adjoining dwellings by reason of noise and overlooking.

Private Open Space

- 7.7.11. As outlined above, the Compact Settlements Guidelines 2024 state that apartments shall be required to meet the private open space requirements set out in the Apartment Guidelines 2023. The private open space provision for all the apartment units has been provided in accordance with the standards set out in the development plan, which is reflective of the standard's set out in the Apartment Guidelines, 2023.
- 7.7.12. As outlined earlier in this report, I recommend that a condition be included on a grant of permission, if forthcoming, with regards mitigation measures to address concerns

relating to potential loss of amenity as a result of the interface of balconies with outdoor eating areas at ground floor level associated with the gastropub, and also a recommended condition to reduce braise soleil screening to 1.6m for balconies on the east elevation. Subject to the inclusion of such conditions, I consider that the balconies will provide acceptable private amenity space to future occupants.

7.8. Residential Amenity

Overbearing and Overlooking Impact

- 7.8.1. Concern was raised in third party appeals with respect to loss of privacy and outlook by reason of the proximity of the building to existing residential properties. The residential properties which are most sensitive to the impact of overbearing and overlooking are, in my view, those properties located to the east / southeast at Wheatfield Road and Oakcourt Grove and to the north at Kennelsfort Road Upper.
- 7.8.2. In terms of overbearing / loss of outlook, the proposed building is five storeys with a maximum parapet height c. 18.1m, excluding 2 no. lift shafts, both of which extend by c. 850mm above the parapet height and set from the side elevations. The fourth / top floor rises c 2.55m above the third-floor parapet height and is stepped in from the northern elevation by c. 1.9m and from the eastern elevation by between c. 6m and c. 8.25m. As such, by reason of this top floor set back, the interface with dwellings at Wheatfield Road and Oakcourt Grove comprises four storeys with that element having a parapet roof height of c. 15.5m. This four-storey element of the proposed building is setback c. 13.5m from the main two-storey side elevation of No. 1 Wheatfield Road (noting a single storey garage attached to the west side elevation), and c. 7.8m from the rear garden boundaries of No. 12 and No. 13 Oakcourt Grove, and, at its nearest point, c. 25.9m and c. 28.2m, respectively, from the dwellings on these properties. As noted earlier in this report, that by reason of the stepped down approach to four storeys, along with the associated contextual height ratio of 2.0, and the separation distance to adjoining residential properties, I consider that the transitional height is acceptable on the east elevation.
- 7.8.3. The proposed building, at five storeys, is 23.7m from the southern boundary of No. 172 Kennelsfort Road Upper to the north and c. 32.3m from the southern elevation of the associated two-storey dwelling. As noted earlier in this report, by reason of the

setback, local topography which slopes down from north to south, and the intervening street and proposed public realm measures on same and within the site, I consider that the transitioning in height is acceptable in this instance. During a site inspection, I observed that the rear gardens of dwellings on the north-west corner of Oakcourt Grove rise to the rear boundary, resulting in the finished floor being marginally lower than the level at the rear boundary, which is consistent with the local topography. I do not consider this level change to be significant in the context of assessing outlook.

- 7.8.4. On the basis of the foregoing, by reason of the separation distances to boundaries and dwellings, the stepped down element on the eastern side, in addition to material finishes and tree planting within the third floor communal open space, I consider that the building would not be unduly overbearing to result in a loss of outlook to surrounding residential properties.
- 7.8.5. In terms of overlooking, SPPR 1 in the Compact Settlement Guidelines requires that a separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Due to the orientation of the eastern elevation of the proposed building and orientation of dwellings at No. 1 Wheatfield Road and No. 12, 13, 14 Oakcourt Grove, there are no instances where habitable room windows are directly opposing. I also note that there are no habitable room windows on the western elevation of No. 1 Wheatfield Road. Notwithstanding the above, at their closest point, windows on the eastern elevation at first to third floor levels are c. 26.3m, c. 30m and c. 35.5m from the rear elevations of dwellings at No. 12, 13 and 14 Oakcourt Grove, substantially above the 16m standard. Windows on the north elevation are c. 32.3m from the side elevation of the dwelling at No. 172 Kennelsfort Road Upper. On this basis, I am satisfied that the proposal is consistent with SPPR 1 of the Compact Settlements Guidelines 2024.
- 7.8.6. While SPPR 1 primarily relates to opposing windows, it also states that in all cases, there is a requirement that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties. Furthermore, the Council's Building Heights and Density Guide 2022 refers to Privacy and Amenity in respect of recognised potential impacts of increased height and densities, including on adjoining

properties and outlining that where adverse impacts are present the proposal should demonstrate alternative compensatory design solutions.

- 7.8.7. While, in my view, the proposal would be consistent with SPPR 1 of the Compact Settlement Guidelines 2024 in respect of opposing habitable room windows, the proposal, by reason of the proximity of the eastern elevation to the rear garden boundary with adjoining dwellings, has potential to cause loss of amenity to these properties.
- 7.8.8. At its closest, the eastern elevation at first, second and third floors is c. 6.1m and c. 7.7m, respectively, from the rear garden boundaries of No. 12 and No. 13 Oakcourt Grove, and c. 8m from the side garden boundary of No. 1 Wheatfield Road.
- 7.8.9. The same pattern of fenestration on the eastern elevation is repeated at first, second and third floor, which consists of 8 no. habitable room windows, comprising 6 no. bedroom windows, 1 no. living room window (c. 1.8m wide) for the northern-most apartment and 1 no. kitchen window (c. 900mm wide) for the southern-most apartment. There is also 1 no. door (c. 3.9m) serving a balcony.
- 7.8.10. By reason of its relatively narrow width (c. 900mm), relatively modest height of c. 300mm, its location close to the southern end of the elevation and orientation of the building in the context of the adjoining dwellings and associated rear gardens, it is my view that the kitchen window on the eastern elevation would not cause an adverse loss of amenity, by reason of overlooking, to the rear gardens of adjoining dwellings to the east. Furthermore, by reason of its format as part of wraparound corner window orientated to the northeast, and its location and orientation in the context of the adjoining dwelling, No. 1 Wheatfield Road, to the east, which comprises an irregularly shaped rear garden, it is my view that the living room window on the eastern elevation would not cause an adverse loss of amenity, by reason of overlooking, to the rear garden adjoining dwellings to the east.
- 7.8.11. It is proposed that the front / eastern side of the balcony on the eastern elevation will be fitted with a 1.8m high braise soleil screen to address potential overlooking impact of rear gardens to the east. As outlined under Section 7.7 above, if the Board is minded to grant permission, I recommend a condition which reduced the screen to 1.6m, which, in my view would be high enough to mitigate the potential for loss of amenity to the rear gardens of adjoining dwellings.

7.8.12. The bedroom windows on the east elevation range in width from 1.5m to 2.2m and all, apart one, have a height of 2.2m above the floor level and appear to comprise a sliding door rather than a window with separation for an openable section. In my view, by reason of their size, in terms of width and height, and separation distance to the rear garden boundaries of adjoining dwellings, the bedroom windows have the potential to cause an adverse loss of amenity to the rear gardens of adjoining dwellings. Furthermore, by reason of their height, cill level at floor level and indicative opening section, the windows are more akin to sliding doors, which, in my view, is not achievable in the absence of a balcony. On the basis of the foregoing, if the Board is minded to grant permission, I recommend that a condition is included, similar to the planning authority's Condition 2, requiring the bedroom windows to be altered to mitigate the concern in respect of overlooking of rear gardens to properties to the east.

Daylight, Sunlight and Overshadowing

7.8.13. Concerns were raised by third party appeal that the proposed five storey building would result in undue overshadowing of adjacent two-storey houses and associated gardens.

7.8.14. The applicant submitted a Daylight and Sunlight Assessment based on the standards in the following documents as recommended under the Compact Settlements Guidelines 2024:

- BR209:2022 Site Layout Planning for Daylight and Sunlight (Third edition), also referred to as the BRE guidelines.
- BS EN 17037:2018+A1:2021 Daylight in Buildings, also referred to as the UK Annex.
- IS EN 17037:2018 Daylight in Buildings

I consider that the submitted Daylight and Sunlight Assessment, which has been prepared in accordance with the guidelines outlined in the Compact Settlements Guidelines 2024, is sufficiently robust for assessment of the daylight and sunlight that would be received by the proposed apartments and the impacts of the building on the existing daylight and sunlight received by existing residential properties in the vicinity.

7.8.15. Section 12.6.7 of the Development Plan states that residential developments shall be guided by the quantitative performance approaches and recommendations under the

‘Site Layout Planning for Daylight and Sunlight’ (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ or any updated guidance.

- 7.8.16. The submitted Daylight and Sunlight Assessment notes that Site Layout Planning for Daylight and Sunlight’ (2nd edition): A Guideline to Good Practice (BRE 2011) is superseded by BR209:2022 Site Layout Planning for Daylight and Sunlight (Third edition), also referred to as the BRE guidelines and that BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting is superseded by IS EN 17037:2018 Daylight in Buildings. As outlined above, both of these current guidelines are referred to in the Compact Settlements Guidelines 2024.

Internal Daylight, Sunlight and Overshadowing

- 7.8.17. All habitable rooms within the units were assessed for daylight provision by illuminance method. The submitted Daylight and Sunlight Assessment noted that the Illuminance method assesses the daylight levels over at least 50% daylight hours in the year and uses a weather file data set, and that this method takes into account the orientation of the space and provide an accurate representation of the daylight provision to a specific room in the context of the proposed environment.
- 7.8.18. BR209:2022 recommends assessment methods set out in BS EN 17037 for daylight provision. 100% of the Living, Dining, Kitchen. The submitted Daylight and Sunlight Assessment found that 100% of the Living, Dining, Kitchen and Bedroom spaces achieve the target values set out in BS EN 17037:2018+A1:2021, however the assessment does not appear to take account of the proposed 1.8m high braise soleil to be fitted to the balcony serving an east facing apartment on the first, second and third floors. Having regard to the eastern aspect, nature of the screening measure, glazed screen to sides of the balcony, along with my recommendation to reduce the screen to 1.6m, I consider the living area of those apartments would receive sufficient day light.
- 7.8.19. In terms of sunlight, the BRE guidelines BR209:2022 (third edition) and BS EN 17037:2018+A1:2021 set out recommendations for sunlight hours to be achieved and recommend maximising the amount of units that have a window within 90° due south but does not have set targets, the Guidelines also acknowledge that for large

developments with site constraints it is not possible to achieve south facing windows to all main living spaces. The guidelines also recommend the sunlight hours should be assessed preferably on the 21st March over the course of the day

- 7.8.20. The assessment, carried out on the 21st March, finds that for the proposed development of 43 no. units, 90.7% (39 no.) have window to a living room or kitchen/ dining room which face within 90° south, and that 86.0% of units meet the minimum recommended 1.5 direct sunlight hours. This is in line with the BRE guideline example for an apartment layout where 4 in 5 units achieves the target sunlight hours.

External Daylight, Sunlight and Overshadowing

- 7.8.21. In terms of daylight, Section 3.2 of the applicant's Daylight and Sunlight Assessment notes that the BRE guidelines BR209:2022 (third edition) 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. The zone of influence in this regard is set out in the assessment and includes residential properties on Wheatfield Road, Oakcourt Grove, Oakcourt Avenue, Kennelsfort Road Upper and Palmerstown Avenue. Furthermore the BRE guidelines BR209:2022 (third edition) outlines that the centre of existing windows must be within a 25 degree angle of the proposed scheme, for daylight to be affected. In this regard, only windows on the north eastern end of Oakcourt Grove were found to directly face the site. The dwelling was assessed against the 45 degree angle test which showed that the 25 degree line would not be subtended by the proposed development, indicating any reduction in available daylight is likely to be negligible. However, the assessment carried out a Vertical Sky Component (VSC) study on 63 no. windows across 14no. dwellings, namely 1 and 3 Wheatfield Road, 7-14 Oakcourt Grove, 1 and 2 Oakcourt Avenue 170 and 172 Kennelsfort Road Upper, and 215 and 215A Palmerstown Avenue.
- 7.8.22. In general, Vertical Sky Component (VSC) can be defined as the amount of skylight that falls on a vertical wall or window. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The analysis provided in Tables 6 to 10 of the submitted Daylight and Sunlight Assessment indicating that all windows retain a VSC in excess of 27% or are

not reduced below 80% of the existing VSC value. The assessment concludes that any potential loss of daylight light will be minimal and that any reduction in available daylight from the proposed development will be negligible and meets the recommendations of the BRE guidelines BR209:2022 (third edition).

7.8.23. I note that the dwellings at No. 1 and 2 Oakcourt Avenue to the south were included in the zone of influence and, with rear windows directly facing the site, were not assessed against the 45 degree angle test nor the VSC value test. It is noted however that under the previous application, which comprised a five-storey building of equal layout, scale and height as that currently proposed, No. 1 was assessed against the 25 degree angle test and both properties were assessed against the VSC value test. The 25 degree angle test found that the 25 degree line would not be subtended by the proposed development, indicating any reduction in available daylight is likely to be negligible while the VSC for both properties concluded that any potential loss of daylight light would be minimal and that any reduction in available daylight from the proposed development would be negligible and meets the recommendations of the BRE guidelines BR209:2022 (third edition).

7.8.24. In terms of sunlight, the BRE Guidelines 2022 recommend assessing the impact on Annual Probable Sunlight Hours (APSH) for existing windows that fall within 90 degrees of due south of the proposed development. For the impact to be perceivable the value needs to be reduced below 25% of An Annual Probable Sunlight Hours and 5% in the winter months September to March. The windows identified that face within 90° of due south are No. 1 & 3 Wheatfield Road and No. 215 & 215A Palmerstown Avenue.

7.8.25. The analysis provided in Tables 11 and 12 of the applicant's Daylight and Sunlight Assessment, concluding that all windows assessed exceed the target values set out for annual and winter probable sunlight hours, and that the proposed development meets the recommendations of the BRE guidelines (2022) and that any potential loss of sunlight will be negligible.

7.8.26. In terms of sunlight to private gardens of neighbouring properties, Section 5 of the BRE guidelines 2022 indicates 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 also states that front gardens need not be assessed for sunlight, and that

amenity spaces which are entirely south of the proposed development would not perceive an impact from it.

- 7.8.27. Section 5 of the applicant's Daylight and Sunlight Assessment shows the results of a sunlight study on the rear gardens of No. 172 Kennelsfort Road Upper, No. 215 and 215A Palmerstown Avenue, No. 1 Wheatfield Road and No. 12 and 13 Oakcourt Grove. The analysis is provided in Table 13, which indicates no change to the percentage of rear garden that receives 2 hours sunlight on the 21st March. The report concludes that on the 21st March, all amenity spaces will retain 2 hours sunlight over 50% of the area or will not be reduced below 80% of the existing levels, and that the proposed development meets the recommendations of the BRE guidelines (2022).
- 7.8.28. On the basis of the foregoing, the submitted Daylight and Sunlight Assessment demonstrates that the value of daylight and sunlight received by the proposed apartments and that the impact of the proposed building on the value of daylight and sunlight experienced by existing residential properties in the vicinity are above the minimum values set out in the relevant guidance. I consider therefore that the proposal in this regard is consistent with the Compact Settlements Guidelines 2024 and, by association, consistent with Section 12.6.7 of the County Development Plan.

Light Spillage

- 7.8.29. Concerns were raised in third party appeals regarding light spill from the proposed development and impact of same on the amenity of adjoining residential properties. The applicant's appeal response refers to Condition 11 on the planning authority's decision which required a public lighting design to be agreed with the planning authority.
- 7.8.30. Subject to the submission of a lighting design report, I am satisfied that light spillage can be sufficiently controlled to negate any loss of amenity by reason of light spillage on adjoining residential properties. If the Board is minded to grant permission, I recommend that a condition similar to the planning authority's Condition 11 be included.

7.9. Car Parking

- 7.9.1. The submitted drawings indicate that the proposed development includes 43 no. car parking spaces, 3 no. of which constitute on-street parking on Wheatfield Road to the

north of the proposed five storey building. The remaining 40 no. spaces are located on the opposite side of Kennelsfort Road Upper within the existing car park of the Palmerstown Shopping Centre, with these 40 no. spaces comprising 24 no. residential spaces and 16 no. commercial spaces. The area within the Palmerstown Shopping Centre is included within the applicant's red line boundary.

Location of Car Park

- 7.9.2. Concerns are raised in third party appeals in respect of the location of the car park on the opposite side of Kennelsfort Road Upper.
- 7.9.3. Car parking for the proposed development would be provided on the opposite side of Kennelsfort Road Upper within an existing surface car park, currently utilised as part of both the Silver Granite public house and as part of the wider Palmerstown Shopping Centre. Vehicular access to the section of car park within the red line of the application is from Palmerstown Park to the north via the wider surface car park. Pedestrian only access is provided to the southeast off Kennelsfort Road Upper and a further pedestrian access on the northeast corner of the wider car park. There is also a closed off / barriered access point from Kennelsfort Road Upper located on the south-east corner of the appeal site directly opposite the Silver Granite public house.
- 7.9.4. Having regard to the location of the site within a District Centre along with the proposal for public realm upgrades within the north and west building setback and provision of an upgraded and combined pedestrian / cycle crossing on Kennelsfort Road Upper and an internal crossing to, in my view, align with a pedestrian desire line, I consider that the provision of car parking and associated pedestrian crossings and internal pedestrian routes in the layout proposed is acceptable. Furthermore, it is my view that the proposal to upgrade the existing signalised crossing with a toucan style crossing will prioritise pedestrians and cyclists in the wider area by facilitating easier / more convenient movement across the road.

Easement

- 7.9.5. Grounds of appeal include that the proposed development conflicts with a legal easement over the car park lands, the implication of which is that the applicant cannot reserve, designate or protect the proposed car parking spaces for the exclusive use of the residents and users of the proposed development. By association to the legal agreement and current management structure of the car park, grounds appeal include

that the applicant does not have sufficient legal interest or consent to make the application.

- 7.9.6. In response, the applicant has submitted documentation including folios relating to all land within the red line boundary. I am satisfied that the applicant has demonstrated sufficient legal interest to make the application. Furthermore, Section 5.13 of the Development Management Guidelines 2007 outlines that 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 and that as per Section 34(13) of the Planning and Development Act 2000, as amended, a person is not entitled solely by reason of a permission to carry out any development. As such, issues in relation to rights over land are ultimately civil / legal issues therefore it is considered that the issue of an easement should not form the basis of a planning application assessment.

Previous Reason for Refusal

- 7.9.7. The proposal also seeks to overcome the Board's first reason for refusal on the previous application by reconfiguring the car park to retain the current traffic flow / circulation routes, to retain rear service access to the southern end of the shopping centre and to omit controlled barrier access to the section of the car park to which the application relates. I consider this to be acceptable, allowing the existing flow of traffic within the car park to be maintained.

Existing Access on Kennelsfort Road Upper

- 7.9.8. Concerns are raised in the appeals regarding the loss of the emergency access and the impact on the operation of the shopping centre. The applicant has sought to close up a vehicular entrance on Kennelsfort Road Upper on the southeast corner of the car park, a proposal which formed part of the first reason for refusal on the previous Board decision. I also note that Condition 6 on the planning authority's decision requires the applicant to reinstate the access point to the south-east of the shopping centre car park.
- 7.9.9. In the applicant's response to the third party appeals in this regard, it is contended that the access off Kennelsfort Road Upper is a disused closed-gated access with a sign which reads 'Silver Granite car park' and was never an emergency route.

- 7.9.10. The Inspector's Report prepared in respect of PL06S.239314 (2011 grant of permission for 3 no. taxi rank parking spaces within the south-east corner of the car park) noted that a 1992 grant of permission under P.A. Ref. 92A/2055, which allowed the development of a new car park layout, included a condition requiring that the existing entrance on Kennelsfort Road Upper be permanently closed in the interest of traffic safety.
- 7.9.11. There is no evidence that the said entrance was ever intended to provide emergency access nor a further grant of permission for its reinstatement. Under the previous application (ABP-313828-22) for a similar proposal as that currently proposed, the car park layout comprised an internal barrier system to the proposed car park to serve the new development and a traffic flow arrangement that did not align with the existing one-way system. On that basis I would have concurred that the reinstatement of the entrance to the Kennelsfort Upper at this location was necessary. However, under the current application, the internal barrier system is removed and the flow of traffic will align with the existing one-way system. However, if the Board is minded to grant permission, I recommend that a condition is included which restricts the installation of a barrier which would restrict the movement of cars through the application site car park via the one-way system of the car park as a whole. I also consider that the reinstatement of the entrance at this location would present a traffic hazard by reason of its location and operation in the context of the proposed toucan crossing and proximity to the junction with Wheatfield Road. I note that Condition 6 on the planning authority's decision requires applicant to demonstrate using swept path analysis how vehicles can turn at the end of the car park.
- 7.9.12. On this basis of the foregoing, I consider that the removal entirely of the entrance on Kennelsfort Road Upper is acceptable from a road and traffic safety perspective. If the Board is minded to grant permission, I recommend that the planning authority's Condition 6 be retained apart from 6(ii) requiring that the access point on Kennelsfort Road Upper be reinstated.

Car Parking Spaces

- 7.9.13. Concerns are raised in the third party appeals that the quantum of car spaces is not sufficient to meet the demand generated by the residential element of the scheme and by association, the negative impact of this deficiency on the availability of car

parking to serve the shopping centre. And furthermore, that the proposed provision of car parking in the immediate vicinity of the gastro pub and proposed retail units will result in fly parking on Wheatfield Road and increase demand in the shopping centre car park.

7.9.14. The applicant's response sets out that the quantum of car spaces to be provided is consistent with County Development Plan's maximum standards and supported by national guidelines in respect of the shift to walking, cycling and public transport in favour of the private car.

7.9.15. SPPR 3 of the Compact Settlements Guidelines 2024 relates to residential car parking, requiring the following, whilst also noting that, in my view, as per Section 7.4 of this report, the site falls within the category of '*City-Urban Neighbourhoods*'

- In city centres and urban neighbourhoods of the five cities, car-parking provision should be minimised, substantially reduced or wholly eliminated.
- The maximum rate of car parking provision for residential development in the city centre and urban neighbourhoods shall be 1 no. space per dwelling.
- Applicants should be required to provide a rationale and justification for the number of car parking spaces proposed and to satisfy the planning authority that the parking levels are necessary and appropriate, particularly when they are close to the maximum provision.
- The maximum car parking standards do not include bays assigned for use by a car club, designated short stay on-street Electric Vehicle (EV) charging stations or accessible parking spaces.

7.9.16. There are 24 no. car spaces proposed to serve the residential element, which includes 2 no. accessible parking spaces. As such, the provision is 22 no. as per SPPR 3 above. The maximum standard as per SPPR is 43 no. spaces. I consider that the number of spaces proposed is consistent with SPPR 3 which seeks to minimise, substantially reduce or wholly eliminate car parking with the City Centre and Urban Neighbourhoods. Furthermore, on the basis that the number of spaces proposed is close to half the maximum standard, I do not consider that a rationale and justification for the number of car parking spaces proposed is required.

- 7.9.17. In respect of the commercial provision, Table 12.25 of the County Development Plan sets out a car parking standard of 1 no. space per 40sqm for a public house, 1 no. space per 25sqm retail (convenience). Therefore, the proposed commercial element of the scheme generates a maximum requirement of 33 no. spaces. It is proposed to provide 16 no. commercial car parking spaces, 3 no. of which are located on the southern side of Wheatfield Road. Having regard to the nature and scale of the commercial units and their location with the existing district centre, I am satisfied that sufficient car parking provision has been provided.
- 7.9.18. Concerns were raised that the designation of car spaces for the proposed development will reduce the quantum of spaces available for customers of the shopping centre.
- 7.9.19. I note that under the previous application (ABP-313828-22) an appeal submitted by Moriarty Group (SuperValu) included a technical note that outlined that the shopping centre, at that time, comprised 3,900sqm of convenience retail, 2,600sqm of community uses and 300sqm office use. Based on these figures and having regard to Table 12.25 of the current County Development Plan, the maximum standard for Zone 2 car parking generated by the shopping centre is c. 156 spaces for the retail convenience, c. 52 spaces for community uses and c. 4 spaces for the office use, equating to a maximum provision of 212 no spaces (under current policy).
- 7.9.20. The number of car spaces available to the public, including accessible spaces, is 239. The proposal includes reconfiguration of the section of car parking within the red line, providing 40 no. spaces in place of 54 no. equating to a net loss of 14 no. spaces, leaving 225 no. spaces to serve the shopping centre. It is not clear if and how these spaces will be designated. On the premise that they will not be made available to the public, there would be 185 no. spaces located outside of the application red line boundary. This exceeds the number of spaces required under the current County Development Plan.
- 7.9.21. I carried out a site inspection at c. 11am on the 20th February 2025 and at c. 1pm on the 2nd April 2025. On both occasions I observed that c. 20% of car spaces were unoccupied and that the area in closest proximity of the SuperValu entrance experienced the greatest concentration of occupied spaces, with the least concentration on the eastern / northeastern end.

7.9.22. Having regard to the site's location within the urban area, its proximity to public transport and proximity to centres of employment and a wide range of services and facilities it is my view that the proposed level of car parking is acceptable and would encourage a transition to more sustainable modes of transport, consistent with Policy SM7 of the County Development Plan and NPO 22 of the Revised NPF 2025, with respect of demand management. If the Board is minded to grant permission, I recommend that a condition is included requiring as carpark management plan as per Condition 6 of the planning authority's decision.

7.10. Bicycle Parking

7.10.1. Concern is raised in the third party appeals that there is insufficient bicycle parking provide for the proposed commercial units.

7.10.2. The proposal provides 128 no. bicycle spaces, of which 96 no. are located internally at ground floor level, 16 no. are located externally at ground floor level to the north and east of the building, with the remaining 16 no. located in the car park on the opposite side of Kennelsfort Road Upper.

7.10.3. Table 12.23 of the County Development Plan sets out minimum bicycle parking standards. The minimum rate for convenience retail is 1 per 5 staff plus 1 per 50 sq.m gross floor area. The proposal comprises a convenience store / Spar (c. 226sqm) and a Pharmacy / Bookmaker (c. 157sqm), giving a total gross floor area (GFA) of 383sq.m There is rate provided for a public house. Based on the GFA and an assumption of 15 no. staff working at any one time between the two units, the minimum bicycle parking required is 13 no. spaces. There is no rate provided for a public house.

7.10.4. SPPR 4 of the Compact Settlements Guidelines 2024 requires 1 bicycle space per bedroom. The submitted Housing Quality Assessment outlines that there are 79 no. bedrooms in the scheme, generating a minimum requirement for 79 no. bicycle parking spaces. The overall minimum requirement for the scheme is 92 no. spaces.

7.10.5. On the basis of the above, I consider that proposal provides a sufficient quantum of bicycle parking to cater for the residential and commercial elements of the scheme, including the gastropub, consistent with SPPR 4 of the Compact Settlements

Guidelines 2024, and rates set out under Table 12.23 of the County Development Plan.

7.11. Transportation

- 7.11.1. Concerns are raised that the surrounding road network is at capacity and that the additional traffic generated by the proposed development would result in a traffic hazard.
- 7.11.2. A Traffic and Transport Assessment (TTA) was submitted as part of the application. The assessment is based on 2024 traffic survey data collected during normal school term. This traffic survey data, undertaken by specialist traffic data collection company, formed the basis of the study. The analysis includes the effects of the existing traffic on the local roads and assesses the impact during the traditional peak commuter peaks periods in accordance with Traffic & Transportation Assessment Guidelines.
- 7.11.3. Additionally, an engineering response to traffic, parking and roads related issues was submitted with the applicant's response to the third-party appeals.
- 7.11.4. The Trip Rate Information Computer System (TRICS) database was used to estimate the number of trips potentially generated by the proposed development. Table 3.1 of the Assessment provides a breakdown of estimated trips for each use within the development. TRICS estimated that the overall development would generate 44 no. trips in the weekday AM Peak and 85 no. in the weekday PM peak. The proposed uses are likely to include some secondary / diverted trips, however, to allow for the worst-case scenario the TA assumes that all trips to the proposed development are new trips.
- 7.11.5. The assessment concludes that the proposed Development will have an absolutely negligible impact upon the established local traffic conditions and can easily be accommodated on the road network without any capacity concerns arising. The assessment also concludes that the established car park access junction is of more than adequate capacity to accommodate the worst-case traffic associated with the proposed development.
- 7.11.6. On the basis of the above, I am satisfied that the traffic generated by the proposed scheme would not have an adverse impact on the capacity of the surrounding network.

Use of Laneway

- 7.11.7. Concerns are raised by the third parties regarding the use of the existing laneway to the east of the appeal site for servicing and deliveries and the potential negative impact that this would have on the existing residential amenities due to noise and nuisance. In response to the appeal the applicant notes that the laneway from Wheatfield Road is currently used by the Silver Granite public house and that the proposed development would continue to use this laneway in a similar manner, which are infrequent servicing and deliveries.
- 7.11.8. The existing laneway has a width of c. 3.2m on its northern end widening out to c. 4.3m further south. The proposal would include resurfacing the laneway with concrete block paving and integrating the area to the north of the building with the wider area of proposed public realm along with the provision of a set-down area and widening the remaining laneway to the southern site boundary to c. 7.4m.
- 7.11.9. During my site visit on the 20th February 2025 and 2nd April 2025, I observed that the laneway is closed off at the point where the laneway splits, c. 22m south of the footpath on Wheatfield Road. I also observed that the laneway south of that point is overgrown with no evidence of it being in use. Having regard to the proposed upgrade works to the laneway, including widening, it is my view that the servicing arrangement is acceptable.
- 7.11.10. Concern is also raised in the third party appeals regarding the ability for refuse collection vehicles to enter and exit the laneway. The applicant submitted autotrack drawings to demonstrate that large refuse truck can enter and exit the laneway as proposed in a forward direction. I am satisfied with same and note that the Council's Road Section raised no objection with the proposal.
- 7.11.11. In my view the upgraded laneway would be of sufficient width and alignment to facilitate the servicing of the development. I consider it acceptable that all servicing of the commercial and residential uses take place from the laneway as per the intention of the proposal, including refuse collection, which due to the once or twice weekly frequency of collections, would not adversely impact on adjoining residential amenity. However, by reason of proximity to the rear gardens of adjoining properties on Oakcourt Grove and scale of the development as a whole, I consider that deliveries including loading and unloading of goods to the site, which may potentially comprise

multiple daily deliveries for commercial and residential elements, has the potential to cause nuisance to the adjoining residential properties by reason of noise and possible loss of privacy. I consider it more appropriate that all deliveries in this regard take place on Wheatfield Road. Furthermore, the submitted Stage 1 Road Safety Audit identified that drivers exiting the laneway on the eastern side of the development have limited visibility to crossing pedestrians given the presence of the boundary wall to No. 1 Wheatfield Road. This could lead to collisions with those pedestrians or cyclists using the footpath. In the feedback form, the applicant referred to minimal traffic associated with the development using the laneway and that additional warning signage would be erected. In my view, the diversion of delivery vehicles from using the laneway would be a practical measure to address this concern, therefore limiting the use of the laneway to servicing vehicles, including refuse collection.

7.11.12. On the basis of the foregoing, if the Board is minded to grant permission I recommend that a condition is included which requires a parallel loading bay be provided on Wheatfield Road for use of all deliveries to the commercial and residential uses. If the Board is minded to grant permission and considers that deliveries to the development is acceptable via the laneway then the Board may consider restricting the hours that deliveries take place, by condition.

7.11.13. The boundary treatment between the laneway and No. 12, 13 and 14 Oakcourt Grove comprises a concrete block wall and some hedging on the side of the residential dwellings. During a site visit I observed that the height of the boundary wall, as taken from the laneway side, is c. 1.5m. If the Board is minded to grant permission I recommend that a condition is included which requires the applicant to include suitable boundary treatment of 2m high where the part of the laneway to be upgraded interfaces with the rear garden boundaries of No. 12, 13 and 14 Oakcourt Grove, to protect residential amenity of these properties.

7.11.14. The third parties also raised concerns regarding potential anti-social behaviour on the laneway. In addition to the recommended boundary wall height increase, it is my view that passive overlooking from the habitable room windows above and increased activity on the laneway generated by the proposed scheme would be sufficient to deter anti-social behaviour on the laneway.

7.12. Water Services

- 7.12.1. Concerns are raised by the third parties and an observer with respect to foul water and drainage infrastructure contending that there is insufficient capacity within the existing foul water network networks to accommodate the proposed development and concern that adequate attenuation cannot be achieved given the scale of development proposed.
- 7.12.2. The appeal site is located on serviced urban land currently developed as a public house with associated commercial units and car parking. Surface water from the proposed development on the east side of Kennelsfort Road Upper would continue to flow by gravity to the public network to the east of site, under the adjacent laneway. The scheme includes attenuation measures which would restrict surface water run-off into the public sewer. As such the proposal, in my view, would not generate significant demands on the existing public sewers for surface water. There are no alterations proposed to the car parking area, which from the drawings submitted it would appear drain by gravity to an existing sewer under Kennelsfort Road Upper. The foul discharge from the proposed uses would drain via the public sewer to the east of the site to the Ringsend WWTP.
- 7.12.3. Overall, I am satisfied that the proposed scheme can be accommodated within the public network and that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that Uisce Eireann raised no concerns in this regard. The Council's Water Services section had no objection in principle but did require clarification on the extent of the surface water catchment area, querying the stated catchment as being 0.266ha rather than the red line areas of 0.46ha. In my view, the clarification is based on the site area of the main development site (0.266ha) whereas there is no change to the surface finish to the car park on the opposite side of Kennelsfort Road Upper so that site area is excluded from the surface water catchment area.

7.13. Other Issues

Structural Concerns

- 7.13.1. Concerns are also raised by a third party that the proposed construction phase could have a negative impact on the structural stability of adjacent existing properties.

Vibrations impacts are likely to occur during the construction phase as a result of ground preparation / excavation works, particularly excavation and construction of the basement, and plant and machinery movements. It is acknowledged that vibration in relation to construction sites may result in temporary and short-term disturbance. I also note that the proposed basement has a relatively modest floor area of 110sq.m (c. 9m by c 16m) and would be located towards the centre of the site, c. 9.2m from the eastern boundary. These impacts are unlikely to propagate beyond the construction site boundary. I am satisfied that subject to implementation of best practice control measures no significant impacts are predicted.

Fire Safety

- 7.13.2. Concerns were raised by appellants with regards adherence to building regulations / fire prevention. The applicant's response to the appeals outlines that the proposal has been designed with consideration of fire risk, Autotrack for fire tender vehicles was submitted and the development will be subject to the Fire Safety Certification process including to ensure the use of fire-retardant materials and provision of safe evacuation routes. I am satisfied that fire risk in terms of building design and materials used will be assessed in accordance with current building regulations.

Heritage Value of the Silver Granite Public House

- 7.13.3. Concerns are raised by third party appeals that the demolition of the pub would constitute the loss of a landmark local building of historic value to the area, which offers a positive visual setting and contributes to the built heritage of the area.

The building is not included on the Council's Register of Protected Structures or on the National Inventory of Architectural Heritage, nor is the site located within an Architectural Conservation Area.

However, I note that NCBH21 Objective 1 of the County Development seeks to retain existing buildings that, while not listed as Protected Structures, are considered to contribute to historic character, local character, visual setting, rural amenity or streetscape value within the County. Whilst the pub may have social value for local gatherings and socialising, I do consider that it contributes positively to historic character, local character, visual setting or streetscape value to conclude that it merits retention.

Construction and Demolition Waste Management Plan

- 7.13.4. Concerns are raised by third party appeals that a Construction and Demolition Waste Management Plan was not submitted with the application.

Conditions 8, 10 and 16 on the planning authority's decision relate to the construction stage requiring submission of a Resource and Waste Management Plan and Construction / Traffic Management Plan, ensuring the safeguarding of adjoining amenity. If the Board is minded to grant permission, I recommend that conditions similar to Conditions 8, 10 and 16 on the planning authority's decision are retained.

Impact on Wildlife

A concern was raised by an observer that the proposal gives no consideration to wildlife. The submitted Green Infrastructure Plan outlines that one of the landscape design principles was to incorporate diverse plant species to create habitats for local wildlife. The Green Infrastructure Plan also outlines that native plant species are prioritised to support local wildlife and reduce maintenance requirements.

The Green Space Factor (GSF) is a measurement that describes the quantity and quality of landscaping and GI across a defined spatial area and relates to urban greening, which helps combat air and noise pollution, soaks up rainwater, and creates a habitat for local wildlife. GI5 Objective 4 of the County Development Plan seeks to implement the GSF for all qualifying development comprising 2 or more residential units. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF). The Council's Public Realm considered that the minimum GSF score has not been achieved and recommended that a condition be included which required the applicant to engage with the Public Realm section to determine further possible interventions to raise the GSF. This is required by Condition 12 on the planning authority's decision.

On the basis of the foregoing, and on the basis of the landscape plan submitted and the engagement with the Green Space Factor process, it is my view that the proposal is acceptable, consistent with GI5 Objective 4 of the County Development Plan. If the Board is minded to grant permission, I recommend that a condition, similar to the planning authority's Condition 12, is included.

Bats

- 7.13.5. The proposal seeks permission to demolish an existing building. The main element of the building in which the pub is located comprises two storeys with a flat roof. The secondary element on the eastern side of the pub in which the 3 no. retail units are located, comprises a single storey with a low hipped roof. A bat survey was not submitted with the application. There are no trees on site that would need to be removed which might otherwise have the presence of bat roosting. On the basis of the above, I consider that a bat survey is not required. Condition 11 on the planning authority's decision relates to public lighting and includes a requirement that external lighting is to be positioned and/or cowled away from residential properties, public roads and any bat roosts or areas with bat activity. If the Board is minded to grant permission, I recommend that a condition, similar to the planning authority's Condition 11 in this regard, is included. This would be in accordance with the National Biodiversity Action Plan.

Devaluation of Properties

- 7.13.6. Concerns are raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Cumulative effect of other developments

- 7.13.7. An observation received contends that by reason of cumulative effect, the proposal would contribute to an adverse impact on the capacity of infrastructure. The observer refers to the 127 no. apartments on a site at Kennelsfort Road Upper, c. 220m south of the appeal site and 250 no. Build to Rent apartments at Kennelsfort Road Lower, c. 600m north of the appeal site, on the opposite side of the N4.
- 7.13.8. As outlined under Section 7.4, it is my view that having regard to the locational context of the site and its proximity to employment centres, urban amenities, services and facilities, the changing context of the city in response to the principle of compact growth, the site is suitable to accommodate a density range of between 50 to 250dph, supporting compact growth, achieving effective density and consolidation and

supporting ongoing viability of social and physical infrastructure and services, consistent with national and local planning policy.

New wall at laneway – **New Issue**

- 7.13.9. During my second site visit (2nd April 2025) I observed that a c. 2.4m high concrete block wall has been constructed on the southern side of the laneway where the lane extends to the rear of dwellings on Wheatfield Road, with the wall commencing adjacent to the point where the laneway splits south and east, c. 22m south of the footpath on Wheatfield Road. This wall was not present on the day of my first site visit (20th February 2025). By reason of the location of wall and the inclusion of pedestrian gates, the wall, in effect, extends the rear gardens to No. 13 and 14 Oakcourt Grove. It appears however that the wall has been constructed on Council owned land. I noted that a public lighting pole that was previously located within the laneway (site visit 20th February 2025) is now, by reason of the positioning of the new wall, located within the rear garden of No. 14 Oakcourt Grove. The presence of this wall may have implications in terms of the applicant executing the laneway upgrade but also the turning movements of refuse trucks. There is no record of a grant of planning permission for the as-constructed wall and, as such, the construction of the wall is a matter for the Planning Authority to pursue through appropriate channels, if necessary. This is a new issue and the Board may wish to seek the views of the relevant parties.

8.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 Appropriate Assessment

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Recommendation

I recommend that permission be granted in accordance with the submitted plans and particulars, including revised plans and particulars received by the Planning Authority on the 3rd October 2024 and based on the reasons and considerations below, and subject to the conditions set out below.

11.0 Reasons and Considerations

Having regard to (i) the zoning objective of the subject site and its location within a District Centre in the Dublin City and Suburbs, (ii) national and regional objectives which support compact growth, (iii) Section 28 Ministerial Guidelines including the guidelines on Sustainable Residential Development and Compact Settlements 2024, Sustainable Urban Housing Design Standards for New Apartments 2023 and Urban Development and Building Heights Guidelines 2018 (iv) South Dublin County Development Plan 2022-2028, including the Building Heights and Density Guide, 2022 (Appendix 10), (v) the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of road and traffic safety and in terms of car parking and viability of existing retail, the proposal would not have an adverse effect on the Palmerstown Shopping Centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions:

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 3rd October 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p> |
| 2. | <p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none">a) The proposed metallic brise soleil panels fixed to the balconies of apartments on the eastern elevation at first, second and third floor levels shall be reduced to 1.6m in height to ensure the design does not impact on the quality of amenity space provided.b) All bedroom windows on the eastern elevation at first, second and third floor levels shall be redesigned to comprise high level, angled or louvred windows to the bedrooms. Sectional and/or elevational drawings demonstrating the relationship between the proposed block and the adjacent rear amenity area of properties along Oakcourt Grove should be submitted illustrating that the overlooking concerns have been sufficiently addressed.c) Roof material to the outdoor seating areas to the west and north elevations, associated with public house, to be modified to provide non-transparent glazing or other treatment agreeable to the planning authority, to avoid undue loss of privacy to apartment balconies overhead.d) Altered or additional boundary treatment, 2m high, shall be provided to the eastern boundary of the site where it interfaces with the northwest boundary of the rear gardens of No. 12, 13 and 14 |

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| | <p>Oakcourt Grove, to avoid undue loss of privacy to these adjoining residential properties.</p> <p>e) Clothes drying facilities, either communal or private, shall be provided for the residential element of the development.</p> <p>f) Staff comfort facilities, including toilets, shall be independently provided for each of the 3 no. commercial units.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect the amenities of the area and standard of residential accommodation provided.</p> |
| 3. | <p>Prior to the occupation of each commercial unit (Gastropub and 2 no. retail units), the applicant shall submit, for the written agreement of the Planning Authority, details of the proposed hours of operation for each individual unit.</p> <p>Reason: To protect the amenities of the area</p> |
| 4. | <p>Prior to the commencement of development, the applicant should submit the following to the Planning Authority for written approval:</p> <p>a) Final details, including a drawing of not less than 1:200 scale, for the upgrade to the pedestrian crossing on Kennelsfort Road.</p> <p>b) The applicant to demonstrate using swept path analysis how vehicles can turn at the southern end of the applicant's car park.</p> <p>c) A detailed carpark management plan shall be provided showing how car parking within the red line on the western side of Kennelsfort Road will be managed. The 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 residents/users of the development.</p> |

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| | <p>d) Any road sign proposed and or to be installed shall comply with most up to date Chapter 5 (Regulatory Signs) of the Traffic Signs Manual.</p> <p>e) The residential portion of the car park should have a minimum of 5 no. EV charging points.</p> <p>Reason: In the interest of pedestrian and vehicular safety, and sustainable transport.</p> |
| 5. | <p>Prior to commencement of development, final details of the materials, colours and textures of all the external finishes to the building shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p> |
| 6. | <p>Prior to the opening/occupation of the development, a final Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p> |
| 7. | <p>Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p> |

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| 8. | <p>Proposals for the public house and retail units in terms of identification, numbering scheme, shopfront design and shopfront signage shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The signage shall be lit by external illumination only. Thereafter, all such names, numbering and signage shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p> |
| 9. | <p>Provision shall be made for 1 no. loading bay within the site adjacent to Wheatfield Road, to be laid out parallel to the street. Details of this provision, including swept manoeuvring paths, bay dimensions etc, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure a satisfactory layout for commercial vehicles, in the interest of traffic safety.</p> |
| 10. | <p>The part of the car park located within the application red line boundary shall not be closed off / barriered from the remainder of the car park without a prior grant of planning permission.</p> <p>Reason: In the interest of pedestrian and vehicular safety.</p> |
| 11. | <p>a) Recommendations and actions outlined in the submitted Stage 1 Road Safety Audit shall be implemented prior to occupation of any commercial or dwelling unit.</p> <p>b) Upon completion of the development and prior to occupation of any dwelling or commercial unit, the developer shall complete a Stage 3 Road Safety Audit, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team. Agreed actions shall be implemented prior to occupation of any commercial or dwelling unit.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p> |
| 12. | <p>(a) Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include</p> |

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| | <p>lighting along pedestrian routes through open spaces and shall take account of trees within the drawing 'Landscape – Ground Floor'. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>(b) The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowled away from residential properties, public roads and any bat roosts or areas with bat activity. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be.</p> <p>Reason: In the interest of amenity and public safety.</p> |
| 13. | <p>No signage, advertising structures, advertisements, security shutters or other projecting elements, including flagpoles, (including that which is exempted development under the Planning and Development Regulations, 2001 as amended), other than those to be agreed in accordance with Condition 12 above), shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p> |
| 14. | <p>Litter in the vicinity of the public house and retail units shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.</p> <p>Reason: In the interest of public health and visual amenity.</p> |
| 15. | <p>The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> |

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| | <p>Reason: In the interest of public health and to protect the amenities of the area.</p> |
| 16. | <p>(a) Noise resulting from operations affecting nearby noise sensitive locations shall not exceed the background level by 10 dB(A) or more or exceed EPAs NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits whichever is lesser (as measured from the facade of the nearest noise sensitive locations). a) Daytime (0700-1900) 55 dB LAr, T (rated noise level, equal to LAeq during a specified time interval *EPA NG4) b) Evening (1900- 2300)- 50 dB LAr, T c) Night-time (2300- 0700)- 45 dB LAr, T. As measured from the facade of the nearest noise sensitive location. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.</p> <p>(b) There shall be no outbreak of amplified music from any activities, at nearby noise sensitive locations.</p> <p>(c) No amplified music or other specific entertainment noise emissions shall be permitted within the 'outdoor seating areas' associated with the public house and the retail unit / Spar shop.</p> <p>(d) Sufficient sound insulation to the ceiling / floor that separates the gastropub and first floor apartments shall be provided, to avoid undue loss of amenity by reason of noise, to the apartments at first floor level.</p> <p>Reason: To protect the amenities of residential properties in the vicinity of the site and</p> |
| 17. | <p>The applicant shall submit to the Planning Authority (Waste Regulation) for written agreement a site-specific operational waste management plan to ensure management of all waste within the curtilage of the development during its operational phases (i.e. post-construction). The plan shall include details of the capacity of the bin storage areas, ventilation, waste segregation and collection, and monitoring and security of bin collection areas.</p> |

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| | Reason: In the interests of public health, residential amenities and sustainable development |
| 18. | <p>The scheme shall be landscaped in accordance with the landscape plans submitted to the Planning Authority on the 3rd October 2024, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity.</p> |
| 19. | <p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least 3 years and shall include details of the arrangements for its implementation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p> |
| 20. | <p>Prior to the commencement of any works on site, the developer, shall:</p> <ul style="list-style-type: none"> i) Submit details of a Green Space Factor (GSF) calculation for the written agreement of the Planning Authority (Public Realm), detailing how they have achieved the appropriate minimum Green Space Factor (GSF) scoring established by their land use zoning as per the County Development Plan 2022-2028. The developer may wish to consult with the Public Realm section for advice on optimising their score through appropriate interventions. ii) Appoint a suitably qualified Landscape Architect as a Landscape Consultant for the duration of the construction and advise the Planning Authority (Public Realm) of same in writing prior to commencement. A Practical Completion Certificate, signed by the |

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| | <p>Landscape Architect, shall be provided to the planning authority upon the satisfactory. completion of all landscape works</p> <p>Reason: In the interest of compliance with development plan policies and the proper planning and sustainable development of the area</p> |
| 21. | <p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p> |
| 22. | <p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.</p> <p>Reason: In the interest of public health and to ensure adequate water and wastewater facilities.</p> |
| 23. | <p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste, including disposal of asbestos.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |
| 24. | <p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of</p> |

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| | <p>the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p> |
| 25. | <p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p> |
| 26. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p> |
| 27. | <p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 28. | <p>The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted</p> |

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| | <p>management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.</p> <p>Reason: To provide for the future maintenance of this private development in the interest of residential amenity and orderly development.</p> |
| 29. | <p>(a) Prior to the commencement of development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant apartments permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that</p> |

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| | <p>the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p> |
| 30. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |

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| 31. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p> |
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Jim Egan
Planning Inspector

24th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

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| Case Reference | ABP-321523-24 |
| Proposed Development Summary | Demolition of buildings and construction of 5 storey mixed-use development, including 2 retail units, pub/restaurant and 43 apartments, together with all associated works. |
| Development Address | Lands at The Silver Granite Pub, junction of Kennelsfort Road & Wheatfield Road and adjoining Palmerstown Shopping Centre Car Park, Palmerstown, Dublin 20. |
| | In all cases check box /or leave blank |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part | |

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| <p>2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p> | |
| <p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p> | <p>10(b)(i): Construction of more than 500 dwelling units</p> <p>10(b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> |

Inspector: _____

Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

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| Case Reference | ABP-321523-24 |
| Proposed Development Summary | Demolition of buildings and construction of 5 storey mixed-use development, including 2 retail units, pub/restaurant and 43 apartments, together with all associated works. |
| Development Address | Lands at The Silver Granite Pub, junction of Kennelsfort Road & Wheatfield Road and adjoining Palmerstown Shopping Centre Car Park, Palmerstown, Dublin 20. |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | <p>The proposed development relates to an infill site in a built-up area and comprises the demolition of a two-storey building and construction of a 5 storey over partial basement mixed use development, together with reconfiguration of car parking spaces within an existing car park.</p> <p>The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, | <p>The site is not located within or immediately adjacent to any designated site. The proposed development would use the public water and wastewater services of Uisce Eireann, upon which its effects would be marginal.</p> <p>It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.</p> |

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| cultural or archaeological significance). | |
| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. |
| Conclusion | |
| Likelihood of Significant Effects | Conclusion in respect of EIA |
| There is no real likelihood of significant effects on the environment. | EIA is not required. |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | |
| There is a real likelihood of significant effects on the environment. | |

Inspector: _____

Date: _____

Appendix 2

AA Screening

| Screening for Appropriate Assessment Test for likely significant effects | |
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| Step 1: Description of the project and local site characteristics | |
| Brief description of project | <p>Mixed use in-fill scheme, Palmerstown, Co. Dublin.</p> <p>See Section 2.0 of Inspector's Report.</p> |
| Brief description of development site characteristics and potential impact mechanisms | <p>The proposal comprises the demolition of a two-storey public house with ancillary retail units and the construction of a five-storey mixed-use development on a footprint of generally the same size. The proposal also includes the construction of a basement level.</p> <p>The development would be connected to public services including foul and storm water drainage. The proposed surface water drainage system incorporates SuDS measures, using permeable paving, a petrol interceptor and blue/green roofs.</p> <p>The proposal includes upgrade works to an existing car park with no change to the current surface water drainage arrangement.</p> <p>There are no watercourses or other ecological features of note on or adjacent to the site that would connect it directly to European Sites in the wider area.</p> |
| Screening report | <p>Yes, an Appropriate Assessment Screening Report prepared by Openfield Ecological Services was submitted with the application. The report provides a description of the proposed development, identifies the European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development.</p> <p>The report finds that there is no direct natural hydrological connection from the development site to Dublin Bay or the River Liffey, however identified there is an indirect pathway to Dublin Bay through the foul sewers en-route to the Ringsend WWTP as well as the public surface water sewer via the River Liffey.</p> |

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| | <p>The screening report states that discharges of wastewater and surface water from the proposed development cannot result in significant effects to the SACs or SPAs in Dublin Bay.</p> <p>The AA screening report concludes that on the basis of the screening exercise carried out, it can be concluded that the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available.</p> <p>The planning authority concluded that having regard to the scale and nature of the proposed development, the location of the development within a serviced urban area so that any construction surface water runoff would be managed via the existing drainage system, the consequent absence of a pathway to a European site, the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.</p> | | | |
| Natura Impact Statement | No | | | |
| Relevant submissions | No | | | |
| Step 2: Identification of relevant European sites using the Source-pathway-receptor model | | | | |
| European Site (code) | Qualifying interests Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections | Consider further in screening Y/N |
| South Dublin Bay SAC (000210) | Coastal habitat (mudflats, sandflats and dunes). Conservation Objectives NPWS, 2013 | c. 11km | No direct connection Weak indirect surface water | Y |
| North Dublin Bay SAC (000206) | Coastal habitat (mudflats, sandflats and dunes). Conservation Objectives NPWS, 2013 | c. 13km | No direct connection Weak indirect surface water | Y |

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| South Dublin Bay and River Tolka Estuary SPA (004024) | <p>Wintering water birds (14 no. species).</p> <p>Wetland and waterbirds</p> <p>Conservation Objectives NPWS, 2015</p> | c. 10km | <p>No direct connection</p> <p>Weak indirect surface water</p> | Y |
| North Bull Island SPA (004006) | <p>Wintering water birds (17 no. species).</p> <p>Wetland and waterbirds</p> <p>Conservation Objectives NPWS, 2015</p> | c. 14km | <p>No direct connection</p> <p>Weak indirect surface water</p> | Y |
| Noth-West Irish Sea SPA (004236) | <p>Wintering water birds and sea birds (21 no. species).</p> <p>Conservation Objectives NPWS, 2023</p> | c. 15km | <p>No direct connection</p> <p>Weak indirect surface water</p> | Y |

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

| Site name Qualifying interests | Possibility of significant effects (alone) in view of the conservation objectives of the site* | |
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| | Impacts | Effects |
| <p>South Dublin Bay SAC (000210)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p> | <p><u>Direct</u>: none</p> <p><u>Indirect</u>: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.</p> | <p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p> <p>Conservation objectives would not be undermined</p> |

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| | Likelihood of significant effects from proposed development (alone): No | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | |
| | Impacts | Effects |
| <p>North Dublin Bay SAC (000206)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimi) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395].</p> | <p><u>Direct:</u> none</p> <p><u>Indirect:</u> localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.</p> | <p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p> <p>Conservation objectives would not be undermined</p> |
| | Likelihood of significant effects from proposed development (alone): No | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | |
| | Impacts | Effects |
| <p>South Dublin Bay and River Tolka Estuary SPA (004024)</p> | <p><u>Direct:</u> none</p> <p><u>Indirect:</u> localized, temporary, low</p> | <p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from</p> |

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| <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p> | <p>magnitude impacts from noise, dust and construction related emissions to surface water during construction.</p> | <p>receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the special conservation interest (SCI) species listed.</p> <p>The site has not been identified as an ex-situ site for qualifying interests.</p> <p>Conservation objectives would not be undermined</p> |
| | <p>Likelihood of significant effects from proposed development (alone): No</p> | |
| | <p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p> | |
| | Impacts | Effects |
| <p>North Bull Island SPA (004006)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149]</p> | <p><u>Direct:</u> none</p> <p><u>Indirect:</u> localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.</p> | <p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI species listed.</p> <p>The site has not been identified as an ex-situ site for qualifying interests.</p> <p>Conservation objectives would not be undermined</p> |

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| Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999] | | |
| | Likelihood of significant effects from proposed development (alone): No | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | |
| | Impacts | Effects |
| Noth-West Irish Sea SPA (004236) Common Scoter (Melanitta nigra) [A065] Red-throated Diver (Gavia stellata) [A001] Great Northern Diver (Gavia immer) [A003] Fulmar (Fulmarus glacialis) [A009] Manx Shearwater (Puffinus puffinus) [A013] Shag (Phalacrocorax aristotelis) [A018] Cormorant (Phalacrocorax carbo) [A017] Little Gull (Larus minutus) [A177] Kittiwake (Rissa tridactyla) [A188] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] | <u>Direct:</u> none <u>Indirect:</u> localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction. | The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI species listed. The site has not been identified as an ex-situ site for qualifying interests. Conservation objectives would not be undermined |

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| Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Great Black-backed Gull (Larus marinus) [A187] Little Tern (Sterna albifrons) [A195] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Puffin (Fratercula arctica) [A204] Razorbill (Alca torda) [A200] Guillemot (Uria aalge) [A199] | | |
| | Likelihood of significant effects from proposed development (alone): No | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | |
| Step 4 Conclude if the proposed development could result in likely significant effects on a European site | | |
| I conclude that the proposed development (alone) would not result in likely significant effects on European Sites within the Dublin Bay area, namely the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), North-West Irish Sea SPA (004236), or any other European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. | | |
| No mitigation measures are required to come to these conclusions. I consider the provision of a petrol interceptor a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA. Furthermore, during the construction phase, standard pollution control measures would be put in place. These measures are standard practice for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor). | | |

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the Dublin Bay area, namely the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), North-West Irish Sea SPA (004236), or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- nature and scale of the proposed development on a serviced infill brownfield site.
- the nature of the receiving environment which comprises a built-up urban area.
- the distances to the nearest European sites and the hydrological pathway considerations.
- the information submitted as part of the applicant's Appropriate Assessment Screening Report
- no significant ex-situ impacts on wintering water birds