



**Planning & Development
Consultants**

M 087 261 5871
T 01 539 4960
E info@bpsplanning.ie
W www.bpsplanning.ie

Ballinacorney
Greenan
Wicklow
A67W662

BY HAND

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

16 May 2022

AN BORD PLEANÁLA	
LDG-	<u>053386-22</u>
ABP-	
16 MAY 2022	
Fee: €	<u>220</u> Type: <u>cheque</u>
Time: <u>12:36</u>	By: <u>hand</u>

Dear Sir/Madam,

Third Party planning observation in respect of An Bord Pleanála Strategic Housing Development planning application – reg. ref. TA06D.313278 – which comprises of a planning application for 335 no. residential units at White Heather Industrial Estate, South Circular Road & 307/307a South Circular Road & 12a St James's Terrace, Dublin 8. www.whiteheatherd8.com.

BPS Planning Consultants Ltd, a firm of Irish Planning Institute accredited town planning consultants, has been appointed by DTW Capital (Director Aidan O'Brien) owner and manager of Storage World, Units 295 and 297, Whiteheather Industrial Estate, South Circular Road, Dublin 8, Do8 WR9T to produce and to submit a Third Party planning observation in respect of a planning application for proposed strategic housing development in the local authority area of Dublin City Council. This planning application reference is TA06D.313278 and it has been lodged directly to An Bord Pleanála.

This is a planning application for: "335 no. residential units" at White Heather Industrial Estate, South Circular Road & 307/307a South Circular Road & 12a St James's Terrace, Dublin 8.

The Applicant proposals are set out in a website: www.whiteheatherd8.com.

The planning file reference number is reg. ref. TA06D.313278.

This SHD application was lodged on 11/4/2022. The final date for submission of an observation is set out on the An Bord Pleanála website as 16/5/2022. This observation is therefore lodged prior to 16/5/2022.

Our client acknowledges that the Strategic Housing Development planning process, as enacted, excludes third parties from the pre-planning stages both with Dublin City Council and with the Board. The result of this is that our client has not been consulted to date and/or been able to offer guidance to the planning authorities in respect of the proposals from their informed perspective. Our client offers the following responses to this SHD planning application and all pre-planning notes to which they now have access.

Section 6.0 of the attached Planning Observation Report sets out the specific grounds for our client's observation; however, the entire report, its appendix and an accompanying submission from FP Logue Solicitors should be taken to represent our client's complete observation.

This planning observation and the attached legal submission have been produced by and in consultation with the following project team:

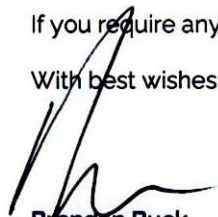
- **Town planning consultant – Brendan Buck of BPS Planning Consultants LTD.**
- **Fred Logue – FP Logue Solicitors.**

Each of the above members of the project team have fully reviewed and submitted observations on the Applicant proposals. These comments are incorporated into this report and/or set out in the attached submissions.

For the purposes of validation of this observation, please find attached: (1) A cheque for the €20 fee payable for a 3rd party objection / submission / observation; (2) A completed planning observation checklist form; and (3) A Planning Observation Report, appendix and attachment setting out our client's grounds for objection.

If you require any further details, please contact BPS at the address provided.

With best wishes,

A handwritten signature in black ink, appearing to read 'Brendan Buck', with a stylized flourish at the end.

Brendan Buck
Director
BPS Planning Consultants Ltd



Planning & Development
Consultants

Third Party SHD Planning Observation Check List

1. Name of the observer: DTW Capital (Director Aidan O'Brien) owner and manager of Storage World.
2. Address of the observer: Storage World, Units 295 and 297, Whiteheather Industrial Estate, South Circular Road, Dublin 8, D08 WRgT.
3. If an agent is involved, state the name of the agent: Brendan Buck.
4. Address of the agent [DURING COVID]: BPS Planning Consultants Ltd., Ballinatone Lower, Greenan, County Wicklow, A67W662.
5. State the Subject Matter of the observation: Third Party planning observation in respect of An Bord Pleanála Strategic Housing Development planning application – reg. ref. TA06D.313278 – which comprises of a planning application for 335 no. residential units.
6. Location of development: White Heather Industrial Estate, South Circular Road & 307/307a South Circular Road & 12a St James's Terrace, Dublin 8. www.whiteheatherd8.com.
7. Name of assessing planning authority: An Bord Pleanála.
8. Planning authority register reference number: TA06D.313278.
9. Attach, in full, the grounds for observation and the reasons, considerations and arguments on which they are based. Please find a Planning Observation Report, appendix and legal submission attached.
10. Enclose/Pay the correct fee for the **third** party observation: €20 (cheque attached).
11. Ensure that the OBSERVATION is received by An Bord Pleanála in the **correct manner** and in **time**. This SHD application was lodged on 11/4/2022. The final date for submission of an observation is set out on the An Bord Pleanála website as 16/5/2022. This observation is therefore lodged prior to 16/5/2022.



Planning & Development
Consultants

Planning Observation Report

Third Party planning observation in respect of An Bord Pleanála Strategic Housing Development planning application – reg. ref. TA06D.313278 – which comprises of a planning application for 335 no. residential units at White Heather Industrial Estate, South Circular Road & 307/307a South Circular Road & 12a St James's Terrace, Dublin 8. www.whiteheatherd8.com.

This Planning Observation Report has been produced by BPS Planning Consultants Ltd for and on behalf of DTW Capital (Director Aidan O'Brien) owner and manager of Storage World, Units 295 and 297, Whiteheather Industrial Estate, South Circular Road, Dublin 8, D08 WR9T.

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1.0 Introduction

BPS Planning Consultants Ltd, a firm of Irish Planning Institute accredited town planning consultants, has been appointed by DTW Capital (Director Aidan O'Brien) owner and manager of Storage World, Units 295 and 297, Whiteheather Industrial Estate, South Circular Road, Dublin 8, Do8 WRgT to produce and to submit a Third Party planning observation in respect of a planning application for proposed strategic housing development in the local authority area of Dublin City Council. This planning application reference is TA06D.313278 and it has been lodged directly to An Bord Pleanála.

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Section 6.0 of this Planning Observation Report sets out the specific grounds for our client's observation; however, the entire report, its appendix and the accompanying legal submission from FP Loge Solicitors should be taken to represent our client's complete observation.

This planning observation and the attached legal submission have been produced by and in consultation with the following project team:

- Town planning consultant – Brendan Buck of BPS Planning Consultants LTD.
- Fred Logue – FP Logue Solicitors.

1.1 Rationale for objecting to this SHD scheme

Our client operates a successful business called Storage World which is sited within White Heather Industrial Estate, South Circular Road. They maintain Unit Nos. 295 and 297.

Leases were signed in 2010 and 2014 which extend our client's right to remain in business at this location until These units are held by it under leases dated 30 July 2014 and 16 February 2010 respectively with each lease being for a period of 15 years. The Applicant proposals are made without reference to our client's legal tenancy rights at this location.

No attempt has been made by the Applicant to incorporate our client's business into this scheme. The business is compatible with a residential area and could have been included in the designs in a manner whereby future residents and the wider community could continue to have access to Storage World.

BPS asks that the Board consider whether if Storage World were a supermarket, would it allow the supermarket use to be extinguished from this site? No, as with multiple SHDs, such that for Dundrum Village (see SHD reg. ref. TA06D.313220), the supermarket would be relocated within the scheme. In the Dundrum Village case, the Old Shopping Centre's Lidl is being relocated – it is not being removed. It is being respected and its jobs are being retained. Why has Storage World been treated so differently? Storage World is fully compatible with a residential scheme.

This observation does not argue that the buildings housing our client's business should be retained (though similar arrangements have been incorporated in other situations); instead, our client has tried at all times in discussions with the Applicant to argue that their business could be incorporated into the scheme in the same way as (as noted above) an existing supermarket or similar large business is often subsumed into a larger scheme within which it is relocated and reconfigured. No attempt has been made or even offered in this case.

It is acknowledged how pursuant to Variation No. 23 of the Dublin City Development Plan 2016–2022, which was adopted in March 2020, the White Heather Industrial Estate was rezoned from Zoning Objective Z6 – 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation' to Zoning Objective Z1 – 'to protect, provide and improve residential amenities' (1.236 ha) and Zoning Objective Z9 – 'to preserve, provide and improve recreational amenity and open space and green networks' (0.228 ha). Accordingly, the site of the proposed development (c. 1.535 ha.) is now zoned under Zoning Objective Z1 with a small section falling under Zoning Objective Z9.

Our client objected to this re-zoning. There are few locations in this area of Dublin in which a business such as our client's could re-locate to. The decision to re-zone appears to have been made without any due consideration of the impacts this would have on our client.

The re-zoning has forced Storage World into a situation whereby without any of it being their doing, the business is now excluded from the Applicant's plans for this site though our client would have been and remains amenable to an agreement to integrate them into the overall scheme.

Since the re-zoning of the estate, our client has repeatedly asked the Applicant to meet with them to discuss the incorporation of Storage World into any proposed development. This has been refused on the purported basis that Storage World is not a use which can be allowed to remain on the site under the new Z1 zoning. Our client does not accept this.

There appears to be some prejudice arising as to our client's business – which offers a residential storage service which suits apartment owners in particular – and whether it could be integrated into this current SHD scheme. While other SHD schemes have incorporated supermarkets/large retail units, gyms, health/medical centres, financial services, offices, restaurants/cafes, etc, the idea of a storage business appears to have been screened out by the Applicant and their project team. This is hard for our client to understand. This scheme will contain 335 households and other local SHDs such as the Bailey Gibson site and the Player Wills site will vastly increase the population of this area. Yet no consideration has been given to how many of the households moving into and out of these schemes will need additional storage.

The Applicant refers to how "these lands have previously only been in use for industrial/warehouse related uses" as though this was a bad thing. Our client objects to this as they offer a community service wherein households can obtain additional much needed storage close to their homes. This is a community benefit.

Storage World could still be considered acceptable under the Z1 zoning objective which allows 'Permissible Uses' such as 'enterprise centre' and 'Open for Consideration Uses' such as 'industry (light)'. Storage World is a land use which serves the existing residential community and aligns with the description of the Z1 zoning set out in Section 14.8.1 'Sustainable Residential Neighbourhoods – Zone Z1, Land-Use Zoning Objective Z1' which aims "To protect, provide and improve residential amenities".

Storage World offers a facility which meets the 'Vision' set out for the Z1 zoning whereby residential communities and new residential developments need to be "within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities". The business offers additional storage for many individuals and families who live in apartments and houses which do not offer enough storage. Storage World and the residents of this scheme would benefit from a close relationship whereby they can rely on our client's business to offer them the extra storage they need.

Our client finds it difficult to understand why it is that an existing business which is compatible with the proposed residential scheme would be summarily shown as removed from the site when future residents will require its services.

ABP may consider that our client's storage business – a repository use, being a Sui Generis use not specifically listed under the Z1 zoning is now a non-conforming use. But consider how this has happened. Our client sited their business on Z6 zoned lands only in 2010 and have invested in that business. They now find themselves in a position where through no fault of their own they may be subject to Section 14.6 'Non-Conforming Uses' of the CDP. This is not normally problematic, and many businesses remain in such situations for decades.

Section 14.6 makes it clear how:

When extensions to or improvements of premises accommodating such uses are proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area.

It is our client's position that their business does not "adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area" and as such it should be retained on the site by way of a re-designed scheme.

In making this SHD Planning Observation (read "objection"), our client notes how Section 10 'Supplemental provisions to section 9' of the Planning and Development (Housing) and Residential Tenancies Act 2016 states "(6) A person shall not be entitled solely by reason of a permission under section 9 to carry out any development". Our client submits that while the ABP may be permitted to grant planning permission irrespective of their leases held on properties within this estate, the fact that discussions have not even been held by the Applicant with leaseholders suggests that the proposed development could not realistically be completed in the available time.

A more appropriate planning and development approach for this site would be for the current SHD planning application to be withdrawn and/or refused and a new scheme designed which incorporates Storage World.

Section 6.0 of this Planning Observation Report sets out our client's detailed concerns over the proposed development.

1.2 No consultation with Storage World

Our client wishes to note that they were not consulted by the Applicant in respect of the proposed development. At no point have they given any indication that the proposed development as now submitted would be acceptable to them. Our client is opposed to this scheme, as submitted, for the reasons set out in this observation.

2.0 Location of Storage World relative to the subject site

Our client's property is Storage World which is located in Units 295 and 297 in Whiteheather Industrial Estate, South Circular Road in Dublin 8. The impression given by the Applicant's Site Location Map is that the entire site is presently occupied by a factory. This is not the case. The industrial estate is occupied by a number of successful businesses including that of our client.

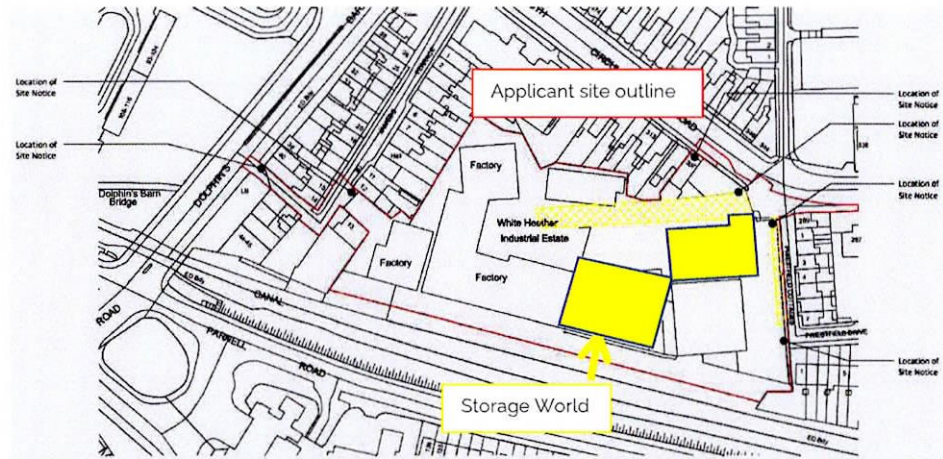


Fig. 1: The location of client's business relative to the proposed development

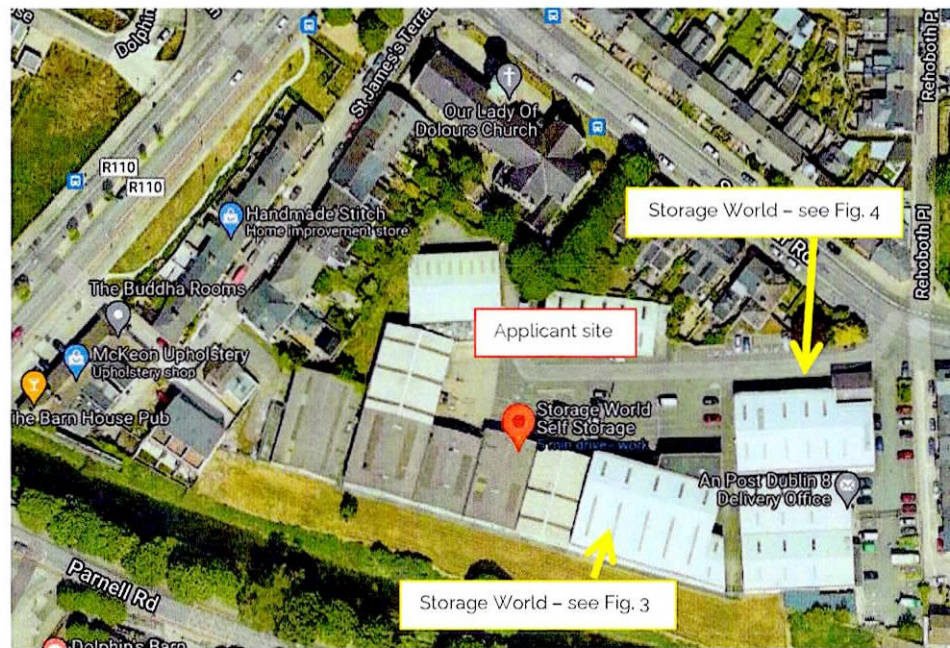


Fig. 2: The location of client's business relative to the proposed development



Fig. 3: The location of client's business relative to the proposed development



Fig. 4: The location of client's business relative to the proposed development

3.0 Proposed development

The proposed development comprises of the following:

1. The demolition of all existing buildings on site except 307/307a South Circular Road including industrial storage warehouses and office buildings comprising a total of c. 6,604 sq. m. floorspace;
2. A mixed residential and commercial development with a total floorspace of c. 30,242 sq. m. Total proposed residential floorspace is c. 26,119 sq. m. and consists of a total of 335 no. Build to Rent residential units including Part V provision as follows: o A terrace of 7 no. 3-storey 3 bed townhouses, o Block B01 (5 storeys) comprising 24 no. units (14 no. 1 bed units and 10 no. 2 bed units), o Block B02 (5-7 storeys) including a link to Block B02A (5-storeys) comprising 84 no. units (56 no. 1 bed units and 28 no. 2 bed units), o Block B03 (5-10 storeys) including 77 no. units (48 no. 1 bed units and 29 no. 2 bed units) and Resident's Amenity (c. 1,001 sq.m) with main entrance hall, Concierge/Management Office at undercroft and ground floor, Gym, Events Suite and a 'Canal Café' at ground floor level, Co-Working/Lounge, Cinema/Media Room, Dining/Kitchen area and access to an external roof terrace at fifth floor level (Level 05), o Block B04 (5-7 storeys) comprising 72 no. units (48 no. 1 bed units and 24 no. 2 bed units), o Block B05 (5 storeys) comprising 10 no. units (6 no. 1 bed units and 4 no. 2 beds) with a café unit (c. 46 sq. m) at ground floor level, o Block B06 (2-5 storeys) comprising 29 no. units (2 no. studio units, 7 no. 1 bed units, 14 no. 2 bed units and 4 no. 2 bed duplex units and 2 no. 3 bed duplex units), o Block B07 (3-5 storeys) comprising 32 no. units (17 no. 1 bed units and 15 no. 2 bed units),
3. 1 no. 2-storey Childcare Facility / Creche (c. 260 sq. m);
4. A total of (c. 2,960 sq. m) Public Open Space landscaped and broken into 7 no. distinct character areas and linking through Canal Square, a Pedestrian Priority Street between Blocks B03 and B04 to a publicly accessible landscaped Linear Park along the Grand Canal within the Z9 Amenity/Open Space Lands;
5. Communal Open Space of c. 2,160 sq. m made up of c. 1,560 sq. m at ground floor and c. 600 sq. m on roof terraces;
6. The proposed Part V provision of 34 no. units and 10% of the total units are proposed to be provided at Block B01 and Block B05 as 20 no. 1 bed units and 14 no. 2 bed units;
7. 106 no. car parking spaces are provided with 41 no. car parking spaces at grade, including 5 no. parking spaces within the curtilage (carports) of townhouses, and 65 no. car parking spaces at undercroft area (c. 1,890 sq. m) with lobbies linking to Blocks B02 and B03 entrance lobbies, cycle parking storage areas, staff area, refuse store areas and plant areas;

8. 558 no. cycle spaces at surface (352 no. spaces) and undercroft level (206 no. spaces) of which 491 no. are secure bicycle spaces (3 no. of which are cargo spaces) and 67 no. are visitor spaces (5 no. of which are cargo spaces);
9. Realignment and improvement works to the existing entrance junction on South Circular Road and the existing entrance to Priestfield Cottages to provide road markings, footways and formal uncontrolled crossing points;
10. Works to surface treatments to provide pedestrian and cycle access only to the existing entrance at St James's Terrace;
11. A change of use of the existing 2-storey residential units 307/307a South Circular Road from residential to shared workspace/office space (c. 165 sq. m);
12. 3 no. electricity sub-stations in blocks B02, B03 and B04; and
13. All enabling and site development works, hard and soft landscaping, public realm works, public art, lighting, services and connections, waste management and all other ancillary works.

3.1 The Applicant proposals provide for the total removal of Storage World

Our client finds themselves in the unenviable position whereby the buildings which house their business are proposed to be demolished and their business use extinguished from this site. This is despite their having many years left of on their two leases (see Appendix 1). Both buildings occupied by Storage World were only completed in 2009.

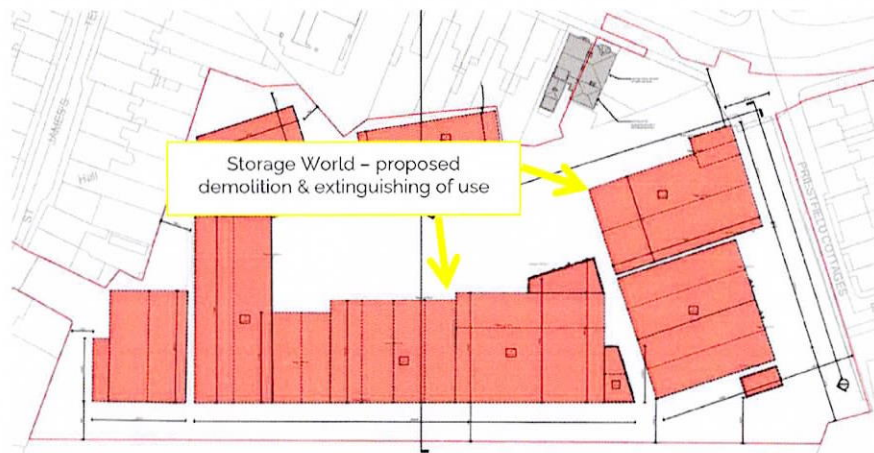


Fig. 5: Excerpt from Applicant's proposed demolition plan

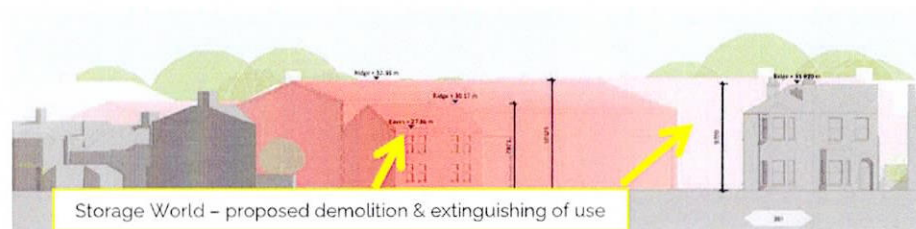


Fig. 6: Excerpt from Applicant's proposed demolition elevations (1)



Fig. 7: Excerpt from Applicant's proposed demolition elevations (2)

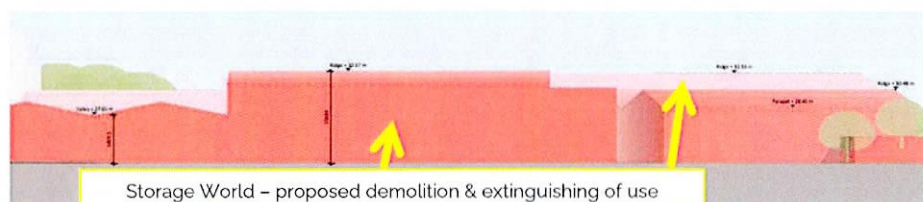


Fig. 8: Excerpt from Applicant's proposed demolition elevations (3)

4.0 Technical concerns with or arising from the submitted planning application

4.1 No written permission has been submitted by DTW Capital for this application to be made

Please find a letter attached from FP Logue Solicitors which sets out how our client, DTW Capital, operates the Storage World business from Units 295 and 297 in the White Heather Industrial Estate. These units are held by it under leases dated 30 July 2014 and 16 February 2010 respectively with each lease being for a period of 15 years. FP Logue note how the proposed development cannot be implemented given our shared client's leasehold interest in part of the site. The applicant has therefore made an invalid application since it has not complied with Article 297(2)(a) of the Planning and Development Regulations 2001 which requires the applicant to include the written consent of the owner to make the application.

Our client, who owns a leasehold interest over part of the site was not asked to consent, and for the avoidance of doubt does not consent to the application. FP Logue state: "While admittedly the applicant has an ownership interest in the site, this is not on its own sufficient to satisfy the requirements for a valid application".

4.2 The Board has not uploaded the SHD application documents to its website

At the time of writing this Planning Observation Report, the Board had not uploaded the scheme's drawings, documents, planning application form, public notices, etc. to its website and has provided no link to the Applicant's website (see Fig. 9 which is a screenshot taken on 11/5/2022). The Board has not complied with Articles 301(2A) and 301A of the 2001 Regulations of which article 301A states:

(2A) Where an EIAR is submitted with an application, the Board shall place on its website for inspection by members of the public, from as soon as may be after receipt of such application, the following: (i) the application; (ii) the EIAR; (iii) the notice or notices, as the case may be, published in one or more newspapers circulating in the area in which it is proposed to carry out the development, or in which the development is located, indicating the nature and location of the development; (iv) any other relevant material or information [emphasis added].

Our client respectfully requests that this planning application be invalidated.

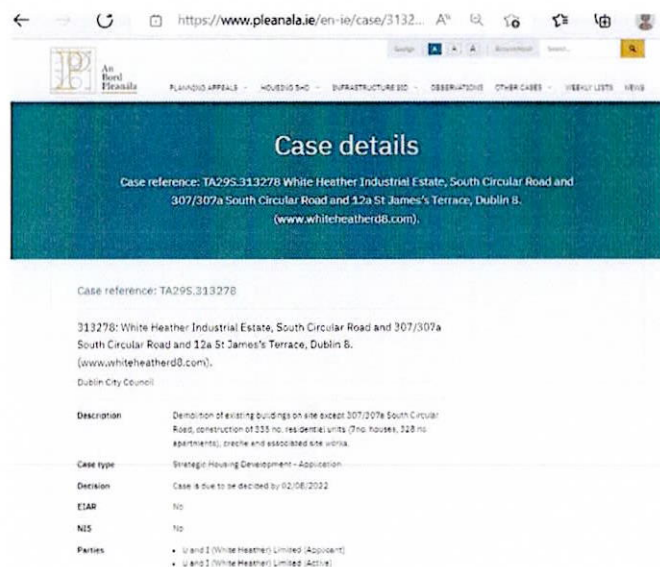


Fig. 9: Screenshot of the ABP website showing the case details for SHD pa, reg. ref. TA06D.313278

4.3 EIA Directive – incorrect procedure for sub-threshold development

The accompanying legal submission from FP Logue Solicitors raises a concern that having regard to the EIA Directive, the incorrect procedure for sub-threshold development has been applied in this case. FLP Logue note:

The EIAR NTS notes that this is a sub-threshold development, and that EIA is not required but nonetheless an EIAR is submitted with the application.

The EIAR doesn't set out a justification as to why the applicant has voluntarily "screened in" its development by, for example identifying what it considers to be the likely significant effects on the environment. In fact the applicant at page 1-2 of the EIAR states that the purpose of the EIAR is to examine the likelihood of significant effects on the environment. This is actually the purpose of EIA Screening, the purpose of the EIAR per Article 5(1) of the EIA Directive is to describe the likely significant effects.

It is clear from recital 27 to the EIA Directive that one of the objectives of the screening procedure is to ensure that an EIA is only required for projects likely to have a significant effect on the environment.

It is also clear that it is for the Member State, by setting thresholds and criteria, or the competent authority where a case-by-case screening assessment is provided to determine whether a project should be subject to EIA. In either case the relevant thresholds are set, and the examination is to be carried out by reference to the selection criteria in Annex III. A developer is not competent, under the EIA Directive, to make its own determination in relation to whether a particular project listed in Annex II should be subject to EIA.

There is good reason for this, particularly where a case-by-case examination is required, because in these cases it is not apparent that there will be likely significant effects on the environment and if they are likely what they are or how they might be mitigated.

The screening determination is a formal procedure where the competent authority makes a reasoned determination on whether EIA is required by reference to the relevant criteria listed in Annex III. It is through this procedure that the likely significant effects on the environment are formally identified so that they can be used to inform the scope of the EIAR.

The developer has also claimed that the pre-application consultation informed the content of the EIAR, although there is no reference to this in the published pre-application records including the formal opinion of the Board. The Board has no jurisdiction to engage in a scoping exercise for a sub-threshold development such as this as part of the pre-application consultation. Section 7(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 provides a procedure through which an applicant can request an EIA Screening determination following pre-application consultation meeting. It is through this procedure that the Board issues a formal determination which is to be kept on the planning file.

There is no evidence of on the file of how the pre-application consultation informed the content of the EIAR, in particular there is no record of this on the planning file as would be the case if the statutory procedure had been followed. In fact the Board's pre-application opinion appears to indicate that there was no discussion of an EIAR at the tri-partite meeting of the Board, applicant and planning authority since point 18 advises the applicant to submit the information required for screening if no EIAR is being submitted.

The application is therefore invalid since it is impermissible under the EIA Directive for an applicant to elect to submit an EIAR with a sub-threshold development and also because the Board gave informal EIAR scoping advice to the applicant rather than via the statutory procedure, which is ultra vires. Both of these issues on their own render the application invalid.

The above point provides further basis for the Applicant planning application to be deemed invalid

4.4 The Applicant EIAR refers to Storage World's building's as being empty – this is untrue

It is clear to our client that the Applicant design and planning team are either unaware that several buildings on the site remain occupied by Storage World (and continue to operate as normal – that is, as a successful business would) or they have deliberately avoided mentioning this in the hope that our client does not notice.

Section 5.4 'Do Nothing' Scenario' of the submitted EIAR Non-Technical Summary states:

In a 'Do Nothing' scenario, the subject lands would not be developed and the existing buildings on the subject site would be unused. The status of the environmental receptors described throughout this EIAR would be likely to remain unchanged while the potential for any likely significant adverse environmental impacts arising from the proposed development would not occur (emphasis added).

Section 4.5 'Do-Nothing' Alternative' of the EIAR states:

In a 'Do Nothing' scenario, the subject lands would remain undeveloped and the existing buildings on the subject site would be unused. The status of the environmental receptors described throughout this EIAR would be likely to remain unchanged while the potential for any likely significant adverse environmental impacts arising from the proposed development would not arise [emphasis added].

In fact, in the 'Do Nothing Scenario' our client's business remains fully operational into the future. Their existing buildings would be fully used. Their business would not be negatively impacted by the proposed scheme and they, as receptors, would also not be directly impacted.

The Applicant's EIAR Non-Technical Summary cannot therefore be considered to have any credibility in the matter of setting out a summary assessment of the likely impacts of the proposed development on our client. The Board is invited to visit Storage World which is a local landmark use in this area – and to see its daily operations and meet its staff who are mostly local people.

4.5 Storage World is a "repository" and not an "industrial" or "industrial warehouse" use

Concerns arise over the Wording of the development description provided on the public notices which is used throughout the planning application in which we are told that: "The development will consist of: 1) The demolition of ... industrial storage warehouses and office buildings".

Our client's land use is as a "repository" and not an industrial storage warehouse or office building. This issue impacts the entire planning application:

- Section 4.3.2 'Site Description' of the EIAR states: "The site comprises a number of industrial units and associated parking and storage areas ... The existing structures on the site comprise industrial units (approx. two storeys in height)".
- Section 4.3.3 'Current Uses' of the EIAR states: "The site currently comprises a number of small-scale industrial/warehouse units, with ancillary car parking and storage areas".
- The Hastings' Conservation Architect assessment states: "The site of the proposed development is currently occupied by industrial buildings" and then refers to them as "industrial sheds".

This is not true for Storage World. Storage World is a "**repository**" use. It is almost retail warehousing in its approach with customers able to walk in, etc. The term used by the Board for such uses in recent Section 5s and by the High Court in a recent case was "walk-in self-storage units".¹

The issue of the use of our client's business and buildings is important as a "repository" is a wholly acceptable and compatible use within and/or alongside a residential scheme.

In determining the existing use as a "repository", we note the following.

Statutory Provisions

Planning and Development Act 2000, as amended

- Section 2(1) of the Act states the following:
 'development' has the meaning assigned to it by Section 3;
 'structure' means any building, structure, excavation, or other thing constructed or made on, in or under land, or any part of a structure so defined;
 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...'
- Section 3(1) of the Act states that: 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land'.
- Section 4(1) of the Act sets out various forms of development that are exempted development.
- Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development.
- Section 4(4) of the Act exempted development provided for under subsection 4(1)(a), (i), (ia) and (l) and subsection 4(2) is restricted, if an environmental impact assessment or an appropriate assessment is required.
- Section 157(4)(a) of the Act includes the following:

¹ <https://www.irishtimes.com/news/crime-and-law/courts/high-court/self-storage-business-must-apply-for-planning-permission-1.4841625> and <https://www.pleanala.ie/en-ie/case/304098>

'no warning letter or enforcement notice shall issue and no proceedings for an offence under this Part shall commence: (i) in respect of a development where no permission has been granted, after seven years from the date of the commencement of the development.

Planning and Development Regulations 2001-2019

For the purposes of interpretation, Article 5(1) within Part 2 of the Regulations referring to 'exempted development' provides the following definitions that are of relevance in the consideration of this case:

- **'light industrial building'** means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- **'repository'** means a structure (excluding any land occupied therewith) where storage is the principal use and where no business is transacted other than business incidental to such storage.

Article 10(1) of the Regulations states that development, which consists of a change of use within one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not, inter alia,

- (a) involve the carrying out of any works other than works which are exempted development;
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or;
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Part 4 of Schedule 2 to the Regulations specifies that:

- Class 4 refers to use as a light industrial building;
- Class 5 refers to use as a wholesale warehouse or as a repository.

Article 11 of the Regulations states that:

development commenced prior to the coming into operation of this Part and which was exempted development for the purposes of the Act of 1963 or the 1994 Regulations, shall notwithstanding the repeal of that Act and the revocation of those Regulations, continue to be exempted development for the purposes of the Act

Based on the information provided by our client, our site visit and information available, BPS is satisfied that the present use for the Storage World business on this site fits the planning definition of a 'repository'.

4.6 Applicant's development description does not refer to the extinguishing of existing uses

Our client is concerned that while the Applicant's Development Description refers to demolition of existing buildings, it does not refer to the extinguishing of existing uses that would be involved in this. Development is both works and use. Storage World is a successfully and fully operational business within the Applicant site and the Development Description merely states that its existing buildings over which it maintains long term leases are to be demolished. They do not accept that this is satisfactory.

4.7 The cumulative effects on climate assessment ignores temperature

The Applicant is required to assess cumulative effects on climate. However, the submitted EIAR assessment ignores temperature and just focusses on wind microclimate. But as the IPCC² has pointed out high rise developments present climate issues in relation to localised heating. The Applicant assessment is incomplete.

4.8 The Applicant proposals provide for the total demolition of Storage World

Our client finds their business in the unenviable position whereby the buildings which house their business are proposed to be demolished and their business use extinguished from this site. For the reasons set out in this report, they do not consider that this is legally acceptable.

² https://www.ipcc.ch/report/ar6/wg1/downloads/factsheets/IPCC_AR6_WGI_Regional_Fact_Sheet_Urban_areas.pdf



Fig. 10: Excerpt from Applicant's proposed demolition plan

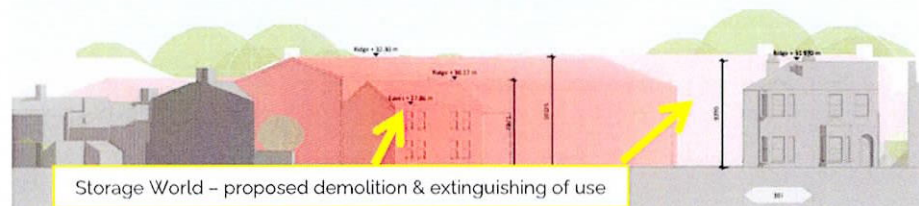


Fig. 11: Excerpt from Applicant's proposed demolition elevations (1)

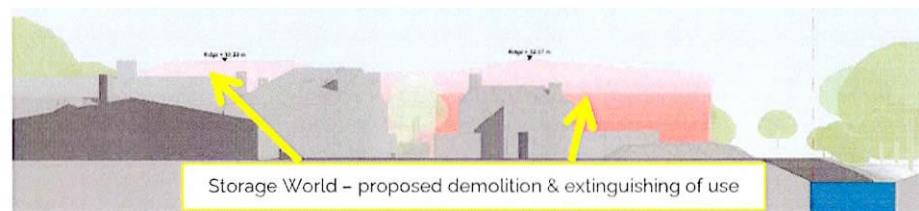


Fig. 12: Excerpt from Applicant's proposed demolition elevations (2)

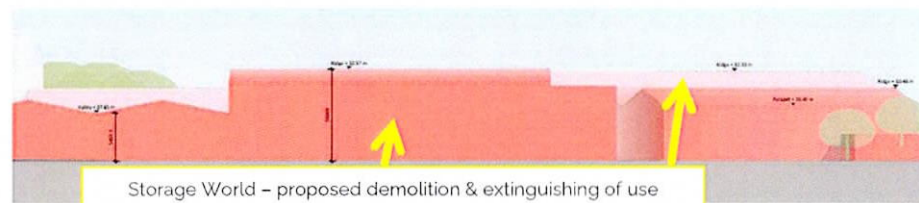


Fig. 13: Excerpt from Applicant's proposed demolition elevations (3)

5.0 Proposal is contrary to DCC & ABP pre-planning feedback

BPS has reviewed the full pre-planning process for this new SHD scheme from its submission to DCC to the Board's final feedback to the Applicant. These details may be summarised, insofar as they are relevant to our client by stating that no reference was made to Storage World at all. Were Storage World a supermarket one cannot imagine DCC or ABP considering it acceptable to remove the existing use entirely from this site while it still offers a local community service, offers local jobs and is part of the mix of uses in this area on which any new residential scheme will depend.

The business as it stands is 50% occupied by small local enterprises, many of whom rely on the facility to ensure their ongoing viability. Local pubs, restaurants, market traders and the like.

Further comments on the pre-planning process are provided in Section 6.4 of this Planning Observation Report.

6.0 **Grounds for observation (read "objection")**

6.1 **Issue 1: The issue of sufficient legal interest to complete the scheme**

Our client owns a leasehold interest over part of the site was not asked to consent, and for the avoidance of doubt does not consent to the application. An attached accompanying submission from our client's solicitor, FP Logue, states: "While admittedly the applicant has an ownership interest in the site, this is not on its own sufficient to satisfy the requirements for a valid application". FP Logue further states:

As set out in some detail in sections 3-79 to 3-89 of Simons on Planning Law (3rd Edition), the purpose of the consent requirement is to prevent unnecessary or vexatious applications being made. In this case the applicant has made an application for development which cannot be carried out in light of my client's leasehold interest in part of the subject site. It is therefore a frivolous application since it could not be implemented even if it were granted.

In addition, it would be contrary to the concept of proper planning and sustainable development and would also undermine the integrity of the planning register for the Board to grant permission for development which it knew was ineffective because it could not be implemented. This is critically important for example because granted permissions must be taken into account when calculating housing supply, the core strategy and so on.

Our client does not accept the Applicant can make this planning application due to the two leases they hold over Units 295 and 297 in the White Heather Industrial Estate. These units are held by it under leases dated 30 July 2014 and 16 February 2010 respectively with each lease being for a period of 15 years.

They do not however accept that the Applicant will be able to implement the development in the event planning permission is granted.

Our client has not been adequately consulted regarding the impact of the proposed development on their business operations, the possible incorporation of their business into this SHD scheme or the relocation of their business elsewhere.

They do not consent to this planning application and considers that permission should be refused for the proposed development.

In the event An Bord Pleanála grants planning permission in this instance, our client accepts that the issues which may arise in implementing the proposed development are legal matters which are not open for adjudication by the Board. In making this SHD Planning Observation (read "objection"), our client notes how Section 10 'Supplemental provisions to section 9' of the Planning and Development (Housing) and Residential Tenancies Act 2016 states "(6) A person shall not be entitled solely by reason of a permission under section 9 to carry out any development".

Our client submits that while ABP may be permitted to grant planning permission irrespective of their leases held on properties within this estate, the fact that discussions have not even been held by the Applicant with leaseholders suggests that the proposed development could not realistically be completed in the available time.

A more appropriate planning and development approach for this site would be for the current SHD planning application to be withdrawn and/or refused and a new scheme designed which incorporates Storage World.

6.1.1 **The 'Site's Constraints' include Right of Ways but not Storage World's leases?**

Section 2.5 'Site Constraints' of the Design Statement sets out Right of Ways within the site. These Right of Ways are areas over which our client's leases give them access into and out of the site. Our client does not understand why it is – and a submission from our client's solicitor is also attached – that the Right of Ways are a constraint, but the leases held by Storage World are not.

2.5 Site Constraints

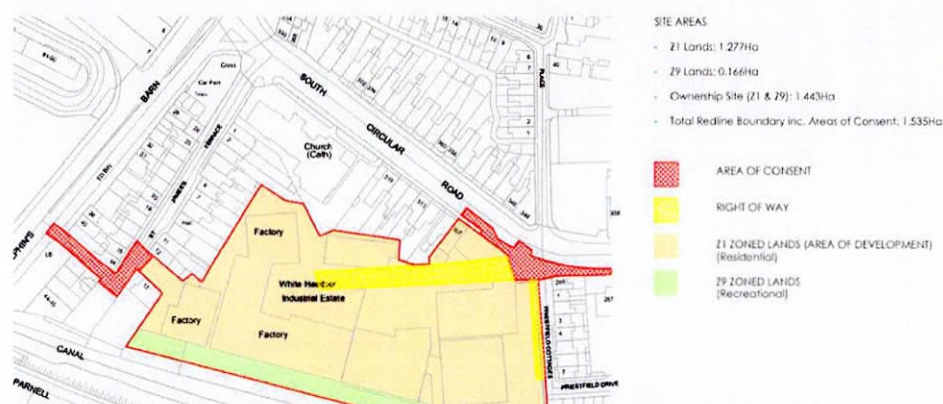


Fig. 14: Applicant map showing Right of Ways does not show existing leases

6.2 Issue 2: An existing tenant should be integrated into the scheme

Our client operates a successful business called Storage World which is sited within White Heather Industrial Estate, South Circular Road. They maintain Unit Nos. 295 and 297. Leases were signed in 2010 and 2014 which extend our client's right to remain in business at this location up until 2029. The Applicant proposals are made without reference to our client's legal tenancy rights at this location.

Indeed, the proposals entirely ignore the existing use of the estate and treat it almost as a greenfield site.

Section 2.2.1 'Current Uses' of the 'Planning Report Including Statement of Consistency' refers only to how:

*The site currently comprises a number of small-scale industrial/warehouse units, with ancillary car parking and storage areas. Businesses occupying units within the Industrial Estate include: An Post Dublin 8 Delivery Office, BSS Dublin, and **Storage World Self Storage**, No. 307/307a South Circular Road is currently in residential use [emphasis added].*

Section 2.2 'Site Description' of the same report states:

*The site comprises a number of industrial units and associated parking and storage areas. There is minimal existing landscaping on the site however, adjacent to the Grand Canal there is a strip of flat grass area running the length of the site. **The existing structures on the site comprise industrial units (approx. two storeys in height).** The existing units are generally located on the boundary lines of the site on all side, with the centre of the site remaining free from development and in use as ancillary parking for the industrial units [emphasis added].*

Our client objects to the above descriptions. They operate a successful business called Storage World which is sited within White Heather Industrial Estate, South Circular Road. They maintain Unit Nos. 295 and 297. The business is primarily residential storage. The business offers a community service to those with insufficient storage in their homes and apartments.

Leases were signed in 2010 and 2014 which extend our client's right to remain in business at this location until 2029. The Applicant proposals are made without reference to our client's legal tenancy rights at this location.

No attempt has been made by the Applicant to incorporate our client's business into this scheme. The business is compatible with a residential area and could have been included in the designs in a manner whereby future residents and the wider community could continue to have access to Storage World.

This observation does not argue that the buildings housing our client's business should be retained (though similar arrangements have been incorporated in other situations); instead, our client has tried at all times in discussions with the Applicant to argue that their business could be incorporated into the scheme in the same way as an existing supermarket or similar large business is often subsumed into a larger scheme within which it is relocated and reconfigured. No attempt has been made or even offered in this case.

It is acknowledged how pursuant to Variation No. 23 of the Dublin City Development Plan 2016–2022, which was adopted in March 2020, the White Heather Industrial Estate was rezoned from Zoning Objective Z6 – 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation' to Zoning Objective Z1 – 'to protect, provide and improve residential amenities' (1.236 ha) and Zoning Objective Z9 – 'to preserve, provide and improve recreational amenity and open space and green networks' (0.228 ha). Accordingly, the site of the proposed development (c. 1.535 ha.) is now zoned under Zoning Objective Z1 with a small section falling under Zoning Objective Z9.

Our client objected to this re-zoning. There are few locations in this area of Dublin in which a business such as our client could re-locate to. The decision to re-zone appears to have been made without any due consideration of the impacts this would have on our client.

The re-zoning has forced Storage World into a situation whereby without any of it being their doing, the business is now excluded from the Applicant's plans for this site though our client would have been amenable to an agreement to integrate them into the overall scheme.

Since the re-zoning of the estate, our client has repeatedly asked the Applicant to meet with them to discuss the incorporation of Storage World into any proposed development. This has been refused on the purported basis that Storage World is not a use which can be allowed to remain on the site under the new Z1 zoning. Our client does not accept this.

There appears to be some prejudice arising as to our client's business – which offers a residential storage service which suits apartment owners in particular – and whether it could be integrated into this current SHD scheme. While other SHD schemes have incorporated supermarkets/large retail units, gyms, health/medical centres, financial services, offices, restaurants/cafes, etc. the idea of a storage business appears to have been screened out by the Applicant and their project team. This is hard for our client to understand. This scheme will contain 335 households and other local SHDs such as the Bailey Gibson site and the Player Wills site will vastly increase the population of this area. Yet no consideration has been given to how many of the households moving into and out of these schemes will need additional storage.

Section 3.3 of the 'Planning Report Including Statement of Consistency' refers to how "these lands have previously only been in use for industrial/warehouse related uses" as though this was a bad thing. Our client objects to this as they offer a community service wherein households can obtain additional much needed storage close to their homes. This is a community benefit.

Storage World could still be considered acceptable under the Z1 zoning objective which allows 'Permissible Uses' such as 'enterprise centre' and 'Open for Consideration Uses' such as 'industry (light)'. Storage World is a land use which serves the existing residential community and aligns with the description of the Z1 zoning set out in Section 14.8.1 'Sustainable Residential Neighbourhoods – Zone Z1, Land-Use Zoning Objective Z1' which aims "To protect, provide and improve residential amenities".

Storage World offers a facility which meets the 'Vision' set out for the Z1 zoning whereby residential communities and new residential developments need to be "within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities". The business offers additional storage for many individuals and families who live in apartments and houses which do not offer enough storage. Storage World and the residents of this scheme would benefit from a close relationship whereby they can rely on our client's business to offer them the extra storage they need.

Our client finds it difficult to understand why it is that an existing business which is compatible with the proposed residential scheme would be summarily shown as removed from the site when future residents will require its services.

ABP may consider that our client's storage business, being a Sui Generis 'repository' use not specifically listed under the Z1 zoning is now a non-conforming use. But consider how this has happened. Our client sited their business on Z6 zoned lands only in 2010 and have invested in that business. They now find themselves in a position where though no fault of their own they may be subject to Section 14.6 'Non-Conforming Uses' of the CDP. This is not normally problematic, and many businesses remain in such situations for decades.

Section 14.6 makes it clear how:

When extensions to or improvements of premises accommodating such uses are proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area.

It is our client's position that their business does not "adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area" and as such it should be retained on the site by way of a re-designed scheme.

In making this SHD Planning Observation (read "objection"), our client notes how Section 10 'Supplemental provisions to section 9' of the Planning and Development (Housing) and Residential Tenancies Act 2016 states "(6) A person shall not be entitled solely by reason of a permission under section 9 to carry out any development". Our client submits that while the ABP may be permitted to grant planning permission irrespective of their leases held on properties within this estate, the fact that discussions have not even been held by the Applicant with leaseholders suggests that the proposed development could not realistically be completed in the available time.

A more appropriate planning and development approach for this site would be for the current SHD planning application to be withdrawn and/or refused and a new scheme designed which incorporates Storage World.

6.2.1 Why is Storage World not listed as 'community infrastructure'?

The Storage World business is not listed under Section 2.2.3 'Community Infrastructure' of the 'Planning Report Including Statement of Consistency'. This is despite this section of the Applicant planning application setting out almost every possible shop, restaurant, café, garage, and other service available in the area.

The Applicant is proposing a 'Build to Rent' scheme of primarily small units which offer minimal storage. A business such as our client's is badly needed within this scheme, and it should be retained.

In the absence of Storage World, where will future residents of the Applicant site and the very significant Bailey Gibson and Player Wills sites obtain additional residential storage. Storage World has sustained a successful business at this location because even existing residents need storage; these new schemes comprising many small units will need storage even more than does the existing area. Why should they be forced to travel out to some location on the M50 when there is a local business already offering this service which could be retained?

6.2.2 Client's business forms part of the remaining landbank for employment in this area

BPS has reviewed the planning history of the estate dating back to the 1990s. In each planning assessment, the Dublin City Council Planner's Report refers to how:

The site is located in an area zoned objective Z6 which seeks: "To provide for the creation and protection of enterprise and facilitate opportunities for employment creation". It is considered that Z6 lands constitute an important land bank for employment use in the city which it is considered strategically important to protect [emphasis added].

This includes a planning permission, reg. ref. 2316/07 for: "Proposal Demolition of one existing warehouse and sheds and the construction of two new warehouse / light industrial units, with associated parking" and various planning permissions granted to An Post such as permission reg. ref. No. 2458/10 "for the amalgamation and change of use of two existing light industrial/warehouse units to accommodate an An Post Delivery Service Unit and 209sqm additional ancillary accommodation including offices and welfare facilities".

The business as it stands is 50% occupied by small local enterprises, many of whom rely on the facility to ensure their ongoing viability. Local pubs, restaurants, market traders and the like.

Our client understands that the estate has been re-zoned, but they do not understand why a re-development of the estate could not incorporate compatible land uses such as Storage World. This scheme will further erode the employment uses in this area of Dublin City Council.

6.2.3 The area is being mostly converted to residential at the expense of existing businesses

Our client's estate is sited in an area where there have already been two large-scale SHD schemes which have removed employment lands from the city landbank and replaced them with emerging housing schemes. These are the Bailey Gibson and Player Wills sites.

The decision made by our client to invest in this estate arose because of the growing residential population of this area and the rising demand for residential storage from those in apartments. The existing business was properly sited and immediately met a clear demand.

The Applicant has submitted a 'Community and Infrastructure Audit' which also excludes our client's business despite it being a primarily residential service business.

Existing businesses should not be lost as this area is increasingly converted to residential.

6.2.4 Bailey Gibson site is to contain retail, financial/professional, health and community uses

The former Bailey Gibson site at Nos 326-328 South Circular Road was granted planning permission by An Bord Pleanála in September 2020 for a Strategic Housing Development comprising a total of 416 no. residential units (412 no. Build to Rent apartments and 4 no. townhouses) and along with retail, financial/professional, health and community uses under ABP reg. ref. 307221.

If this scheme could include retail, financial/professional, health and community uses, then why can't the current scheme include Storage World which is primarily a residential storage business?

6.2.5 Bailey Gibson site is to contain a mix of community, co-working, social, cultural and retail

The former Player Wills Factory site on the South Circular Road, Dublin 8 was granted planning permission by An Bord Pleanála in April 2021 for a Strategic Housing Development comprising a total of 732 no. Build to Rent residential units (492 no. apartments and 240 no. single occupancy shared accommodation private living spaces) **with a mix of community, co-working, social, cultural and retail (inc. food and beverage) uses distributed across 4 no. buildings.** The permitted development ranges in height from 2 no. to 19 no. storeys.

If this scheme could include community, co-working, social, cultural and retail (inc. food and beverage) uses then why can't the current scheme include Storage World which is primarily a residential storage business?

6.2.6 Dundrum's Old Shopping Centre SHD is relocating/subsuming the LIDL supermarket

The Applicant SHD planning application seeks to give the impression that all parties in the estate have agreed to this scheme. This is not the case. Our client has repeatedly asked to be incorporated into the scheme. This was met with a no.

BPS cannot understand why this is an issue at all. Other and much larger SHD schemes work with existing tenants and businesses on sites to come to an understanding and agreed design as to how they can be relocated/subsumed into the scheme.

The current SHD scheme for Dundrum's Old Shopping Centre, ABP's SHD reg. ref. TA06D.313220, proposes to relocate the LIDL supermarket in full within the scheme and with all its associated storage areas.

Why has no similar arrangement been made here? Our client's business is fully compatible with this residential scheme. It is a quiet use and is very tightly trafficked relative to a supermarket.

6.2.7 Relative to other SHDs this scheme presents a poor mix of uses & removes existing uses

When one reviews this scheme's public notices, the first item listed is the loss of 6,604sq.m of non-residential uses which includes the total extinguishing and/or demolition of our client's business use which started on this site and has expended.

While the site may have been re-zoned, any new development scheme for this site should try to include existing uses where possible and to make this a more mixed use scheme. As it stands, this scheme is to offer 165sq.m of non-residential uses (excl. ancillary uses) via the change of use of the existing 2-storey residential units 307/307a South Circular Road from residential to shared workspace/office space (c. 165 sq. m).

Our client does not consider that this is acceptable. The site is sufficiently large for their business to be incorporated and to continue to operate at this location which would ensure a greater mix of uses and a residential storage service for future tenants of the scheme.

6.2.8 Conclusion – Storage World is an appropriate compatible use & should be retained

For the reasons given above, our client - Storage World - considers that these lands have previously been in use for community related uses such as An Post and their residential storage business.

The Applicant refers to how the proposed forcing out of our client's business – without any discussion and/or attempt to integrate the business into the scheme is "the more efficient use of these urban lands". But a mostly residential scheme coupled with residentially compatible businesses such as Storage World would be more appropriate for this site and would be in line with other SHD schemes which have permitted a mix of uses.

6.3 Issue 3: The proposed loss of an existing business is contrary to planning policy

6.3.1 The removal of Storage World – a successful local business – is contrary to the NPF

The proposed removal of Storage World – a successful local business – from this site with the extinguishing of its use and the jobs and service it provides at this location, is contrary to the following planning policies and objectives set out in the National Planning Framework (NPF) which seek to retain existing jobs and create new jobs alongside emerging new developments and development areas:

1. **Section 1.1 'Setting out the Vision' states: "**

By 2040 there will be roughly an extra one million people living in our country¹. This population growth will require hundreds of thousands of new jobs and new homes. If we fail to plan for this growth and for the demands it will place on our built and natural environment, as well as on our social and economic fabric, then we will certainly fail in our responsibility to future generations of Irish men and Irish women. That responsibility is to ensure their prosperity and happiness in an ever changing world.

2. **Section 1.3 'Shared Goals – Our National Strategic Outcomes' aims to ensure:**

*All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of re-use to provide housing, **jobs**, amenities and services, but which need a streamlined and co-ordinated approach to their development, with investment in enabling infrastructure and supporting amenities, to realise their potential [emphasis added].*

3. **Section 2.2 'Overview of the NPF Strategy' refers to:**

*Making better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and **jobs densities**, better serviced by existing facilities and public transport [emphasis added].*

4. Section 2.5 'Building Stronger Regions: Accessible Centres of Scale' refers to how in Irish cities:

*... **future population and jobs growth would be geographically more aligned** [emphasis added].*

5. Section 2.6 'Securing Compact and Sustainable Growth' states:

*Presently, the fastest growing areas are at the edges of and outside our cities and towns, meaning: A constant process of infrastructure and services catch-up in building new roads, new schools, services and amenities and **a struggle to bring jobs and homes together**, meaning that there are remarkably high levels of car dependence and that it is difficult to provide good public transport [emphasis added].*

6. Section 4.3 'Planning for Ireland's Urban Growth' refers to the need for:

*... **a good balance of people and jobs, there is a need to continue balanced population and employment growth** [emphasis added].*

7. Section 4.5 'Achieving Urban Infill/ Brownfield Development' states:

*The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement, from the largest city, to the smallest village. This means encouraging more people, **jobs** and activity generally within our existing urban areas, rather than mainly 'greenfield' development and requires a change in outlook. In particular, it requires well-designed, high quality development that can encourage more people, and **generate more jobs** and activity within existing cities, towns and villages [emphasis added].*

8. National Policy Objective 11 sets out how in achieving urban infill/ brownfield development "**there will be a presumption in favour of development that can encourage more people and generate more jobs** and activity within existing cities" [emphasis added] (see Fig. 15).

National Policy Objective 11

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

Fig. 15: National Policy Objective 11 of the NPF

9. National Strategic Outcome 1 'Compact Growth' which aims to:

Encourage economic development and job creation, by creating conditions to attract internationally mobile investment and opportunities for indigenous enterprise growth ...

Encourage labour mobility to support employment-led growth ...

10. National Strategic Outcome 5 'A Strong Economy Supported by Enterprise, Innovation and Skills' which states:

A competitive, innovative and resilient regional enterprise base is essential to provide the jobs and employment opportunities for people to live and prosper in the regions. Achieving the ambitious projected target of an additional 660,000 people at work in the context of increased global uncertainty, Brexit and technological disruption underlines the importance of building competitive regional clusters and generating an uplift in enterprise export competitiveness to secure sustainable jobs and growth.

11. National Strategic Outcome 8 'Transition to a Low Carbon and Climate Resilient Society' which requires that businesses which provide jobs and services need to be closer to and/or in the heart of the communities that they serve. This is part of the way to transition to a low carbon world.

Client response to NPF policies:

- The Applicant scheme proposes to remove an existing compatible business from this site with the loss of its job and residential storage service to this area. This proposal is contrary to the NPF which seeks to develop new housing areas alongside new or existing jobs and services.
- This is a brownfield development which asks to be treated as a greenfield site whereby all existing uses including our client's business are extinguished and all existing buildings are removed. This is not appropriate redevelopment and regeneration. It is de facto redlining by way of commercial gentrification. The preference was not to include Storage World and so Storage World is not included.
- The Applicant scheme picks and chooses from the NPF's various policies as they pertain to the compact and sustainable development within cities such as Dublin. The fact that this scheme's proposal to remove Storage World runs counter to the need to provide higher residential densities alongside jobs and services is conveniently overlooked. This is in an area which has recent SHD planning permissions for vast numbers of residential units and needs more jobs and services.
- The Applicant scheme seeks to push Storage World out of this site where it offers local employment and a local service to some other unnamed location – there has been no consultation. This is wholly at odds with the NPF's clear direction to planning authorities that future population and jobs growth would be geographically more aligned and to balance population and employment growth.
- The Applicant proposal replaces an existing successful business with housing without considering including both. This fails to even try to achieve a good balance of people and jobs.
- Compact and sustainable growth requires bringing jobs and homes together to avoid vehicular dependence. The Applicant scheme seeks to remove Storage World jobs from this site and to remove the Storage World service to an area away from the catchment it serves.
- Schemes such as the Applicants are, according to NPO11, meant to generate more jobs and activity within existing cities. They are not meant to remove existing jobs and cause them to be relocated. This scheme's starting point should have been to retain existing jobs within the site.
- By removing Storage World, this proposal cannot be considered to align with NPO8 which requires that businesses offering jobs and services need to be closer to and/or in the heart of the communities that they serve.

BPS submits that failure to include Storage World (and its jobs and local service) within the plans for this scheme and to propose its removal from this site is contrary to the NPF. The above policies all confirm that brownfield developments should include jobs and services at the same time as new housing. Storage World offers local jobs and a local service at this location. The Applicant's planning application, including its Statement of Consistency and EIAR fails to address this significant deficiency within the submitted proposals.

6.3.2 The removal of Storage World – a successful local business – is contrary to the RSES

The Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES) sets out planning policies which seek to ensure employment and services exist and are retained or are developed alongside new housing schemes.

The proposed removal of Storage World – a successful local business – from this site with the extinguishing of its use and the jobs and service it provides at this location, is contrary to the following planning policies and objectives set out in the RSES:

1. **Section 1.3 'What is a Regional Spatial and Economic Strategy?' states:**

The RSES provides a: • Spatial Strategy – to manage future growth and ensure the creation of healthy and attractive places to live, work, study, visit and invest in. • Economic Strategy – that builds on our strengths to sustain a strong economy and support the creation of quality jobs that ensure a good living standard for all [emphasis added].

2. **Section 1.6 states: "there is a mismatch between the locations of jobs and where people live"** [emphasis added].

3. **Section 2.2 'Vision and Key Principles', 'Economic Opportunity' aims:** "To create the right conditions and opportunities for the Region to realise sustainable economic growth and quality jobs that ensure a good living standard for all" [emphasis added].

4. The Strategic Vision of the RSES sets out 16 'Regional Strategic Outcomes' (RSOs). The Applicant refers to RSOs 1, 2 and 6:

- **RSO 1: Sustainable Settlement Patterns** – "Better manage the sustainable and compact growth of Dublin as a city of international scale".

- **RSO 2: Compact Growth and Urban Regeneration** - "Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens".
 - **RSO 6: Integrated Transport and Land Use** - "Promote best use of Transport Infrastructure, existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning".
5. **Section 4.3 'Defining a Settlement Typology'** refers to the need to:
- Align Population, Employment and Housing Growth – Divergence between the places people live and work leads to long-distance commuting and congestion, which is having a negative impact on quality of life. To address this, **promote sustainable growth in the right locations and 'catch up' investment and consolidation in local services, amenities and employment** in areas that have experienced large scale commuter driven housing development* [emphasis added].
6. **Section 5.1 of Chapter 5 'Dublin Metropolitan Area Strategic Plan' (MASP)** refers to how: "While Dublin performs well on an international scale, it **has significant challenges in areas such as transport, housing, amenities, sustainability and liveability**" [emphasis added].
7. **Section 6.3 'Economic Strategy'** refers to how "The vision for the Region is a growth that is **sustainable**, competitive, inclusive and resilient. This requires the development of a **strong economic base** ..." and "**Orderly Growth**: Though the identification of locations for strategic **employment development in line with our Growth and Settlement Strategy, compact growth** will be achieved" [emphasis added].
8. **Section 9.3 'Housing and Regeneration'** refers to the "**Asset Test for the strategic location of new residential development**" [emphasis added], including, inter alia:

SCALE - *Is there potential for compact sustainable development, based on the settlements scale, rates of growth, local ambition and availability of serviced lands?*

FUNCTIONS - *Is there a good level of local employment provision, based on its jobs ratio and net commuting flows, and/or potential to develop complementarities with other places?*

SERVICES - *Will local services and amenities including community, education, health, leisure and retail be accessible as set out in the '10-minute settlement' concept?*

ECONOMIC - *Is there potential for better alignment of housing and employment provision, to strengthen local economies or drive economic development opportunities?*

ENVIRONMENT - *Does the environment have the carrying capacity for development? Is there potential to enhance environmental quality and/or support transition to low carbon/climate resilience?* [emphasis added]

Client response to RSES policies:

- The Applicant scheme proposes to remove an existing compatible business from this site with the loss of its job and residential storage service to this area. This proposal is contrary to the RSES which seeks to develop new housing areas alongside new or existing jobs and services.
- By removing Storage World, this proposal cannot be considered to align with the Asset Test for the strategic location of new residential development. The proposals fail to offer a sustainable development approach to the site which retains existing jobs. The scheme offers poor local employment provision and offers no consideration of the impact that relocating the Storage World function would have on creating unnecessary traffic flows into and out of the area. Relocating Storage World would place it outside of 10 minutes of the area. The scheme fails to align housing and jobs.
- This is a brownfield development which asks to be treated as a greenfield site whereby all existing uses including our client's business are extinguished and all existing buildings are removed. This is not appropriate redevelopment and regeneration. It is de facto redlining by way of commercial gentrification. The preference was not to include Storage World and so Storage World is not included.
- The Applicant scheme picks and chooses from the RSES's various policies as they pertain to the compact and sustainable development within cities such as Dublin, but the proposals fail to offer local employment opportunities.
- The Applicant scheme seeks to push Storage World out of this site where it offers local employment and a local service to some other unnamed location – there has been no consultation. This is wholly at odds with the RSES's clear direction to planning authorities that future population and jobs growth would be geographically more aligned and to balance population and employment growth.
- The Applicant proposal replaces an existing successful business with housing without considering including both. This fails to even try to achieve a good balance of people and jobs.
- Compact and sustainable growth requires bringing jobs and homes together to avoid vehicular dependence. The Applicant scheme seeks to remove Storage World jobs from this site and to remove the Storage World service to an area away from the catchment it serves.

- Schemes such as the Applicants are meant to generate more jobs and activity within existing cities. They are not meant to remove existing jobs and cause them to be relocated. This scheme's starting point should have been to retain existing jobs within the site.

BPS submits that failure to include Storage World (and its jobs and local service) within the plans for this scheme and to propose its removal from this site is contrary to the RSES. The above policies all confirm that brownfield developments should include jobs and services at the same time as new housing. Storage World offers local jobs and a local service at this location. The Applicant's planning application, including its Statement of Consistency and EIAR fails to address this significant deficiency within the submitted proposals.

6.3.3 The proposed loss of Storage World is contrary to the RSES 'Social Inclusion' policies

BPS has placed this concern in a separate section as it is important to counter what appears to be a prejudice in the Applicant proposals regarding the integration of Storage World into the current scheme. This prejudice has clearly arisen in discussions between the Applicant and our client. Despite repeated requests for inclusion, our client was told that the Storage World use would not be allowed and would not fit with the proposals. The Board can decide for itself as to what the Applicant was inferring.

The fact is that Storage World employs local people. It is a simple land use and does not offer "high end" jobs. Such a business is fully encouraged under the RSES for very sound social reasons. If a developer wants to move into an existing area there is a need to recognise that there is an existing social inclusion context. When the Dublin Docklands was redeveloped there had to be negotiations between the local community and those wishing to develop. Houses and jobs were provided to local people and local businesses were not extinguished and removed without due consideration for the impacts this would have.

Section 2.3 'Improve Education Skills and Social Inclusion' aims: "To improve education and **develop the right skills to attract employers and retain talent and promote social inclusion to ensure opportunities for quality jobs across the Region.** (NSO 5.10)".

Section 9.5 'Social and Economic Opportunity' of the RSES states: "**Social Inclusion is a key objective at national and local level. It refers to the way in which all persons in a community are integrated in an equal manner by reducing barriers to social inclusion ...**" [emphasis added].

If the Storage World jobs are removed, what jobs will be offered in the Applicant scheme to replace them? Why can't Storage World be facilitated, and its jobs retained?

Section 9.5 'Social and Economic Opportunity' states:

The Economic Strategy of the RSES seeks to promote the creation of quality jobs that support a decent standard of living and afford economic security. Additional social inclusion measures are required to ensure that everyone is able to benefit and access economic opportunities across the Region.

That is, the type of job that Storage World offers local people is the type which often requires additional social inclusion measures to achieve.

BPS submits that the Applicant proposals to remove Storage World and its employment from the site without any consideration for the social inclusion consequences of this for locally employed people is contrary to the RSES. Storage World should be retained. It is a positive land use for the community which offers opportunities for local people.

6.3.4 Removing Storage World is contrary to the Residential Development Guidelines

The proposal to remove Storage World from this site, to extinguish its use and to lose its local jobs, is contrary to the *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities* (2009) which encourage mixed use developments and offer employment alongside residential development.

The proposals are contrary to the following planning sections and policies of these guidelines:

1. Minister's Foreword: "

*The objective is to produce high quality – and crucially – sustainable developments: • quality homes and neighbourhoods, • places where people actually want to live, to work and to raise families, and • places that work – and will continue to work – and not just for us, but for our children and for our children's children. **That's what sustainability is all about; the integration of schools, community facilities, employment, transport and amenities with the housing development process in a timely, cost-effective way*** [emphasis added].

2. Para. 3.1 states: "A key design aim in delivering sustainable communities is the to reduce, as far as possible, the need to travel, particularly by private car, by facilitating **mixed-use development** and by promoting the efficient use of land and of investment in public transport. **Such policies will help to sustain viable local services and employment**" [emphasis added].

3. Para. 4.8 states: "The need to travel can be minimised if other commercial, leisure and community uses, **including local employment where appropriate**, can be located in close proximity and are well served by public transport" [emphasis added].
4. Appendix A states: "Selecting the appropriate definition of site / development area is important. Where non-residential uses, such as main roads, retail, employment and major open spaces are being planned in conjunction with housing, **an allowance needs to be made in the density assumption for the land that will be occupied by such uses which may be upwards of 25% at the neighbourhood or district scale**" [emphasis added].

BPS submits that the Applicant proposals to remove Storage World and its employment from the site without any consideration for the need to ensure that higher density residential development is achieved in a mixed use manner involving the retention of existing jobs and the provision of new jobs is contrary to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). Storage World should be retained as per Appendix A of the guidelines which make it clear that up to 25% of the scheme should comprise a mix of uses at the neighbourhood scale.

6.3.4.1 Removing Storage World is contrary to SPPR 7

At pre-planning stage, the 'DCC Opinion' stated: "It is recommended that the applicant clearly categorises and states the quantum and location of the resident support facilities, resident services & amenities as per SPPR 7".

The Applicant offers a scheme which removes all existing uses from the site – including our client's walk in local self-storage business - which is 99% residential in nature with 2 cafes and a creche.

The proposals are clearly out of line with SPPR 7 which requires a better mix of uses and more facilities and amenities for future residents.

There is an opportunity here to improve the mix of uses within the scheme by retaining Storage World which will offer future residents additional (albeit paid) storage which is wholly compatible with the scheme. The provision of the self-storage business within the scheme would significantly improve the services and mix of uses available to future tenants.

Specific Planning Policy Requirement 7

BTR development must be:

- (a) Described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:
 - (i) **Resident Support Facilities** - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
 - (ii) **Resident Services and Amenities** – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

Fig. 16: National Policy Objective 11 of the NPF

6.3.5 Removing Storage World is contrary to the Urban Design Manual (2009)

The proposal to remove Storage World from this site, to extinguish its use and to lose its local jobs, is contrary to the *Urban Design Manual* (2009) which encourage mixed use developments and offer employment alongside residential development.

The proposals are contrary to the following planning sections and policies of these guidelines:

1. Page 13 'Neighbourhood': "A good neighbourhood is one where people can easily satisfy daily needs whilst feeling safe as they do so. **The most successful neighbourhoods are well connected – to employment centres** or places people spend their leisure time" [emphasis added].
2. Page 20 'Connections': "How well connected is the new neighbourhood?"

Successful neighbourhoods tend to be well connected to places, facilities and amenities that help to support a good quality of life. Such places include high quality open space and landscapes, leisure opportunities, shops – both for convenience and comparison goods, schools, places of worship, health centres and places of employment [emphasis added].

3. Page 22 'Connections:

*By siting new homes in existing cities, towns or large villages, **such developments can support a reduction in travel demand since everyday facilities – and in many cases places of work – are located within easy walking or cycling distance (e.g. a 5-10 minute or 400-800m walk) from the home*** [emphasis added].

4. Page 32, Section 4, 'Variety':

As part of creating a vibrant neighbourhood, developers should incorporate adaptable building designs which permit people to work or start a business from their home [emphasis added].

5. Pages 32 to 37, Section 4, 'Variety' offer examples of where large residential schemes have incorporated mixed uses including quite large mixed uses. If Storage World was a supermarket, would it be being ignored by the Applicant? No, it would be relocated (this is discussed in Section 6.7 of this Planning Observation Report).

BPS submits that the Applicant proposals to remove Storage World and its employment from the site without any consideration for the need to ensure that higher density residential development is achieved in a mixed use manner involving the retention of existing jobs and the provision of new jobs is contrary to the Urban Design Manual (2009). Storage World should be retained and relocated/incorporated into the scheme. Our client objects to how the scheme has not already been adapted to incorporate Storage World.

6.3.6 Removing Storage World is contrary to the CDP 2016-2022's policies, etc.

The Dublin City Development Plan 2016-2022 sets out planning policies which seek to ensure employment and services exist and are retained or are developed alongside new housing schemes. The CDP also sets out how developments within Z1 zoned areas and/or any areas where a large scheme is proposed must provide for a mix of uses and ensure future residents have close access to all the services they require, etc.

The proposed removal of Storage World – a successful local business – from this site with the extinguishing of its use and the jobs and service it provides at this location, is contrary to the following planning policies and objectives set out in the CDP 2016-2022:

1. Section 1.1 'Introduction': **'Social/Residential – Developing Dublin as a compact city with a network of sustainable neighbourhoods which have a range of facilities'** [emphasis added].
2. Section 2.2.1 'Development Plan Consistency with the National Spatial Strategy (NSS) and the Regional Planning Guidelines (RPGs)' states: 'The development plan policies also underpin the creation of a compact city with **mixed-use environments**, sustainable neighbourhoods' [emphasis added].
3. Section 6.5 'Policies and Objectives', 6.5.1 'General':

*It is the Policy of Dublin City Council: CEE1: (i) To promote and enhance the role of Dublin as the national economic engine and driver of economic recovery and growth, with the city centre as its core economic generator. (ii) To promote and enhance the city's competitiveness and to address deficits, **to improve the business environment so that existing jobs are supported** and employment generated, and to be creative and practical in its responses to current economic challenges and opportunities* [emphasis added].

*CEE2: To recognise the crucial need for the planning and sustainable development system to be agile and responsive in the face of challenging and rapidly changing circumstances. Dublin City Council will **promote sustainable development by balancing complex sets of economic, environmental or social goals in planning decisions*** [emphasis added].

CEE3: To take a positive and pro-active approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and also to deliver high-quality outcomes [emphasis added].

CEE4: ... (iii) To promote jobs which provide quality of life and allow workers to play a full social and economic role in the development of the city [emphasis added].

4. Section 6.4 'The Strategic Approach' states:

*In responding to the challenges facing the economy of the city and its role as the national and regional economic engine, and the competition from other cities internationally, this development plan will pursue the following approach: **Developing enterprise, particularly the services sector, which is the critical sector for the city**...* [emphasis added].

5. **Section 6.5.5 'Employment, Enterprise and Economic Development Sectors':** "Economic success will depend on the continued strength of our enterprise and services base" [emphasis added].
6. **Section 12.5.6 'Social Inclusion and Regeneration'** states: "Social inclusion is important in creating sustainable neighbourhoods" [emphasis added].
7. **Section 14.2 'Challenges'** states: "The economic development of the city must also be accommodated. Some areas are suited to a blend of employment and residential uses, which ensures ongoing activity and also benefits from synergy between uses ... [emphasis added].
8. **Section 14.8.1 'Sustainable Residential Neighbourhoods – Zone Z1':**

vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

In both new and established residential areas, there will be a range of uses that have the potential to foster the development of new residential communities. These are uses that benefit from a close relationship with the immediate community and have high standards of amenity, such as convenience shopping, crèches, schools, nursing homes, open space, recreation and amenity uses [emphasis added].

Client response to DCC policies:

- DCC rezoned this site Z1 with our client's business left considering what the implications would be for them. They assumed future incorporation into a redevelopment of the site and contacted the Applicant regarding this. They were told that DCC was opposed to the inclusion of Storage World into the scheme and that the proposals for a "residential" scheme could not incorporate their existing and established business use. This is not what the DCC CDP 2016-2022 states. The Applicant has excluded our client's business by choice.
- The Applicant scheme proposes to remove an existing compatible business from this site with the loss of its job and residential storage service to this area. This proposal is contrary to DCC planning, employment and regeneration policies which seek to develop new housing areas alongside new or existing jobs and services.
- By removing Storage World, this proposal cannot be considered to align with national and regional planning policies as set out in Section 6.3 of this report. These policies must be taken into account by ABP.
- This is a brownfield development which asks to be treated as a greenfield site whereby all existing uses including our client's business are extinguished and all existing buildings are removed. This is not appropriate redevelopment and regeneration. It is de facto redlining by way of commercial gentrification. The preference was not to include Storage World and so Storage World is not included.
- The Applicant scheme picks and chooses from the CDP's various policies as they pertain to the compact and sustainable development within cities such as Dublin, but the proposals fail to offer local employment opportunities.
- The Applicant scheme seeks to push Storage World out of this site where it offers local employment and a local service to some other unnamed location – there has been no consultation. This is wholly at odds with DCC policy which requires that future population and jobs growth would be geographically more aligned and to balance population and employment growth.
- The Applicant proposal replaces an existing successful business with housing without considering including both. This fails to even try to achieve a good balance of people and jobs.
- Compact and sustainable growth requires bringing jobs and homes together to avoid vehicular dependence. The Applicant scheme seeks to remove Storage World jobs from this site and to remove the Storage World service to an area away from the catchment it serves.
- Schemes such as the Applicants are meant to generate more jobs and activity within existing cities. They are not meant to remove existing jobs and cause them to be relocated. This scheme's starting point should have been to retain existing jobs within the site.

BPS submits that failure to include Storage World (and its jobs and local service) within the plans for this scheme and to propose its removal from this site is contrary to the CDP 2016-2022. The above policies all confirm that brownfield developments should include jobs and services at the same time as new housing. Storage World offers local jobs and a local service at this location. The Applicant's planning application, including its Statement of Consistency and EIAR fails to address this significant deficiency within the submitted proposals.

6.3.6.1 Storage World is a "community use" protected by s. 16.14 'Community Facilities'

Our client's business offers storage to local people and provides a valuable community service in this regard. It can be argued that it is a community facility. Section 16.14 'Community Facilities' of the CDP states:

Re-development proposals on sites containing a pre-existing community use should ensure that this use in terms of floor space is no less than that on-site prior to redevelopment, and if possible should represent increased provision in this regard [emphasis added].

While ABP may not accept Storage World is a "community facility" in its most literal sense, but it is one by way of the essential service that it offers the community at this location. This service becomes even more essential when one considers that this scheme offers many small units which will require storage.

6.4 Issue 4: Objection to the pre-planning process

Given the significant volume of national, regional, and local planning policies, guidance and statutory guidance which encourage: mixed use residential development, jobs to be provided alongside residential development, the retention of enterprise and jobs in established areas, the need for sustainable neighbourhoods where existing businesses exist alongside existing and emerging communities, our client cannot understand how the pre-applicant process for this SHD planning application did not require consideration of the retention of those existing uses which were seeking to be retained.

Storage World has been asking to be included in this scheme since the site was re-zoned. Our client made submissions in opposition to the re-zoning which they considered would impact their business.

The SHD process has wholly excluded our client from being able to express their extreme discontent at being treated as though they do not belong on this site.

Storage World was forced to reply on DCC and ABP to represent its interests in being retained within a mixed use scheme on this site. Neither DCC or ABP sought to represent the interests of our client and their local employees who work at Storage World.

While Lidl is re-integrated back into the Dundrum Village SHD scheme currently submitted to the Board, Storage World is treated with some form of institutional prejudice under which it seems DCC and ABP consider this successful business which employ local people should just go away. To where? Where would DCC and ABP have our client move to? This is a sustainable and successful local business which serves local customers. Are all these customers likely to travel to some other location to attend their self-storage unit? No.

Our client considers that the Applicant has carefully managed communication with DCC and ABP such that it appears the estate is almost empty and that existing uses such as Storage World are happy to move and/or have reached some agreement to move. This could not be further from the truth. DCC and ABP have, it seems, been carefully cajoled into a position where (notwithstanding the "without prejudice" nature of pre-planning meetings), the potential loss of a successful community business is treated as a non-issue. That the loss of local jobs in an area where social inclusion initiatives are required is not a problem. That small pockets of enterprise can just be removed.

This debate occurred in docklands. Local people and businesses objected to the sudden red-lining and/or gentrification of their areas whereby all existing uses were trodden under foot. Our client asks that the Board take a step back and review the many planning policies set out in this report which support the retention of their business on this site within a more mixed use scheme.

6.4.1 Multiple pre-planning meetings were held DCC with no mention of retaining Storage World

The Applicant held 4 no. pre-application consultation meetings with Dublin City Council (DCC) taking place under Section 247 of the Planning and Development Act on the following dates:

- Pre-application Meeting no. 1 - 19th October 2020;
- Pre-application Meeting no. 2 - 6th January 2021;
- Pre-application Meeting no. 3 - 1st March 2021; and
- Pre-application Meeting no. 4 - 20th May 2021.

ABP received a submission from DCC on 7th October 2021 providing the records of consultations held pursuant to section 247 of the Planning and Development Act.

Not one of these meetings discussed the case for the retention of Storage World at this location even though it is a repository use which has drop in customers just like a supermarket or other service use. No objection was raised to the possible loss of job arising from the closure of this local business. Our client has set out suggestions in this report for how Storage World could be incorporated into this scheme. They consider that this should have been done at the first pre-planning meeting with DCC.

6.4.2 S. 5 Pre-Application Consultation Meeting 29/11/2021 – no mention of Storage World

On the 29/11/2021, ABP and DCC met with the Applicant for A S. 5 Pre-Application Consultation Meeting

The report³ arising from this meeting offers a snapshot of what was discussed. The sum of the starting position adopted by all parties – despite our client maintains long term leases within this estate – is clearly that what is an existing business park should fully convert to a residential scheme devoid of any attempt to integrate our client's existing business.

Again, BPS asks the Board to imagine a scenario in which an existing an existing supermarket or other community service providing business would be entirely air brushed out of all discussions pertaining to its future in a given re-development site.

There is a section of the minutes of this pre-planning meeting which refers to "deliverability". This scheme cannot be delivered without some agreement from our client whose leases are attached to this Planning Appeal Observation. Our client has set out suggestions in this report for how Storage World could be incorporated into this scheme. They consider that this should have been raised by ABP at its first opportunity.

6.4.3 Notice of Pre-Application Consultation Opinion – no mention of Storage World

In December 2021, the Board notified the Applicant that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, specific additional information should be submitted with any application for permission.

None of these items refer to providing details of what is proposed to happen to Storage World and the local jobs it provides.

- **Item 1** asks for an updated Architectural Design Statement, having regard to context and the locational attributes of the area; however, this report offers no justification for the removal of Storage World and confirms that no attempt has been made at any time to incorporate Storage World despite repeated requests from our client that this should occur.
- **Item 8** asks for tree losses to be justified while losses of jobs and a local business do not merit a mention.
- **Item 12** refers to the PA Opinion submitted to ABP on the 7th of October 2021 in particular, section 2.9 'Building a community', in relation to quantum of resident services and amenities. But this offers no consideration of whether Storage World, which would offer self-storage for future apartment occupants and jobs, should be retained as a community service and as an employer.
- **Item 18** refers to the 'Build to Rent' nature of the proposal. Our client submits that just being a BTR scheme does not in itself justify treating an occupied business estate as though it is a greenfield site with no existing businesses operating therein.

The Applicant has in fact offered no justification for the removal of Storage World from this site other than to provide a BTR scheme. The lack of detail provided at pre-planning and in response to the Board's Opinion as to what is proposed for existing uses is an indictment of the SHD planning process which excluded out client from making the case at an early stage for their inclusion.

6.5 Issue 5: The project reports all take the removal of Storage World as a given

The Applicant Planning Report, Design Statement and EIAR all set out this scheme's proposals as though the existing estate's uses have any value. Our client does not accept the premise of this entire proposal and its accompany reports which treat the removal of Storage World, an existing use which serves the local community, as a given.

6.5.1 Planning Statement of Response to An Bord Pleanála's Opinion Ignores Storage World

The submitted Statement of Response to An Bord Pleanála's Opinion ignores Storage World. Despite being asked to address "context" in Item 1 by way of a full Architectural Design Statement, the Applicant manages to avoid any mention of the existing large successful business on the site for which there are large signs on buildings, customers arriving and employees coming and going.

Section 2.12 'Quantum of Resident Services and Amenity' fails to note how the loss of Storage World from the site results in the removal of what would otherwise be a self-storage use which residents could use. The business offers a community service which the Applicant wishes to remove and replace with a scheme which is up to 99% residential.

³ <https://www.pleanala.ie/anbordpleanala/media/abp/cases/records/311/p311359.pdf?r=668613041710>

6.5.2 Architectural Statement of Response to An Bord Pleanála's Opinion Ignores Storage World

The Architectural Statement of Response to An Bord Pleanála's Opinion ignores Storage World is more or less a copy of the Design Statement which is addressed in Section cc of this Planning Observation Report but includes the following additional points:

- Section 1.2.2 'Summary of Response to Architectural Items in ABP Opinion' claims that "An updated Architectural Design Statement is included with this submission, which details the analysis of the site context and observed attributes of the local area, which forms the basis for the design".

Response: Neither document offers any assessment of the existing contribution of Storage World to the context for this site. It is a successful business but it is treated as though it does not merit a mention. Its whole exclusion from this scheme is not discussed at all. The Applicant was asked by the Board to address context and the local area. The Applicant response is selective and subjective.

- Section 1.3.1 'DCC Opinion' stated: "It is recommended that the applicant clearly categorises and states the quantum and location of the resident support facilities, resident services & amenities as per SPPR 7". The Applicant offers a scheme which is 99% residential in nature with 2 cafes and a creche.

Response: The proposals are clearly out of line with SPPR 7 which requires a better mix of uses.

The lack of consideration for the existing context, which includes our client's existing business, set out in the Statement of Response to An Bord Pleanála's Opinion cannot be justified. On what basis is this existing successful community business which offers walk-in self-storage which is compatible with the scheme's residential use to be removed from the site? The retention of the use would improve the mix of uses which is poor and provide storage for the scheme's over 60% studios and one beds which are tiny units.

6.5.3 Architectural Design Statement Ignores Storage World

The submitted Architectural Design Statement ignores Storage World. The existing business is not mentioned throughout this report:

- Section 1 refers to how "The site benefits from the opportunity to access the existing Dolphins Barn neighbourhood facilities ..." but manages to avoid mentioning the existing uses on the site such as Storage World which form part of those existing neighbourhood facilities.
- Section 1.1 'Site Location', 'Dublin City Site Context' refers to context but avoids mentioning how the existing estate contains our client's successful business. The entire matter of the business park context is entirely avoided. Aerial photos are provided showing the estate, but none include arrows which point to the existing occupants of the buildings.

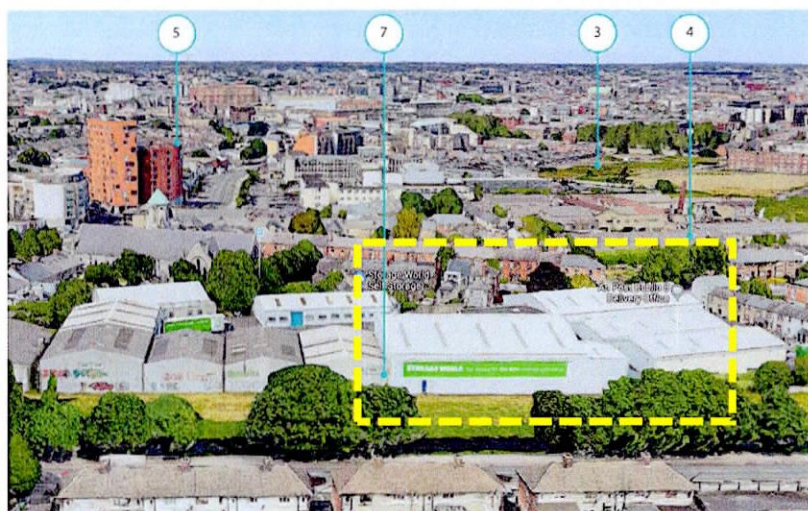


Fig. 17: The location of client's business is shown in but not discussed by the Design Statement



Junction of Priestfield Cottages, Rehoboth Place & SCR

Fig. 18: The location of client's business is shown in but not discussed by the Design Statement

- Section 2.3 'Existing Residential Character' provides an outline of the existing business park estate and then notes how it is surrounded by some housing. The site has been used for services such as An Post, businesses and light industrial uses for many years. It is an existing and operational estate in which Storage World is located. Instead, the reader is told "The site itself comprises several industrial units and associated parking and storage areas ... The existing structures on the site comprise industrial units (approx. two storeys in height)". Our client's land use is as a "repository". Their units are part of an existing self-storage walk in business. Their existing context is within a business park surrounded by houses.
- Section 2.6 'Site Analysis' entirely ignores Storage World and its existing use within the site. As noted elsewhere in the report, would the project architect be so dismissive if our client's use was an existing supermarket? Why is Storage World treated differently? It is a walk-in business which serves the local community.
- Section 3.1 'Vision' and Section 3.1.1 'Placemaking' focus on the works and do not justify why such a poor mix of uses is provided on site arising, inter alia, because existing uses such as Storage World are assumed to be removed.
- Section 4.4.2 'Strategic Principles' fails to offer any architectural design link to the existing and established business and/or industrial park use of the site.

The lack of consideration for the existing context, which includes our client's existing business, set out in the Architectural Design Statement cannot be justified. On what basis is this existing successful community business which offers walk-in self-storage which is compatible with the scheme's residential use to be removed from the site? The retention of the use would improve the mix of uses which is poor and provide storage for the scheme's over 60% studios and one beds which are tiny units.

6.54 The Non-Technical EIAR Summary fails to assess the proposed removal of Storage World

The EIAR and its Non-Technical Summary fail to properly assess the proposed removal of Storage World. The following concerns arise:

Non-Technical Summary:

Section 1.0 does not refer to Storage World

1. Sections 1.0, 1.1, 1.2 and 1.3 make no mention of Storage World which is an existing business with long term leases on this site. This is meant to be the summary of an Environmental Impact Assessment Report and the existing environment of the site which is partially defined by Storage World is not mentioned. The existing and operational use provided on this site by Storage World is not mentioned.

Section 2.0 does not refer to Storage World

1. The EIAR's 'Site Description' section does not name Storage World even though the business is fully operational at present and is successful. Storage World is a success story within in this area.
2. The EIAR's 'Overview of Development' section fails to mention the proposed removal of Storage World from the site which is an existing and sustainable community use. The non-inclusion of Storage World at this point sets the tone for the remainder of the EIAR which treats our client's business as though it does not exist.
3. The EIAR's 'Design of the Scheme' section fails to refer to any reference to how Storage World which is a business which contributes to the diversity of uses in this area is to be removed from the site because the Applicant refused to incorporate it into the scheme.

4. The EIAR's 'Access and Movement' section takes no cognisance at all the existing traffic movements generated by Storage World.
5. Sections 2.6 and 2.7 do not mention Storage World. The existing buildings occupied by Storage World are not mentioned. The 'Built Heritage' section does not refer to the historic uses when this estate which are industrial, light industrial and warehousing and how these are all proposed to be extinguished.

The north-eastern warehouse, occupied by Storage World, occupies the site of the original Laundry building depicted on the 1912 OS mapping, recorded in the DCIHR as No. 18 14 008 01 (Applicant EIAR Plates 17.2-17.4). This received no specific assessment as to Storage World.

Section 3.0 does not refer to Storage World

1. Sections 3.0 to 3.1.11 refer to a range of planning policies but not one reference is made to how there are multiple national policies and objectives pertaining to encouraging and sustaining established businesses. Section 6.3 of this Planning Observation Report sets out a range of national policies which confirms that the loss of Storage World from this site is not supported by national planning policy even where new residential development is proposed. No references are made to how the NPF, the RSES, planning guidance and statutory guidance all encourage mixed use development and especially retaining and/or providing jobs alongside housing. It would be standard to re-site a supermarket; it is not clear why Storage World has not been re-sited in this scheme.

Section 4.0 'Examination of Alternatives' does not refer to Storage World

1. Section 4.1 'Introduction' fails to refer to how the proposals would extinguish the Storage World land use from this site and its jobs and local storage service.
2. Section 4.2 'Do-Nothing' Alternative' fails to note how in this scenario Storage World would continue to be a successful business on this site offering local jobs and a local service. The loss of Storage World from this site would represent a significant impact on our client and as such this would be a significant impact on 'Populations and Human Health'.
3. Section 4.3 'Alternative Uses' states: "

While cognisance was duly given to potential non-residential uses, the characteristics of the site lends itself to the delivery of a residential development as being the most appropriate and efficient use, and one that could suitably accommodate the height and density proposed in order to take advantage of proximity to local services, amenities, employment centres and sustainable transport options (emphasis added).

No reference is made to existing non-residential uses (Storage World is not specifically mentioned). The assessor refers only to "potential non-residential uses" but notes how it was decided to proceed with a residential scheme. Reference is made to local services but, again, Storage World (a "local service") is not mentioned.

4. Sections 4.4 & 4.5 'Alternative Locations' again fails to refer to Storage World or to whether alternative locations were considered for the business or whether any consideration was given to locating it on this site.
5. Section 4.6 'Alternative Designs and Layouts' fails to offer a design and layout scenario whereby Storage World was retained or even considered to be retained. The proposed design and layout merely takes, as a given, the extinguishment of the Storage World land use from this site and its jobs and local storage service.
6. Section 4.7 'Pre-Application Process' failed to offer DCC or ABP a single pre-planning scheme design and layout incorporating Storage World.
7. Section 4.8 'Conclusion' fails to refer to the proposed removal of Storage World from the site which is an existing and sustainable community use.

Section 5.0 'Population and Human Health' does not refer to Storage World

includes references to "land use", "Employment" and "Social and Community Infrastructure" and to how "Two types of socio-economic impacts can typically arise; direct and indirect impacts. Direct impacts typically occur at a local level ...". It then sets out the following assessment which includes no mitigation measures and not one reference to Storage World:

1. Section 5.2 'Impacts from Construction Phase' – No mention is made of how our client's buildings are to be demolished and their land use extinguished from the site which is direct impact on the population.
2. Section 5.3 'Impacts from Operational Phase' – Fails to note the loss of employment uses from the site but claims the proposed development will be "supporting local jobs and increased revenue for local businesses". The loss of the storage business and its jobs from this site is not justified and/or mitigated in any way.

3. Section 5.4 'Do Nothing' Scenario' of the submitted EIAR Non-Technical Summary states:

In a 'Do Nothing' scenario, the subject lands would not be developed and the existing buildings on the subject site would be unused. The status of the environmental receptors described throughout this EIAR would be likely to remain unchanged while the potential for any likely significant adverse environmental impacts arising from the proposed development would not occur [emphasis added].

In fact, in the 'Do Nothing Scenario' our client's business remains fully operational into the future. Their existing buildings would be fully used. Their business would not be negatively impacted by the proposed scheme and they, as receptors, would also not be directly impacted. The Applicant EIAR cannot therefore be considered to have any credibility in the matter of assessing likely impacts of the proposed development on our client. The Board is invited to visit Storage World which is a local landmark use in this area – and to see its daily operations and meet its staff who are mostly local people.

The EIAR assessor fails to note that the loss of Storage World from the site and the loss of its jobs – the failure to incorporate the business into this scheme – is contrary to national, regional, and local planning policies and guidelines as set out in Section 6.3 of this Planning Observation Report. The assessor is referring to cherry picked policies only and does not refer to all those policies including employment and mixed uses which make up a sustainable neighbourhood.

Section 10.0 'Material Assets' fails to mention Storage World

MATERIAL ASSETS Material Assets are defined in the 'Advice Notes for Preparing Environmental Impact Statements' (EPA, Draft 2015) as "resources that are valued and that are intrinsic to specific places" and in the 'Guidelines on the Information to be contained in Environmental Impact Assessment Reports' (EPA, Draft 2017) "as "built services and infrastructure. They may be either of human or natural origin and can include amenities, population, human health, etc

1. This entire section fails to list Storage World as a local material asset. This is a community business which offers primarily residential storage to the local catchment. It is a local service, and it employs local people. It is an amenity. One might reasonably consider the entire loss of Storage World by way of extinguishment of use and demolition might be an impact that should have been assessed and mitigation measures discussed. But this is not included.
2. Impacts on 'Existing Neighbouring Properties' are assessed, but not impacts on Storage World.

Section 16.0 'Landscape and Visual Impact Assessment'

1. Storage World is somewhat of a local landmark business in this area and its signage is visible on South Circular Road. No assessment of the visual impact of the scheme arising from the loss of Storage World is undertaken by the Applicant.
2. The Hastings' Conservation Architect assessment states: "The site of the proposed development is currently occupied by industrial buildings" and then refers to them as "industrial sheds". This is not true. Storage World is a "repository use" and it is almost retail warehousing in its approach with customers able to walk in, etc. It is not a light industrial or industrial use. This is a fact (see Section 4.5 of this Planning Observation Report).
3. Both Hastings and ARC fail to assess and/or properly assess the likely impact of this scheme on Storage World.

Section 17.0 'Architectural Heritage' fails to mention Storage World

1. The Hastings' Conservation Architect assessment states: "The site of the proposed development is currently occupied by industrial buildings" and then refers to them as "industrial sheds". This is not true. Storage World is a "repository use" and it is almost retail warehousing in its approach with customers able to walk in, etc. It is not a light industrial or industrial use. This is a fact (see Section 4.5 of this Planning Observation Report).
2. The Hastings assessment fails to assess at all, the likely architectural heritage impact of the loss of Storage World from the site. Architectural heritage refers to both the buildings themselves and to their use. The use of Storage World is one that forms part of the amenities and/or facilities of this area.

The north-eastern warehouse, occupied by Storage World, occupies the site of the original Laundry building depicted on the 1912 OS mapping, recorded in the DCIHR as No. 18 14 008 01 (Applicant EIAR Plates 17.2-17.4). This received no specific assessment as to Storage World.

While our client accepts that their buildings are not protected structures, they should have received some assessment.

Section 20.0 'Interactions and Cumulative Impacts' fails to mention Storage World

1. This entire section fails to mention Storage World and/or the loss of this use from the site. This proposed impact is not mitigated at all.

Our client considers that the Non-Technical EIAR Summary has been written in a manner which effectively tries to portray their business as having closed down with only "industrial" buildings left on the site which are unused. Claims are made that if the scheme does not proceed then the buildings on the site will be vacant and un-used. This is blatantly not true and is misleading. Storage World is fully operational and the impact of the removal of this use from the site would be significant for the reasons set out above.

6.5.5 The EIAR mentions Storage World but does not assess the likely impacts on it

Our client acknowledges how in four sections of the full EIAR lists Storage World as an existing use on the site and the report sets out the buildings in which the business is located, the areas in which their staff and customers park and the areas of the estate around which customers of the business can circulate, etc. (see Sections 4.3.3, 6.4.1, 7.4.3, 17.3.8). The EIAR does not however assess the likely impacts on Storage World that will arise from the scheme. The assessment takes the removal of existing uses and the demolition of existing buildings as a given which is not appropriate for an EIAR which is meant to consider alternatives, etc.

Chapter 1 - Introduction

1. Sections 1.0, 1.1, 1.3, 1.6, 1.8 and 1.9 do not need to refer to Storage World.
2. Section 1.2 'Overview of the Proposed Development' fails to include any reference to Storage World or to the proposed extinguishing of all existing uses from the site. Claims are made that the scheme will be diverse despite proposing to remove existing uses including Storage World.
3. Section 1.4 confirms how: "The aim of the approach is to identify and predict any impacts of significance for a given proposed development" and then sets out an entire EIAR which does not consider the likely impacts on all existing uses within the site.
4. Section 1.5 'Informal Scoping' refers to how "An informal scoping exercise was conducted to establish the parameters of the issues to be addressed in the EIAR". No contact was made with our client's business despite how it is operational every day.
5. Section 1.7 'Consultation' appears to have only involved discussions with DCC - no other party is mentioned. This is very limited consultation for an EIAR of this size. No contact was made with our client's business despite how it is operational every day.
6. Section 1.10 'Difficulties in Compiling Specified Information' states: "No significant difficulties were experienced in compiling the necessary information for the proposed development". As no effort was made by any one of the EIA assessors to contact our client then it is reasonable to assume that the assessors did not fail to contact Storage World; instead, they did not try to do so.

Chapter 2 - Description of the Proposed Development

1. Section 2.2 'Overview of the Proposed Development' fails to refer to the existing uses on the site and/or to Storage World and how these uses are to be extinguished and demolished. No relocation proposals are set out.
2. Section 2.3 'Description of the Site and Surroundings' refers to "industrial units". Storage World's business is as a repository and not as an industrial use. The section does not specify that existing uses such as Storage World remain fully operational ("The site comprises a number of industrial units and associated parking and storage areas ... The existing structures on the site comprise industrial units ...").
3. Section 2.4 'Detailed Project Description' refers incorrectly to our client's repository land use as "industrial storage warehouses and office buildings". This is incorrect (see Section 4.5 of this Planning Observation Report).
4. Section 2.4.5 'Design Rationale' offers no explanation for why Storage World is not incorporated into this scheme. No consideration is given to this option.

Chapter 3 - Planning and Development Context

1. Section 3.3.1 refers to the National Planning Framework and fails to include any reference to the points set out in Section 6.3 of this Planning Observation Report as the document pertains to ensuring jobs and housing are not kept separate by way of failing to provide mixed use and unsustainable schemes.

No explanation for removing a successful business – Storage World – from the site is provided. If our client's business was a supermarket one can be sure this would be designed into the scheme. The Applicant assumes that the removal of the business from the site aligns with the NPF – it does not.

Claims are made that: "The proposed scheme will generate economic activity and place people close to existing services and employment within the existing footprint of Dublin City and Dolphin's Barn locality". The proposal will cause the loss of existing jobs in the estate including within Storage World.

These proposals for a vastly residential scheme to replace an existing de facto enterprise centre are contrary to National Policy Objective 11 which seeks to encourage more people and generate more jobs and activity within existing cities, towns and villages.

Forcing Storage World from the site (where they serve local storage needs) to another location possibly as far away as the M50 runs contrary to National Policy Objectives 27, 33 and 35 which seek to provide sustainable communities where unnecessary journeys are avoided, etc.

2. Sections 3.3.2 to 3.3.11 refers to multiple planning guidance documents. Section 6.3 of this Planning Observation Report sets out detailed areas where the Applicant has failed to address these guidelines because they decided to extinguish all existing uses from the site and to remove all these local jobs. This is not in the best interests of the local community and/or will not contribute to the creation of a sustainable community at this location.
3. Section 3.4 argues that the proposals are in keeping with the RSES. Section 6.3 of this Planning Observation Report sets out detailed areas where the Applicant has failed to address these guidelines because they decided to extinguish all existing uses from the site and to remove all these local jobs. This is not in the best interests of the local community and/or will not contribute to the creation of a sustainable community at this location. The Applicant speaks in general terms but does not focus on the site specific issues which arise in this case from the loss of local jobs and services if this scheme is not revised.
4. Section 3.4 fails to set out the local planning framework but instead refers to the Planning Report and Material Contravention Statement which are prepared by the same firm of planning consultants. In this way, the EIAR which is meant to be an objective environmental assessment and the Applicant's other reports which are designed to argue in favour of the scheme become interchangeable. One cannot tell which reports are meant to be objective assessment and which meant to be subjective project-led, pro-scheme, documents. This is not acceptable.

Chapter 4. Examination of Alternatives

1. Section 4.1 'Introduction' fails to refer to how the proposals would extinguish the Storage World land use from this site and its jobs and local storage service.
2. Section 4.3.1 'Site Location' does not mention Storage World.
3. Sections 4.3.2 and 4.3.3 'Site Description' and 'Current Uses on the Site' refer to "industrial units" and "industrial/warehouse units, with ancillary car parking and storage areas". Reference is made to: "Businesses occupying units within the Industrial Estate include: An Post Dublin 8 Delivery Office; BSS Dublin; and Storage World Self Storage". Our client's business is a repository use and not an industrial or warehouse use. No assessment or comment on the existing uses is provided. No details of the existing scale of these businesses is provided. No details of whether these uses are being re-sited, whether discussions have taken place, etc. are provided.
4. Section 4.4 'Characteristics of the Proposed Development' – No detail is provided at all as to the proposed extinguishing of existing commercial uses on the site which provide jobs, etc.
5. Section 4.5 'Do-Nothing' Alternative' of the EIAR states:

In a 'Do Nothing' scenario, the subject lands would remain undeveloped and the existing buildings on the subject site would be unused. The status of the environmental receptors described throughout this EIAR would be likely to remain unchanged while the potential for any likely significant adverse environmental impacts arising from the proposed development would not arise [emphasis added].

In fact, in the 'Do Nothing Scenario' our client's business remains fully operational into the future. Their existing buildings would be fully used. Their business would not be negatively impacted by the proposed scheme and they, as receptors, would also not be directly impacted. The retention of jobs and an existing business at this location would be a positive under all relevant planning policies. In this scenario Storage World would continue to be a successful business on this site offering local jobs and a local service. The loss of Storage World from this site would represent a significant impact on our client and as such this would be a significant impact on 'Populations and Human Health'.

6. Section 4.6 'Alternative Uses' states: "

While cognisance was duly given to potential non-residential uses, the characteristics of the site lends itself to the delivery of a residential development as being the most appropriate and efficient use, and one that could suitably accommodate the height and density proposed in order to take advantage of proximity to local services, amenities, employment centres and sustainable transport options [emphasis added].

No reference is made to existing non-residential uses (Storage World is not specifically mentioned). The assessor refers only to "potential non-residential uses" but notes how it was decided to proceed with a residential scheme. Reference is made to local services but, again, Storage World (a "local service") is not mentioned.

7. Section 4.7 'Alternative Locations' again fails to refer to Storage World or to whether alternative locations were considered for the business or whether any consideration was given to locating it on this site. For the reasons given in Section 6.3 of this Planning Observation Report, the failure to incorporate Storage World into this scheme is contrary to the Core Strategy of the Development Plan which seeks a mix of uses, the promotion of local employment alongside housing development, minimum commuting, the promotion and retention of local businesses, sustainable neighbourhoods and a strong policy emphasis on avoiding providing excessive housing without the necessary accompany jobs, services and amenities.
8. Sections 4.9 'Alternative Layouts' and 4.10 'Alternative Design' fails to offer a design and layout scenario whereby Storage World was retained or even considered to be retained. The proposed design and layout merely takes, as a given, the extinguishment of the Storage World land use from this site and its jobs and local storage service. The existing uses on the site have not been designed into the scheme but treated with no respect. At no point have existing uses such as Storage World been considered in any layout (see Figs. 19 to 22). This would not occur if our client's use was a supermarket, etc.

EIA - White Weather SHD Adrian Young

4.9.1 Alternative Layout Option 1

This initial option was predominantly arranged on an east-west axis to align broadly with the Grand Canal to the south and offset from the existing residential dwellings, at both Pinfield Cottages to the east and St James's Terrace to the west. This option considered access and egress through both the existing South Circular Road as well as the St James's Terrace at the west of the site to Dolphins Barn.

Figure 4.9.1 Alternative Layout Option No. 1

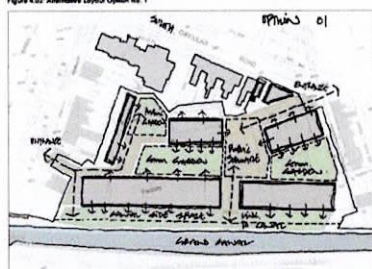


Fig. 19: Alternative Layout 1 – excludes any reference to accommodating existing uses

4.9.2 Alternative Layout Option 2

The second option concentrated the block arrangement to the centre of the site and again ran on the east-west axis and the bank of the Grand Canal to the south. There was an emerging clear line linkage to a southern canal-side amenity strip through the site dividing 2 no. compacted main blocks.

Figure 4.9.2 Alternative Layout Option No. 2

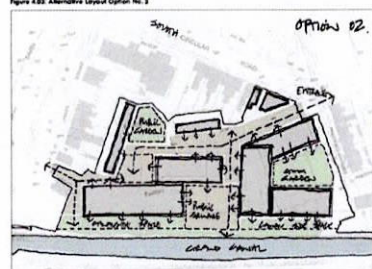


Fig. 20: Alternative Layout 2 – excludes any reference to accommodating existing uses

4.9.3 Alternative Layout Option 3

The third alternative layout established a clear design line through the centre of the layout to provide a clear and legible link to the Grand Canal amenity strip to the south while aligning the main blocks to this east-west axis. 2 no. parallel blocks defining the route through the scheme to the Grand Canal amenity strip to the south.

Figure 4.9.3 Alternative Layout Option No. 3

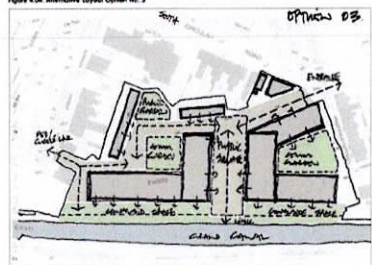


Fig. 21: Alternative Layout 3 – excludes any reference to accommodating existing uses

4.9.4 Alternative Layout Option No. 4

This option showed an opening up of a clear publicly accessible route through the subject site to the Grand Canal via a public square running north-south formed by 2 no. of a series of 4 no. parallel finger blocks.

Figure 4.66 Alternative Layout Option No. 4

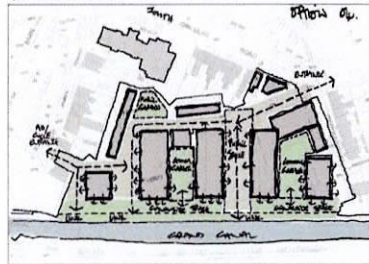


Fig. 22: Alternative Layout 4 – excludes any reference to accommodating existing uses

9. Sections 4.6.2.2 to 4.6.5 'Population and Human' to 'Follow up to Pre-application Meeting no. 4 fail to include the impact that this scheme would have on those who lose their jobs at Storage World. It fails to note how the section must consider land use and the proposed BTR scheme fail to offer a mix of uses which reflects its existing context. This proposal would remove an existing service from the area.
10. Section 4.7 'Summary of Alternative Designs' confirms no consideration for including Storage World in any scheme iteration.
11. Section 4.7.1 'Final Scheme to be submitted to An Bord Pleanála' avoids any discussion of the need for a better mix of uses within the scheme. Existing employment within the estate is wholly dismissed from what is meant to be an objective EIAR.
12. Section 4.7.1.1 'Environmental Consideration' states: "The scheme to be submitted to An Bord Pleanála was intended to be refined to mitigate against potential negative impacts on the receiving environment". Our client can identify no mitigation measures within the entire SHD application insofar as they pertain to Storage World.
13. Table 4.04: 'Final Design Option Summary of Environmental Considerations Environment' is conspicuous insofar as there is no reference whatsoever to the how Storage World remains operational within the site and the use is proposed to be extinguished with the consequent loss of a successful local business, local service, and local jobs. The table suffers from 'project blindness'.

Chapter 5. Population and Human Health

This chapter is meant to provides an assessment of the potential significant impacts that the proposed development at White Heather Industrial Estate may have on the human environment. However, the Applicant assessors – the project planning consultants – carefully refer to "in the vicinity of the subject site" (emphasis added) to exclude any reference to impacts on our client's business located within the site (in terms of mix of uses, employment, social and community infrastructure, and human health). The following concerns arise:

1. Section 5.2 'Consultation' – No consultation with our client.
2. Section 5.4 'Receiving Environment (Baseline)' refers to site location and fails to mention the existing estate and our client's existing operational business in the estate.
3. Section 5.4 'Land Use' and Section 5.4.3.1 'Land Use Zoning' are addressed by the Applicant as though the site's ongoing use up until its recent re-zoning was somehow at odds with the "residential nature" of the area. Let us bear in mind that the estate contained, inter alia, an An Post depot which is not exactly a non-essential use. If planning applications such as this continue to remove areas where businesses can locate then it will only result in unsustainable commuting patterns and the general division of residential areas from employment areas.
4. Section 5.4.5 'Social and Community Infrastructure' – The Applicant refers to how "A Community and Social Infrastructure Audit has also been prepared by Avison Young and is submitted with this planning application package". This audit and the EIAR ignore our client's business which provides a local service on this site and which provides local employment.
5. Table 5.2 outlines "existing community infrastructure serving the existing residents of this area and the future residents of the proposed residential development" but Storage World is not listed.
6. Section 5.4.6 'Human Health' contains a definition and no analysis.
7. Section 5.5 'Characteristics of the Proposed Development' fails to mention the existing estate and our client's existing operational business in the estate.

8. Section 5.6 'Potential Impact of the Proposed Development' fails to note any impacts on Storage World, its community use and is employment/jobs.
9. Section 5.6.14 'Social and Community Infrastructure' states:

*The construction stage of the proposed development is **unlikely to have any impact on the availability of the local amenities** outlined in Section 5.4.5. Furthermore, it is noted that some of these facilities will likely be strengthened as a result of the increased visiting population during construction with associated benefits in terms of improved viability. **It is submitted, therefore, that the effects on the social and community infrastructure in the local catchment during construction stage are considered to be temporary and neutral or slightly positive.***

The EIAR fully ignores the loss of Storage World as a community storage facility which employs local people. The impact on Storage World would be permanent and negative.

10. Section 5.6.2 'Operational Phase' refers only to the proposed scheme and makes no mention of what is to happen to existing employment and community uses on the site.
11. Section 5.6.2.3 'Employment' fails to refer to the loss of employment that will be caused by extinguishing the Storage World use from the site. The conclusions reached are only reached by ignoring the loss of existing employment uses from the site.
12. Section 5.6.2.4 'Social and Community Infrastructure' fails to mention the loss of Storage World which provides a community storage service and offers local jobs.
13. Section 5.6.3 'Do Nothing' Scenario' states: "the subject lands would not be developed and the existing buildings on the subject site would be unused". **This is not true. Storage World would remain in operation on the site. The EIAR is incorrect and misleading.**
14. Section 5.7 'Mitigation Measures' offers no reference at all to what is to happen to Storage World. There is no mitigation of the loss of the use, the loss of the jobs, the loss of the existing business, etc. The section sees no need to mitigate "Employment" impacts or "Social and Community Infrastructure Impacts" arising from the proposed loss of Storage World.
15. Section 5.8 repeats points already made and again fails to assessment impacts on Storage World.
16. Section 5.10 'Reinstatement' states: "There are no specific reinstatement works proposed relating to Population and Human Health". That is, Storage World is not to be re-instated and the business, its jobs and its service will be removed permanently.

All other chapters

All other chapters of the EIAR from 5 contain no reference to and no analysis of the impacts of this proposed development on Storage World's existing business, community self-storage use, local jobs, etc.

Our client considers that the EIAR has been written in a manner which effectively tries to portray their business as having closed down with only "industrial" buildings left on the site which are unused. Claims are made that if the scheme does not proceed then the buildings on the site will be vacant and un-used. This is blatantly not true and is misleading. Storage World is fully operational and the impact of the removal of this use from the site would be significant for the reasons set out above.

6.5.6 Community & Social Infrastructure Audit ignores Storage World

The submitted Community & Social Infrastructure Audit fully ignores Storage World. Indeed, it does not even refer to the word "storage". The report lists almost everything there is in the area. Shops, cafes, restaurants, pubs, creches, takeaways, etc., but there is no mention of our client's existing successful business which offers a community self-storage service and jobs to local people.

Photographs are provided of community businesses in the area, but Storage World is entirely whitewashed out. Crumlin Shopping Centre get a photo but not Storage World – currently a successful business within the estate – goes unnoticed.

If Storage World were located on a site adjoining the scheme, would it go unmentioned? No, the assessor would have noted how residents of the scheme could benefit from the self-storage and possibly from employment in the business. It would have been claimed the business contributed to the mix of uses in the area.

6.6 Issue 6: The mix of uses on the site is poor and Storage World would improve the mix

The proposed SHD includes the provision of 2 cafés and 1 childcare facility within an extremely dense BTR residential scheme. The mix of uses proposes is poor. The mix will not contribute positively to the community

and social infrastructure services in the area. The proposed uses are ancillary to the residential scheme and are not ones which lend themselves to encouraging community interaction with the scheme.

As the Sustainable Residential Density Guidelines (2009) make clear when speaking of "Density" in large schemes, there is a need for up to 25% of other uses. This scheme offers a tiny percentage of non-residential uses.

The re-siting of Storage World within this scheme would improve the mix of uses while offering residents – who are to live in very small units – additional walk-in storage and the opportunity of local employment.

6.6.1 A new "neighbourhood" requires a better mix of uses

The Applicant Design Statement, EIAR, planning reports and other reports refer to how this almost 99% residential BTR scheme will create a "neighbourhood". Our client disagrees. The Applicant scheme is single use with some minimal ancillary café and creche space which are primarily for the future residents. The scheme provides for the extinguishing and demolition of the Storage World business use which is a landmark business within this area. It is part of the grain of the existing neighbourhood, yet no consideration has been given to retaining the use within the scheme to ensure a genuinely mixed use neighbourhood.

A neighbourhood requires a mix of uses. This proposal fails to provide a mix of uses and fails to incorporate Storage World which is a sustainable community use sited within what is the existing urban neighbourhood at this location.

6.7 Issue 7: The Applicant site is sufficiently large to include Storage World

Our client trusts that ABP now understands that they are not asking for anything that other businesses have not achieved within other SHD schemes. They want to be included and consider that their exclusion cannot be justified on any planning grounds. Indeed, the loss of Storage World to this area would be unsustainable as it would require all those currently using the business to relocate and for the business to relocate to a less sustainable, community-based, location.

The Applicant site is large and could incorporate Storage World. At an early stage when it became clear that an SHD scheme was likely, our client requested that the drawings and proposals include Storage World. This has not happened.

As with adding a cinema, supermarket, or offices to a large scheme, adding Storage World would not be difficult. There is a given floor area to be achieved and this could be designed and sited in such a manner that the business would appear as though it had always been part of the scheme.

6.7.1 Storage World should be sited within the scheme as part of Phase 2

Our client submits that the Applicant's proposals should be revised to incorporate Storage World in Phase 2. As Fig 23 shows, the Applicant already proposes two phases, and this provides adequate opportunity for the Board to permit Phase 1 subject to making provision for parts of that area of the scheme to serve Storage World.

Note: For an onsite relocation to work, the new premises would have to be built first, then existing customers would have to be decanted in. If the existing business was shut down for a period of time, Storage World would likely lose all its customers. It took 7 years to fill both buildings. Storage World would accept anywhere on the site, even at basement level.

Phase 2 should be refused planning permission to provide the Applicant with the opportunity to submit revised plans to revise this part of the site to incorporate Storage World.



Fig. 23: The proposed scheme's phasing plan

6.7.2 Storage World should be re-sited within a revised scheme in place of Block B06

Our client notes how their existing business maintains canal frontage. Its footprint represents almost an ideal location for apartment blocks. They support the principle of this. They cannot however support this being achieved at their total expense. They maintain long term leases (attached) which could hold up this scheme for many years and/or prevent it taking place at all.

They do not want to do this, but they must protect their interests. They consider the Applicant should have and still could integrate their existing business into the scheme. They do not suggest that the existing buildings be retained, only that they be provided with the same floor area within a building which is accessible to those who wish to access the storage business.

On review of the Applicant's Proposed Site Layout Plan, one area of the site is clearly suited to the relocation of our client's business. This is the area shown in Figs. 24 and 25. This where Block B06 is presently sited.

This is an ideal area for the business because:

1. Storage World already maintains a building at this location and is a recognised element within the streetscape/urban environment (see Figs. 33 to 36)
2. The location is away from any canal frontage.
3. There is good vehicular access.
4. The location is within the scheme but can be easily accessed by those from outside the scheme.
5. The location is sited to the west of existing dwellings (No. 289 South Circular Road and Nos. 1 to 5 Priestfield Cottages) whose residential and visual amenities would be better protected by integration with our client's business than with a residential scheme block containing overlooking windows, etc.

Block B06 should be revised such that it incorporates our client's existing sustainable residential compatible business as set out in Section 6.7 of this Planning Observation Report.

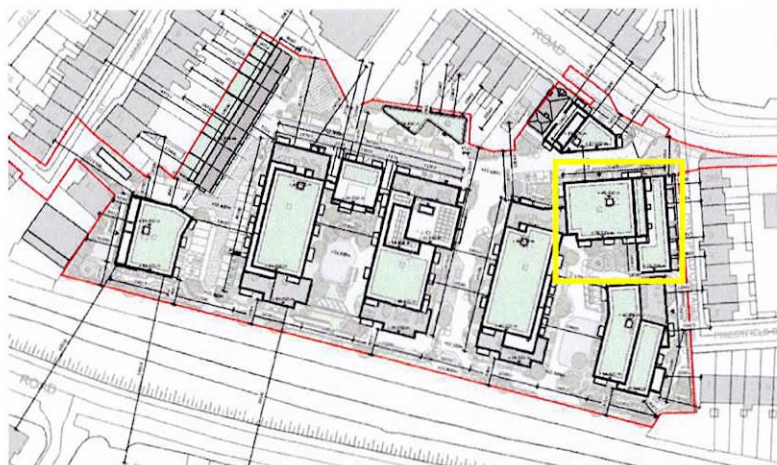


Fig. 24: The possible location of Storage World within the Applicant scheme

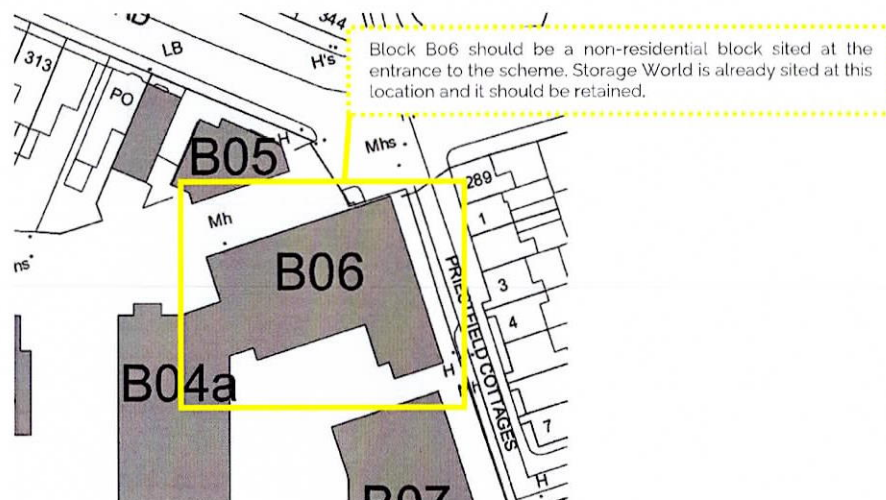


Fig. 25: The possible location of Storage World within the Applicant scheme

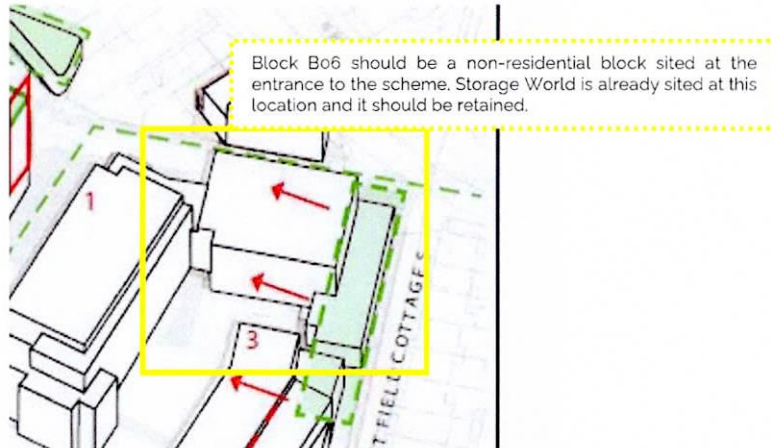


Fig. 26: The possible location of Storage World within the Applicant scheme

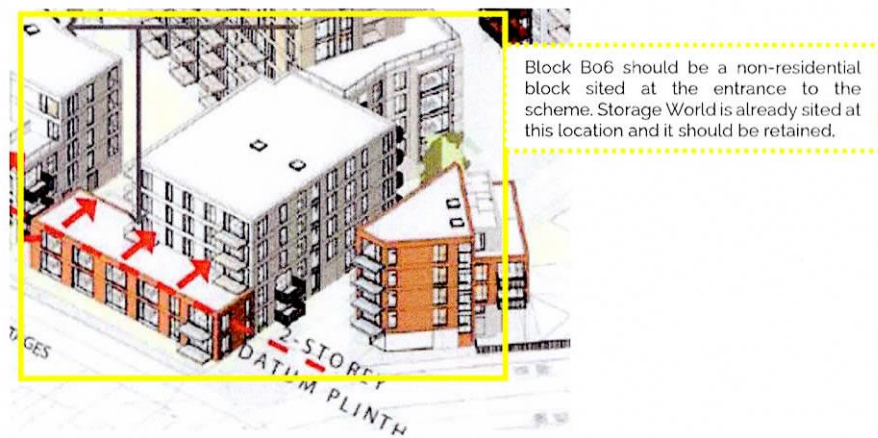
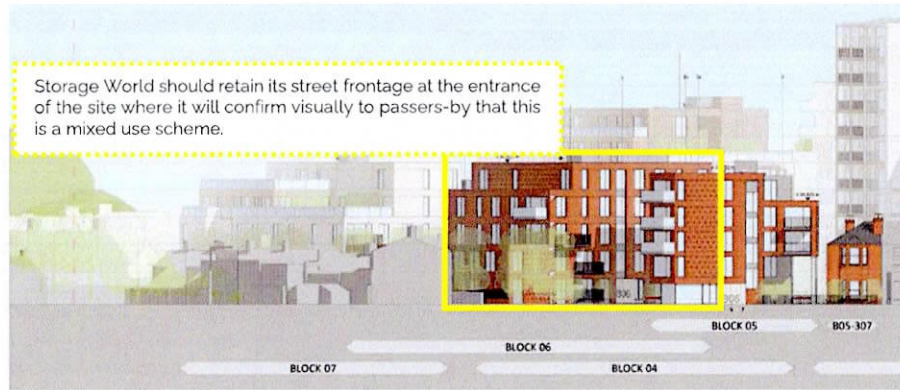


Fig. 27: The possible location of Storage World within the Applicant scheme



Fig. 28: The possible location of Storage World within the Applicant scheme



North Context Elevation

Fig. 29: The possible location of Storage World within the Applicant scheme



Fig. 30: The possible location of Storage World within the Applicant scheme



Fig. 31: The possible location of Storage World within the Applicant scheme



Storage World should retain its street frontage (on the other side of the internal access road from this CGI) to at the entrance of the site where it will confirm visually to passers-by that this is a mixed use scheme.

CGI View at Entrance along South Circular Road

Fig. 32: The possible location of Storage World within the Applicant scheme



Fig. 33: The existing Storage World building on the suggested location



Fig. 34: The Storage World building on the suggested location - view from the existing streetscape (1)



Fig. 35: Existing Storage World building on the suggested location - view from the streetscape (2)

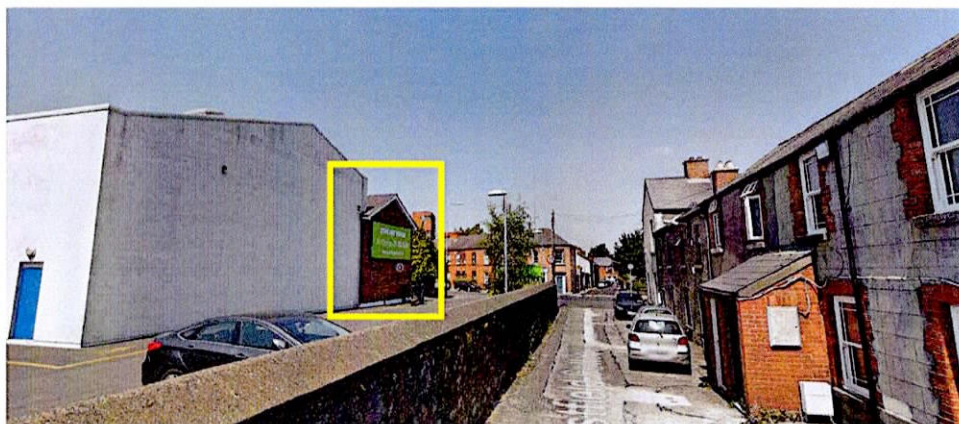


Fig. 36: The existing Storage World building opposite existing 2 storey dwellings

6.7.3 Block B06's replacement with a Storage World building makes design sense

Block B06 is a relatively small block (given the scale of the rest of the scheme) with areas of 2, 5 and 5 storeys. Our client considers that this block should incorporate Storage World and should be mixed use. They consider that this makes proper design sense because:

1. It would maintain Storage World at its present recognised location within the streetscape. The scheme's frontage to South Circular Road would appear more active and animated by having a commercial use at this location.
2. It would provide land use and visual connections between the proposed primarily residential scheme and its past.
3. Block B06 is too tall at present and needs to be reduced in height so as to step down to Priestfield Cottages
4. Block B06 would better integrate with Priestfield Cottages by being commercial in use. This residential block currently contains windows and balconies which would maintain views into and over Priestfield Cottages. These local households would have their privacy impacted in a way that Storage World does not presently cause. Storage World could maintain less impactful elevations that would reduce the negative impacts on these properties.

Our client submits that Block 06 should be conditioned to include Storage World by way of revised drawings and details to be agreed with DCC by way of compliance.



Fig. 37: The proposed elevations for Block B06 could contain Storage World

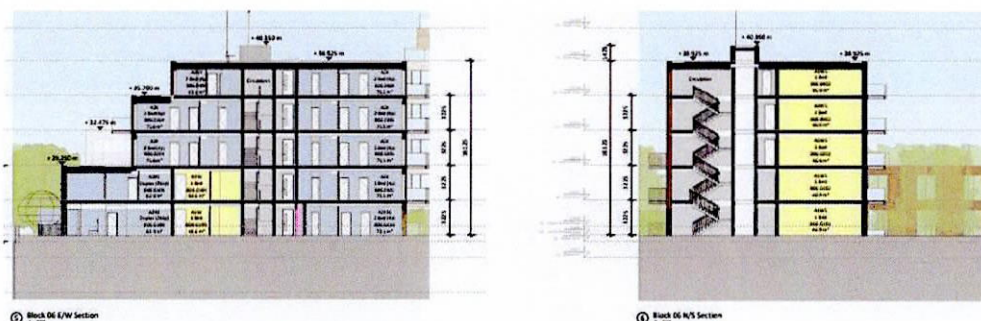


Fig. 38: The proposed sections for Block B06 could contain Storage World



Fig. 39: The proposed ground floor of Block 06

6.7.3.1 The main reception of the BTR scheme – Block 3 – adjoins Block 06

The Applicant's site layout and BTR Operational Management Plan confirm how the main reception and resident facilities are to be sited at the ground floor of Block 3. This is alongside Block 06 and the introduction of Storage World's reception at the north end of Block 06 would align with that of the Block 3.

3.2 Move-in & Move-out

3.2.1 Arrival Procedure

The main reception will be located at the ground floor level of Block 3. Residents arriving at reception will be greeted by the Resident Services Manager for initial (and subsequent) lettings viewings as well as during the move-in process. Residents will be provided with their keys upon successful finalisation of all aspects of their tenancy agreement. The management team will assist with the booking of lifts for move-in and all other logistics.

Fig. 40: Section 3.2 of the BTR Operational Management Plan

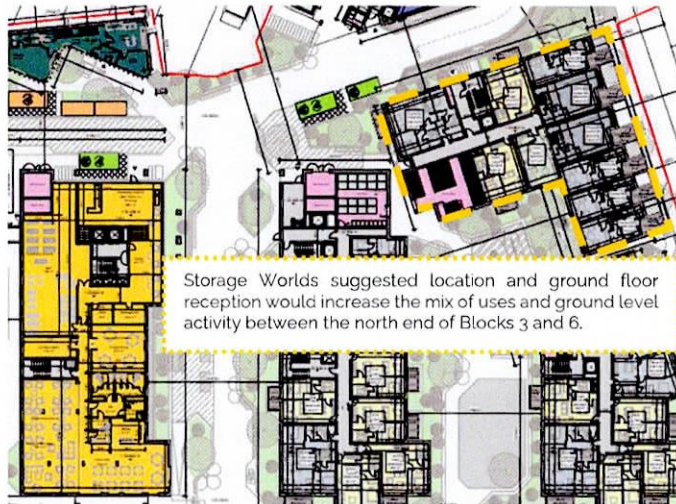


Fig. 41: The ground level of Block 6 should be active by way of adding Storage World close to Block 3

6.7.4 Scheme will receive deliveries to and unload/load at Block 3– deliveries are standard

The Applicant's site layout and BTR Operational Management Plan confirm how the loading and unloading of anything coming into the site will take place from the loading bay adjacent to the entrance to Block 3. Deliveries of parcels will be also received within the scheme. Delivery vehicles including Fedex, DHL, DPD and An Post vans will drive into the scheme and deliver parcels to Block 3.

The scheme is designed to receive deliveries in the vicinity of Block 06 where our client considers Storage World should be located on this site. Most deliveries and collections from Storage World are by foot, car or van for which this scheme is designed.

There is no reason why Storage World cannot maintain a loading bay if sited within Block 6. If Block 3 can receive deliveries to its loading bay, then so could Storage World.

4.0 Development Facilities & Operational Management Strategy

4.1.1 Set Down Area / Unloading Area

The Resident Services Manager will oversee the delivery and unloading of materials and items from the loading bay located adjacent to the entrance to Block 3. Residents will be provided with a time slot ahead of move-in and move-out to manage traffic effectively. Residents will be able to avail of "Move in" trolleys to transport their belongings to their individual apartments.

4.1.2 Post

The central amenity block will have post boxes for residents at lower ground floor levels for Blocks 2 & 3.

Blocks 1,4,5,6, and 7 will have post boxes in their own entrance lobbies at ground floor.

The houses at T09 will have post boxes at their private entrances.

All areas will be accessible to Residents and the postal services without the need for a tradesman entrance button. If deemed necessary, a fob will be provided to An Post which will be restricted to allow access into the reception/ lobby areas only. Residents are able to collect their post with their post box keys.

Fig. 42: The proposed parcel room for the scheme sited in Block 3

4.1.3 Parcel Storage

The development will feature a parcel management system with an emphasis on security and ease of access for delivery personnel. A parcel system (e.g. Bringme boxes) will be located in a designated Parcel Store Room at lower ground floor level of Block 3. This will be a centralised parcel storage facility for the entire development. Once a package is delivered, Residents will be notified and will be provided with a 4-digit code through the Resident App. Oversized packages will be held by the RSM in the management office.



Example Parcel Storage - Source: Bringme

Fig. 43: The proposed parcel room for the scheme sited in Block 3

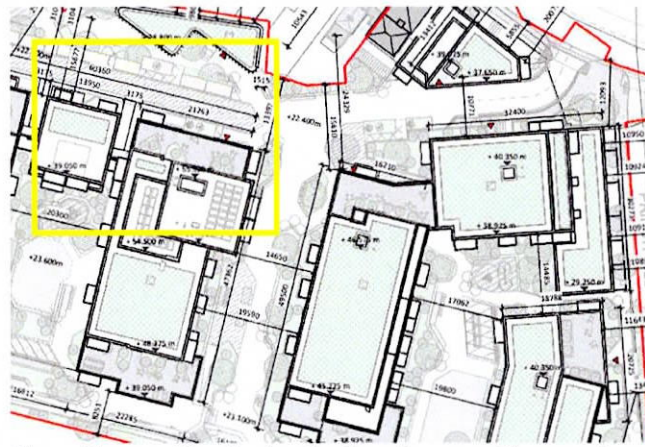


Fig. 44: Proposed loading bay for the scheme and the parcel room for the scheme are sited at Block 3



Fig. 45: Loading bay area for the scheme and the parcel room for the scheme are sited at Block 3