

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

AN BORD PLEANÁLA	
LDG- <u>064-129-23</u>	
ABP- _____	
06 JUN 2023	
Fee: € <u>220</u>	Type: <u>CHQ</u>
Time: <u>14:27</u>	By: <u>HAND</u>

Date: 6th June 2023
Our Ref: BC 23021

Dear Sir / Madam

RE: REFERRAL OF A DECLARATION UNDER SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS TO WHETHER THE INTRODUCTION OF PAY CAR PARKING AT THE STILLORGAN VILLAGE CENTRE, LOWER KILMACUD ROAD, STILLORGAN, CO. DUBLIN IS OR IS NOT EXEMPTED DEVELOPMENT.

Dún Laoghaire-Rathdown County Council Ref.: REF3923

1.0 INTRODUCTION

- 1.1 On behalf of the applicant, KW Investment Funds ICAV Acting For And On Behalf Of Its Sub Fund KW Investment Fund VIII, 94 St. Stephen's Green, Dublin 2, we, John Spain Associates, 39 Fitzwilliam Place, Dublin 2, hereby submit to An Bord Pleanála a referral of a Section 5 Declaration by Dún Laoghaire-Rathdown County Council on the 9th May 2023, for review by An Bord Pleanála under Section 5 of the Planning and Development Act 2000 (as amended). The statutory referral fee of €220 is enclosed.
- 1.2 A copy of the decision by Dún Laoghaire-Rathdown County council dated 9th May 2023 is attached at Appendix 1. A copy of the DLRCC Planner's Report is enclosed at Appendix 2. Appendix 3 contains a copy of the original Section 5 Declaration Request as submitted.
- 1.3 This referral seeks An Bord Pleanála to make a declaration on:
- "Whether the introduction of pay car parking and associated pay parking machines and signage at the Stillorgan Village Centre and overflow car park is or is not exempted development."*
- 1.4 The Section 5 Declaration (split decision) made by Dún Laoghaire-Rathdown County Council on 9th May 2023 under REF3923 considered that the introduction of paid car parking in respect of the existing shopping centre customer car park at the Stillorgan

- Village Centre (including overflow car park) constituted development which was not exempted development.
- 1.5 The question of whether the introduction of pay parking machines and associated signage has been considered exempted development by Dún Laoghaire-Rathdown County Council under the same Declaration pursuant to the provisions of Section 4(1)(h) of the Planning and Development Act 2000, as amended; and Class 13, Schedule 2, Part 2 of the Planning and Development Regulations (as amended).
- 1.6 In determining this referral, we request An Bord Pleanála to make a declaration on whether the provision of pay car parking:
- (i) is or is not development as defined by Section 3 of the Planning and Development Act 2000 (as amended), and
 - (ii) in the case where the introduction of pay car parking is considered to constitute development, whether or not the development is exempted development.

2.0 SITE LOCATION AND CONTEXT

- 2.1 The Stillorgan Village Centre is bound by residential houses to the north and west, by the Lower Kilmacud Road to the south and by the Old Dublin Road to the east. The site currently accommodates a 2 no. storey shopping centre comprising various retail, food and beverage units. The associated overflow car park is located south of the Lower Kilmacud Road.
- 2.2 The site is located c. 170m from the N11 Stillorgan Road which is well served by public transport. The N11 is proposed to be a spine route under the BusConnects scheme with peak frequency of 4/5 minutes. The site is also located c. 1.25km from the Stillorgan Luas Stop which is served by the Luas Green Line.



Figure 1: Aerial view of the subject site with the approximate site area outlined in red (See OS Map for accurate red line)

3.0 SECTION 5 DECLARATION FROM DÚN LAOAGIRE-RATHDOWN COUNTY COUNCIL

3.1 The original Section 5 application requested a Declaration on the following from Dún Laoghaire-Rathdown County Council:

“Whether the introduction of pay car parking and associated pay parking machines and signage is or is not exempted development.” at the Stillorgan Village Centre and overflow car park.

3.2 Dún Laoghaire-Rathdown County Council issued a split decision in its determination of the Section 5 application stating that *“the provision of pay parking machines and associated identification signage would constitute ‘development’ and would constitute ‘exempted development’* but that *“the introduction of pay car parking at Stillorgan Village Centre, (including overflow car park), Lower Kilmacud Road, Stillorgan, Co. Dublin would constitute ‘development’ and would not constitute ‘exempted development’.*”

3.3 This referral therefore solely relates to the introduction of pay car parking at the Stillorgan Village Centre (including overflow carpark).

3.4 The question of whether the introduction of pay parking machines and associated signage has been considered exempted development by Dún Laoghaire-Rathdown County Council pursuant to the provisions of Section 4(1)(h) of the Planning and Development Act 2000, as amended; and Class 13, Schedule 2, Part 2 of the Planning and Development Regulations (as amended).

4.0 LEGISLATIVE FRAMEWORK

4.1 The Planning and Development Act 2000, as amended, at Section 3(1) provides a definition of development for the purposes of the Act. Section 3(1) reads as follows:

“In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.”

4.2 It is demonstrated in Section 6.0 below that there is no material change of use arising from the introduction of paid parking to the existing customer car parks and therefore there is no ‘development’ in this respect.

5.0 PRECEDENT BOARD CASES

5.1 In the preparation of this referral to ABP and the Section 5 declaration request to DLRCC, we have reviewed relevant referral decisions from An Bord Pleanála to assist in determining whether planning permission is required for the use of the carpark for pay car parking.

5.2 One referral case is of particular relevance to the proposed works (ABP-300397-17). The case relates to the staff car park at a former Bank of Ireland premises, Parnell Street/The Applemarket, Co. Waterford.

ABP-300397-17

5.3 This case queried *“whether the use as a public pay car park of an area previously used for parking associated with a commercial/office premises at the former Bank of Ireland premises, Parnell/The Applemarket, Waterford is or is not exempted development.”*

5.4 This case proposed to change the car parking associated solely with the commercial/office premises to public pay parking. The Board found that this is considered development and is not exempted development because the development *“is likely to generate an increased intensity of use which is materially different from the use as parking incidental to the primary commercial/office use, due to alterations to the level and pattern of traffic and hours of operation, and is, therefore, a material change of use.”*

5.5 Therefore the Board in the first instance determined there was a change of uses arising from a change from staff parking to public parking, and secondly that there was a material change in use due to the intensification of the use arising from the change from staff to public parking, which would have a higher turnover of use of the car parking spaces and involve materially different patterns of travel of those utilising the car parking.

5.6 The Board stated that *“the use of the site as a public pay car park represents a new and separate business which has no connection to the primary commercial/office use of the site and is, therefore, a material change of use.”*

5.7 The Board also found that the *“the change of use of the land to car parking with a daily or hourly basis for charging, is likely to generate an increased intensity of use which is materially different to the use as parking incidental to the primary commercial/office use, due to alterations to the level and pattern of traffic and hours of operation, and is, therefore, a material change of use.”*

5.8 The test as to whether development would occur under Section 3(1) of the Act is firstly, is there a change of use and secondly is there a material change of use. The materiality of a change of use is typically assessed with respect the effects on the surrounding area, having regard to any intensification of use.

5.9 The difference between the above case and the proposal at the Stillorgan Village Centre and overflow car park is that the purpose and use of the existing car parks are for customers of the Stillorgan Village Centre. The introduction of paid parking will not result in any change of use, as the purpose of the parking will remain for customers of the Stillorgan Village Centre. The customer car parking would remain ancillary and incidental to the existing commercial use on site (Stillorgan Village Centre) and therefore there would be no change of use. The car park will remain

connected to the primary use of the site and would not constitute a new and separate commercial enterprise as contended by DLRCC.

- 5.10 It is considered that the introduction of paid parking would not likely generate an increased intensity of use and would not have materially different traffic and parking patterns from the current use. It is considered that the proposed change to paid parking would potentially have a positive impact on parking and traffic patterns and therefore would not be an intensification of use. The introduction of pay parking may discourage certain customers from utilising the car park, instead utilising more sustainable modes of transport such as public transport, walking or cycling.
- 5.11 Additionally, the introduction of paid parking would likely discourage any potential commuter based parking which may currently occur.
- 5.12 As such, there would not be an intensification of use and therefore if the Board considered in the first instance that there would be a change of use, it is respectfully submitted it would not be a material change of use in this case, and therefore would not constitute development.

- 5.13 The DLRCC Planner's Report states:

"Furthermore, it is considered a reasonable assumption that the introduction of paid parking would modify travel patterns of members of the public. Whilst these modifications could be positive for the local road network as they could contribute to reduce the number of trips by private modes towards active travel modes and/or public transport, it is deemed to be potentially a material modification nonetheless."

- 5.14 It is submitted that this extract is an acknowledgment by DLRCC that there would unlikely be an intensification of use, thereby notwithstanding that, in contrast to our opinion, DLRCC consider there to be change of use, DLRCC should not have assessed there to be a material change of use.

6.0 GROUNDS OF REFERRAL

- 6.1 A copy of DLRCC's Section 5 Declaration is included in Appendix 1. The Declaration sets out the approach of the Council in determining the current proposal.

DLRCC Declaration

- 6.2 The Declaration of Dún Laoghaire-Rathdown County Council on the 9th May 2023 states that:

"The introduction of pay car parking at Stillorgan Village Centre, (including overflow car park), Lower Kilmacud Road, Stillorgan, Co. Dublin would constitute 'development' and would not constitute 'exempted development' pursuant to the provisions of Sections 2 and 3 of the Planning and Development Act 2000 (as amended)."

- 6.3 The Planner's Report concluded:

"Therefore, having regard to the matters discussed above, the generation of a new revenue stream and the material modification of travel patterns, the Planning Authority is of the opinion that a material change of use in the car park would occur and, therefore, it comprises development. This is deemed to be consistent with An Bord Pleanála's position in Ref. RL93/300397."

Grounds of Referral and Response to DLRCC's Planner's Report and Declaration

- 6.4 It is respectfully submitted that there are some points of particular note in DLRCC's Planner's Report and their final Declaration which can be clarified in this Section 5 referral. These are set out below.

- 6.5 The Planner's Report states the following:

"The Planning Authority considers that the introduction of pay car parking for an existing car park associated with a commercial development would result in the provision of a new revenue stream that didn't exist previously and therefore would become a commercial enterprise on its own merit. At the moment the car parking is a free-of-charge ancillary element to the commercial uses of the Stillorgan Village. However, the introduction of paid parking would result in the car park being a commercial enterprise by itself."

- 6.6 As previously set out, it is considered that the parking on the subject site would remain ancillary to the existing commercial use on site (Stillorgan Village Centre), and therefore there would be no change of use. The car park will remain connected to the primary use of the site and would not constitute a new and separate commercial enterprise.

- 6.7 The Planner's Report also states that:

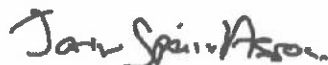
"Furthermore, it is considered a reasonable assumption that the introduction of paid parking would modify travel patterns of members of the public. Whilst these modifications could be positive for the local road network as they could contribute to reduce the number of trips by private modes towards active travel modes and/or public transport, it is deemed to be potentially a material modification nonetheless."

- 6.8 It is submitted that this extract is an acknowledgment by DLRCC that there would unlikely be an intensification of use, thereby notwithstanding that, in contrast to our opinion, DLRCC consider there to be change of use, DLRCC should not have assessed there to be a material change of use.
- 6.9 It appears that DLRCC consider that a modification of travel patterns, albeit acknowledged as likely for the better, results in a material change of use. It is submitted that the test of materiality would be if there were an intensification of the use, rather than a modification.
- 6.10 In the subject proposal, there would be no intensification of use, as the introduction of paid parking may discourage certain customers from utilising the car park, instead utilising more sustainable modes of transport such as public transport (along the N11 corridor), walking or cycling.
- 6.11 Additionally, the introduction of paid parking would likely discourage any potential commuter based parking which may currently occur. As such, there would not be an intensification of use and therefore if the Board considered there to be a change of use, it is respectfully submitted it would not be a material change of use.
- 6.12 In considering whether the introduction of pay parking would be exempted development or not, the Planner's Report states that *"the introduction of pay parking is not deemed to comprise 'works' to a structure but rather a material change of use, it is not considered to fall under the umbrella of Section 4(1)(h). With regards to use, it is considered that the paid parking nature of the proposal would have implications for parking availability and external effects on parking in nearby streets, and therefore is material."*
- 6.13 As set out, it is submitted that the introduction of paid car parking does not constitute development and therefore no exempted development provisions, such as that provided under Section 4(1)(h) are required.
- 6.14 Additionally, and in summary, the introduction of paid parking would not constitute a material change of use as the purpose of the parking will remain for the use of customers of the Stillorgan Village Centre and to encourage the use of more sustainable modes of transport such as walking, cycling and particularly public transport along the N11 Bus Corridor. It is considered that the proposal will have a positive impact on traffic patterns in the surrounding area and will reduce the number of commuters availing of the free car parking, which is not the intended use of the car park which is ancillary to the shopping centre.
- 6.15 As set out in the previous Section of this referral, it is submitted that the previous determination under ABP-300397-17, as referenced as comparable in the DLRCC Planner's Report, is not comparable as there was a change of use and an intensification of use which was material.

7.0 CONCLUSIONS

- 7.1 This referral is made on behalf of our client, KW Investment Funds ICAV Acting For And On Behalf Of Its Sub Fund KW Investment Fund VIII, following a Declaration by Dún Laoghaire-Rathdown County Council under Section 5 of the Planning and Development Act 2000 (as amended) in respect of whether the introduction of paid car parking (i) is or is not development as defined by Section 3 of the Planning and Development Act 2000 (as amended), and (ii) in the case where the introduction of paid car parking is considered to constitute development, whether or not the development is exempted development.
- 7.2 The test as to whether development would occur under Section 3(1) of the Act is firstly, is there a change of use and secondly is there a material change of use. The materiality of a change of use is typically assessed with respect the effects on the surrounding area, having regard to any intensification of use.
- 7.3 It appears that DLRCC consider that a modification of travel patterns, albeit acknowledged as likely for the better, results in a material change of use. It is submitted that the test of materiality would be if there were an intensification of the use, rather than a modification.
- 7.4 The introduction of paid car parking would remain ancillary to the existing Stillorgan Village Centre, with the purpose of providing car parking for customers and visitors to the centre. There would be no intensification of use as the introduction of paid parking may encourage customers to use more sustainable modes of transport and may discourage commuter-based parking.
- 7.5 For the reasons and considerations set out above, An Bord Pleanála is respectfully requested to determine if the introduction is or is not a material change of use and therefore would be considered exempted development.

Yours faithfully,



John Spain Associates

APPENDIX 1: SPLIT DECISION FROM DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

John Spain Associates
39, Fitzwilliam Place
Dublin 2

Reference No: REF3923

Application Type: Declaration on Development and Exempted Development Act- Section 5, Planning & Development Act (as amended)

Registration Date: 13-Apr-2023

Decision Date: 09-May-2023

Location: Stillorgan Village Centre, (including overflow car park),
Lower Kilmacud Road, Stillorgan, Co Dublin

Development Works: Whether the introduction of pay car parking and associated pay parking machines and signage is or is not exempted development. (See cover letter for further details)

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the Planning & Development Act, 2000 (as amended), Dún Laoghaire-Rathdown County Council has, by Order No. P/0811/23 Dated 09-May-2023 decided to issue a Declaration pursuant to Section 5 of the Planning & Development Act 2000 (as amended), to, John Spain Associates 39, Fitzwilliam Place, Dublin 2 that:

I recommend that Dún Laoghaire-Rathdown County Council advise the Applicant that having regard to:

- (a) Sections 2, 3 and 4 (1) (h) of the Planning and Development Act 2000, as amended; and
- (b) Class 13, Schedule 2, Part 2 of the Planning and Development Regulations, 2001 (as amended);

It is considered that: **SPLIT DECISION**

The introduction of pay car parking at Stillorgan Village Centre, (including overflow car park), Lower Kilmacud Road, Stillorgan, Co Dublin **would constitute 'development' and would not constitute 'exempted development'** pursuant to the provisions of Sections 2 and 3 of the Planning & Development Act 2000 (as amended).

It is also considered that the provision of pay parking machines and associated identification **signage would constitute 'development' and would constitute 'exempted development'**, pursuant to the provisions of Section 4 (1) (h) of the Planning and Development Act 2000, as amended; and Class 13, Schedule 2, Part 2 of the Planning and Development Regulations, 2001 (as amended).

Dated: 09-May-2023

Signed: Cormac Heavey
For Senior Executive Officer.

NOTE: Where a Declaration Is Issued under Section 5, any Person issued with such a Declaration, may, on payment to An Bord Pleanála, 64, Marlborough Street, Dublin 1, of a fee of €220, refer the Declaration for review, **within 4 weeks** of the date of issue of the Declaration.

**APPENDIX 2: DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL PLANNER'S
REPORT**

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

Section 5 – Planning and Development Act 2000 (as amended)

Reference No.: REF3923

Date Received: 13-Apr-2023

Name & Address: John Spain Associates 39, Fitzwilliam Place, Dublin 2

Applicant: KW Investment Funds ICAV Stillorgan Village Centre, (including overflow car park), Lower Kilmacud Road, Stillorgan, Co Dublin

App. Type: Section 5

Location: Stillorgan Village Centre, (including overflow car park), Lower Kilmacud Road, Stillorgan, Co Dublin

Development Works: Whether the introduction of pay car parking and associated pay parking machines and signage is or is not exempted development. (See cover letter for further details)

Report
(Miguel Sarabia)

PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)
SECTION 5

Ref: 3923

Matter for Determination

Declaration pursuant to Section 5 of the Planning & Development Act, 2000 (as amended), in respect of the introduction of pay car parking and associated pay parking machines and signage.

Site Description

The subject site comprises the Stillorgan Village Shopping Centre, including the associated surface car park, and the overflow car park located to the south west on the south side of Lower Kilmacud Road.

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Planning History

Subject Site

D18A/0504 – Permission granted by the Planning Authority at Stillorgan Village Centre for 'Permission for **new signage** associated with Stillorgan Village Centre (at Lower Kilmacud Road & Old Dublin Road elevations) and **reinstated signage** at units occupied by Cafe (located within shopping street), a Diner and restaurant (both located at Old Dublin Road elevation). The application is made in accordance with Condition 3 attached to An Bord Pleanála Order Ref. PL06D.246832 (DLRCC Reg. Ref. D16A/0271). The total area of signage applied for equates to 70.15 sqm.'

D18A/0191 – Permission granted by the Planning Authority at Stillorgan Village Centre for 'Permission for development consisting of **new replacement shopfronts** at commercial units located on the southern (Lower Kilmacud Road) and north-eastern (Old Dublin Road) elevations of the existing shopping centre. There is no additional floorspace as a result of this application. (The application is made in accordance with Condition 3 attached to the final grant of planning permission Reg. Ref.: D16A/0271, ABP Ref.: PL06D.246832, dated 21st October 2016).'

D17A/0191 – Permission granted by the Planning Authority at Stillorgan Village Centre for 'The development will consist of **amendments to the permitted development** under Reg. Ref: D15A/0392 and D16A/0271 (ABP Ref. PL06D.246832) for the upgrade and refurbishment of Stillorgan Village Centre comprising: the omission of previously permitted full glass canopy to the internal malls and its replacement with new solid canopies within internal malls and external facades (including associated reduction in height, elevational and alterations to parapets and addition of facade walls); internal revisions/reconfiguration of ancillary staff areas resulting in new retail area of c.45sq.m at first floor level; inclusion of feature window; replacement shutters to internal malls; provision of internal fire escape stairs; replacement of internal paving and inclusion of new internal lighting scheme; new signage at first floor level on Old Dublin Road Elevation; all associated ancillary site development works.'

D16A/0293 **Tesco Extension** – Permission granted by the Planning Authority and upheld by ABP (PL 06D 241807) at Stillorgan Village Centre for 'amendments to a permitted development under Reg. Ref. D12A/0289 (An Bord Pleanála Ref: PL06D.241807). The permitted scheme comprises of a two storey extension of 990 sq.m gross to the existing Village Centre to provide a retail unit (375 sq.m gross) at ground floor level and at first floor level a restaurant with ancillary sale of hot food for consumption off the premises (306 sq.m gross), reconfiguration and amalgamation of existing office units at first floor, and reorganisation of centre management office at first floor, change of use of existing stairwell area to first floor to a new customer service unit, and associated works including signage. The proposed amendments will result in an extension of 1,150 sq.m gross.'

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D16A/0271 Phase 2 Revisions – Permission granted by the Planning Authority and upheld by ABP (PL 06D.246832) at Stillorgan Village Centre for 'amendments to the permitted development under Reg. Ref. D15A/0392 for the upgrade and refurbishment of Stillorgan Village Centre. The proposed amendments comprise of the following: (i) Repair and replacement where necessary of existing mall paving surface; (ii) Provide door openings/fire escape stairs for fire escape purposes to the rear of a number of units at ground and first floor level and associated internal amendments; (iii) Omission of permitted first floor roof terrace and stair core for access to roof terrace at Unit 46; (iv) Replacement of permitted glass canopy with solid canopy to Old Dublin road and part of Lower Kilmacud Road elevations; (v) Omission of permitted café/restaurant of 415 sqm above Units 47,48 & 49; (vi) Provision of minor extension of 55 sqm gross to Unit 60-62 and provision of new shop front. This will result in the loss of 2 no. existing car parking spaces; (vii) Provision of minor extension of 16 sqm to Unit 50 and provision of new shop front; (viii) Provision of new single storey sprinkler tank and pump house to the rear (north-east) of the Village Centre; (ix) Minor alteration of alignment to first floor walls to internal mall to accommodate permitted canopy to internal mall; (x) Amendments to external facades, including amended cladding pattern, amendments to proportion of glazing to solid, provision of new metal reveals to mall entrance and amendments to levels of roof and parapet; (xi) Minor amendments to permitted lighting strategy for the Village Centre arising from the above proposed amendments. (xii) All associated and ancillary works. The permitted development provided an overall additional gross floor space of 443 sqm. The proposed amendments will result in a net reduction of 344 sqm and the development will therefore provide an overall additional gross floor space of 99 sqm.'

D15A/0392 Phase 2 – Permission granted by the Planning Authority at Stillorgan Village Centre for '1. Upgrade and refurbishment to the north-east and south-east elevations. 2. Upgrade and refurbishment of the internal mall elevations. 3. Removal of existing partial canopy to internal mall and provision of full glass canopy to the internal mall. 4. Extension of 12 sqm to Unit 19 (existing off-licence) located at ground floor level. 5. Provision of a proposed additional 415 sqm gross floor space above existing Unit 47/48/49 (Donnybrook Fair) for use as a café/restaurant. 6. Extension of existing Unit 46 by 16 sqm gross and amalgamation with Unit 47/48/49 (Donnybrook Fair) of 336 sqm to provide a single unit of 352 sqm. 7. Relocation of the existing entrance/exit from Lower Kilmacud Road to a position further to the west. 8. Amendments to internal layout and pedestrian and vehicular circulation of the car park at Stillorgan Village Centre. 9. Provision of Vehicle Messaging System signs at 4 no. locations in the surrounding area. 10. Re-ordering of the existing southern entrance from Dublin Road to the Red Car Park (Main) to left-in left-out only. 11. Re-ordering of the existing northern entrance from Dublin Road to the Red Car Park (Main) including new entrance lane and replacement pedestrian access/ramps. 12. Re-ordering of the Red Car Park (Main) including extension of parking area into the footpath adjacent to the junction of Kilmacud Road and Dublin Road. 13. Relining of the

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Green Car Park (overflow) to incorporate disabled, parent/child and electric charging spaces. 14. Provision of additional cycle parking spaces in the Red Car Park (Main) and service area. 15. Removal/relocation of all existing signage and provision of a common signage strategy for the Centre. 16. All associated and ancillary works, including hard and soft landscaping and lighting. The proposed development will provide and overall additional gross floor space of 443 sqm.

D12A/0289 – Permission refused by the Planning authority and granted by An Bord Pleanála (ABP Ref. PL06D.241807) for development which consists of a two-storey extension to the existing shopping centre to include a single retail unit at ground floor, restaurant unit with ancillary sale of hot food for consumption off the premises at first floor level and staircase to first floor. In addition the existing unit arrangement at first floor level consisting of two office units, storage and centre management offices shall be re-organised to facilitate one single office unit, a change of use from storage to gym and an extension of the centre management office. The proposed development consists of the following elements: 1) The proposed retail unit has a gross floor area of 533 sq.m (net retail area 355 sq.m). 2) The restaurant at first floor level has a gross floor area of 457 sq.m, including a proposed terrace of 64 sq.m on the south elevation. 3) The first floor will be accessed by a new atrium staircase which will also serve the shopping centre existing units at first floor level. 4) The proposed two storey development will be a maximum height of 65.9 metres, approx. 3 metres above the parapet of the adjoining existing shopping centre building. 5) The south eastern corner of the proposed development will include new shopping centre signage, illuminated on two sides. 6) Amendments to first floor consisting of: Amalgamation of existing two office units at first floor to one single office unit, change of use and extension of storage unit at first floor to gym use and reorganisation of centre management office at first floor. 7) Change of use of existing stairwell area to first floor to a new customer service unit. 8) Relocation of existing convenience foodstore service doors to the rear of unit. 9) The relocation of existing disabled car parking spaces. 10) All associated landscaping, boundary treatment and all other ancillary works. The proposed development also proposes the creation of staff facilities within the shopping centre by extending the existing staff toilets at first floor level as conditioned by D12A/0040 as well as amendments to existing car park layout as conditioned by D11A/0200.

D11A/0200 – Permission granted for retention of minor alterations made to the car park including a reconfiguration of the layout and the reduction in the number of spaces

Enforcement History

None on record.

Previous Section 5 Declarations

None on record.

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Development Description

The development subject to this Section 5 Application consists of the following:

- Introduction of pay car parking and
- associated pay parking machines and
- signage

The following documentation, *inter alia*, was submitted with this application:

- Application Form for Section 5.
- Site Location Map drawing.
- Cover Letter.

Assessment

The Council is requested to determine in accordance with Section 5 of the Planning and Development Act, 2000 (as amended), hereafter referred to as the Act, whether the introduction of pay car parking and associated pay parking machines and signage is exempted development.

Development or not Development

The first matter for determination is whether the proposal would or would not constitute development.

With regard to whether the proposal constitutes works and/or development, regard is had to Section 2(1) of the Planning and Development Act 2000 (as amended), where 'works' is defined as 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.'

Having regard to the above, it is considered that the provision of pay parking machines and signage comprises an act or operation of construction or alteration, and therefore constitutes 'works' as defined in the Planning and Development Act 2000 (as amended).

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 other land'.

The Planning Authority considers that the introduction of pay car parking for an existing free car park associated with a commercial development would result in the provision of a new revenue stream that didn't exist previously and therefore

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would become a commercial enterprise on its own merit. At the moment the car parking is a free-of-charge ancillary element to the commercial uses of the Stillorgan Village. However, the introduction of paid parking would result in the car park being a commercial enterprise by itself.

Furthermore, it is considered a reasonable assumption that the introduction of paid parking would modify travel patterns of members of the public. Whilst these modifications could be positive for the local road network as they could contribute to reduce the number of trips by private modes towards active travel modes and/or public transport, it is deemed to be potentially a material modification nonetheless.

Therefore, having regard to the matters discussed above, the generation of a new revenue stream and the material modification of travel patterns, the Planning Authority is of the opinion that a material change of use in the car park would occur and, therefore, it comprises development. This is deemed to be consistent with An Bord Pleanála's position in Ref. RL93.300397.

The provision of pay parking machines and signage is deemed to comprise works which constitute 'development' as defined by the Act.

Exempted Development or not Exempted Development

The second matter to be determined is whether the proposal would constitute exempted development or not.

Section 4(2)(a) of the Act provides that the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

In assessing this element of the determination, regard is had to Sections 4(1)(h) of the Planning & Development Act, 2000 (as amended), which states that the following shall be exempted development for the purposes of the Act:

'(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.'

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

It is noted from the outset that section 4(1)(h) relates to the carrying out of works to any structure. Since, as discussed above, the introduction of pay parking is not deemed to comprise 'works' to a structure but rather a material change of use, it is not considered to fall under the umbrella of Section 4(1)(h).

With regards to use, it is considered that the paid parking nature of the proposal would have implications for parking availability and external effects on parking in nearby streets, and therefore is material.

Article 6(1) of the Planning and Development Regulations 2001, as amended, states that '*Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*'

No class of development listed under Part 1 of schedule 2 was identified that related to the provision of paid parking.

Hence, the introduction of paid parking is considered to be development and is not exempted development.

Section 2(1) of the Planning and Development Act 2000, as amended, states that: "structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and (a) where the context so admits, includes the land on, in or under which the structure is situated,

Under the above broad definition the car park is deemed to be a structure as it is a thing made on land.

From that perspective, the provision of ticket machines could be considered to fall under s.4(1)(h) of the Planning Act as an alteration of the car park which does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure. It is noted in that regard that the Applicant has not submitted plans or elevations showing the dimensions of the ticket machines, just an indicative locations of the machines (8 locations shown in total) hence the visual implications of same are not evident. However, there does not seem to be much variation between the dimensions of ticket machines generally, for which the applicant has provided some indicative photos, and the Planning Authority is generally satisfied that 8 No. of those machines of a similar appearance to those shown in the documentation provided would not affect the external appearance of the car park.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

The provision of 8 No. pay parking machines is considered development and is exempted development.

With regards to the provision of signage, again no specific details have been provided of the dimensions of the signage, however, the Applicant has confirmed that signage to be erected will not be larger than the existing ones informing the public of parking control measures.

Class 13:

'Advertisements for the purposes of identification, direction or warning with respect to the land or structure on which they are exhibited'

The provision of signage for the purposes of identification of the car park as a pay car park is considered to fall under the provision of Class 13. Class 13 has a limitation which is that

'No such advertisement shall exceed 0.3 sq m in area.' As noted above the Applicant has confirmed that the signage associated with the change to pay parking would not be larger than the existing signage, which in any event is below 0.3 sqm.

Accordingly the planning Authority is satisfied that the erection of signage smaller than 0.3 sqm for the purposes of identification of the car park as a pay car park would be development and exempted development

Appropriate Assessment (AA) Screening

The development subject to this assessment has been screened for AA (report on file) and it has been determined that the development would not significantly impact upon a Natura 2000 Site.

Environmental Impact Assessment (EIA) Pre-Screening

Having regard to the nature of the development subject to this assessment, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and as such, a screening determination is not required.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

RECOMMENDATION: SPLIT DECISION

I recommend that Dún Laoghaire-Rathdown County Council advise the Applicant, John Spain Associates 39, Fitzwilliam Place, Dublin 2, that;

Having regard to:

- (a) Sections 2, 3 and 4 (1) (h) of the Planning and Development Act 2000, as amended; and
- (b) Class 13, Schedule 2, Part 2 of the Planning and Development Regulations, 2001 (as amended);

It is considered that:

The introduction of pay car parking at Stillorgan Village Centre, (including overflow car park), Lower Kilmacud Road, Stillorgan, Co Dublin would constitute **'development' and would not constitute 'exempted development'** pursuant to the provisions of Sections 2 and 3 of the Planning & Development Act 2000 (as amended).

It is also considered that the provision of pay parking machines and associated identification signage **would constitute 'development' and would constitute 'exempted development'**, pursuant to the provisions of Section 4 (1) (h) of the Planning and Development Act 2000, as amended; and Class 13, Schedule 2, Part 2 of the Planning and Development Regulations, 2001 (as amended).



Administrative Officer.

Executive Planner.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

ORDER

The issuing of a Declaration pursuant to Section 5 of the Planning & Development Act 2000 (as amended), to John Spain Associates 39, Fitzwilliam Place, Dublin 2, that:

I recommend that Dún Laoghaire-Rathdown County Council advise the Applicant that having regard to:

- (a) Sections 2, 3 and 4 (1) (h) of the Planning and Development Act 2000, as amended; and
- (b) Class 13, Schedule 2, Part 2 of the Planning and Development Regulations, 2001 (as amended);

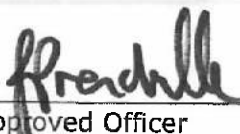
SPLIT DECISION

It is considered that:

The introduction of pay car parking at Stillorgan Village Centre, (including overflow car park), Lower Kilmacud Road, Stillorgan, Co Dublin **would constitute 'development' and would not constitute 'exempted development'** pursuant to the provisions of Sections 2 and 3 of the Planning & Development Act 2000 (as amended).

It is also considered that the provision of pay parking machines and associated identification signage **would constitute 'development' and would constitute 'exempted development'**, pursuant to the provisions of Section 4 (1) (h) of the Planning and Development Act 2000, as amended; and Class 13, Schedule 2, Part 2 of the Planning and Development Regulations, 2001 (as amended).

Signed:


Approved Officer

Date: 9/5/23

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2435, dated 8/5/23, delegating to me all his powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

APPENDIX 3: ORIGINAL SECTION 5 DECLARATION REQUEST

Planning Department,
Dún Laoghaire-Rathdown County Council,
County Hall,
Marine Road,
Dún Laoghaire,
Co. Dublin,
A96 K6C9

Date: 12th April 2023
JSA Ref.: 23021 BC

Dear Sir / Madam,

RE: APPLICATION FOR A SECTION 5 DECLARATION IN RESPECT OF THE INTRODUCTION OF PAY CAR PARKING AND ASSOCIATED PAY PARKING MACHINES AND SIGNAGE AT THE STILLORGAN VILLAGE CENTRE, LOWER KILMACUD ROAD, STILLORGAN, CO. DUBLIN AND WHETHER THE PROPOSED WORKS CONSTITUTE EXEMPTED DEVELOPMENT

1.0 INTRODUCTION

1.1 On behalf of the applicant, KW Investment Funds ICAV Acting For And On Behalf Of Its Sub Fund KW Investment Fund VIII, we hereby request a Section 5 Declaration from Dún Laoghaire-Rathdown County Council in respect of the following proposed works at Stillorgan Village Centre, Lower Kilmacud Road, Stillorgan, Co. Dublin:

Whether the introduction of pay car parking and associated pay parking machines and signage is or is not exempted development.

1.2 We enclose the following information with this Section 5 application:

- Statutory fee of €80;
- Completed Section 5 Application Form;
- Cover Letter prepared by John Spain Associates;
- 3 no. copies of Ordnance Survey Map prepared by O'Mahoney Pike Architects

1.3 This submission seeks a declaration as to - *Whether the introduction of pay car parking and associated pay parking machines and signage is or is not exempted development.* This cover letter will describe the proposed works and seeks to demonstrate that they constitute exempted development, having regard to previous Referral determinations by An Bord Pleanala.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The Stillorgan Village Centre is bound by residential houses to the north and west, by the Lower Kilmacud Road to the south and by the Old Dublin Road to the east. The site currently accommodates a 2 no. storey shopping centre comprising various retail, food and beverage units. The associated overflow car park is located south of the Lower Kilmacud Road.
- 2.2 The site is located c. 170m from the N11 Stillorgan Road which is well served by public transport. The N11 is proposed to be a spine route under the BusConnects scheme with peak frequency of 4/5 minutes. The site is also located c. 1.25km from the Stillorgan Luas Stop which is served by the Luas Green Line.



Aerial view of the subject site with the approximate site area outlined in red (See OS Map for accurate red line)

3.0 **LEGISLATIVE FRAMEWORK**

3.1 The Planning and Development Act 2000, as amended, at Section 3(1) provides a definition of development for the purposes of the Act. Section 3(1) reads as follows:

"In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land".

3.2 Section 2 of the 2000 Act, as amended, describes, *inter alia*, that:

*"works' includes any **act or operation of construction**, excavation, demolition, extension, **alteration**, repair or renewal . . .". (Emphasis Added)*

3.3 The works proposed to the car park include for the provision of ticket machines and associated signage to serve the public pay car park.

3.4 Section 4(1)(h) of the Planning and Development Act 2000, as amended, states that the following works shall be exempted development for the purposes of the Act:

*"(h) development consisting of the carrying out of works for the **maintenance, improvement or other alteration of any structure**, being works which affect only the interior of the structure or **which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures**". (Emphasis Added)*

3.5 It will demonstrated in Section 5.0 below that the proposed works, being an act and operation, to the Stillorgan Village Centre car park are works consisting of 'construction' and 'alteration' to the car park and it is respectfully submitted that these works 'do not materially affect the external appearance' and therefore can be considered to be works to the subject site which constitute exempted development within the meaning of Section 4(1)(h) of the Act.

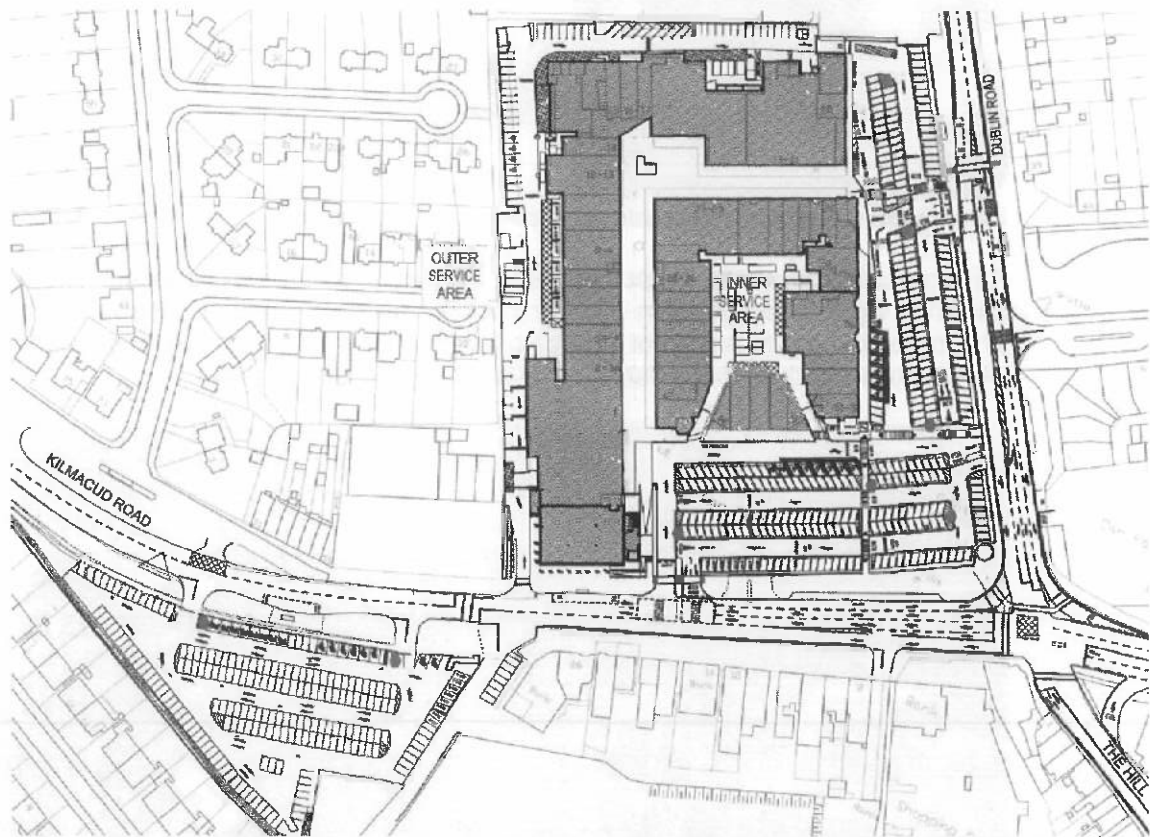
3.6 Additionally, it is submitted that there is no material change of use of the car park and therefore there is no 'development' in this respect.

4.0 PRECEDENT CASES

- 4.1 In the preparation of this Section 5 declaration request, we have reviewed relevant referral decisions from An Bord Pleanála to assist in determining is planning permission required for the following:
1. The physical works – the installation of ticket machines and information signage.
 2. The use – is there a change of use of the car park
- 4.2 Two referral cases are of particular relevance to the proposed works (ABP-300396-17 and ABP-300397-17). Both cases relate to the staff car park at a former Bank of Ireland premises, Parnell Street/The Applemarket, Co. Waterford.
- 4.3 ABP-300396-17 - This case queried *“whether the replacement of existing barrier and addition of pay/ticket machine to existing car park, at former Bank of Ireland Premises, Parnell Street/The Applemarket, Waterford is or is not development or is or is not exempted development.”*
- 4.4 ABP-300397-17 - This case queried *“whether the use as a public pay car park of an area previously used for parking associated with a commercial/office premises at the former Bank of Ireland premises, Parnell/The Applemarket, Waterford is or is not exempted development.”*
- 4.5 This case proposed to change the car parking associated solely with the commercial/office premises to public pay parking. The Board found that this is considered development and is not exempted development because the development *“is likely to generate an increased intensity of use which is materially different from the use as parking incidental to the primary commercial/office use, due to alterations to the level and pattern of traffic and hours of operation, and is, therefore, a material change of use.”*
- 4.6 Notwithstanding that both referrals were declared development and not exempted development, this was on the basis that the works were facilitating an unauthorised use of the car park, as it was considered that a change of use had taken place i.e. a change from car parking ancillary to the bank (for staff parking) to a public pay car park.
- 4.7 The Board stated that *“the use of the site as a public pay car park represents a new and separate business which has no connection to the primary commercial/office use of the site and is, therefore, a material change of use.”*
- 4.8 The Board also found that the *“the change of use of the land to car parking with a daily or hourly basis for charging, is likely to generate an increased intensity of use which is materially different to the use as parking incidental to the primary commercial/office use, due to alterations to the level and pattern of traffic and hours of operation, and is, therefore, a material change of use.”*
- 4.9 The physical works, proposed under ABP-300396-17, were considered exempt i.e. the provision of barrier and ticket machines. The Board’s Order states that *“the installation of the pay/ticket machine would be exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended.”* There is no barrier to the car park proposed as part of the subject development.

5.0 PROPOSED WORKS AND ASSESSMENT AGAINST EXEMPTED DEVELOPMENT PROVISIONS

- 5.1 It is proposed to introduce pay car parking at the existing car parks serving the Stillorgan Village Centre with associated ticket machines and signage. The proposed works which this Section 5 Declaration Request relate to are discussed in detail below. The introduction of pay parking itself does not result in any physical works; however there will be associated physical works, as noted, in the form of ticket machines and signage.
- 5.2 The proposed ticket machine locations are indicatively shown below. The final location may be subject to change. It is intended that parking tickets may also be purchased via an app, which has reduced the quantum of ticket machines proposed.



- 5.3 The ticket machines have not yet been selected; however they will likely be of the style seen commonly in car parks, with some examples below:



Sample Images of Ticket Machines - Source: Google Images

- 5.4 Advisory signage would be put in place in relation to the paid parking. There are currently signs located within the car park advising on parking control measures. The proposed signs have not as yet been finalised; however it is confirmed they will be no larger than that existing, with an example image below:



Existing Parking Information Signage

- 5.5 There would no installation of barriers to control entering or exiting the car park, as parking enforcement would be undertaken on the ground in person.
- 5.6 The works proposed in this Section 5 application is as follows:

Whether the introduction of pay car parking and associated pay parking machines and signage is or is not exempted development.

- 5.7 It is submitted that the parking on the subject site would remain ancillary to the existing commercial use on site (Stillorgan Village Centre), and therefore there would not be a change of use. Whilst we understand it is not a prevalent issue due to existing parking enforcement, the proposal would discourage the use of the car park by members of the public who are not visitors to the shopping centre.
- 5.8 The car park will remain connected to the primary use of the site and would not constitute a new and separate business. It is considered that the change to paid parking would not likely generate an increased intensity of use and would not have materially different traffic and parking patterns from the current use. It is considered that the proposed change to paid parking would potentially have a positive impact on parking and traffic patterns. The change may encourage customers to avail of more sustainable modes of transport given the site's strategic location along the N11 Bus Corridor.
- 5.9 Therefore, it is not considered that the provision of paid car parking would alter the level and pattern of traffic accessing the car park or comprise a change of use, unlike the precedent case mentioned above (ABP-300397-17).
- 5.10 It is also proposed to provide ticket machines associated with the public paid car parking. In the previous precedent case (ABP-300396-17) above, the Board outlined that provision of ticket machines is considered exempted development under Section 4(1)(h) of the Act. The Board stated that *"the installation of the pay/ticket machine would be exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended."* Therefore, the provision of ticket machines associated with the public paid car parking is considered to be exempted development in this instance. Ticket machines and parking information signage is typical of car parks, and would not be out of character.
- 5.11 The proposed works are therefore considered to be exempted in accordance with Section 4(1)(h) of the Planning and Development Act 2000 as the use of the car park as a public paid car park is not considered a material change of use from the existing car park.
- 5.12 Furthermore, it is noted that the Article 9 restrictions on exempted development provisions (Planning and Development Regulations 2001, as amended) do not apply to exempted development provided for by the Act (i.e. Section 4 (1)(h)), and are therefore not of relevance to the assessment of the subject proposal.
- 5.13 It must also be considered if a material change of use would arise from the proposal, such that it in itself constitutes development.
- 5.14 It is submitted that the purpose and use of the existing car parks are for customers of the Stillorgan Village Centre. The introduction of paid parking will not result in any change of use, as the purpose and use of the parking will remain for customers of Stillorgan Village Centre. In effect the proposal would discourage non customers from utilising the parking, for commuter activities etc.
- 5.15 Notwithstanding it is submitted that no change of use arises, should the planning authority consider the proposal to constitute a change of use, the second test as to whether the proposal comprises development, is whether a change of use is a material change of use. The materiality of a change of uses is typically assessed with respect the effects on the surrounding area having regard to any intensification of use.

- 5.16 In the subject proposal, there would be no intensification of use, as the introduction of pay parking may discourage certain customers from utilising the car park, instead utilising more sustainable modes of transport such as public transport, walking or cycling. Additionally, the introduction of paid parking would likely discourage any potential commuter based parking which may currently occur.

6.0 SUMMARY AND CONCLUSIONS

- 6.1 This Section 5 Declaration request poses the following question:

Whether the introduction of pay car parking and associated pay parking machines and signage is or is not exempted development.

- 6.2 As set out in this cover letter, it is respectfully submitted that there is no development arising from the introduction of paid parking, as it does not constitute a change of use. Additionally, the associated tickets machines are exempted development under Section 4 (1)(h) as they are not out of character with the existing car park, and the associated signage will be of a similar scale or smaller to that existing.
- 6.3 Should the planning authority consider some but not all elements of the Declaration Request to be exempted development, we would suggest a split decision may be appropriate.
- 6.4 Please do not hesitate to contact should you require any further information in relation to the application for a Section 5 Declaration.

Yours faithfully,



John Spain Associates



Dún Laoghaire-Rathdown County Council
APPLICATION FOR SECTION 5
Planning and Development Act 2000, (as amended)

The purpose of a Section 5 of the Planning and Development Act 2000, (as amended), is to establish if a particular development is or is not an exempted development within the meaning of the Act.

If detailed information / drawings are not provided, we may not be in a position to make a decision.

NOTES:

- (a) Application **must** be accompanied by fee of €80.00
- (b) Application **must** be accompanied by 3 Copies of:
 - (1) site location map with site clearly outlined in red,
 - (2) site layout plan including **all** existing structures on site (this is required as conditions and limitations of exempted development include location of development and distances from site boundaries),
 - (3) scale floor plans and elevations (this is required as conditions and limitations of exempted development include height of structure and distances of windows from boundaries).
 - (4) Any other additional information so as to inform the decision.

**Forward your application to: Dún Laoghaire-Rathdown County Council,
Planning and Organisational Innovation, Registry and Decisions Section,
Marine Road, Dún Laoghaire, County Dublin.
Telephone: 01-2047240**

1. Applicant Details:

NAME OF APPLICANT: KW Investment Funds ICAV Acting For And On Behalf Of Its Sub Fund KW Investment Fund VIII

ADDRESS OF APPLICANT: 94 St. Stephen's Green, Dublin 2

EMAIL ADDRESS: bcregan@johnspainassociates.com (Agent)

TELEPHONE NO. Day: 01 588 4000 Mobile: _____

2. Agent Details:

NAME OF AGENT: John Spain Associates

AGENT'S ADDRESS: 39, Fitzwilliam Place, Dublin 2

TELEPHONE NO. Day: 01 6625803 Mobile: 087 785 1900

3. Correspondence Details:

ADDRESS FOR CORRESPONDENCE (if different from above)

4. Site Details:

LOCATION OF SUBJECT SITE:

Stillorgan Village Centre, (including overflor car park), Lower Kilmacud Road, Stillorgan, Co. Dublin

(a) area of site:	<u>33,432.6</u>	sq.m.
(b) floor area of existing extension(s) (if any):	<u>N/A</u>	sq.m.
(c) floor area of proposed development:	<u>N/A</u>	sq.m.
(d) area of rear garden remaining:	<u>N/A</u>	sq.m.

Please state applicant's interest in this site: Owner

If applicant is not the owner of site, please provide name & address of owner: _____

Is the above site located within the curtilage of a Protected Structure or within a Candidate Architectural Conservation Area or Architectural Conservation Area?

Yes / No No

If yes, has a Declaration under Section 57 of the Planning and Development Act 2000, (as amended) been requested or issued for the property by the Planning Authority?

Yes / No No

5. Details of works (where applicable) or proposed development.
(Note: Only works listed and described under this Section will be assessed under this Section 5 application. Use additional sheets if required.)

Whether the introduction of pay car parking and associated pay parking machines and signage is or is not exempted development.

See Cover letter for further details

6. List of plans, drawings, etc. submitted with this application.

Site Location Map 1:1000 - Drawing No.: 1625-OMP-00-00-DR-A-1199

See Cover Letter for further details

7. Are you aware of any enforcement proceedings connected to this site? If so please supply details:

No

8. Were there previous planning application/s on this site?

Yes

If so please supply details:

Various pemrissions, including D11A/0200 which related to the configuration of the car park

Signed: _____

Jan Spivak

Date: 12th April 2023

Site Location Map

— site boundary outlined in red

OS Map Scale:
 1:1000
 OS Map Ref:
 S956245 339311 339306
 ITM Centre Point Co-ordinates:
 X,Y = 720234.5, 728063.0
 Extraction Date:
 04-April-2023

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All dimensions in millimeters.
 All levels (in metres) are related to Mean High datum.



Date: Rev. No. Issued by:

06-04-2023 002 MA
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Project Code: SIX
 Scale: A1: 1:1000
 Date Printed: 06-04-2023
 Project Lead: CK/AS
 Current Rev.: 002
 Drawn By: MA
 Job No.: 1025
 Status: SZ
 For information

Architectural design:
 O'Mahony Pike Architects Ltd.
 100, South Wall
 Dublin 8, Ireland
 Tel: +353 1 251 0837
 Fax: +353 1 251 0837
 www.omahonypike.com

Project: Sillorgan Village Centre Car Park Section 5
 Location: Sillorgan, Dublin
 Client: KW Investment Funds ICM Acting For And On Behalf Of Its Sub Fund KW Investment Fund VIII

Drawing Title: Site Location Map
 Drawing No.: 1625-OMP-00-00-DR-A-1199

