

Planning Application Report

A Large-Scale Residential Development comprising amendments to previously permitted An Bord Pleanála Ref. ABP-307656-20, as amended.

Rathborne Block 1 Substation at Rathborne, Ashtown-Pelletstown, Dublin 15

For Ruirside Developments Ltd

MAY 2024

Document Control: -



Author	Approved by	Purpose	Date
P. A. M. G.		Draft	23.05.2024
		Final	31.05.2024

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	COMPLIANCE WITH PLANNING ACTS	1
	Definition of a Large-scale Residential Development	2
	Section 247 Consultation with the Planning Authority	2
1.2	COMPLIANCE WITH PLANNING REGULATIONS	3
2	SITE DESCRIPTION & CONTEXT	5
3	PLANNING HISTORY	6
3.1	AN BORD PLEANALA REF. ABP-307656-20 (SHD)	6
3.2	AN BORD PLEANALA REF. ABP-312262-21 (SECTION 146B)	6
3.3	DCC REG. REF. LRD6039/23-S3	7
3.4	DCC REG. REF. LRD6029/23-S3	7
4	THE APPLICANT	8
5	APPLICANTS LEGAL INTEREST	8
5.1	OWNERSHIP	8
6	PRIOR CONSULTATION IN RESPECT OF PROPOSED LARGE-SCALE RESIDENTIAL DEVELOPMENT	8
6.1	SECTION 247 CONSULTATION	8
7	PARTICULARS OF THE PROPOSED DEVELOPMENT	9
7.1	DESCRIPTION OF DEVELOPMENT	9
7.2	USE & DESIGN	9
7.3	TRANSPORT	12
7.3.1	CAR PARKING	12
7.3.2	BICYCLE PARKING	14
7.4	LANDSCAPE	14
8	STRATEGIC PLANNING CONTEXT – STATEMENT OF CONSISTENCY	15
9	STATUTORY PLANNING CONTEXT – STATEMENT OF CONSISTENCY	15
9.1	DUBLIN CITY COUNCIL DEVELOPMENT PLAN 2022-2028	15
9.1.1	LAND USE ZONING	15
9.1.2	INTRODUCTION & CORE STRATEGY	17
9.1.3	CLIMATE ACTION	17
9.1.4	SUSTAINABLE TRANSPORT & MOVEMENT	18
9.1.5	DEVELOPMENT MANAGEMENT STANDARDS	19
9.1.5.1	Car Parking Standards	19
10	APPROPRIATE ASSESSMENT SCREENING REPORT	19
11	CONCLUSION	20
12	ENCLOSURES	21

1 INTRODUCTION

We, Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, are instructed by Ruirside Developments Ltd, Usher House, Main Street, Dundrum, Dublin 14 (the Applicant) to prepare this Planning Application Report to accompany this planning application for this Large-scale Residential Development (LRD).

The proposed development is located in Ashtown-Pelletstown, Ashtown, Dublin 15 and is within the permitted Strategic Housing Development permitted under An Bord Pleanála Ref. ABP-307656-20, as subsequently altered by An Bord Pleanála Reg. Ref. ABP-312262, Dublin City Council Reg. Ref. LRD6029/23-S3 and LRD6039/23-S3, at an overall site of c. 3.07ha, at Ashtown-Pelletstown, Ashtown, Dublin 15.

In summary, the proposed amendments to the permitted scheme consists of minor changes to Block 1 only, comprising generally of the relocation of the substation and meter room from the southern elevation (canal side) to the western elevation of the adjoining café unit of Block 1, resulting in consequential internal floor area layout changes, elevational changes and the relocation of 1no. visitor car parking space; the addition of ventilation louvres to the facades of the building; internal revision to the ground floor undercroft level parking layout including the addition of 1no. accessible car parking space; with associated minor landscaping works; all contained within the permitted Block 1 footprint and its curtilage. The development as otherwise permitted under ABP-307656-20 (as amended) remains the same.

This Application has been prepared on behalf of the Applicant by the following team: –

- Stephen Little & Associates, Chartered Planners and Development Consultants.
- O'Mahony Pike Architects.
- Doyle O'Troithigh Landscape Architects.
- Waterman Moylan Consulting Engineers.
- Scott Cawley Ecological Consultants.

This Planning Application Report sets out how, in our opinion, the scheme complies with the proper planning and sustainable development of this area in the context of the relevant Strategic and Local Planning policy as expressed primarily in the Dublin City Development Plan 2022 – 2028. The proposed amendment is minor and does not comprise any changes to the already consented residential element of the scheme.

This application for the proposed amendments to the consented Strategic Housing Development (ABP-307656-20, as amended), is a Large-scale Residential Development as defined under Section 2 of the Planning & Development Act 2000 as amended.

This Report, prepared by Stephen Little & Associates, Chartered Town Planners & Development Consultants, should be read in conjunction with the Planning Application plans and particulars submitted with this Application. A list of the various accompanying Application material is outlined in the enclosures list at the end of this Report.

1.1 Compliance with Planning Acts

The Planning and Development Act 2000 has been amended by the Planning & Development (Amendment) (Large-scale Residential Development) Act 2021 which came into effect on 14 December 2022. This insertion to the Planning and Development Act 2000, as amended ("the Act"), introduced provisions for Large-scale Residential Development (LRD) which has replaced SHD.

Having regard to Section 34(3C) of the Planning and Development Act, 2000 (As Amended), we note that the Planning Authority is restricted in its determination of the application to only consider the modifications proposed to the previously granted development. This application only submits the documentation and drawings that are necessary to assess the proposed modifications.

Definition of a Large-scale Residential Development

Section 2 of the Act confirms, *inter alia*, that: -

“ ‘LRD’ means large-scale residential development;

...

‘large-scale residential development’ means a development that includes -

(a) the development of 100 or more houses,

....

‘LRD floor space’, in relation to a building or part of a building, means the area ascertained by the internal measurement of the floor space on each floor of a building or part of a building (including internal walls and partitions), disregarding any floor space provided for—

- (a) the parking of vehicles by persons –
 - (b) occupying or using the building or the part of the building,
 - (c) for a purpose incidental to the primary purpose of the building or part of the building,
- and
- (d) ancillary residential services, including gyms and child-care facilities;

where the LRD floor space is -

- (i) in the case of paragraph (a), the buildings comprising the house,
- (ii) in the case of paragraph (b), the student accommodation,
- (iii) in the case of paragraphs (c) and (d), the buildings comprising the development

is not less than 70 per cent, or such other percentage as may be prescribed, of the LRD floor space of the buildings comprising the development;

[SLA emphasis in bold font]

Section 247 Consultation with the Planning Authority

Section 247(7) of the Act states: -

“Where a planning authority receives a request under this section in relation to a proposed development in respect of a part of which (referred to in this section as the ‘permitted development’) **permission has already been granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016** or on foot of an application in accordance with section 32A, and the planning authority is satisfied, having compared the proposed development to the permitted development, that—

(a) the proposed development is substantially the same as the permitted development, and

(b) the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated,

the planning authority may determine, notwithstanding subsection (1A), **that no consultation is required under this section in relation to the proposed development** and may provide a confirmation in writing to the person who made the request to that effect.”

[SLA Emphasis Added]

Permission was granted for the **permitted development** (ABP Reg. Ref. ABP-307656-20 refers) under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The proposed development relates to a permitted SHD, therefore, a meeting with DCC was held on 3 May 2024 under Section 247 of the Act (LRD Stage 1) whether the nature of the proposal requires entering into more detailed pre-planning consultation under Section 247(7); also known as LRD Stage 2 Consultation.

In a response dated 8 May 2024, DCC confirmed in writing that in accordance with Section 247(7)(a) and (b) of the Act, the nature, scale and effect of the alterations proposed are not such that there is a requirement to enter into formal LRD pre-planning consultation. In accordance with Section 247(7) of the Act, the email correspondence dated 8 May 2024 confirming DCC's position (i.e. no formal LRD pre-planning consultation required) is enclosed with this planning application.

For clarity, the proposed development related to the following proposed amendments were first presented at the Section 247 Pre-Planning Meeting held on 3 May 2024: –

*“minor changes to Block 1 only, consisting of the following: internal revisions to the ground floor undercroft level parking layout, provision of 1no. accessible car parking space, addition of retail unit entrance/exit; the relocation of substation and meter rooms on the first floor, resulting in a subsequent minor internal floor area decrease to the permitted café unit (c.7sqm), a minor relocation of doorway, and external façade changes to accommodate the relocation of the substation and the addition of windows and ventilation louvres; with associated minor landscaping changes including **the omission of 1no. visitor parking space**. The development as otherwise permitted under ABP-307656-20 (as amended) remains the same”.*

Since then, there has been a decision by the Prospective Applicant to retain the 1no. visitor car parking space and as a result relocate it, rather than omitting the space from the scheme as was previously described to the Planning Authority on 3 May 2024. We refer to the below revised summary description of as a result of this change and confirm that this is the development for which this submission now relates: –

*‘In summary, the proposed amendments to the permitted scheme consists of minor changes to Block 1 only, comprising generally of the relocation of the substation and metre room on the first floor of Block 1 from the southern elevation (canal side) to the western elevation of the adjoining café unit, resulting in internal floor area layout changes, elevational changes and **the relocation of 1no. visitor car parking space**; the addition of ventilation louvres to the facades of the building; internal revision to the ground floor undercroft level parking layout including the addition of 1no. accessible car parking space; with associated minor landscaping works; all contained within the permitted Block 1 footprint and its curtilage. The development as otherwise permitted under ABP-307656-20 (as amended) remains the same.’*

[SLA Emphasis in Bold]

As a result, the applicant re-engaged with Dublin City Council to confirm that no LRD Stage 2 Meeting would be required for that slightly altered proposal. This correspondence was submitted to the Local Authority on 21 May 2024. We refer to the letter dated 21 May 2024, prepared by Stephen Little & Associates which accompanies this application.

The Local Authority, further confirmed in writing that the changes since the initial Section 247 Pre-Planning Meeting did not warrant a Stage 2 LRD Opinion. We refer to the enclosed Email dated 27 May 2024 accompanying this application confirming this.

As a result, for avoidance of doubt and clarity, there is no LRD Opinion or the Applicant's Response to that Opinion accompanying this planning application.

We note from Section 34(3C) of the Act that the Planning Authority are limited to solely considering the proposed modifications to the previously permitted development and not to reconsidering the original application again in combination with the proposed new modifications.

1.2 Compliance with Planning Regulations

We confirm that prior to making this LRD Planning Application, the enclosed drawings have been screened by this office with reference to the Planning & Development Regulations 2001, as amended (“the Regulations”) and are consistent with same.

Statutory Notice

In accordance with Article 18(1)(d)(iv) the Regulations the newspaper notice includes confirmation that the planning application is a LRD and include a web address where same can be viewed (www.rathborneirdsubstationamendment.ie).

While there is no statutory requirement to do so, the site notice also includes confirmation that the planning application is a LRD and include a web address where same can be viewed online.

Application Form

A Planning Application Form and Form No. 19 are included as part of this planning application.

Planning Fee

The basis for calculation is the following: –

Class	Calculation	Amount
14 (c) - €7.20 per square meter.	€7.20 x 60.9sqm	= €438.48
Total Planning Application Fee		€438.48

Calculated on the basis of internal floor area amendment changes: –

Substation: 14

Meter room: 30.6

Retail Lobby: 16.3

Total Floor Area of Amendments = 60.9sq. m.

We refer to the enclosed Proof of Payment.

2 SITE DESCRIPTION & CONTEXT

The subject site is approximately 3.07 ha and is located in the Rathborne area of the overall lands at Ashtown-Pelletstown in Dublin City. The site generally slopes upwards from east to west.

The site benefits from a substantial length of frontage to Rathborne Avenue to the west. It is bounded by residential development along Rathborne Avenue and Rathborne Drive to the north and east and the Royal Canal Way walkway to the south.

The amendments relate to a small portion within the red line located to the south-west of the red line boundary.



Figure 1: Application site outlined approximately in red (Source: Google Maps, with SLA Overlay). Please refer to the enclosed Site Location Plan prepared by O'Mahony Pike Architects for the definitive red line boundary of the subject site.

The northern portion of the site (outlined in green in the site location map) was also subject to a planning application which was permitted by Dublin City Council (DCC Reg Ref 2596/20) comprising minor amendments to the development permitted under DCC Reg. Ref. 3666/15 (ABP Ref PL29N.246373) comprising changes to house types to 92 dwellings). That development is not being affected by the proposed alterations in this case. The 92 houses in question have since been built, as shown in the aerial image in Figure 1 above.

There are excellent public transport links to this site, with the existing Ashtown Rail Station located (c. 150m walking distance – a c.2 minute's walk) to the west of the site and the Dublin Bus No. 120 route running along Rathborne Avenue which adjoins the northern site boundary. Both services provide high-quality public transport with frequent services to Dublin City Centre. The Navan Road QBC is also located c.600m to the south of the subject site.

3 PLANNING HISTORY

The relevant planning permission in this case relates to the already permitted development at the subject site. Relevant details of these are set out below.

3.1 An Bord Pleanála Ref. ABP-307656-20 (SHD)

Planning permission was granted by An Bord Pleanála on 10 November 2020 for the construction of a mixed-use residential and commercial development (c. 67,434 sq. m gross floor area). The development comprises 6no. apartment buildings sitting over undercroft parking, with Blocks 1-3 separated from Blocks 4-6 by a central public open space. The site generally slopes from north to south, therefore the ground floor on the southern, canal facing elevation is one floor higher than the ground floor on the northern elevation. The buildings range in height from 2 to 14 storeys (which read as 1 to 13 storeys from the Canal side of the site). The development generally includes: 725no. apartments, comprising 107no. studios, 226no. 1-bedroom units, 376no. 2-bedroom unit and 16no. 3-bedroom units, ancillary resident's amenity rooms and facilities (c. 394 sq m), retail floorspace (c. 2,549 sq m gross), Café (c. 199 sq m), childcare facility (c.724 sq m) with associated open space and central public open space (c. 2,881 sqm).

This permitted SHD development consisted of amendments to the southern half of a development permitted under DCC Reg. Ref. 3666/15 (ABP Ref PL29N.246373). 92 houses permitted under DCC Reg. Ref. 3666/15 (ABP Ref PL29N.246373) are located on the northern half of that development.

3.2 An Bord Pleanála Ref. ABP-312262-21 (Section 146B)

This was an application to make amendments to the permitted SHD development. At that time, the only mechanism open to the Applicant to make such changes was through a Section 146B Application directly to An Bord Pleanála.

The Section 146B submission sought consent for a number of minor alterations to the consented SHD scheme, which included the following: –

- Block 1 (Levels 00 and 01): alterations included changes to the retail, café, residential entrances with associated elevational changes and reconfigured car parking, loading, plant and ancillary room layouts.
- Block 1: residential floors revised (massing similar to permitted block, same number of units retained); studios and 3-bed unit omitted and replaced with 1-bed units; en-suites removed from 2-bed apartments; associated minor level changes. The revisions to the unit mix in Block 1 has resulted from discussions between the Applicant and the Housing Department in Dublin City Council with the proposed mix meeting their requirements as Part V units.
- Blocks 2-6: Revised Level 00 layout for blocks 2-6 involving amendments to basement layout including revised car parking configuration, revised levels, reconfiguration of plant and plant rooms, bin and bike stores, management room, omission of second entrance to Phase 2 carpark; revised external parking layout and loading bay entrances.
- Blocks 1-6: Revised elevation treatment to Blocks 1-6 involving a significant increase in the extent of brick generally to the street facing elevation of Block 1 and full brick facades to all faces of the taller blocks including north-facing elevation. Clearer articulation of block volumes through the use of materials – the main bodies of the blocks are clad in buff and light coloured brick, while the linking elements on to the street are clad in red brick. Render façade treatment to courtyard elevations generally. Removal of render from difficult to access areas and a change of balcony material from glass to metal generally to improve ongoing visual quality of the building; omission of isolated regions of different materials on the facades for a cleaner aesthetic.

- Block 2 – 6: Minor revisions to window locations and apartment layouts in Blocks 2-6 resulting from fire safety and ESB substation separation requirements.
- Relocation of plant at level -01 to level 00 – there is now no development at this lower level proposed.
- Alterations to Landscaping resulting from proposed amendments

On 16 May 2022, the Bord confirmed that the proposed alterations would not in material and approved same.

3.3 DCC Reg. Ref. LRD6039/23-S3

Ruirside Developments Limited sought permission for amendments to the unit mix of the permitted Strategic Housing Development (An Bord Pleanála Ref. ABP-307656-20 and subsequently altered by ABP-312262-21, and DCC Reg. Ref. LRD6029/23-S3) comprising in summary a reduction in the number of studio apartment units, the introduction and inclusion of Universally Designed apartment units as well as an increase in the provision of cycle parking. The total number of units will remain at 725no. as previously permitted.

Permission was granted for the above development and a Final Grant of Permission was issued on 28 November 2023 by Dublin City Council subject to 6no. conditions.

3.4 DCC Reg. Ref. LRD6029/23-S3

Ruirside Developments Limited sought permission for minor amendments to Block 1 of permitted Strategic Housing Development (An Bord Pleanála Ref. ABP-307656-20 and subsequently altered by ABP-312262-21) involving a minor adjustment to the footprint of a café/restaurant unit at ground level (canal side), reduction in communal open space area and reconfiguration of car parking area.

Permission was granted for the above development and a Final Grant of Permission was issued on 05 May 2023.

The development being proposed in this application are amendments of the Rathborne 725 development permitted under the SHD provisions, as altered under this Section 146B approval and subsequent LRD Amendments.

4 THE APPLICANT

We wish to confirm that the Applicant in this case is Ruirside Developments Ltd, the required details of which are as follows: -

Name: Ruirside Developments Ltd

Address: Usher House, Main Street, Dundrum, Dublin 14.

Telephone: 01 2164097

Email: info@charteredland.ie

Chartered Land Estate Management, of Usher House, Main Street, Dundrum, Dublin 14 is acting for the Applicant, hence their email is being used.

5 APPLICANTS LEGAL INTEREST

5.1 Ownership

The Applicant is not the Owner of the lands.

We refer the Planning Authority to the following Letters of Consent which enable this application to be made and which are enclosed:

- Letter of Consent from Rathborne Boulevard Residential GP DAC
- Letter of Consent from Castlethorn Construction Unlimited Company (Castlethorn)
- Letter of Consent from Castlethorn Developments Rathborne ULC.

6 PRIOR CONSULTATION IN RESPECT OF PROPOSED LARGE-SCALE RESIDENTIAL DEVELOPMENT

6.1 Section 247 Consultation

A section 247 LRD Pre-Application Consultation was held on the 3 May 2024 over Microsoft Teams in relation to the Proposed Development. During this meeting the nature of the amendments proposed were set out and it was noted that the proposals were acceptable with it being confirmed that a Stage 2 LRD Opinion from DCC would not be required to be obtained to progress the submission of the LRD Application in this case.

We refer the Planning Authority to the email confirming the same dated 27 May 2023 from Kieran Sweeney, Senior Planner at Dublin City Council, enclosed with this application. The following was stated:

I refer to your recent conversation with Natalie de Roiste and the information submitted in relation to a Section 247 LRD Stage 1 Pre-Planning Meeting held on May 3, 2024, to discuss amendments to the permitted SHD at Rathborne, Ashtown, Dublin 15. In this context, I confirm that the planning authority is satisfied, having compared the proposed development to the permitted development, that: (a) the proposed development is substantially the same as the permitted development, and (b) the nature, scale and effect of any alterations to the permitted development as presented, are not such that require the consultation process to be repeated, and it has been determined that no consultation is required under section 247(7) in relation to the proposed development.

The applicant is therefore progressing the submission of this LRD Application without a LRD Stage 2 Opinion as the proposed have been deemed to be substantially the same as the permitted development and the nature, scale, and effect do not require further pre-planning consultation.

7 PARTICULARS OF THE PROPOSED DEVELOPMENT

7.1 Description of Development

The site is bounded generally by Rathborne Avenue to the North, the Royal Canal to the South, Rathborne Avenue and The Village Centre, Rathborne to the West and existing residential development adjoining Rathborne Drive and Royal Canal Way to the East, at Ashtown-Pelletstown, Ashtown, Dublin 15.

The proposed development comprising of minor amendments to elements of Block 1 only of the permitted Strategic Housing Development, as amended, consist generally of the following: –

- Relocation of the permitted substation and metre room at first floor level of Block 1 from the southern elevation (canal side) to the western elevation of the adjoining café unit, resulting in
 - Reconfiguration and minor reduction (c.7sqm) in gross floor area of the permitted café unit (now c. 143 sqm);
 - External façade changes including the addition of windows to the southern façade; and
 - Relocation of 1no. visitor car parking space to accommodate access to the substation and meter room with associated minor landscape works.
- Amendments to the ground floor level car park comprising: –
 - Addition of a retail lobby (c. 16.3sqm); and
 - Reconfiguration of the car parking layout, including the replacement of 1no. retail car parking space to 1no. retail accessible car parking space with no overall change to the permitted car parking quantum (419no.)
- Addition of ventilation louvres to the northern, eastern and western facades of Block 1 and all associated and ancillary site development works.

This application does not propose any amendments to the residential element of the permitted scheme. The development otherwise permitted under ABP-307656-20 (as amended) remains the same.

The drawings accompanying this planning application provide details of the **Permitted** development and the **Proposed** development, with the areas affected by the amendments being sought are clearly outlined with a green dashed line. It will be evident from this that the proposals in this case are of a very minor nature indeed.

7.2 Use & Design

The proposed amendments are incidental to the purposes of the primary uses of the development which are retail and café, both permitted under the land use zoning 'Z1 – Sustainable Residential Neighbourhoods'. The changes relate primarily to the ground and first floors of the permitted Block 1.

Substation & Meter Room adjoining Café Unit:

The substation and meter room are being relocated from the southern canal side elevation to the western elevation within the adjoining café unit. As a result of this relocation, there will be a subsequent minor loss of café floor space and elevational changes.

The floor area of the café unit as permitted is 150sqm. This amendment will result in the loss of c.7sqm café use floor area due to this relocation. The proposed revised floor area of the café unit will be c. 143sqm. We refer the Planning Authority to the accompanying floor plan drawings, prepared by O'Mahony Pike Architects.

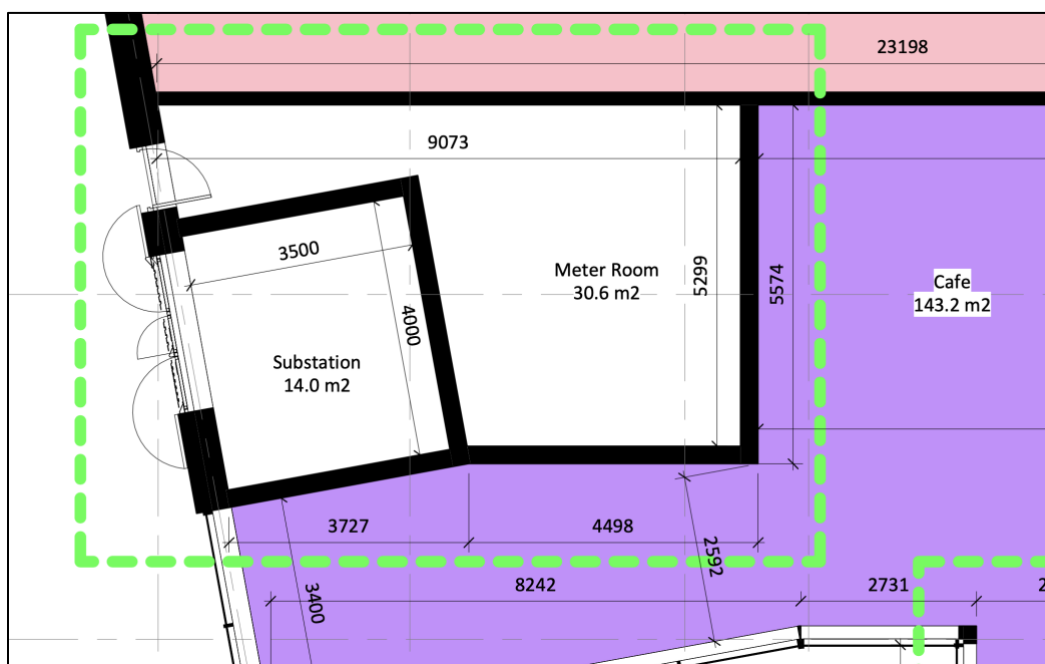


Figure 2. Extract from Drawing ‘Block 01-First Floor Plan – Proposed’, Drawing No. ‘19016A-OMP-B1-01-DR-A-1101, showing the proposed relocation of the substation and meter room adjoining the café unit, prepared by O’Mahony Pike Architects.

The location of the substation and meter rooms leads to required elevational changes along the ground floor of the southern and western elevations of Block 1. The permitted location of the substation and meter room use at the southern elevation side will be replaced by café use. The elevational changes comprise a minor redesign from brick to windows to suit the café use. This adds greater light to the café unit and adds passive surveillance and active street frontage along the canal side. These changes also result in the minor relocation of the doorway on the southern elevation slightly to the east of the café unit. We refer to the elevational and floor plan drawings, prepared by O’Mahony Pike for further details.

Permitted:



Figure 3. Extract from Drawing ‘Block 01 – Elevations – Permitted Drawing No. ‘19016A-OMP-B1-ZZ-DR-A-2001’, prepared by O’Mahony Pike Architects.

Proposed:



Figure 4. Extract from Drawing ‘Block 01 – Elevations – Proposed’ Drawing No. ‘19016A-OMP-B1-ZZ-DR-A-2101’, showing the proposed relocation of the substation and meter room adjoining the café unit, prepared by O’Mahony Pike Architects.

The western elevation will see a loss of windows for the addition of substation and meter room access points with brick details. The corner remains a section of windows being maintained to retain an element of active frontage to the southwestern ground floor of Block 1.

Permitted:

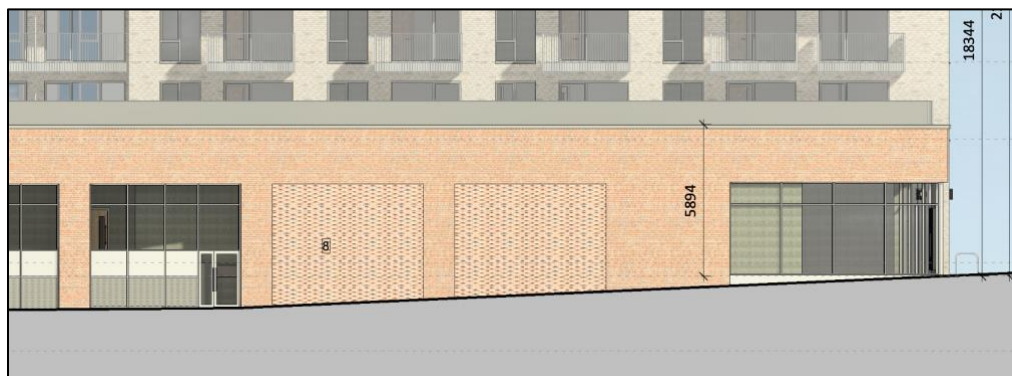


Figure 5. Extract from Drawing ‘Block 01 – Elevations – Permitted Drawing No. ‘19016A-OMP-B1-ZZ-DR-A-2001’, prepared by O’Mahony Pike Architects.

Proposed:

Figure 6. Extract from Drawing 'Block 01 – Elevations – Proposed' Drawing No. '19016A-OMP-B1-ZZ-DR-A-2101', showing the proposed relocation of the substation and meter room adjoining the café unit, prepared by O'Mahony Pike Architects.

In order to maintain sufficient access to the substation and meter room when required, 1no. visitor car parking space in front of the access along the western elevation of Block 1 has been removed from this location to facilitate this and relocated elsewhere. We refer to the transport and landscaping sections below for greater details.

Retail Unit & Undercroft Car Parking

It is proposed at the first floor (ground level at canal side and first level from at Rathborne Avenue side) to add ventilation louvres to the facades to facilitate the retail occupants' requirements to enable the operation of a foodstore as is permitted. We refer the Planning Authority to the accompanying Elevational Drawings, prepared by O'Mahony Pike Architects for details of the louvre additions on the northern, eastern, and western elevations of Block 1. There are 3no. proposed vents/louvres in total.

We confirm the proposed amendments are largely contained within the existing permitted building Block 1 footprint and do not propose any additional floor area in terms of sqm to the development. The development does not greatly impact the Large-Scale Residential non-residential floor space. The non-residential floor space still amounts to less than 30% of the overall development floor space as required under LRD developments. This amendment does not impact the permitted residential uses within the site and permitted development.

7.3 Transport

We refer to the accompanying Engineering Statement, prepared by Waterman Moylan Consulting Engineers which addresses the minor transport related adjustments to the scheme.

7.3.1 Car Parking

1no. retail visitor space is proposed to be relocated from the western to the northern boundary of Block 1. We refer the Planning Authority to the accompanying drawing 'Site Plan – Undercroft Level – Propo'ed', Drawing No. '19016A-OMP-ZZ-ST-DR-A-1101', prepared by O'Mahony Pike Architects and the 'Block 1 Landscape Plan', Drawing No. 'LP-20-PP', prepared by Doyle & O'Troithigh Landscape Architects for details of the relocation of the visitor car parking space.

The visitor retail space is proposed to be relocated from the permitted location along the western elevation of Block 1 adjacent to the proposed relocation of the substation and meter rooms as that space impedes access to the substation. The relocated space is proposed along the northern boundary of Block 1. We refer to below Figure 7.



Figure 7. Extract from the Drawing ‘Site Plan – Undercroft Level 0 - Proposed’, Drawing No. ‘19016A-OMP-ZZ-ST-DR-A-1101’.

We confirm that the relocation of the space does not change the overall permitted number of car parking spaces in the development, remaining at 419no. To clarify the reconfiguration of the Block 1 ground floor undercroft level car parking provides for the replacement of 1no. regular retail car parking space for the provision of 1no. accessible.

The reconfiguration of the undercroft car park provides for 1no. accessible retail car parking space. This is a replacement of 1no. regular car parking space and does not affect the overall permitted quantum of car parking spaces. The number of accessible spaces amounts to 5% of the total spaces, this is in line with the requirements of the Development Plan.

CAR PARKING	PERMITTED	PROPOSED
Surface		
Visitor	30	30
Electric Car	6	6
Go Car	8	8
Creche	4	4
Set Down	3	3
Disabled	7	7
Apartment	9	9
TOTAL	67	67
Undercroft		
Block 1 Retail	85	84
Retail Disabled	3	4
Resi. Parking No. 1	91	91
Resi. Parking No. 1 Disabled	4	4
Resi. Parking No. 2	163	163
Resi. Parking No. 2 Disabled	6	6
TOTAL	352	352
Total Provided	419	419
Total Residential	297	297
Residential Parking Ratio	0.4	0.4
Total Disabled Parking	20	21
Disabled Spaces %	4.8%	5.0%

Figure 8. Proposed Parking Schedule, prepared by O’Mahony Pike Architects

7.3.2 Bicycle Parking

There are no bicycle parking spaces required or proposed or affected under this amendment application. We confirm that the quantum of bicycle parking spaces remains the same as permitted. We additionally refer to the accompanying material, prepared by Waterman Moylan Consulting Engineers for further confirmation the same.

7.4 Landscape

Permitted:

Proposed:



Figure 9. Extract from Drawing 'Block 1 Landscape Plan', Drawing No. 'LP-20-PP', prepared by Doyle + O'Troithigh Landscape Architects.

As outlined in the previous sections and in Figure 10 above, it is proposed to relocate 1no. visitor car parking space from the western boundary of Block 1 to the northern boundary. This results in minor landscape amendments including public realm works to accommodate this change.

There are further minor landscape changes to the public open space areas to the east of Block 1. This includes the revisions to the courtyard space and landscape changes around access points along the eastern elevation of Block 1.

These changes do not affect the permitted quantity of open space or otherwise consented public realm within the overall scheme.

The amendments do not impact on the permitted Landscape Visual Impact Assessment already permitted within the submitted EIA for the parent application and subsequent amendments. We refer to the below statement by Doyle + O'Troithigh Landscape Architects confirming that: –

"We have reviewed the prepared LVIA chapter and confirm that the proposed amendments have no marked effect or influence on the impacts noted as part of the LVIA chapter of the EIA."

We refer to the enclosed Landscape Design Cover Letter, prepared by Doyle O'Troithigh Landscape Architects for confirming the same as that outlined above.

8 STRATEGIC PLANNING CONTEXT – STATEMENT OF CONSISTENCY

The below Statement of Consistency provides the Planning Authority with confirmation that the relevant National and Strategic Planning Policies have been taken into account as they are relevant to this amendment application. This proposed amendment is minor in scale and nature and does not affect the overall principle of the permitted development, as confirmed by Dublin City Council also at LRD Stage 1 Seciton 247 Pre-Planning Consultation, and therefore, in our view, the Strategic Planning Context remains unchanged. We refer the Planning Authority to the previously submitted Planning Reports containing Statement of Consistency's addressing this overall development.

9 STATUTORY PLANNING CONTEXT – STATEMENT OF CONSISTENCY

9.1 Dublin City Council Development Plan 2022-2028

The Dublin City Council Development Plan 2022-2028 (hereafter referred to as the Development Plan) was adopted at a Special Council Meeting on the 2nd November 2022. The plan came into effect on the 14th December 2022 and is the statutory land-use plan governing the subject lands at this time.

This Statement of Consistency is understood to be intended to provide the Planning Authority with adequate comfort that the provisions of the Statutory Development Plan have been taken into account in devising the draft proposals. Equally, it is understood that it is not intended to provide the Planning Authority with a detailed assessment of the wide-ranging detailed design standards relating to residential development.

In completing this exercise, we have compiled a List of Objectives, where they are relevant to the proposed amendments, quoted the text in italics and provided the Applicant's Response to this beneath each Objective in turn.

The proposed development has regard to the policies and objectives of the Dublin City Council Development Plan 2022–2028 as below.

9.1.1 Land Use Zoning

Under the Development Plan, the site is subject to the Zoning Objective "Z1 – Sustainable Residential Neighbourhoods", as are the lands in the immediate vicinity of the site.

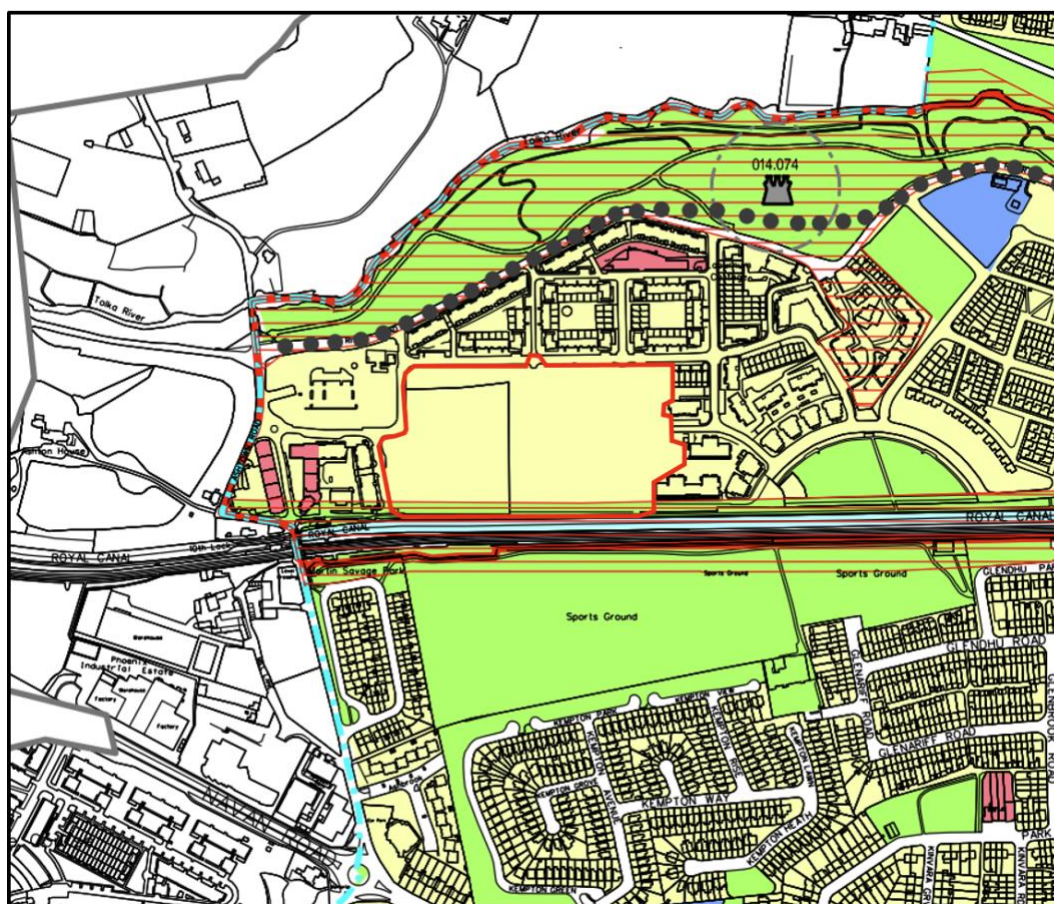


Figure 4: Extract, Map A Dublin City Development Plan, 2022 - 2028 (Site area approximately outlined in red). We refer the Planning Authority to the accompanying Site Location Map, prepared by O'Mahony Pike for the exact extent of the site area.

The zoning objective reads as follows:

"To protect, provide and improve residential amenities."

The Development Plan indicates that a wide range of accommodation is to be provided in this zoning area which is sustainable and within easy reach of services, open space, facilities and public transport.

The Development Plan lists a range of 'permissible uses' and uses that are 'open for consideration' (see below).

Z1 – Permissible Uses

Assisted living/retirement home, buildings for the health, safety and welfare of the public, childcare facility, community facility, cultural/recreational building and uses, delicatessen, education, embassy residential, enterprise centre, halting site, home-based economic activity, medical and related consultants, open space, place of public worship, public service installation, residential, shop (local), sports facility and recreational uses, training centre.

Z1 – Open for Consideration Uses

Allotments, beauty/ grooming services, bed and breakfast, betting office, Build to Rent residential, café/tearoom, car park, civic and amenity/recycling centre, garden centre/plant nursery, guesthouse, hostel (tourist), hotel, industry (light), laundromat, live/work units, media-associated uses, mobility hub, off-licence, off-licence (part), office, park and ride facility, petrol station, pigeon loft, postal hotel/motel, primary health care centre, public house, residential institution, restaurant, student accommodation, veterinary surgery.

Applicant's Response

The proposed amendment relates to uses already permitted and which are ancillary to the primary uses of the permitted development on site, the development therefore remains consistent with the Z1 land use zoning objective.

9.1.2 Introduction & Core Strategy

The main goal for Dublin City Council is to achieve a more sustainable and resilient city. The following are strategic principles of the Development Plan relevant to the proposed development:

- **Social/Residential** – creating a more compact city with a network of sustainable neighbourhoods (aligned with the principle of the 15 minute city) which have a range of facilities and a choice of tenure and house types, promoting social inclusion and integration of all ethnic/minority communities.
- **Sustainable Movement** – helping to build an integrated transport network and encouraging the provision of greater choice of public transport and active travel including walking and cycling.
- **Urban Form** – creating a connected, legible and liveable city with a distinctive sense of place, based on active streets, quality public spaces and adequate community and civic infrastructure.
- **Healthy Placemaking** - ensuring quality architecture, urban design and green spaces to provide quality of life and good health and wellbeing for all.

The Core Strategy states that based on the population targets and calculated housing need set out within national and regional planning policy, guidelines and prescribed methodology, the development plan must accommodate between 20,120 – 31,520 additional persons up to an overall population target of between 625,750 and 640,000 by 2028. The housing demand calculated sets a requirement for the development plan to provide for approximately 40,000 housing units between 2022 and 2028.

The delivery of quality housing in Dublin City is a key issue. The Core Strategy notes that National and regional policy places an emphasis on compact growth and supports the sustainable development of brownfield and infill lands, through consolidation to support the optimal use of the finite resource of land.

Applicant's Response

This proposed amendment is minor and the permitted and proposed alterations remain consistent with the Core Strategy.

9.1.3 Climate Action

Policy CA8: *Development proposals should demonstrate sustainable design principles for new buildings/services/site. The Council will promote and support development which is resilient to climate change. This would include: a. measures such as green roofs and green walls to reduce internal overheating and the urban heat island effect; b. ensuring the efficient use of natural resources (including water) and making the most of natural systems both within and around buildings; c. minimising pollution by reducing surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems (SuDS); d. reducing flood risk, damage to property from extreme events–*

residential, public and commercial; e. reducing risks from temperature extremes and extreme weather events to critical infrastructure such as roads, communication networks, the water/drainage network, and energy supply; f. promoting and protecting biodiversity and green infrastructure.

Applicant's Response

The proposed development includes a range of sustainable design principles to ensure the proposals are resilient to climate change as previously permitted.

We refer the Planning Authority to Landscape Plan, prepared by Doyle O'Troithigh Landscape Architects outlining the minor landscaping changes which consistent with these measures.

Policy QHSN38: *To encourage and foster the creation of attractive, mixed use, sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and HNDA, with supporting community facilities and residential amenities.*

Further detail in regard to unit mix is set out in Chapter 15: Development Standards. Unit mix requirements for the Liberties and the North Inner City are set out in Section 15.9.1 and Table 37 of the Housing Strategy in Appendix 1.

Applicant's Response

The proposed amendment does not change or affect the permitted residential element of the SHD/LRD Scheme.

We refer the Planning Authority to the Parking Schedule prepared by O'Mahony Pike Architects confirming the same.

9.1.4 Sustainable Transport & Movement

Policy SMT1: *To continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport, and to work with the National Transport Authority (NTA), Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives to achieve compact growth.*

Applicant's Response

There are no proposed changes to the quantum of car parking spaces. The proposed development aims to promote a modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport. The site is well placed to take advantage of existing cycle and public transport facilities and is located along the Grand Canal Greenway connecting the site to other areas and the nearby Ashtown Train Station by foot and bicycle.

The permitted development includes the provision of 744no. secure bicycle spaces and 121no. visitor bicycle spaces, this remains as permitted. We refer the Planning Authority to the Parking Schedule prepared by O'Mahony Pike Architects confirming the same.

9.1.5 Development Management Standards

9.1.5.1 Car Parking Standards

Under the Dublin City Council Development Plan, the proposed development site falls within Zone 2 of Parking Standards. Table 2 of Appendix 5 sets out maximum car parking standards for various land uses as follows: –

Category	Land-Use	Zone 1	Zone 2	Zone 3
Accommodation	Hotel ¹	None	1 per 3 rooms	1 per room
	Nursing Home	1 per 3 residents	1 per 2 residents	1 per 2 residents
	Retirement Home	1 per 4 dwellings	1 per 2 dwellings	1 per 2 dwellings
	Elderly Persons Housing Sheltered Housing	None ²	1 per 20 bed spaces	1 per 10 bed spaces
	Student Accommodation	1 per dwelling	1 per dwelling	1 per dwelling
	Houses Apartments/ Duplexes	1 per 350 sq. m. GFA	1 per 275 sq. m. GFA	1 per 75 sq. m. GFA
Civic, Community and Religious	Bank	1 per 100 seats	1 per 25 seats	1 per 10 seats
	Community Centre	4 off street parking spaces	4 off street parking spaces	4 off street parking spaces
	Library Public Institution	1 per 100 sq. m. GFA	1 per 100 sq. m. GFA	1 per 100 sq. m. GFA
Education	College of Higher Education	None	1 per classroom plus 1 per 30 students	1 per classroom plus 1 per 30 students
	Crèche/ Childcare Services ³	None	1 per classroom	1 per classroom
	School ⁴	1 per consulting room	2 per consulting room	2 per consulting room
Medical	Clinics and Group Practices	1 per 150 sq. m. CFA	1 per 100 sq. m. CFA	1 per 60 sq. m. GFA
	Hospital	1 per 100 sq. m. GFA	1 per 200 sq. m. GFA	1 per 200 sq. m. GFA
Retail and Retail Service	Café Restaurant and Takeaways	None	1 per 150sq. m. seating area	1 per 150sq. m. seating area
	Public Houses	None	1 per 300 sq. m. NFA	1 per 50 sq. m. NFA
	Club ⁵	None	1 per 10 sq. m. floor area	1 per 3 sq. m. floor area
	Retail Supermarkets exceeding 1,000sq.m. GFA	None	1 per 100 sq. m. CFA*	1 per 30 sq. m. GFA*
	Other Retail and Main Street	1 per 350 sq. m. GFA	1 per 275 sq. m. GFA	1 per 75 sq. m. GFA
Enterprise and Employment	Retail Warehousing (non-food)	1 per 300 sq. m. GFA	1 per 200 sq. m. GFA	1 per 35 sq. m. GFA
	Offices ⁶	None ⁷	1 per 200 sq. m. GFA	1 per 100 sq. m. GFA
Sports and Recreation	Manufacturing / Warehousing	1 per 450 sq. m. GFA	1 per 450 sq. m. GFA	1 per 200 sq. m. GFA
	Clubhouse Gymnasium ⁸ Courts Pitches	Dependent on nature and location of use		
Venue	Auditoriums Cinema Conference Centre Stadia ⁹ Theatre	1 per 100 seats	1 per 25 seats	1 per 10 seats

Applicant’s Response

The car parking quantum remains unchanged and as permitted under An Bord Pleanála Ref. ABP-307656-20, as amended. We refer the Planning Authority to the Transportation Cover Letter, prepared by Waterman Moylan Consulting Engineers. The materials confirm the number of spaces permitted remains unchanged while the make up and the location of the spaces are slightly altered to relocate the 1no. visitor space and provide an additional accessible space with the loss of a ‘regular’ car parking space.

10 APPROPRIATE ASSESSMENT SCREENING REPORT

We refer to the accompanying Appropriate Assessment Statement ‘Amendum No.1’ prepared by Scott Cawley Ecologists which concludes the following: –

“As there is no possibility of the amendments to the project affecting any European sites, the amendments to the project will not affect the conclusion of the AA Screening report prepared by Scott Cawley Ltd.

Therefore following an examination, analysis, and evaluation of the best available information, and applying the precautionary principle, it can be concluded that the possibility of any significant effects on any European sites, whether arising from the project alone or in combination with other plans and projects, can be excluded, for the reasons set out in Section 3.3 of the AA Screening report, and as set out in Section 3 of this AA Screening Addendum No. 1, above. In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence, and their conservation objectives, have been fully considered. Therefore, it is the professional opinion of the authors of this report that the application for consent for the proposed development does not require an Appropriate Assessment or the preparation of a Natura Impact Statement (NIS).”

11 CONCLUSION

It is our considered professional planning opinion that the development subject of this submission should be supported by the Planning Authority on the grounds that:

- The proposed development is minor in scale and nature while the residential element of the scheme remains unchanged and unaffected by the proposed amendment.
- The quantity of Non-Residential floor space remains below 30% as per the Large-Scale Residential Development requirements.
- The proposed development aids the development of the overall scheme and Block 1 specifically.
- The proposed development is generally consistent with the policies and provisions set out in the Development Plan and other associated National Guidelines.

We confirm that we act for the Applicant in this case and would ask that all future correspondence in relation to this planning application be directed to this office.

12 ENCLOSURES

1no. copy of the following items are included with this application: -

1. Completed Planning Application Form.
2. Large-Scale Residential Planning Application Form 19.
3. Proof of EFT payment for the total sum of €438.48 (Statutory LRD Planning Fee).
4. Newspaper Notice published in the Irish Daily Star on 4 June 2024 (1no. original copy of the relevant page).
5. Site Notice, erected at 6no. locations on 4 June 2024 (1no. copy enclosed).
6. Letter of Consent from Rathborne Boulevard Residential GP DAC.
7. Letter of Consent from Castlethorn Construction Unlimited Company.
8. Letter of Consent from Castlethorn Developments Rathborne ULC.
9. Copy of Letter dated 21 May 2024 from Stephen Little & Associates to Dublin City Council
10. Copy of emails from Dublin City Council dated 08 May 2024 and 27 May 2024 confirming Formal LRD Pre-Planning Consultation not required.

6no. copies of the following plans and particulars are submitted: -

11. Planning Application Report, prepared by Stephen Little & Associates.
12. Architectural Drawings - Permitted and Proposed (refer to enclosed Drawing Register), prepared by O'Mahony Pike Architects.
13. Design Statement, prepared by O'Mahony Pike Architects.
14. Schedules (Accommodation, Parking, Open Space), prepared by O'Mahony Pike Architects.
15. Landscape Drawings, prepared by Doyle + O'Troithigh Landscape Architects.
16. Landscape Design Cover Letter, prepared by Doyle + O'Troithigh Landscape Architects.
17. Engineering Statement and drawings, prepared by Waterman Moylan Consulting Engineers.
18. Uisce Éireann Water Confirmation of Feasibility (enclosed in Engineering Statement), dated 20 December 2023.
19. Uisce Éireann Statement of Design Acceptance (enclosed in Engineering Statement, dated 31 August 2023).
20. Appropriate Assessment Addendum No. 1 Statement, prepared by Scott Cawley Ltd.
21. Appropriate Assessment Screening Report, prepared by Scott Cawley Ltd.

Stephen Little & Associates are committed to progressing and achieving sustainable development goals.

**Chartered Town
Planners and
Development
Consultants**

Address:
26/27
Upper Pembroke Street
Dublin 2, D02 X361

Contact:
t: 353-1 676 6507
info@sla-pdc.com
sla-pdc.com