

THIRD PARTY PLANNING OBJECTION IN RESPECT OF SOUTH DUBLIN COUNTY COUNCIL PLANNING APPLICATION, REG. REF. SD21A/0139, WHICH PROPOSES DEVELOPMENT COMPRISING OF: THE DEMOLITION OF THREE EXISTING APARTMENT UNITS (C. 239SQ.M) AND BIN STORE (C.18SQ.M) AND THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ARRANGED IN TWO BUILDING BLOCKS (BLOCK A & BLOCK B) RANGING FROM 3 TO 6 STOREYS IN HEIGHT OVER BASEMENT LEVEL (C. 3,728SQ.M, INCLUDING BASEMENT). BLOCK A COMPRISES 11 RESIDENTIAL APARTMENTS (C. 1256SQ.M) IN A 5 TO 6 STOREY BUILDING AND INCLUDING A GROUND FLOOR LEVEL CAFE (C. 93SQ.M) AT THE BUILDINGS SOUTH EASTERN CORNER; BLOCK B COMPRISES 15 RESIDENTIAL APARTMENTS (C.1393SQ.M) IN A 3 TO 5 STOREY BUILDING; THE PROPOSED DEVELOPMENT WILL COMPRISE 26 NEW RESIDENTIAL UNITS (5 STUDIO APARTMENTS, 6 1-BEDROOM APARTMENTS, 7 2-BEDROOM APARTMENTS & 8 3-BEDROOM APARTMENTS) WITH ASSOCIATED BALCONIES AND TERRACES. THE PROPOSED DEVELOPMENT WILL COMPRISE A TOTAL OF 40 APARTMENT UNITS DERIVED FROM 26 NEW APARTMENTS AND 14 EXISTING APARTMENTS; RELOCATION OF EXISTING BASEMENT ACCESS ON OLD GREENHILLS ROAD AND THE UPGRADE AND EXTENSION OF THE EXISTING BASEMENT LEVEL ; PROVISION OF INTERNAL FOOTPATHS; LANDSCAPED COMMUNAL OPEN SPACE [ETC.] ON A SITE OF APPROXIMATELY 0.23HA. ON LANDS BOUNDED TO THE NORTH BY ST BASIL'S TRAINING CENTRE, TO THE EAST BY GREENHILLS ROAD, TO THE WEST BY OLD GREENHILLS ROAD, AND TO THE SOUTHEASTERN CORNER BY MAIN STREET, TALLAGHT, DUBLIN 24.

THIS PLANNING APPEAL OBSERVATION HAS BEEN PRODUCED BY BPS FOR AND ON BEHALF OF TALLAGHT COMMUNITY COUNCIL, C/O BOLBROOK ENTERPRISE CENTRE, AVONMORE ROAD, TALLAGHT, COUNTY DUBLIN.

**bps** planning consultants

**CONTENTS:**

**1.0 INTRODUCTION:**

- 1.1 NO CONSULTATION WITH AND/OR PERMISSIONS GIVEN FROM TALLAGHT COMMUNITY COUNCIL:
- 1.2 PRE-PLANNING MEETING WITH SOUTH DUBLIN CO. CO. WAS HELD 'WITHOUT PREJUDICE':
- 1.3 CONCURRENT PLANNING APPLICATION, REG. REF. SD21A/0139:

**2.0 RATIONALE FOR TALLAGHT COMMUNITY COUNCIL'S OBJECTION:**

**3.0 SITE LOCATION & DESCRIPTION:**

- 3.1 ESTABLISHED BUILDING HEIGHTS IN THE VICINITY OF THE APPLICANT SITE:
- 3.2 THE SCALE AND MASSING OF THE PROPOSAL MUST RESPECT THE PRIORY GROUNDS TO THE WEST:

**4.0 ZONING AND SITE DESIGNATIONS:**

**5.0 THE PROPOSED DEVELOPMENT:**

- 5.1 EXISTING DEVELOPMENT RELATIVE TO PROPOSED DEVELOPMENT:
- 5.2 CLARITY ON DENSITY IS NEEDED ON THE DENSITY OF BLOCKS A & B EXCLUDING THE EXISTING SCHEME:
- 5.1 TECHNICAL ISSUES WITH THE PLANNING APPLICATION AS SUBMITTED:
  - 5.1.1 THE EXISTING GREENHILLS COURT SCHEME IS 1, 2, 3 AND 4 STOREYS AND NOT "2 TO 4 STOREYS":
  - 5.1.2 THE ACTUAL LIFT OVER-RUNS DO NOT APPEAR TO BE SHOWN IN SOME ELEVATIONS:

**6.0 RELEVANT PLANNING HISTORY:**

- 6.1 RELEVANT PLANNING HISTORY OF THE APPLICANT SITE:
- 6.2 PRECEDENT PLANNING REFUSAL AT GREENHILLS ROAD, TALLAGHT, DUBLIN 24 UNDER, REG. REF. SD20A/0250

**7.0  GROUNDS FOR OBJECTION:**

**7.1 ISSUE 1: THE PRINCIPLE OF AN APARTMENT DEVELOPMENT IS SUPPORTED BUT NOT AT THE PROPOSED DENSITY:**

- 7.1.1 PRINCIPLE OF DEMOLISHING PART OF AN APARTMENT BLOCK TO BUILD AT EXCESSIVE SCALE IS NOT SUPPORTED:

**7.2 ISSUE 2: PROPOSED DEVELOPMENT IS PREMATURE PENDING THE ADJOINING SITE BEING PLANNED & DEVELOPED:**

**7.3 ISSUE 3: THE SUBMITTED PROPOSAL IS CONTRARY TO NATIONAL, REGIONAL & LOCAL PLANNING POLICY:**

- 7.3.1 PROPOSAL'S EXCESSIVE DENSITY, SCALE, HEIGHT & MASSING ARE CONTRARY TO PLANNING POLICY:
- 7.3.2 PROPOSAL'S DENSITY, SCALE, HEIGHT & MASSING IS CONTRARY TO THE NPF:
  - 7.3.2.1 THE LAP 2000, CDP 2016-2022, THE NPF & STATUTORY GUIDANCE ARE COMPATIBLE IN THIS CASE:
  - 7.3.3 REVIEW UNDER THE REGIONAL SPATIAL & ECONOMIC STRATEGY FOR THE EASTERN & MIDLANDS REGION:
  - 7.3.4 NON-COMPLIANCE WITH SECTION 28 GUIDELINES:
    - 7.3.4.1 NON-COMPLIANCE WITH THE DESIGN STANDARDS FOR NEW APARTMENTS GUIDELINES (2018):
    - 7.3.4.2 NON-COMPLIANCE WITH THE SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS GUIDANCE:
    - 7.3.4.3 NON-COMPLIANCE WITH THE URBAN DESIGN MANUAL (2007):
    - 7.3.4.4 NON-COMPLIANCE WITH THE URBAN DEVELOPMENT AND BUILDING HEIGHT GUIDELINES (2018):
    - 7.3.4.5 CONTRARY TO THE 'ARCHITECTURAL HERITAGE PROTECTION GUIDELINES' (2004):
    - 7.3.4.6 THE SUBMITTED PARKING PROPOSALS ARE CONTRARY TO NATIONAL TRANSPORT POLICIES:
  - 7.3.5 CONTRARY TO SDCC DEVELOPMENT PLAN 2016-2022 POLICY:
    - 7.3.5.1 CONTRARY TO THE ZONING OF THE SITE:
    - 7.3.5.2 THE PROPOSAL IS CONTRARY TO S. 5.1.2 'URBAN CENTRES (UC) POLICY 3 VILLAGE CENTRES' OF THE CDP:
    - 7.3.5.3 THE PROPOSAL IS CONTRARY TO HOUSING (H) POLICY 7 'URBAN DESIGN IN RESIDENTIAL DEVELOPMENTS':
    - 7.3.5.4 THE PROPOSAL IS CONTRARY TO HOUSING (H) POLICY 8 'RESIDENTIAL DENSITIES':
    - 7.3.5.5 THE PROPOSAL IS CONTRARY TO S. 2.2.3 & HOUSING (H) POLICY 9 'RESIDENTIAL BUILDING HEIGHT':
    - 7.3.5.6 THE PROPOSAL IS CONTRARY TO CORE STRATEGY (CS) POLICY 2:
    - 7.3.5.7 CONCERNS OVER CLAIMED COMPLIANCE WITH PUBLIC OPEN SPACE HOUSING POLICY 12 & H12 OBJECTIVES 1 & 2:
    - 7.3.5.8 CONTRARY TO OBJECTIVE UF4:
    - 7.3.5.9 CONTRARY TO OBJECTIVE UF4:
  - 7.3.6 CONTRARY TO THE TALLAGHT TOWN CENTRE LOCAL AREA PLAN 2020:
    - 7.3.6.1 THE PRINCIPLE OF AN APARTMENT SCHEME DEVELOPMENT AND OBJECTIVES RE 9 & RE 10 OF THE LAP:
    - 7.3.6.2 THE APPLICANT SCHEME IS WHOLLY OUT OF LINE WITH S. 3.4 LAP OBJECTIVES FOR 'THE VILLAGE':
    - 7.3.6.3 THE APPLICANT PLANNING REPORT'S TREATMENT OF PLOT RATIO IS MISLEADING AND WRONG:
    - 7.3.6.4 THE PROPOSAL IS CONTRARY TO SECTION 2.6 'INTENSITY OF DEVELOPMENT':
    - 7.3.6.5 THE PROPOSAL IS CONTRARY TO SECTION 2.6.2 'HEIGHT AND BUILT FORM':

**7.4 ISSUE 4: THE PLANNING HISTORY OF THIS SITE & THE ADJOINING SITE CONFIRMS THE SCHEME SHOULD BE REFUSED:**

- 7.4.1 SCHEME IS CLOSE TO IDENTICAL (BUT DENSER & TALLER) TO PREVIOUSLY REFUSED SCHEMES ON THIS SITE:

- 7.4.1.1 PLANNING APPLICATION, REG. REF. SD03A/0368 & APPEAL, REG. REF. PL06S.204649:
- 7.4.1.2 PLANNING APPLICATION, REG. REF. SD03A/0368 & APPEAL, REG. REF. PL06S.204649:
- 7.4.1.3 THE ASSESSEMENT OF THE GREENHILLS COURT PARENT PERMISSION SUGGEST THE SCHEME SHOULD BE REFUSED:
- 7.4.1.4 AN OVER-SCALED SCHEME (1.37 PLOT RATIO) WAS REFUSED ON THE ADJOINING SITE - REG. REF. SD20A/0250:
- 7.4.1.5 SITE AND SURROUNDING PLANNING HISTORY CONFIRMS THE CURRENT SCHEME SHOULD BE REFUSED:

**7.5 ISSUE 5: SCHEME'S SITING, DENSITY, SCALE, HEIGHT, BULK & MASSING IS EXCESSIVE ON A POORLY CONFIGURED SITE:**

- 7.5.1 THE PROPOSED NEW BUILDINGS ARE LOCATED TOO CLOSE TO SITE BOUNDARIES:
- 7.5.1.1 THE SITING OF BLOCK B RELATIVE TO THE ADJOINING 1 STOREY DWELLING TO THE NORTH IS UNACCEPTABLE:
- 7.5.1.2 SITING OF BLOCKS A & B HARD UP TO THE BOUNDARIES OF THE UNDEVELOPED SITE TO THE SOUTH IS INEXPLICABLE:
- 7.5.1.3 BLOCK A'S SITING HARD UP THE EASTERN BOUNDARY OF THE SITE/GREENHILLS ROAD IS UNACCEPTABLE:
- 7.5.1.4 HARD UP TO THE GREENHILLS ROAD MEANS NO PLANTING OF TREES, ETC. IS POSSIBLE:
- 7.5.1.5 CONCERNS ARISE WITH RESPECT TO THE SITING OF THE BASEMENT CAR PARK BESIDE NO. 8 OLD GREENHILLS ROAD:
- 7.5.2 PROPOSED BLOCK A & BLOCK B WOULD CAUSE AN ABRUPT INCREASE IN BUILDING HEIGHTS:
- 7.5.2.1 BLOCK A IS MONOLITHIC & WOULD CREATE AN EXCESSIVELY MONOLITHIC ELEVATION TO GREENHILLS RD:
- 7.5.2.2 THE PROPOSED DENSITY, HEIGHT, BULK AND MASSING OF BLOCKS A AND B IS UNACCEPTABLE:
- 7.5.2.3 CONCLUSION – BUILDINGS' DENSITIES, SITINGS, HEIGHTS AND SCALES AT THE PROPOSED LOCATION:

**7.6 ISSUE 6: THE SCHEME'S NEGATIVE RESIDENTIAL & VISUAL AMENITY IMPACTS ARE UNACCEPTABLE:**

- 7.6.1 NOTE: THE HEIGHT AND SCALE OF THE PROPOSED WINDOWS AND FRENCH DOORS IN ALL ELEVATIONS:
- 7.6.2 SIGNIFICANT CONCERNS OVER THE PROPOSED RELATIONSHIP BETWEEN BLOCK B & NOS. 8, 9 & 10:
- 7.6.2.1 BLOCK B DISREGARDS ESTABLISHED & ADJOINING BUILDING HEIGHTS AND FAILS TO PROTECT AMENITIES:
- 7.6.2.2 NOS. 8, 9 & 10 ARE HISTORIC SINGLE STOREY STRUCTURES THAT CANNOT BE DEMOLISHED OR VASTLY EXTENDED:
- 7.6.2.3 THE SUBMITTED DESIGN REPORT FAILS TO JUSTIFY THE SITING, SCALE, HEIGHT & DESIGN OF BLOCK B:
- 7.6.3 BLOCK B WOULD CAUSE NEGATIVE AMENITY IMPACTS ON ADJOINING PROPERTIES:
- 7.6.3.1 NOTE: ACTUAL EXTENT OF OVERSHADOWING ARISING FROM BLOCK B IS CLEARLY SHOWN BY ONLINE TOOLS:
- 7.6.3.2 SITING, HEIGHT, SCALE & MASSING OF BLOCK B = SIGNIFICANT NEGATIVE AMENITY IMPACTS ON NOS. 8, 9 & 10:
- 7.6.3.3 SITING, HEIGHT, SCALE & MASSING OF BLOCK B = NEGATIVE AMENITY IMPACTS ON THE COTTAGE:
- 7.6.3.4 SITING, HEIGHT, SCALE & MASSING OF BLOCK B = NEGATIVE AMENITY IMPACTS ON MAIN STREET

**7.7 ISSUE 7: THE SCHEME'S DETAILED DESIGN IS INSENSITIVE TO THE AREA:**

- 7.7.1 SITING OF THE GOCAR SPACES & BIN STORE IS UNACCEPTABLE IN AN AREA WHICH SHOULD NOT BE CHANGED:
- 7.7.2 SITING OF THE BIN STORE ADJOINING NO. 10 – COURT COTTAGE – IS NOT ACCEPTABLE:
- 7.7.3 SITING OF THE BACK UP GENERATOR FOR THE WATER PUMPS BEHIND THE BIN STORE IS NOT ACCEPTABLE:
- 7.7.4 BIKE STANDS LOCATED ALONGSIDE COURT COTTAGE ARE INSECURE AND UNCOVERED AND SHOULD BE RELOCATED:
- 7.7.5 THE BLANK BUILDING ELEVATIONS FACING SOUTH AND WEST ARE NOT ACCEPTABLE:

**7.8 ISSUE 8: OPEN SPACE IN THE SCHEME FOR EXISTING AND PROPOSED RESIDENTS IS UNACCEPTABLY POOR:**

- 7.8.1 THE CLAIMED 'LANDSCAPED PUBLIC OPEN SPACE' TO THE NORTH OF THE SITE IS POOR AND COMPROMISED:
- 7.8.2 SCALES OF BLOCKS A AND B WOULD DIMINISH THE COMMUNAL OPEN SPACE'S QUALITY:
- 7.8.3 ACCESS TO 10% OF THE SITE AS PUBLIC OPEN SPACE GIVEN VERY POOR OPEN SPACE IS POINTLESS:
- 7.8.4 GIMMICKS SUCH AS "EXERCISE ZONE" AND "WORKING FROM HOME" AREAS ARE NOT ACCEPTED:
- 7.8.5 CONCERNS ARISE – DESPITE LANDSCAPING – OVER GROUND FLOOR UNITS ADJOINING THE CENTRAL OPEN SPACE:
- 7.8.6 THE PROPOSAL IS CONTRARY TO S. 2.7.3 'GREEN INFRASTRUCTURE' OF THE LAP:

**7.9 ISSUE 9: THE APPLICANT ASSESSMENT OF THE VISUAL IMPACTS OF THIS SCHEME IS NOT CREDIBLE:**

- 7.9.1 CONCERNS OVER THE VISUAL IMPACT ASSESSMENT REPORT'S EMPHASIS ON DOWNPLAYING IMPACTS:
- 7.9.2 THERE ARE MULTIPLE PHOTOMONTAGE VIEWS MISSING FROM THE LVIA REPORT & REDLINE STUDIOS IMAGES:
- 7.9.3 THE LVIA ASSESSMENT DOES NOT ADEQUATELY OR PROPERLY ASSESS IMPACTS ON PRIVATE PROPERTIES:
- 7.9.4 THE VISUAL IMPACTS OF THE SCHEME AS SHOWN IN THE SUBMITTED PHOTOMONTAGES IS MISLEADING:
- 7.9.5 THE MITIGATION OF VISUAL IMPACTS PROPOSED IN THE LVIA = NO EXTERNAL VISUAL MITIGATION:
- 7.9.6 CONCLUSION: VISUAL IMPACT ASSESSMENT:

**7.10 ISSUE 10: CONSERVATION AND HERITAGE OBJECTIONS (READ WITH SECTIONS 7.4, 7.5 & 7.6):**

- 7.10.1 PROPOSED DENSITY, SCALE & HEIGHT SET A POOR PRECEDENT IN CLOSE PROXIMITY TO THE PRIORY & ITS LANDS:
- 7.10.2 THE PROPOSAL WOULD IMPACT NEGATIVELY ON THE TALLAGHT VILLAGE ARCHITECTURAL CONSERVATION AREA:
- 7.10.3 APPLICATION, REG. REF. SD20A/0250, WAS REFUSED DUE TO IMPACT ON THE PRIORY PROTECTED STRUCTURE:

**7.11 ISSUE 7: PARKING AND TRIP FIGURES PROVIDED RAISE PLANNING AND TRANSPORT PLANNING CONCERNS:**

- 7.11.1 NO PARKING DEMAND FIGURES ARE OFFERED - THE TRUE PARKING DEMAND IS UNKNOWN:
- 7.11.2 TRAFFIC AND PARKING ISSUES HAVE NOT BEEN FULLY ADDRESSED:
- 7.11.3 SCHEME'S PARKING PROVISION IS NON-COMPLIANT WITH TABLES 11.23 AND 11.24 OF THE SDCC CDP 2016-2022:
- 7.11.3.1 SCHEME IS 27 CAR PARKING SPACES SHORT & THIS WILL CAUSE OVERFLOW PARKING INTO ADJOINING ROADS, ETC:
- 7.11.3.2 THE GOCAR SPACES ARE PUBLIC SPACES AND NOT ONLY FOR THIS SCHEME – SCHEME IS 29 SPACES SHORT:
- 7.11.4 MEASURES PROPOSED TO JUSTIFY REDUCED CAR PARKING PROVISION ARE NOT CREDIBLE:

7.11.5 PROBLEMS WITH CLAIMS TO PROVIDE CYCLE FACILITIES:

**7.12 ISSUE 12: ISSUES OF CONCERN OVER THE OUTLINE CONSTRUCTION WASTE MANAGEMENT PLAN:**

- 7.12.1 WORKING HOURS SHOULD BE REVISED, FIXED AND NOT SUBJECT TO REVISION FOR ANY REASON:
- 7.12.2 A COMPLAINTS PROCEDURE & AN INDEPENDENT COMPLAINTS PROCESS IS REQUIRED:
- 7.12.3 MEASURES TO REDUCE IMPACTS ON THE ADJOINING OLD GREENHILLS ROAD FOOTPATH SHOULD BE AGREED:
- 7.12.4 WORKERS' VEHICLES SHOULD NOT BE PARKED IN ADJOINING ROADS SUCH AS OLD GREENHILLS RD:
- 7.12.5 QUEUING AN CONVOYING OF HGVS ON OLD GREENHILLS ROAD SHOULD BE AVOIDED:
- 7.12.6 CONSTRUCTION PHASE NOISE MANAGEMENT PROPOSALS NEED TO BE CAREFULLY REVIEWED:
- 7.12.7 DUST IMPACTS ON THE AREA NEED TO BE CONTROLLED AND MANAGED:
- 7.12.8 PROPOSED PHASING OF THE CONSTRUCTION WORKS SHOULD BE AGREED AT PLANNING STAGE:

**7.13 ISSUE 13: THE PROPOSED DEVELOPMENT WOULD SET POOR PRECEDENTS:**

**8.0 CONCLUSION:**

- 8.1 PERFORMANCE-BASED PLANNING RISK ASSESSMENT CONCLUSIONS:

**9.0 RECOMMENDATION:**

- 9.1 RECOMMENDED REASONS FOR REFUSAL:
- 9.2 REVISIONS REQUIRED IN THE EVENT OF A REQUEST FOR FURTHER INFORMATION:

**APPENDIX 1: POOR & VISUALLY DOMINANT APPEARANCE OF THE EXISTING GREENHILLS COURT SCHEME**

## 1.0 INTRODUCTION:

BPS Planning Consultants – a firm of Irish Planning Institute<sup>1</sup> accredited town planning and development consultants - have been appointed by Tallaght Community Council, c/o Bolbrook Enterprise Centre, Avonmore Road, Tallaght, Dublin 24 to make a planning objection on its behalf [hereafter referred to as ‘they’ or ‘client’] in respect of South Dublin County Council planning application, reg. ref. SD21A/0139, which proposes the following proposed development at St. Basil's Training Centre, Greenhills Road, Tallaght, Dublin 24:

*The demolition of three existing apartment units (c. 239sq.m) and bin store (c.18sq.m) and the construction of a residential development arranged in two building blocks (Block A & Block B) ranging from 3 to 6 storeys in height over basement level (c. 3,728sq.m, including basement) [etc.].*

This planning application was submitted on the 28/05/2021. The final date for the submission of objections is the 1/7/2021. This planning objection is lodged on or before the 1/7/2021.

For the convenience of the planning authority, this Planning Objection Report: sets out the rationale for this Tallaght Community Council objection (Section 2.0); sets out the site location and description (Section 3.0); reviews the site's zoning and designations (Section 4.0); sets out the proposed development (Section 5.0); sets out the site's planning history and a relevant planning application in the vicinity (Section 6.0) and our client's objections to the proposed development (Section 7.0). Finally, Sections 8.0 and 9.0 sets out our client's conclusions and recommendations following the BPS planning assessment.

## 1.1 NO CONSULTATION WITH AND/OR PERMISSIONS GIVEN FROM TALLAGHT COMMUNITY COUNCIL:

Our client wishes to note that neither Tallaght Community Council any of its members who are represented by this Planning Objection Report have been consulted by the Applicant in respect of the proposed development. At no point have they given any indication that the proposed development as now submitted would be acceptable to them. **Our client is opposed to this scheme, as submitted, for the reasons set out in this Planning Objection Report.**

## 1.2 PRE-PLANNING MEETING WITH SOUTH DUBLIN CO. CO. WAS HELD ‘WITHOUT PREJUDICE’:

Our client is concerned that a Section 247 pre-planning meeting took place between the Applicant and South Dublin County Council on the 11/2/2021 (no pre-planning meeting, reg. ref. provided). Section 1.6 of the Applicant Planning Report sets out the planning issues discussed at this meeting.

Our client considers that their input into the proper planning of this site, i.e. with the best interests of the Tallaght community in mind has been excluded to date from the Applicant's design proposals. They are concerned that the Applicant Planning Report suggests the submitted planning application represents a fait accompli.

BPS has advised our client that pre-planning meetings are held ‘without prejudice’, that the content of this planning objection will be considered by SDCC in its planning assessment and that there would not have existed any developer/council “agreement” prior to the lodgement of this planning application. We trust this is correct.

BPS has reviewed the pre-planning issues discussed and the primary planning concerns arising in this case. Our client's position on these points is set out below.

## 1.3 CONCURRENT PLANNING APPLICATION, REG. REF. SD21A/0136:

Our client wishes to note how they are also making an objection in respect of a concurrent planning application, reg. ref. SD21A/0136, for a 5 and 6 storey nursing home which has also been lodged in the close vicinity of the proposed apartment scheme. This concurrent planning application proposes the following development:

*PLANNING APPLICATION, REG. REF. SD21A/0136, WHICH PROPOSES DEVELOPMENT COMPRISING OF: (A) CONSTRUCTION OF A 5 STOREY NURSING HOME BUILDING CONSISTING OF (I) 112 BEDROOM (WITH EN-SUITE); (II) ASSOCIATED RESIDENT'S WELFARE FACILITIES; (III) ADMINISTRATION AREAS AND STAFF FACILITIES; (IV) WITH DAY CENTRE, AND PHARMACY PROPOSED AT GROUND FLOOR LEVEL; (B) CONSTRUCTION OF A PART 5/PART 6 STOREY BUILDING CONSISTING OF (I) 108 ONE-BEDROOM/TWO-PERSON INDEPENDENT LIVING UNITS FOR OLDER PEOPLE; (II) SOCIAL AND ACTIVITY AREAS; (III) MANAGEMENT OFFICE AND (IV) 5 GUEST BEDROOMS, EACH UNIT WILL BE PROVIDED WITH PRIVATE OPEN SPACE IN THE FORM OF A BALCONY/TERRACE (RANGING FROM 5SQ.M TO 12SQ.M); (C) COMMUNAL OPEN SPACE AND LANDSCAPING (INCLUDING NEW TREE PLANTING AND TREE RETENTION), 30 CAR PARKING SPACES AND 86 BICYCLE PARKING SPACES; (D) THE DEVELOPMENT WILL BE SERVED BY A NEW PEDESTRIAN AND VEHICULAR ACCESS FROM OLD GREENHILLS ROAD THROUGH EXISTING BOUNDARY WALL; (E) LANDSCAPING, BOUNDARY TREATMENTS (INCLUDING WALLS AND RAILINGS TO SOUTHERN AND*

<sup>1</sup> <https://www.ipi.ie/>

*WESTERN BOUNDARIES), AN ESB SUBSTATION, SUDS DRAINAGE; ROAD INFRASTRUCTURE AND ALL ANCILLARY SITE WORKS NECESSARY TO FACILITATE THE DEVELOPMENT AT ST. MARY'S PRIORY PROTECTED STRUCTURE, OLD GREENHILLS ROAD, TALLAGHT, DUBLIN 24.*

Our client considers that each of these two concurrent planning applications raises individual planning concerns, but they also raise cumulative planning concerns regarding their respective proposed density height, scale, and bulk of development on Old Greenhills Road, Greenhills Road and within and close to the priory lands.

This concurrent planning application was lodged on the 25/05/2021 and our client's objection in respect of that planning application, which is lodged at approx. the same time as this nursing home objection, should reasonably be reviewed at the same time to understand why our client is concerned at the growing threat these planning applications pose to the established character and pattern of development in this area.

**Critically, the two planning applications each try to increase the allowable plot ratio density in this area provided for under the LAP. Concerns arise at the growing pressure to create a precedent to allow unacceptably high densities on the Old Greenhill Road, within and outside the priory lands, within the Architectural Conservation Area, and within this historic area of Tallaght Village.**

## **2.0 RATIONALE FOR TALLAGHT COMMUNITY COUNCIL'S OBJECTION:**

In making this objection, our client wishes to raise the following planning issues that can be addressed by way of the South Dublin County Council planning assessment, including by way of refusal, a request for Further Information (revised drawings, etc.) and/or by way of condition:

### **1. THE PRINCIPLE OF DEVELOPMENT IS SUPPORTED FOR STANDARD APARTMENTS ONLY:**

Our client notes how this planning application's public notices and planning application form refer to this being a standard planning application for apartments. There is no reference to the apartments being 'Build to Rent', 'Shared Living' or accommodation for any defined groups such as those in need of care, etc.

Our client supports the principle of an appropriately designed, sited, and scaled apartment scheme at this location subject to it providing apartments to the general population. Our client makes this point in the context that the SDCC CDP 2016-2022 contains an objective to ensure there is not an over-concentration of emergency/hostel accommodation in any given area. In this area there are already 3 no. existing complexes of emergency (short term) accommodation including Greenhills Court's two complexes, a family hub on High Street and an approved hub on Airton Road.

Our client believes that a careful balance is needed in this area between providing standard apartment accommodation to the general population and offering short term accommodation for particular groups. Our client believes that this careful balance means that if it is envisaged that the current scheme is to be used to offer short term emergency accommodation then another location should be sought for short term emergency accommodation outside of the immediate village area and possibly the Tallaght Town Centre LAP 2020 area.

Our client makes this point because O'Mahony Holdings own Greenhills court and lease it to Focus Ireland. It is understood that they now act as the Management Company.

Our client's experience of Greenhills Court has not been a positive one. O'Mahony Holdings has confirmed to our client that they have vulnerable tenants and have frequent internal repairs such as broken windows and doors. These are acknowledged to be mostly internal management matters. However, Tallaght Community Council has repeatedly requested that they tidy up their building (it has never been painted) and it took years to get the property managers to clean external windows. The maintenance of this current property in the village remains poor (see Appendix 1).

### **2. THE EXCESSIVE SCALE OF THE PROPOSAL EXCEEDS THE ABSORPTION CAPACITY OF OLD GREENHILLS ROAD:**

Our client considers that the scale of the proposed development exceeds that which the Old Greenhills Road can absorb. The Applicant site is located beside and opposite single storey homes and schoolhouse. Concerns arise over how this planning application seeks to raise the ceiling for what is an acceptable scale of development on Old Greenhills Road to beyond what has ever previously been considered acceptable and beyond that provided for in local planning policy including by the Tallaght Town Centre Local Area Plan 2020.

### **3. THE PROPOSAL PROVIDES FOR AN INAPPROPRIATE DESIGN RELATIVE TO THE ARCHITECTURAL CONSERVATION AREA:**

Our client considers that the submitted design is not architectural conservation-led and, as such, fails to respect the Tallaght Village Architectural Conservation Area. As submitted, the scale of the proposed development and areas of its detailed design make it unsuitable for this site.

Our client considers that if this building is allowed, the ACA will be irreparable damaged and this scheme will significantly, permanently, and negatively visually dominate the streetscape in a manner that would set a precedent for further development to take place in a similar manner which would erode the streetscape quality of the Old Greenhills Road, the Architectural Conservation Area and Tallaght Village as a whole.

**4. EAST SIDE OF THE SCHEME (NOT IN ACA) AND THE WEST SIDE (PARTLY IN THE ACA) REQUIRE MUTUAL RE-DESIGN:**

Our client has reviewed the scheme and considers there to be obvious design differences between those areas of the site within or alongside the ACA and those that are not. Our client submits that the design should be the same – and sensitive to the ACA – across the site.

**5. THE ACCOMMODATION MIX IS UNACCEPTABLE, ESPECIALLY IN THE CONTEXT OF RECENT PERMISSIONS IN THE AREA:**

Our client has taken careful note of recent planning permissions granted in this area in recent times. These planning permissions have included significant numbers of 1 bedroom units. It is their view that there is a need for the current scheme to offer a better mix of units with a focus on family sized accommodation given the significant volumes of 1 no. bedroom units in the Laurels, New Bancroft and Priorsgate and the approved planning application by iRes for Main Road.

**6. INTERNAL OPEN SPACE WITHIN THE SCHEME IS POOR AND INCLUDES GIMMICKS SUCH “WORK FROM HOME” SPACE:**

Our client considers that the proposed open space provision in the scheme is poor and includes gimmick to try to hide this. Design elements such as the “work from home” space and the outdoor benches for workers lack credibility and are in fact gimmicks only. These areas do not provide appropriate workspaces. The outdoor benches are pointless due to climate and noise.

**7. CONCERNS THE SCHEME AIMS TO ACHIEVE THE PRINCIPLE OF A LARGE SCHEME TO BE FOLLOWED BY A LARGER ONE:**

Our client has watched as time and again in recent years planning permission has been obtained for schemes which push the boundaries of what they considered reasonable for given sites. They comment on schemes and changes are made and the scheme is granted. Then, a short time later the same site is re-submitted as a Strategic Housing Development that argues that an additional 30% to 50% in scale would not raise any “significant” further impacts on the local area and environment. Our clients consider that this planning application has all the signs of such a Trojan Horse type scheme. Indeed, our client believes that Stage 1 SHD pre-planning has taken place between the Applicant and SDCC. A definitive decision in this case is needed which sets a maximum achievable scale of development on this site which cannot be later increased by An Bord Pleanála without stringent objections from SDCC.

Further, our client is concerned that this site may be joined with neighbouring sites for a forthcoming joint Strategic Housing Development. They consider that this is undesirable as it would cause a significant quantum of land including this site to be developed into a single scheme which would mitigate against the design variety which is desirable in a streetscape in an ACA and within Tallaght Village.

**8. PUBLIC REALM ISSUES ARISE FROM POOR DESIGN PROPOSALS ON OR ADJOINING BOUNDARIES:**

Our client notes how boundary treatments on Greenhills Road and Old Greenhills Road generally use grey hand built stone walls and railings to harmonise with the Priory walls. The only exception is Greenhills Court, where cheap render and different railings are used. This visually interrupts the whole area on the old and new Greenhills Road. Our client asks that more care be taken in the finished of any new scheme granted on this site and that the opportunity be taken to clean up the existing scheme and to address its public realm shortcomings.

**Our client’s objections, set out in this report, are each aimed at addressing the above points, but a range of other planning concerns are also noted.**

**3.0 SITE LOCATION & DESCRIPTION:**

The Applicant’s c. 0.23 ha. site comprises of several different sites which have been cobbled together into a single site. The resultant site shape is odd. Previous planning assessments have referred to the “configuration of the site by which they mean the south end is almost undevelopable due to its width, while the site of proposed Block B is wedged between single storey house and a vacant site. The site maintains two short sections of road frontage to Old Greenhills Road which encircle single storey dwellings and to the north of which is St. Basil’s (old schoolhouse) – this structure is listed on the National Inventory of Architectural Heritage.

The areas of the Applicant site adjoining the Old Greenhills Road are developed with hard and soft landscaping and a basement car park granted under the Greenhills Court planning permission.

The site also maintains a long road frontage to the Greenhills Road.

The site accommodates an existing residential scheme known as Greenhills Court (granted under, reg. ref. SD04A/0731 (ABP, reg. ref. PL06S.210123). This scheme is 1, 2, 3 and 4 storeys in height. Its heights were restricted by way of its original planning permission to protect the adjoining single storey dwellings and community centre properties on Old Greenhills Road (see Figs. 1 to 6). The existing scheme' underground car park is accessed via Old Greenhills Road.

The existing and established pattern of development along the east side of the Old Greenhills Road is of single storey structures including the existing dwellings and a community centre building.

The west side of Old Greenhills Road is fully visually defined by St. Mary's Priory protected structure's existing parkland type appearance. The priory lands are just 15m away. The Applicant scheme is located in close proximity to these sensitive lands.

The Applicant site and the Old Greenhills Road maintain approx. the same ground levels so there is no possibility of the proposed development benefitting from any slope or of any new buildings being set into the site.

The Applicant site is located within the Tallaght Village Architectural Conservation Area.

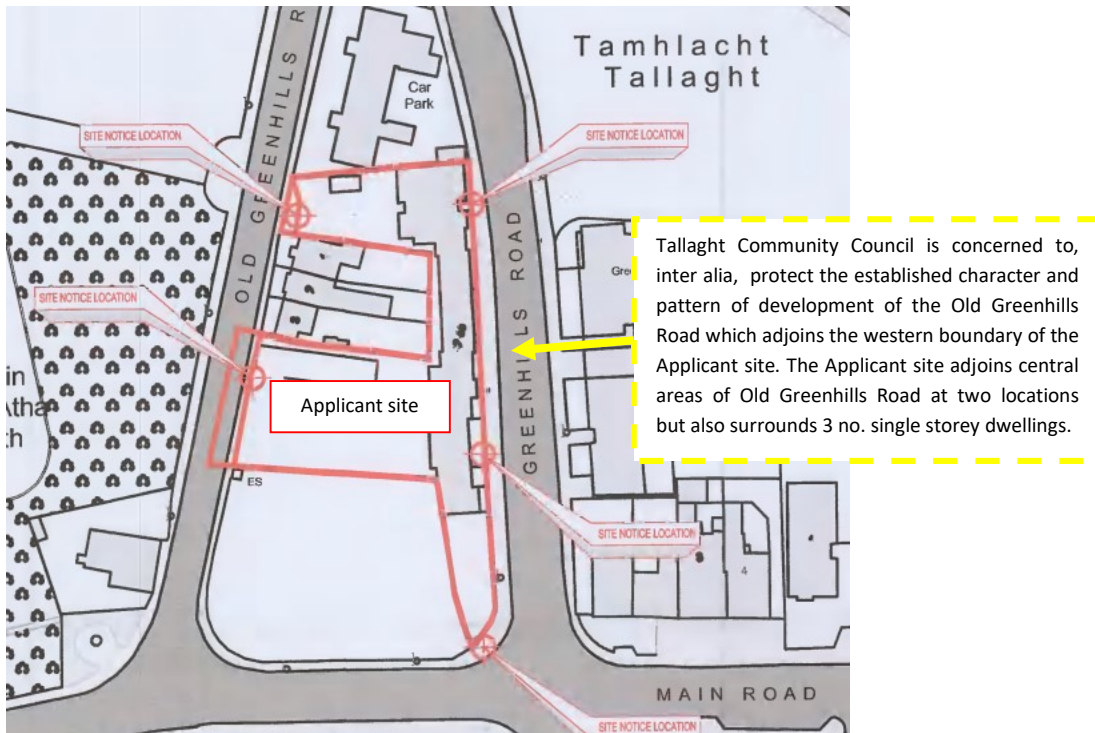


FIG. 1: EXCERPT FROM APPLICANT SITE LOCATION MAP





FIG. 2: SITE LOCATION AS SHOWN IN AN GOOGLE EARTH AERIAL PHOTOGRAPH



FIG. 3A: APPLICANT SITE CONTEXT TO OLD GREENHILLS ROAD – SINGLE STOREY ONLY ADJOINING APPLICANT SITE

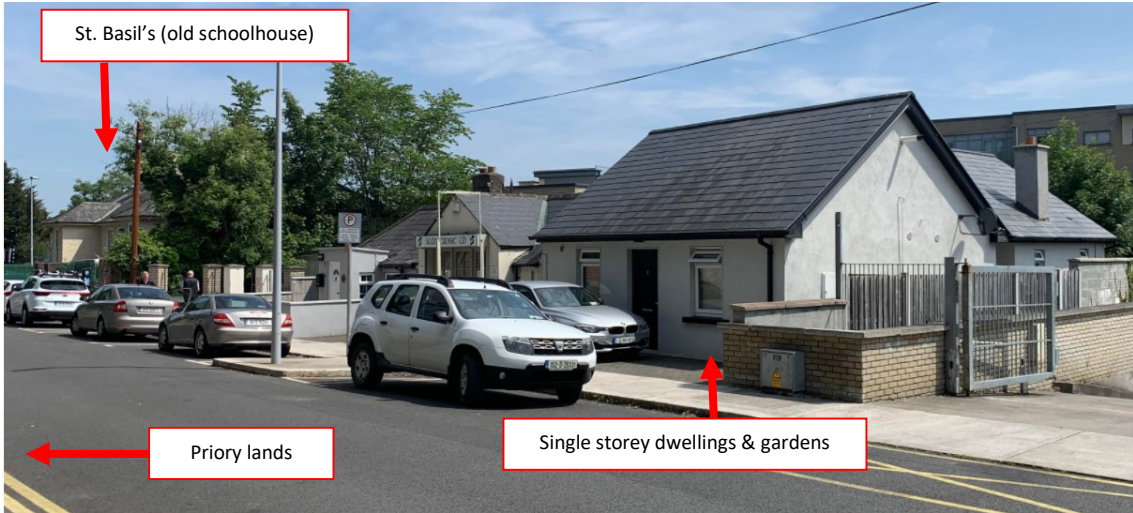


FIG. 3B: APPLICANT SITE CONTEXT TO OLD GREENHILLS ROAD – **SINGLE STOREY ONLY ADJOINING THE APPLICANT SITE**



FIG. 3C: NORTHERN SECTION OF APPLICANT SITE ROAD FRONTAGE TO OLD GREENHILLS ROAD



FIG. 3D: VIEW FROM NORTHERN SECTION OF SITE ROAD FRONTAGE OVER ADJOINING SINGLE STOREY DWELLINGS

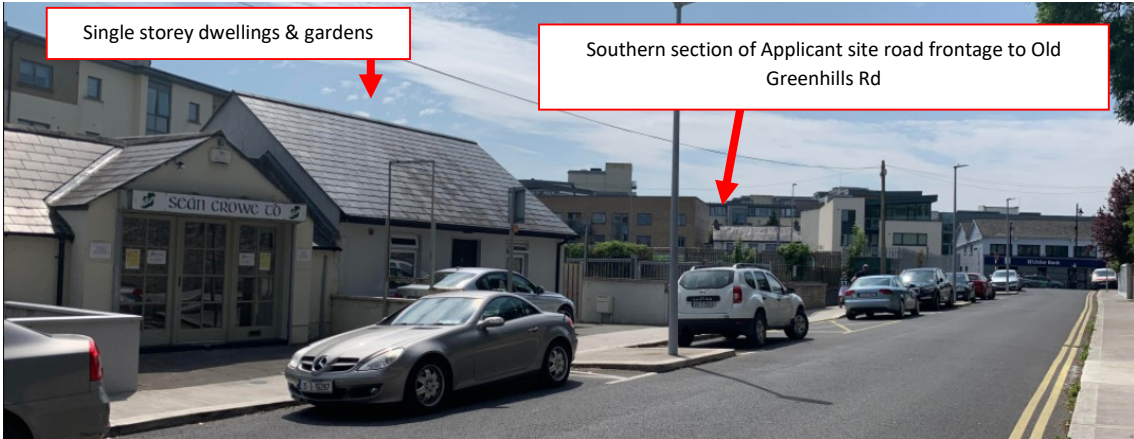


FIG. 4: VIEW TOWARD SOUTHERN SECTION OF APPLICANT SITE ROAD FRONTAGE TO OLD GREENHILLS ROAD

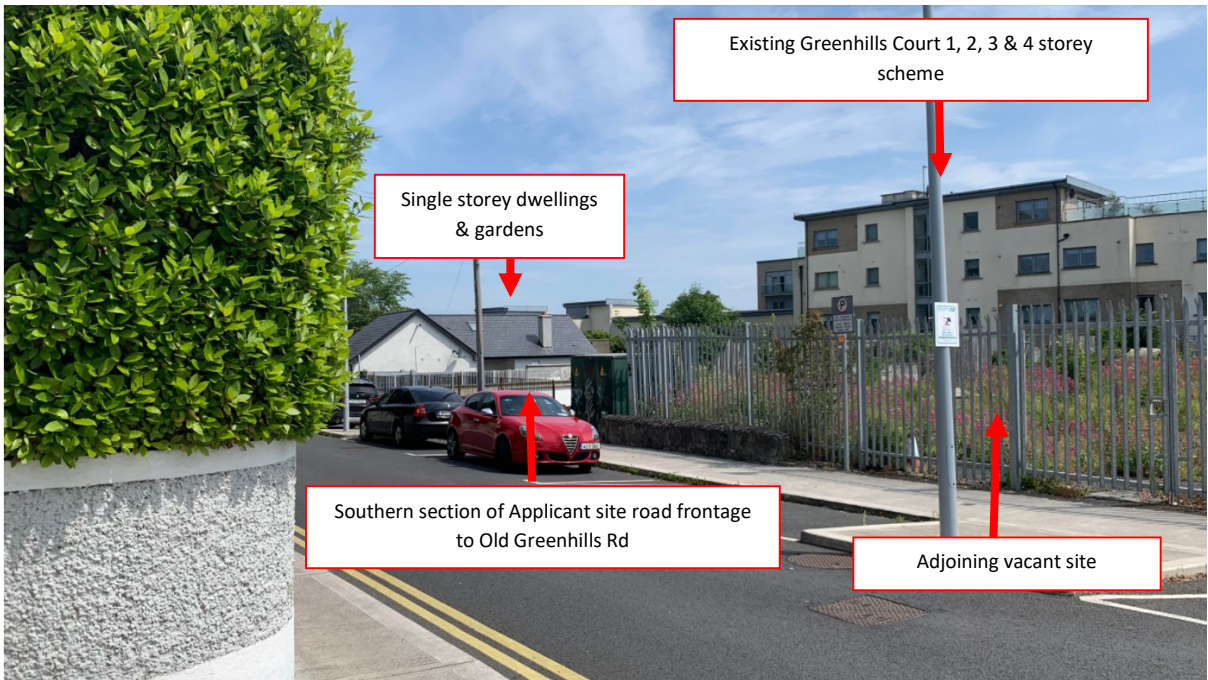


FIG. 5: SOUTHERN SECTION OF APPLICANT SITE ROAD FRONTAGE TO OLD GREENHILLS ROAD



FIG. 6: VIEW SOUTH ALONG GREENHILLS RD WITH THE APPLICANT SITE ON THE RIGHT (GOOGLE EARTH PHOTOGRAPH)

**3.1 ESTABLISHED BUILDING HEIGHTS IN THE VICINITY OF THE APPLICANT SITE:**

Adjoining and nearby building heights are as follows:

1. The existing Greenhills Court scheme on the west side of Greenhills Road is 1, 2, 3 and 4 storeys.
2. The existing Greenhills Court scheme on the east side of Greenhills Road is 3 and 4 storeys.
3. There is single storey development on the Old Greenhills Road.
4. There are 2 storey dwellings located to the north of the site on Greenhills Road.
5. New Bancroft Hall to the south of the site and across Main Street is 3 storey with a setback 4<sup>th</sup> storey as it addresses Main Street and faces the Old Greenhills Road (the remainder of the site slopes steeply down to the N81 and is irrelevant for the purposes of this assessment).

**It is not clear to our client how the Applicant has interpreted from any analysis of adjoining and surrounding building heights that this site can accommodate up to 5 and 6 storey buildings. The analysis suggests the scheme should be 1, 2, 3 and 4 storeys in height with any taller structures located to the southeast of the site.**

**3.2 THE SCALE AND MASSING OF THE PROPOSAL MUST RESPECT THE PRIORY GROUNDS TO THE WEST:**

The scale and massing of the proposed new buildings must respect the nearby priory grounds. Our client makes this point because planning application, reg. ref. SD20A/0250, was refused as it failed to do so. The current planning application does not appear to respect the surrounding context, including the Priory Protected Structure and the Architectural Conservation Area, and would result in an incongruous feature that would significantly detract from the visual amenity and character of the area.

**4.0 ZONING AND SITE DESIGNATIONS:**

Under the South Dublin County Development Plan 2016-2022, the site is zoned Objective 'VC' with the following objective: "To protect, improve and provide for the future development of village centres" (site outlined in yellow in Fig. 7A).

The site is located partly within and entirely alongside the Tallaght Village Architectural Conservation Area (see Fig. 7B). The site is also located opposite the attendant grounds of St. Mary's Priory protected structure, which contains no less than 5 designated protected structures (SDCC refs. 268, 269, 270, 271 and 273). The site is located within lands designated as an area of archaeological potential (within the blue line in Fig. 7A).

Our client accepts that the principle of a residential development at this location is provided for under the site's zoning; however, this does not infer in any way that the proposed scheme's siting, scale, density, and heights are acceptable.



FIG. 7A: EXCERPT FROM FIG. 1.2 OF THE APPLICANT PLANNING REPORT

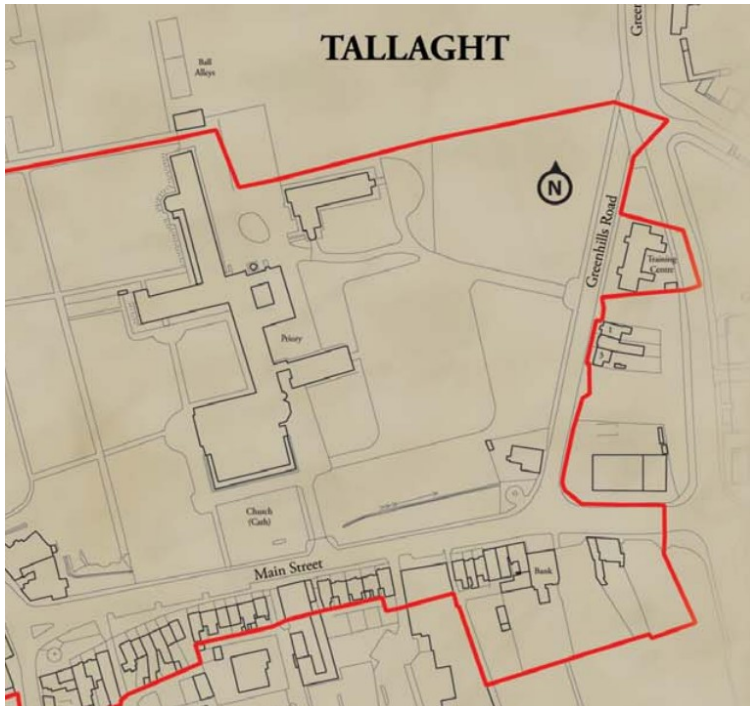


FIG. 7B: THE WEST SIDE OF THE SITE IS PARTLY IN THE ACA AND THE ENTIRE SITE ADJOINS THE ACA

## 5.0 THE PROPOSED DEVELOPMENT:

The proposed development provides for:

1. *The demolition of three existing apartment units (c. 239sq.m) and bin store (c.18sq.m).*
2. *The construction of a residential development arranged in two building blocks (Block A & Block B) ranging from 3 to 6 storeys in height over basement level (c. 3,728sq.m, including basement). Block A comprises 11 residential apartments (c. 1256sq.m) in a 5 to 6 storey building and including a ground floor level cafe (c. 93sq.m) at the buildings south eastern corner; Block B comprises 15 residential apartments (c.1393sq.m) in a 3 to 5 storey building; The proposed development will comprise 26 new residential units (5 studio apartments, 6 1-bedroom apartments, 7 2-bedroom apartments & 8 3-bedroom apartments) with associated balconies and terraces. The proposed development will comprise a total of 40 apartment units derived from 26 new apartments and 14 existing apartments.*
3. *Relocation of existing basement access on Old Greenhills Road and the upgrade and extension of the existing basement level; provision of internal footpaths; landscaped communal open space (including outdoor gym equipment, children's play area and 'working from home' area); public open space; 13 car parking spaces and 74 long-stay bicycle parking spaces and 1 motorcycle parking spaces at basement level; 2 shared car parking spaces and 20 short-stay bicycle parking spaces at surface level (15 car parking spaces, 94 cycle parking spaces and 1 motorcycle parking in total); all piped infrastructure and ducting; elevation treatments; plant room; lift access and stair cores; hard and soft landscaping and boundary treatments; changes in level; waste management areas; attenuation tank; backup generator; solar photovoltaic panels; lighting; and all associated site development and excavation works above and below ground.*
4. *The subject site is currently partly developed with an existing residential scheme known as Greenhill's Court comprising 17 apartment units in 4 apartment blocks ranging in height from 2 to 4 storeys, including basement car park all on a site of approximately 0.23ha.*

## 5.1 EXISTING DEVELOPMENT RELATIVE TO PROPOSED DEVELOPMENT:

Our client is concerned to ensure that all parties are clear on what is proposed in the current planning application.

The existing Greenhills Court scheme – which was granted as a scheme for this entire site - comprises of 17 no. apartments located in 4 no. linked apartment blocks ranging in height from 1 to 4 storeys. The current scheme involves:

1. Part demolition of the existing residential scheme (Greenhills Court) to the south – a total of 3 no. residential units); and
2. The building of 2 no. apartment blocks in place of the 3 no. residential units:

**Block A:** A 5 and 6 storey block containing 11 no. residential units and a retail unit.

**Block B:** A 3 to 5 storey block of 15 units over the existing basement.

This adds 26 no. apartment units, including 1 no. café’ unit at ground floor and ancillary works. The resulting scheme would contain 40 no. apartments and the café unit.

3. The scheme is served by 15 car parking spaces of which 2 are GoCar public spaces that are sited within the scheme.



FIG. 8: EXISTING SITE LAYOUT PLAN RELATIVE TO THE PROPOSED SITE LAYOUT PLAN

**5.2 CLARITY ON DENSITY IS NEEDED ON THE DENSITY OF BLOCKS A & B EXCLUDING THE EXISTING SCHEME:**

Our client acknowledges the Applicant Planning Report’s preference for the density of the scheme to only be considered regarding the site as a whole. That is, with the existing Greenhills Court scheme included in the figures. By doing this, the extreme density proposed by Blocks A and B on a small part of the overall site appears diluted.

The Applicant gives a plot ratio density of 1.63 for the overall site which appears to be a diluted figure. The actual plot ratio of the areas of the site that new development is proposed in – via Blocks A and B – may be far higher.

Our client objects to this planning application’s presentation regarding density. They find it misleading and unrepresentative of the true density of Blocks A and B. The actual areas of the site into which Blocks A and B are to be sited would achieve plot ratio figures that are vastly above that of the refused planning application, reg. ref. SD20A/0250 despite that scheme maintaining heights above those of the current scheme.

**5.1 TECHNICAL ISSUES WITH THE PLANNING APPLICATION AS SUBMITTED:**

**5.1.1 THE EXISTING GREENHILLS COURT SCHEME IS 1, 2, 3 AND 4 STOREYS AND NOT “2 TO 4 STOREYS”:**

The Applicant planning application, including Section 1.3 of the Applicant Planning Report refer to the existing Greenhills Court scheme as being “2 to 4 storeys” in height. As Fig. 9 shows, the scheme is in fact 1, 2 3 and 4 storeys in height. This was required to protect the adjoining single storey dwellings and rear gardens on Old Greenhills Road.



FIG. 9: 1 AND 2 STOREY PARTS OF THE EXISTING GREENHILLS COURT SCHEME

**5.1.2 THE ACTUAL LIFT OVER-RUNS DO NOT APPEAR TO BE SHOWN IN SOME ELEVATIONS:**

The Applicant provides for lift over-runs on the submitted elevations. These are noted with OSD levels. These levels require review as on the taller section of building the lift over-run does not appear to have been shown. +111.72 OSD is 1.18m taller than the Parapet Level of +110.54

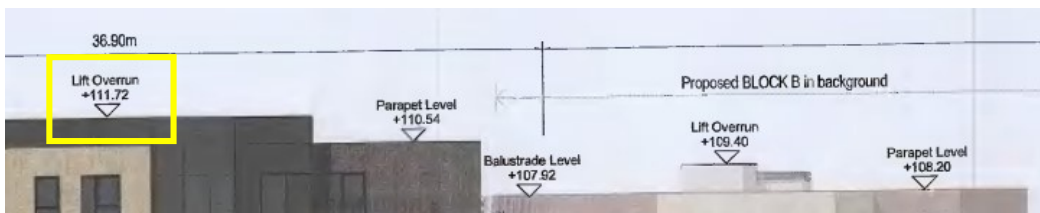


FIG. 10: LIFT OVER-RUNS REFERRED TO ON THE ELEVATIONS BUT NOT ACTUALLY INCLUDED ON THE ELEVATIONS

**5.1.2 THE PLANNING REPORT REFERS TO THE PROPOSED “CAFÉ” AS A “RETAIL UNIT”:**

Section 1.3 of the Applicant Planning Report refers to a “retail unit” in Block A but the public notices refer to a ground floor café at this location. This error suggest that the Applicant is unclear as to what use this unit would be put – café or retail.

**6.0 RELEVANT PLANNING HISTORY:**

**6.1 RELEVANT PLANNING HISTORY OF THE APPLICANT SITE:**

Relevant planning history of this site is set out in Section 7.4 of this Planning Objection Report.

**6.2 PRECEDENT PLANNING REFUSAL AT GREENHILLS ROAD, TALLAGHT, DUBLIN 24 UNDER, REG. REF. SD20A/0250**

Our client notes how they recently objected to planning application, reg. ref. SD20A/0250, which refers to a large-scale, mixed use, 5 to 8 storey development on the Greenhills Road. This was refused by SDCC on the 25/11/2020. This planning application was refused for similar reasons to those our client recommends be applied in the current case, including the following reason:

*The proposed development, by reason of the excessive density, plot ratio and height proposed as well as the poor design, would fail to integrate and respond to the site, surrounding context, the Priority Protected Structure and the Architectural Conservation Area, and would result in an incongruous feature that would significantly detract from the visual amenity and character of the area. Thus, the proposed development would contravene the Tallaght Town Centre LAP (2020-2026), the South Dublin County Development Plan (2016-2022), the VC zoning objective which seeks ‘To protect, improve and provide for the future development of Village Centres’ and the proper planning and sustainable development of the area. The proposed development, by virtue of its scale and layout, would represent overdevelopment of the site and would result in piecemeal development which would be out of keeping with the character and pattern of development in the area. It would also result in an overbearing form of development which would be injurious to residential amenities and would fail to respect the established building line in the area. The proposed development would therefore be contrary to Section 11.3.2 of the South Dublin*

*County Development Plan 2016-2022 which relates to residential consolidation and would materially contravene the 'RES' zoning objective, as set out in the South Dublin County Development Plan 20-16-2022, which seeks 'To protect and/or improve residential amenity'.*

**Our client considers that the same concerns arise in the current planning application and, as such, this planning application should be refused. Our clients note that the Applicant architect is the same and each of the submitted expert reports all argued that the scheme was acceptable on all grounds despite significant concerns arising. This scheme is located across the road and some distance from the priory protected structure yet was found to impact on the protected structure. It also impacted on the ACA.**



FIG. 11: SITE LAYOUT – LANDSCAPING PLAN – FOR REFUSED PLANNING APPLICATION, REG. REF. SD20A/0250

## 7.0 **GROUNDINGS FOR OBJECTION:**

BPS has been asked by our client to assess the planning application from its perspective and the perspective of the area into which it is proposed. BPS has identified the following concerns with the submitted planning application. We note that these points have been discussed in detail with our client.

### 7.1 **ISSUE 1: THE PRINCIPLE OF AN APARTMENT DEVELOPMENT IS SUPPORTED BUT NOT AT THE PROPOSED DENSITY:**

Our client accepts that there is scope to develop a reasonable and sensitive apartment scheme at this location and to offer ground floor active uses which enliven the streetscape. They cannot however support the current scheme because of:

- Its excessive density as reflected in a density of 1.63 which is denser than is allowable under the LAP.
- Its extremely proximity to site boundaries and the lack of any reasonable and/or adequate setbacks to adjoining properties.
- Its excessive building heights proposed onto Old Greenhills Road and Greenhills Road.
- Its poor integration with the streetscape on Old Greenhills Road.
- The lack of respect shown to Nos. 8, 9 and 10 (Court Cottage) in the siting and sale of proposals for Block B.
- The lack of respect shown in the proposals for the Architectural Conservation Area.
- The lack of respect shown for the historic priory lands to the west.
- The history of poor scheme management of the exiting Greenhills Court scheme and the lack of reassurance in this planning application that this will be addressed.

**Our client considers that the current scheme should be refused, and a revised scheme submitted which is more reasonable scaled relative to the site. The current scheme is not in keeping with the zoning of the site and/or with all relevant applicable areas-based planning policies (see Section 7.3 of this Planning Objection Report).**

#### 7.1.1 **PRINCIPLE OF DEMOLISHING PART OF AN APARTMENT BLOCK TO BUILD AT EXCESSIVE SCALE IS NOT SUPPORTED:**

Our client submits that the demolition of a 3 storey section of an existing apartment block whose density, height and scale is in line with the Tallaght Town Centre LAP 2020 can be justified such that it can be replaced with Block A whose density, heights and scale are not compliant with the LAP.

In any case, the demolition of a section of 3 storey apartment building cannot be justified on sustainability grounds. This is a very recently constructed building. This would cause the loss of 3 no. existing apartments which further erodes the rationale for the Applicant scheme.





FIG. 12: PROPOSED 3 STOREY SECTION OF APARTMENT BLOCK WHICH IS PROPOSED TO BE DEMOLISHED

**7.2 ISSUE 2: PROPOSED DEVELOPMENT IS PREMATURE PENDING THE ADJOINING SITE BEING PLANNED & DEVELOPED:**

Our client does not understand how the Applicant scheme proposals which apply primarily to the south end of the site can be assessed when neither the Applicant nor SDCC have any idea of what is proposed for the adjoining undeveloped site to the south. This planning application is premature pending a planning application being made for the adjoining empty site and/or it being developed.

The Applicant scheme extends hard up to the shared boundaries with the adjoining empty site, and it is not clear at all how the adjoining scheme would or could respond to this. The only possible guide is refused planning application, reg. ref. SD20A/0250, which is clearly no longer of use in this regard. It appears clear to our client that the refused scheme and the current scheme were meant to work together and were partially designed as such. The refusal means that the current planning application is premature pending the refused scheme being fully re-designed to address the many reasons for refusal issued by SDCC.

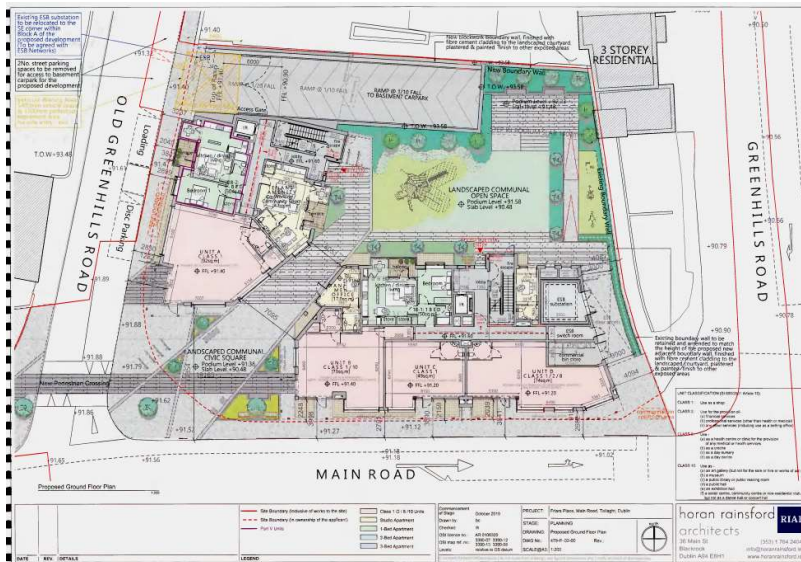


FIG. 13: PROPOSED SITE LAYOUT PLAN REFUSED PLANNING PERMISSION UNDER, REG. REF. SD20A/0250

The Applicant Planning Report states that the adjoining site owner does not intend to develop the site in the future and then claims that the current scheme does not “preclude the redevelopment of the adjoining lands”. Our client is not convinced that this is the case. The Applicant has sought to portray this as not being an issue, but it clearly is. The current scheme makes planning sense in the context of the massive overdevelopment proposed by reg. ref. SD20A/0250, but it makes no planning sense as a standalone scheme. That is, the refused scheme rose from 5 to 8 storeys (on the corner of Greenhills Road and

Main Street) from west to east; the current Applicant scheme was hoping to rise from 4 to 7 storeys at pre-planning and now hopes for 4 to 6 storeys. Neither pre-planning scheme nor current scheme are acceptable in a standalone manner.

Section 6.4.7 'Public Open Space' of the Applicant Planning Report refers to how "**future development of the adjoining suite to the south will unlock the full potential of the public open space ...**" [emphasis added]. How can they know this if it is not agreed in advanced and planned into the tow schemes?

### 7.3 **ISSUE 3: THE SUBMITTED PROPOSAL IS CONTRARY TO NATIONAL, REGIONAL & LOCAL PLANNING POLICY:**

#### 7.3.1 **PROPOSAL'S EXCESSIVE DENSITY, SCALE, HEIGHT & MASSING ARE CONTRARY TO PLANNING POLICY:**

**At pre-planning, SDCC made it clear to the Applicant that the density plot ratio of the scheme was too high. This remains the case. The maximum plot ratio allowable on this site under the Tallaght Town Centre LAP 2020 (which post-dates the NPF, the Building Height Guidelines, the Apartment Guidelines, and the Residential Density Guidelines, is 1:0.75 to 1:1. The Applicant scheme is an extreme 1.63. This is vastly denser than is allowable under the LAP.**

Our client has read Section 6.3.1 of the Applicant Planning Report which tries to set out a rationale for the proposed density, but this is based on arguments which do not apply because the LAP post-dates the NPF and all relevant statutory guidance. **The proposed plot ratio density may in fact be a proposed material contravention of the LAP, though it was not considered to be so when planning application, reg. ref. SD20A/0250, was refused with a plot ratio of 1.37 which is substantially less than the current scheme (even with the inclusion of the much lower density northern end of the site).**

Our client submits that the proposed development, by way of how the proposed plot ratio density of is manifested on this site (with a total proposed gross floor area of 4779.97sq.m on areas of the site which have been repeatedly refused planning permission the past), fails to strike a reasonable balance between increasing density while respecting the amenities of adjoining properties, respecting the existing setting of the site, including the priory lands to the west which includes protected structures, the Tallaght Village Architectural Conservation Area and respecting Old Greenhills Road and Greenhills Road. Our client submits that the proposed density is excessive when viewed in the context of national, regional, and local planning policy. **It is also excessive when compared to all other built and granted apartment schemes in this area: it is at least one third too dense** relative to the absorption and assimilation capacity of this site – especially at its southern end where the site is extremely thin (see Sections 7.4, 7.5 and 7.6 of this Planning Objection Report).

The Applicant's Planning Report claims the: "The proposed development is designed to take account of the South Dublin County Development Plan 2016-2022" and the "Tallaght Village Centre Local Area Plan". There is little evidence in this planning application to suggest the Applicant has sought to comply with the development parameters that the CDP sets out for this site. The proposed development's approach to achieving the scheme's density, height, scale, massing, and bulk on this site are at odds with the content of the SDCC CDP 2016-2022 including with building heights policies set out in that document. The Applicant approach is to refer to the planning constraints on this site and then to argue that these should be ignored.

Under the South Dublin County Development Plan 2016-2022, the site is zoned Objective 'VC' with the following objective: "To protect, improve and provide for the future development of village centres". In 'VC' zoned areas, new developments are expected to protect or improve the future development of Tallaght's villages and in this case Tallaght Village itself. Sections 7.4, 7.5, 7.6 and 7.7 of this Planning Objection Report confirm that the Applicant is asking SDCC to consider a scheme which would not protect or improve Tallaght Village.

**The result is a scheme whose density plot ratio is excessive and whose two blocks are taller, wider, more heavily scaled and bulkier than any previous buildings previously located in these areas of the site (proposals which were all refused). The scheme proposals constitute overdevelopment.**

Our client submits that the reasons why planning application, reg. ref. SD20A/0250, was refused by SDCC on 25/11/2020 apply to the current planning application's proposals, including those of excessive density plot ratio and height given the context of the site in the 'Village Centre' and the restrictions on plot ratio of 0:0.75 to 1:1 set out in the LAP. The proposed plot ratio was 1.37 which is substantially less than that proposed in the current planning application which provides for 1.63 (across the entire site including the north end with its 1, 2 and 3 storeys – the density plot ratio of the south end of the scheme is extreme).

The Applicant proposal's plot ratio density decisions mean the scheme fails to site and scale development adjoining the Greenhills Road which is not monolithic and over-scaled and which would have a significant visual impact on the Greenhills Road and Main Street.

The Applicant proposal's plot ratio density decisions mean the scheme fails to site and scale development adjoining the Old Greenhills Road which respects the historical character and pattern of development of the road, the adjoining single storey properties and the priory protected structure lands to the west.

**How could the Applicant scheme's density be considered anywhere near acceptable for this site?**

The Applicant Planning Report refers to the National Planning Framework and statutory guidance, including the 'Urban Development and Building Heights Guidelines for Planning Authorities' (December 2018) as purportedly providing a basis for this scheme. Our client submits the following concerns:

1. The NPF and all statutory guidance pre-dates the Tallaght Town Centre Local Area Plan. The LAP has set the maximum development parameters for this site considering national planning policy. The maximum plot ratio for this site is 1:1. The Applicant scheme is 1:63.
2. Regarding achievable density on this site, SDCC must reasonably be guided by its decision under, reg. ref. SD20A/0250, to consider a plot ratio of 1.37 to constitute overdevelopment. The Applicant scheme is far denser at 1.63 though they were fully aware of SDCC's decision in the adjoining case.

**For the reasons set out in Sections 7.4, 7.5, 7.6 and 7.7 of this Planning Objection Report, our client submits that the Applicant scheme fails to successfully achieve a highly dense scheme on this site without causing impacts on the local environment, including on adjoining residential and visual amenities, that are substantially in excess of what is reasonable. These arise because the scheme is too dense.**

3. The proposed plot ratio density of 1.63 is excessive for a site which:
  - Previous planning refusals confirm it can't be developed as proposed.
  - Is heavily constrained in shape especially width at the south end.
  - Adjoins and is surrounded by residential development of 1 to 4 storeys.
  - Is located across the road from the priory complex of protected structure buildings and lands.
  - Contains minimal opportunity to offer quality open space.

Given these constraints on the site, our client questions this proposal for a plot ratio density of development at 1.63 (the calculation of which includes northern areas of the original scheme which are far lower in density and therefore reduce the overall figure).

4. The proposed plot ratio density must reasonably – for the reasons set out in Sections 7.4, 7.5, 7.6, 7.7 and 7.8 of this Planning Objection Report be viewed as overdevelopment of the site which would lead to significant adverse impacts on the amenities of neighbouring properties.
5. The Applicant proposal to add heavily scaled, bulky and massive buildings of 5 and 6 storeys in height on this constrained site. The LAP provides for a maximum of 4-6 storeys providing all other planning criteria are met and the proposal has no undue no detrimental effect on existing character and residential amenity of the area, etc. This is not achieved here. The five and six storey buildings are too tall at the locations proposed.

Our client submits that the Applicant's claimed basis for this scheme's extremely high density is not acceptable.

**In colloquial terms, with regard to this scheme, the pendulum has swung too far in the direction of overdevelopment and over-intensification of the site. The NPF was not introduced to encourage over-development of sites. The extent of the swing toward high density development achieved via bulky, over-scaled, up to 6 storey buildings on this site cannot be justified in light of the consequent impacts of this proposed overdevelopment as set out in this Planning Objection Report. A plot ratio of 1.63 cannot be supported.**



FIG. 14: THE MONOLITHIC SCALE OF THE WEST ELEVATION TO ADJOIN GREENHILLS ROAD

**7.3.2 PROPOSAL'S DENSITY, SCALE, HEIGHT & MASSING IS CONTRARY TO THE NPF:**

- National Policy Objective 33 of the National Planning Framework prioritises the provision of residential development at appropriate scales within sustainable locations. Our client acknowledges that the site is a sustainable location. However, a sustainable location must be developed with a sustainable scheme density. The density proposed here is well above the 1:1 density permissible under the LAP.
- This scheme, as submitted, is not at an appropriate density, height, or scale. The scheme comprises overdevelopment of the site. Up to 6 storeys of over-scaled buildings extremely close to boundaries and in the layout proposed would impact negatively on adjoining areas and adjoining properties, would negatively impact on the heritage value and setting of the building complex at the priory to the west.
- This scheme would appear as one unrelenting mass of tall and over-scaled buildings whose cumulative negative impacts would be significant. Our client has read the NPF and is unable to identify any reference therein to the need to disregard the existing CDPs and LAPs of planning authorities, especially when the LAP in this case post-dates the NPF's publication and has considered its content.
- National Policy Objectives 3a, 3b and 35 seek additional housing via increased residential density on appropriate infill sites to achieve compact growth. There is no reason why a scheme of 2, 3 and 4 storeys at a reduced scale could not achieve these objectives without causing each of the negative impacts set out in Sections 7.6, 7.7 and 7.8 of this Planning Objection Report.
- Our client objects to how the Applicant Planning Statement refers to this scheme as though the alternative is an under-utilised infill site – that this scheme represents the only development option for this site. This is not the case, the Applicant could achieve a scheme of 2, 3 and 4 and 5 storey buildings on this site at a density of 1:1 which is in accordance with the LAP.
- The NPF points to “Performance-Based Design Standards” and these are used by the Applicant to justify this scheme – that is, to justify increasing the number of units per hectare on this site and taking the tallest building on the site up to 6 storeys hard up to adjoining site boundaries. In fact, the NPF clearly wishes to avoid the mistakes of the past wherein ad hoc, unplanned, developments – especially residential schemes – were granted without their being fully in line with national, regional, and local planning policies.
- Our client asks how can the mistakes of the past be addressed when schemes such as that now being assessed can – the Applicant claims - disregard the SDCC CDP 2016-2022 and the LAP and proceed as though all existing planning policies (often hard-fought planning policies that recognise the need to balance new developments with the need to protect existing communities) and the assessment conclusions of previous planning applications/appeals in this area and on this site are irrelevant?
- The most up to date interpretation of planning policy in the area of the site Applicant site is SDCC's decision made under planning file, reg. ref. SD20A/0250, was to consider a plot ratio of 1.37 to constitute overdevelopment. The Applicant scheme is far denser at 1.63 though they were fully aware of SDCC's decision in the adjoining case.
- This current scheme needs to be reduced substantially in scale in order to ensure national planning policy is seen to be being implemented consistently. Our client understood, based on its planning history (see Section 7.2 of this Planning Objection Report) that the allowable and appropriate building height for this site should be 1, 2, 3 and 4 storeys, with 3 and 4 storey elements only permitted where they would not cause negative impacts. Why should our client's community have to face a scheme that is more than this when the area is meant to be protected by the LAP's plot ratio and building height restrictions? It is difficult for our client to understand what has changed in the area to justify the Applicant submitting a planning application which provides for increased building heights across the site far above those ever previously allowed on the site and above those previously refused.

The National Planning Framework (NPF) seeks 'Compact Growth'. The NPF states:

*All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of re-use to provide housing, jobs, amenities and services, but which need a streamlined and co-ordinated approach to their development, with investment in enabling infrastructure and supporting amenities, to realise their potential. Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.*

The Applicant scheme is not credible when assessed against planning policies on any basis except the need for housing. This planning application does not “perform”. Chapter 6 of the NPF entitled ‘People, Homes and Communities’ sets out that place is intrinsic to achieving good quality of life – our client submits that this scheme would impact negatively on the community into which it is proposed to be located. The scheme needs to be reduced to 1, 2, 3 and 4 storeys in height and the scale of its blocks reduced (as recommended in Section 9.2 of this Planning Objection Report)

National Policy Objective 11 states: “In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, **subject to development meeting appropriate planning standards** and achieving targeted growth” [emphasis added]. Our clients are concerned at how the Applicant appears to have been able to pick and choose which planning policies to comply with and which not. What then are “appropriate planning standards”? The planning standard for this site has consistently been:

1. Maximum plot ratio of 1:0.75 to 1:1.
2. Building heights of 2 to 4 storeys.
3. The siting of blocks to avoid impacts on adjoining properties or from one block to another.

National Planning Objective 13 provides that:

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

Our clients submit that the proposed scheme’s density, scale, height, and massing fail when assessed against national and local planning policies in a consistent fashion. This scheme fails to meet performance criteria that would offer a high-quality outcome for the area. The impact of the scheme on the local environment and on existing residential and visual amenities of properties in the vicinity would compromise this part of Tallaght Village.

National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development **and at an appropriate scale of provision relative to location**” [emphasis added]. Our client considers that the Applicant scheme as submitted is not **at an appropriate scale of provision relative to location**. The scheme is, as submitted, excessively tall, over-scaled and inappropriately sited and designed for this location.

National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

Our client notes how, having reviewed SDCC’s and ABP’s pre-planning feedback given to the Applicant, it is clear that the Applicant was made fully aware that this scheme raised significant concerns with regard to its density and scale relative to adjoining properties. **The Applicant was asked to address these concerns in the submitted scheme. The Applicant has failed to reduce the scheme to a density, height, scale and cumulative scale that can be considered acceptable. The Applicant has proven unwilling to cut this scheme back to anything approaching an acceptable scale. This would be 1, 2, 3 and 4 storey buildings.**

This proposal does not fully comply with the relevant guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended). It is also considered that the proposals would not, as submitted, be in compliance with the relevant objectives of the SDCC CDP 2016-2022.

**Our client submits that the NPF does not provide the basis for previous planning determinations with regard to appropriate density, height and scale of development on a site to be over-ruled. Our client submits that SDCC should substantially revise and/or refuse planning permission on the basis that the Applicant scheme would set a poor precedent for similar schemes to be developed at excessive densities and scales in Tallaght Village where these would have significant impacts on the surrounding area and on adjoining properties. The scheme would set also a poor precedent for tall buildings to be developed where this would cause substantial impacts on adjoining residential properties and on protected structures.**

#### **7.3.2.1 THE LAP 2000, CDP 2016-2022, THE NPF & STATUTORY GUIDANCE ARE COMPATIBLE IN THIS CASE:**

Our client notes that the Tallaght Town Centre Local Area Plan 2020 post-dates the acknowledges that the National Planning Framework (NPF) and all statutory guidance set out under Section 28 of the Planning and Development Act 2000 (as amended). As such the NPF and all statutory guidance was considered by SDCC in setting a maximum plot ratio range of this site of 1:0.75 to 1:1. The Applicant scheme’s plot ratio of 1.63 is non-compliant.

#### **7.3.3 REVIEW UNDER THE REGIONAL SPATIAL & ECONOMIC STRATEGY FOR THE EASTERN & MIDLANDS REGION:**

Our client has reviewed the Regional Spatial and Economic Strategy (or RSES) for the East and Midland Regional Assembly was adopted on 28th June 2019 and referred to in the Applicant’s Planning Report. This strategy document, like the Tallaght Town Centre Local Area Plan 2020 and the SDCC CDP 2016-2022, was subject to consultation with residents of the region.

Our client can identify no designation or policy therein which would indicate the Applicant site is of strategic or national importance. The RSES supports high density development within or alongside city centres, major town centres, town centres, district centres, etc. The RSES also supports high density development on high frequency public transport corridors – this scheme is located 1.5km walk from the LUAS (as stated by the Applicant Planning Report).

The guidelines do not propose that existing Development Plan policies be over-ruled and/or materially contravened to allow increases in residential density, taller and over-scaled buildings, etc. to be developed at any location. What the strategy actually seeks is for the local planning framework to identify where rejuvenation priorities should lie. Local Authorities, through Development Plan and Local Area Plan policies, are meant to identify appropriate areas for focused development. The Tallaght Town Centre Local Area Plan 2020 has done this and the Applicant proposals contravene this plan.

The guidelines require that all large developments be plan-led and infrastructure-led. The Applicant scheme is developer-led and offers nothing new to this area that our client considers justified the excessive density, scale and height of the scheme.

The overarching vision statement of the RSES is “to create a sustainable and competitive region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all”. Our client submits that the density, height, and scale of this scheme is incompatible with supporting the health and wellbeing of the people and places that adjoin this scheme. It is simply out of scale with its adjoining and surrounding environment to an extent that constitutes acute overdevelopment.

The current planning application seeks to circumvent the existing planning framework; to effectively by-pass it. The planning application is not in accordance with the Tallaght Town Centre Local Area Plan 2020 or the SDCC CDP 2016-2022 which are in accordance with existing regional planning policy.

Our client notes that the regional guidelines contain multiple policies which all refer to the need for infill development, increased density, appropriate building heights, consolidated growth, reducing commuting, building near public transport, etc. Each of the arguments made by the Applicant apply to – and more closely align with – a less tall, less dense, scheme which better integrates into the existing character and pattern of development in this area.

**The Applicant argues that developments should be located at the right locations – the RSES agree with this. Our client submits that the Applicant site and proposals are not compatible. The scheme density and how it is manifested on the site in over-scaled and excessively dense buildings cannot be supported.**

#### **7.3.4 NON-COMPLIANCE WITH SECTION 28 GUIDELINES:**

Our client submits that the Applicant scheme fails to comply with a number of guidance documents which were issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended). These are set out below.

##### **7.3.4.1 NON-COMPLIANCE WITH THE DESIGN STANDARDS FOR NEW APARTMENTS GUIDELINES (2018):**

- Our client objects to how the Applicant seeks to portray this tall, over-scaled, high density scheme, as the correct option for this site because it offers apartment units. This is despite proposing a plot ratio of 1.63 which is contrary to the Tallaght Town Centre LAP. Page 20 of the Applicant Planning Report acknowledges that this site is located within an “intermediate urban location” where the acceptable density is 45 dwellings per hectare. The Applicant scheme is vastly denser than this, at c. 173, when the existing Greenhills Court scheme is included in the units/h. figure.

To every planning issue that arises, the Applicant response is that the scheme offers housing, but it does not offer enough to justify the scale of the proposed scheme. What it justifies is SDCC very closely scrutinising the scheme to ensure that it is fair to existing residents of the area ‘and’ to existing/future residents of this scheme.

The principle of apartment development on this site is not questioned by our client, but the scale and height of the proposed scheme cannot be supported at this location. It must be reduced in scale and density. It is no longer difficult for an Applicant to argue that the drive for higher densities means that apartment blocks must be provided, but the density and volume of these 2 no. apartments sought by the Applicant has resulted in a proposal for buildings of landmark building scale relative to this very constrained site and to the heights of adjoining and surrounding properties. The guidelines do not encourage high density apartment development at all costs; they are clear that apartment blocks must be suitable in their respective contexts. This is not the case here.

Our client is concerned that the scheme offers 5 studio units and 6 one bedroom units. They would prefer to see all units be 2 bedroom or above to provide adequately sized apartment sizes within Tallaght Village. The Applicant has not proven that there is demand in this area for such small units.

Our client is concerned over the poor quality of open space for existing and proposed residents provided for in this scheme (See Section 7.8 of this Planning Objection Report). The Applicant Planning Report states that this open space is: “highly useable, of high quality and caters to all ages”. Our client is not convinced.

Para. 2.2 of the ‘Design Standards for New Apartments Guidelines’ (2018) states:

*In general terms, apartments are most appropriately located within urban areas. As with housing generally, **the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors.** Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.*

The Applicant scheme proposes 2 no. massively scaled and bulky apartment blocks of up to 5 and 6 storeys hard up to adjoining property boundaries and public roads. The Applicant’s claims the scheme complies with the guidelines. Our client does not consider that the scheme either complies with the guidelines and/or that its density, scale, and height is justified at this location.

**The scheme should be reduced in density, height, scale, and massing. This would cause a reduction of one third in the scheme’s density, but this would be justified to ensure an appropriate balance between the right of the Applicant to develop this site and the rights of our client’s community residents to expect that the area’s environment and amenities and the residential and visual amenities of adjoining properties will be protected.**

#### 7.3.4.2 NON-COMPLIANCE WITH THE SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS GUIDANCE:

The DEHLG’s ‘Sustainable Residential Development in Urban Areas’ (2009) raise considerable concerns about how the proposed development has been proposed and how it has been designed. These include:

1. Section 2.1 states: “The Planning and Development Act 2000 introduced a more tiered and plan-led system, cascading from national strategies to local area plans. **The development plan is at the heart of the system, transposing national and regional policies and setting the strategic context for local area plans**” (p. 7) [emphasis added]. This scheme is non-compliant with the Local Area Plan in place. How can the Tallaght Town Centre Local Area Plan 2020 remain the heart of the planning system unless it is respected? The proposed plot ratio of 1.63 and the manifestation of this density on this contained site is unacceptable.
2. Section 2.1 also states: “**The scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy**” [emphasis added]. This planning application seeks undermine the LAP within the process of assessing the suitability of this scheme for this site. The Applicant is seeking to avoid complying with the LAP and instead to simply to decide for themselves that this site is suitable for an increase in plot ratio density despite the site’s constraints. This was not accepted by SDCC under adjoining planning application, reg. ref. SD20A/0250.
3. Section 2.2 requires: “Adequate existing public transport capacity available or likely to be available within a reasonable development timescale”. This site is served by the same transport infrastructure that existed when SDCC assessed planning application, reg. ref. SD20A/0250. There is no further justification for any plot ratio increase arising from public transport in this area.
4. Section 5.9 refers to ‘(i) Infill residential development’ stating:

*In residential areas whose character is established by their density or architectural form, **a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill ... The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.*** [emphasis added].

Our client submits that the proposed development, for the reasons set out in Sections 7.4 to 7.11 of this Planning Objection Report, does not strike an acceptable balance between reasonable protection of the amenities and privacy of adjoining properties, the protection of established character and the need to provide residential infill.

The design approach is not based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities. The proposed design seeks to achieve excessive density, scale height and massing on a site unsuitable, due to its physical context and multiple constraints, for same.

**The proposed development, being proposed in a manner non-compliant with the LAP, the Development Plan, and causing significant, negative and permanent impacts on the established residential and visual amenities of adjoining and**

surrounding apartments and residential dwellings in all directions is not, when considered on balance, in compliance with the DEHLG's 'Sustainable Residential Development in Urban Areas' (2009).

#### 7.3.4.3 NON-COMPLIANCE WITH THE URBAN DESIGN MANUAL (2007):

The 'Urban Design Manual – a Best Practice Guide (May 2009) is a companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'. Contrary to the Applicant's claims to be in compliance with the Urban Design manual, numerous concerns arise. Several examples are provided below. The manual sets out 12 criteria with indicators for designers to follow:

1. The very first indicator is 'Context' and asks: "How does the development respond to its surroundings?" and provides guidance on how this can be achieved:

*The starting point for the design of any (residential) development is an assessment of its surroundings. This covers existing landscape and buildings, as well as the social and economic needs of the existing communities. Widening out the assessment of the context in this way will help to ensure that the development is of its place and time - and informed by more than just its physical surroundings (p. 15).*

*Any departure in massing should be informed by a consideration of how the amenity of others will be affected, especially views, privacy and rights of light. Where there are existing buildings, newer ones should connect gracefully and if the massing is more intense, show respect for the existing by graduating the change in steps (p. 16) [emphasis added].*

*A new development has to make the most positive contribution possible to its neighbourhood or landscape. The aim of those planning for, designing or building schemes should be to ensure that the development in some way improves on or enhances the existing situation. (p. 18) [emphasis added].*

The following points confirm that the proposed development does not comply with the above guidance:

- ***The development seems to have evolved naturally as part of its surroundings:*** The proposed development cannot reasonably be considered to have evolved naturally. Its apartment blocks are up to 5 and 6 storeys in height and extend extremely close to shared boundaries with adjoining properties and roads in which is an extremely constrained site. It is a high density residential scheme that would bear: (i) No positive visual relationship whatsoever to the surrounding urban design of the area in all directions (it would cause an abrupt change in density, building heights, scale, and massing as viewed from Nos. 8, 9 and 10 Old Greenhills Road, the existing scheme and the adjoining vacant site to the south and west)); and (ii) Little visual relationship to the adjoining single storey residential dwellings on Old Greenhills Road. Rather than appear a natural addition to the area, this scheme would, if built appear as excessively tall with excessive massing – it would appear monolithic (and 4 storey versions of the same elevation on Greenhills Road have been repeatedly refused by ABP). It would be viewed as overdevelopment of the site. It would visually dominate the area.

***Our client has reviewed the Applicant's building designs and Design Statement with regard to claims made that blocks are 'designed' and 'staggered' to minimise visual and other impacts.*** As Sections 7.4, 7.5 and 7.6 of this Planning Objection Report confirms, these design elements fail to prevent negative residential and visual amenity impacts on adjoining properties by proposing 3, 5 and 6 storeys hard up to adjoining boundaries shared with other properties. The proposed blocks are too large, too close to adjoining site boundaries and contain too many overlooking windows, balconies, and terraces. The scheme has, regarding its relationship with the single storey dwellings on Old Greenhills Road, been designed almost as though they do not exist. The scheme design has come before caring about our client's community and its residents. For example:

- **Stepping buildings backwards on varying levels:** This device can work when a building is setback from an adjoining boundary and then staggers upward in height in a respectful manner. Blocks A and B are located hard up to adjoining boundaries and/or within less than 1m. The only stepping up takes place on the north side of Block B and this is very limited. The building is 3 storeys for a few metres and then rises abruptly to 5 storeys. Block B should be 1, 2 and 3 storeys tall.
- **Design elements:** The Applicant reports refer to elevation treatments and materials as though there can make the buildings invisible; they cannot. The density, height, massing and overall scale of the buildings as sited cannot be supported.
- ***Appropriate increases in density respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users:*** This scheme is significantly denser than any adjoining development. Its plot ratio is reduced by including the entire original Greenhills Court scheme in the planning site area, but, in actuality, Blocks A and B are vastly denser than the original scheme and more than any adjoining development.



The scheme is approx. 40 to 50% too dense. The proposed abrupt increase in height, scale, and massing of built form relative to the adjoining primarily one storey dwellings provide for no adequate visual integration of the scheme into the area. This proposed density, as manifested through the Applicant's proposed design, fails to respect the built form of the area. The proposal would cause all of the negative amenity impacts that are set out in Sections 7.4 to 7.11 of this Planning Objection Report. Our client does not expect this scheme to provide two storeys – an apartment scheme is not opposed – what is opposed is the sheer density, height, monolithic scale and cumulative massing of this scheme as it would be viewed from adjoining properties and within the surrounding area. **The density must be reduced by one 40% to 50% and heights reduced to 1, 2, 3 and 4 storeys.**

- **Form, architecture and landscaping have been informed by the development's place and time:** This scheme's scale and height is out of keeping with the established character and pattern of development surrounding the full circumference of the south end and east and west sides of this site. The proposal is out of line with previous refusals of planning permission on these exact same areas of the site. The proposed monolithic, bulky and over-scaled, apartment blocks are not informed by the development's place and time. The scheme represents overdevelopment of the site. See Sections 7.4 to 7.7 of this Planning Objection Report for our client's detailed objections on the incompatibility of the scheme's proposed height, scale and layout relative to the adjoining area and surrounding environment.
  - **The development positively contributes to the character and identity of the neighbourhood:** The proposed development would wholly dominate the character and identity of the Greenhills Road and Old Greenhills Road by way of its monolithic scale and excessive density. It would, despite the poor quality and misleading LVIA report, be highly visible to the surrounding area. The existing identity of this area would be compromised by overdevelopment and excessively and poorly sited tall blocks that are too close to adjoining boundaries. The scheme aims to sacrifice the existing character of the area to provide a development which has been refused multiple times by ABP at a reduced scale (see Section 7.4 of this Planning Objection Report). The scheme, as submitted, would negatively alter the amenities of the surrounding community.
  - **Appropriate responses are made to the nature of specific boundary conditions:** The proposed development has been designed as though it does not immediately adjoin property boundaries to the north and south of Block B and south and east of Block A. The proposed development is sited too close to adjoining boundaries and is too tall at these locations. The Applicant refers to how efforts have been made to respect adjoining amenities. Our client cannot, however, identify much evidence of this. Our client objects to these proposals that are at odds with the site's sensitive context and the constraints arising from the shape of the site. As a result of the density of the scheme and the site's configuration, it has not been possible to adequately mitigate the proposed negative impacts on surrounding properties.
2. The next indicator refers to "**Connections**". The following points such non-compliance:
- **Parking:** This scheme's parking proposals are not acceptable. The Applicant offers 15 parking spaces for 26 apartments. This will result in overflow and fly parking on adjoining roads, including on the Old Greenhills Road. The NTA has signalled that it is concerned about reduction in car parking in new Dublin developments such as the Applicant's which is located well outside of Dublin City.<sup>2</sup> In its submission on the drafting of a new Development Plan 2022 to 2028, the NTA said there had been a "radical rate of car parking reduction" by developers. Although the NTA has prioritised climate change and the need for a zero-emissions transport network, it says reduced car parking may cause problems in less central areas. It is recommended that the plan identifies specific locations where car free residential developments or developments where a standard below 0.5 per dwelling unit may occur in principle. **Our client submits that in this context, there is inadequate justification provided for the proposed reduction in car parking to 0.57 spaces per unit.**
  - **Connections to the scheme's public open space:** Our client has reviewed these proposals in Section 7.8 of this Planning Objection Report and finds these to be unacceptable.
3. The next indicator refers to "**inclusivity**". The following points indicate non-compliance:
- **Design and layout enable easy access by all:** Our client has reviewed the Applicant's proposals for access to the scheme's "public open space" in Section 7.8 of this Planning Objection Report and finds these to be unacceptable.
  - **New buildings present a positive aspect to passers-by:** The scheme's density, height, scale and positioning of blocks mean it will visually dominate this immediate area and also impact on views toward the site from adjoining properties, public roads and the priory (see Sections 7.5 and 7.6 of this Planning Objection Report).

<sup>2</sup> <https://www.rte.ie/news/dublin/2021/0622/1230764-dublin-transport-carpark/>

4. The next indicator refers to **“Variety”**: **“facilities and services that complement those already available in the neighbourhood”** are meant to be provided. The scheme offers a café at ground level. This is all. This is not considered by Tallaght Community Council to represent a significant positive for this area which is already over-subscribed with cafes. Our client considers that the ground level of the building along Greenhills Road represents a missed opportunity.
5. The next indicator is **‘Efficiency’**: **“How does the development make appropriate use of resources, including land?”** This point must be assessed in light of the SDCC CDP 2016-2022 vision of **“appropriate”** development that protects existing areas and residents, while providing for new sustainable development and the Tallaght LAP which allows for a maximum density on this site of 1:0.75 to 1:1. The Applicant scheme is an excessive 1.63 plot ratio (which is diluted by including the existing lower density Greenhills Court scheme in the overall figure).

The proposed development fails to address this indicator, as the density, scale and heights of the scheme exceed what a sustainable balanced development would include at this location. The scheme would result in significant and negative impacts on adjoining properties and on the visual amenities of the area. Applicant proposes to over-develop the site with buildings whose heights and scales would be visually dominant and monolithic from surrounding properties and the wider area. This is contrary to the appropriate urban design of this area.

6. The next indicator is **‘Distinctiveness’**: **“How do the proposals create a sense of place?”** The proposed development would be distinctive but in an overly, and cumulatively, dominant, monolithic, and visually obtrusive manner which is contrary to the Urban Design Guide. It would provide for excessive building heights and scales of blocks that would impact negatively on the site, surrounding and adjoining properties and the wider area (see also Sections 7.5 and 7.6 of this Planning Objection Report).
7. The next indicator is **‘Privacy / Amenity’**: **‘How do the buildings provide a high quality amenity?’** The proposed development’s apartment blocks will negatively impact on the existing amenities of the Greenhills Court scheme and on adjoining properties (see Sections 7.6 to 7.9 of this Planning Objection Report). The proposed apartment blocks will also impact on each other by way of visual overbearing, overlooking, overshadowing and over concentration of apartments (as will be clear to SDCC). A review of internal negative amenity design impacts between blocks emphasises the underlying design problems with the scheme. Visual overbearing, overlooking, and overshadowing are not addressed. The solution is to reduce the scale and height of the scheme and to re-design its relationship(s) with adjoining properties.
8. The next indicator is **‘Parking’**: **‘How will the parking be secure and attractive?’** Our client submits that the Applicant proposals for 0.57 parking spaces per unit will result in unattractive overflow parking into Old Greenhills Road and elsewhere if this scheme is granted as proposed.
9. The next indicator is **‘Detailed Design’**: **‘How well thought through is the building and landscape design?’** The Applicant scheme seeks to massively over-develop all areas of the scheme, including those constrained by proximity to adjoining properties. The Applicant is unconcerned by the extent of negative impacts, especially visual impact impacts, arising on adjoining properties, on the town centre and on the priority to the west. Scheme blocks are far too close, given their respective heights, scales, bulk, and massing to adjoining properties. The result is a scheme in which the buildings would wholly dominate the visual environment in all directions and all views from the ground upwards. The landscape plan submitted with this scheme cannot address the wider shortcomings of the overall design. Overdevelopments cannot be hidden by tree planting and gimmicky such as an outside working space, etc. This is not a scheme that has been designed to fit into its context but one that has been designed to present an entirely new context that bears no relationship to the existing area, as such, the detailed design cannot be comfortably absorbed into the site, but will appear visually obtrusive and injurious to the existing visual environment enjoyed by the adjoining and surrounding community.

The scheme is, on balance, non-compliant with the guidelines, on the basis that it represents over-development of the site. This is an overdeveloped apartment scheme. Adjoining developments are to be impacted on, but this area as a whole will receive no justifying benefits from this scheme.

**BPS wishes to note that the Applicant drawings are high quality. There is no doubt that the project architect has tried their best to try to fit the proposed density onto this site. However, there are signs of overdevelopment throughout the scheme’s urban design at all levels, including ground level where the attractive pedestrian entrance to at the north end of the site onto the Old Greenhills Road is proposed to be turned into a de facto service entrance. The developer’s brief appears to have been simply too much for this site. Despite the clear tactic of proposing an extremely high-density scheme at pre-planning with SDCC and expecting to walk this back, the actual brief of what the developer hopes to achieve here remains far in excess of what the site can take. That the scheme is 6 or 7 storeys matters little when the overall scheme cannot be squeezed into such a constrained site and so close to shared site boundaries.**

#### 7.3.4.4 NON-COMPLIANCE WITH THE URBAN DEVELOPMENT AND BUILDING HEIGHT GUIDELINES (2018):

The Applicant's Planning Statement places emphasis and weight upon claims that this scheme is justified by the 'Urban Development and Building Heights Guidelines for Planning Authorities' (December 2018). However, it is not clear on what basis the Applicant can make these claims given how planning application, reg. ref. SD20A/0250, was refused with a lower plot ratio on the adjoining site and both plot ratios failed to comply with the 2020 LAP which post-dates the guidelines.

This scheme's density and scale remains non-compliant with pre-planning feedback given by SDCC and ABP in respect of this site. The scheme's proposed height, scale, massing, and bulk is entirely at odds with this area's planning history and with local planning policy. The guidelines do not allow for existing context and established residential and visual amenities of adjoining properties to be wholly discounted.

Section 2.8 of the Development Management Guidelines states:

***In the case of larger proposed developments, or where it is not certain that the proposal would be acceptable, it is important that issues of principle be resolved before proceeding to more detailed design issues. In such cases, the proponent should clearly explain the rationale for the proposed development. Equally, the planning officer will need to be explicit about what are "sticking points" from a development plan viewpoint. Relevant national policy which applies to the development should also be explained. While both sides should endeavour to find a constructive solution to problems, in some cases it may not be possible to reconcile the two positions. In such a case, it may be necessary for the planning authority to indicate that the proposal is unlikely to be considered favourably*** (p. 22) [emphasis added].

In this case SDCC and ABP have consistently made decisions over nearly two decades for this site and in this area that the sites of Block A and Block B are almost undevelopable and certainly not at 4 storeys. The Applicant is now trying again following the NPF and these statutory guidelines. However, as noted, the LAP and planning history is not on the Applicant's side.

A scheme of the scale and height proposed is therefore not acceptable on this site. The current application is non-compliant with the LAP 2002, the SDCC CDP 2016-2022 'and' with the 'Urban Development and Building Heights Guidelines for Planning Authorities' (December 2018). There is no difference of opinion or contradiction between national and local planning policy in this case as it applies to density and building heights in this scheme. The submitted scheme remains over 40% too dense and contains building heights that are too tall.

Unlike other local authorities, SDCC has a legitimate and properly researched framework for assessing building heights as is advised by Specific Planning Policy Requirement (SPPR) 1 which states, inter alia:

***... planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height*** [emphasis added].

The LAP clearly does this. Para. 2.3 of Section 2.0 'Building Height and the Development Plan' states: "***... the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development*** [emphasis added]. Again, the LAP does this. Para. 2.7 of Section 2.0 'Building Height and the Development Plan' states:

***To give effect to these broad policy directions and a more active land management-centred approach as set out in the NPF, the preparation of development plans, local area plans and Strategic Development Zone (SDZ) Planning Schemes and their implementation in city, metropolitan and wider urban areas must therefore become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights, while also being mindful of the quality of development and balancing amenity and environmental considerations. Appropriate identification and siting of areas suitable for increased densities and***

The current planning application proposes tightly clustered over-scaled up to 6 storey apartment buildings on an area of the site that has not itself ever been considered appropriate by SDCC or An Bord Pleanála for buildings this tall and heavily scaled. **The guidelines state that identification and siting of areas suitable for increased densities and height will need to consider the environmental sensitivities of the receiving environment as appropriate, throughout the planning hierarchy. It does not recommend individual planning applications should ignore the existing planning policies in place.**

This Planning Objection Report also sets out how the proposed development fails to comply with Section 3.0 'Building Height and the Development Management process' of the guidelines. The guidelines advise that the scheme should be assessed to ensure it achieves the following:

**Development proposals incorporating increased building height ... should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views** [emphasis added].

*On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making ... using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape* [emphasis added].

[At the scale of district / neighbourhood / street] **The proposal responds to its overall natural built environment and makes a positive contribution to the urban neighbourhood and streetscape** [emphasis added].

**The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of perimeter blocks or slab blocks ...** [emphasis added].

**The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner** [emphasis added].

[At the scale of the site/building] **The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light** [emphasis added].

- For the following reasons, the proposals fail to address the requirements set out above.

**The proposal is abruptly out of scale alongside two storey dwellings:**

The Applicant Planning Statement claims that the proposed building heights will make optimum use of the lands which are suitable for residential development which is considered to be compatible with the established surrounding land use in the area. Our client object to this statement for the following reasons:

1. There is no 'new' planning context at this location. Nothing has changed that could have suggested this scheme's density and height as suitable for this site.
2. The Applicant proposals would be highly visible within the immediate and surrounding area and would not integrate into/enhance the character and public realm of the area. The proposal would impact on the residential and visual amenities of the area in all directions.
3. The proposed development is massive in scale but offers no contribution to place making in this area. It would be an out of place scheme of tall and over-scaled blocks that would, despite the project architect's best efforts, fail to achieve quality integration with the area.
4. The scale and form of the proposed development wholly fails to respond to the scale of adjoining development. The scheme would visually dominate adjoining properties by way of building 5 and 6 storey elevations hard up to their boundaries.

**At the scale of district/ neighbourhood/street this proposal is massively over-scaled:**

1. The proposal fails to respond sensitively to the adjoining and surrounding built environment. Due to its height, scale and massing - that cause visual impacts and overbearing impacts – the scheme fails to make a positive contribution to our client's neighbourhood. The scheme would shift the area from being one with an established pattern and character of development to a very high density, overdeveloped and excessively tall, urban block visually defined by this scheme. The scheme is not in any way in line with either the existing or the emerging character and/or pattern of development of this area.
2. The proposal's blocks are monolithic and would provide for long, and tall, uninterrupted walls of building both horizontally and vertically. The proposal's massing is excessive in respect of individual blocks 'and' cumulative massing of multiple blocks when viewed together.
3. The proposal would not enhance a sense of scale and enclosure in the area; instead, it would cause adjoining and surrounding dwellings to experience visual overbearing, overlooking, overshadowing and more noise and disturbance.

**At the scale of the site & individual buildings the proposal would be overwhelming in scale:**

1. The form, massing and height of proposed development, and the siting of the blocks close to adjoining property boundaries, has been designed in total disregard for what would be an appropriate height, scale and layout of development for this site as set out in this Planning Objection Report.

2. The proposed development, as sited, would cause overshadowing, overlooking and visual overbearing of adjoining and neighbouring properties either to the south or to the east; also, the scheme's blocks would negatively impact on each other. The scheme would cause many cumulative negative impacts that the proposed development would cause both for our client's residents and for the area.
3. The amenity of the proposed scheme would come at the cost of the substantial, negative and permanent loss of amenity to adjoining properties (see Sections 7.4 to 7.11 of this Planning Objection Report).

#### **Specific Assessments**

1. Our client's comments with respect to submitted specific assessments are set out, where relevant, below.

**It is our client's opinion that the Applicant's attempt to use these guidelines to justify the subject scheme should not be permitted. This planning application should be refused and/or the height of the scheme substantially in scale, re-sited and re-designed.**

#### **7.3.4.5 CONTRARY TO THE 'ARCHITECTURAL HERITAGE PROTECTION GUIDELINES' (2004):**

The proposed development is required to comply with the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2004) as they pertain to the protection of the St. Mary's Priory complex of protected structures, its curtilage and associated buildings adjoining the Applicant site. The 'Architectural Heritage Protection Guidelines for Planning Authorities' state:

*Our architectural heritage is a unique resource, an irreplaceable expression of the richness and diversity of our past. Structures and places can, over time, acquire character and special interest through their intrinsic quality, continued existence and familiarity. The built heritage consists not only of great artistic achievements, but also of the everyday works of craftsmen. In a changing world, these structures have a cultural significance which we may recognise for the first time only when individual structures are lost or threatened. As we enjoy this inheritance, we should ensure it is conserved in order to pass it on to our successors.*

While our client recognises how the planning authorities will permit new development in close proximity to protected structures where that development would not negatively impact on same and/or where mitigation measures are introduced. The current proposal nonetheless raises the concerns set out in Sections 7.5, 7.6 and 7.7 of this Planning Objection Report, including:

1. The proximity of the proposed development to the St. Mary's priory lands is such that Blocks A and B need to be reviewed with regard to their negative impact on the visual setting of these protected structures and their attendant grounds.
2. Blocks A and B are of a density, height, scale, bulk and massing (and cumulative massing) that could have a significant and negative impact on the character of the St. Mary's priory lands
3. The density, height, scale, bulk, massing of the proposed development could contribute to overwhelming the visual environment of the St. Mary's priory lands and the ACA.

The proposed development, due to its density, height, design, scale, massing, and proximity to the St. Mary's priory lands could have an injurious impact on and diminish the character and the setting of the St. Mary's priory lands and could detract from its setting and views toward it from within the surrounding area.

**The construction of tall buildings on this site would therefore be contrary to the provisions of the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2004) and should not be granted planning permission in its current form.**

#### **7.3.4.6 THE SUBMITTED PARKING PROPOSALS ARE CONTRARY TO NATIONAL TRANSPORT POLICIES:**

- The Applicant scheme is required to take into account the following national and region transport planning policies.
  - 'Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009-2020'; and
  - 'Transport Strategy for the Greater Dublin Area 2016 – 2035'.

There is nothing in these policies which supports the Applicant's confusing and contradictory parking proposals. This scheme is located 1.5km walk or drive to the LUAS. Residents will need cars. Many of the units and 2 and 3 bedroomed in size.

This scheme's parking proposals are not acceptable. The Applicant offers 15 parking spaces for 26 apartments. This will result in overflow and fly parking on adjoining roads, including on the Old Greenhills Road. The NTA has signalled that it is concerned about reduction in car parking in new Dublin developments such as the Applicant's which is located well outside of Dublin

City.<sup>3</sup> In its submission on the drafting of a new Development Plan 2022 to 2028, the NTA said there had been a "radical rate of car parking reduction" by developers. The NTA says reduced car parking may cause problems in less central areas. It is recommended that the plan identifies specific locations where car free residential developments or developments where a standard below 0.5 per dwelling unit may occur in principle. **Our client submits that in this context, there is inadequate justification provided for the proposed reduction in car parking to 0.57 spaces per unit.**

**For the above reasons and those set out in Section 7.11 of this Planning Objection Report, our client submits that the Applicant's parking proposals are not acceptable. This proposal would cause overflow and potentially hazardous nuisance parking into adjoining and surrounding roads and streets.**

### 7.3.5 CONTRARY TO SDCC DEVELOPMENT PLAN 2016-2022 POLICY:

#### 7.3.5.1 CONTRARY TO THE ZONING OF THE SITE:

Under the South Dublin County Development Plan 2016-2022, the site is zoned Objective 'VC' with the following objective: To protect, improve and provide for the future development of village centres". Section 5.1.2 'Traditional Villages' of the CDP explains the Objective VC zoning and states:

*South Dublin County has grown around the nine traditional villages of Clondalkin, Lucan, Newcastle, Palmerstown, Rathcoole, Rathfarnham, Saggart, **Tallaght** and Templeogue. Each of the villages has a unique character and offers a diverse range of professional and retail services. In recognition of the unique historic character of each village and the opportunities offered, particularly in relation to local and niche retailing, tourism and as a focal point for community events and festivals, a Village Centre zoning objective is applied to the nine traditional villages [emphasis added].*

*The Village Centre zoning will support the protection and conservation of the special character of the traditional villages and provide for enhanced retail and retail services, tourism, residential, commercial, cultural and other uses that are **appropriate to the village context** [emphasis added].*

**For the reasons given in Sections 7.5 and 7.6 of this Planning Objection Report, our client does not consider the proposed development to provide for a scheme whose siting, density, scale, height, massing and bulk relative to adjoining public and private lands is acceptable. Tallaght Community Council considers that the proposed development, as submitted, would impact negatively on the unique historic character of this site and Tallaght Village and would not protect and conserve the special character of the area and the village. The proposed development is not appropriate to the village context.**

#### 7.3.5.2 THE PROPOSAL IS CONTRARY TO S. 5.1.2 'URBAN CENTRES (UC) POLICY 3 VILLAGE CENTRES' OF THE CDP:

The proposal is contrary to Section 5.1.2 'URBAN CENTRES (UC) Policy 3 Village Centres' of the CDP which states: "It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value". The following specific concerns arise regarding the proposal's compliance with the following CDP objectives:

- UC3 Objective 1 of the CDP aims: **"To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs)" [emphasis added].**

**For the reasons set out in Section 7.3 of this Planning Objection Report, our client considers the proposed development does not provide for a scheme whose siting, density, scale, height, massing and bulk relative to adjoining public and private lands is acceptable. The proposal would fail to protect and conserve the special character of the historic core of Tallaght Village traditional villages because the proposal fails to respond appropriately to the architectural, urban design and landscape heritage setting of this site. The design approach proposed in this new development fails to respect the Architectural Conservation Area, the protected structure, and the surrounding areas of Tallaght Village.**

- UC3 Objective 2 of the CDP aims: "To promote design standards and densities in traditional village centres, that are informed by the surrounding village and historic context and enhance the specific characteristics of each town or village in terms of design, scale and external finishes" [emphasis added].

**For the reasons set out in Section 7.3 of this Planning Objection Report, our client considers the proposed development does not provide for a scheme whose siting, density, scale, height, massing and bulk relative to adjoining public and private lands is acceptable. The proposal is contrary to the design standards and densities set out in the Tallaght Village LAP in respect of the neighbourhood in which this site is located (see Section 7.2.9 of this**

<sup>3</sup> <https://www.rte.ie/news/dublin/2021/0622/1230764-dublin-transport-carpark/>

**Planning Objection Report). The proposal fails to properly address its village and historic context and enhance the specific characteristics of Tallaght Village in terms of design, scale, and external finishes.**

For the reasons given in Sections 7.3, 7.4 and 7.5 of this Planning Objection Report, our client does not consider the proposed development to provide for a scheme whose siting, density, scale, height, massing and bulk relative to adjoining public and private lands is acceptable. Tallaght Community Council considers that the proposed development, as submitted, would impact negatively on the unique historic character of this site and Tallaght Village and would not protect and conserve the special character of the area and the village. The proposed development is not appropriate to the village context. The proposal is contrary to Section 5.1.2 'URBAN CENTRES (UC) Policy 3 Village Centres' of the CDP.

#### **7.3.5.3 THE PROPOSAL IS CONTRARY TO HOUSING (H) POLICY 7 'URBAN DESIGN IN RESIDENTIAL DEVELOPMENTS':**

HOUSING (H) Policy 7 'Urban Design in Residential Developments' states: "It is the policy of the Council to ensure that all new residential development within the County is of high-quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended)". The policy contains several objectives including:

- H7 Objective 1: To ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) (or any superseding document) including the urban design criteria as illustrated under the companion Urban Design Manual – A Best Practice Guide, DEHLG (2009).

**For the reasons given in Sections 7.5 and 7.6 of this Planning Objection Report, the proposal is contrary to the Sustainable Residential Development guidelines. The scheme suffers from the overdevelopment and over-densification of a poorly configured site.**

- H7 Objective 3: To support public realm improvements as part of infill developments.

The details design of this scheme is poor when it is viewed closely. The north end has been designed as a de facto a service area for the scheme, the open space provision is poor and the scheme's relationship to the public domain is poor.

**Tallaght Community Council considers that the proposed development, as submitted, would impact negatively on the public realm at this location and would not protect and conserve the special character of the area and the village. The proposed development is not appropriate to the village context. The proposal is contrary to 'HOUSING (H) Policy 7 'Urban Design in Residential Developments'.**

#### **7.3.5.4 THE PROPOSAL IS CONTRARY TO HOUSING (H) POLICY 8 'RESIDENTIAL DENSITIES':**

For the reasons given in Sections 7.4 to 7.11 of this Planning Objection Report our client considers that the proposed development fails to comply with Housing (H) Policy 8 'Residential Densities' of the SDCC CDP 2016-2022, which states:

*HOUSING (H) Policy 8 Residential Densities It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.*

The policy contains several relevant objectives including:

**H8 Objective 5: To ensure that developments on lands for which a Local Area Plan has been prepared comply with the local density requirements of the Local Area Plan** [emphasis added].

The proposed development exceeds the maximum permitted plot ratio under the LAP and as such fails to comply with this policy. The proposal constitutes over-densification, overdevelopment and unsustainable development of a site unsuitable due to its configuration for a scheme of this scale. This site is located within Tallaght Village and is zoned 'VC'.

#### **7.3.5.5 THE PROPOSAL IS CONTRARY TO S. 2.2.3 & HOUSING (H) POLICY 9 'RESIDENTIAL BUILDING HEIGHT':**

The Applicant proposal is contrary to Section 2.2.3 & Housing (H) Policy 9 'Residential Building Heights', specifically:

**H9 Objective 2: To ensure that higher buildings in established areas respect the surrounding context** [emphasis added].

**H9 Objective 3: To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height)** [emphasis added].

*H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme [emphasis added].*

The areas of non-compliance include that:

- The 5 and 6 storey Blocks A and B fail to respect the surrounding context;
- Block B fails to respect the adjoining single storey structures to the north by ensuring no significant marked increase in building height; and
- The proposed density and height of the scheme fails to comply with the LAP.

**For the reasons given above and throughout this Planning Objection Report, the proposed building heights are not supported by the SDCC CDP 2016- 2022. The proposed blocks should be reduced in height to better respect their context.**

#### **7.3.5.6 THE PROPOSAL IS CONTRARY TO CORE STRATEGY (CS) POLICY 2:**

For the reasons given in Sections 7.4 and 7.9 of this Planning Objection Report our client considers that the proposed development fails to comply with (CS) Policy 2 of the SDCC CDP 2016-2022 because the proposed development exceeds the maximum permitted plot ratio under the LAP and as such fails to comply with this policy. The LAP supersedes the SDCC CDP 2016-2022 regarding the implementation of the NPF and statutory planning guidelines. The LAP represents a more updated core strategy for 5 Tallaght Village than that set out in (CS) Policy 2 of the SDCC CDP 2016-2022

**The proposal constitutes over-densification, overdevelopment, and unsustainable development of a site unsuitable due to its configuration for a scheme of this scale. This site is located within Tallaght Village and is zoned 'VC'. The proposed density is excessive at this location and within this zoning (as is stated in the Tallaght Town Centre LAP 2020).**

#### **7.3.5.7 CONCERNS OVER CLAIMED COMPLIANCE WITH PUBLIC OPEN SPACE HOUSING POLICY 12 & H12 OBJECTIVES 1 & 2:**

Our client notes how the Applicant's Design Report and Planning Report claims that the scheme offers open space that is compliant with Sections 3.13 and 8.3 of the SDCC CDP 2016-2022. That is, the scheme is claimed to offer public open space. Concerns arise regarding the siting and design of the Applicant scheme as it addresses the issue of public open space.

Our client submits that the Applicant's public open space proposals are not compliant with:

- Section 2.3.2 'Public Open Space' of the SDCC which states: "The provision of public open space that is appropriately designed, **properly located** and well maintained is a key element of high-quality residential environments. Public open space should have active and passive recreational value and **should enhance the identity and amenity of an area**. Refer to also policies and objectives set out under Section 3.13 and 8.3 of this Plan" [emphasis added].
- HOUSING (H) Policy 12 Public Open Space of the SDCC CDDP 2016-2022 which states: "It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation **and enhances the visual character, identity and amenity of the area**" [emphasis added].
- H12 Objective 1 which aims: "To ensure that public open space in new residential developments complies with the quantitative standards set out in Chapter 11 Implementation and the qualitative standards set out in Chapter 11 and Chapter 4 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), together with the design criteria illustrated under the Urban Design Manual – A Best Practice Guide, DEHLG (2009)".
- H12 Objective 2 which aims: "**To ensure that there is a clear definition between public, semi-private and private open space at a local and district level** and that all such open spaces benefit from passive surveillance from nearby residential development" [emphasis added].

**For the reasons given above and within Section 7.8 of this Planning Objection Report, our client does not consider the "Public Open Space" provision to be clearly articulated, to be accessible to the public, to retain the open character of these lands and to represent a benefit to the area. The proposal is contrary to Sections 3.13 and 8.3 of the SDCC CDP 2016-2022 and the above listed objectives pertaining to these sections.**

#### **7.3.5.8 CONTRARY TO OBJECTIVE UF4:**

Objective UF4 of the SDCC CDP 2016-2022 aims: "To ensure that development is laid out in a series of blocks and plots that are legible, permeable and appropriate in land use, scale, building height, street widths, urban grain and street frontages".



For the reasons given in Sections 7.4, 7.5 and 7.6 of this Planning Objection Report, our client does not consider the proposed development to be laid out in building heights that are acceptable at the Applicant site location adjoining the Old Greenhills Road and Greenhills Road. The proposals are monolithic and over-scaled given the configuration of the site.

#### 7.3.5.9 CONTRARY TO OBJECTIVE UF4:

Objective UF6 of the SDCC CDP 2016-2022 aims: “To provide attractive, interesting and well used public realm and open spaces using place making and urban design principles, creating a pedestrian centred environment with active, inviting public spaces and parks”.

Our client considers that the scheme’s layout should better respect Greenhills Road and Old Greenhills Road with less heavily scaled and monolithic elevations facing each road.

#### 7.3.6 CONTRARY TO THE TALLAGHT TOWN CENTRE LOCAL AREA PLAN 2020:

##### 7.3.6.1 THE PRINCIPLE OF AN APARTMENT DEVELOPMENT AND OBJECTIVES RE 9 & RE 10 OF THE LAP:

Our client agrees that an apartment scheme is acceptable in principle. Our client does not agree however that an apartment development is required to be of the scale proposed in this planning application. Merely proposing apartments does not in itself justify causing negative impacts on the existing environment and/or significantly departing from the established character and pattern of development in this area.

##### 7.3.6.2 THE APPLICANT SCHEME IS WHOLLY OUT OF LINE WITH S. 3.4 LAP OBJECTIVES FOR ‘THE VILLAGE’:

Our client submits that the Applicant proposal is wholly out of line with Section 3.4 ‘The Village’ of the LAP which sets out how this ‘Neighbourhood’ of Tallaght Village, which includes the Applicant site, should be developed. Section 3.0 notes how: “This Chapter provides a vision and guidance for each of the neighbourhood areas; the change in character, if any, envisaged”. The proposal is also wholly out of line with similar ‘Neighbourhood’ plans for adjoining lands at Greenhills and for Tallaght Campus. The following concerns arise:

1. **The plot ratio exceeds that permitted in The Village:** The Applicant scheme’s plot ratio is **1.63**. The Plot Ratio Range permitted in The Village is 0.75:1 (Low) or 1:1 (High). The Applicant scheme’s density is too high and is non-compliant with the LAP.
2. **Building Height is required “To respond to local context, particularly the Architectural Conservation Area (ACA)”:** The proposed building heights of 5 and 6 storeys hard up to adjoining boundaries in a site with a constrained and odd configuration are too high and insensitive to the ACA (see also Section 7.10 of this Planning Objection Report).
3. **Figure 3.10 ‘Overall Urban Structure (The Village)’ of the LAP sets out clearly where increased building heights will be permitted.** The Applicant site is suitable – where other planning criteria /are met – for between 4 and 6 storeys. Previous planning applications have failed to achieve 4 storeys on these areas of the Applicant site (see Section 7.4 of this Planning Objection Report). The subject proposals are too tall for the site given its configuration. The maximum heights that can be achieved are 1, 2 and 3 storeys given this.
4. **Open Space is required to “Consolidate and enhance existing provision”:** Despite offering future residents an area of somewhat restricted open space in the centre of the site and recycling another to the north of the site, these are quite inaccessible to the public and are not public open spaces. The scheme contributes nothing to existing provision of open space in this area.
5. **Figure 3.9 Mixed use frontage (The Village) requires mixed use frontage only on the lower part of Old Greenhills Road (see Fig. 15):** The Applicant scheme offers no mixed-use frontage at ground floor to Old Greenhills Road. Units provided at ground floor raise privacy concerns for future residents.
6. **Objective VL5 requires the Applicant to:** “Facilitate green infrastructure along public streets”. No planting is achievable to the front of Blocks A and B on Old Greenhills Road or Greenhills Road due to the excessively close proximity of these blocks to site boundaries with these public areas.
7. **Objective VL6 requires the Applicant to:** “Protect and enhance setting of protected structures and qualities of the ACA”: Our client does not consider this 5 and 6 storey scheme of 2 no. monolithic buildings dropped into areas of the Applicant site with poor configuration to represent appropriate forms of development at the proposed locations and hard up to adjoining boundaries.
8. **Objective VL7 requires the Applicant to consider the adjoining lands to the south.** The Applicant scheme is premature pending the planning and development of this site. The Applicant proposals include buildings suited hard up to this adjoining site’s boundaries. This cannot be acceptable unless some agreement is in place with the adjoining landowner.

9. **Objective VL8 requires the Applicant to: “Protect the character and integrity of the Priory protected structure, including its parkland setting, and provide for greater public access and usage”.** For the reasons given in Section 7.10 of this Planning Objection Report and due to the scale, siting and design of the proposed development within these lands, our client does not consider that the proposed development would protect the character and integrity of the Priory protected structure, including its parkland setting, with regard to the emerging scale of development in adjoining areas of Tallaght Village.

**Our client submits that the Applicant proposal is wholly out of line with Section 3.4 ‘The Village’ of the LAP which sets out how this ‘Neighbourhood’ of Tallaght Village, which includes the Applicant site, should be developed.**

3.4 The Village	
Consolidate existing mixed use residential neighbourhood within a high quality place of intimate scale and character.	
<b>Land Use Mix/ Urban Function</b>	Mix of uses in accordance with the County Development Plan zoning objective for ‘VC - Village Centre’, including residential, appropriate retail, walk to services, cultural, civic, recreational, community and other uses which support the evening economy.
<b>Plot Ratio Range</b>	0.75:1 (Low) 1:1 (High)
<b>Building Height (See Figure 3.10)</b>	To respond to local context, particularly the Architectural Conservation Area (ACA).
<b>Open Space</b>	Consolidate and enhance existing provision.

FIG. 15: THE KEY OBJECTIVES FOR ‘THE VILLAGE’ – THE SCHEME IS MOSTLY NON-COMPLIANT

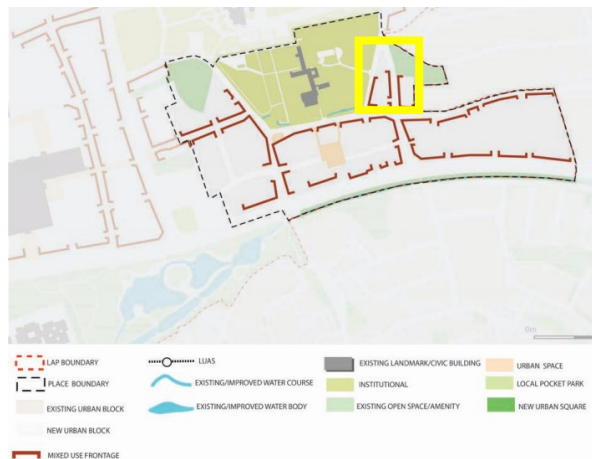


FIG. 16: THE KEY OBJECTIVES FOR ‘THE VILLAGE’ – THE SCHEME IS MOSTLY NON-COMPLIANT

**7.3.6.3 THE APPLICANT PLANNING REPORT’S TREATMENT OF PLOT RATIO IS MISLEADING AND WRONG:**

Age 25 of the Applicant Planning Report addresses Section 2.6.1 of the Tallaght LAP as it refers to plot ratio. It states that the minimum to maximum plot ratio for the ‘Village’ is 0.75 to 1.1 (see Fig. 16). It has been demonstrated in Section 7.3.1 of this Planning Objection Report that the proposed plot ratio exceeds that permitted in The Village. The Applicant scheme’s plot ratio is 1.63. **The Applicant scheme is materially and significantly non-compliant.**

The Applicant Planning Report argues that the Local Area Plan provides some flexibility in the allowable plot ratios and allows increased plot ratios under several conditions. A figure of 20% flexibility is suggested and the Applicant awards themselves a plot ratio of 1.95 with which they claim compliance. BPS submits that this is misleading and wrong. The only flexibility would apply to community or cultural amenities and this massive private development is not a community or cultural amenity. It is a private speculative development. Our client does not consider that the current scheme offers such a possible community benefit as to justify this scheme’s siting, density, design, scale, height, bulk, massing, public open space siting, parking provision, etc.

The 0.75 to 1.1 plot ratio limitation arises from a 2020 LAP which takes into account the location of the Applicant lands, proximity to public transport, the likelihood of quality design, etc. It is a maximum figure unless the scheme is a community or cultural amenity.

### 2.6.1 Plot Ratio

Plot ratio is determined by dividing the gross floor area of a building (GFA) by the site area. The gross floor area is the sum of all floor space within the external walls of the buildings, excluding plant, tank rooms and car parking areas. This Plan outlines a plot ratio range for each Neighbourhood, including a breakdown for the regeneration of Cookstown neighbourhood.

Neighbourhood	Min - Max Plot Ratio
Village	0.75 - 1.0

FIG. 17: MAXIMUM PLOT RATIO FOR SITES WITHIN THE VILLAGE

#### 7.3.6.4 THE PROPOSAL IS CONTRARY TO SECTION 2.6 'INTENSITY OF DEVELOPMENT':

Our client considers that, as submitted, the proposal is contrary to Section 2.6 'Intensity of Development' of the LAP 2020. The following concerns arise:

- Section 2.6 states regarding **intensity of development**: **"Higher and medium intensity areas should be located primarily around the existing retail and administration centre, that is, The Centre and the Luas Stations on the Cookstown and Belgard Roads. Higher density of residential development in the form of mixed-use developments are desirable in these locations for reasons of their centrality, location proximate to transport nodes and/or the range of facilities currently available, subject to compliance with the concepts of this plan and the relevant Guidelines"** [emphasis added].

**The Applicant scheme is a higher density residential development which is not in an area designated as appropriate for high or medium intensity development.**

Section 2.6 states regarding height and built form: **"Plot Ratio, Height and Built Form will be used to determine and assess the intensity, scale and bulk of development in the Plan lands.** This approach promotes an urban design quality-led approach to achieving sustainable urban densities where the focus will be on achieving a high-quality urban environment. **The design and layout of each plot will need to take account of its context and be designed accordingly"** [emphasis added].

**For the reasons given in sections 7.4 and 7.11 of this Planning Objection Report, our client does not consider the design and layout of proposal to take adequate account of its context. The scheme has sited its densest parts immediately adjoining site boundaries shared with adjoining properties.**

- Section 2.6 states: **"To reflect the importance of placemaking at key public transport stops and key public spaces, flexibility in relation to the plot ratio range and the potential for higher buildings (2-4 storey increase on typical levels set in the LAP) may be considered at certain locations which are considered to be key or landmark sites, subject to exceptional design which creates a feature of architectural interest, a significant contribution to the public realm at these locations. These requirements are subject to criteria for taller buildings set out in Section 2.6.2. This provision may apply where the site is directly adjacent to the following:**
  - High capacity public transport stops (i.e. a Luas stop or high frequency bus stop (i.e. 10-minute peak hour frequency) on a dedicated bus lane);
  - The proposed 'New Urban Square' north of Belgard Square North in the Centre neighbourhood;
  - The proposed 'New Urban Square' within the Cookstown neighbourhood; and
  - The proposed Transport Interchange and adjacent proposed 'Urban Space' in the Centre neighbourhood.**This provision will only apply to the extent of a site which is within 100m walking distance of the above locations and will only be considered where the Planning Authority is satisfied that provision of the above facilities will be achieved"** [emphasis added].

**The Applicant site is not a key or landmark site, is not located adjacent to (within a 100m) a high capacity public transport stops, is not located in any designated 'New Urban Square' or 'Urban Space' and is unsuitable for a scheme of 5 and 6 storeys in height and a plot ratio density of 1.63 (see Sections 7.4, 7.5 and 7.6 of this Planning Objection Report).**

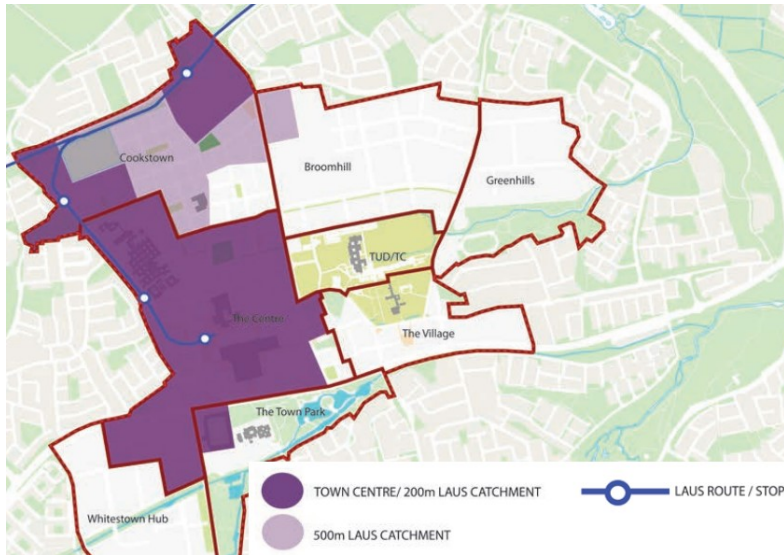


FIG. 18: THE SITE IS LOCATED OUTSIDE OF THE 200M AND 500M LAUS CATCHMENTS

**7.3.6.5 THE PROPOSAL IS CONTRARY TO SECTION 2.6.2 ‘HEIGHT AND BUILT FORM’:**

At pre-planning and in the submitted Planning Application Report, the Applicant argues that there is some way for the proposed 5 and 6 storey building heights to be considered compliant with the LAP’s building height policy as set out under Section 2.2.2 ‘Height and Built Form’ of the LAP. Our client submits that, for the following reasons, this is not the case:

1. There is nothing specific in the LAP which suggests that the Applicant site is suitable for 5 and 6 storey buildings – the range of 4-6 storeys is provided in the LAP as a guide subject to meeting all other planning criteria. It is not a minimum standard. Figure 3.10 ‘Overall Urban Structure (The Village)’ of the LAP sets out clearly where increased building heights will be permitted. Only part of the Applicant site is even noted as suitable specifically for 4-6 storeys and that is the section on the Old Greenhills Road. Fig. 2.8 ‘Height Strategy’ of the LAP is also quite specific as it pertains to where 3-4, 4-6 and 6 storey buildings should be located.

**Our client submits that the Applicant site’s configuration makes it unsuitable for heights above 4 storeys and even 4 storeys may not be achievable adjoining boundaries with other properties.**



Figure 2.8 - Height Strategy  
FIG. 19: EXCERPT FROM FIG. 2.8 OF THE LAP

2. Section 2.6.2 Height and Built Form states: “Building heights will also be evaluated against topography, culture context, key landmarks and key views as required by Building Height Guidelines. **To ensure that building heights respect the surrounding context, new developments immediately adjoining existing one and two storey housing, in particular Colbert’s Fort and at the edges of the Plan area, shall incorporate a gradual change in building height. In these instances, new development can be below the minimum range as specified in the Height Strategy**” [emphasis added].

**Our client submits that existing development on the Old Greenhills Road and Greenhills Road are 1, 2, 3 and 4 storeys in nature. As set out in Section 7.5 of this Planning Objection Report, the Applicant has not offered any adequate gradual change in building height down to the Old Greenhills Road or Greenhills Road in particular. In fact, building heights in the scheme rise to 5 and 6 no storeys adjoining these roads. The building heights proposed should be in the minimum range specified.**

3. The proposed development should, in our client’s view, be viewed, as adjoining the Old Greenhills Road secondary route (see Fig. 19). Part of the site adjoins the Greenhills Road, but this is not its primary focus. Section 2.6.2 states: “In general terms ... Building height and scale on secondary routes/frontages is lesser but still within an urban scale, (4–6 storeys residential, 3–5 storeys non-residential)”.

**Our client submits that, as noted above, this site’s context (adjoining single storey dwellings on the Old Greenhills Road and being oddly configured) is such that the maximum building height achievable on Greenhills Road should be 4 storeys and 2, 3 and 4 storeys on Old Greenhills Road (adjoining single storey houses. The Applicant has opted to argue for the maximum permissible building heights, and this has resulted in a scheme that is overdeveloped and overbearing as it adjoins the Greenhills Road and Old Greenhills Road.**

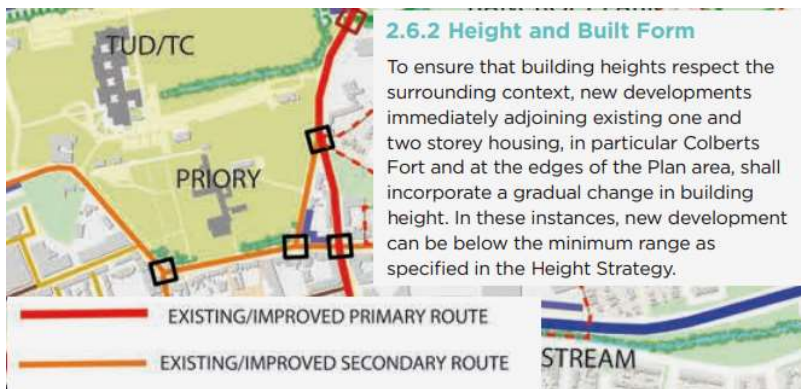


FIG. 20: THE LOCATION OF THE SITE OPPOSITE SINGLE STOREY DEVELOPMENT = GRADUAL INCREASE IN HEIGHTS

4. Section 2.6.2 ‘Height and Built Form’ refers to the ‘Urban Development and Building Height Guidelines for Planning Authorities’ (2018) and note how urban design studies indicate that developments of between four and six floors are viable to build and that all proposals which involve building heights should be “evaluated against topography, culture context, key landmarks and key views as required by Building Height Guidelines”. The context presented by this site is 1 to 4 storeys.

**Our client considers that there is no basis for this site to propose buildings above 2, 3 and 4 storeys in height. These heights are viable under the guidelines and the appropriate height in the context presented by adjoining development.**

**For the reasons given above, our client does not consider the proposal to be in accordance with Section 2.2.2 ‘Height and Built Form’ of the LAP. The proposed building heights are not acceptable because other planning concerns arise from the configuration of the site. The maximum building height should be 4 storeys.**

**7.4 ISSUE 4: THE PLANNING HISTORY OF THIS SITE & THE ADJOINING SITE CONFIRMS THE SCHEME SHOULD BE REFUSED:**

**7.4.1 SCHEME IS CLOSE TO IDENTICAL (BUT DENSER & TALLER) TO PREVIOUSLY REFUSED SCHEMES ON THIS SITE:**

**7.4.1.1 PLANNING APPLICATION, REG. REF. SD03A/0368 & APPEAL, REG. REF. PL06S.204649:**

Our client considers that it is critical for SDCC to consider refusal of planning permission, reg. ref. SD03A/0368 & Appeal, reg. ref. PL06S.204649. This planning application sought 3 no. 3 and 4 storey buildings. The proposal sought a continuous building frontage to Greenhills Road which is similar to that propose dint he current planning application (which is much larger at 6 storeys).

Under this planning application, the Board refused planning permission arising from a third-party appeal. Permission was refused due to the configuration of the site especially at the southern end where the site is so thin. And other site constraints such as the proximity of the proposal to site boundaries (as arises in the current case). The Board found the proposal which was overdevelopment and maintained a monolithic appearance adjoining the site to the south.

It remains unknown how the site to the south is to be developed, but this planning refusal by the board confirmed that it felt a continuous building at the scale now proposed by the Applicant would be monolithic and would be overdevelopment.

**Blocks A and B would, as proposed, have an overwhelming impact on adjoining boundaries and Block A would be monolithic; therefore, the same reasons for the refusal of this planning application continue to apply.**

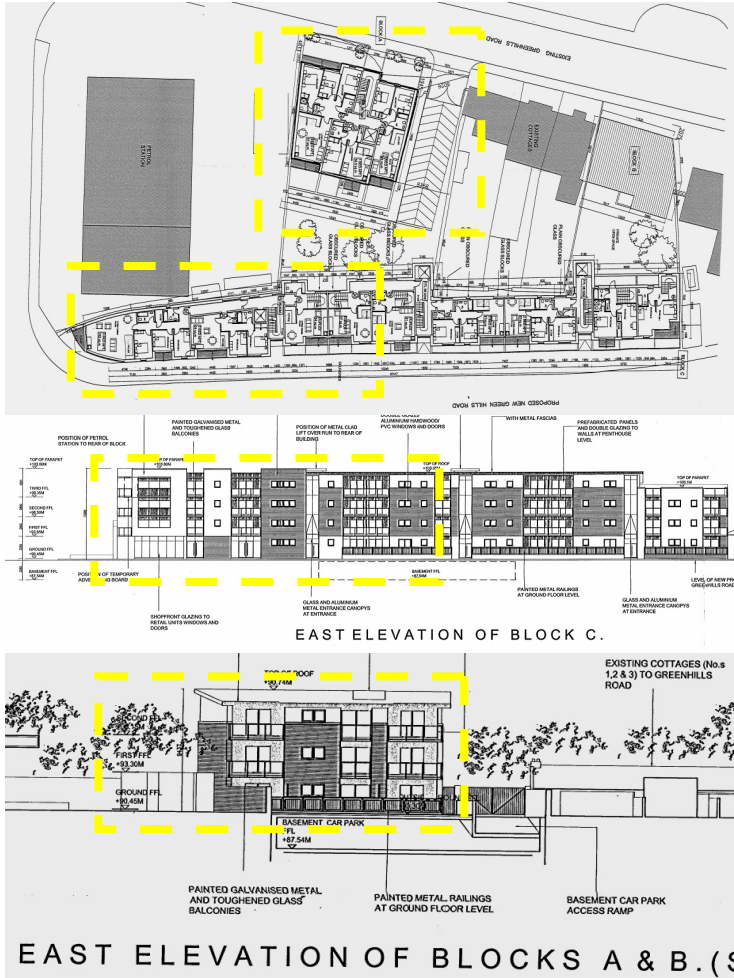


FIG. 21: SITE PLAN AND ELEVATIONS FOR REFUSED APPEAL, REG. REF. PL06S.204649

**7.4.1.2 PLANNING APPLICATION, REG. REF. SD03A/0368 & APPEAL, REG. REF. PL06S.204649:**

Our client submits that a proposal to develop the area of Block A was refused by SDCC under planning application, reg. ref. SD04A/0324. The relevant drawings are provided in Fig. 23. SDCC refused planning permission because of (see Fig. 24):

- Configuration of the site,
- The proximity of the proposed development of adjoining 1 and 2 storey buildings to the east and south,
- Overdevelopment concerns,
- Inadequate amenity open space and substandard amenities for future residents,
- The impact of Block C (the southern area of the scheme) on adjoining boundaries,
- Impact on the visual amenities of the area,
- Inadequate car parking, etc.

**Blocks A and B would, as proposed, have an overwhelming impact on adjoining boundaries and Block A would be monolithic; therefore, the same reason for the refusal of this planning application continues to apply.**

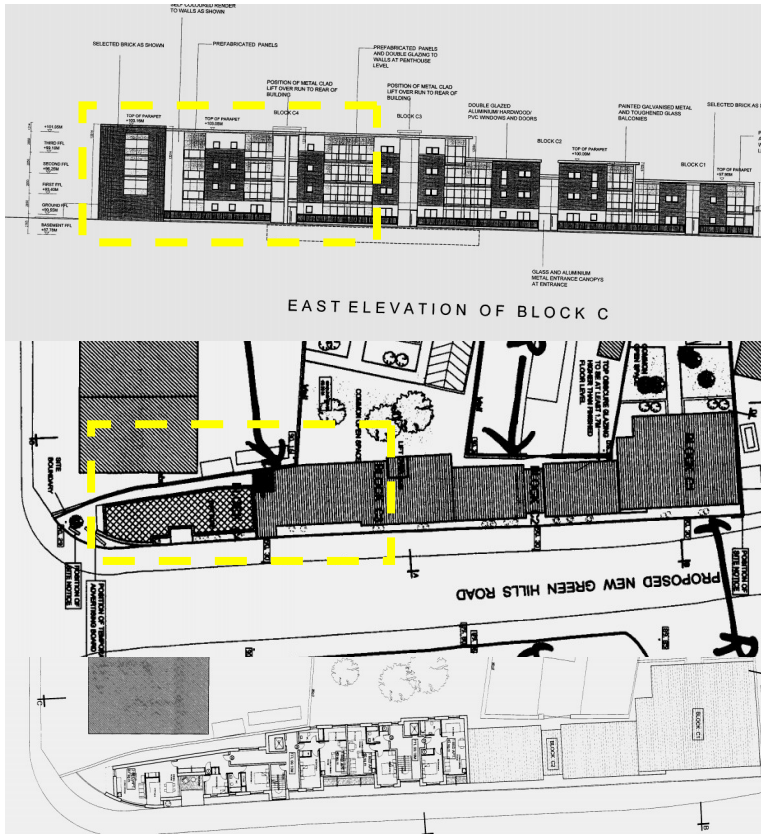


FIG. 23: EXCERPTS FROM REFUSED PLANNING APPLICATION, REG. REF. SD04A/0324 (INCL. 4<sup>TH</sup> STOREY FLOOR PLAN)

(A) **Visual impact,**

- **Building scale and design, and streetscape impact.**

The monolithic appearance of the eastern façade of Block C (referred to in refusal on previous application) has been resolved through the stepping upwards of the building from north to south. However, it is considered that the footprint of the Block C adjoining the boundaries on most elevations is overwhelming and has not sufficiently addressed the issue of

Pg. 3

overdevelopment in the reason for refusal by the Board. Internally, the landscaping of

**Conclusion**

Having regard to reasons for refusal cited in the decision of An Bord Pleanála, it is considered that the proposal has not sufficiently addressed issues of overdevelopment and therefore refusal is recommended.

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 for the reasons set out in the Schedule hereto:-

FIG. 23: EXCERPTS FROM PLANNER'S REPORT FOR REFUSED PLANNING APPLICATION, REG. REF. SD04A/0324

**7.4.1.3 THE ASSESSEMENT OF THE GREENHILLS COURT PARENT PERMISSION SUGGEST THE SCHEME SHOULD BE REFUSED:**

Our client has reviewed planning permission, reg. ref. SD04A/0731, the parent planning application for the Greenhills Court scheme, which was originally submitted to SDCC. Changes made to that scheme prior to its granting by SDCC and then on appeal by ABP, under ref. PL06S.210123, suggest the current scheme should be refused:

1. **The scheme offered inadequate and poor-quality open space, and this had to be addressed.** The scheme was modified by introducing an underground car park which allowed open space to be increased. The current scheme offers poor quality, and compromised, open space (see Section 7.8 of this Planning Objection Report). The consequences of overdevelopment are clearly visible.
2. **Block A – the southernmost block shown in Fig. 23 above – was excluded from the planning application.** A southern block is now proposed in the current planning application which is 2 storeys taller than the southern block refused in the two previous planning applications prior to the parent planning permission being granted. This block – now Block A – remains unacceptable for the reasons set out in this Planning Objection Report.

3. **The scheme was modified by increasing setback to adjoining properties following the basement car park being introduced:** The current planning application now seeks to push Blocks A and B hard up to the shared boundaries with adjoining properties. This has not been permitted in every previous planning application in which it has been proposed.
4. **ABP removed development proposed to adjoin the Old Greenhills Road beside Nos. 8 9 and 10 (the single storey dwellings):** The current scheme not only seek development on the Old Greenhills Road again, but it seeks a taller, and more heavily scaled block – Block B – setback under 95cm from the closest single storey dwelling (No. 8 Old Greenhills Road) – see Section 7.6 of this Planning Objection Report.

**Our client submits that were the current planning application seeks to contradict parts of this previous decision made by SDCC and ABP. The Applicant scheme effectively takes those parts of this scheme which were refused and doubles down on them with bigger blocks, closer to boundaries, with less open space, less parking, etc. The scheme should be refused.**

#### **7.4.1.4 AN OVER-SCALED SCHEME (1.37 PLOT RATIO) WAS REFUSED ON THE ADJOINING SITE - REG. REF. SD20A/0250:**

Our client submits that the reasons why planning application, reg. ref. SD20A/0250, was refused by SDCC on 25/11/2020 apply to the current planning application's proposals, including:

1. Excessive density plot ratio and height given the context of the site in the 'Village Centre' and the restrictions on plot ratio 0:0.75 to 1:0 set out in the LAP. The proposed plot ratio was 1.37 which is substantially less than that proposed in the current planning application.
2. The building heights of the scheme were in excess of those adjoining the site which are 2-4 storeys. The LAP allows a maximum of 4-6 storeys on secondary routes where this meets all other planning requirements.
3. The proposal was considered to be excessively visually dominant relative to Main Street and Greenhills Road.
4. Poor standard of accommodation for future residents, etc.
5. Excessive overlooking of adjoining properties.
6. Negative impacts on the priority protected structure and the ACA due to density, plot ratio, height and design concerns.
7. Contrary to the zoning of the site.
8. Impacts on the visual amenity of the area.

**It is not clear to our client as to why the Applicant would not consider these same reasons to apply to their current scheme.**

#### **7.4.1.5 SITE AND SURROUNDING PLANNING HISTORY CONFIRMS THE CURRENT SCHEME SHOULD BE REFUSED:**

The planning history of the site and the adjoining site to the south confirms that the Applicant scheme should be refused. Critically:

1. The location of Block A has been repeatedly refused for 4 storeys as the site was considered too constrained to be developed to this scale. The current proposal is 6 storeys for Block A on the same constrained site area.
2. Proposals on the south end of the site including adjoining the Greenhills Road and Old Greenhills Road have repeatedly been refused for being located too close to adjoining boundaries shared with other properties. The current proposal is located closer to adjoining property boundaries than ever before.
3. The building heights of the scheme were in excess of those adjoining the site which are 2-4 storeys. The LAP allows a maximum of 4-6 storeys on secondary routes where this meets all other planning requirements. Other planning requirements are not met in this case.
4. The location of Block A was refused for a 4 storey building as this would create a "monolithic", "continuous frontage" elevation along Greenhills Road and highly visible also from Main Street. The current proposal is 6 storeys for Block A and would create an extremely monolithic elevation with a more significant visual impact.
5. The location of Block B has previously been refused for a 4 storey building setback from the boundary of the adjoining single storey dwellings. The Applicant now proposes a 3 and mostly 5 storey building with almost no setback at the same location.
6. Planning applications on the site and the adjoining site have been refused for being overdevelopment. The current proposal's plot ratio is higher than that permitted under the LAP and higher than that refused on the adjoining site to the south and west (which was 1.37). The scheme constitutes over development.
7. Excessive amenity impacts including overshadowing and overlooking of adjoining properties. These concerns arise in the current planning application.



8. Open space provision was considered poor and to have low amenity value in previously refused schemes. This issue arises in the current scheme with respect to both areas of proposed open space.

It is not clear to our client as to why the Applicant would not consider these same reasons to apply to their current scheme. Our client asks that in the interests of consistency of decision making, SDCC refuses planning permission for the reasons given above.

**7.5 ISSUE 5: SCHEME'S SITING, DENSITY, SCALE, HEIGHT, BULK & MASSING IS EXCESSIVE ON A POORLY CONFIGURED SITE:**

**7.5.1 THE PROPOSED NEW BUILDINGS ARE LOCATED TOO CLOSE TO SITE BOUNDARIES:**

**7.5.1.1 THE SITING OF BLOCK B RELATIVE TO THE ADJOINING 1 STOREY DWELLING TO THE NORTH IS UNACCEPTABLE:**

Our client is extremely concerned over the proposed siting of Block B relative to the adjoining single storey dwelling to the north (see Fig. 24). The proposed setback is shown as 92cm. Less than a metre setback from the property boundary for a single storey dwelling to a building which rises to a height of approx. 10.5m at this location and then to 17m approx. a further 3m back.

The proposed siting of Block B is unacceptable at this location. Block B should be a maximum of 1 or 2 storeys adjoining the historic single storey dwelling and rise to no more than 3 storeys as it is setback further from the shared boundary.

The proposed density and scale of Block B can only be achieved by significantly, negatively, and permanently impacting on the residential and visual amenities of the adjoining single storey dwelling and rear garden to the north (and those adjoining this dwelling further to the north). This is not acceptable.



FIG. 24: THE SITING OF THE PROPOSED BLOCK B TO THE ADJOINING SINGLE STOREY DWELLING IS UNACCEPTABLE

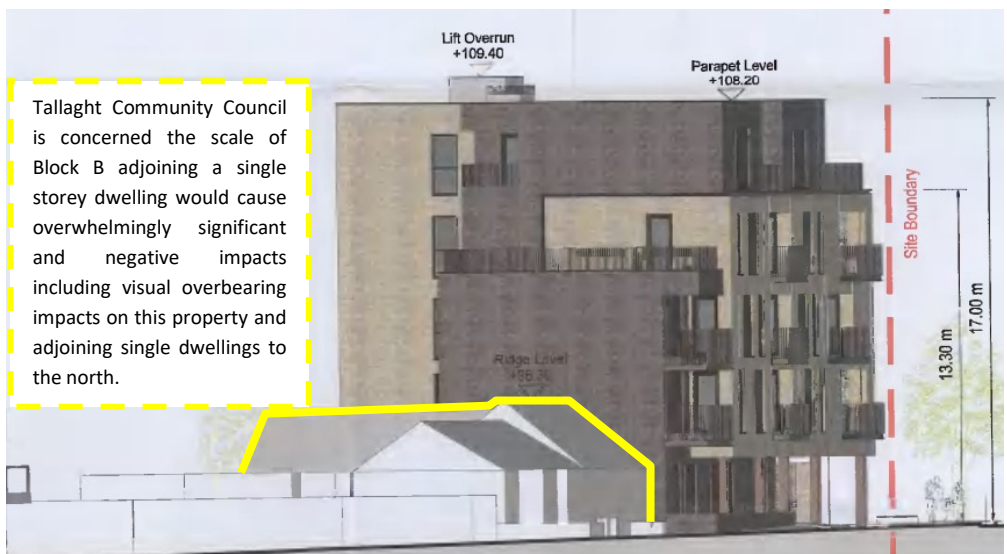


FIG. 25: SITING & SCALE OF PROPOSED BLOCK B RELATIVE TO THE ADJOINING SINGLE STOREY DWELLING IS UNACCEPTABLE

**7.5.1.2 SITING OF BLOCKS A & B HARD UP TO THE BOUNDARIES OF THE UNDEVELOPED SITE TO THE SOUTH IS INEXPLICABLE:**

Our client cannot understand how Blocks A and B can be proposed hard up to the shared boundary with the undeveloped adjoining lands to the south of Block B and west of Block A. Block A rises to 21m on the shared boundary and would effectively sterilise areas in close proximity which would not then impact on the amenity of this block.

Unless there is some pre-agreement in place between the Applicant and the owner of these lands, the siting of these two blocks is inexplicable. The siting of the two blocks would impact on the developing potential of these adjoining lands and/or the future residents of Blocks A and B may be significantly and negatively impacted by any development which was to be subsequently proposed within the adjoining lands.

SDCC cannot reasonably accept this proposal in the absence of a shared plan for both sites. If such a plan exists, then it should have been included in this planning application otherwise this planning application and any future planning application for the adjoining lands could be referred to have carried out planning application splitting.

**The proposed densities and scales of Blocks A and B can only be achieved by significantly, negatively, and permanently impacting on the future residential and visual amenities of any adjoining development in the lands to the north and/or impacting on the development potential of those lands and any future scheme on these currently empty lands would likely impact on Blocks A and B. This is not acceptable.**

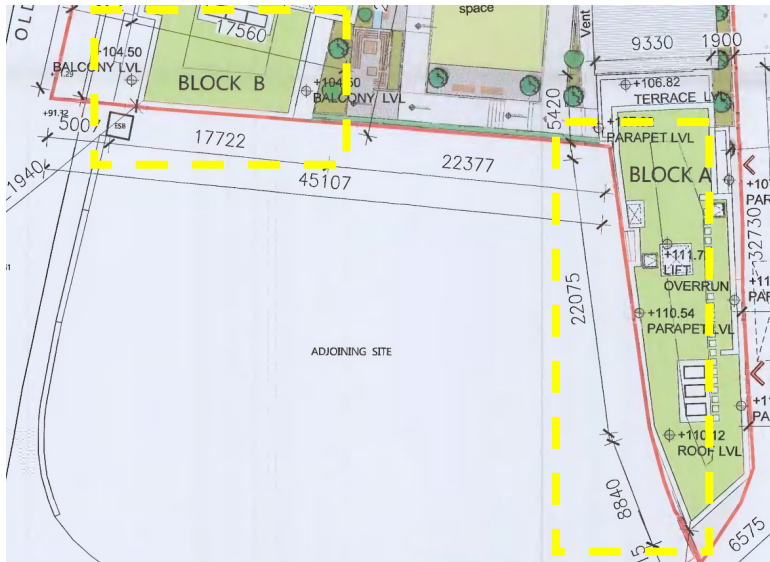


FIG. 26: BLOCKS A & B ARE LOCATED HARD UP TO THE SHARED BOUNDARY WITH UNDEVELOPED LANDS

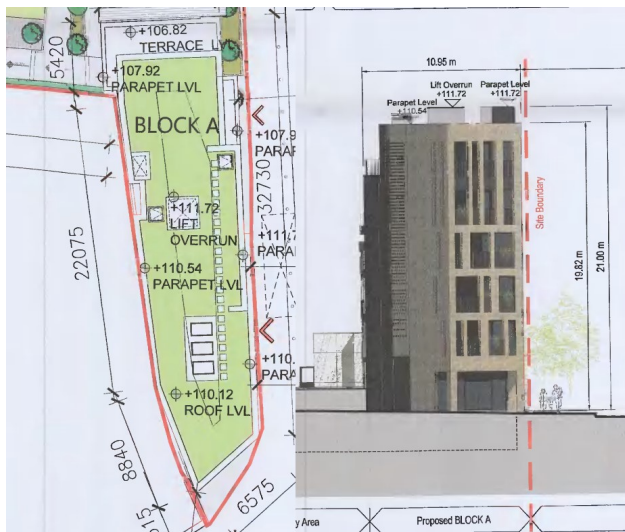


FIG. 27: BLOCKS A & B ARE LOCATED HARD UP TO THE SHARED BOUNDARY WITH UNDEVELOPED LANDS

**7.5.1.3 BLOCK A’S SITING HARD UP THE EASTERN BOUNDARY OF THE SITE/GREENHILLS ROAD IS UNACCEPTABLE:**

Our client has reviewed the full planning history of this site and notes how no previous planning application has been able to identify an appropriate solution to siting an apartment Block into the area of Block A. Previous planning refusals have cited how the development of this area would make the overall east elevation of the scheme ‘monolithic’ and that the development of the area of Block A would have an “overwhelming” impact on the shared boundary with Greenhills Road.

These concerns remain except they are exacerbated in the current scheme by the density, scale and height of Block A which is excessive and disproportionate relative to the size of the site area available and its tight squeeze in between Greenhills Road and the undeveloped site to the west. Block A is 6 storeys with a lift overrun on top. It rises to a full ‘monolithic’ height of 21m which is landmark building height.

**It is one thing to have a hard edge to a streetscape, it is another to allow a new building to be visually dominant and injurious as proposed. Block A is vastly over-scaled relative to its site area and site location. It is not clear that this area of the site is developable, let alone developable as proposed.**

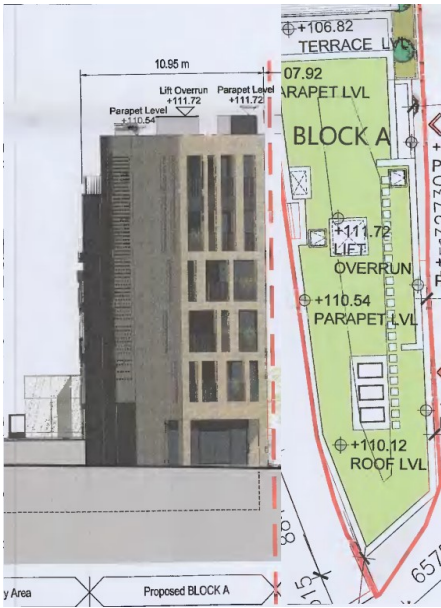


FIG. 28: 6 STOREY BLOCK A LOCATED HARD UP TO GREENHILLS ROAD SHARED BOUNDARY



FIG. 29: APPROX. PROPOSED SITING AND SCALE OF PROPOSED BLOCK A

**7.5.1.4 HARD UP TO THE GREENHILLS ROAD MEANS NO PLANTING OF TREES, ETC. IS POSSIBLE:**

One of the problems with siting Block A so hard up to the eastern site boundary with the Greenhills Road is that no planting can be achieved. The Applicant Landscape Plan shows planting along the entire elevation except for in Front of Block A (see Fig. 30). This means that this section of Block A will not receive any softening of its visual impact on Greenhills Road at all by way of mitigating planting. Block A cannot reasonably be granted as proposed.



FIG. 30: EXCERPT FROM APPLICANT LANDSCAPE PLAN – NO PLANTING SHOWN IN FRONT OF BLOCK A

**7.5.1.5 CONCERNS ARISE WITH RESPECT TO THE SITING OF THE BASEMENT CAR PARK BESIDE NO. 8 OLD GREENHILLS ROAD:**

Our client notes how the Applicant proposes a new basement car park which would be constructed almost hard up to the shared boundary with No. 8 Old Greenhills Road. The constrained nature of the Applicant site means that this basement extends almost hard up to the shared boundary with No. 8.

The construction phase for this new basement may impact on the structural integrity of No. 8 and structural assessments and vibration assessments are needed to confirm that No. 8 will not be damaged by these works via subsidence, etc.



FIG. 31: THE CLOSE PROXIMITY OF THE PROPOSED BASEMENT CAR PARK TO NO. 8 OLD GREENHILLS ROAD

**7.5.2 PROPOSED BLOCK A & BLOCK B WOULD CAUSE AN ABRUPT INCREASE IN BUILDING HEIGHTS:**

Our client acknowledges that the Applicant pre-planning scheme was excessively tall at 7 storeys to Main Street, but they ask that this not be allowed to make it appear that the now proposed 5 and 6 storey buildings would be acceptable.

The proposed 6 storey building on Greenhills Road which would adjoin the existing 4 storey Greenhills Court scheme building would, as each of the photomontages and all the elevation and continuous elevations drawing show, be over-scaled relative to adjoining single storey properties on Old Greenhills Road and the existing 1, 2, 3 and 4 storey Greenhills Court building to which it is proposed to be attached.

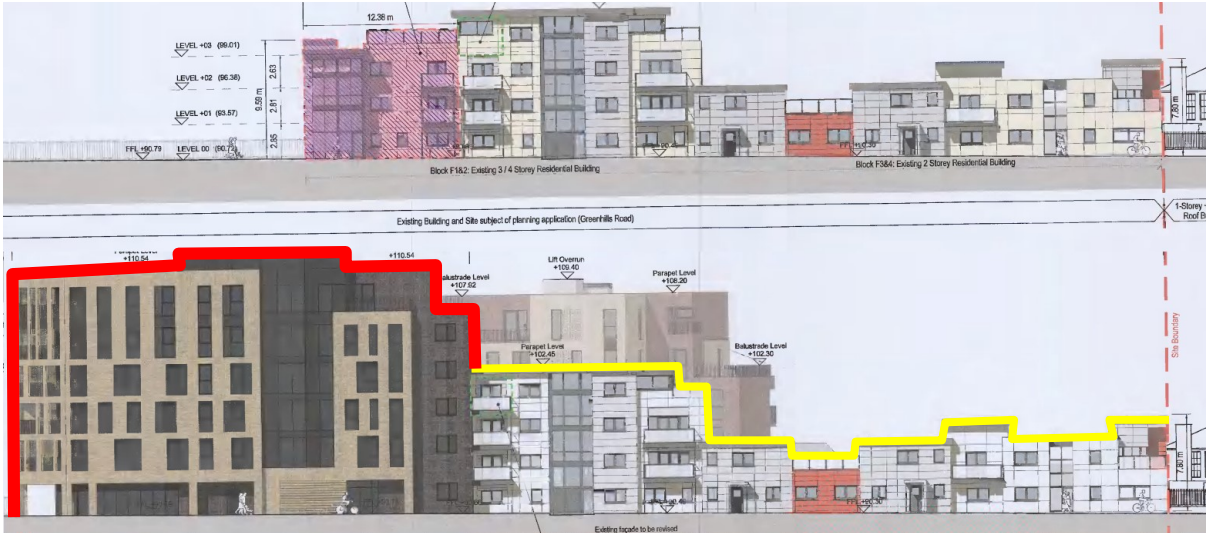


FIG. 32: COMPARISON OF EXISTING & PROPOSED SCHEMES – THE INCREASE IN SCALE IS ABRUPT & VISUALLY JARRING (1)

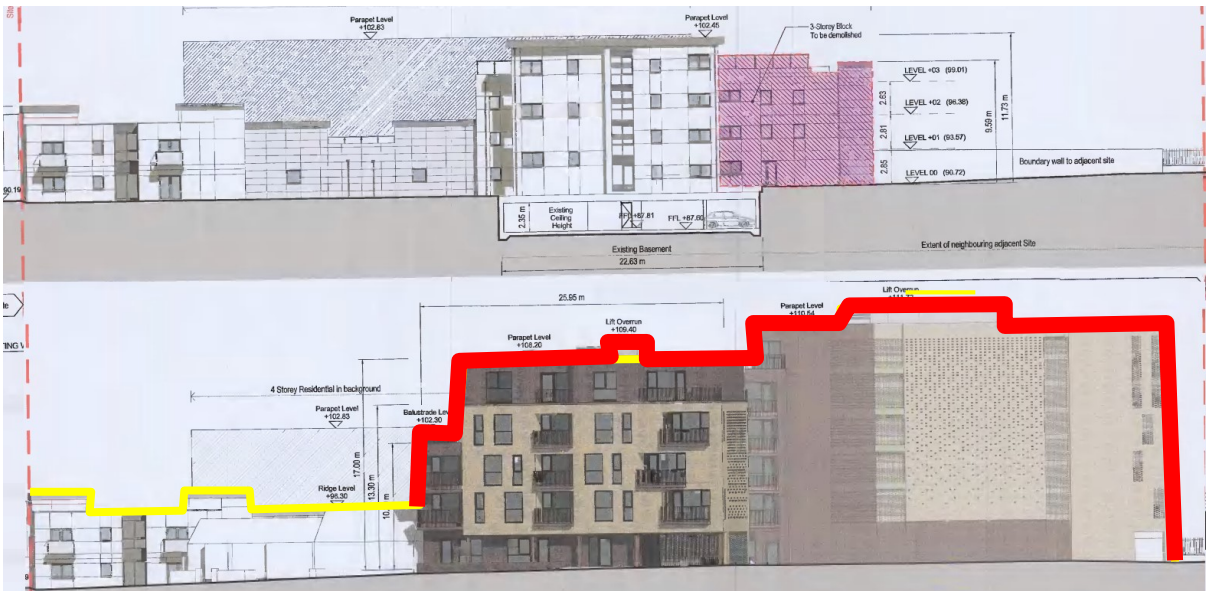


FIG. 33: COMPARISON OF EXISTING & PROPOSED SCHEMES – THE INCREASE IN SCALE IS ABRUPT & VISUALLY JARRING (2)

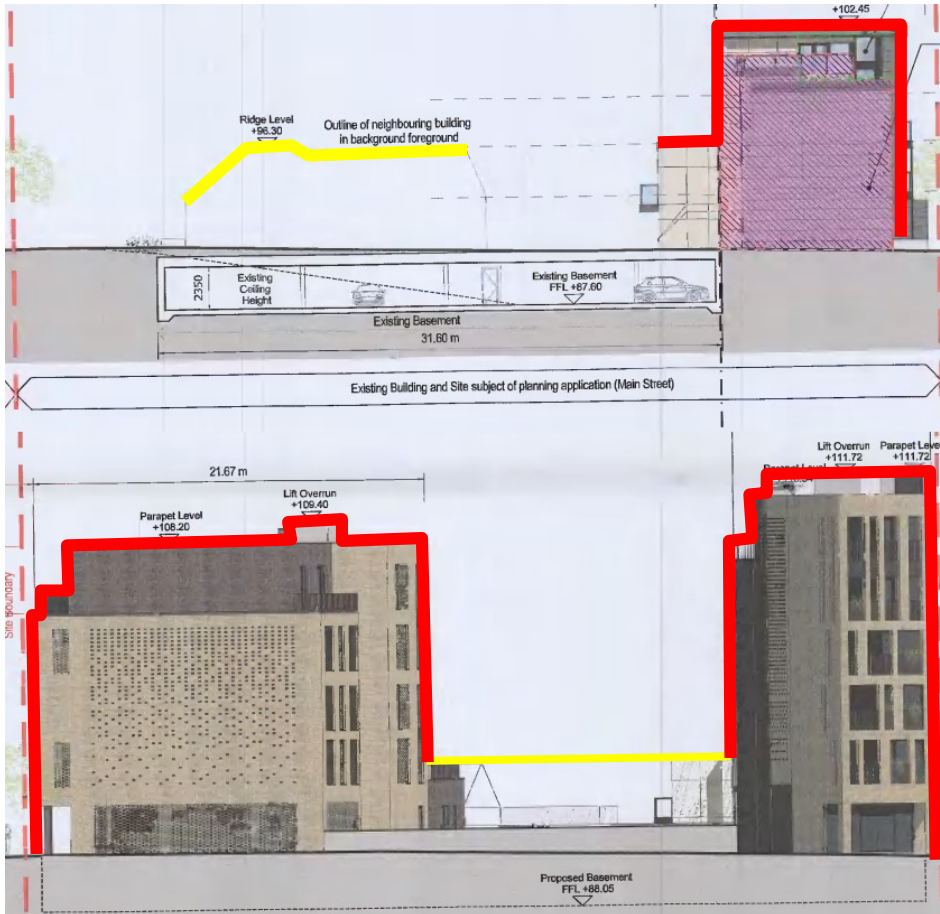


FIG. 34: PROPOSED SCHEME TO ADJOIN EXISTING DEVELOPMENT – SCALE INCREASE IS ABRUPT & VISUALLY JARRING (1)



FIG. 35: PROPOSED SCHEME TO ADJOIN EXISTING DEVELOPMENT – SCALE INCREASE IS ABRUPT & VISUALLY JARRING (2)

**7.5.2.1 BLOCK A IS MONOLITHIC & WOULD CREATE AN EXCESSIVELY MONOLITHIC ELEVATION TO GREENHILLS RD:**

Our client submits that Block A would, arising from this scheme, on its own or when viewed in the totality of the Greenhills scheme elevation, appear monolithic in the streetscape and would be visually dominant. Proposed Block A is excessively scaled relative to Greenhills Road and to the existing Greenhills Court scheme.

**The location of Block A has been refused previously at a height of 4 storeys. The proposal is now an unacceptably monolithic 6 storeys. This is not a reasonable and appropriate scheme for Greenhills Road, for adjoining properties or for the surrounding environment.**



FIG. 36: THE CONTIGUOUS ELEVATION OF BLOCK A ON GREENHILLS ROAD CONFIRMS IT WOULD BE VISUALLY MONOLITHIC

**7.5.2.2 THE PROPOSED DENSITY, HEIGHT, BULK AND MASSING OF BLOCKS A AND B IS UNACCEPTABLE:**

Our client has reviewed the Applicant’s elevation drawings and finds these to be wholly unacceptable regarding the proposed buildings at the locations proposed and the increase in density, height, bulk, and massing that would arise relative to adjoining properties, to the streetscape and within the Tallaght Village Architectural Conservation Area. Our client considers that the proposed development needs to be refused and/or revised to address these concerns:

- **Block A:** It is not at all clear if the site of Block A is suitable to be developed given its limited west-east width and the impacts that the block (or any large building) would have at this location on the adjoining Greenhills Road streetscape and on adjoining properties. If SDCC is considering granting planning permission, the block needs to be revised by way of Further Information or condition to be a maximum of 3 and 4 storeys (4 storeys at this location has previously been refused).
- **Block B:** The siting of Block A is unacceptable. The scale and height of this block relative to its siting would be overwhelming to adjoining properties and contrary to the proper protection of the Old Greenhills Road within the Tallaght Village Architectural Conservation Area. This block needs to be refused regarding the current proposal and or reduced to 2 and 3 storeys.

**Our client submits that Blocks A and B cannot be granted as currently proposed. For the reasons given above, they need to be refused and or re-sited and reduced in scale and height.**



FIG. 37: BLOCK A SHOULD BE A MAXIMUM OF 4 STOREYS BUT PREFERABLY 3 & 4 (TO AVOID A MONOLITHIC ELEVATION)



FIG. 38: BLOCK B NEEDS TO BE REDUCED TO 2, 3 & 4 STOREYS ADJOINING A 3 OR 4 STOREY BLOCK A

**7.5.2.3 CONCLUSION – BUILDINGS’ DENSITIES, SITINGS, HEIGHTS AND SCALES AT THE PROPOSED LOCATION:**

The proposal includes two separate blocks with heights of five and six storeys respectively. The Tallaght LAP has been prepared in respect of and is consistent with the Building Height Guidelines (2018) as well as best practice urban design principles. The LAP includes a height strategy (Fig 2.8) and the scheme has been reviewed in the context of this in Section of this Planning Objection Report. Critically, taller buildings of 5 and 6 storeys must meet all planning criteria and must consider:

- Surrounding and established scales and heights of buildings.
- Possible impacts on daylight and sunlight of the development, surrounding development and private, semi-private and public open spaces.
- Possible impacts on skyline, urban silhouette, or streetscape (including overbearing).
- Other social or physical infrastructural benefits from the development, such as public realm contribution.
- Proximity to high quality public transport.

The site is not located 1.5km from high quality public transport (the Luas) which is located 15 mins walk from the site. The proposal would not in our client’s view provide benefits to the public realm. The Applicant’s claims in this regard need to be balanced by the site context and visual impact of the proposed structures.

The site context and surrounding area is an important consideration in the assessment of the proposal. The west of the site is characterised by the open and historical nature of the Priory. To the east the site adjoins the Greenhills Road and to the west the Old Greenhills Road which contain 1 and 2 storey developments. To the south is a vacant site whose future is unknown. There is no change in topography which lessens the impact of the height of these buildings.

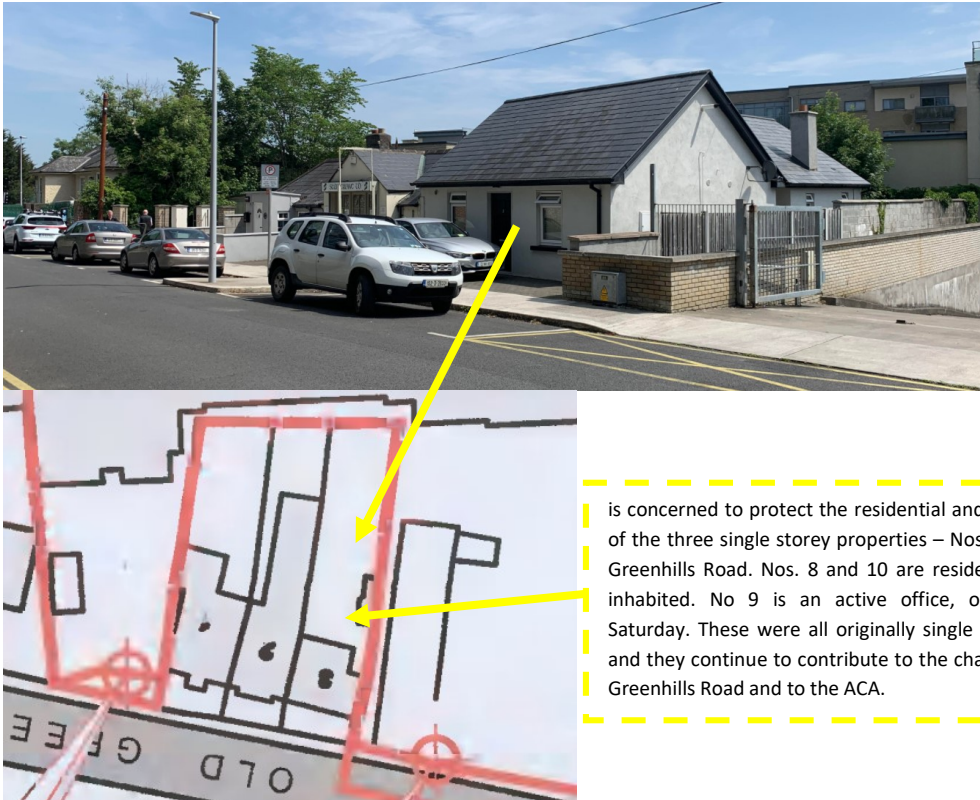
Generally, the predominant character of the area in the immediate vicinity of the site in terms of height is one to three storeys with some limited four storey buildings. The tallest part of the building proposed would be six storeys which is significantly above the heights in the area surrounding the application site. The two blocks due to their close siting to shared boundaries with adjoining properties and roads, would be highly visually prominent and dominant. This is particularly evident when viewing the elevations and contiguous elevations provided by the Applicant which highlight the significant height and scale differences between the proposal and the surrounding area. The Proposed Site Layout Plan confirms the extremely close proximity of 5 and 6 storey elevations to adjoining properties and roads. Although a slight stagger is proposed between Block A and the adjoining single storey dwelling to the north, this is not sufficient to address visual and residential amenity concerns.

**The Application site is located within lands that are subject to VC zoning objection which seeks to protect, improve, and provide for the future development of Village Centres’. The siting, height and scale of the proposed buildings is considered to be contrary to that objective, the objectives of the Tallaght LAP and would be visually harmful in the context of the site and surrounding area.**

**7.6 ISSUE 6: THE SCHEME’S NEGATIVE RESIDENTIAL & VISUAL AMENITY IMPACTS ARE UNACCEPTABLE:**

Our client is concerned to protect the residential and visual amenities of the three single storey properties – Nos. 8, 9 and 10 Old Greenhills Road - that were each originally residential dwellings. Nos. 8 and 10 are now refurbished residential homes and inhabited. No. 9 is an active office, open Monday to Saturday. These single storey structures continue to contribute to the character of the Old Greenhills Road and to the ACA. Massive overlooking windows, etc. are not acceptable as close as are proposed by the Applicant to the adjoining dwellings at Nos. 8 and 10 and to their front and rear gardens.





is concerned to protect the residential and visual amenities of the three single storey properties – Nos. 8, 9 and 10 Old Greenhills Road. Nos. 8 and 10 are residential homes and inhabited. No 9 is an active office, open Monday to Saturday. These were all originally single storey structures and they continue to contribute to the character of the Old Greenhills Road and to the ACA.

FIG. 39: THE LOCATION OF NOS. 8, 9, & 10 OLD GREENHILLS ROAD - ORIGINAL DWELLINGS THAT REQUIRE PROTECTION

**7.6.1 NOTE: THE HEIGHT AND SCALE OF THE PROPOSED WINDOWS AND FRENCH DOORS IN ALL ELEVATIONS:**

Our client is concerned over the scale of the Applicant’s proposed windows and French doors out onto the proposed balconies. These windows are all more than full height. In a traditional window, a person could be sitting in a room and have no downward view to adjoining properties, etc. The proposed windows and doors are floor to ceiling in scale and offer panoramic views. These window designs cause overlooking impacts to be exacerbated especially with respect to Nos. 8, 9 and 10 Old Greenhills Road.

**7.6.2 SIGNIFICANT CONCERNS OVER THE PROPOSED RELATIONSHIP BETWEEN BLOCK B & NOS. 8, 9 & 10:**

The Applicant’s Block B is setback as little as 92.6cm from the shared boundary with No. 8 Old Greenhills Road. In a similar circumstance in a housing estate an adjoining dwelling would normally be permitted to rise by another storey. In this instance, the Applicant’s Block B rises to over 11m to the closest adjoining balustrade level which serves a 4<sup>th</sup> storey terrace. Then a further approx. 2.5m setback from No. 8, Block B rises to 5 storeys and a total height of 17m.

The proposed relationship between Block B and Nos. 8, 9 and 10 – but especially No. 8 – Old Greenhills Road is not acceptable.

**Block B is a significantly scaled primarily 5 storey apartment block with a tiny setback to No. 8 and with only a minimal staggering of building height from 3 storeys with a terrace on top to 5 storeys. The proposed height, bulk, scale, and design of Block B adjoining No. 8 Old Greenhills Road cannot be justified by any objective view of the scheme’s context. The Applicant scheme’s many reports fail offer a credible justification for Block’s B’s proposed interface with No. 8. BPS considers that if Block B is to be permitted, then it needs to drop to 2 storeys adjoining No. 8 and then rise to 3 storeys with a significant setback. The building’s height should be limited to a maximum of 3 storeys.**

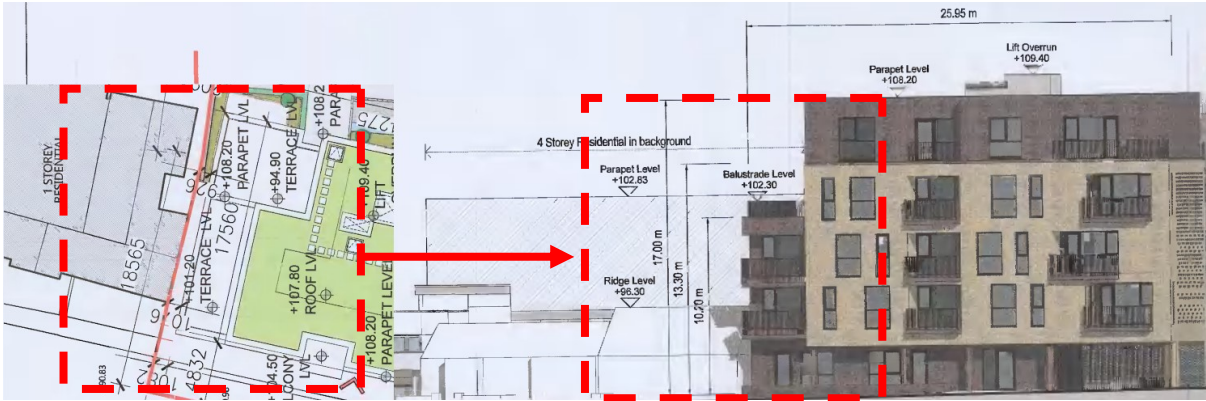


FIG. 40: PROPOSED RELATIONSHIP BETWEEN BLOCK B AND NOS. 8, 9 & 10 OLD GREENHILLS ROAD

**7.6.2.1 BLOCK B DISREGARDS ESTABLISHED & ADJOINING BUILDING HEIGHTS AND FAILS TO PROTECT AMENITIES:**

Our client notes that the Greenhills Court scheme which is proposed to be amended by the Applicant scheme was required to be 1 and 2 storeys maximum as it adjoined No. 10 Greenhills Road. While the Applicant does not wish to be constrained by the established single storey building heights at this location, they are nonetheless the established building heights ad set the context for this scheme which is located within the Tallaght Village ACA.

**The proposed siting of Block B at its current height and scale is not acceptable. It would impact negatively on No. 8, 9 and 10 Old Greenhills Road for the reasons set out in Sections 7.4, 7.5 and 7.6 of this Planning Objection Report. It would result in a form of development adjoining No. 8 that would obliterate that property’s existing residential and visual environment and wholly detract from the historic appearance of the Old Greenhills Road.**

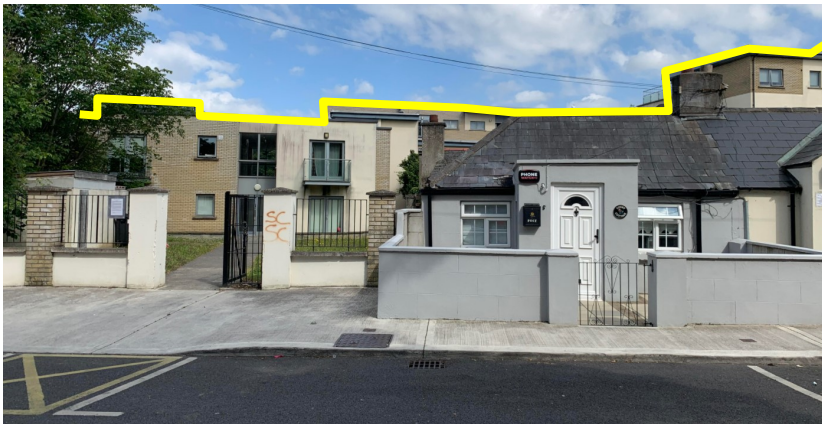


FIG. 41: THE EXISTING APPEARANCE OF THE GREENHILL COURT SCHEME ADJOINING COURT COTTAGE

**7.6.2.2 NOS. 8, 9 & 10 ARE HISTORIC SINGLE STOREY STRUCTURES THAT CANNOT BE DEMOLISHED OR VASTLY EXTENDED:**

Our client notes how they consider Nos. 8, 9 and 10 Old Greenhills Road to represent historic structures that add positively to the ACA at this location. These properties will they believe, over time, each be fully returned to their original appearance and contribute further to the character of the ACA and the road. These properties will not however be allowed to be demolished and re-built up to 5 storeys tall. They could never propose a scale of development that could represent a fair balance between what the Applicant proposes for Block B and what they could achieve by way of new extensions. The Applicant’s Block B is a proposal which seeks to locate a disproportionate quantum, of development adjoining No. 8, which would unfairly and permanently negatively impact on that property.

**Proposed Block B seeks to be treated differently to Nos. 8, 9 and 10 Old Greenhills Road. It wants to be treated as though these existing dwellings do not exist as single storey sensitive structures. The Applicant wants to be allowed to ignore the established heights of the dwellings, the need to protect existing residential and visual amenities and adjoining rear gardens, etc. This is not reasonable or acceptable. Our client submits that only 1 and 2 storeys could be achieved at this location without significantly and negatively impacting on Nos. 8, 9 and 10. Nothing has changed since the granting of the Greenhills Court original planning permission to alter the need to respect adjoining single storey structures. Block B, as submitted, cannot be justified.**

**7.6.2.3 THE SUBMITTED DESIGN REPORT FAILS TO JUSTIFY THE SITING, SCALE, HEIGHT & DESIGN OF BLOCK B:**

The Applicant makes several claims with respect to the siting and design of Block B which purport to reduce its negative impacts on Nos. 8, 9 and 10 Old Greenhills Road. BPS has reviewed these, and we do not consider the, to be adequate. They include:

1. **The building is setback from No. 8:** The building is setback just 92.6cm from the shared boundary with No. 8 which would be extremely minimal between even two semi-detached dwellings. The 3 storey section with a terrace on top is setback approx. 2.5m for most of the north elevation while the building steps back further to the rear and above ground floor. These setbacks are not sufficient to mitigate the residential and visual impacts of Block B with respect to Nos. 8, 9 and 10 Old Greenhills Road.



FIG. 42: THE SETBACKS TO NO. 8 ARE INSUFFICIENT

2. **The building is staggered in height from the northern boundary upwards:** The proposed stagger as Block B adjoins No. 8 begins at a height of 3 storeys with a terrace above that. This is too tall. It should start at single or at most two storeys. The 5 storey main part of the building is then far too close to No. 8 to mitigate the residential and visual impacts of Block B with respect to Nos. 8, 9 and 10 Old Greenhills Road.

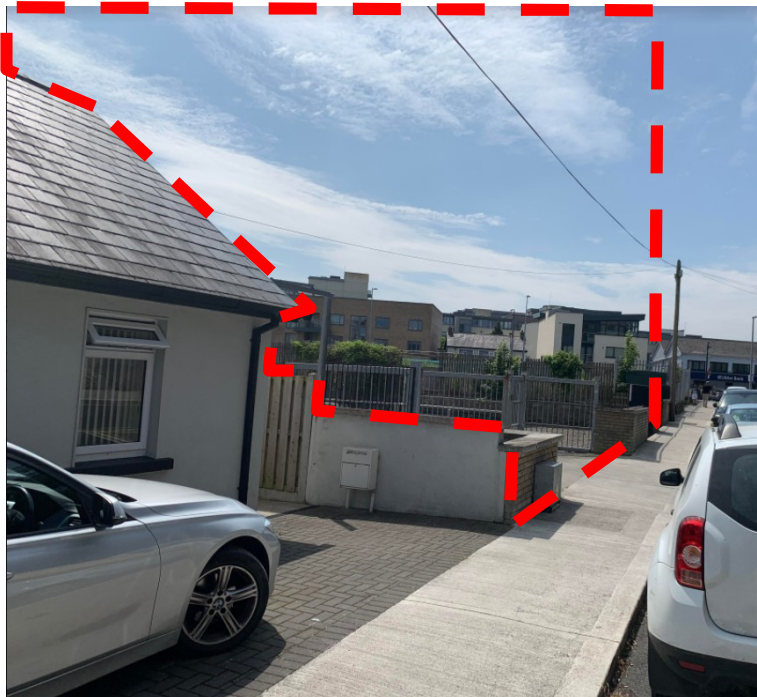


FIG. 43A: THE SITING, HEIGHT, SCALE, BULK AND DESIGN OF BLOCK B RELATIVE TO NOS. 8, 9 & 10



FIG. 43B: THE SITING, HEIGHT, SCALE, BULK AND DESIGN OF BLOCK B RELATIVE TO NOS. 8, 9 & 10



FIG. 43C: THE SITING, HEIGHT, SCALE, BULK AND DESIGN OF BLOCK B (&C) RELATIVE TO NOS. 8, 9 & 10



FIG. 43D: THE SITING, HEIGHT, SCALE, BULK AND DESIGN OF BLOCK B RELATIVE TO NOS. 8, 9 & 10

3. **A blank elevation immediately adjoins No. 8:** A 3 storey blank elevation immediately adjoining No. 8 is not attractive visually, but beyond this the north elevation of the Applicant building contains 2<sup>nd</sup> storey and 4<sup>th</sup> storey roof terraces, a 5<sup>th</sup> storey terrace, the northern sides of multiple balconies and a large number of windows that would or could enjoy views directly over Nos. 8, 9 and 10 Old Greenhills Road. This is not acceptable. The design of the north elevation does not mitigate the residential and visual impacts of Block B with respect to Nos. 8, 9 and 10 Old Greenhills Road.

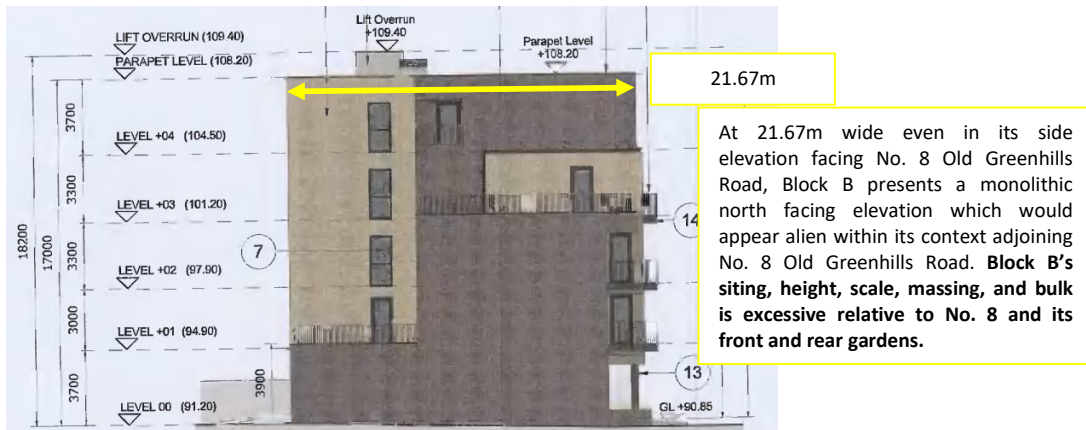


FIG. 44: THE NORTH ELEVATION OF BLOCK B WHICH FACES NO. 8 & ITS FRONT AND REAR GARDENS

- **Block B too large for this part of the site. No amount of reducing the scale, bulk and massing of this building can make it acceptable as sited. This building looks as though the Applicant has dropped an alien form into an area of the site adjoining No. 8 Old Greenhills Road. Block B has no consideration for the site's zoning and planning policy which protects established residential and visual amenities of adjoining properties or for the Architectural Conservation Area which seems to retain the character of existing historic dwellings and streets. The building needs to be removed from the scheme or substantially reduced in height and scale.**

**7.6.3 BLOCK B WOULD CAUSE NEGATIVE AMENITY IMPACTS ON ADJOINING PROPERTIES:**

**7.6.3.1 NOTE: ACTUAL EXTENT OF OVERSHADOWING ARISING FROM BLOCK B IS CLEARLY SHOWN BY ONLINE TOOLS:**

BPS no longer finds the BRE guidelines to offer any satisfactory assessment of overshadowing that is useful in determining – when used as the only approach to shadow assessment – whether a scheme is acceptable or not based on its predicted overshadowing impacts. This view is shared by P. J. Littlefair who wrote the BRE guidelines and who considers them to be a supportive tool only. They are not meant to provide a yes or no answer on this issue. Planning authorities are meant to make their own assessments. Too many decisions now just accept the BRE guidelines-based conclusions without questioning them.

**In the current case, the Metec shadow report is a BRE guidelines-based report which includes the note set out in Fig. 45. This note arises from recent SHD judicial review cases which have been lost because of misuse, misinterpretation and/or over-reliance on the BRE guidelines arise. The Metec report is advice only and should not be used to provide a yes or no answer on the issue of overshadowing impacts.**

**15.0 CONCLUSION**

The Daylight, Sunlight and Overshadowing assessment of the proposed development was prepared using the methodology's set out in the British Standard: Lighting for Buildings – Part 2: Code for Practice for Daylighting, BRE 209, 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', Second Edition 2011, by P. J. Littlefair and the Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018).

Neither the British Standard nor the BRE Guide set out rigid standards or limits. The BRE Guide is preceded by the following very clear statement as to how the design advice contained therein should be used.

***"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design."***

FIG. 45: THE ASSESSMENT MAKES IT CLEAR THAT THE BRE GUIDELINES ARE ONLY A GUIDE – **NOT A MANDATORY STANDARD**

**7.6.3.2 SITING, HEIGHT, SCALE & MASSING OF BLOCK B = SIGNIFICANT NEGATIVE AMENITY IMPACTS ON NOS. 8, 9 & 10:**

- The proposed Block B would have a substantially negative residential and visual amenity impacts on No.8 (and also on Nos. 9 and 10 Old Greenhills Road) as follows:

1. **Negative visual and visual overbearing impacts:** Arising from Block B’s proposed siting close to the shared northern boundary with No. 8 Old Greenhills Road Watson Road and due to its height and the length of Block B’s north elevation at this sensitive location within an Architectural Conservation Area, BPS submits that proposed Block B would have a substantial, negative and permanent visual impact and visual overbearing impact on this property and on its front and rear gardens. Block B would also negatively impact on Nos. 9 and 10 Old Greenhills Road which adjoin No. 8 to the north.

BPS has reviewed the Applicant proposals. They do not mitigate the impacts of Block B – the proposals represent a misleading attempt to claim that the design has adequately considered No. B. **Block B should be 1, 2 and 3 storeys tall at most:** not 3 and mostly 5 storeys tall.

The starting point for any building on this area of the Applicant site adjoining No. 8 must be 1 storey. The proposed 3 and 5 storey sections of this building are all each too tall and too close to No. 8 including to its rear garden. These heights all form part of a building whose north elevation is 21.67m long.

As viewed from the front, side, and rear gardens of No. 8, proposed Block B would appear monolithic building sized in height, scale, length, massing, and bulk. It would visually dominate this property (and Nos. 9 and 10) on its own. The proposals represent overdevelopment of an area of the site adjoining multiple single storey dwellings and their rear gardens whose amenities are meant to be protected by the site’s zoning and by the planning policies site out in Section 3.0 of this Planning Objection Report.

**To address overbearing concerns, Block B should be refused or reduced in scale and height to 1, 2 and 3 storeys staggered away from No. 8. This is needed to avoid the scheme being overdeveloped by an excessive quantum of development that would impact negatively on adjoining properties.**



FIG. 46: EXCESSIVE SCALE OF BLOCK B AS VIEWED ALONGSIDE NO. 8 & ITS REAR GARDEN



FIG. 47: EXCESSIVE SCALE OF BLOCK B AS VIEWED ALONGSIDE NO. 8 & ITS REAR GARDEN

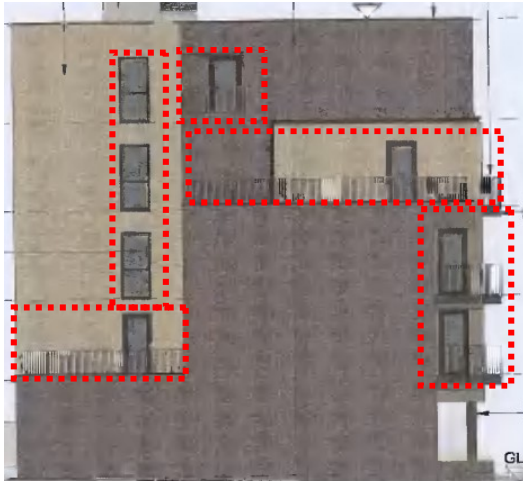


FIG. 48: EXISTING AND PROPOSED CONTEXT FOR BLOCK B ADJOINING NOS. 8, 9 AND 10



FIG. 49: EXISTING AND PROPOSED CONTEXT FOR BLOCK B ADJOINING NOS. 8, 9 AND 10

2. **Overlooking impacts from proposed north facing roof terraces, windows and balconies close to the northern site boundary with No. 8 Old Greenhills Road:** No. 8 would be significantly, permanently, and negatively overlooked by the north elevation of Block B. Elevated views from roof terraces, windows, and balconies – on all levels above ground floor - into No. 8 would remove all and any privacy that could ever exist, including the perception of privacy. **Block B should be refused.**



No. 8 would be significantly, permanently, and negatively overlooked by the north elevation of Block B. Elevated views from roof terraces, windows, and balconies – on all levels above ground floor - into No. 8 would remove all and any privacy that could ever exist, including the perception of privacy.

**Block B should be refused.**

FIG. 50: ROOF TERRACES, WINDOWS AND BALCONIES PROPOSED TO OVERLOOK NO. 8

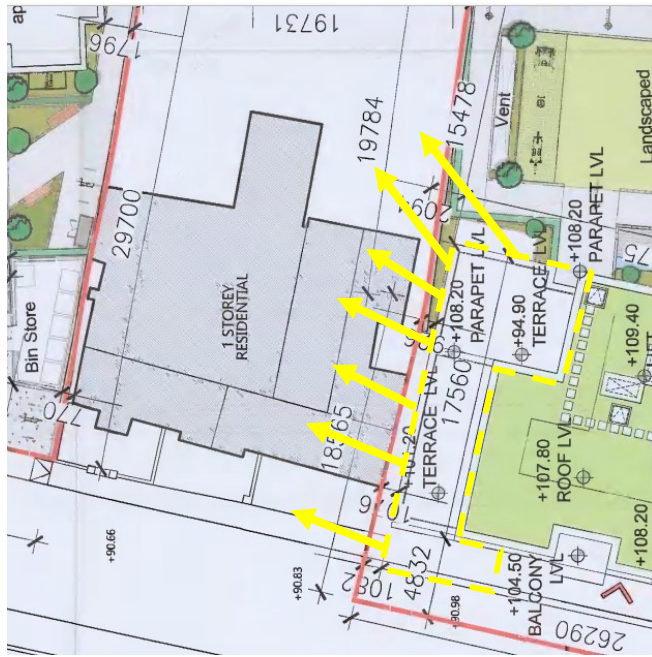


FIG. 51: BLOCK B WOULD CAUSE EXTREMELY SIGNIFICANT OVERLOOKING OF NO. 8 (AND OF NOS. 9 & 10)





FIG. 52: BLOCK B WOULD CAUSE EXTREMELY SIGNIFICANT OVERLOOKING OF NO. 8 (AND OF NOS. 9 & 10)

- **Overlooking impacts from the proposed second storey:** Block B's second storey – which would allow for an eye level height of 4.5m and above - contains full height glass door which faces north, a green roof with a balustrade around it which allows for access and a balcony at the north end of the west elevation with views north. Our client acknowledges that the actual second storey overlooking would be slight; however, the perception of overlooking from the large green roof and its access door creates genuine concerns. There appears to be no reason to maintain a balustrade around this area.

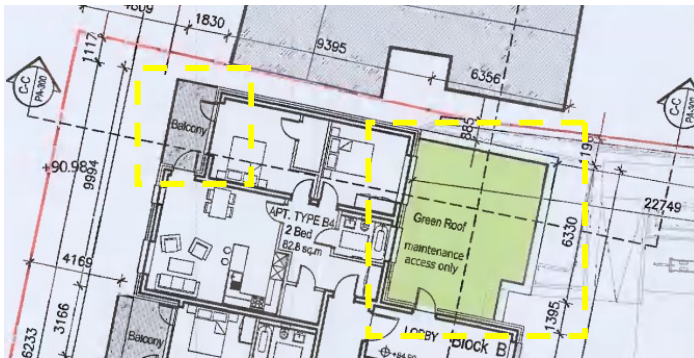


FIG. 53: BLOCK B'S NORTH ELEVATION'S 2<sup>ND</sup> STOREY GLASS DOOR, TERRACE AND BALCONY (WITH VIEWS NORTH)

- **Overlooking impacts from the proposed third storey:** Block B's third storey – which would allow for an eye level height of 8.3m and above - contains full height glass window which faces north and serves a lobby and a balcony at the north end of the west elevation with views north. Our client acknowledges that the actual third storey overlooking would be slight; however, there is no reason why the lobby window could not be completed in obscure glass if this third storey is to be allowed to be located so close to No. 8.

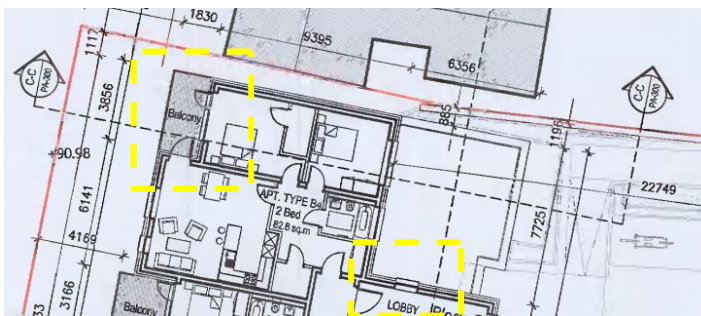


FIG. 54: BLOCK B'S NORTH ELEVATION'S 3<sup>RD</sup> STOREY FULL HEIGHT WINDOW AND BALCONY (WITH VIEWS NORTH)

- **Overlooking impacts from the proposed fourth storey:** Block B's fourth storey – which would allow for an eye level height of approx. 11.5m - contains a large north facing terrace with no restriction at all on its outward views over Nos. 8, 9 and 10 Old Greenhills Road. There is also full height glass window which faces north and serves a lobby. **BPS submits that the terrace would cause significant, negative, and permanent overlooking impacts on Nos. 8, 9 and 10 and it cannot be justified at this location.** Our client acknowledges that the actual fourth floor overlooking from the

lobby window would be slight; however, there is no reason why the lobby window could not be completed in obscure glass if this fourth storey is to be allowed to be located so close to No. 8.



FIG. 55: BLOCK B'S NORTH ELEVATION'S 4<sup>TH</sup> STOREY LARGE TERRACE & FULL HEIGHT WINDOW

- **Overlooking impacts from the proposed fifth storey:** Block B's fifth storey – which would allow for an eye level height of approx. 14.8m - contains a large north and northeast facing balcony, served by a north facing glass door, with no restriction at all on its outward views over Nos. 8, 9 and 10 Old Greenhills Road. There is also full height glass window which faces north and serves a lobby. **BPS submits that the balcony would cause significant, negative, and permanent overlooking impacts on Nos. 8, 9 and 10 and it cannot be justified at this location.** Our client acknowledges that the actual fifth floor overlooking from the lobby window would be slight; however, there is no reason why the lobby window could not be completed in obscure glass if this fifth storey is to be allowed to be located so close to No. 8.

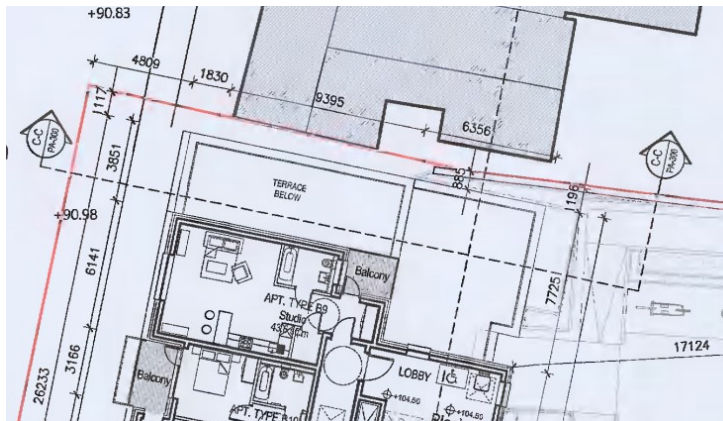


FIG. 56: BLOCK B'S NORTH ELEVATION'S 5<sup>TH</sup> STOREY BALCONY & GLASS DOOR & FULL HEIGHT WINDOW

- If Block B is to be permitted to be the height and scale at which it is proposed so close to No. 8 then negative overlooking impacts need to be fully addressed by the Applicant's proposed design of Block B. This is currently not the case because:
  - (a) **The fourth storey terrace and fifth storey balcony need to be removed:** The terrace and balcony on the north elevation are wholly unacceptable and should be removed.
  - (b) **The negative impacts of overlooking lobby windows have not been adequately mitigated:** The lobby windows on each level above ground floor need to be finished in obscure glass.
  - (c) **The second and third storey balconies at the north end of the west elevation need to install privacy screens:** Privacy screens should be installed to the north side of the balconies on the west elevation which are the closest to No. 8 Old Greenhills Road. This issue arises at second and third storey levels.

The main problem with respect to overlooking impacts arising is that they contribute to the overall cumulative negative impacts of proposing a 5 storey apartment building so close to adjoining single storey traditional residential properties with front and rear gardens. It is impossible to mitigate these cumulative impacts without reducing the size of the building.

The primary negative overlooking impacts arise from a proposed fourth floor terrace and a fifth storey balcony. These need to be removed. Other areas of overlooking can be mitigated by design. The overlooking concerns arising are not the primary problem with the north elevation. The primary problem is its proximity and scale relative to Nos. 8, 9 and 10 Old Greenhills Road. The overlooking concerns can be addressed but the building will still be sited too close and be too big relative to Nos. 8, 9 and 10 Old Greenhills Road. It would be better to reduce the scale of the building rather than tinker with amendments here and there.

3. **Overshadowing impacts from proposed Block B onto and over Nos. 8, 9 and 10 Old Greenhills Road:** The Applicant planning application argues that this 5 storey building which is setback under 93cm from No. 8 Old Greenhills Road will not unduly overshadow Nos. 8, 9 and 10 Old Greenhills Road. This claim is made on the basis of a BRE Guidelines based assessment produced by Metec Consulting Engineers.

The Metec Report reads only as an attempted justification of what would be unacceptable, negative, and permanent overshadowing impacts on Nos. 8, 9 and 10 Old Greenhills Road. These properties have a right to sunlight. The Applicant scheme would impinge significantly and negatively on that right.<sup>4</sup>

Proposed Block B will significantly, permanently, and negatively overshadow No. 8, 9 and 10 as set out below. The Applicant seeks to rely on the BRE guidelines which effectively dismiss these overshadowing impacts given the extremely low standard of sunlight that these areas must continue to receive to pass the guidelines' minimum criteria. Any objective planner and or any reasonably informed person can review the submitted shadow diagrams and/or review Block B using <https://www.suncalc.org/> and they would consider significant overshadowing to be proposed. The extent of overshadowing proposed cannot be justified. Proposed Block B would fundamentally impact on the amenities of No. 8, 9 and 10 by way of loss of sunlight and darkening of these properties.

BPS has reviewed the Metec Consulting Engineers' shadow diagrams and we draw the following conclusions regarding the overshadowing impact of Block B:

**21<sup>st</sup> March and September 11am:** Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight at 11am on March and September the 21<sup>st</sup>. The Applicant scheme would cause the total overshadowing of at least half of No. 8 at this time. The website <https://www.suncalc.org/> provides that a 17m tall building will throw a shadow of 25.5m at this time. The Applicant report offers Fig. 57 as their prediction of likely overshadowing. This is far in excess of the shadow that a single or two storey dwelling would produce (which would be a shadow of approx. 10m).

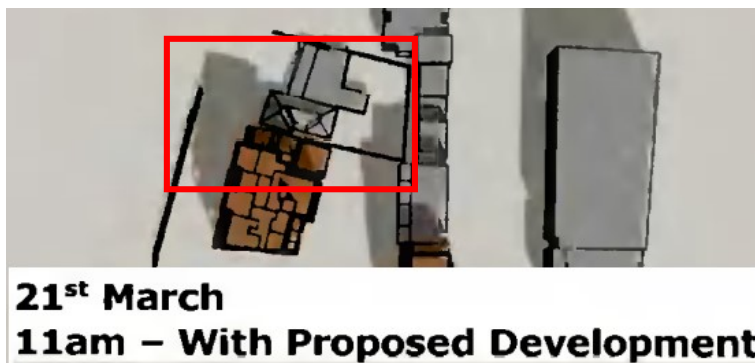


FIG. 57: THE EXTENT OF PROPOSED OVERSHADOWING ON 21ST MARCH AND SEPTEMBER AT 11AM

**21<sup>st</sup> March and September 12:30pm:** Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight at 12pm on March and September the 21<sup>st</sup>. The website <https://www.suncalc.org/> provides that a 17m tall building will throw a shadow of 22.4m at this time. This building is directly to the south of No. 8. **The Applicant scheme would cause the total overshadowing of the front gardens and dwellings at No. 8 and No. 9 at this time.**

<sup>4</sup> <https://www.irishlegal.com/article/georgina-wallace-let-there-be-light>

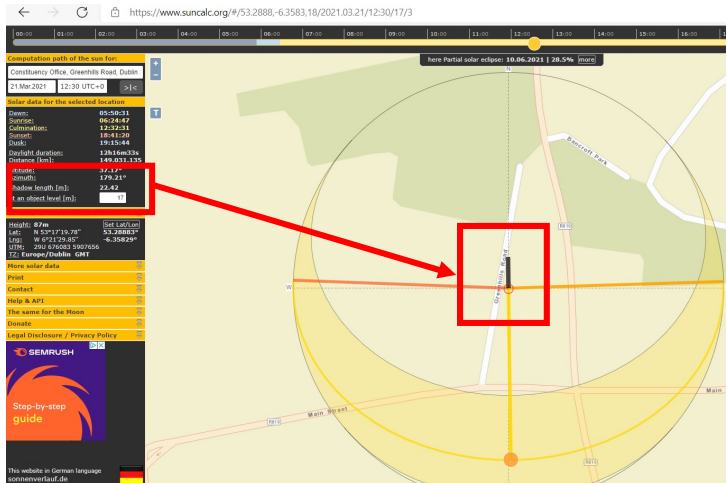


FIG. 58: SHADOW LENGTH OF 22.4M ON 21ST MARCH AND SEPTEMBER AT 12.30PM

**21<sup>st</sup> March and September 1pm:** Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight at 1pm on March and September the 21<sup>st</sup>. The website <https://www.suncalc.org/> provides that a 17m tall building will throw a shadow of 22.5m at this time. This building is directly to the south of No. 8. The Applicant report offers Fig. 59 as their prediction of likely overshadowing. **The Applicant scheme would cause the total overshadowing of the front garden and dwelling at No. 8 at this time.**



FIG. 59: THE EXTENT OF PROPOSED OVERSHADOWING ON 21ST MARCH AND SEPTEMBER AT 1PM

**21<sup>st</sup> March and September 3pm:** Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight at 3pm on March and September the 21<sup>st</sup>. The website <https://www.suncalc.org/> provides that a 17m tall building will throw a shadow of 30m at this time. This building is directly to the south of No. 8. The Applicant report offers Fig. 60 as their prediction of likely overshadowing. **The Applicant scheme would cause the total overshadowing of No. 8 and its rear garden at this time.**

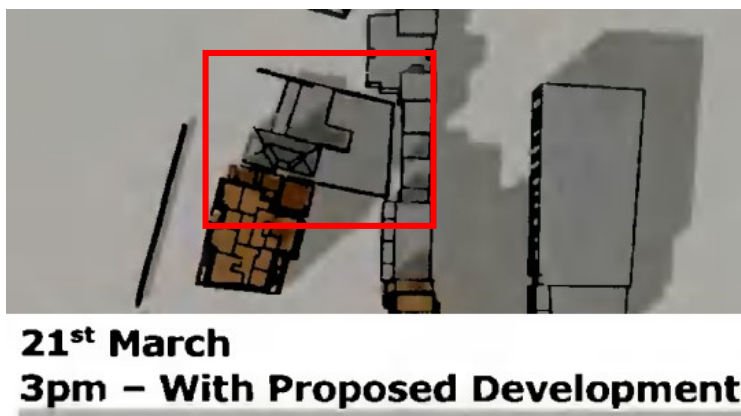


FIG. 60: THE EXTENT OF PROPOSED OVERSHADOWING ON 21ST MARCH AND SEPTEMBER AT 3PM

**21<sup>st</sup> March and September 4pm:** Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight at 4pm on March and September the 21<sup>st</sup>. The website <https://www.suncalc.org/> provides that a 17m tall

building will throw a shadow of 40m at this time. This building is directly to the south of No. 8. **The Applicant scheme would cause the total overshadowing of No. 8 and its rear garden at this time.**

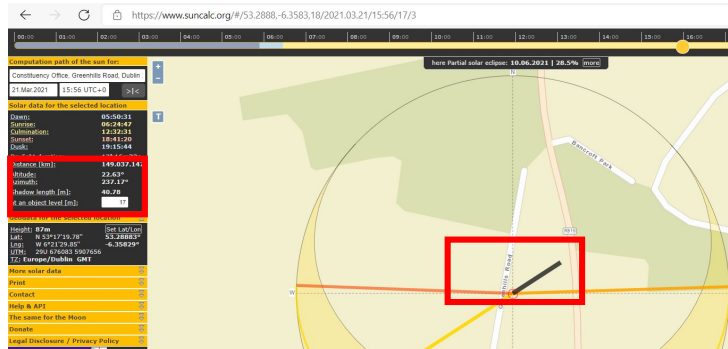


FIG. 61: THE LENGTH OF SHADOW ON 21ST MARCH AND SEPTEMBER AT 4PM

**21st June at 1pm:** Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight at 1pm on June the 21st. The website <https://www.suncalc.org/> provides that a 17m tall building will throw a shadow of 10m at this time. This building is directly to the south of No. 8, and it is setback less than 10m (the closest setback is under 95cm for the 3 storey section). **The Applicant scheme would cause overshadowing of No. 8 and its rear garden at this time which appears to be under-estimated in the Applicant’s shadow diagram. The 2pm shadowing would also impact negatively on No. 8.**

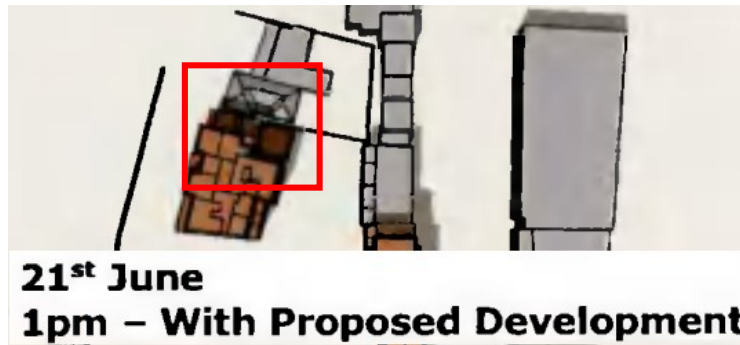


FIG. 62: THE PREDICTED EXTENT OF PROPOSED OVERSHADOWING ON 21<sup>ST</sup> JUNE AT 1PM

**21st June at 3pm:** Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight at 3pm on June the 21st. The website <https://www.suncalc.org/> provides that a 17m tall building will throw a shadow of 11.6m at this time. This building is directly to the south of No. 8, and it is setback less than 10m (the closest setback is under 95cm for the 3 storey section). **The Applicant scheme would cause overshadowing of No. 8 and its rear garden at this time which appears to be under-estimated in the Applicant’s shadow diagram. The 2pm shadowing would also impact negatively on No. 8.**



FIG. 63: THE PREDICTED EXTENT OF PROPOSED OVERSHADOWING ON 21<sup>ST</sup> JUNE AT 3PM

**21st December at 11am:** The Applicant report darkens all the December shadow diagrams yet between 11am and approx. 3pm each day in December it is our client’s experience that the Old Greenhills Road experience considerable sunshine and is not dark. Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight at 11am on December the 21st. The website <https://www.suncalc.org/> provides that a 17m tall building will throw a shadow of 87m at this time. This building is directly to the south of No. 8. The Applicant report offers Fig. 64 as their

prediction of likely overshadowing. **The Applicant scheme would cause the total overshadowing of the front garden and dwelling at No. 8 at this time.**



**21<sup>st</sup> December  
11am – With Proposed Development**

FIG. 64: THE PREDICTED EXTENT OF PROPOSED OVERSHADOWING ON 21<sup>ST</sup> DECEMBER AT 11AM

**21<sup>st</sup> December at 1pm:** The Applicant report darkens all the December shadow diagrams yet between 11am and approx. 2pm each day in December it is our client’s experience that the Old Greenhills Road experience considerable sunshine and is not dark. Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight at 1pm on December the 21<sup>st</sup>. The website <https://www.suncalc.org/> provides that a 17m tall building will throw a shadow of 73m at this time. This building is directly to the south of No. 8. The Applicant report offers Fig. 65A as their prediction of likely overshadowing. **The Applicant scheme would cause the total overshadowing of the rear garden and dwelling at No. 8 at this time and Nos. 9 and 10 would also be overshadowed.**



**21<sup>st</sup> December  
1pm – With Proposed Development**

FIG. 65A: THE PREDICTED EXTENT OF PROPOSED OVERSHADOWING ON 21<sup>ST</sup> DECEMBER AT 1PM

**21<sup>st</sup> December from 2pm to 3pm:** The Applicant report darkens all the December shadow diagrams yet between 11am and approx. 3pm each day in December it is our client’s experience that the Old Greenhills Road experience considerable sunshine and is not dark. Our client submits that No. 8 Old Greenhills Roads normally receives unrestricted sunlight between 2pm and 3pm on December the 21<sup>st</sup>. The website <https://www.suncalc.org/> provides that a 17m tall building will throw a shadow of 90m to 145m at this time. This building is directly to the south of No. 8. **The Applicant scheme would cause the total overshadowing of No. 8 and its rear garden at this time.**

BPS has reviewed the Metec Consulting Engineers’ shadow diagrams and we conclude that proposed Block B would cause significant, permanent, and negative overshadowing impacts on Nos, 8, 9 and 10 Old Greenhills Road, but these would be extreme with respect to No. 8. This would negatively impact on the established residential and visual amenities of these properties. This is not acceptable. Block B needs to be refused and/or substantially reduced in height and scale by way of condition.

Section 15.0 ‘Conclusion’ of the Metec Report finds that, even with the incredibly low standard applied, the scheme will have a “minor adverse impact” on adjoining 3<sup>rd</sup> party properties. When it comes to the overshadowing impact on Nos. 8, 9 and 10, this finding is not credible and arises only from the particular criteria and assumptions used by Metec which defy common sense.

- Noise impacts from proposed Block B onto and over Nos. 8, 9 and 10:** BPS has reviewed the Applicant proposals and we agree with our client that the proposal to locate balconies and terraces (whether accessible or not) at high levels so close to Nos. 8, 9 and 10 has the potential to cause significant and negative noise impacts on Nos. 8, 9 and 10. The proposed terrace will unquestionably generate noise which has the potential to disturb the peaceful enjoyment of Nos. 8, 9 and 10.

5. **Impact on the development potential of Nos. 8, 9 and 10:** Our client hopes that Nos. 8, 9 and 10 will be fully refurbished in time, but this will require investment from an individual, family or business who wishes to make such investment. No party will make this investment if Block B is permitted. The block could cause the de facto sterilisation of the future refurbishment of these properties.
6. **The scheme's ambitions for Block B can only be achieved by way of cumulative negative impacts on No. 8, 9 and 10:** Proposed Block B would by way of overdevelopment; excessive height, width, scale, massing, and bulk of development; visual impacts and visual overbearing; overlooking; overshadowing. etc., cause significant cumulative negative and permanent impacts on Nos. 8, 9 and 10 that cannot be justified. The Applicant block needs to be revised substantially downward in scale.

**BPS submits that the proposed negative amenity impacts that Block B would cause with respect to Nos. 8, 9 and 10 Old Greenhills Road cannot be justified. Block B needs to be reduced in scale and re-designed.**

**7.6.3.3 SITING, HEIGHT, SCALE & MASSING OF BLOCK B = NEGATIVE AMENITY IMPACTS ON THE COTTAGE:**

The owner of the cottage adjoining (to the north) The Katherine Tynan Memorial Plot (see Fig. 65B. This single storey cottage adjoins The Priory Lands to the north and contributes positively to the historic streetscape at this location. The owner of the cottage is concerned the proposal will:

1. Impact negatively on the visual setting of her property on Old Greenhills Road.
2. Visually overbear onto her property and be visually dominant in the vicinity of her property.
3. Cause cumulative negative impacts when the adjoining site to the south is eventually developed.
4. Detract from the visual amenities enjoyed by her property.

**This single storey house is of a scale which is in keeping with the historic character and pattern of development of Old Greenhills Road within or alongside the ACA. The Applicant proposal is not. The proposal needs to better respect the cottage.**



**FIG. 65B: LOCATION OF THE COTTAGE TO THE WEST AND SOUTHWEST OF BLOCKS A AND B**



FIG. 65C: THE COTTAGE TO THE WEST AND SOUTHWEST OF BLOCKS A AND B

#### 7.6.3.4 SITING, HEIGHT, SCALE & MASSING OF BLOCK B = NEGATIVE AMENITY IMPACTS ON MAIN STREET

Members of Tallaght Community Council maintain businesses on Main Street to the south of the Applicant site. They wish to point out how all development in this area of Main Street has been restricted to 2 to 3 storeys to protect its historic character and also that of the ACA.

They consider that their businesses located in 2 and 3 storey buildings contribute positively to the historic streetscape at this location. These owners are concerned the proposal will:

1. Impact negatively on the visual setting of Main Street at this location.
2. Be visually dominant in the vicinity of Main Street.
3. Cause cumulative negative visual impacts when the adjoining site to the south is eventually developed.
4. Detract from the visual amenities enjoyed by Main Street.

**Existing Main Street buildings to the south of the Applicant site are of a scale which is in keeping with the historic character and pattern of development within or alongside the ACA. The Applicant proposal is not. The proposal needs to better respect the area in order to protect Tallaght Village.**



FIG. 65C: MAIN STREET IS 2 TO 3 STOREYS TO THE SOUTH OF THE APPLICANT SITE

#### 7.7 ISSUE 7: THE SCHEME'S DETAILED DESIGN IS INSENSITIVE TO THE AREA:

##### 7.7.1 SITING OF THE GOCAR SPACES & BIN STORE IS UNACCEPTABLE IN AN AREA WHICH SHOULD NOT BE CHANGED:

At present, the Greenhills Court scheme integrates quite well into the streetscape as it adjoins Old Greenhills Road to the northwest of the site. There is an existing gated pedestrian entrance on the Old Greenhills Road through which one enters the Applicant site onto a footpath with grass either side (see Fig x). This is an attractive and well considered space and formed part of a previous planning permission for this site. While our client considers that this scheme entrance could be better



maintained and has asked the operators of the scheme to do so on multiple occasions, the existing it remains much better than what is proposed.

The Applicant proposes to remove the existing pedestrian entrance arrangement and to create a wide vehicular entrance at this location (see Fig. 66) to allow for 2 no. GoCar parking spaces and a bin store. There are multiple reasons why this is a very bad proposal and one that should not be supported by SDCC. These include:

1. The changes proposed to the pedestrian entrance – a bin store and GoCar spaces - would impact negatively on the visual appearance of the streetscape at this location which is within the Tallaght Architectural Conservation Area. The Applicant is effectively proposing to turn this area into a service entrance.

Fig. 69 below confirms that the Applicant Landscape Plan shows a hedge to screen the bin store internally but not from old Greenhills Road. The Applicant appears to care little for the quality of the public environment.

2. The changes to the pedestrian entrance would detract from the quality of the existing Greenhills Court scheme and from the planning permission pertaining to that scheme.
3. The proposed creation of a de facto vehicular entrance two cars wide to serve the GoCar spaces would be contrary to pedestrian safety at this location and would present a traffic hazard.
4. The proposed bin store would be noisy and smelly at this location and would also encourage mis-use of the bin store by non-residents.
5. The bin store location would mean bin lorries stopping at this location which is meant to be a quality pedestrian entrance for the existing scheme.
6. The Design Statement notes how “GoCar parking bays available ... for all”. These are public scheme spaces and as such should be parked in public areas.

Section 3.5 of the Applicant Design Statement refers to the proposed bin store location as the “existing refuse collection point”. Our client is not aware of this. The bins have not been stored at this location before or, insofar as our client is aware, been collected from there. The existing bin store location is not shown on the submitted drawings.

**Our client submits that the proposed location of the GoCar spaces and the bin store should be refused for the reasons set out above. There is a need to protect and to improve the streetscape at this location and to try to enhance the Old Greenhills Road within or alongside the ACA. This proposal would prevent this.**

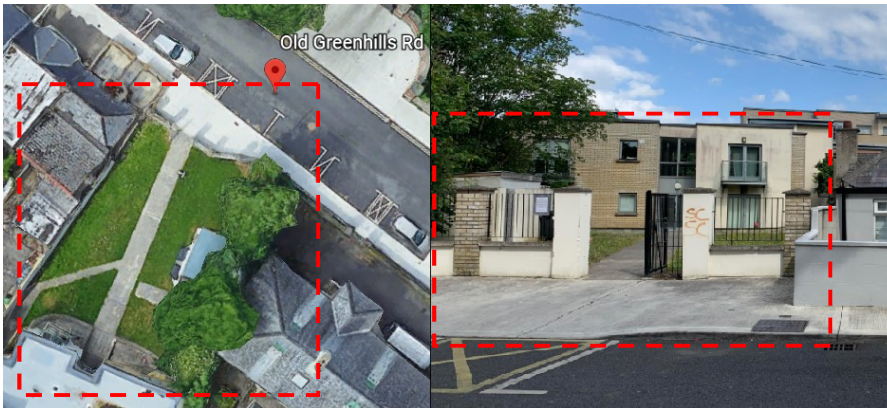


FIG. 66A: EXISTING APPEARANCE OF THE APPLICANT SITE NORTHERN PEDESTRIAN ENTRANCE ON OLD GREENHILLS ROAD (1)



FIG. 66B: EXISTING APPEARANCE OF THE APPLICANT SITE NORTHERN PEDESTRIAN ENTRANCE ON OLD GREENHILLS ROAD (1)



FIG. 67: PROPOSED APPEARANCE OF THE APPLICANT SITE NORTHERN PEDESTRIAN ENTRANCE ON OLD GREENHILLS ROAD

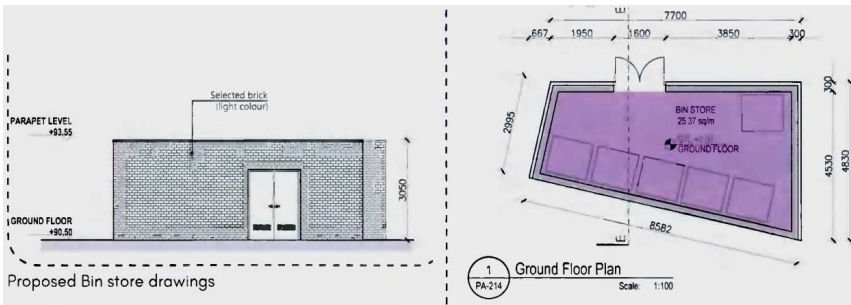


FIG. 68: PROPOSED PERMANENT 25.37SQ.M BIN STORE ADJOINING THE OLD GREENHILLS ROAD



FIG. 69: LANDSCAPE PLAN SHOWS A HEDGE TO SCREEN THE BIN STORE INTERNALLY BUT NOT FROM OLD GREENHILLS ROAD



FIG. 70: CONGESTED & COMPROMISED OLD GREENILLS ROAD ENTRANCE WITH GOCAR SPACES & BIN STORE

**7.7.2 SITING OF THE BIN STORE ADJOINING NO. 10 – COURT COTTAGE – IS NOT ACCEPTABLE:**

At present, the Greenhills Court scheme integrates quite well with No. 10 – Court Cottage – Old Greenhills Road. The grassed pedestrian area to the north of the property compensates somewhat for it being surrounded by the Greenhills Court buildings. This area was granted planning permission as part of the Greenhills Court scheme which sought to find a balance between protecting the residential and visual amenities of No. 10 and the development of the Applicant site. This balance did not provide for a large bin store to be located immediately adjoining No. 10.

Our client supports the right of No. 10 to ask that the proposed bin store be re-located away from her property, including her two north facing ground floor windows, and away from the pedestrian area of the Greenhills Court scheme which adjoins her property.

No. 10 cannot reasonably be asked to put up with the noise and smells associated with bin stores. The lids of bins bang when they are dropped, wheelie bins make noise when they are moved, the bins smell, etc. There is no reasonable basis for this bin store to be located as proposed.

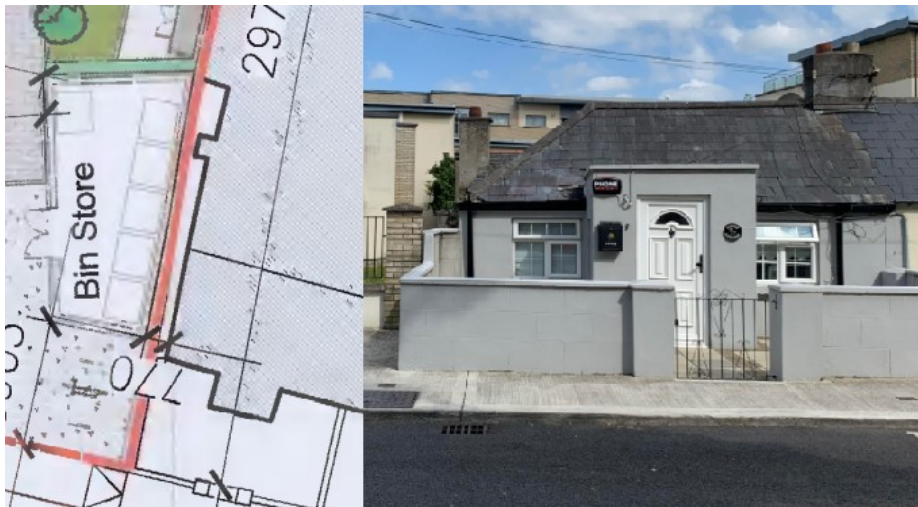


FIG. 71A: PROPOSED BIN STORE PROPOSED TO ADJOIN NO. 10 – COURT COTTAGE – OLD GREENHILLS ROAD

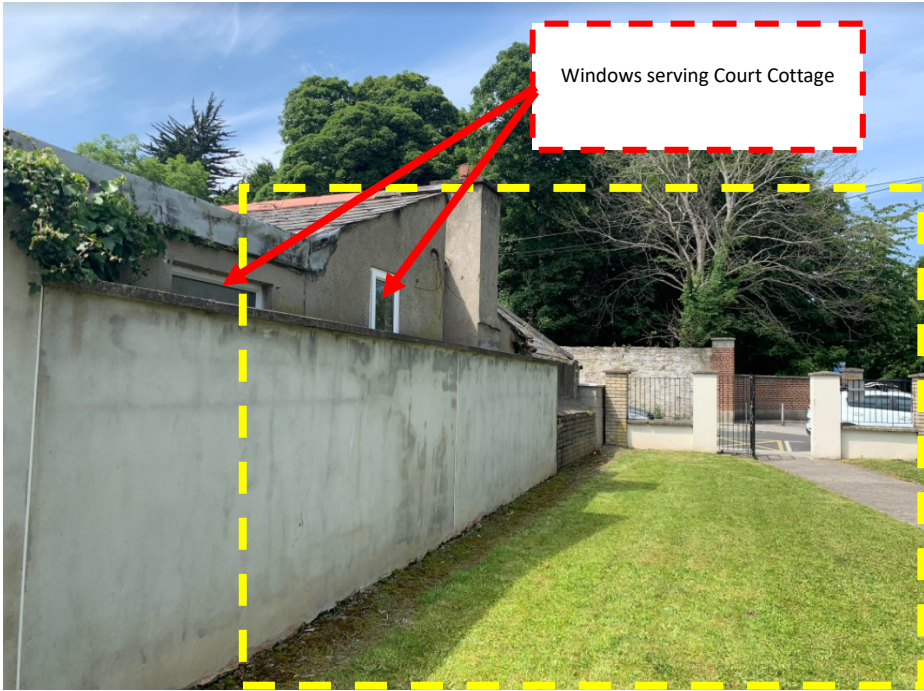


FIG. 71B: LOCATION OF PROPOSED BIN STORE PROPOSED TO ADJOIN NO. 10 – COURT COTTAGE – OLD GREENHILLS ROAD

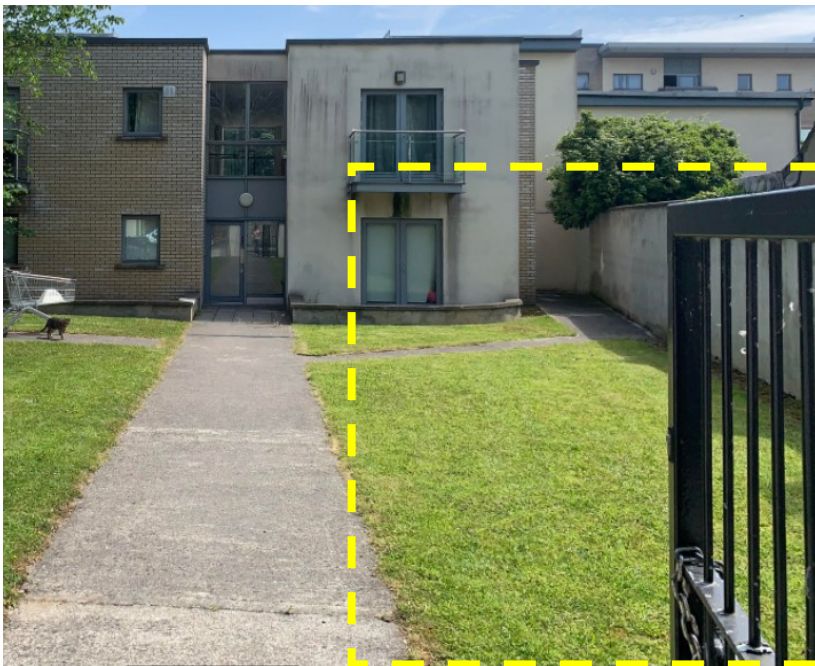


FIG. 71C: LOCATION OF PROPOSED BIN STORE PROPOSED TO ADJOIN NO. 10 – COURT COTTAGE – OLD GREENHILLS ROAD

**7.7.3 SITING OF THE BACK UP GENERATOR FOR THE WATER PUMPS BEHIND THE BIN STORE IS NOT ACCEPTABLE:**

The Applicant Design Report and Engineering Report confirm that a back-up generator is to be placed in an enclosure behind the proposed bin store and adjoining Court Cottage. This enclosure is not shown on the architectural drawings. This generator could be very noisy and would impact on the residential amenities of Court Cottage. It is not acceptable at this location.

enclosure (refer to Landscape Architects details) at the back of the Bin Store, not visible from the road, where the external backup generator for the basement water pumps will be located as described in the Civil Engineer's report.



FIG. 72: PROPOSED BACK UP GENERATOR PROPOSED TO ADJOIN NO. 10 – COURT COTTAGE – OLD GREENHILLS ROAD

**7.7.4 BIKE STANDS LOCATED ALONGSIDE COURT COTTAGE ARE INSECURE AND UNCOVERED AND SHOULD BE RELOCATED:**

The Landscape Plan also shows bike stands in this area. For security and to ensure bike stands are covered, etc. these should be located within the scheme and away from the public road.

The bike stands at the location shown in Fig. 73 further congests what the Applicant appears to consider to be the service area for the scheme when this is currently an attractive pedestrian entrance to the scheme.

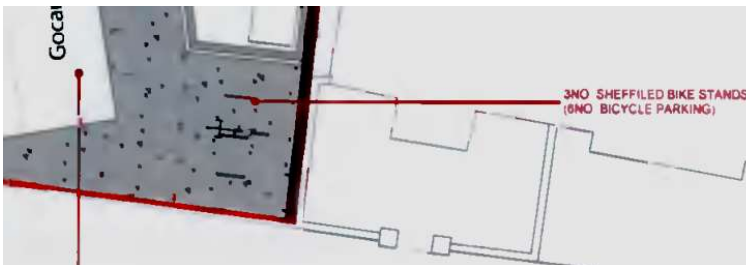


FIG. 73: PROPOSED BIKE STANDS SHOULD BE RELOCATED AWAY FROM OLD GREENHILLS ROAD FOR SECURITY, ETC.

**7.7.5 THE BLANK BUILDING ELEVATIONS FACING SOUTH AND WEST ARE NOT ACCEPTABLE:**

Our client has stated that this scheme is premature pending the site to the south being planned or developed. This is because of the peculiar shape and constraints of the Applicant site.

One of the outcomes of any grant of planning permission on this site would be the introduction of blank gables at the west side of Block A and the south side of Block B. This is not acceptable. These would detract from the visual amenity of the area.



FIG. 74: VISUALLY POOR BLANK GABLES FACING WEST AND SOUTH FROM BLOCKS A AND B

**7.8 ISSUE 8: OPEN SPACE IN THE SCHEME FOR EXISTING AND PROPOSED RESIDENTS IS UNACCEPTABLY POOR:**

Our client notes the extremely low- and low-quality provision of open space in this scheme. The existing Greenhills Court scheme’s open space is relatively poor, but this new proposal would result in a scheme whose open space provision is below the standard that should be required in Tallaght Village and below the standard that existing and future residents of the scheme should be entitled to expect.

This extremely dense scheme whose plot ratio is 1.63 in an area where plot ratios of 0:75 to 1.0 are allowed achieves this density partly by providing minimal open space for the existing and/or proposed schemes.

The entire site offers two areas of open space called:

1. ‘Landscaped Public Open Space’ to the north of the site which is in fact a pedestrian entrance area into the site which offers little useable amenity (see Section x of this report).
2. ‘Landscaped Communal Open Space’ to the centre of the site which immediately adjoins Block B, the existing 4 storey block and has Block A to the southeast. This open space offers little quality as its amenities are wholly impacted on by adjoining blocks (see Section x of this report).

**The open space provision in this scheme is inadequate and unacceptable in quality terms.**

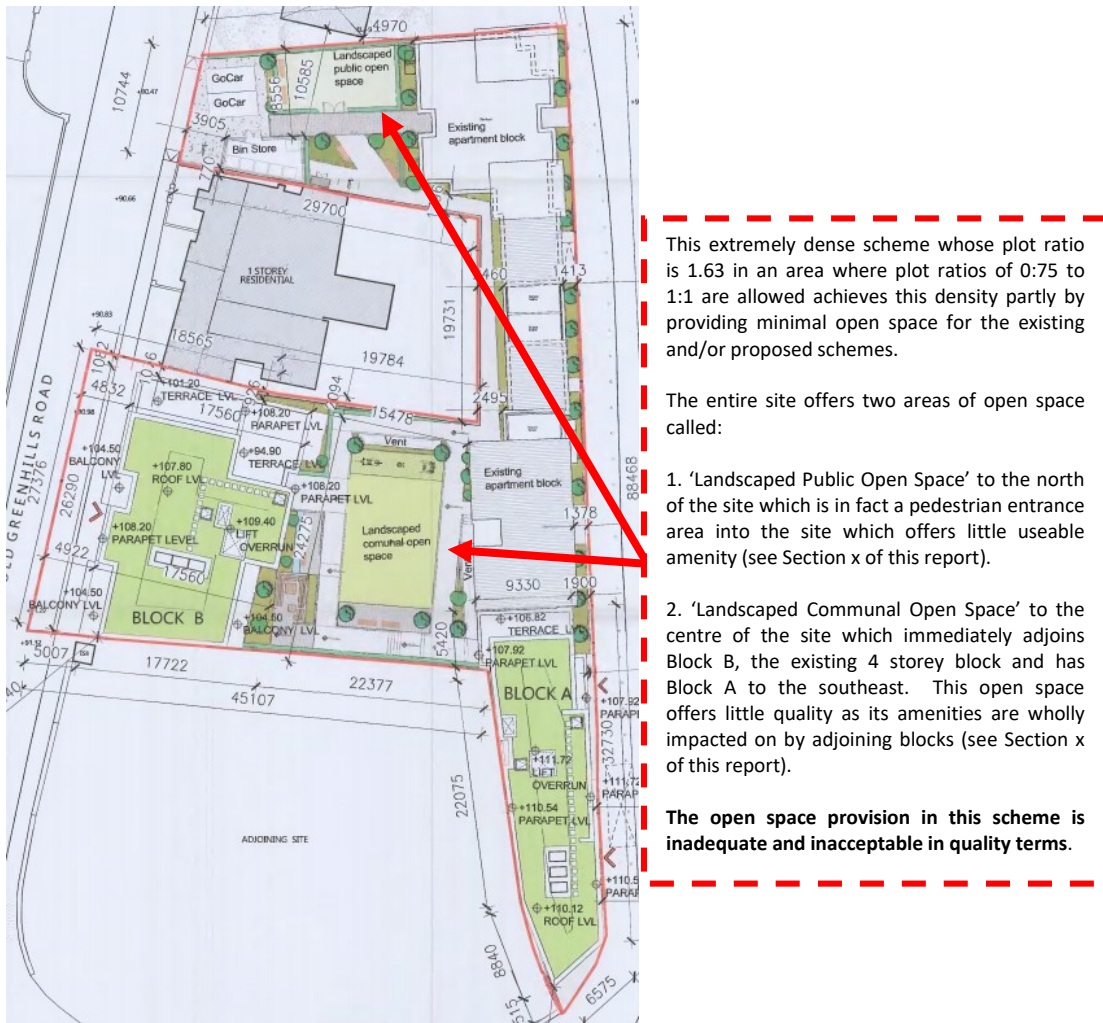


FIG. 75: THE PUBLIC AND COMMUNAL OPEN SPACE PROVISION IN THE SCHEME COMPRISES OF 2 COMPROMISED AREAS

**7.8.1 THE CLAIMED ‘LANDSCAPED PUBLIC OPEN SPACE’ TO THE NORTH OF THE SITE IS POOR AND COMPROMISED:**

The ‘Landscaped Public Open Space’ to the north of the site is in fact a pedestrian entrance area into the site which offers little useable amenity (see Section x of this report). This area already served the existing scheme and obtained planning

permission as its open space. The Applicant is seeking to re-cycle this open space to justify this new very dense scheme by turning part of the area into a playground, while also using this area to put all those parts of the scheme which they could not fit anywhere else (bin store, GoCar spaces, back up generator, etc.).

The Area is given as 247sq.m in size (see Fig. 76) but this includes all footpaths and extends hard up to the existing apartment building. The usable area of the open space is exaggerated.

The Applicant proposals would diminish the existing open space in the Greenhills Court scheme for existing residents. Existing residents would not benefit from this northern area of the site not being compromised by 2 no. GoCar spaces, a bin store a back-up generator enclosure, etc. The Applicant rather than protecting this area of the existing scheme proposes to turn it into a service entrance.

**Our client is not satisfied that this 'Landscaped Public Open Space' to the north of the site is sufficient to serve existing and proposed residents of this very dense scheme. The space is wholly compromised by overdevelopment. The playground should be in the central area of open space.**



FIG. 76: NORTHERN AREA OF OPEN SPACE CONTAINS ALL EXISTING FOOTPATHS & IS HARD UP TO THE EXISTING BUILDING

**7.8.2 SCALES OF BLOCKS A AND B WOULD DIMINISH THE COMMUNAL OPEN SPACE’S QUALITY:**

The Applicant offers one ‘Landscaped Communal Open Space’ to the centre of the site which immediately adjoins Block B, the existing 4 storey block and has Block A to the southeast. This area is almost impossible for members of the public to access.

Fig. 77 shows the small scale of this space. It is referred to by the Design Statement as a “kick about space” – there is not enough space for a kick about to take place. The area is given as 428sq.m but this includes all footpaths and external stairs, the vent to the basement car park, retaining walls and it extends hard up to Blocks A and B. The usable area of the open space is exaggerated.

The Applicant reports refer to this area as being for older people, families with children, people to work out, people to work in, games to be played in. This is a small area no more than the size of a large back garden serving a 1950s house. The inflated ambitions for this areas displayed by the planning application are unrealistic.

This open space offers little quality as its amenities are wholly impacted on by adjoining blocks as follows:

5. The open space is located immediately to the east of the existing 4 storey apartment block which causes the space to be overbeared upon and overshadowed in the mornings when the sun is in the east.
6. The open space is located to the northwest of Block A which is a 6 storey block which causes the space to be overbeared upon and overshadowed in the late mornings and at mid-day when the sun is in the east.
7. The open space is located to the east of Block A which is a 5 storey block which causes the space to be overbeared upon and overshadowed in the afternoons and evenings when the sun is in the west.
8. The cumulative impact of this space being located adjoining 3 no. large blocks would be negative. The quality of this open space would be poor. It would be a dark and unattractive area.

The Metec Report and Landscape Report argue that this space passes the BRE Guidelines' criteria regarding overshadowing. This is not difficult when only half the space must receive 2 hours of sunshine on March 21<sup>st</sup>. This space could be dark for most of the year and receive no sunlight and then receive just 2 hours during an entire day in March and pass the BRE guidelines' criteria. This is not an acceptable standard to apply to what is this extremely dense scheme's only realistic source of communal open space within the scheme. Fig. 79 shows that the area would be overshadowed even at times when there should be good sunlight, other times such as early mornings, late evenings and in winter, this space will receive minimal and poor-quality sunlight.

Our client is not satisfied that this 'Landscaped Communal Open Space' to the centre of the site is sufficient to serve existing and proposed residents of this very dense scheme. The space is wholly compromised by overdevelopment. The space would be mostly dark, cold, windy and inhospitable.



FIG. 77: NORTHERN AREA OF OPEN SPACE CONTAINS ALL EXISTING FOOTPATHS, ETC. & IS HARD UP TO EXISTING BUILDING



FIG. 78: THE APPLICANT'S PROPOSED CENTRAL AREA OF OPEN SPACE – TOO SMALL & COMPROMISED TO SERVE THE SCHEME

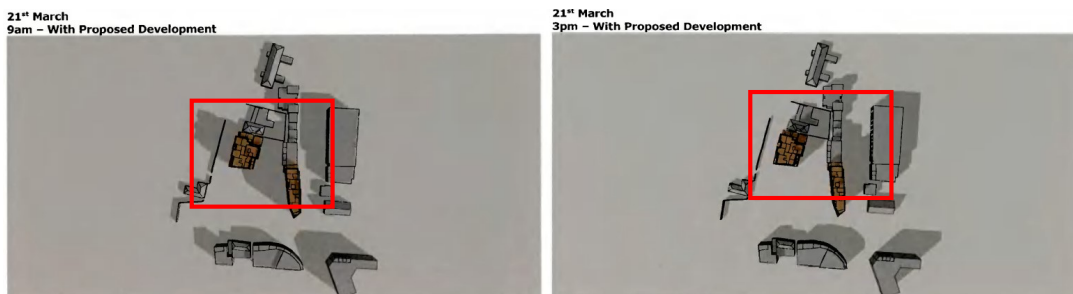
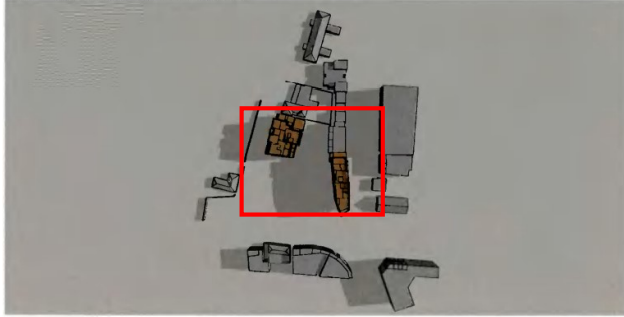


FIG. 79A: EXAMPLES OF OVERSHADOWING OF OPEN SPACE EVEN IN MARCH/SEPTEMBER AND JUNE (1)



21<sup>st</sup> June  
7am – With Proposed Development

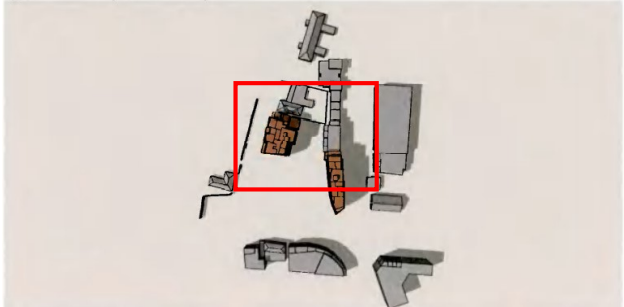


21<sup>st</sup> June  
9am – With Proposed Development



FIG. 79B: EXAMPLES OF OVERSHADOWING OF OPEN SPACE EVEN IN MARCH/SEPTEMBER AND JUNE (2)

21<sup>st</sup> June  
3pm – With Proposed Development



21<sup>st</sup> June  
5pm – With Proposed Development

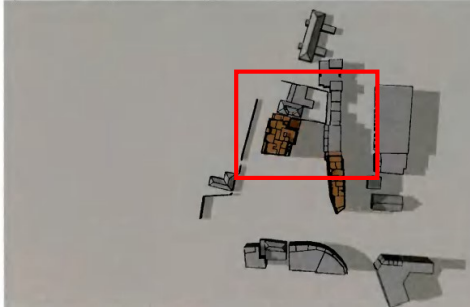


FIG. 79C: EXAMPLES OF OVERSHADOWING OF OPEN SPACE EVEN IN MARCH/SEPTEMBER AND JUNE (3)

### 7.8.3 ACCESS TO 10% OF THE SITE AS PUBLIC OPEN SPACE GIVEN VERY POOR OPEN SPACE IS POINTLESS:

Our client notes SDCC’s request that the Applicant provide 10% of the gross site area for public open space which is accessible to the public. In principle this is something Tallaght Community Council would support. They cannot however support the current scheme which offers such comprised areas of open space as to make it unlikely they would offer any amenity to the public and also these open spaces do not appear to be all that accessible and inviting from the outside. **Fig. 80 shows the central area of open space – how does a member of the public get to this?**

The Applicant Planning and Design Reports confirm how: **“Pedestrian access will be via front door entrances to each proposed residential block at ground floor level from Old Greenhills Road to the west and Greenhills Road to the east [emphasis added] and “via footpath entrance within the northern section off the site adjacent to the children’s play area”**. No member of the public will walk through a building to an open space or through the entire Application site to get to the central area of open space, and it is very unlikely the scheme management and residents would allow this.

Members of the public would have to know that these spaces exist within the scheme and must be attracted to them. This is extremely unlikely and as such it is not clear what public benefit this scheme would offer in respect of open space. At pre-planning SDCC raised concerns about the accessibility of the public open space and highlighted how pedestrian links within the Tallaght LAP had been achieved. The Applicant has failed to address this concern and/or to respond to SDCC’s advice. This scheme continues to appear as designed to be impregnable from the outside.



FIG. 80: HOW DOES A MEMBER OF THE PUBLIC ACCESS THE CENTRAL AREA OF OPEN SPACE?

**7.8.4 GIMMICKS SUCH AS “EXERCISE ZONE” AND “WORKING FROM HOME” AREAS ARE NOT ACCEPTED:**

In response to concerns raised at pre-planning by SDCC over the quality of the central open space, the Applicant Design Statement and Landscape Plan now include references to this area including “exercise zone” and “working from home” areas. These claims are unrealistic and meaningless. This open space is small and compromised by the surrounding buildings. That the Applicant is claiming that the area can be congested with multiple uses and that this is a good thing, confirms overdevelopment of this site.

These areas will sit on top of a basement car park ramp and be surrounded by a vast number of windows and large looming elevations. No one would work in this area as it will be dark and cold almost all day every day except of course for 2 hours on March 21<sup>st</sup>.

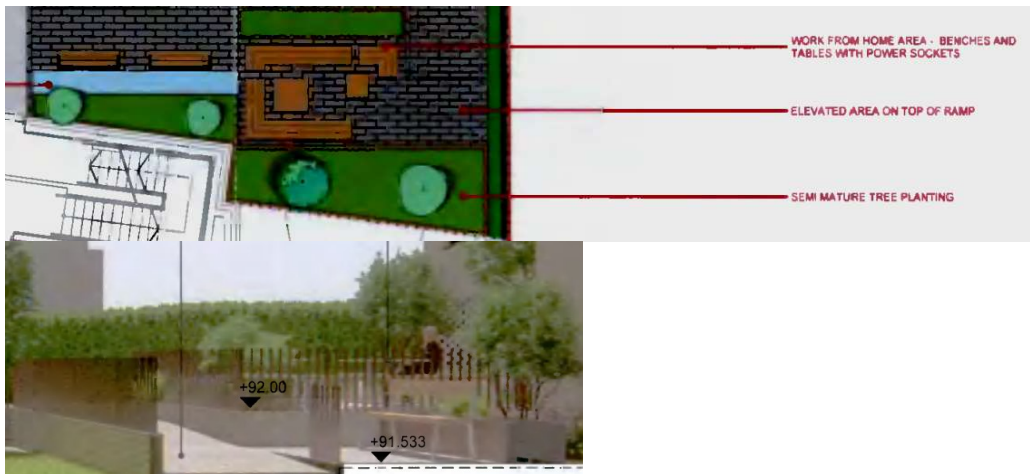


FIG. 81: THE PROPOSED WORK FROM HOME AREA IS UNREALISTIC AND A GIMMICK

**7.8.5 CONCERNS ARISE – DESPITE LANDSCAPING – OVER GROUND FLOOR UNITS ADJOINING THE CENTRAL OPEN SPACE:**

Our client is concerned for the future amenity of residents of Tallaght Village and considers the siting and design of ground floor units adjoining the central open space area to be unacceptable. This would, as submitted and despite landscaping proposals, allow anyone in the open space area to look into the adjoining apartment windows thereby removing all privacy.

This is contrary to Policy H15 ‘Privacy and Security’ of the SDCC CDP 2016-2022.



FIG. 82: A HEDGE OR OTHER PLANTING IS AN INADEQUATE AND IMPERMANENT SOLUTION TO POOR GROUND UNIT SITING

#### 7.8.6 THE PROPOSAL IS CONTRARY TO S. 2.7.3 'GREEN INFRASTRUCTURE' OF THE LAP:

Section 2.7.3 of the LAP 'Green Infrastructure' refers to how open spaces in Tallaght Village need to be interconnected with planted corridors and new pedestrian routes designed into and through schemes with planting alongside.

The Applicant scheme is wholly inward looking and would appear this way when built. The spaces left over which are referred to as open spaces but really comprise of no more than a playground and a small open area squeezed into an excessively dense scheme, do not contribute to meeting the objectives of Section 2.7.3.

#### 7.9 ISSUE 9: THE APPLICANT ASSESSMENT OF THE VISUAL IMPACTS OF THIS SCHEME IS NOT CREDIBLE:

The proposed scale, height, massing and cumulative massing of the two buildings in this scheme are such that they would cause an abrupt and sudden transition from adjoining developments and the adjoining environment to the scheme. While our client acknowledges the need for infill residential development in existing residential areas, this scheme goes too far. The scheme would visually dominate the adjoining and surrounding environment.

Our client is concerned over the 'Landscape and Visual Impact Assessment' (LVIA) produced by Philip J Landscape Architecture. It is not clear why this firm of landscape architects who carry out a range of private development projects for various clients has been chosen by the Applicant to carry out the LVIA. No qualifications or experience is listed regarding LVIA and the firm's website does not list LVIA as a service it provides. The submitted LVIA appears to represent this firm's own views rather than being an objective assessment.

**Our client has reviewed the full LVIA report and submits that it is not credible regarding its methodology and underlying assumptions, etc. It downplays the likely visual impact of the scheme. Notwithstanding this, our client's comments on the LVIA are provided below.**

#### 7.9.1 CONCERNS OVER THE VISUAL IMPACT ASSESSMENT REPORT'S EMPHASIS ON DOWNPLAYING IMPACTS:

From its early pages, the submitted LVIA report takes every opportunity to play down the visual impact that this scheme will have on adjoining properties and the surrounding landscape including the priory to the west and Tallaght Village:

- Page 2 states in respect of "Vernacular Architecture": "The proposed development is consistent with other several storey mixed use developments ... in the locality". In fact, the site's context is characterised by 1, 2, 3 and 4 storey buildings and not 5 and 6 storey building.
- Page 3 refers to the "Village" as a "moderately sensitive receptor" despite it being an Architectural Conservation Area containing the priory buildings, etc. to the west.
- Page 4 offers no basis at all for stating: "The magnitude of change is expected to be moderate" and the proposal will "not negatively impact on the Village's overall character, nor depart from the area's vernacular" and "Overall, the effect is expected to be "Moderate/Minor, given the proposed development's prominent location within the Village Centre". Our client fully disagrees and finds this assessment to be wholly out of line with SDCC's assessment of planning application, reg. ref. SD20A/0250. The site is prominent and as such is more and not less sensitive. The assessor's unsupported claims are not credible.
- Despite SDCC's architectural heritage concerns made clear under its reg. ref. SD20A/0250 decision, the Applicant assessor ignores this and finds the ACA and St. Mary's Priory "will not be visually dominated". Again, the rationale and basis for this claim is hard to follow. It seems that the assessor is saying the priory buildings are big so the Applicant scheme can be big, and the priory is some distance away with Greenhills Road in between, etc. Our client does not find the assessment credible.
- Page 6 states: "The impact on townscape is proposed to be 'Moderate/Minor', particularly in the context of the landscape baseline". **The Applicant LVIA assessor is not meant to be proposing visual impact but assessing it. This report is farcical.**

- Page 6 states that the landscape baseline is “low relative quality” despite being in an ACA and adjoining the priory to the west. The site is also highly visible from Main Street. **Where in Tallaght is there a more sensitive site location?**
- Page 6 accepts that the proposal “may have a significant effect in the Village Centre” but then dismisses these concerns as the scheme will be an improvement and cause no impact on the area. **Again, the Applicant offers no justification or basis for these claims. This is just subjective opinion.**

No reference is made to the likely visual impact of the scheme on the adjoining single storey dwellings on Old Greenhills Road or on the vacant site to the south and west of the site.

The assessor’s language suggests the intention of finding a way to visually justify this scheme’s height and scale, etc. The submitted assessment could not, based on the subjective approach taken, and its clearly apparent biased starting points, find any other results that the conclusions submitted. The assessor appears to have been hired to provide the desired result and this result has duly been provided by way of opinions that contradict the LAP, the SDCC CDP 2016-2022 and various planning decisions made in this area in the past 20 years.

**7.9.2 THERE ARE MULTIPLE PHOTOMONTAGE VIEWS MISSING FROM THE LVIA REPORT & REDLINE STUDIOS IMAGES:**

Our client asks why photomontage views were not provided from the locations shown in Fig. 83. The Redline Studios Photo montages are more representative of the scheme’s visual impacts than those provided in the LVIA report, but they are not the views that our client is concerned over. They are concerned over the localised views and consider more photomontages are needed. That is, from:

1. The viewpoint of the adjoining single storey dwellings on Old Greenhills Road.
2. From the viewpoint of the corner of Main Street and Old Greenhills Road.
3. From the viewpoint of the corner of Main Street and Greenhills Road.
4. From Greenhills Road looking south toward the scheme.
5. From the priory grounds on the other side of the boundary wall looking towards the scheme.
6. View from the other side of Greenhills Road toward the scheme.

**Our client submits that these additional photomontage views, if provided, would wholly alter the conclusions of the LVIA and provide for the proper visual impact assessment of this scheme.**

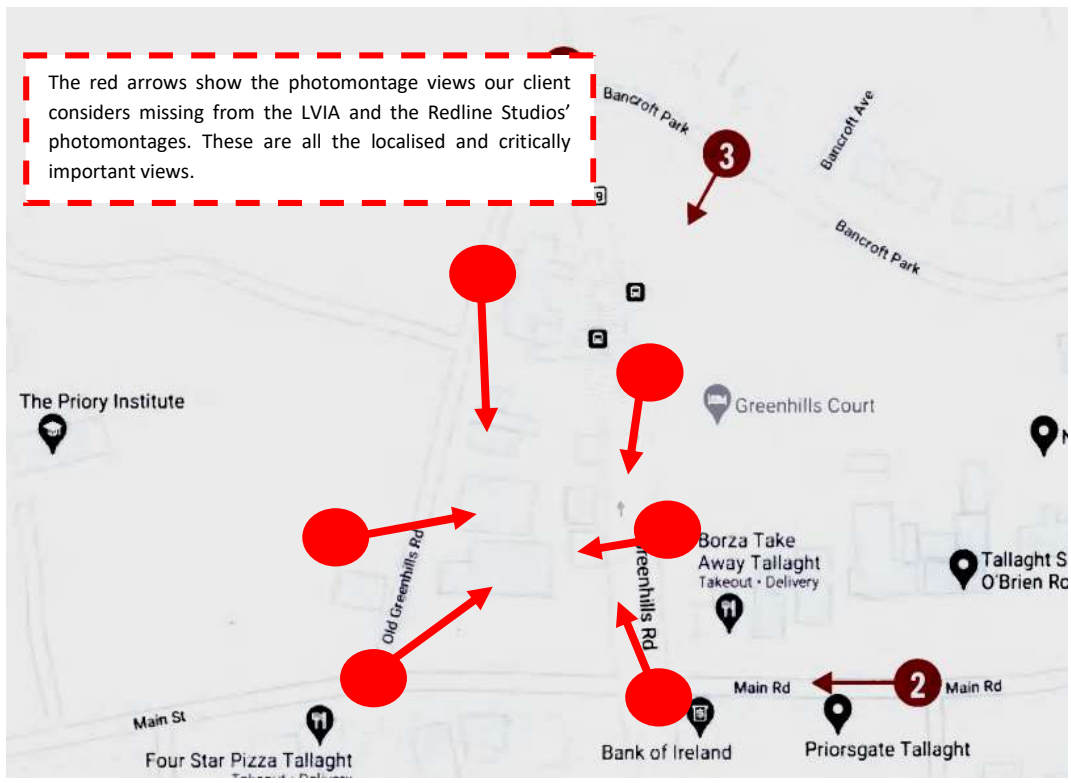


FIG. 83: PHOTOMONTAGES ARE REQUIRED WHICH SHOW THE LOCALISED VISUAL IMPACT OF THE SCHEME

**7.9.3 THE LVIA ASSESSMENT DOES NOT ASSESS IMPACTS ON PRIVATE PROPERTIES:**

The LVIA report states the assessor was involved in choosing the locations from which to undertake photomontages; however, BPS has reviewed these, and none is taken from adjoining private properties. This is critically important – what will be the visual impact of the scheme on the adjoining single storey dwellings on Old Greenhills Road, the vacant site to the south and west, and on existing residents of Greenhills Court.

The Applicant’s failure to follow the ‘Guidelines on landscape and Visual Impacts Assessment’ in this regard needs to be recognised. To properly follow the visual impact assessment approach set out in the Landscape Institute’s ‘Guidelines for Landscape and Visual Impact Assessment’ would require the submission of a complete Landscape Visual Impact Assessment report.

**This is extremely important as, under the guidelines, viewpoint sensitivity is classified as: “high” for occupiers of residential properties with views affected by the development, but the Applicant LVIA does not allow this to be properly assessed.**

The submitted LVIA makes a wide-ranging statement that acknowledges how visual impacts are dependent on the sensitivity of those who are to experience those impacts. But the assessor then provides no assessment of the impacts on individual properties. This is despite the following:

1. This scheme has not been well received by the surrounding community.
  2. Those who live in the area and who would view the scheme are opposed to its visual impact.
  3. Those who live in the area know what beautiful buildings are and are not opposed to an appropriately scaled scheme on this site. The Applicant scheme is simply too tall and over-scaled.
  4. Adjoining sites have comprised primarily 1 to 4 storey buildings for decades. The proposed massive apartment buildings that would represent an abrupt visual change. The visual impact of this scheme will not diminish over time.
- There is a need for the visual impact on adjoining residential properties to be properly and objectively assessed. Paras. 6.13 to 6.15 of the guidelines require that Applicant Landscape Visual Impact Assessment reports:
    - Identify all of the people living in the area who will be affected by the changes in views and visual amenity (the ‘Visual Receptors’).
    - Set out the location of each individual apartment, dwelling and rear garden that would be exposed permanently (during all times of the day, during every season and from which parts of their residential properties) to the proposed development.

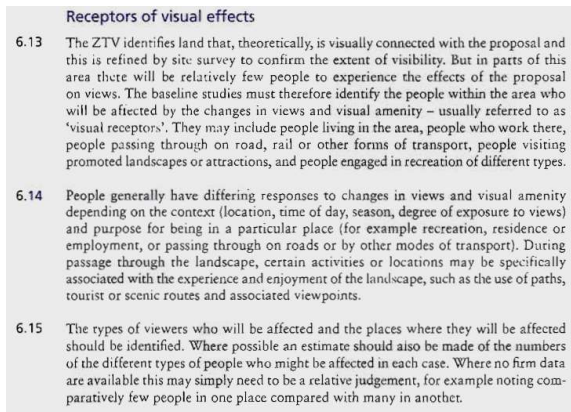


FIG. 84: EXCERPT FROM P. 106 OF THE ‘GUIDELINES FOR LANDSCAPE AND VISUAL IMPACT ASSESSMENT’

- In addition, the guidelines note how: “In some instances it may also be appropriate to consider private viewpoints”. The Applicant provides no private viewpoints. The residential dwellings located near the proposed development are its most sensitive visual receptors. As noted above, under the guidelines, viewpoint sensitivity is classified as: “high” for occupiers of residential properties with views affected by the development.
- Para. 6.24 of the guidelines states: “A baseline report should combine information on the type and relative numbers of people (visual receptors) likely to be affected ...”. Paras. 6.31, 6.32 and 6.33 note in respect of the ‘Sensitivity of visual receptors’ and the ‘Susceptibility of visual receptors to change’ that “visual receptors are people”, “the particular group of people likely to be affected at a specific viewpoint should be assessed in terms of “... their susceptibility to change”, “The value attached to particular views” and “ The susceptibility of ... visual receptors to changes in views and visual amenity is a function of the ... activity of people experiencing the view”.

Our client submits that, since the Applicant LVIA submission fails to provide an adequate visual impact assessment of the proposed development, the scheme’s submitted visual impact assessment results cannot be considered complete.

- **The LVIA is unable to provide a basis or any adequate explanation for why its assessment of visual impacts on adjoining properties does not arise from site visits to the impacted properties and/or on photomontages from those properties. The resultant LVIA is flawed and the attempt to address those flaws fails.**

**7.9.4 THE VISUAL IMPACTS OF THE SCHEME AS SHOWN IN THE SUBMITTED PHOTOMONTAGES IS MISLEADING:**

**The Applicant Planning Report states: “the photomontage views ... demonstrates the appropriate urban form across a range of viewpoints. Our client does not agree with this. The viewpoints are highly selective, and this has influenced the LVIA conclusions.**

The LVIA assessor has created their own set of “photomontages” which are in addition to those submitted by Redline Studios and which provide outlines of where the scheme is to be sited in the views. These are not as easy for our client to follow as are the Redline Studios actual photomontages, but they make up Views 5 to 7d.

Our client notes the two different sets of photomontages and comments first on those photomontages submitted by Redline Studios:

- **View 1:** This view is taken from the N81 and is not relevant due to the distance and the slope upwards to the site.
- **View 2:** Our client considers this view to be medium sensitive, the magnitude of change is high, the visual impact would not be minor as the building would appear as monolithic and abrupt in terms of its building height increase on a long elevation. The visual impact would be moderate.
- **View 3:** This view is too far away and unreflective of those areas onto which visual impact would be experienced.
- **View 4:** Our client considers this view to be medium sensitive, the magnitude of change is high, the visual impact would not be minor as the building would appear as monolithic and abrupt in terms of its building height increase on a long elevation. The visual impact would be significant (see Fig. 85).

**The Redline Studios photomontages confirm that Blocks A and B – even when viewed from some distance away – would cause a moderate to significant visual impact depending on the location from which the view is taken.**



FIG. 85: EXCERPT FROM VIEW 4

Our client comments on the LVIA assessor’s own in-house photomontages as follows:

- **View 5:** This view shows how the scheme would be highly visible within the surrounding landscape. Our client considers this view to be medium sensitive, the magnitude of change is high, the visual impact would be moderate as the building would appear as abrupt in terms of its building height increase as viewed from a street of 2 storey dwellings as one approaches the buildings. The visual impact would be moderate.



FIG. 86: EXCERPT FROM VIEW 5

- **View 6:** This view shows how the scheme would be highly visible within the surrounding landscape. Our client considers this view to be highly sensitive, the magnitude of change is high, the visual impact would be moderate as the building would appear as abrupt in terms of its building height increase as viewed from a street of 2 storey dwellings as one drives past the priory and approaches the buildings. The visual impact would be moderate.

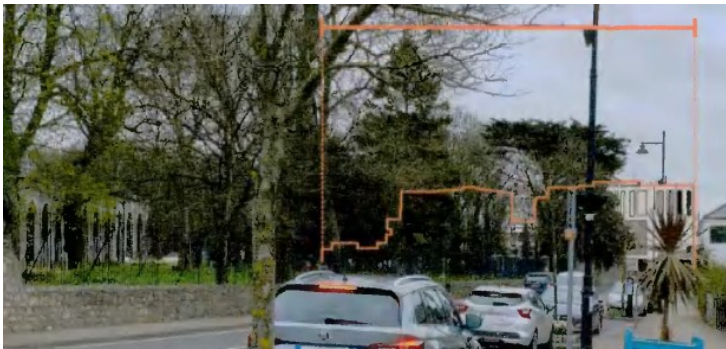


FIG. 87: EXCERPT FROM VIEW 6

- **View 7:** This view shows how the scheme would be if one viewed the scheme from some distance away in the priory . Our client considers this view to be highly sensitive, the magnitude of change is high, the visual impact would be moderate as the building would appear as abrupt in terms of its building height increase as viewed from a street of 2 storey dwellings as one drives past the priory and approaches the buildings. The visual impact would be moderate.

Based on their own photomontages, the LVIA assessor sets out a list of receptors, decides on what the sensitivity of those receptors are, then decides what the magnitude of change will be and based on these subjective assumptions/claims decides the predicted visual impact and significance of those impacts.

**The result is the Table provided in Fig. 88. Our client does not agree with these purported results of the LVIA. They consider that were they to hire their own firm the results would be wholly different as it would be based on photomontages taken from different locations.**

SUMMARY OF VISUAL EFFECTS				
Receptor	Sensitivity	Magnitude of Change	Impact	Significance
Residential and Village Centre visual effects				
View 1	Low	Medium	Minor/negligible	Not significant
View 2	Low	High	Minor	Not significant
View 3	Medium	Medium	Minor	Not significant
View 4	Medium	Medium	Minor	Not significant
View 5	Low	Medium	Minor/negligible	Not significant
View 6	Medium	Medium	Minor	Not significant
Historic site, monument or place visual effects				
View 7a	High	Low	Minor	Not significant
View 7b	High	Low	Minor	Not significant
View 7c	High	Low	Minor	Not significant
View 7d	High	Low	Minor	Not significant

FIG. 88: THIS TABLE ON PAGE 10 OF THE LVIA CANNOT BE VIEWED AS CREDIBLE BY OUR CLIENT

#### 7.9.5 THE MITIGATION OF VISUAL IMPACTS PROPOSED IN THE LVIA = NO EXTERNAL VISUAL MITIGATION:

- The submitted LVIA contains a section called “Mitigants of landscape effects” it is not clear what this even means. The following points are made:

1. Tree planting can mitigate visual impacts: Our client notes that no trees are proposed between:
  - The northern boundary of Block B and the adjoining single storey properties to the north.
  - The east, west or south elevations of Block A and the adjoining Greenhills Road or empty site to the west.
  - The south elevation of Block B and the empty site to the south.

There is not visual mitigation by way of tree planting proposed.

2. Page 6 of the LVIA states: “no proposed mitigation measures determined necessary in the context if this LVIA. This is not a credible statement, and it is one that cannot reasonably be accepted by SDCC in its assessment. It simply means that the Applicant has offered no actual mitigation at all of the proposed visual impacts of Blocks A and B.

**The Applicant LVIA assessor considers that the proposed Blocks A and B require no visual mitigation at all. This is not credible and the LVIA should be disregarded.**

#### 7.9.6 CONCLUSION: VISUAL IMPACT ASSESSMENT:

**The Applicant Planning Report states that the LVIA provides that the proposal “will sit comfortably within e surrounding landscape and receiving environment. Our client does not agree with this. The viewpoints are highly selective, and this has influenced the LVIA conclusions.**

Our client does not consider the submitted LVIA or Redline Studios photo montages to represent an adequate visual impact assessment of this scheme. They submit that the proposed development’s visual impact would be more likely to be:

- **Major, significant, negative, and permanent** regarding its impact on adjoining properties including the single storey dwellings on Old Greenhills Road and the vacant site to the south and west. These are very high sensitive receptors. The magnitude of change would be very high.
- **Moderate, Significant, negative, and permanent** for existing residents of Greenhills Court whose visual amenities appear not to have been considered at all. These are very high sensitive receptors. The magnitude of change would be high.
- **Moderate, negative, and permanent** for the priory and its lands to the west. These are high sensitive receptors. The magnitude of change would be high.
- **Major/moderate, significant, negative, and permanent** for Old Greenhills Road and Greenhills Road. These are very high sensitive receptors. The magnitude of change would be high.

**Our client holds these views arising from the excessive density of this scheme and height and scale of Blocks A and B so close to adjoining property boundaries. Additional photomontages are needed to assess this localised visual impacts fully; however, our client submits that any objective view of this scheme would find it to constitute overdevelopment with consequent negative visual impacts.**



**7.10 ISSUE 10: CONSERVATION AND HERITAGE OBJECTIONS (READ WITH SECTIONS 7.4, 7.5 & 7.6):**

For the following reasons, our client considers that the proposed development would impact negatively on the conservation of historically significant structures and landscape elements at the priory protected structure. Our client is not satisfied that the Applicant offers the necessary reassurances that this scheme would not negatively impact on the priory protected structure and its associated lands and, on the ACA, (see also Section 7.10 of this Planning Objection Report).

**The proposed development's Blocks A and B are not of a suitable scale and design which responds to the site and its surrounding village context, including the location of their nearby protected structures and the ACA. The proposed development could detrimentally impact on the special character and/or appearance of the nearby protected structures in the priory, including its historical curtilage and diminish the historic character and visual setting of the Tallaght ACA.**

**7.10.1 PROPOSED DENSITY, SCALE & HEIGHT SET A POOR PRECEDENT IN CLOSE PROXIMITY TO THE PRIORY & ITS LANDS:**

Our client is concerned that the proposal may be contrary to Section 6.2.1 'Protected Structures' (Objective HC 1) of the LAP which states:

*It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures in Tallaght and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly **and indirectly** (Objective HC 1) [emphasis added].*

The submitted Architectural Heritage Impact Assessment is a wholly reasonable and professionally researched piece of work. Our client has no comment to make on its content and understands that to a conservation specialist working regularly on projects which are located close to protected structures or within ACAs, the Applicant scheme's likely impacts when viewed in isolation would be in line with the conclusions of the assessment.

Where our client's objection arises in the need to respect how the Tallaght Town Centre LAP 2020 was produced with, inter alia, the need to protect both the priory and its lands and the ACA over the longer term. This scheme is of a density and scale which would represent a precedent for the density of developments located near the priory and its lands and located within this area of the ACA.

**Our client does not want individual projects to gradually erode the quality of the urban environment at this location such that project by project the impacts on the priory and the ACA grow. This scheme should be viewed in the cumulative sense. It should be refused as contributing to the overdevelopment of lands in the vicinity of the priory and its lands and located within this area of the ACA.**

**7.10.2 THE PROPOSAL WOULD IMPACT NEGATIVELY ON THE TALLAGHT VILLAGE ARCHITECTURAL CONSERVATION AREA:**

Section 6.2.2 'Architectural Conservation Areas' of the LAP states:

*It is the policy of the Council to preserve and enhance the historic character and visual setting of Tallaght Architectural Conservation Area and to **carefully consider any proposal for development that would affect the special value of such areas** (Objective HC 3) [emphasis added].*

The submitted Architectural Heritage Impact Assessment states by way of conclusion:

***There is potential for the existence of the proposed development to impact on the character of the setting of the Tallaght Architectural Conservation area. The greatest potential for impact arises from the character of the proposed development relative to the historic character of buildings within the ACA** [emphasis added].*

Section 6.2.3 'New Development in Architectural Conservation Areas' of the LAP states:

*A design rationale should be submitted with proposals for development within the Architectural Conservation Area, which addresses the design process for the development and **how the proposal will integrate with the historic environment with reference to the following: Urban grain; Urban structure; Density and mix; Scale; Materials and detailing; Landscape; Views and landmarks; and Historical development.** Within Tallaght village, the historic status of the area should be recognised and an awareness of the historic surroundings on the part of designers, developers and building occupiers and owners should be cultivated. This will both serve to protect and enhance the architectural heritage of the area but will also ensure that new development adds to the character of the area and reinforces the sense of place.*

*Overall design and height are important elements to recognise and highlight but the scale and mass of a development, especially in sensitive areas of Main Street and adjacent to the cultural/historic core, can also have a significant effect on the existing built environment. The scale and proportion of new buildings can have a varied*

*affect upon the neighbouring buildings. **If any new building dominates existing structures, the historic character might also be diminished**, while a relatively indifferent design may heighten the historic qualities of the existing building. New developments should reflect the existing building stock and should be clearly read as modern interventions into the Main Street/Historic core ... **when considering new developments within the ACA of Tallaght, or areas adjacent to the designated area in close proximity to the village core, the design rationale and overall site context should act as the main driver for the overall scale, mass, height and design in achieving the best possible new development in these sensitive areas** [emphasis added].*

Our client is concerned about the overall design, scale, height, and mass within such a prominent site which is located adjoining an Architectural Conservation Area. The overall site context and existing architectural elements of the Village Core have not been adequately considered within the proposed development as the overall design and scale of the proposed apartment blocks does not reflect or show any consideration for these elements.

There is a need for greater understanding and awareness of the Architectural Conservation Area and the impact that inappropriate development can have on the overall character of the area. This can be mitigated against by preparing a design rationale for new developments which can demonstrate how the existing historic buildings and groups of structures which make up the architectural character of an ACA has informed and steered the design process, including a site analysis in this case as the site context is an important issue due to its prominent location and close proximity to the historic core of the village. The overall design and height are important elements to recognise and highlight but the scale and mass of a development especially in sensitive areas of Main Street and adjacent to the cultural/historic core can also have a significant effect on the existing built environment.

The location of the proposed development close to the core area of the Architectural Conservation Area means that any development within this site will have an impact on the character of the ACA by virtue of its proximity to the historic building stock.

The proposed development's density plot ratio, scale, heights, bulk, and massing are excessive within or alongside the ACA adjoining the priory protected structure. Concerns raised by SDCC at pre-planning stage regarding the proposed scale, mass and height of the blocks and overall visual impact on the historic built environment and have not been addressed. The proposed development fails to provide a sensitive overall development at this location.

The Tallaght Village Centre Local Area Plan 2020 provides guidance and requirements regarding new development within or in close proximity to the Architectural Conservation Area. There are a number of policies in the Tallaght LAP which relate significantly to the proposed development given its prominent location. The LAP makes it clear that:

- Overall design and height are important elements to recognise and highlight but the scale and mass of a development, especially in sensitive areas such as the priory protected structure adjoining the Old Greenhills Road (part of the cultural/historic core, can also have a significant effect on the existing built environment).
- Scale and proportion of new buildings can have a varied affect upon the neighbouring buildings. If any new building dominates existing structures, the historic character might also be diminished, while a relatively indifferent design may heighten the historic qualities of the existing building.
- New development should have cognisance of the height, scale and mass of the historic urban form but should also add architectural interest and varied design within the mix to provide different architectural styles.
- Under the 'Urban Development and Building Height Guidelines (2018)' specific requirements and guidance for the design of new build are provided. In accordance with these Guidelines (particularly Section 2.10), when considering new developments within or alongside the ACA of Tallaght, or areas adjacent to the designated area near the village core, the design rationale and overall site context should act as the main driver for the overall scale, mass, height, and design in achieving the best possible new development in these sensitive areas.

Given the issues and concerns arising regarding negative impacts on the ACA and adjoining protected structures, BPS submits that it is considered that the proposed development should be refused for the following reasons:

*Having assessed the details of the planning application and based on the above it is considered that the applicant has failed to address the initial concerns raised in relation to the overall visual impact of the scale and height that the proposed development will have within this prominent location and in such close proximity to Tallaght Architectural Conservation Area (ACA) and a significant Protected Structure Site, 'The Priory'. Concerns remain in that the character of the ACA will be significantly affected by the proposed blocks as the new build will completely dominate the site which is highly visible on approach from Old Greenhills Road, Greenhills Road and The Priory Demesne. The consequences of the proposed development may result in a diminished quality of character, which fails to address and adhere to existing policies for new development within or in close proximity to an ACA in line with SDCC County Development Plan (2016-2022) and the Tallaght Local Area Plan 2020.*

**Despite the submitted Landscape and Visual Impact Assessment and the Architectural Heritage Impact Assessment reports, BPS does not consider that the Applicant has demonstrated that the proposed development would not have any negative impacts on nearby sensitive receptors including on the ACA.**

**7.10.3 APPLICATION, REG. REF. SD20A/0250, WAS REFUSED DUE TO IMPACT ON THE PRIORY PROTECTED STRUCTURE:**

Our client notes how the current planning application is located opposite priory protected structure lands. Refused planning application, reg. ref. SD20A/0250, was also located some distance away and across Old Greenhills Road. It was refused for impacts on the protected structure lands.

The proposed development has failed to take on board and to address the concerns arising in that case regarding avoiding negative impacts on the protected structure lands and on the Tallaght ACA. This is despite the projects having the same architect. The same overall reasons for refusal should apply to the current scheme as applied to the refused scheme.

**7.11 ISSUE 7: PARKING AND TRIP FIGURES PROVIDED RAISE PLANNING AND TRANSPORT PLANNING CONCERNS:****7.11.1 NO PARKING DEMAND FIGURES ARE OFFERED - THE TRUE PARKING DEMAND IS UNKNOWN:**

**The submitted Traffic and Transportation Assessment offers no adequate car parking details. Page 1 states: "Parking spaces for the proposed development have been provided to meet the requirements set out in the South Dublin County Development Plan". However, the parking provision is 1 space per 0.57 apartments. This is not acceptable to our client.**

The Applicant Traffic and Transport engineering firm offers a Mobility Management Plan which effectively states that once the development is completed and occupied, the true initial modal split should be established by means of a travel survey. Our client asks how this can be acceptable. The engineer is stating that the parking demand and vehicular trip rates may be far higher than predicted but SDCC should wait until opening week to see if traffic and parking problems arise.

**7.11.2 TRAFFIC AND PARKING ISSUES HAVE NOT BEEN FULLY ADDRESSED:**

Our client has reviewed the Applicant traffic and parking proposals. These raise concerns over insufficient car parking provided and the likelihood that there would be overflow parking into the Old Greenhills Road and into the surrounding area which does not all have metered parking. The following concerns arise:

1. The site is served by buses only. It is 1.5km from the nearest LUAS stop which is a considerable distance to expect residents to walk.
2. The site offers insufficient and below CDP requirements parking provision.
3. The trip generation figures are based on parking provision which is below CDP requirements.
4. The car ownership rates within 5 miles of this site are 1.1 cars per household, so why are almost half of all residents to be offered no parking?
5. The trip generation figures are based on 43% of residents not owning and or using cars.

Concerns arise that the demand for parking spaces within the scheme will be substantially above the number provided. This would result in under estimation of trip rates, under provision of parking spaces on the site and more of a traffic and parking impact on the surrounding area.

**7.11.3 SCHEME'S PARKING PROVISION IS NON-COMPLIANT WITH TABLES 11.23 AND 11.24 OF THE SDCC CDP 2016-2022:**

The scheme's proposed parking provision is substantially below that required by Tables 11.23 and 11.24 of the SDCC CDP 2016-2022. The scheme contains 26 apartments and a café. BPS assesses the scheme as requiring 42 parking spaces. The Applicant offers 15 spaces.

The Applicant Traffic and Transport Assessment and MMP asks SDCC to trust them that this parking provision is sufficient, yet the NTA has signalled that it is concerned about reduction in car parking in new Dublin developments such as the Applicant's which is located well outside of Dublin City.<sup>5</sup> It is recommending that development plans that the plan identifies specific locations where car free residential developments or developments where a standard below 0.5 per dwelling unit may occur in principle. **Our client submits that in this context, there is inadequate justification provided for the proposed reduction in car parking to 0.57 spaces per unit.**

**Our client submits that this site is outside of 1.5km of a Luas Station and is not well served or well-located proximate to public transport. The scheme provides insufficient car parking. Our client considers the scheme to be non-compliant with the parking requirements of the SDCC CDP 2016-2022. The scheme's parking provision is insufficient and would, for example, deprive almost half of residents of the apartments from owning and using a car.**

<sup>5</sup> <https://www.rte.ie/news/dublin/2021/0622/1230764-dublin-transport-carpark/>

**7.11.3.1 SCHEME IS 27 CAR PARKING SPACES SHORT & THIS WILL CAUSE OVERFLOW PARKING INTO ADJOINING ROADS, ETC:**

Our client submits that the scheme is 27 car parking spaces short, and this will cause overflow parking into the surrounding area and fly parking on footpaths and communal areas within the scheme. Our client cannot support under provision of parking at this location given that this may cause the Old Greenhills Road to become used as a de facto overflow car park for this scheme.

**7.11.3.2 THE GOCAR SPACES ARE PUBLIC SPACES AND NOT ONLY FOR THIS SCHEME – SCHEME IS 29 SPACES SHORT:**

The Applicant has confirmed that the GoCar spaces are not only for this scheme but are open to the public. The north end of the scheme is therefore being used as a de facto hosting space for GoCar and the cars are not reserved for residents.

It is not clear why these public GoCar spaces should be considered part of the 15 no. parking spaces provided in this scheme.

**7.11.4 MEASURES PROPOSED TO JUSTIFY REDUCED CAR PARKING PROVISION ARE NOT CREDIBLE:**

The Applicant Design Report, Planning Report, and traffic engineer's MMP refer to measures to try to reduce car trips to and from the proposed development. These comments arise because the scheme is deficient in car parking provision at a location 2km from the Luas. The proposed measures to reduce car parking are not credible. They include:

1. **Walking:** Our client does not consider walking to represent a credible justification for the low car parking provision offered. That is walking at any time during day/night, in all weathers and in all seasons. This site is not so sustainably located that residents and visitors will walk to and from the site to the extreme extent required to justify providing almost half of the scheme's units with no parking.
2. **Cycle parking:** There is no research study which shows that providing bike parking spaces and no bikes will result in more trips by bike.
3. **Public transport:** The nearest Luas stop is 1.5km away. Our client does not consider it credible that residents, and visitors would take buses to the extent required to justify a car parking provision of 15 spaces for 26 apartments.
4. **Future public transport:** The SDCC CDP makes it clear that future public transport cannot be used to justify reduced car parking provision.
5. **The submitted Mobility Management Plan:** This Applicant report argues that a travel survey of residents and visitors; listing the ways to reach the site without a car; encouraging people not to use a car (management commitment, marketing and communications, leaflets, travel information points, etc.); setting targets will reduce car parking demand and trip rates. Our client does not find this report credible. The same arguments were made by IKEA but the vast majority of trips to IKEA are by car and vans.
6. **Private car sharing is not a legitimate argument unless the scheme offers car sharing insurance:** Informal car sharing is not possible given that each individual driver has their own insurance. Only an actual car sharing scheme is a legitimate argument. Residents and visitors will not share cars.
7. **The car sharing car platform proposed to operate from this scheme.** The GoCar spaces are not only for this scheme – it is a public scheme. These cars will not be used by those who need to drive to and from work every day and/or drop children every day.
8. **Census data on modes of travel in the area show high trip rates by car:** CSO 2016 Census Data sets out that residents of this area use a car or van for 43%-50% of night-time trips and 49% to 64% of daytime trips. It is not clear therefore how the scheme's residents will manage those 43% to 64% of trips that they require a car to complete.

**Our client does not find the Applicant's justifications for offering insufficient car parking within this scheme to be credible. The result would be overflow parking into adjoining and nearby roads. Parking provision needs to be increased inline with SDCC requirements.**

**7.11.5 PROBLEMS WITH CLAIMS TO PROVIDE CYCLE FACILITIES:**

Our client submits that the Applicant should indicate on detailed drawings the provision of adequate space for correctly designed cycle parking facilities for the proposed cycle parking spaces to requirements of the South Dublin County Development Plan and the Apartment Guidelines 2018. The guidelines state:

*3.40 Apartment design should provide occupants and their visitors with a sense of safety and security, by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking.*

4.17 The accessibility to, and secure storage of, bicycles is a key concern for apartment residents and apartment proposals must respond accordingly to the requirements below in their design and provision of cycle storage facilities. Requirements of these guidelines include:

- **Location** – cycle storage facilities should be directly accessible from the public road or from a shared private area that gives direct access to the public road avoiding unnecessarily long access routes with poor passive security or, slopes that can become hazardous in winter weather.
- **Quantity** – a general minimum standard of 1 cycle storage space per bedroom shall be applied. For studio units, at least 1 cycle storage space shall be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc.
- **Design** – cycle storage facilities shall be provide in a dedicated facility of permanent construction, preferably within the building footprint or, where not feasible, within an adjacent or adjoining purpose built structure of permanent construction. Cycle parking areas shall also be designed so that cyclists feel personally safe - secure cage/compound facilities, with electronic access for cyclists and CCTV, afford an increased level of security for residents. Effective security for cycle storage is also maximised by the provision of individual cycle lockers and it is best practice that planning authorities ensure that either secure cycle cage/compound or preferably locker facilities are provided [emphasis added].
- **Management** - an acceptable quality of cycle storage requires a management plan that ensures the effective operation and maintenance of cycle parking, in particular, avoiding arrangements that lead to a significant number of lockers being left locked whilst empty for instance. Cycle parking shall be the subject of a funded maintenance regime that ensures that facilities are kept clean, free of graffiti, well-lit and the parking equipment will be properly maintained. It is essential, therefore, that as far as possible cycle parking is low maintenance, easy to use and easy and attractive to use by residents [emphasis added].

Planning authorities should ensure that development proposals incorporate details on the provision of and access to cycle storage facilities at planning application stage by the development proposer. Appropriate conditions in relation to the operation and maintenance of the cycle storage facilities should be attached to any grant of permission for apartment developments. Further information in relation to the design and provision of cycle storage for apartment developments can be found in the National Cycle Manual (National Transport Authority, 2011) and Bike Parking Infrastructure Guidance (Dublin Cycling Campaign, 2017).

This highly dense scheme requires:

1. Bike lockers, showers and changing rooms should be available at final destination storage facilities (private).
2. Secure covered cycle parking.
3. CCTV cameras or passive surveillance of car parks and cycle parks may be required for personal safety and security considerations.
4. Cyclists should also have designated entry and exit routes at the car park and with minimum headroom of 2.4m to facilitate access by cyclists.
5. Within larger new developments cycle routes shall link to the existing cycle network where possible and maintain a high degree of permeability through developments. Cycle Audits may be required in such developments.

The Applicant's cycling proposals are problematic:

1. Claims to provide cycle links are not backed up by any proposed cycle lanes to connect the scheme to any cycle infrastructure in the area.
2. They offer parking racks at scheme entrances which are unsafe and insecure and nothing else.
3. There are no bike lockers or lock ups – no secure area for bikes.
4. The safety and security of cyclists goes unmentioned.

The cycle parking provision does not address concerns about the cycle connectivity of the scheme.

The Applicant scheme proposes surface bike parking locations on Greenhills Road and Old Greenhills Road that will not be safe, secure, dry or quiet. Bike parking should be in a basement where residents would be encouraged to use it.

As proposed, the bike parking areas will impact on adjoining properties by way of noise and disturbance.

**7.12 ISSUE 12: ISSUES OF CONCERN OVER THE OUTLINE CONSTRUCTION WASTE MANAGEMENT PLAN:**

Our client has reviewed the submitted Punch ‘Construction Waste Management Plan’ which appears to be the only construction phase document provided by the Applicant. They ask that the following issues be considered by SDCC and that, in the event planning permission is granted, planning conditions be applied to the decision addressing their concerns pertaining to the construction phase.

The following comments should not be taken to suggest our client accepts the scheme as submitted. They consider the submitted scheme should be refused, but offer the following comments on the basis that it could be granted.

**7.12.1 WORKING HOURS SHOULD BE REVISED, FIXED AND NOT SUBJECT TO REVISION FOR ANY REASON:**

**Our client objects to Section 13 ‘Working Hours’ of the CMP which sets out working hours of 7am to 7pm Monday to Friday and 8am to 4:30pm on Saturdays.**

**Given the sensitivity of this site and adjoining properties, ‘all’ work on this site should not be allowed to commence until 8am and should finish at 5pm Monday to Friday and 9am to 1pm on Saturdays and there should be no work on Sundays or Bank Holidays.**

**There should be no arrivals on site before 8am and no works should start before 8am. The site should be empty of workers by 5pm and no works of any kind should take place after 6pm.**

Statements included by the Applicant suggest they see the working hours as a guide only, e.g. for deliveries. The concern here is that noise, vibration and disturbance outside working hours would happen unless SDCC prevents it by way of strict conditions on working hours permitted. Our client asks that the Applicant not be allowed to vary any planning applied by the SDCC with respect to working hours and working days. Matters such as utility connections are undertaken during normal working hours by Irish Water, ESB, etc; there is no need to allow variation for this.

Given the quiet nature of the surrounding area, there is also a need to set times during which construction related vehicles can enter the area and must exit the area. **No construction site related vehicles – workers or delivery / pick-up vehicles - should enter the site prior to 8am and all should have left by 6pm.**

**The construction phase would take years and needs to take into account the management of impacts on the area.**

**7.12.2 A COMPLAINTS PROCEDURE & AN INDEPENDENT COMPLAINTS PROCESS IS REQUIRED:**

The Contractor should liaise with owners of the local properties in advance of works commencing onsite and put in place a complaints procedure that works and from which, if it does not work, referrals can be made to an independent complaints process. For example:

- If construction related activities are taking place outside of conditioned site working hours and hours during which deliveries and pick-ups from the site are permitted.
- If noise levels seem excessive and above those allowed.

**The contractor should appoint a community liaison person with a phone number that is available to residents and there should be an identified complaints officer within SDCC to whom the residents can refer complaints that are not addressed by the contractor.**

**7.12.3 MEASURES TO REDUCE IMPACTS ON THE ADJOINING OLD GREENHILLS ROAD FOOTPATH SHOULD BE AGREED:**

Our clients ask that if SDCC is to consider granting planning permission for the proposed development, then careful consideration needs to be given – before any planning permission is granted and/or construction work begins on site – to minimising and mitigating impacts on the Old Greenhills Road footpath adjoining the site. All measures to ensure the ongoing safe access and use of the public footpaths adjoining the Applicant site should be put in place.

These measures should be included as a condition in the event planning permission is granted.

**7.12.4 WORKERS’ VEHICLES SHOULD NOT BE PARKED IN ADJOINING ROADS SUCH AS OLD GREENHILLS RD:**

Section 7 ‘Traffic Management Plan’ of the CMP offers no details on workers’ parking. This scheme is to require many construction workers. No details are provided by the Applicant’s Construction Management Plan as to where they will park. They may park in the site in the early stages of the scheme, but as work progresses, this will not be possible. They may decide to park in adjoining roads and street such as in Old Greenhills Road and Greenhills Road. Our client submits that measures need to be put in place to prevent overspill workers parking into surrounding roads and streets.

Construction workers' parking would negatively impact on adjoining roads and streets and could impact on visual amenities and on the safety of roads adjoining the site. Our client asks that SDCC address the following points:

1. That the Applicant set out actual predicted details – based on similar sized construction schemes in similar locations - of how many construction-related vehicles (vans and cars) are predicted to be parked in the area to serve the scheme.
2. Claims that construction workers would take public transport car share or walk or cycle to this site are a fudge. In fact, large numbers of workers need to bring their tools and so will always park as near to a site as possible. Scaffolders, brick layers, carpenters, electricians, plumbers, etc. all need their tools. A Construction Management Plan must be credible with respect to overspill workers' parking.
3. That the Applicant agree arrangements for the parking of construction workers vehicles during the construction phase.

**A condition is required on any grant of planning permission that requires that parking arrangements for the scheme's construction workers be agreed with SDCC Transportation Planning Section prior to the commencement of development.**

#### **7.12.5 QUEUING AN CONVOYING OF HGVs ON OLD GREENHILLS ROAD SHOULD BE AVOIDED:**

Our client has repeatedly noted construction projects where HGVs queue outside of sites with their engines running in the early mornings and/or arrive in convoys at the same time. This site's development has the potential to raise these concerns with HGVs queuing on the Old Greenhills Road. This issue needs to be addressed. Section 6.2 'Vehicle Movements During Construction' of the Outline Construction Waste Management Plan is not especially reassuring in this regard. It is not clear how any of the measures proposed can or will be enforced, especially once the scheme is significantly developed.

#### **7.12.6 CONSTRUCTION PHASE NOISE MANAGEMENT PROPOSALS NEED TO BE CAREFULLY REVIEWED:**

The CMP confirms that no baseline noise measurements have been taken. There is no way therefore to know what the existing noise levels are and therefore what would constitute a significant increase in noise.

The baseline noise environment is a low noise environment. It is possible to hear the Greenhills Road but this noise is as expected. The level of noise currently experienced is about what one would expect in a suburban housing estate. There is not an undue difference between day time and night time noise.

The construction phase for this project would significantly increase the noise levels experienced by this area. The Old Greenhills Road footpath will be located less than 10m from the nearest significant site works. The noise levels that will be generated by construction phase machinery will range from 61 to 84 dB LAeq (1hour) for cumulative site preparation, cumulative general construction and cumulative general landscaping and road work. These noise levels would represent a significant increase in the measured baseline noise environment.

In the absence of noise mitigation, a negative, significant, and short-term impact is likely. The Applicant offers no discernible noise mitigation relative to adjoining areas. The mitigation measures proposed in Section 4.1 'Noise' of the Outline Construction Management Plan are inadequate and are standard. This site is more sensitive and acoustic barriers should be considered.

**BPS considers that without improved mitigation measures to address construction noise impacts adjoining areas will be impacted negatively by excessive noise. It must be possible for our client to be able to report a noise infraction and to expect this to be addressed within minutes and not days.**

#### **7.12.7 DUST IMPACTS ON THE AREA NEED TO BE CONTROLLED AND MANAGED:**

Adjoining areas maintain a relatively dust free environment. The proposed development will generate significant dust and measures are needed to ensure this project does not unduly impact on the area. While some dirt and dust would be expected on any site, the extent of dust from this site could be excessive. Our client asks that insofar as is possible a Dust Minimisation and mitigation strategy be put in place to minimise the transmission of dust into adjoining and surrounding areas. They ask for external measures, such as the operation of a road sweeper / sprayer to be undertaken.

Our client asks that in the event of a grant of planning permission that these measures be conditioned to be fully implemented by the contractor. Our client also asks that the external face of all scaffolding surrounding the scheme be covered to reduce dust.

A condition can be applied requiring dust deposition gauges, (either Bergerhoff beakers or similar), to be located and monitored at locations specified during the period when construction work is in progress in the vicinity of residential properties. The maximum permissible deposition rates at such sites should be specified in the contract documents. Dust deposition gauges should be located along all boundaries.

**7.12.8 PROPOSED PHASING OF THE CONSTRUCTION WORKS SHOULD BE AGREED AT PLANNING STAGE:**

Our client's area potentially faces years of disruption if planning permission is granted. They therefore need to understand what the construction works timetable will be. This schedule should set out: (i) When the construction works would take place and for how many months; (ii) When the excavations of the site and site preparation works will take place and for how many months; and (iii) How long the construction phase would take.

**7.13 ISSUE 13: THE PROPOSED DEVELOPMENT WOULD SET POOR PRECEDENTS:**

For the reasons set out above and below, the proposed development, if granted, would set poor precedents for:

1. Over-ruling and/or disregarding the Tallaght Town Centre LAP especially on the issue of plot ratio.
2. A density of development within an Architectural, Conservation Area that is excessive and has resulted in buildings whose scale, height, massing, bulk, and length are excessive and monolithic.
3. The development of sites in a congested and overdeveloped manner.
4. The scale and height of future development in this area being allowed to exceed any other development in the vicinity.
5. Poor consideration for the public realm.

For the reasons set out above, the proposed development, if granted, would set a poor precedent for future development in the vicinity of this site and in the surrounding area.

**Our client asks SDCC to protect this area by refusing planning permission thereby avoiding setting a negative precedent for future development in this area or to substantially revise the scheme by way of condition.**

**8.0 CONCLUSION:**

Our client firstly notes that the areas of the Applicant site on which Blocks A and B are located have been the subject of previous planning applications and each time these have not been successful even for four storey versions which are setback further from adjoining boundaries. It is not clear to our client that anything has changed that justifies the current scheme which raises all the planning concerns noted previously on this site (see Section 7.4 of this Planning Objection Report).

Our client secondly notes that this scheme is wholly premature in that it cannot reasonably be developed as proposed unless there is some agreement with the landowner of the vacant site to the south. This site was the subject of refused planning application, reg. ref. SD20A/0250, yet the Applicant appears to have proceeded as though it were granted. The Applicant scheme locates 5 and 6 storey elevations hard up to this vacant site's boundaries which cannot be granted without a concurrent planning application for the adjoining site.

Our client's overall position is that, if this site is to be developed, then they should be developed properly and in line with SDCC CDP 2016-2022 and LAP planning policies. The problem is that this scheme does not comply with critical planning policies as articulated in these plans. Critically, the proposed plot ratio exceeds that permitted in Section 3.4 'The Village' of the LAP. The Applicant scheme's plot ratio is 1.63. The Plot Ratio range permitted in The Village is 0.75:1 (Low) or 1:1 (High). The Applicant scheme's density is too high and is non-compliant with the LAP. This scheme is not of cultural or significant community benefit such as to justify its plot ratio.

The consequence of a 1.63 plot ratio density is 5 and 6 storey buildings which are too tall for this sensitively located but poorly configured site. **The SDCC's pre-planning responses to the Applicant noted concerns over the proposed density and how this was manifested on the site. These concerns have not been adequately addressed in the submitted scheme.**

The above points raise serious concerns as to whether the Applicant's heavily congested, extremely dense, extremely tall and over-scaled scheme can be considered a grantable scheme for this site. At pre-planning, SDCC notified the Applicant that it could also only find this scheme to have a reasonable basis to be granted if the scheme were modified to address the reasons why planning application, reg. ref. SD20A/0250, at Greenhills Road, Tallaght, Dublin 24, was refused. The Applicant has ignored this advice.

**Our client submits that the Applicant had their opportunity to substantially reduce the scale of this scheme and chose not to reduce the scale in a manner that Tallaght Community Council can find acceptable.**

This scheme remains approx. 40% to 50% denser than what could be considered a reasonable scale of development on this site such that the scheme can assimilate and integrate into the area without causing undue negative impacts. At 5 and 6 storeys this scheme asks to be the densest and tallest scheme (and to contain the tallest buildings) in the vicinity. **The scheme**



**is fundamentally at odds with the established planning permission parameters in the immediate vicinity including of adjoining properties.**

The matter of whether an apartment scheme and associated development of the scale proposed can be permitted in principle on this site is therefore a matter which our client considers is very much in dispute.

While the Applicant is entitled to apply for planning permission for anything there is an onus on all Applicants to try to identify a scheme that is compatible with a site, its site context and with planning policy. The Applicant has not shown themselves willing to try to do so.

There is a need for any proposed scheme's density, scale, height, length of blocks, bulk, and massing to represent a fair balance between the right of the Applicant to develop their site and the rights of those representing this area to expect their Tallaght Village and the priory lands to be protected and/or improved by any new development. Our client does not think a fair balance is achieved here (or any balance at all). They consider that a scheme for this site at a lower density (an LAP compliant 0.75 or 1:1 plot ratio), lower height, less scale, less massing, less overbearing, less overshadowing, less noise, etc. would better respect the site, the area, and the rights of the existing community.

**That an apartment development is permissible on a site does not mean apartment development of any scale: without any constraints.**

The 'VC' zoning of this site provides for development that should "protect, improve and provide for the future development" of Tallaght Village. This scheme does not achieve this. **It is our client's position that any development on this scheme must respect the site's zoning and not treat the property as a de facto "greenfield site" without any development constraints. The submitted scheme's density, scale, height, length of blocks, bulk, and massing – for this entire scheme – are clearly not compliant with the zoning of the site.**

What must be kept in mind is that what is proposed is not a critical piece of nationally required infrastructure or a single building of world class architectural design. What is proposed is simply an over-scaled and over-ambitious apartment scheme. This scheme seeks to maximise density, scale, height, and massing across the scheme. **In our client's opinion, the proposed compromises regarding negative impacts of the scheme on the adjoining area required in respect of developing this entire scheme at the massively bulky heights and scales proposed cannot be tolerated.**

As much as the applicant has sought to argue that the compromises necessary would be outweighed by the provision of the subject development, this Planning Objection Report illustrates why this is not the case. **This proposal as it comes before SDCC on the subject site would, in our client's opinion, give rise to a number of residual environmental effects of such significance in respect of their adverse impact that they cannot be reconciled with the need for the proposed development.**

What appears key, in the consideration of this proposal, is that the application before SDCC is the culmination of a process where the consideration of the impacts on the receiving environment have been second to the Applicant's own requirements and plans, particularly in respect of negative impacts on Old Greenhills Road, Greenhills Road, on adjoining properties, on the priory and its lands, and on the Architectural Conservation Area.

**The suitability of the site in principle and the ability of the receiving environment to absorb the proposed buildings are two very different considerations and this, in our client's opinion, is where the needs of the Applicant and the concerns of Tallaght Community Council diverge.**

Where such divergence in vision exists and a large development proposal is made irrespective of its clear and apparent divergence from the established pattern and character of an area and its abrupt differences in height relative to adjoining areas, there is a need to identify appropriate assessment criteria by which to judge the proposal.

The critical development framework for this area, as noted above, is the SDCC CDP 2016-2022 and the Tallaght Town Centre LAP. It is our client's position that the Applicant scheme is non-compliant with both of these plans. The extent of non-compliance, especially on plot ratio, with the LAP is excessive. We note that the LAP was adopted long after the Building Height Guidelines introduced and is fully up to date. **That the Applicant seeks to rely on the SPPR 3 of the 'Urban Development and Building Heights Guidelines' (2018) and to by-pass the LAP despite the LAP being adopted in 2020 confirms that this scheme is poorly considered and planning non-compliant.**

**To any objective independent observer viewing the photomontages it would be clear that the Applicant scheme is too tall, too dense, too congested, too close to Old Greenhills Road and Greenhills Road and adjoining properties.**

The bottom line is that this scheme shows no respect. No respect for planning policies. No respect for established development parameters in this area (densities, building heights, setbacks from boundaries, etc.). No respect for adjoining and surrounding properties. No respect for the priory. And, based on the BPS review of the pre-planning process, it is not clear

that the submitted scheme shows much respect for SDCC's or feedback regarding the need to revise the scheme to an appropriate scale.

The proposed development would significantly and adversely alter the visual environment by the provision of visually prominent and visually dominant structures. A very significant and in some instances profound visual change would occur within and outside the environs of the site.

Our client considers that the visual and other impacts of this scheme could be mitigated by reducing the scale and heights of the proposed blocks and setting them back from adjoining boundaries, but re-design is also required in order to reduce the significant and negative impacts that the proposed development as currently designed would have on adjoining properties.

Our client has a range of other concerns with respect to this project, its construction and operation. These are set out in Section 7.12 of this Planning Objection Report.

**Cumulatively, the negative impacts of the proposed development on the environment of the site and the surrounding area are such that this scheme cannot be granted in its current form. It would set a negative precedent and bring the planning system into disrepute. The Applicant scheme is non-compliant in plot ratio terms with the LAP. This scheme is 40% to 50% too dense and up to 2 and 3 storeys too tall for this site.**

### 8.1 PERFORMANCE-BASED PLANNING RISK ASSESSMENT CONCLUSIONS:

In this era of 'performance-based' standards in respect of the assessment of a proposed scheme's siting, density, scale, height, massing, bulk, length of elevations and car parking, it is necessary to carry out a planning risk assessment in light of the likely performance of this scheme. BPS has carried out this assessment by assessing the scheme in light of its locational and planning context. The conclusions of this exercise are:

- There is a **substantial planning risk** that this planning application is premature pending confirmation of the landowner's plans for the vacant site to the south.
- There is a **substantial planning risk** that this planning application's blocks are sited too close to adjoining boundaries which will impact significantly and negatively on those adjoining properties.
- There is a **substantial planning risk** that this scheme's proposed density, which is non-compliant with the Tallaght Town Centre LAP 2020, would be incompatible with the established character and pattern of development of adjoining areas which are of a substantially lower density. The abrupt increase in density has resulted in equally abrupt increases in scale, height, length of elevations, bulk, and massing of the proposed blocks.
- There is a **substantial planning risk** that this planning application proposes the excessive overdevelopment and over-scaling of a site suitable to accommodate only 3 and 4 storey buildings at a substantially lower scale.
- There is a **substantial planning risk** that this planning application proposes the excessive overdevelopment and over-scaling of the site that would significantly, negatively, and permanently impact on the visual amenities and visual environment of areas adjoining this site, especially on the Old Greenhills Road and Greenhills Road arising from the extremely close siting of the apartment blocks to shared boundaries.
- There is a **substantial planning risk** that this planning application will create an over-developed and congested residential scheme which is contrary to SDCC CDP 2016-2022 and LAP 2020 planning policies with respect to the proper development of residential sites.
- There is a **planning risk** that the proposed development will cause substantial and negative impacts on the setting of and the attendant grounds and curtilage of the priory's protected structures.
- There is a **significant planning risk** that the proposed development will cause substantial and negative impacts on the Architectural Conservation Area.
- There is a **significant planning risk** that the height, scale, massing, and bulk of the proposed blocks will cause substantial and negative visual and visual overbearing impacts on adjoining and surrounding properties and roads.
- When the CGI images are viewed objectively and other viewpoints into the scheme are included, there is a **substantial planning risk** that the adjoining properties and the surrounding area will experience a substantial negative and permanent reduction in their existing visual amenities.
- **Significant adverse impact and substantial risk** arises regarding the proposed insufficient car parking spaces provided. This could have a significant adverse impact on adjoining roads arising from overflow parking from scheme residents and visitors' cars.

**Our client submits that following their assessment, the Applicant planning application represents too high a risk of causing significant and negative impacts on the surrounding area for SDCC to consider granting planning permission for this scheme as submitted. An apartment scheme can be developed on this site, just not in the manner set out in this planning application.**

## 9.0 RECOMMENDATION:

It is recommended that, for the reasons set out above that this planning application be refused for the reasons set out in Section 9.1 below.

However, if SDCC considers that Further Information should be requested, then Section 9.2 below sets out the recommendations of SDCC regarding how the scheme needs to be revised.

Both options would provide for the scheme to be reduced in density, height, scale, massing, length of elevations, etc. and for car parking spaces to be increased such that it more appropriately responds to the environs of the site.

## 9.1 RECOMMENDED REASONS FOR REFUSAL:

This planning application should be refused for the reasons set out below.

1. The proposed development, by reason of the excessive density, plot ratio, scale, height and length of elevations proposed as well as the poor design, would fail to integrate and respond to the site, surrounding context, the Priory Protected Structure and the Architectural Conservation Area, and would result in an incongruous feature that would significantly detract from the visual amenity and character of the area. Thus, the proposed development would contravene the Tallaght Town Centre LAP (2020-2026), the South Dublin County Development Plan (2016-2022), the VC zoning objective which seeks 'To protect, improve and provide for the future development of Village Centres' and the proper planning and sustainable development of the area. The proposed development, by virtue of its scale and layout, would represent overdevelopment of the site and would result in piecemeal development which would be out of keeping with the character and pattern of development in the area. It would also result in an overbearing form of development which would be injurious to adjoining amenities and would fail to respect the established pattern of development in the area. The proposed development would therefore be contrary to Section 11.3.2 of the South Dublin County Development Plan 2016-2022 which relates to residential consolidation and would materially contravene the 'VC' zoning objective, as set out in the South Dublin County Development Plan 20-16-2022, which seeks 'To protect, improve and provide for the future development of village centres'.
2. The proposed development, by reason of its siting, layout, height, design, scale, length of elevations and limited separation distances to site boundaries, would result in a loss of light and outlook to adjoining areas and cause visual obtrusion and overbearing impacts and, as such, constitute an un-neighbourly form of development resulting in a material loss of adjoining amenity. The proposed development would therefore be contrary to the site's 'VC' zoning, to s. 5.1.2 'Urban Centres (UC) Policy 3 Village Centres', H8 Objective 3, Public Open Space Housing Policy 12 & H12 Objectives 1 & 2, Objective UF4, Objective UF4 of the South Dublin County Development Plan 2016-2022 and S. 3.4 LAP Objectives For 'The Village', Section 2.6 'Intensity of Development', Section 2.6.2 'Height And Built Form' of the Tallaght Town Centre Local Area Plan 2020. The development as proposed fails to incorporate design and layout elements which could help to absorb and mitigate the high landmark elements envisaged for this site, thereby militating against the successful integration of what are landmark high buildings. The development as proposed would, therefore, adversely impact on the amenity of the local area, the skylines enjoyed by adjoining areas, the setting of the protected structures and adjoining properties. As such, the proposal would militate against the successful achievement of the objectives for the site as outlined in the County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development when viewed cumulatively, by reason of their height, design, scale, bulk and massing, located in an Architectural Conservation Area and being located adjoining 1 and 2 storey buildings, would comprise a dominant and visually incongruous scheme which would have a profound negative effect on the appearance and visual amenity of the local and wider area. The development as proposed would be inconsistent with and would adversely impact on the existing scale and established character of the local area and the existing scale and established character of this area. The proposed development contravenes this the Tallaght Town Centre Local Area Plan 2016-2022 having regard to the adverse visual impact which would arise in respect of the Priory and the Architectural Conservational Area, impacts on adjoining roads and properties in the vicinity and the failure to comply with institutional objectives for these lands that requires that they retain their open character. Furthermore, the proposal of itself would have an adversely overbearing visual impact on neighbouring properties in the vicinity of the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. The scheme fails to address the overall visual impact of the scale and height that the proposed development will have within this prominent location and in such close proximity to Tallaght Architectural Conservation Area (ACA) and a significant Protected Structure Site, 'The Priory'. Concerns remain in that the character of the ACA will be significantly

affected by the proposed blocks as the new build will completely dominate the site which is highly visible on approach from Old Greenhills Road, Greenhills Road and The Priory Demesne. The consequences of the proposed development may result in a diminished quality of character, which fails to address and adhere to existing policies for new development within or in close proximity to an ACA in line with SDCC County Development Plan (2016-2022) and the Tallaght Local Area Plan 2020.

5. It is considered that the proposed development, by reason of the monolithic nature of its design, and by reason of its height orientation, scale, and massing on a constrained site, would constitute significant overdevelopment of the site. The proposed development would, therefore, conflict with the provisions of the development plan, would adversely impact on residential amenity, would provide a poor quality of residential amenity for future residents, would seriously injure the residential and other amenity of the area. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.
6. Having regard to advice in the Sustainable Urban Housing Design Standards for New Apartments Guidelines and the car parking standards in the South Dublin County Development Plan 2016 – 2022, the proposal would fail to provide any adequate parking provision, would be sub-standard in terms of car-parking provision and be likely to lead to overspill car parking in the surrounding area. The proposed development would endanger public safety by reason of a traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.
7. It is considered that, by reason of the layout proposed, particularly the location and design of open space in the scheme, the proposed development would result in a substandard form of development and would provide a poor level of amenity for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## 9.2 REVISIONS REQUIRED IN THE EVENT OF A REQUEST FOR FURTHER INFORMATION:

In light of the above, BPS notes that the following revisions to the scheme would be needed to address our client's concerns:

Reduce the density of the scheme by 40% to 50%: This scheme needs to be reduced by 40% to 50% in density in line with the Tallaght LAP 2020. This would allow the Applicant to bring the scheme into line with local planning policies and better integrate it into the area. Our client notes that in accepting a possible density of 1:1, they expect, in return, that the local area is better respected by any future scheme.

In respect of the siting, height, scale, length of elevations, bulk and massing of the scheme: The quantum of development shoe-horned into the Applicant site is excessive. As submitted, the scheme would appear substantially over-developed in this poorly configured site. The scheme needs to be reduced in height, scale, length of elevations, bulk and massing and setback from shared boundaries with adjoining properties. The maximum height on this site should be 3 and 4 storeys. The buildings need to be broken up as their bulk and massing is excessive. The monolithic nature of Block A needs to be addressed.

### Specific recommendations for siting:

Our client does not consider the site of Block A to be developable unless the adjoining vacant site to the south is the subject of a concurrent planning application and/or an agreed masterplan.

Our client submits that Block B needs to be setback from the adjoining single storey property to the north and reduced to 1 and 2 storeys as it integrates with the adjoining single storey structure.

### Specific recommendations for reducing scale:

**Block A:** This should be 3 and 4 storeys in height and appear less monolithic.

**Block B:** This block should be reduced to 1, 2 and 3 storeys in height (staggered away from the adjoining single storey dwelling).

### Car parking:

The scheme's parking provision is not acceptable as proposed. It will cause overflow parking into Old Greenhills Road. Parking provision needs to be increased to 1 space per unit in line with the NTA's recent submission made to the Draft Dublin City D

Ends/.

**APPENDIX 1: POOR & VISUALLY DOMINANT APPEARANCE OF THE EXISTING GREENHILLS COURT SCHEME**



FIG. 1: POOR STREETScape INTEGRATION, ELEVATION LOCATED CLOSE TO FOOTPATH, NO PLANTING, POOR MAINTENANCE, ETC.



FIG. 2: POOR STREETScape INTEGRATION, NO PLANTING, POOR BUILDING MAINTENANCE, ETC.



FIG. 3: EXISTING APPEARANCE OF GREENHILLS COURT'S OPEN SPACE AREA (& PROPOSED CENTRAL OPEN SPACE AREA) – 1



FIG. 4: EXISTING APPEARANCE OF GREENHILLS COURT'S OPEN SPACE AREA (& PROPOSED CENTRAL OPEN SPACE AREA) – 2



FIG. 5: 4 STOREY GREENHILLS COURT SCHEME ON THE EAST SIDE OF GREENHILLS ROAD APPEARS VISUALLY DOMINANT