

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
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**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	1612	Date of Decision	13-Dec-2021
Register Reference	SD21A/0139	Date	15-Nov-2021

Applicant:

O'Mahony Holdings SPRL

Development:

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 (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. 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. 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

Location: St. Basil's Training Centre, Greenhills Road, Tallaght, Dublin 24

Time extension(s) up to and including:

Additional Information Requested/Received: 22-Jul-2021/15-Nov-2021

Clarification of Additional Information Requested/Received:

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. The proposed plot ratio of 1.52:1 exceeds the maximum plot ratio of 1:1 contained in Section 3.4 of the Tallaght Town Centre Local Area Plan 2020 – 2026 for this area. The development does not qualify for additional 20% as per the criteria laid down in the Local Area Plan, and regardless, it exceeds the upper maximum limit of 1.2:1 provided for under such criteria. The proposed development would therefore materially contravene the Local Area Plan in relation to intensity of development and would constitute overdevelopment and as such would, by itself and by the precedent it would create, be seriously injurious to the village centre and more generally the lands designated under the Local Area Plan. The proposal is contrary to the proper planning and sustainable development of the area.

2. Due to the height and mass and treatment of Block B, the proposed development fails to respond to the specific local historic context of the block location. The submission from the applicant fails to demonstrate that the overall visual impact of Block B at the proposed scale and height will not adversely impact on the adjacent Protected Structure (St. Basils Training Centre, RPS Ref. 268), the Tallaght Architectural Conservation Area (ACA) and a Protected Structure Site, 'The Priory'. The proposed development due to its close proximity, scale and height will directly impact on the visual quality adjoining Protected Structure site, St. Basils Training Centre
Block A will be highly visible at a prominent and sensitive location and will have an overall negative impact on the character of Tallaght Village Architectural Conservation Area, given its height and mass at this location. Block A will visual dominate and would be highly visible on approach from Main Street and The Priory Demesne.
Overall, the proposed development would result in a diminished quality of character in Tallaght, which fails to address and adhere to existing policies for new development within or in close proximity to an Architectural Conservation Area in line with SDCC County Development Plan (2016-2022) and Chapter 6 of the Tallaght Local Area Plan 2020. As such, the proposed development is contrary to the proper planning and sustainable development of the area.
3. The provision of only 15 spaces to serve the existing and proposed development will result in increased parking along Old Greenhills Road, causing a traffic hazard. The Planning Authority does not agree with the assumptions made in relation to the level of private parking that can be offset with the provision of 2 'Go Car' spaces. A greater ratio of car parking spaces to units is required at this site. The proposed development is not in accordance with the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD21A/0139

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Brian Connolly 16-Dec-2021
for **Senior Planner**

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations. 200 I should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100