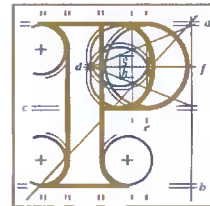


Our Case Number: ABP-312504-22

Planning Authority Reference Number: SD21A/0139



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 19 January 2022

Re: Demolition of three existing apartment units and bin store and the construction of a residential development arranged in two building blocks ranging from 3 to 6 storeys in height and will comprise of 40 apartment units derived from 26 new and 14 existing.
St. Basil's Training Centre, Greenhills Road, Tallaght, Dublin 24

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) the Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a

Teil (01) 858 8100
Glaio Áitiúil LoCall 1890 275 175
Facs (01) 872 2684
Láithreán Gréasáin Website www.pleanala.ie
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhride 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

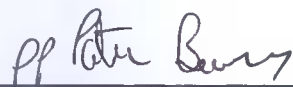
I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-312504-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,



Liam Halpin
Direct Line: 01-8737280

BP07

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



The Secretary
 An Bord Pleanála
 64 Marlborough Street
 Dublin 1
 D01 V902

Monday 17th January 2022
 [By Hand]

FIRST PARTY APPEAL AGAINST DECISION TO REFUSE PERMISSION

Dear Sir/Madam

RE: PERMISSION FOR A PROPOSED MIXED-USE SCHEME (PRIMARILY RESIDENTIAL) LOCATED AT OLD GREENHILLS ROAD, GREENHILLS ROAD AND MAIN STREET, TALLAGHT, DUBLIN 24

SOUTH DUBLIN COUNTY COUNCIL (SDCC) REG. REF. SD21A/0139

1.0 INTRODUCTION AND OVERVIEW

1.1 First Party Appeal Against Refusal

O'Mahony Holdings SPRL¹ has retained Tom Phillips + Associates² to prepare this First Party Appeal, in association with TOT Architects, PUNCH Consulting Engineers and ARC Architectural Consultants Ltd, against South Dublin County Council's *Notification of Decision to Refuse Permission*, dated 13th December 2021, for the mixed-use development on lands generally bounded to the north by St. Basil's Training Centre, to the east by Greenhills Road, to the west by Old Greenhills Road, and at the southeastern corner by Main Street, Tallaght, Dublin 24. (Figure 1.0 below shows the Application site's location.)

The purpose of this appeal is to outline the merits of the application, whilst focussing on and rebutting the Reasons for Refusal within the Council's *Notification of Decision to Refuse Permission* (See Appendix A).

AN BORD PLEANÁLA
 LDG- 04 T 27-22
 ABP- _____
 17 JAN 2022
 Fee: € 1500 Type: Bank draft
 Time: 3:22 By: Courier

¹ Penthouse 30a, Mountbrook, A94TH90, Dublin
² 80 Harcourt Street Dublin 2, D02 F449.

TOWN PLANNING CONSULTANTS



1.2 Appeal Date and Fee

The final date for submission of an appeal is Tuesday, 18th January 2022 based on a *Notification of Decision* date of 15th December 2021.

We enclose a cheque to the sum of €1,500 representing the appropriate fee for a First Party Appeal relating to the mixed-use development (no retention element forming part of the application).

The following documents are also included:

- *Architect's Design Rationale Additional Information* (incl. *Appendix Response to Reason for Refusal No. 2*), prepared by TOT Architects;
- *Architectural Heritage Appraisal*, prepared by ARC Architectural Consultants Ltd; and
- *Appeal to An Bord Pleanála* (Documents No. 202253-PUNCH-XX-XX-RP-C-0008), prepared by PUNCH Consulting Engineers.

This submission should be read in conjunction with the Planning Application documents lodged with the Planning Authority on 28th May 2021, and the subsequent *Response to Additional Information Request* submitted on 15th November 2021, which we trust will be made available to the Board by South Dublin County Council (SDCC).

1.3 We Seek that An Bord Pleanála Overturns South Dublin County Councils' Decision

South Dublin County Council refused permission for the proposed development citing 3 no. reasons (discussed in detail in Section 4.0 below). We request that the Board overturns this decision, which we submit does not stand up to detailed scrutiny.

Contrary to what the Local Authority states in the reasons for refusal, in our opinion, the proposed development will provide high quality, architecturally interesting buildings, which are sensitive to the surrounding characterises, while simultaneously providing for additional urgently needed residential units in the Greater Dublin Area that has the benefit of access to high quality public transportation services and established social infrastructure. The subject proposal is wholly consistent with National and Regional planning policy in this regard and this Appeal submission identifies some key inconsistencies between these polices and specific policy objectives included in the *Tallaght Town Centre Local Area Plan 2020*.

Therefore, the purpose of this Appeal is to address the reasons for refusal and to demonstrate that the proposed development does not negatively impact on the character of the Tallaght Architectural Conservation Area (ACA) and nearby Protected Structures. The proposal comprises a high quality, architecturally interesting, development that will deliver 37 no. apartments and a ground floor café and accords with the principles of proper planning and sustainable development. The proposed development is also wholly consistent with current National and Regional planning policy guidance.



1.3 Overview of the Planning Application (Reg. Ref. SD21A/0139)

Originally submitted scheme

O'Mahony Holdings SPRL applied to South Dublin County Council on 28th May 2021 for development at the subject site, described as follows:

"The development will consist of: the demolition of 3 no. existing apartment units (c. 239 sqm) and bin store (c. 18 sq m) and the construction of a residential development arranged in 2 no. building blocks, (Block A and Block B) ranging from 3 to 6 no. storeys in height over basement level (c. 3728 sq m, including basement). Block A comprises 11 no. residential apartments (c. 1256 sq m) in a 5 to 6 storey building, and including a ground floor level café (c. 93 sq m) at the building's southeastern corner. Block B comprises 15 no. residential apartments (c. 1393 sq m) in a 3 to 5 storey building. The proposed development will comprise 26 no. new residential units (5 no. studio apartments, 6 no. 1-bedroom apartments, 7 no. 2-bedroom apartments and 8 no. 3-bedroom apartments), with associated balconies and terraces. The proposed development will comprise a total of 40 no. apartment units derived from 26 no. new apartments and 14 no. existing apartments.

The development will also consist of: 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 no. car parking spaces and 74 no. long-stay bicycle parking spaces and 1 no. motorcycle parking spaces at basement level; 2 no. shared car parking spaces and 20 no. short-stay bicycle parking spaces at surface level (15 no. car parking spaces, 94 no. cycle parking spaces and 1 no. 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."



Request for Additional Information (RAI)

South Dublin County Council issued a *Request for Additional Information (RAI)* on 22nd July 2021. The RAI contained 12 No. Items, relating to the following issues:

- Plot ratio, visual impacts and impacts on existing residential amenity.
- Density, scale and impact on the adjoining and nearby Protected Structures and Tallaght Architectural Conservation Area.
- Height of Block B.
- Necessity of demolishing the existing 3-storey residential block.
- Balconies overhanging the public footpath.
- Material and colour finishes.
- Potential overlooking into adjoining properties.
- Sunlight & Daylight Assessment concerns.
- Transportation Planning.
- Surface Water Attenuation and SuDs.
- Masterplan and integration with the adjoining lands.

Applicant's Response to RAI

The Applicant's Response to the RAI, dated 15th November 2021, proposed the following revisions to scheme:

- The uppermost floor of Block B was removed (which was previously identified as the Fourth Floor), reducing the maximum built height to 4 storeys.
- The number of residential units was subsequently reduced from 40 no. to 37 no.
- Elevational treatments on Block A were simplified.
- Design and balconies were recessed to not overhang the public footpath.
- Windows were relocated and additional screening was provided to the terrace of Block B.
- 2 no. EV charging spaces provided at basement level.

In summary, the alterations proposed to address the RAI resulted in a building of 3-4 storeys in height or 14m to the parapet for Block B as measured from Old Greenhills Road.

This also resulted in a reduction to the gross floor area of Block B by 255.7 sq m, which resulted in the loss of 3 no. residential units which had been proposed.



1.4 Overview of Proposed Development

In headline terms, the proposed development, which is the subject of this *First Party Appeal*, seeks to demolish 3 no. existing apartment units and bin store (as previously described) and construct 2 no. apartment building (Block A and Block B). Block A comprises 11 no. residential apartments (c. 1250 sq m) in a 5 to 6 storey building and includes a ground floor level café (c. 93 sq m) at the building's south-eastern corner. Block B comprises 12 no. residential apartments (c. 1,138 sq m) in a 3 to 4 storey building. The proposed development will comprise 23 no. new residential units (4 no. studio apartments, 5 no. 1-bedroom apartments, 6 no. 2-bedroom apartments and 8 no. 3-bedroom apartments), with associated balconies and terraces. A total of 37 no. apartment units is proposed (derived from 23 no. new apartments and 14 no. existing apartments).

All other elements of the originally submitted scheme will remain unchanged, therefore the proposed development will also include the following:

- Relocation of existing basement access on Old Greenhills Road and the upgrade and extension of the existing basement level.
- Private, communal and public open spaces (incl. children's play area).
- 13 no. car parking spaces at basement level (incl. 1 no. space for mobility impaired users and 2 no. EV charging space) and 2 no. shared car parking spaces at surface level
- 74 no. long-stay bicycle parking spaces at basement level; and 20 no. short-stay bicycle parking spaces at surface level (94 no. cycle parking spaces).
- 1 no. motorcycle parking space.
- All associated ancillary site development and excavation works above and below ground.

We refer the Board to the architectural drawing pack, prepared by TOT Architects, submitted to South Dublin County Council as part of the RAI Response.



2.0 SITE LOCATION AND SURROUNDING CONTEXT

2.1 Site Location and Description

The subject site is an infill urban site of approximately 2,342 sq m (c. 0.23 ha) and forms part of a larger triangular landbank in Tallaght Village, Dublin 24. The application site is bounded by St. Basil's Training Centre ('Youthreach Priory') to the north, 3 no. single storey cottages and Old Greenhills Road to the west, a brownfield undeveloped site (former Esso Service Station) to the south/southwest and by the Main Street/Greenhills Road junction to the southeast. The eastern portion of the site is currently developed with a residential scheme known as Greenhill's Court, permitted under SDCC Reg. Ref. SD04A/0731 (ABP Ref. PL06S.210123) and comprises 4 no. linked apartment blocks ranging in height from 2 to 4 storey over a basement car park (accessed via Old Greenhills Road).

The site adjoins land occupied by St. Basil's Training Centre (RPS. Ref 268), to the north. The Priory Demesne is located due west of the site and contains The Priory (RPS. RPS. Ref 269), St. Mary's Dominican Priory (RPS. Ref 270) and St. Mary's Dominican Church, Tallaght (RPS. Ref 273) and is characterised by 18th century architecture.

There are a number of major employment, educational (incl. Technological University Dublin), community and retail facilities, including The Square Tallaght Shopping Centre, within walking distance of the subject site. The area is also well served by public transport and there are several Dublin Bus stops located directly adjacent the site on Greenhills Road and on Main Street serving Nos. 27, 54A and 65 bus routes. The Square Tallaght Shopping Centre and other nearby bus stops serve several Dublin Bus routes, including Nos. 27, 54a, 65, 65, 76a, 77-N and 77a. The Square Tallaght Luas station (Red line) is located c. 1.2km west of the subject site and there are a number of regular bus services which connect the subject site to this station. Additionally, Core Bus Corridor (9: Greenhills to City Centre) will run directly adjacent to the western site boundary and deliver an enhanced bus system which will offer to serve residents and employees of the proposed development.

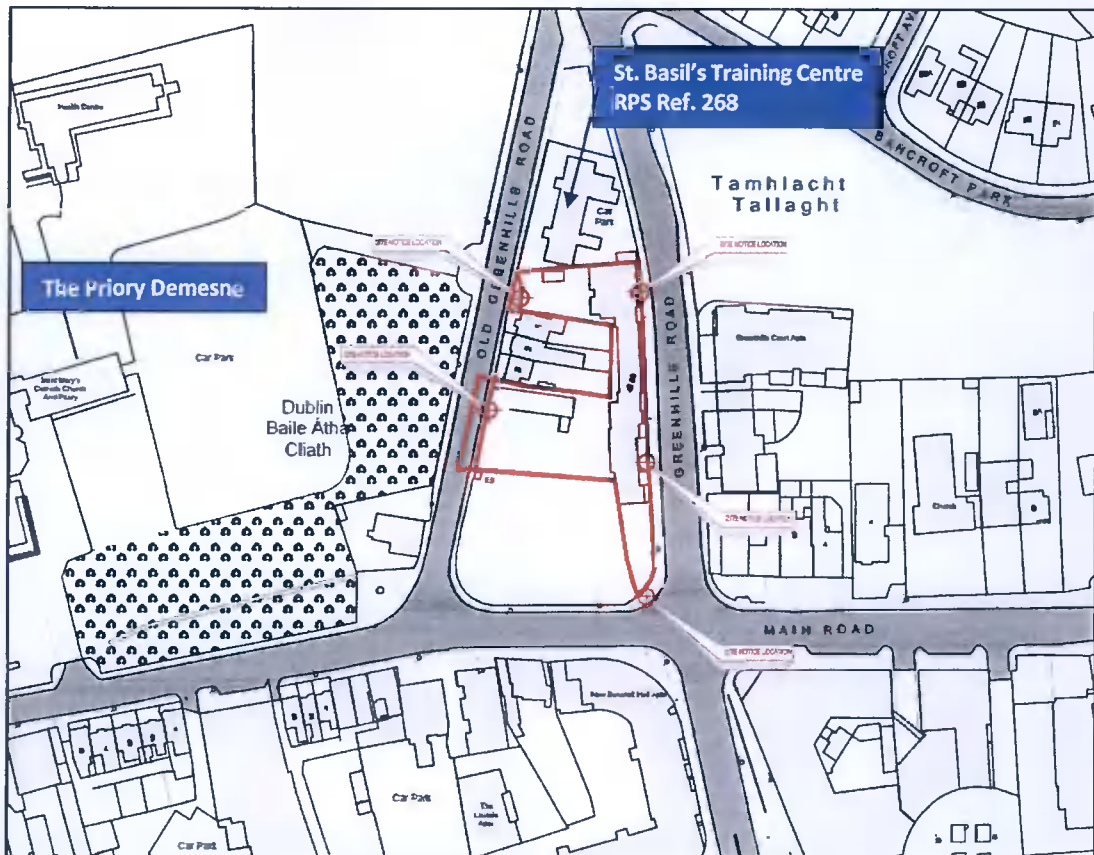


Figure 1. Extract from the Site Location Map (source: TOT Architects, cropped by TPA, 2022)

Please note: South Dublin County County's Planning Portal and planning assessment documents for Reg. Ref. SD21A/0139 shows the application address as being 'St. Basil's Training Centre, Greenhills Road, Tallaght, Dublin 24'. We wish to confirm that the planning application site, nor its boundaries, encroach upon the adjoining site known as 'Priory Youthreach (i.e., St. Basil's Training Centre).'



Figure 2. 2D image showing the built form in the surrounding area (source: Google Earth, cropped and annotated by TPA, 2022.)



Figure 3. Street image of the existing Greenhills Court residential development (source: Google Maps, cropped by TPA, 2022).



Figure 4. Street view of the existing vacant site on the corner of Main Street and Old Greenhills Road (source: Google Maps, cropped by TPA, 2022.)

2.2 Surrounding Architectural Heritage

Tallaght Architectural Conservation Area.

The application site is located partially within, but primarily adjacent to, Tallaght Architectural Conservation Area (ACA) on its western boundary (See Figure 5).

According to the background document 'Tallaght, Architectural Conservation Area' published by South Dublin County Council (and supported by The Heritage Council)³, the main features which contribute to the character of the ACA include:

- A shared palette of materials including natural slate, granite, limestone, brick chimney, cast-iron rainwater goods, renders, timber sash windows and doors and boundary walls.
- Volume or massing, plot size, and scale and height.
- Repetitive patterns including chimneys, windows and door openings.
- Streetscape, roofscape, views, and setting, the pattern of roofs including shapes and heights, and views towards public buildings – in particular towards the priory, and open spaces.

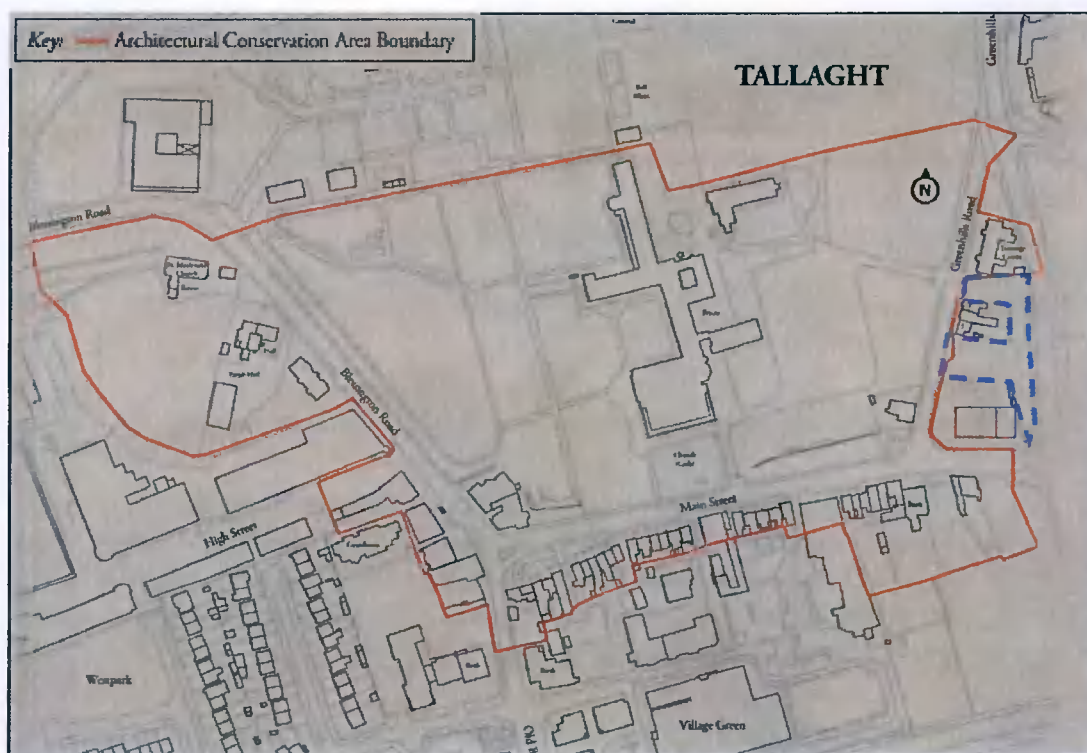


Figure 5. Map showing the Tallaght Architectural Conservation Area boundary in red, with the subject site represented with a blue dashed line (source: SDCC website, cropped by TPA, 2022).

³ <https://www.sdcc.ie/en/services/planning/local-area-plans/tallaght-current/development-background/tallaght-architectural-conservation-area.pdf>

St Basil's Training Centre (RPS. Ref 268)

St. Basil's Training Centre, which bounds the subject site to the north, is a detached ten-bay single-storey training centre with two projecting porches, built c.1940.

National Inventory of Architectural Heritage (NIAH) appraisal:

"This building largely retains its original aspect, including its boldly articulated chimney stacks. Still in use, it has been a valuable constituent of the social fabric of the area since it was built."



Figure 6. Street image of St. Basils Training Centre (source. Google Maps, cropped by TPA, 2022).

The Priory Demesne, Tallaght (RPS. Ref 269, 270 and 273)

St. Mary's Dominican Priory is a detached multiple-bay three-storey with attic Gothic Revival priory, built c. 1863.

The National Inventory of Architectural Heritage (NIAH) appraisal states:

"The priory and church continue the long ecclesiastical history of Tallaght, built on the site of the Medieval country residence of the Archbishops of Dublin, parts of which were subsumed by the present priory. These buildings, designed by J.J. McCarthy, are characteristic of nineteenth-century institutional architecture in Ireland and provide a focus for Tallaght itself."

St. Mary's Dominican Church is a detached gable-fronted Gothic Revival church, built c. 1886.

The NIAH appraisal states:

"This church is visually and spiritually the focus of Tallaght and the priory, so the architecture reflects this. It employs references to Moorish traditions. Bold treatment of buttresses creates well-defined rhythm to nave, creating visual excitement. This is continued in the elegant later concrete extension. Fine decorative detail including strapwork."

The Priory Demesne is surrounded by a significant number of trees which screen the full site, and the buildings within, from view from the surrounding streets and also the subject site. An extensive open surface car park also occupies the eastern area of the Priory and intervenes between the Protected Structures within the site and the subject site.

For further details on the Tallaght ACA, surrounding Protected Structures and other buildings of historical and heritage significance, we refer the Board to the documentation prepared by ARC Architectural Consultants Ltd., submitted as part of Reg. Ref. SD21A/0139 and with this Appeal submission.



Figure 7. St. Mary's Dominican Priory (source. NIAH website, cropped by TPA, 2022).



Figure 8. St. Mary's Dominican Church (source. NIAH website, cropped by TPA, 2022).



3.0 PLANNING POLICY CONTEXT

This section will have regard to the planning policy context relevant to the assessment of the proposed development. The key policy and guidance documents that this section has regard to are:

- *South Dublin County Development Plan 2016-2022.*
- *Tallaght Town Centre Local Area Plan 2020.*
- *National Planning Framework – Project Ireland 2040.*
- *Regional Spatial and Economic Strategy (RSES) – Eastern and Midland Regional Assembly.*

3.1 Land Zoning and Policy

Land Zoning

The *South Dublin County Development Plan 2016 -2022* ('Development Plan') designates the land use zoning objective VC ('Village Centre') which aims "to protect, improve and provide for the future development of Village Centres." (Section 5.1.2.) 'Residential' and 'restaurant/café' are permissible uses in this zone.

In relation to the VC Zoning Objective, the *Development Plan* states:

"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."

We contend that the proposed development conforms to the above definition and is suitable for the zoning objective applicable to the site, particularly as the subject proposal seeks to provide a mixed-use scheme with an active street frontage.

Tallaght Town Centre Local Area Plan (LAP)

Tallaght Town Centre Local Area Plan 2020 is the relevant statutory plan which applies to the site. The Plan sets out an Urban Framework for seven areas in Tallaght. The subject site is located in 'The Village' which has the objective to "consolidate existing retail, town centre and mixed use residential neighbourhood within a high quality place of intimate scale respecting the historic character of the place."

We note that Objective VL1 of the LAP encourages 'consolidation of mixed use residential uses'.

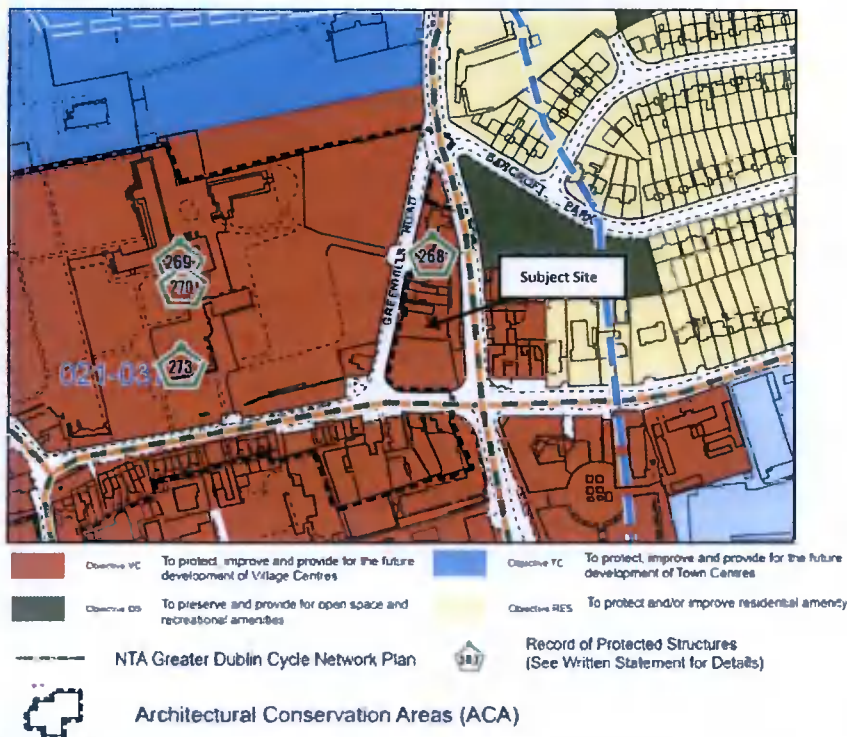


Figure 9. Map showing the location of the Subject Site, which is zoned VC 'Village Centre' (source: Extract from Map 9 South Dublin Development County Plan 2016-2022, cropped and annotated by TPA 2022.)

The 'as published' Draft South Dublin County Development Plan 2022 - 2028 shows that the zoning regime for the subject site will remain unchanged.

3.2 National Policy Support for High Density Development

National Planning Framework – Project Ireland 2040

On page 14, the National Planning Framework (NPF) sets out 'Shared Goals – Our National Strategic Outcomes', which includes "Compact Growth".

The relevant policy objectives includes:

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

The following NPF National Policy Objectives (NPO) are of particular relevance:

NPO 6: "Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area".



*NPO 13: "In urban areas, planning and related standards, **including in particular building 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."*

*NPO 33: "To prioritise the **provision of new homes** at locations that can support sustainable development and at an appropriate scale of provision relative to location."*

*NPO 35: "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 emphasis).*

Regional Spatial and Economic Strategy (RSES) – Eastern and Midland Regional Assembly

The RSES seeks to build upon the objectives of the NPF and identifies regional assets, opportunities, pressures and provides appropriate policy responses in the form of Regional Policy Objectives (RPOs).

It is considered that the following policy objectives are of particular relevance, with which the subject development proposal is fully consistent:

"For urban-generated development, the development of lands within or contiguous with existing urban areas should be prioritised over development in less accessible locations. Residential development should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised."

The suitability of the subject site in terms of providing an ideally located new mixed-use, high density, scheme is demonstrated by Regional Policy Objective 4.3 which states:

"RPO 4.3: Support the consolidation and reintensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects".



4.0 GROUNDS OF APPEAL

In its *Notification of Decision to Refuse Permission* for Reg. Ref. SD21A/0139 dated 13th December 2021, SDCC set out 3 No. reasons for the refusal of the proposed development.

We provide below our grounds of appeal in response to each of the 3 No. Reasons for Refusal, which we submit will show that a refusal of permission of the proposed development is not the correct decision in this case.

4.1 Reason No. 1

SDCC's Reason for Refusal No. 1 states:

"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."

Ground of Appeal

In the First Reason for Refusal, SDCC consider that the proposed plot ratio of 1.52:1 is excessive and would therefore materially contravene the LAP which indicates a guiding plot ratio of between 0.75:1 (Low) and 1:1 (High) for sites located in 'The Village'. We submit that a refusal based solely on plot ratio by a Planning Authority is unusual. Ultimately, SDCC consider that the plot ratio, as well as density and height, is excessive in the context of the character of the area, which is a designated ACA, and its proximity to nearby Protected Structures, including the single-storey St. Basils Training Centre to the north of the site and the Priory Demesne on the opposite side of Old Greenhills Road.

The site is a small infill site in a built-up urban area within Tallaght. We contend that there is justification for increased plot ratio above the specified levels to ensure maximum development potential in a central and accessible location in the Dublin Metropolitan Area. We note that such is contingent on the proposal being satisfactory in the context of its visual impact and context in an ACA/adjoining existing Protected Structures as well impact on the amenities of adjoining properties.



In this regard, Section 2.6 (Intensity of Development) of the LAP states that '*Plot Ratio, Height and Built Form will be used to determine and assess the intensity, scale and bulk of development in the Plan lands*'. It is therefore important to assess the proposed development against each of these aspects rather than plot ratio in isolation. We set this out below commentary.

What is Plot Ratio?

Plot ratio expresses the relationship between the area of a site and the floor area of a building. In simple terms, plot ratio allows a building to occupy a large portion of a site and be low rise or allow a building to occupy a small portion of its site and be medium/high rise. The plot ratio is calculated by dividing the gross floor area of a building (GFA) by the site area. The GFA is '*the sum of all floor space within the external walls of the buildings, excluding plant, tank rooms and car parking areas*' (Section 2.6.1 of the LAP).

In our view, it is a blunt instrument in determining the appropriateness of a proposal without considering various aspects of its overall design and locational context. Maximum plot ratios should not be considered as an automatic and across-the-board specification, but a general guidance for the maximum plot ratio to be considered or tested for individual sites for residential development (primarily), where there is scope to allow such an increase in terms of infrastructure capacity and planning considerations.

Plot Ratio Standards in the LAP

The LAP advocates that plot ratio should form the basis of density controls in the Tallaght LAP area. This reflects the stance that the massing, height, spacing and built form of Tallaght Village is established and is a key feature of the character of the area. We submit that such solutions are seldom able to deal with the special nature of each individual site and its location.

As outlined previously, the LAP provides a plot ratio of between 0.75:1 and 1:1 for 'The Village'. Section 2.6 of the LAP provides scope to justify for increased plot ratio and potential higher buildings at certain locations (e.g. key or landmark sites) subject to a exceptional building design which will result in a significant public gain and includes mixed uses at ground floor. This provision applies to sites directly adjacent to '*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*).'

This allowable flexibility enables additional floor area in exchange for high quality designed building at key or landmark sites in close proximity to high quality public transport. However, SDCC do not consider that the flexibility in relation to the plot ratio should apply in this instance and considers Dublin Bus route No. 27 alone does not justify provision of a 'landmark building' and nor does it consider that the proposed development will provide '*significant public gain*'.



In response to this, firstly, we would argue that there is significant justification to allow increased plot ratio and building heights at this location. The development site is located in the 'Central and/or Urban Accessible Locations' category as per the *Apartment Guidelines, 2020* which promote high density apartment developments on appropriately zoned land in appropriate locations in line with the above referenced NPF overarching policies in relation to encouraging residential development within existing urban settlements. The application proposes a gross residential density of c. 158 units/per hectare.

We have applied the 'Central and/or Urban Accessible Locations' locational criteria below to demonstrate the alignment of the application site with this category

Central and/ or Accessible Urban Locations	
Criteria	Application Site
Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions.	As existing, the application site is not located within walking distance of a city centre but is located close to TU Dublin (c. 650 metres) and other employment locations including Tallaght village centre and The Square Tallaght. There are also a number of schools in close proximity, namely, St. Mary's National School, St. Dominic's National School, Scoil Aonghusa and St. Rose's National School which jointly would employ a notable number of people within the vicinity and wider area.
Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas)	The Tallaght Luas stop is within a 10-15 minute walking distance of the site which provides direct access into both Dublin city centre, The Square Tallaght and the surrounding area. Current Luas services run at an average frequency of 4-minute intervals during peak periods.
Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.	The application site is within a short walking distance of high frequency urban bus services (Dublin Bus routes Nos. 27, 54A and 65). The surrounding bus network will be improved with the introduction of Bus Connect Corridor 9 (Greenhills to City Centre). This route will run directly adjacent to the application site along Old Greenhills Road at regular intervals and provide seamless interchanges between bus services, Luas and Dublin City Centre (as part of this proposal, car parking on Old Greenhills Road will be removed).

Table 1: Central and/or Accessible Urban Location Criteria. (*Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)*).

We submit that the locational characteristics of the site deems it wholly suitable for higher density development. This view is also shared by SDCC.

The Planner's Report, dated 22nd July 2021, states:

"...The application site is not located within walking distance of a city centre but is located close to TU Dublin and other employment locations. The application site is located approximately 15/20 minutes (walking) away from the Tallaght Luas stop and within walking distance of high frequency urban bus services so would appear to correspond with some but not all of the central/and or accessible urban locations. The Apartment Guidelines do state that the range of locations outlined above is not exhaustive and will require local assessment and other relevant planning factors."

Secondly, we submit that the design, height, scale, and material finishes have been carefully selected by TOT Architects, who have provided a full, detailed, design rationale statement explaining how the scheme evolved in the context of the surrounding character and sensitive context (See enclosed *Architect's Design Rationale Additional Information* incl. *Appendix Response to Reason for Refusal No. 2*, prepared by TOT Architects). In particular, proposed Block A will act as a focal point/landmark on the corner of Main Street and Greenhills Road and provide an active frontage at street level. Block A, in tandem with the future development on the adjoining site, will signify the end of the ACA and will distinctly stand out as a modern intervention on the surrounding landscape. Block A will also see the continuation of building heights as seen along Greenhills Road and form part of the vista looking northwards from the junction of Greenhills Road and the N81. At key positions like end points of vistas there are cases for increased massing, however, this 'design-led' approach is at odds with the plot ratio-based controls.



Figure 10. Photomontage showing the proposed Block A from the N81 to the south of the site (source: Redline Studio, cropped by TPA, 2022)



Section 2.6.1 of the LAP provides another route for justifying 20% additional plot ratio which is more onerous when compared to the flexibility provided for in Section 2.6 as discussed. This section states that flexibility will *'generally be applicable where there is a strong design rationale for an increase in density/height and the development will result in a significant public gain, includes:*

"A significant public gain includes:

- *The dedication of part of the site for public open space including parks and plazas, above the standard 10% requirement for public open space on site.*
- *The creation of streets and links that provide access through and access to a site.*
- *Major upgrades to streets surrounding the site including works such as street widening, new enhanced junctions and crossing points and realignments.*
- *Provision of community and/or cultural amenities that will significantly contribute to the social infrastructure in the area; and/or*
- *Other public domain works or improvements to be agreed with the Council."*

Notwithstanding that 10% of the application site is provided as public open space, we contend that the above criteria is more applicable to larger development sites or sites set aside for neighbourhood regeneration (e.g. Cookstown), rather than smaller infill site (c. less than 0.25 hectares).

Due to the small nature of the site (c. 0.23) and its constrained layout, it would not be feasible to create new street/links through the site or include the provision of significant community and/or cultural amenities. The layout of the proposed scheme facilities the creation a pedestrian and cyclist link adjacent to the south-west corner Block A once the adjoining site is brought forward for development (See 'Site Analysis' contained within the Design Rationale Report, prepared by TOT Architects).

We contend that the proposed development will provide significant public gain by providing an appropriately designed mixed use development (housing units and a café) which will include high quality landscaping, at a prominent site in Tallaght Village which is currently derelict, underutilised and vacant in excess of 20 years.

Plot Ratio and Building Height

As part of the RAI, issued by SDCC, dated 22nd July 2021, it was suggested that the applicant reduce the scale of Block B, in conjunction with retaining the 3-storey block, to alleviate concerns relating to the excessive plot ratio. Concerns regarding Block A specifically related to the material treatment on its northern end.



The concluding point of the AI Planner's Report, dated 22nd July 2021, notes the following:

"...the treatment of the southern wing of the south-eastern Block, Block A, is considered to be positive, in anticipation of further development of the former Esso filling station site. The proposed unit and tenure mix and proposed height of Block A are supported by LAP policy. With a reduction in overall scale and a more sensitive treatment of the Architectural Conservation Area and the single-storey terraces on Old Greenhills Road, the proposed development may be acceptable to the Planning Authority."

As part such, Item 1 of the RAI included the following:

"(a) The proposed plot ratio exceeds the maximum plot ratio in the Village neighbourhood area by 63%, as per section 3.4 of the Tallaght Town Centre Local Area Plan. Though the heights are indicated as being allowable under the Plan, the transition in height and character of Block B is not acceptable relative to its context on Old Greenhills Road, part of the ACA. The applicant is requested to reduce the scale/intensity of the proposed development to comply with the Tallaght Town Centre Local Area Plan 2020 - 2026, and to comply with the requirements of the SDCC Architectural Conservation Officer.

(b) In particular, the 5-storey element of Block B should be set further back from the northern boundary or lowered. The proposed treatment would have an overbearing visual impact and subsequently impact the residential amenity to adjoining terraces." (our emphasis).

We submit that the Planner's Report, and the RAI, suggested that Block B in particular, by way of height and design, was unacceptable. Block A was considered by SDCC's Planning Officer as 'positive' in anticipation of the adjoining site being developed in the future.

In response to the RAI, the material design of Block B was amended, and the height of the block was reduced from 3-5 storeys to 3-4 storeys (decrease of c. 3 metres) and setback further from the northern boundary. This resulted in the loss of 3 no. units in total and a decrease in plot ratio from 1.63:1 to 1.52:1. SDCC's Architectural Conservation Officer considered that height and scale of the proposed development had not been significantly reduced and was still unacceptable in terms of impacts on the ACA and the proposal should be further reduced to ensure a sensitive new development on Old Greenhills Road and within the Architectural Conservation Area.

The commentary provided in the AI Planner's Report, dated 13th December 2021, contradicts the initial assessment of the originally submitted scheme and noted that it was now considered that both apartment blocks were unacceptable:

"The applicant has reduced the height of Block B, which is welcomed, however there are still concerns with the lack of information provided to allow a full assessment of this buildings with regards its impact on the ACA and the Priory and protected structures (this is further set out in Item 2). However, Block A is still at 6 storeys. There are concerns that a building of this



scale will undermine the character of the ACA and harm the setting of the Priory and the protected structures. A building of this height and scale contributes to the plot ratio of 1.52. A reduction on the height of the building is needed to address concerns relating to plot ratio and impact on the ACA and protected structures. No changes have been made to the bulk and height of this building which is unacceptable”.

“... Higher intensity and densities (measured by height and plot ratio) are considered appropriate elsewhere under the LAP, and the LAP generally is envisaged to deliver a significant portion of new housing required under regional and national policy, and in a manner consistent with that policy. There is no justification to exceed the plot ratio standards by half on this site, with reference to the National Planning Framework or the Regional Spatial and Economic Strategy.”

We submit that the SDCC assessment has not had sufficient regard to National Planning Policy, which seeks to encourage development in centres that generate housing and employment and consolidate development in urban locations which are accessible to high capacity, frequent public transport infrastructure. Additionally, the suggestion that higher intensity and densities should be directed only to specific areas within the LAP conflicts with National and Regional policy (discussed in Section 3.2 of this submission) which supports higher density developments proximate to high public transport corridors and/or large employment area. We submit that each development proposal should be considered on its own merits and the subject site should be no different.

Chapter 6, Section 6.2.3 of the LAP (New Development in Architectural Conservation Areas) makes reference to the *Urban Development and Building Height Guidelines (2018)*. These *Guidelines* provide clear criteria to be applied when assessing applications for increased height, particularly for new development adjacent to designated ACA's. The *Guidelines* describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. Below we provide justification for the proposed height and density at this location in accordance with SPPR3 of the *Guidelines*. This is alongside consideration of other relevant national and local planning policy standards, including the National Policy Framework, and particularly NPO 13 concerning performance criteria for building height, and NPO 35 concerning increased residential density in settlements.

Scale	Criteria	Response
City / Town	Access to Public Transport;	There are several Dublin Bus stops located directly adjacent the site on Greenhills Road and on Main Street serving Nos. 27, 54A and 65 bus routes. Other nearby bus routes include Nos. 27, 54a, 65, 65, 76a, 77-N and 77a. Tallaght Luas Stop is within walking distance and Bus Connects Corridor 9 will run directly adjacent to the site in the future.



	Appropriate Visual Integration;	The application was accompanied by a number of appropriate assessments including a LVIA and CGI/Photomontage images which show how the proposal would integrate with its surroundings.
	Contribution to place-making;	The proposal includes public open space and a large communal open space which can be fully integrated with the adjoining southern site and contribute to the urban environment at this location.
District / Neighbourhood / Street	Contribution to the streetscape;	Architecturally, the buildings are of high-quality design and will be a welcome, modern addition to the streetscape. The café will provide active street frontage along Main Street and Greenhills Road while and the apartments will off passive surveillance over the streets beneath and open space areas,
	Avoidance of long monolithic walls;	The blocks are punctuated by fenestration and design detail. Monolithic walls are avoided.
	Contributes to the improvement of legibility;	Legibility through the site will be vastly improved, particularly for residents of the existing block.
	Contributes to the mix of uses and / or dwellings in the neighbourhood;	The development provides a mix of residential unit types providing studio, one-, two- and three-bedroom units. In addition, generous communal open space are also provided within the scheme.
Site / Building	Maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light;	The proposed blocks have been designed in order to provide a high standard of residential amenity – see the <i>Daylight, Sunlight and Shadow Assessment(s)</i> submitted as part of the Planning Application and RAI Response
Specific Assessments	Assessment of micro-climatic effects;	As the proposed development is of moderate scale and height, up to six storeys, it is not considered that micro-climatic impacts will arise.



Assessment of impacts for development locations proximate to bird and / or bat areas;	The application was accompanied by an Ecological Impact Assessment and AA Screening which outlined no long-term negative impacts to biodiversity are predicted to arise from this development.
Assessment that the proposal allows for retention of telecommunication channels;	The proposed development will not impact any telecommunication channels, as heights of only 3 – 6 storeys are proposed.
An assessment that the proposal maintains safe air navigation;	An Aeronautical Assessment is not considered necessary as the maximum height of the proposed scheme is six storeys.
An urban design statement;	An Architectural Design Statement has been prepared by TOT Architects and details the design rationale for the proposal.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	A SEA is not required. An AA Screening have been undertaken in respect of the proposal. No significant effects will arise from this project to designated European Sites.

SPPR 3 states that where a Planning Authority is satisfied that a development complies with the criteria under Section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

In this case, the LAP indicates a between 4 - 6 storeys for residential or 3 - 5 storeys commercial development. Block A will be 6 storeys and Block B will be 3-4 storeys, which Figure 3.10 (Overall Urban Structure and Building Heights) of the LAP denotes as suitable for a building height of a mix of 4 – 6 storeys. We hold the view that SDCC's views on the maximum allowable plot ratio is in direct conflict with the building height strategy for 'The Village' and the subject site.

With regard to the above, it is considered that the proposed development is consistent with the requirements of these *Guidelines*.



Conclusion points

The plot ratio of 1.52:1 exceeds the recommended maximum plot standard for 'The Village' (1.2:1). We consider that this plot ratio is appropriate considering:

- National Policy direction on increased building heights and intensification of development in suitable locations, particular those proximate to public transport.
- The height of the development complies with the indicative height strategy (Figure 3.10 'Overall Urban Structure (The Village)') of LAP.
- The height (3-4 storeys), scale and design of Block B, is sensitive to the ACA, nearby protected structures and surrounding character.
- Block A is six storeys in height and is wholly appropriate for a corner site at this location.
- The design of the development does not preclude the further redevelopment of the adjoining southern site.
- The residential amenity of the adjoining properties will not be compromised by way of overlooking or overshadowing.
- The existing residents of Greenhills will be provided with a high quality landscaped communal open space that will be enjoyed by all.
- Future residents of the proposed development will be provided with high-quality, comfortable, living spaces.

Notwithstanding the points above, should the Board consider that the reduction in height is required to alleviate some of the concerns raised by SDCC, we can confirm that the applicant is happy to accept a condition that requires the reduction in height of one storey from Block A. This may reduce the perceived overall visual impact of the proposed development when viewed from the ACA, the Priory and Main Street in particular. The parapet height of the building would then align with the building form and heights along Greenhills Road towards the N81. The transition in building height from the existing development to the proposed development would be 4 - 5 storeys, rather than a 4 - 6 storeys. We do however further highlight that every effort has been made to alleviate SDCC's concerns through the revisions at RAI stage. We submit that the height and scale of Block B is wholly appropriate and complies with the indicative building height of 4 storeys within the LAP as discussed.



4.2 Reason No. 2

SDCC's Reason for Refusal No. 2 states:

“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.”

Ground of Appeal

We refer the Board to the following enclosed documentation in response to the above Reason for Refusal:

- *Architect’s Design Rationale Additional Information* (incl. Appendix Response to Reason for Refusal No. 2), prepared by TOT Architects.
- *Architectural Heritage Appraisal*, prepared by ARC Architectural Consultants Ltd.

We would like to highlight that SDCC’s AI Planners Report, dated 13th December 2021, states that the Design Rationale which formed part of the RAI Response could not be located in the plans & particulars submitted. SDCC chose not to seek clarification of additional information to obtain the Design Rationale document. Whilst we confirm that this document accompanied our submission, this document is also enclosed with this Appeal Response.

Architect’s Design Rationale Additional Information

This document includes an ‘Appendix’ which responds specially to Reason for Refusal No. 2. It demonstrates how the existing historic buildings and groups of structures which make up the architectural character of an ACA have informed and steered the design process and includes a full site analysis. It also includes a history of the scheme as it evolved from the first pre-planning meeting (which occurred on 11th of February 2021) up to RAI stage.



Architectural Heritage Appraisal

This document has prepared by an accredited Conservation Architect and specifically responds to concerns raised by SDCC's Architectural Conservation Officer. It concludes that while the proposed development will give rise to some change in visual character in the immediate surroundings, the proposed development is relatively modest, especially when compared to existing recent developments immediately adjacent to and within the Tallaght ACA. It is also considered that while Block A is distinctive, six storeys is not excessively high and stresses that *'neither height nor distinctive design are the enemies of Architectural Heritage'*.

Both documents should be considered in conjunction with the response provided against Reason for Reason No.1 above.

4.3 Reason No. 3

SDCC's Reason for Refusal No. 3 states:

"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 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."

Ground of Appeal

We refer the Board to the following enclosed documentation in response to the above Reason for Refusal:

- *Appeal to An Bord Pleanála* (Documents No. 202253-PUNCH-XX-XX-RP-C-0008), prepared by PUNCH Consulting Engineers.

This document provides a number of reasons why the quantum of car parking provided to serve the proposed development is appropriate, which includes the site's proximity to high quality public transport and employment area, the *Development Plan* car parking rates are 'maximum' standards and the quality and quantity of the bicycle parking spaces provided. This Appeal submission is also accompanied by a letter from the Applicant which provides further details with regard to the use of the existing basement car park.



5.0 OTHER MATTERS

Adjoining Vacant Site

it is acknowledged that an amalgamation of the subject site with the adjoining lands would be preferable in order to develop the block as a whole under a single planning application. The Applicant, O'Mahony Holdings SPRL, has made various attempts to either purchase the adjoining site, or come up with an integrated design solution for both sites combined (Refer to the timeline letter, prepared by the applicant submitted with the RAI Response). The Applicant approached the adjoining landowners again in late 2021 and made a further offer to purchase the site. The offer was not accepted despite lengthy meetings taking place.

The enclosed *Architect's Design Rationale Additional Information*, prepared by TOT Architects, (which SDCC could not locate in the RAI Response documentation) outlines the various design solutions which have been explored and included as part of the proposed development which will allow for both sites to be fully integrated in the future (Refer to Section 6.0 of the enclosed *Architect's Design Rationale Additional Information*). We submit that every effort has been made to ensure that the development of the southern lands is not compromised.

Draft South Dublin Development Plan 2022-2028

Draft South Dublin Development Plan 2022-2028 includes Appendix 10 (Building Height and Density Guide). Section 05 includes number of notional development scenarios based on typical contexts wherein increased building heights and higher densities might be accommodated. The subject site and the adjoining site are included as a case study under 'Infill Site | Village Centre' setting.

The height strategy showcases a low-rise block long adjacent to Greenhills Road (c. 1-2 storeys), stretching westwards to match the building line of the existing cottages, allowing for a small area of central open space. An 'amplified building height' is shown to the north of Main Street and a 'Vertical expression to bookend development and create marker at roads intersection' is shown at the corner of Main Street and Greenhills Road (See Figure 11).



Figure 11. Extract from the indicative block plan included in Appendix 10 (Building Height and Density Guide) of the Draft South Dublin Development Plan 2022-2028 (cropped by TPA, 2022).

We acknowledge that the block plan is indicative, however, for reasons outlined throughout this appeal submission, the scenario as shown is not conducive and does not align with National and Regional planning policy which seeks to support higher densities and higher buildings on infill, serviced, sites in close proximity to high quality public transport.

6.0 CONCLUSION

6.1 We Seek that An Bord Pleanála Grants Permission for the Proposed Development

To recap, the proposed development seeks to demolish 3 no. existing apartment units and construct 2 no. apartment buildings (Block A and Block B) and a ground floor café. The proposed unit mix will comprise 4 no. studio units, 5 no. 1-bed units, 6 no. 2-bed units and 8 no. 3-bed units. The proposed development will comprise a total of 37 no. apartment units (incl. the 17 no. retained units).

The proposed development complies in full with the zoning objectives, standards, policies, and recommendations as set out in the *South Dublin Development Plan, 2016-2022* and national, regional, and local policy guidance documents. We fundamentally disagree with the Planning Authority's Reasons for Refusal and are of the opinion that the site is respectful of its surroundings.

In summary, we do not accept that the stated Reasons for Refusal are justified, having regard to:

- The location of the subject site which lies predominantly outside the Tallaght ACA.
- The high-quality design of the proposed buildings which are fully cognisant of the surrounding village character and protected structures.
- The site's location in the established area of Tallaght, proximate to several Dublin Bus routes, future Bus Connects Corridor and Tallaght Luas stop.
- The proposed heights of the buildings are supported by LAP policy.
- The proposed unit and tenure mix comply with LAP policy and comply with all internal floorspace standards as outlined in the *Apartment Guidelines, 2020*.
- The acute need to provide for much needed housing to meet demand within the South Dublin Area.
- The communal open space will be a vast improvement on the communal space currently offered to existing residents of Greenhill Court.
- The ground floor café will provide an active street frontage.
- Further potential to expand the existing basement car park with the adjoining southern site.

Furthermore, we consider that SDCC has not given due consideration to the provisions of the *National Planning Framework (NPF); Rebuilding Ireland Action Plan for Housing and*



Homelessness, (Government of Ireland, 2016); the Regional Spatial & Economic Strategy (RSES) or the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020 ('Apartment Guidelines, 2020').

We look forward to a favourable decision on this Appeal.

Yours faithfully

John Gannon
Director
Tom Phillips + Associates

Appendix A - SD21A/0139 - Notification of Decision to Refuse Permission



An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

Ian Boyle,
Tom Philips & Associates
80, Harcourt Street
Dublin 2

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

PROPOSED DEVELOPMENT AT GREENHILLS COURT, TALLAGHT

ARCHITECTURAL HERITAGE APPRAISAL

PREPARED A PART OF AN APPEAL TO AN BORD PLEANÁLA
AGAINST A DECISION BY SOUTH DUBLIN COUNTY COUNCIL TO REFUSE PERMISSION,
REGISTER REFERENCE SD21A/0139

JANUARY 2022





This short Architectural Heritage Appraisal has been prepared a part of an appeal to An Bord Pleanála against a decision by South Dublin County Council to Refuse Permission for a proposed residential development at Greenhills Court 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 south eastern corner by Main Street, Tallaght, Dublin 24, SDCC Register Reference SD21A/0139.

This appraisal relates to the second reason for refusal, the text of which is as follows:

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.

The site of the proposed development is part of a triangle of land between the new Greenhills Road and the Old Greenhills Road. This triangle of land is at an important location in the Tallaght area, at the intersection of the new Greenhills Road with Tallaght Main Street and Main Road. It would be reasonable to expect that the importance of this location would be marked by a development of significant scale and character.

The site of the proposed development runs along most of the eastern side of the triangle of land and crosses to the western side of the triangle at two locations at which locations the site has frontage onto Old Greenhills Road. On the eastern, Greenhills Road, side of the site there is an existing two to four storey residential development. St. Basils Training Centre is located at the north end of the triangle of land and is north of the site of the proposed development.

As part of the proposed development, it is proposed to demolish a three storey element at the southern end of the existing residential development and to construct a new long and narrow six storey building that will replace the demolished three storey element and extend southwards along the Greenhills Road coming to a point at the junction between the Greenhills Road and Tallaght Main Street / Main Road (Block A). This six storey element forms a continuation of an existing residential development, stepping up from two storeys at its north end, then to four storeys in the centre and now six storeys at the south end as it approaches the junction. The proposed six storey building is very distinctive in its form and architectural expression, reflecting the very particular character and location of this site.

On the western side of the site, facing onto the Old Greenhills Road, a new three-four storey residential building is also proposed as part of the proposed development (Block B). This three-four storey building is located near the southern end of the triangle of land. Neither the proposed six storey building nor the proposed three-four storey building are close to St. Basils Training Centre, RPS 268. Other buildings intervene, including the existing two to four storey development on the subject site.

The second reason for refusal, quoted above, indicates concern on the part of the Planning Authority about the potential for the proposed development to impact on the Architectural Heritage of the area. The site of the proposed development, because of its location at an important junction, is one where development is to be expected. Any development on the subject site must result in some change in the visual character of the immediate area, and if the subject site is to be developed at all, it must be accepted that development will result in change.

It is not clear why the proposed new three-four storey building on the site, which is the same distance from St. Basils Training Centre as the existing four storey building on the site, should be regarded as giving rise to an unacceptable impact on the heritage of St. Basils Training Centre. The proposed Block B is not 'adjoining' St. Basils Training Centre as is suggested in the second reason for refusal, but is set back some 38 metres

The triangle of land between the Old and new Greenhills Roads is a prominent development site where development of less than four storeys might be regarded as a failure properly to utilise the available land.

The proposed six storey building, Block A, is certainly distinctive, but at six storeys it is not excessively high given other development in that area. And neither height nor distinctive design are the enemies of Architectural Heritage. The best compliment to existing architectural heritage is new architecture of distinction.

Although Block A is a little unusual in its form, it seems likely that many observers will find it attractive and regard it as giving rise to positive impacts.

The second reason for refusal, quoted above, indicates concern on the part of the Planning Authority about the potential for the proposed development to impact on the Tallaght Village Architectural Conservation Area. The site of the proposed development is not within the Tallaght Village ACA, but is adjacent to it, and will be visible from some parts of the eastern end of the ACA. However, the potential for the subject development to impact on the ACA or on protected structures within the ACA is much less than impacts already resulting from much larger and much more extensive existing developments immediately adjacent to the ACA and openly visible from within the ACA.

As is pointed out in the official SDCC leaflet on the Tallaght ACA:

'Tallaght is the site of an Early Christian monastery which was founded by St Maelruain in the 8th century. St. Maelruain's Church, graveyard and tower now occupy the site of this monastery.'

St. Maelruain's Church and graveyard is, therefore, by far the most important historic site within the Tallaght ACA. Immediately to the south and west of St. Maelruain's Church and graveyard are modern very large and extensive commercial and residential developments. The impact of these developments on St. Maelruain's Church and graveyard, and therefore the ACA, is far greater than any impact likely to arise from the subject development.

The proposed Development will not be visible from the western end of the ACA and, therefore, will not be visible from the protected structures of St. Maelruain's Church, Tallaght & Monastic Enclosure (Ref 271); or, the Pair Of Semi-Detached Single-Storey Houses With Attic on the Blessington Road (Ref 272).

To the east and south east of the Tallaght ACA there are other extensive developments, mainly residential, ranging in height from three storeys to ten storeys. All of these developments are adjacent to the ACA and visible from the within the ACA. On the south side of the east end of Main Street there are modern three storey to five storey mainly residential developments actually within the ACA.

It is not clear why the very extensive existing developments within or immediately outside the Tallaght ACA, as referred to above, should be regarded by the Planning Authority as acceptable, but the subject development, which is much more modest in mass and extent than existing developments around the ACA, should not be regarded as acceptable.

St. Basils Training Centre, RPS 268

St. Basils Training Centre was constructed as St Mary's Boys and Girls National School circa 1930. The school was constructed on the site of a building indicated as 'Court House' on the 25 Inch Ordnance map of circa 1908. The site of St Mary's National School originally extended further to the east and south, and a small part of the north end of the site of Greenhills Court appears to have been originally attached to the school. There was an earlier national school north of the present St. Basils Training Centre, and this earlier school was shown on the First Edition Ordnance map of circa 1840 as well as on the 25 Inch Ordnance map of circa 1908. The front façade of St. Basils Training Centre faces onto the Old Greenhills Road, which is now a cul-de-sac, but the rear façade, facing onto the new Greenhills Road was clearly not designed to be seen and is an inelegant jumble of extensions.

The north end of the existing buildings at Greenhills Court adjoins the site of St. Basils Training Centre, but the two new blocks that form the current proposed development are not close to St. Basils Training Centre.

The Priory, RPS 269, 270 and 273

There are three protected structures on the Priory lands:

RPS 269:	The Priory, Tallaght:	Tallaght Castle Gate (RM)
RPS 270:	St. Mary's Dominican Priory, Tallaght:	Gothic Revival Priory
RPS 273:	St. Mary's Dominican Church, Tallaght:	Detached Gable-Fronted Gothic Revival Church

There are locations at the eastern side of the Priory Lands from which it may be possible to see part of the proposed development, but the proposed development is not likely to be openly visible from any of the three structures listed in the Record of Protected Structures.

The Tallaght Castle Gate is the partial remains of a mediaeval tower and is partly buried within the 1864 Gothic Revival Priory buildings. The visible part of the Tallaght Castle Gate faces north away from the proposed development and the proposed development is unlikely to give rise to any impact on the setting of the Castle Gate.

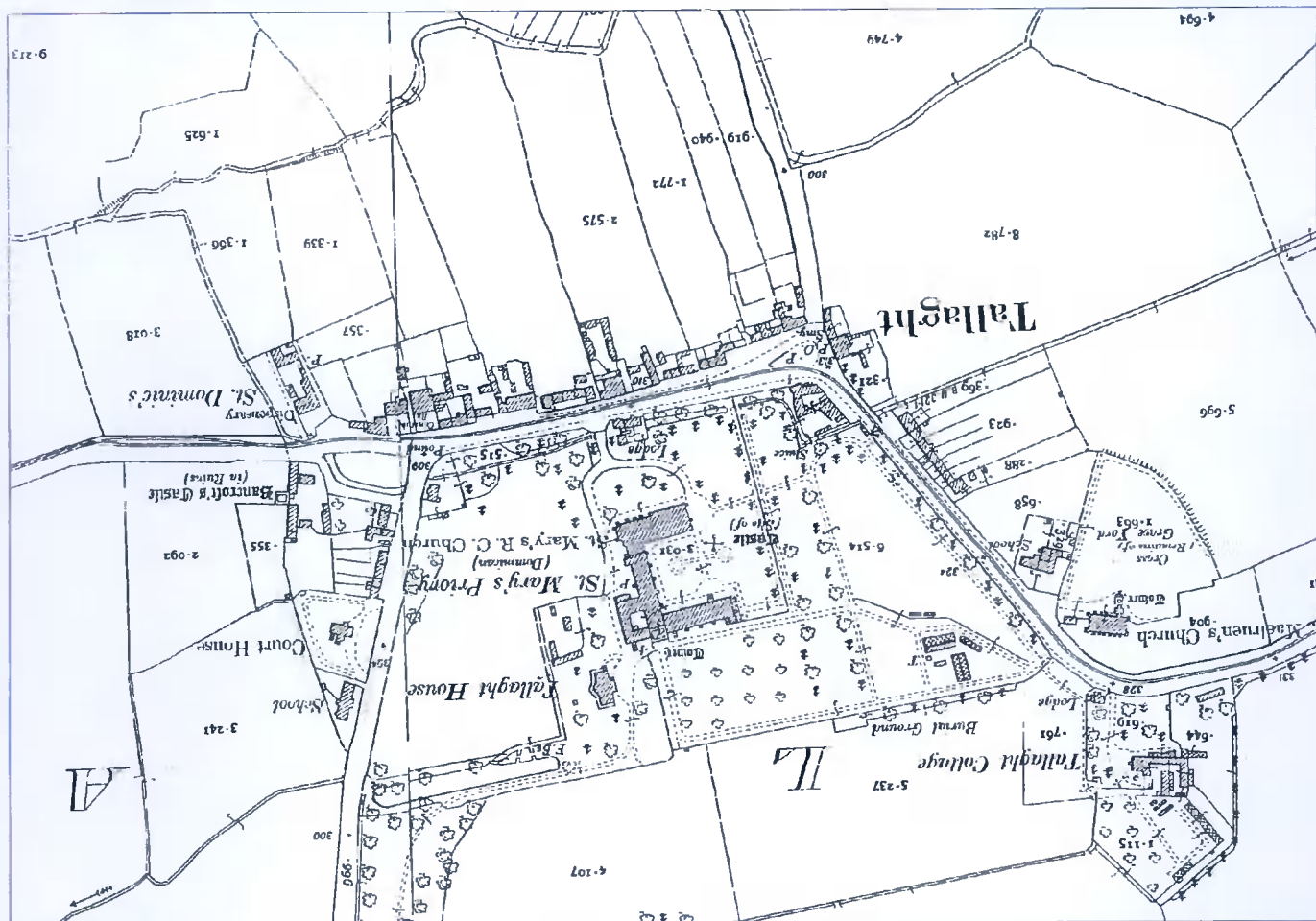
The Gothic Revival Priory is a 'L' shaped range of tall three storey accommodation with an attic level lit by dormers. The main facades of the Gothic Revival Priory face into a courtyard on the western side of the Priory and away from the subject site. There may be some visibility of the proposed development from part of the upper levels of the Gothic Revival Priory but modern buildings that form part of the Priory complex intervene.

St. Mary's Dominican Church forms the southern side of the main Priory courtyard, and both the churchyard and the courtyard face away from the subject site. Views of the proposed development from the main Priory courtyard are prevented by the Priory buildings themselves. There is no potential for visibility of the proposed development from the large wooded private gardens on the western side of the Priory lands.

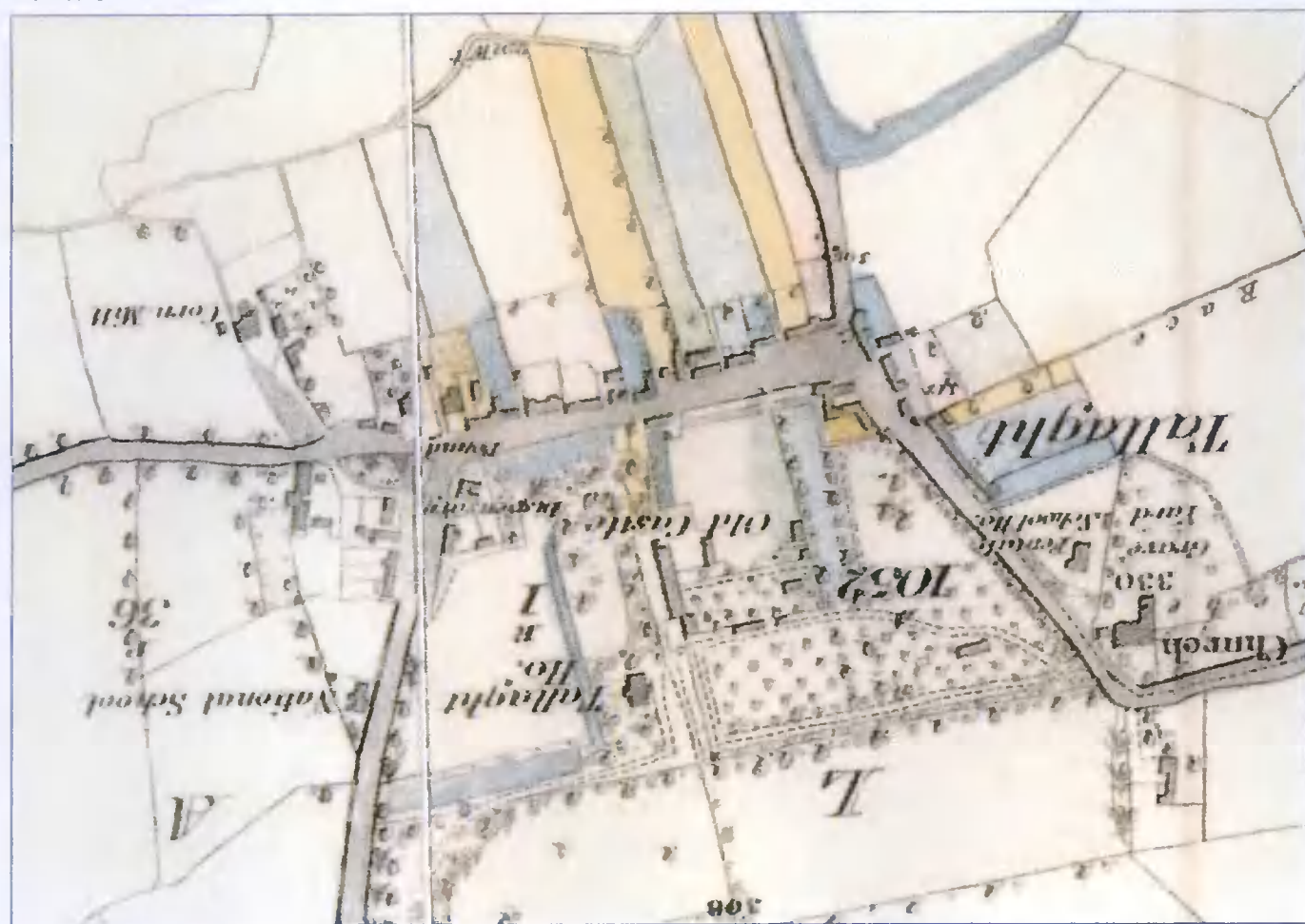
Between the historic Priory buildings and the eastern edge of the Priory lands there is a large surface car park, beyond which is a dense area of woodland along the Old Greenhills Road. This woodland is likely to screen the proposed development from view from the Priory, both in summer and winter. The surface car park and an area along the Old Greenhills road to the north east of the car park are the most likely parts of the Priory lands to be subject to development in the future. Any development on the car park would intervene between the historic Priory buildings and the subject site.



Extract from the 25 Inch Ordnance map of c 1908. The National School shown on the map is north of the location of the 20th century St Mary's National School that was later built on a site indicated as 'Court House'.



Extract from the First Edition Ordnance map of c 1840. The National School shown on the map is north of the location of the 20th century St Mary's National School that later became St. Basils Training Centre.





The Tallaght Local Area Plan

Section 6.0 Heritage and Conservation of the Tallaght LAP sets out some guidance in relation to new development. Section 6.5 New Development includes the following texts:

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 ...

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. New development in particular along Main Street 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. All designs should be of high standard and finished to a high quality in terms of building material. The sensitive use of appropriate colour, texture and pattern of materials, whether traditional or contemporary is also important.

In relation to the above, TOT Architects have produce a Design Rational outlining how their design responds to these guidelines, and this Design Rational is submitted as part of the appeal submission.

While the proposed development will give rise to some change in visual character in the immediate surroundings, the proposed development is relatively modest, especially when compared to existing recent developments immediately adjacent to and immediately within the Tallaght Village ACA. While the two blocks of the proposed development will be visible from parts of Main Street they are some distance from any existing historic structures and could not be described as dominating any historic structures.

Block A is not an insertion into Main Street in the sense described in the above guidelines. Rather it is a marker defining the end of Main Street. It is noted that it is suggested that new development should 'add architectural interest'. The distinctive form and expression of Block A of the new development appears to have been designed with that in mind, and it seems likely that many observers will regard the proposed development as giving rise to positive impacts.

W. H. Hastings FRIAI • January 2022

RIAI Grade 1 accredited Conservation Architect



Document Register & Issue Slip

Job title:

Mixed Use Development - Greenhills Road Tallaght, Dublin 24

Document No.	Status Code	Rev	Document Title	Size	Revision History
202253-PUNCH-XX-XX-RP-C-0001	A0	C01	ENGINEERING PLANNING REPORT	A4 C01	
202253-PUNCH-XX-XX-RP-C-0002	A0	C01	MOBILITY MANAGEMENT PLAN	A4 C01	
202253-PUNCH-XX-XX-RP-C-0003	A0	C01	OUTLINE CONSTRUCTION MANAGEMENT PLAN	A4 C01	
202253-PUNCH-XX-XX-RP-C-0004	A0	C01	OUTLINE CONSTRUCTION & DEMOLITION WASTE MANAGEMEN	A4 C01	
202253-PUNCH-XX-XX-RP-C-0005	A0	C01	SITE SPECIFIC FLOOD RISK ASSESSMENT	A4 C01	
202253-PUNCH-XX-XX-RP-C-0006	A0	C01	TTA REPORT	A4 C01	
202253-PUNCH-XX-XX-RP-C-0007	A0	C01	OPERATIONAL WASTEMANAGEMENT PLAN	A4 C01	
202253-PUNCH-XX-XX-RP-C-0008	A0	C01	RESPONSE TO SDCC REQUEST FOR FURTHER INFORMATION	A4 C01	
202253-PUNCH-XX-XX-RP-C-0009	A0	C01	Appeal To An Bord Pleanala	A4 C01	

Status Code (Suitability Code):

S0 WIP, S1 Coordination, S2 Information, S3 Review & comment, S4 Work stage approval, S6 PIM Authorisation, S7 AIM Authorisation, A0 Planning, A1 Pre-Tender, A2 Tender, A3 Contract, Construction, A5 Legal, A0/A1/A2/A3... Approved & accepted as stage completed, CR As constructed.

Medium:

P=Paper E=Electronic PE=Both Paper & Electronic PE PE PE

Alternative Issue print size:

Schedule:

S = Relevant Bending Schedule:

File type

M2=2D AutoCAD Drawing Issued:

Date	D	26	04	17
of	M	05	11	1
Issue	Y	21	21	22
Issued By:	MR	DAP	MR	

Distribution:

D=Dublin L=Limerick C=Cork G=Galway Gl=Glasgow Issued From : D D D
 SDCC X X X



**Mixed Use Development, Greenhills Road,
Tallaght, Dublin 24**

Appeal to An Bord Pleanála

202253-PUNCH-XX-XX-RP-C-0008

January 2022

Document Control

Document Number 202253-PUNCH-XX-XX-RP-C-0009

Status	Revision	Description	Date	Prepared	Checked	Approved
A0	C01	Submission to ABP	14/11/2021	M Richardson	P Casey	M. Richardson

Table of Contents

1.0	Introduction.....	1
2.0	Response to South Dublin County Council decision to Refuse Planning Permission. Planning Application No. SD21A/0139, Decision Order No. 1612 dated 13 December 2021.....	1
2.1	Response with Refusal item 3	1
Appendix A -	6
Appendix B -	Error! Bookmark not defined.
Appendix C -	7

1.0 Introduction

This report was prepared as an appeal to An Bord Pleanala. The report is provided in response to the planning refusal for proposed development on a site located on Greenhills Road, Tallaght, Dublin 24. Planning reference SD21A/0139, decision dated 13 December 2021.

PUNCH provide response only to refusal item 3. Item 1 and 2 are addressed by others.

2.0 Response to South Dublin County Council decision to Refuse Planning Permission. Planning Application No. SD21A/0139, Decision Order No. 1612 dated 13 December 2021

2.1 Response with Refusal item 3

Further Information Item:

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

PUNCH Response:

The proposed development will consist of 37 residential units, 13 no. parking spaces are proposed in the basement in addition to 2 no. GoCar spaces at grade, and 94 secure cycle parking spaces.

The car parking provision for the development is below the maximum permitted provision and is offset by the provision of cycle parking in excess of minimum requirements as well as the proposed shared Go Car car club car parking.

The South Dublin County Council Development Plan does not require developments to meet any specific ratio between car parking and residential dwellings. On this basis, the development does not propose to do so. Additionally, the development does not propose that Go Car provide any offset ratio of residential parking.

The national policy document “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued under Section 28 of the Planning and Development Act, 2000” provides additional guidelines for apartments. Specifically, it provides the recommendation to minimise car parking in relation to accessible urban sites of this nature. Even in peripheral locations, the ratio recommended is 1 car parking space per 3-4 apartments, which this development provides. This document also recommends the use of car sharing, which we are providing. Refer appendix A for relevant extract.

The developer has provided a cover letter with regard to the car park current and future use. This letter is provided separately to the report.

The South Dublin County Council Development Plan (section 11.4.2) allows for some sites to be car-free. In this respect we are providing more than what would be considered required by the Development Plan which is well served by public transport and cycle links. Refer below extract:

“The development of car free housing may be considered in limited circumstances at the discretion of the Planning Authority. This may occur on small sites that have convenient access to high frequency public transport services and/or are located within a town or village centre. Residents of these developments (other than those in need of a disabled parking permit) may not be given access to parking permits.”

There are various various permitted developments within the Greater Dublin Area that have similar reduced car parking provision. Please refer below Table.

Table 1 - Nearby Developments With Low Ratios of Parking

Application Reference	Accommodation Units	Parking Provided	Rate of Parking per unit (%)
SHD0024/21	730	510	70
3909/21	96	38	40
SHD0014/21	191	99	52
3593/20	12	8	67
3303/20	29	5	17
SHD0013/20	439	317	72
SHD0002/20	124	54	44
4729/18Sub03	74	35	47

The provision of car parking deemed appropriate in this case as it is in line with local and national policy to promote active travel and reduce private car reliance. The development is well served by existing public transport facilities, it is adjacent the proposed BusConnects Tallaght to City Centre Route, and is in close proximity to a number of key destinations suitable for active travel modes.

The proposed basement provides an improved design compared to the existing basement.

The above points are further detailed below:

1. The SDCC Development Plan (2016-2022) standards are maximum standards. The provision is below the maximum and is therefore in line the SDCC development plan.
2. GoCar (Car Club) have provided a letter of intent for the proposed development in which they have stated they intend to provide 2 no. shared car club vehicles in the dedicated spaces at the proposed development. GoCar state that each GoCar vehicle which is placed in a community has the potential to replace the journeys of up to 15 private cars. Applying this rationale results in an “equivalent provision” of 30 no. private car spaces at these two at grade spaces. This cover letter is included in Appendix C.
3. Restriction on the number of available parking spaces limits the potential traffic impact of the development on the local road network and encourages alternative modes of transport such as walking, cycling and public transport. This is in line with:
 - a. SDCC Development plan 2016-2022 objectives to *“rebalance transport and mobility within the County by promoting ease of movement by sustainable modes (including walking, cycling and public transport) and freeing up road space for economic growth and new development.”*
 - b. SDCC Draft Development Plan 2022-2028 vision for sustainable movement to *“Increase the number of people walking, cycling and using public transport and reduce the need for car journeys, resulting in a more active and healthy community, a more attractive public realm, safer streets, less congestion, reduced carbon emissions, better air quality, and a positive climate impact.”*
 - c. National Planning Framework which has *Compact Growth* and *Sustainable Mobility* as key National Strategic Outcomes and regional planning policy
 - d. The Regional Spatial and Economic Strategy which promotes more compact, higher density neighbourhoods focussed on public transport nodes.
 - e. The Climate Action Plan (2019) which aims for a 45-50% reduction in transport emissions by 2030.

- f. Department of Transport National Policy, Smarter Travel: A Sustainable Transport Future - A New Transport Policy for Ireland 2009-2020, which aims for 500,000 more people will take alternative means to commute to work to the extent that the total share of car commuting will drop from 65% to 45%.
4. The proposed development is in close proximity to existing public transport facilities. Tallaght Luas Station is 1.3km from the development site (approx.17-minute walk). Greenhills Road and Main Street adjacent the development are currently serviced by 27, 54A and 65 Dublin Bus routes, with further Dublin Bus and Go-Ahead routes a short distance away at Tallaght Village and the Square.
 5. The proposed development is adjacent the route for the future proposed BusConnects Tallaght to City Centre Core Bus Corridor (CBC) which runs along Greenhills Road. BusConnects aims to greatly improve the standard of bus services and cycling facilities in Irish cities, while also attempting to address climate change. It proposes include a simpler fare structure with a higher capacity bus network in order to incentivise the use of public transport. The enhanced public transport and cycling facilities associated with the CBC will provide further alternatives to private car travel to residents.
 6. The proposed development is in close proximity to a number of key destinations including 1.3km from Technological University Dublin, 10 km from the city centre (approx. 30 minute cycle), and close proximity to Tallaght Town Centre and associated retail and commercial services. These destinations are suitable for active travel modes such as walking and cycling and as such would require a reduced dependence of residence on private car travel.
 7. It is proposed to provide 74 no. secure cycle parking spaces parking spaces on the development site, which will be located in the basement. 20 no. short-stay cycle parking spaces will be provided on the ground floor level. This is above the SDCC minimum requirements and the requirements of the Design Standards for New Apartments. This over provision of cycle parking and will promote cycling and encourage a modal shift away from private car use.
 8. The existing basement is primarily used for standard car parking, and does not encourage other modes of transport in a significant way. The existing basement car park also has a much narrower basement ramp that provides a reduced space for vehicle access compared to the proposed design. The proposed basement is provided to service the proposed development and includes a mix of standard car parking spaces, cycle parking, motorcycle spaces, plant areas, disabled parking and pedestrian access routes to the ground floor area. This mix of uses is supported by the SDCC development Plan targets to increase alternate means of transport other than car use. A wider ramp with associated traffic light system is also proposed to improve the safety of access and egress at the proposed

basement. Please refer to autotrack diagrams for proposed basement and existing basement included with this application.

Appendix A -

Extract from Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued under Section 28 of the Planning and Development Act, 2000

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).

Car Parking

4.18 The quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.

1) Central and/or Accessible Urban Locations

4.19 In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.

4.20 These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.

2) Intermediate Urban Locations

4.21 In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

3) Peripheral and/or Less Accessible Urban Locations

4.22 As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.

4.23 For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off,

service, visitor parking spaces and parking for the mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking and secure storage. It is also a requirement to demonstrate specific measures that enable car parking provision to be reduced or avoided.

- 4.24 As well as showing that a site is sufficiently well located in relation to employment, amenities and services, it is important that access to a car sharing club or other non-car based modes of transport are available and/or can be provided to meet the needs of residents, whether as part of the proposed development, or otherwise. 'Car free' development is permissible and if developed, must be fully communicated as part of subsequent apartment sales and marketing processes.
- 4.25 Where any underground car parking is proposed, such facilities must be well lit and adequately ventilated. Where surface parking is provided, it should be clearly accessible to the entrance to, and where appropriate, overlooked by, the units it serves. Car parking may be provided on-street at the edge(s) of a development site in some locations.
- 4.26 Decked or multi-storey car parking may also be considered, but should not compromise the quality of amenity space, building design or streetscape. At least one principal façade of multi-storey car parks should be fronted by development, for example a south-facing elevation and such structures may also provide an opportunity for rooftop amenity space. In all cases, designated parking spaces for disabled drivers should be provided.
- 4.27 For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.

Appendix B -
Go Car Cover letter



Daniel O'Mahony,
O'Mahony Holdings,
Dublin, Ireland

Dublin, 13th May 2021

To Whom It May Concern,

This is a letter to confirm that GoCar intends to provide 2 (two) shared car club vehicles in the proposed residential development off the Old Greenhills Road in Tallaght, Dublin 24. GoCar representatives have discussed the project with representatives of PUNCH Consulting, who are the Engineers for the Project, and are excited to provide a car sharing service at this location.

It is understood that these vehicles will be at grade, so will be accessible to use by residents living within the development and other GoCar customers living nearby. GoCar will work with the eventual managers of the development to promote use of the service to all residents.

GoCar is Ireland's leading car sharing service with over 60,000 members and over 800 cars and vans on fleet. Each GoCar which is placed in a community has the potential to replace the journeys of up to 15 private cars. The Department of Housing's Design Standards for New Apartments - Guidelines for Planning Authorities 2018 outline: "For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure... provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles."

Carsharing is a sustainable service. By allowing multiple people to use the same vehicle at different times, car sharing reduces car ownership, car dependency, congestion, noise and air pollution. It frees up land which would otherwise be used for additional parking spaces. Most GoCar users only use a car when necessary, and walk and use public transport more often than car owners.

By having GoCar car sharing vehicles in a development such as this, the residents therein will have access to pay-as-you-go driving, in close proximity to their homes, which will increase usership of the service.

I trust that this information is satisfactory. For any queries, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read 'Rob Kearns'.

Rob Kearns
Head of Growth
GoCar Carsharing Ltd
M: 083 822 3924
E: rob.kearns@gocar.ie

Appendix C -
BusConnects Layouts



O'Mahony Holdings SPRL

*30A Mountbrook
Stillorgan rd, Blackrock
Dublin*

January 12th 2022

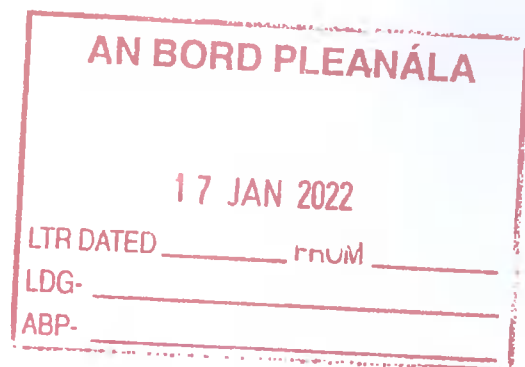
RE: First Party Appeal (SD21A/0139) – Reason for Refusal No. 3

Dear Sir/Madam,

I am writing to you to clarify our position for the car parking of our property at Greenhills Court, Greenhills road, Tallaght. In our planning application scheme, referenced above, it must be stressed that 17 units, the entire existing block at Greenhills Court, are currently rented to Focus Ireland. A lease has been in place since 2008. They do not rent the car park space off O'Mahony Holdings as they have no need for it. Focus Ireland's lease is due for renewal in November 2023 of which a minimum of 15 years will be agreed. Both parties, to date, are keen to extend so we expect a longer lease to be achievable. Therefore, the 20 units of the proposed 37 units will share 13 underground spaces as well as the 2 surface level spaces designated for GoCar.

Yours Sincerely,


Daniel O'Mahony



1000