



An
Bord
Pleanála

Inspector's Report

ABP-320166-24

Development

82 apartments and associated commercial floor spaces in 3 no. residential apartments blocks.

Location

Greenfield lands immediately adjacent to Unit 11 Broomhill Road, Tallaght, Dublin 24 D24 PF20

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD23A/0288

Applicant

Atlantico Partnership

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant

Atlantico Partnership

Observer

Birchview Close Residents

Date of Site Inspection

30th December 2024

Inspector

John Duffy

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	9
3.1. Decision	9
3.2. Planning Authority Reports	9
3.3. Prescribed Bodies	20
3.4. Third Party Observations	20
4.0 Planning History	20
5.0 Policy Context	22
5.1. South Dublin County Development Plan 2022-2028	22
5.2. Tallaght Town Centre Local Area Plan (TTCLAP) 2020	26
5.3 National Guidance	27
5.4. Natural Heritage Designations	29
5.5. EIA Screening	29
6.0 The Appeal	30
6.1. Grounds of Appeal	30
6.2. Planning Authority Response	32
6.3. Observations	32
7.0 Assessment	33
8.0 AA Screening	39
9.0 Recommendation	44
10.0 Reasons and Considerations	44
Appendix 1: Form 1	45
Appendix 2: Form 2	47

Appendix 3:.....	49
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1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 0.69 ha, is located approximately 1.5 km north-east of Tallaght town centre, on greenfield lands at the edge of Broomhill Industrial Estate, proximate to the junction of Greenhills Road and Broomhill Road. The site lies immediately east of a light industrial warehouse at Unit 11 Broomhill Road, with associated surface car parking to the front (south) and a service yard to the rear. The site, which is broadly rectangular in configuration, is gently undulating in terms of topography and is at a higher level than the adjoining footpaths along Broomhill Road and Greenhills Road.
- 1.2. There is no formal boundary between the adjoining industrial unit and the subject site. The site is bound to the north by an area of open space. The eastern, northern and southern boundaries of the overall site are delineated by palisade fencing. There is presently no vehicular access to the site, although there is a vehicular entrance from Broomhill Road serving the adjoining industrial unit to the west (Unit 11).
- 1.3. There are mature trees planted just beyond the northern boundary within an area of open space, through which there is a pedestrian access path into Birchview Close, which is the nearest residential area to the subject site. This development comprises two storey housing.
- 1.4. The site plan denotes a red hatched area predominantly relating to the eastern part of the lands, stated to equate to 0.15 ha, which is required for the Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor Scheme, approved in October 2024. This land-take has been factored into the proposed scheme.

2.0 Proposed Development

- 2.1. This is an application for permission consisting of:
 - The construction of a new residential and mixed-use scheme of 82 no. apartment units and commercial floor space, in 3 no. blocks (A, Band C) stated to range from 5 to 6 storeys in height.
 - Block C located at the northern part of the site will accommodate, at ground floor level, a resident's lounge (73.6 sqm) for use by all residents of the scheme, and a commercial unit (c 145 sqm) comprising a café.

- Communal open space (592 sqm) is provided in the form of two roof top terraces (192 sqm in total) at Block A and Block C and outside space. Landscaped public open space (776 sqm) is also proposed between Blocks A and B and to the front of Block C (proximate to the proposed café unit) in the form of lawn / green areas, paved areas, seating and play areas are proposed.
- Boundary treatment comprises 1.8 m high parkland railings along the northern and western boundaries, while 1.2 m high parkland railings are proposed to the eastern and southern boundaries.
- New vehicular access to the site from Broomhill Road is proposed. Pedestrian access will be provided from Broomhill Road via a walkway adjacent to the new vehicular access and also from Greenhills Road to the north-east of the site via steps. 41 no. surface car parking spaces are provided, including 2 no. accessible spaces. 182 no. bicycle spaces (visitor and resident spaces) are proposed in secure units around the site and at ground floor level in Block C.

2.2. Key Development Statistics are set out as follows:

	Proposed Development
Site Area (Red line boundary)	0.69 ha
Applicant's Site Area (excluding lands required for BusConnects)	0.46 ha
No. of apartment units	82 in 3 blocks
Density	Stated as 130 units per hectare
Plot Ratio	1.2
Height	Block A - 6 storeys as per public notices, however there is an element at 7 storey level (Max. building height of 21.7 m). Block B – 5 storeys (Max. building height of 16 m).

	Block C – 5 storeys (Max. building height of 16 m).
Dual Aspect	52 units (66%)
Public Open Space	776 sqm
Communal Open Space	592 sqm
Car Parking	41 including 2 no. accessible spaces
Bicycle Parking	182 spaces

2.3. The proposed unit mix is as follows:

- **Block A:** 44 apartments comprising 25 no. 1 bedroom units, 17 no. 2 bedroom units and 2 no. 3 bedroom units.
- **Block B:** 23 apartments comprising 8 no. 1 bedroom units, 9 no. 2 bedroom units, and 6 no. 3 bedroom units.
- **Block C:** 15 apartments comprising 4 no. 1 bedroom units, 7 no. 2 bedroom units and 4 no. 3 bedroom units.

2.4. A total of 37 no. 1 bedroom units (c 45%), 33 no. 2 bedroom units (c 40%) and 13 no. 3 bedroom units (c 15%) are proposed.

2.5. The application includes the following documentation (not exhaustive):

- Planning Report.
- Architectural Design Statement.
- Architectural Visualisations.
- Building Lifecycle Report.
- Transport Assessment Report.
- Stage 1 Road Safety and Quality Audit.
- Daylight and Sunlight Assessment.
- Townscape and Visual Impact Assessment.
- Landscape Rationale.
- Appropriate Assessment Screening.
- Arboricultural Report.

- Drainage Design Report.
- Glint and Glare Assessment.
- Outdoor Lighting Report.
- Social Infrastructure Statement.
- Childcare Needs Assessment.
- Ecological Impact Assessment (EclA) including Bat Fauna Impact Assessment.
- Part V information / costings.

2.6. In response to a Further Information (FI) request the applicant provided revised drawings / details and reports for several items, as detailed under section 3 below. On foot of the FI request, several changes were made to the proposed development. The main changes are as follows:

- Reduction in the number of units to 75 i.e., 37 no. 1 bed units (c 50%), 30 no. 2 bed units (40%) and 8 no. 3 bed units (c 10%).
- Commercial floor space increased from 148.5 sqm to 609 sqm (to comprise 6 units in total, all at ground floor level), distributed as follows: Block A – 3 units (270 sqm); Block B – 2 units (192 sqm); Block C – 1 unit (147 sqm).
- Height of Block A reduced from 7 storeys to 6 storeys and layout revised to an L-shaped block.
- 2 no. own door units now proposed in Block B.
- Car parking reduced from 41 to 33 no. spaces (including 3 spaces for commercial uses).
- Bicycle parking increased to 190 spaces.
- Communal open space increased to 620 sqm (none at roof level).
- Public open space increased to 1132 sqm (18.5% of total site)
- Plot ratio reduced from 1.20 to 1.15.
- Density is stated to be reduced from 130 uph to 122 uph.
- Brickwork proposed across all primary elevations.
- 3 no. pedestrian access points from Greenhills Road.
- Potential of site to connect into future district heating facilities.

- Phasing Plan indicates Block A is in Phase 1, Block B is in Phase 2, while Block C is in Phase 3 along with the bulk of the proposed car parking.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of Further Information, the planning authority decided to refuse permission on the 25th June 2024 for the following reason:

1. The proposals do not comply with the regeneration zoning objective for the subject site 'To facilitate enterprise and / or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery' and the related relevant intention expressed to the Tallaght LAP for the Broomhill Neighbourhood that its urban structure/use mix comprise a 'predominantly business, enterprise and employment area with more mixed use residential development fronting along the southern side of Airtown Road, subject to integrating effectively with existing surrounding uses.' The proposals would by precedent potentially erode the delivery of the LAP. As such the proposals are considered contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

A Further Information request dated 15th December 2023, based on the first Planning Report, raised several issues as follows, in summary:

- Item 1 – Use Mix: Justify the predominantly residential nature of the proposed development given that the Broomhill Neighbourhood has an intended land use mix / urban function of being a 'predominantly business, enterprise and employment area with more mixed use residential development fronting along the southern side of Airtown Road, subject to integrating effectively with existing surrounding uses' as detailed in the Tallaght Town Centre LAP (2020). It is not considered that the development accords with the intended urban function of the site. Consider inclusion of the entire blue line ownership lands within the development boundary, to provide a more diversified mix of uses on the site.

A masterplan of the landholding may also be useful, to provide an overview of how the regeneration of the entire site could be achieved and integrated. This new development parcel must include some meaningful new/extended employment space.

- Item 2 – Site Layout and Accessibility: Concerns about the elevated position of the site, 1m above the public footpath along Greenhills Road, and the site's overall layout and accessibility. Specific issues raised as follows:
 - (a) Ensure that all works proposed are within the red line boundary, including those indicated on the western part of the site.
 - (b) Minimise any site level change between the site and Greenhills Road.
 - (c) Remove step only access to the site and increase the number of pedestrian/cycle connections into the site, improving accessibility to public open space areas.
 - (d) Ensure that all areas of open space are accessible, remove all fencing around the site and provide minimal low boundary hedgerow where appropriate.
 - (e) Provide own door access to all ground floor units. Provide a stronger edge to the development along Broomhill Road, including a ground floor commercial unit to Block A, providing street level activity onto Broomhill Road.
- Item 3 – Site Statistics and Building Design:
 - (a) Provide a schedule of accommodation clearly breaking down the development areas including residential floor area, non-residential floor area, public open space, communal open space, car and bicycle parking, density, plot ratio, site coverage and any other relevant site statistic. A reduction in the plot ratio of the site to align with the maximum intended plot ratio of the Broomhill Neighbourhood of 1:1.
 - (b) Remove the 7th storey element of Block A, to align with the maximum permissible building height at the site of 6 storeys.

(c) Incorporate brick into the elevational treatment of the building, rather than an overreliance on render which is considered an inappropriate primary material for this gateway site along Greenhills Road.

- Item 4 – Unit Design and Layout:

(a) Review the apartment layouts with reference to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2022 and the Development Plan. Alterations are required to the apartment layout and building design as follows:

(b) Omit the ground floor commercial unit of Block C and relocate elsewhere to maximise the opportunity for passive surveillance, street level activity and an opportunity to provide a viable business due to improved visibility, such as the ground floor of Block A, fronting Broomhill Road and Greenhills Road.

(c) A number of units have overlarge storage rooms that need amendment. Individual storage rooms should be no greater than 3.5 sqm. Utility rooms are not counted towards storage provision and storage should not usually be provided with windows. APT A44 has 2 storage rooms with windows and are not acceptable.

(d) Reorientate Units APT B01 and B04, and corresponding units on upper floors, so that living areas provide access to the largest terrace areas.

(e) Provide fenestration on north and south elevations of Block B to provide passive surveillance.

(f) APT C01 does not appear to have any private open space.

(g) Redesign APT C04 and corresponding units to improve the storage arrangements.

(h) Reorientate APT C15 so that living areas adjacent to the communal roof terrace; a window serving the living area should be placed on the northern elevation to provide overlooking of this space.

(i) The design of the balcony serving unit APT C13 should reflect the arrangement of the units below to minimise the appearance of overlooking of Birchview Close.

(j) Windows on the northern elevation serving units APT C13, APT C09 and APT C05 should be amended to be high level windows rather than full height windows.

(k) Bin and bicycle storage should be provided on the ground floor of each apartment building for safety and convenience.

(l) All apartments should be reviewed to ensure the design accords with relevant standards and guidelines.

(m) Provide a detailed Housing Quality Assessment (HQA).

- Item 5 – Computer Generated Images (CGIs): The submitted CGIs are not entirely accurate. Revised CGI's are required as amended on foot of additional information requested. Further CGI's should also be provided from a range of viewpoints within Birchview Close and the public open space area north of the site.
- Item 6 – Open space: The overall quantum of public open space provided for within the development is 776 sqm or 12.7 % of the total site area, exceeding the 10% required as outlined in the Tallaght Town Centre LAP 2020 but does not meet the overall standard for public open space of 2.4 hectares per 1,000 population as required by the Development Plan (Table 8.2). Public open space shall be provided at the rates specified in Table 8.2 above. As per COS5 Objective 6; the occupancy rate used for the purposes of public open space calculations is 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. Under Table 8.2 the specified percentage of open space for the proposed development is a minimum of 10% of the site area. Provide a clear breakdown of the open space provision within the proposed development.
- Item 7 – Sustainable urban Drainage Systems (SuDS): Submit the following:
 - (a) Construction details and cross sections for all natural SuDS features including proposed bioretention tree pits.
 - (b) Revised drainage report to include each different surface type in square metres along with their corresponding run-off coefficient. Confirm attenuation provided by tree pits and blue/green roofs.

(c) Revise gully connection to flow into filtration areas.

(d) Provide drawings to clarify how water moves from building roofs to the filtration area. Above ground SUDs features are the preferred option, such as swales.

(e) RMDA Drawing No. DWG05L.D.shows a tree pit detail, where water is to drain from road into tree pit via a drop kerb. Revise detail to ensure water can drain from road into tree pit.

- Item 8 – Green Space Factor (GSF): Required GSF score not achieved. Demonstrate how a GSF score of 0.5 will be met.
- Item 9 – Green Infrastructure (GI): Submit a GI Plan.
- Item 10 – Planting Plan: Submit a detailed Planting Plan and schedule.
- Item 11 – Play: Submit a proposed Play Rationale and Layout Plan.
- Item 12 – Childcare provision: Provide detail of all permitted childcare facilities in the area, whether they have been designed to cater for specific developments or accommodate additional children and the development status of permitted schemes.
- Item 13 – Roads:
 - (a) Submit revised layout showing boundary walls at vehicle access points limited to a height of 0.9 m, and boundary pillars limited to a height of 1.2 m to improve forward visibility for vehicles.
 - (b) Provide revised layout showing location and number of parking spaces to include EV and mobility impaired spaces.
 - (c) Submit details of discussions with Public Realm section regarding tree conflict at access point.
 - (d and e) Submit revised layouts showing pedestrian routes within the development including footpath layout and bicycle parking which should be located to maximise passive surveillance, footfall and security.

(f) Provide a revised layout showing the BusConnects scheme; the proposed pedestrian crossings and cycle lanes in the Tallaght / Clondalkin to City Centre Bus Core Bus Corridor Scheme should be matched / replicated.

(g) Submit details of lighting design and layout.

(h) Submit revised layout showing area surrounding the vehicle access point; the development should tie into the proposed pedestrian crossings and cycle lanes in the Tallaght / Clondalkin to City Centre Bus Core Bus Corridor Scheme.

(i) Provide a revised traffic and transport assessment detailing the frequency and capacity of existing and proposed public transport routes servicing the site.

- Item 14 – District Heating: Provide additional information confirming regarding the potential of the site to connect to a future district heating scheme and the future proofing of the development if such a scheme were to cease.
- Item 15 – Submissions and representations: Respond to submissions and representations received and make alterations to the design on foot of genuine concerns raised.

The applicant submitted detailed responses to the Further Information items on the 29th May 2024 including revised drawings and plans and the following items (not exhaustive):

- FI Response Report.
- Concept Masterplan (Drawing No. 21-21-FI-0006) showing how the applicant's overall landholding at this location could be developed in the future.
- A revised accommodation schedule.
- A Daylight and Sunlight Assessment.
- Drainage Design Report.
- Outdoor Lighting Report.
- Transportation Assessment Report (incorporating a Stage 1 Road Safety and Quality Audit, Preliminary Mobile Management Plan and Public Transport Assessment Report).

- Verified view montages.
- Landscaping information.
- Planting Plan.
- Boundary treatment plan.
- Play Area Plan.

The second Planning Report reflects the decision to refuse permission for the proposed development on the 25th June 2024. It provides an assessment of the FI submitted, which is summarised as follows:

Item 1 – Use Mix:

- Noted that commercial floorspace has increased from 148 sqm to 609 sqm at ground floor of 3 proposed blocks and that while an indicative masterplan is provided for the applicant's landholding at Broomhill Road, the red line boundary of the site has not been extended to include the applicant's existing enterprise / landholding adjoining the site to the west.
- Concern raised relating to how deliverable the proposals or indicative masterplan would be and potential vacancy levels in mixed use blocks with commercial / retail space at ground floor level and residential use above.
- The incorporation of existing enterprise building and use within the red line boundary and the redesign of the northernmost block to a space extensive / labour intensive business / enterprise / employment structure along with proposals for two residential blocks to the south (with ground floor commercial use in one block) would be more favourably considered.
- Notwithstanding that the revised proposal involves more commercial space, it cannot be reasonably concluded that the proposals and the related red line boundary satisfy the intended land use mix / urban function of the Broomhill Neighbourhood as being a 'predominantly business, enterprise and employment area.'
- The proposed development would set an undesirable precedent potentially undermining the delivery of the LAP in accordance with the intended land-use mix/urban function. Refusal recommended on the basis of non-

compliance with the intended land-use mix / urban function of the Broomhill neighbourhood.

Item 2 – Site layout and accessibility:

- (a) Works outside red line boundary now omitted.
- (b) Site level changes adequately assessed.
- (c) Increased number of pedestrian points and ramped access provided which has generally addressed concerns raised.
- (d) Fences are removed and privacy strips are provided; proposed changes generally acceptable.
- (e) The ground floor of Block A is commercial along all frontages. No floor plan is provided for ground floor of Block B. 4 no. apartments are proposed at ground floor level in Block B. Block C provides a single ground floor unit which does not have own door access. The proposed café faces the Greenhills Road. It is concluded that the proposed amendments successfully increase the level of street activity.

Item 3 – Site statistics and building design:

- (a) Revised schedule of accommodation provided. Plot ratio reduced from 1.20 to 1.15 is acceptable. Car parking ratio reduced from 0.5 to 0.4 per unit and provision of 190 bicycle parking spaces are acceptable. The revised density at 122 uph is acceptable. Noted that both public open space and communal open space provision is exceeded. Noted that provision of 3 bedroom units has decreased from 12% to 9% of total units provided, however this is acceptable as applicant has justified same. No single aspect north-facing units provided.
- (b) Proposed building heights are acceptable. A revised roof profile design of the corner element of Block A at the junction of Broomhill and Greenhills Roads should be sought (by condition).
- (c) Proposed external materials generally acceptable other than white render of some elevations facing Greenhills Road; this matter could be addressed by condition.

Item 4 – Unit Design and Layout

- Commercial units now provided on all public facing frontages.
- Storage areas are a maximum of 3.5 sqm in size.
- Apartment APT A44 is omitted.
- No ground floor level amenity terraces fronting Greenhills Road proposed.
- Fenestration now provided on north and south elevations of Block B to facilitate passive surveillance.
- Terrace now provided for Apartment C01.
- In terms of Apartment C04 a single storage area of 3.5 sqm is provided. Noted that storage options are limited and, in this instance, the proposed amendment is acceptable.
- Proposed amendments to Apartment C15 are acceptable.
- The balcony for Apartment C13 now matches that of the apartment below (C09).
- High level windows now serve the northern elevations of Apartments C13, C09 and C05 rather than full height windows.
- Bin and bicycle storage provided within Blocks A and C. A separate bin and bicycle storage area is provided west of Block B which is acceptable.
- Revised HQA provided.

Item 5 – Computer Generated Images (CGI's)

- Updated CGI's and photomontages provided which indicate an acceptable visual impact.

Item 6 – Open space provision

- Noted that provision of 2.4 hectares per 1,000 population open space on site would sterilise development. The proposed quantum of open space is acceptable.

Item 7 – SuDS

- Conditions are recommended as per Water Services and Parks Department reports (which are copied into the Planning Officer's FI report).

Item 8 – Green Space Factor (GSF)

- GSF score is now 0.5.

Item 9 – Green Infrastructure (GI)

- Parks Department raises concerns relating to, inter alia, how the site would fit into the wider context of GI in the county. Conditions are recommended to address the concerns raised.

Item 10 – Planting Plan

- Parks Department raises concerns regarding the species proposed. Condition recommended to seek revised details.

Item 11 – Play provision

- Parks Department notes insufficient information is included in relation to detailed design and proposed items of equipment. Conditions recommended to address these issues.

Item 12 – Childcare provision

- Childcare provision details in the vicinity are noted and it is considered that no further on-site provision is needed.

Item 13 – Roads

(a) Layout provided indicating 0.9 m high walls and 1.2 m high pillars at the vehicular access point which is acceptable.

(b) The parking rate better reflects the residential parking calculation and is acceptable.

(c) A number of trees are proposed along the southern site boundary. If the planning authority considers that removal of the tree located proximate to the vehicular entrance is required, proposed trees in the immediate vicinity would mitigate the impact of the tree removal. Response considered acceptable.

(d) Pedestrian routes and footpath layout is acceptable.

(e) Bicycle parking arrangements are acceptable.

(f) The submitted layout of the BusConnects scheme shows no impact on the bus corridor or proposed road / cycle lane upgrade works; as such the response is acceptable.

(g) Roads Dept are satisfied with details of the lighting design and layout.

(h) Area at vehicular access point is shown on a layout drawing. Proposed 3 no. pedestrian access points now provided on Greenhills Road. Roads Dept satisfied with response.

(i) Revised Transport Assessment provided including a public transport capacity study. This concludes that only 3 persons would use the bus and 3 persons would use the Luas, which does not correspond with current modal shares of 17% bus use. The applicant has however undertaken an observation of bus occupancy in April 2024, and found that there was spare capacity of between 30%-40%. Roads Dept generally satisfied with response.

Item 14 – District Heating

- Potential future link from site to connect to a future district heating scheme is acceptable.

Item 15 – Submissions, Observations and Representations

- Issues raised in the submissions are satisfactorily addressed.

3.2.2. Other Technical Reports

Transportation Planning / Roads: Further information was recommended in the first report as per Item 13 above. The second report recorded no objection subject to conditions.

EHO: Proposed development acceptable subject to conditions.

Public lighting: No objection; standard public lighting condition to apply.

Water Services: Further information was recommended in the first report as per Item 7 above. The second report raised no objection subject to conditions.

Parks / Public Realm: The first report notes insufficient information is provided regarding, inter alia, open space provision, SuDS features, play provision and green infrastructure (Items 8 – 11 refer). The second Parks report is copied into the Planning Officer's FI report. In relation to FI Item 7 (SuDS) it notes that design drawings need to be agreed prior to commencement. In relation to FI Item 9 (Green Infrastructure), it notes that a site survey is provided without analysis, and that the analysis should be agreed with Parks. In terms of the Planting Plan provided (FI Item 10 refers), concern is raised regarding species proposed. In relation to FI Item 11 (play provision), it is considered that insufficient information is included in terms of detailed design and items proposed.

Housing: Recommends inclusion of a Part V condition should permission be granted.

3.3. Prescribed Bodies

Uisce Éireann (UÉ): No objection subject to conditions.

National Transport Authority: No response received.

Department of Defence: Operation of cranes should be coordinated with Air Corps
Air Traffic Services

3.4. Third Party Observations

In excess of 20 submissions, including representations from public representatives, were received in connection with the planning application and they are comprehensively summarised in that report. The matters raised in the third party submissions are broadly similar in nature to those set out in the observation received by the Board from Birchview Close Residents, which is summarised below under Section 6.3.

4.0 Planning History

4.1. Appeal site

There is no planning history relating to the subject site.

4.2. In the vicinity

- 4.3. An Bord Pleanála Ref. HA29N.316828 refers to the Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor Scheme which was approved in October 2024. The **Tallaght to City Centre section** commences at the junction of Old Blessington Road / Cookstown Way and is routed along Belgard Square West, Belgard Square North, Belgard Square East, Blessington Road, Main Road, Old Greenhills Road to the junction of Greenhills Road and Bancroft Park. From here the Scheme is routed along the R819 Greenhills Road to Walkinstown Roundabout via new link roads.

An Bord Pleanála Ref. KA29N.317070 refers to the Tallaght / Clondalkin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order which was confirmed without modifications in October 2024.

It is noteworthy that between the Old Greenhills Road and the junction with Mayberry Road along the Greenhills Road (including the adjoining area east of the appeal site indicated by hatching on the site plan), it is intended to provide one bus lane, one traffic lane and a cycle track in both directions. To accommodate the road cross section, it is proposed to utilise land take along this section on both the west and east side of the existing Greenhills Road.

An Bord Pleanála Ref. TA.06S.313590 refers to a Strategic Housing Development (SHD) application for demolition of existing substation, construction of 197 no. apartments, childcare facility and associated site works at lands at Lands on Greenhills Road (north of Bancroft Park, south/west of Hibernian Industrial Estate and east of Airton Road Junction), Tallaght, Dublin 24. No decision made on this SHD at time of writing.

An Bord Pleanála Ref. TA.06S.313591 refers to a December 2024 decision to refuse permission for a Strategic Housing Development (SHD) application for demolition of buildings, construction of 242 no. apartments in 5 blocks ranging in height from 4 to 7 storeys, creche and associated works at lands at Broomhill Road and Unit 51 Broomhill Road, Tallaght, Dublin 24. Refusal reasons are summarised as follows:

1. The proposal, mainly residential in nature and with a limited level of business, enterprise and employment uses, would contravene the key objective of BH1 of the Tallaght Town Centre Local Area Plan 2020 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, located centrally within the Broomhill neighbourhood area, where the existing road network is lacking in appropriate pedestrian and cycling infrastructure, would lead to a piecemeal and haphazard approach to the overall neighbourhood lands within the Broomhill area. The proposal represents an uncoordinated approach that would compromise the provision of good quality development and future connections to adjoining development. The proposed development would be contrary to policy regarding Sequencing and Implementation in the Tallaght Town Centre Local Area Plan 2020 and contrary to EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028, requiring compliance with the LAP.
3. The plot ratio and height proposed exceeds the stated ranges for such under the LAP. The location and design of the development does not meet the criteria set out that allows for an increase in height above specified ranges by 2 – 4 storey or an uplift in plot ratio by 20% as set out in the LAP. The proposed development would be contrary to the LAP, would constitute overdevelopment of the site and would set an undesirable precedent for other development within the LAP boundary.

An Bord Pleanála Ref. TA.06S.306705 refers to a June 2020 decision to grant permission for a Strategic Housing Development (SHD) application for construction of 502 no. apartments in 6 blocks ranging in height from 4 to 8 storeys, creche and retail units at lands at the former Gallagher's cigarette factory site, at the junction of Airton Road and Greenhills Road, Tallaght, Dublin 24.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022-2028

- 5.1.1. Under the South Dublin County Development Plan 2022 – 2028, the subject site is zoned 'REGEN' with the objective 'To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery.' The proposed uses on the site including apartments and a café / other commercial uses are permitted in principle in accordance with Table 12.4 which relates to this zoning objective.

5.1.2. There are road upgrade proposals for Greenhills Road, which adjoins the appeal site to the east. The description of the upgrade proposals is stated as follows: 'Upgrade of Greenhills Road from Airton Road to Walkinstown Roundabout with new links to Ballymount Avenue, Limekiln Road and Calmount Road for Bus Connects provisions and long term residential communities.' The function of the upgrade proposals is given as follows: 'To provide improved access to/between employment lands within Tallaght, Ballymount and Robinhood and to provide improved access to and from the Greenpark, Limekiln and Greenhills area and provide for Bus Connects provisions.

5.1.3. The following policies and objectives are considered relevant:

EDE4 Objective 11: To support the regeneration of the Tallaght LAP lands in a coordinated and sustainable manner in accordance with the Tallaght Town Centre LAP 2020 or any superseding plan whilst ensuring the lands particularly Cookstown, remain a sustainable employment area to ensure environmentally short journeys to places of employment and to ensure the residential impact of the REGEN zoning does not instigate the decline in the employment capacity and sustainability of the area.

Policy QDP7: High Quality Design – Development General

Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

QDP7 Objective 1: To actively promote high quality design through the policies and objectives which form 'The Plan Approach' to creating sustainable and successful neighbourhoods and through the implementation of South Dublin County's Building Height and Density Guide

QDP7 Objective 7: To ensure that all proposals for development contribute positively to providing a coherent enclosure of streets and public spaces, taking into consideration the proportions and activities of buildings on both sides of a street or surrounding a public space, providing for good standards of daylight and sunlight, and micro climatic conditions and having regard to the guidance and principles set out in the South Dublin County's Building Height and Density Guide and the Design Manual for Urban Streets and Roads (DMURS) (2019). Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG) Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH

through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021.

QDP8 Objective 1: To assess development proposals in accordance with the Building Height and Density Guide set out in Appendix 10 of this Development Plan and associated planning guidelines. In this regard, all medium to large scale and complex planning applications (30 + residential units, commercial development over 1,000 sqm or as otherwise required by the Planning Authority) shall be accompanied by a 'Design Statement'. The Design Statement shall include, inter alia, a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria set out in South Dublin County's Height and Density Guide. Any departures within the proposed development from the guidance set out in the Building Height and Density Guide for South Dublin County (Appendix 10) shall be clearly highlighted in the Design Statement. (See Chapter 12: Implementation and Monitoring).

QDP8 Objective 2: In accordance with NPO35, SPPR1 and SPPR3, to proactively consider increased building heights on lands zoned Regeneration (Regen), Major Retail Centre (MRC), District Centre (DC), Local Centre (LC), Town Centre (TC) and New Residential (Res-N) and on sites demonstrated as having the capacity to accommodate increased densities in line with the locational criteria of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the Urban Design Manual – Best Practice Guidelines (2009), where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County's Building Height and Density Guide that it is contextually appropriate to do so.

Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment

Implement South Dublin County Council Housing Strategy and Interim Housing Needs and Demand Assessment 2022-2028 (and any superseding Housing Strategy agreed by the Council) and to carry out a review of the Housing Strategy as part of the mandatory Two-Year Development Plan review.

H1 Objective 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme.

COS5 Objective 4 and Table 8.2 provide the public open space standards for residential development.

Policy SM7: Car Parking and EV Charging

Implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities

Table 12.25 Maximum Parking Standards (Non-Residential).

Office 1 per 75 sqm (Zone 2)

Café 1 per 20 sqm GFA (Zone 2)

Retail Convenience 1 per 25 sqm GFA (Zone 2)

Table 12.26 Maximum Parking Standards (Residential).

Apartments (Zone 2): 1 bed 0.75 per unit. 2 bed 1 per unit. 3 bed + 1.25 per unit.

Table 12.23 Minimum Bicycle Parking

Office 1 per 200sqm (long stay), 1 per 200 sqm (short stay).

Residential 1 per bedroom (long stay), 1 per 2 apartments (short stay).

EDE3 Objective 7: To promote the provision of workspace as part of any mixed-use development on REGEN zoned land.

5.2. Tallaght Town Centre Local Area Plan (TTCLAP) 2020

- 5.2.1. The TTCLAP came into effect on 20th July 2020. The Plan lands are divided into eight Neighbourhood Areas, including Broomhill, and a vision including key objectives are included for each of the areas. Specific guidance is provided for each Neighbourhood Area in terms of urban functions, land use mix, plot ratio, building height and open space.
- 5.2.2. The appeal site is located at the north-eastern corner of the Broomhill Neighbourhood. The minimum and maximum plot ratio for this area is 0.75 – 1.0.
- 5.2.3. The vision for the Broomhill Neighbourhood is set out in Section 3.5, as follows:
- ‘An attractive consolidated, diversified and intensified place for business and employment that is better connected to surrounding places. Emerging residential uses along the southern side of Airton Road.’
- 5.2.4. The stated Land-use mix / Urban function for Broomhill is as follows:
- ‘Predominantly business, enterprise and employment area with more mixed use residential development fronting along the southern side of Airton Road, subject to integrating effectively with existing surrounding uses.’
- 5.2.5. Key Objectives for Broomhill include:
- BH1:** Transition to mixed use area primarily focussed on higher value commercial uses.
- BH2:** Improve legibility throughout area with new local routes and new connections to Kilnamanagh and Tallaght University Hub. Improve interface with all existing and proposed routes and open spaces.
- BH3:** New corridors for green infrastructure connecting adjoining communities. Improved green infrastructure buffer to Kilnamanagh.
- 5.2.6. Greenhills Road, adjoining the site to the east, is identified as a primary route and there will be a signalised junction at the junction of that road and Broomhill Road, which is identified as a secondary route (Figure 3.13 refers).

5.2.7. In terms of height, Figure 3.13 identifies proposed heights on the site as 4–6 storeys for residential development and 3–5 storeys for non-residential uses.

5.2.8. Section 2.6 relates to Intensity of Development and states the following:

‘To reflect the importance of placemaking at key public transport stops and key public spaces, flexibility in relation to the plot ratio range and the potential for higher buildings (2-4 storey increase on typical levels set in the LAP) may be considered at certain locations which are considered to be key or landmark sites, subject to exceptional design which creates a feature of architectural interest, a significant contribution to the public realm at these locations and mixed uses at ground floor level. These requirements are subject to criteria for taller buildings set out in Section 2.6.2. This provision may apply where the site is directly adjacent to the following:

- High capacity public transport stops (i.e. a Luas stop or high frequency bus stop (i.e. 10-minute peak hour frequency) on a dedicated bus lane);
- The proposed ‘New Urban Square’ north of Belgard Square North in the Centre neighbourhood;
- The proposed ‘New Urban Square’ within the Cookstown neighbourhood; and
- The proposed Transport Interchange and adjacent proposed ‘Urban Space’ in the Centre neighbourhood.

This provision will only apply to the extent of a site which is within 100m walking distance of the above locations and will only be considered where the Planning Authority is satisfied that provision of the above facilities will be achieved.’

5.3 National Guidance

5.3. The National Planning Framework (NPF)

The National Planning Framework (NPF) has a very clear focus on achieving brownfield / infill development, which means encouraging more people, jobs and activity generally within existing built-up areas. The NPF notes that securing compact and sustainable growth requires a focus on the liveability of urban places, continuous regeneration of existing built up areas, dealing with legacy issues such

as concentrations of disadvantage in particular areas, and linking regeneration and redevelopment initiatives to climate action.

The NPF includes a specific Chapter, No. 6 - '*People Homes and Communities*' which is relevant to this development. This chapter includes 12 National Policy Objectives (NPOs) and the following are applicable to this development:

- NPO 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.'
- NPO 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages'.
- NPO 33 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.
- NPO 35 seeks to 'Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.'
- Design Manual for Urban Roads and Streets (DMURS)
- Chapter 3 refers to 'Street Networks' and recommends connectivity between destinations to promote higher levels of permeability and legibility for all users including cyclists and pedestrians.

Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).

Table 3.1 'Areas and Density Ranges Dublin and Cork City and Suburbs'

It is considered that the appeal site falls within the 'City – Urban Neighbourhoods' category where residential densities in the range 50 dph to 250 dph (net) shall generally be applied.

SPPR 3 relates to car parking; Part (i) states the following:

In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2), car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

SPPR 4 relates to cycle parking and notes that safe and secure storage facilities should be provided in a dedicated facility of permanent construction.

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHLGH, 2023). These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

Urban Development and Building Heights Guidelines, 2018

Quality Housing for Sustainable Communities (DoEHLG, 2007).

5.4. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the Glenasmole Valley SAC and the Wicklow Mountains SAC, located approximately 4.3 km to the south-west and 6.7 km to the south, respectively, from the appeal site.

5.5. **EIA Screening**

See Forms 1 and 2 below. The scale of the proposed development does not exceed the thresholds set out under Schedule 5, Part 2 Class 10(b) of the Planning and Development Regulations 2001, as amended, and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of the planning authority to refuse permission for the proposed development.

The grounds of appeal are summarised under headings, as follows:

Zoning of the site and TTCLAP requirements

- Residential development is explicitly noted as ‘permitted in principle’ under the ‘REGEN’ zoning objective of the South Dublin County Development Plan 2022-2028. Furthermore, residential development is envisaged for the subject site in the TTCLAP. Therefore, it was incorrect for the planning authority to state in the refusal reason that the proposals do not comply with the regeneration zoning objective for the site. The proposed development wholly aligns with the vision for the site in the County Development Plan.
- The refusal of permission is a disproportionate response by the planning authority to the stated Land-use Mix / Urban Function for Broomhill in the TTCLAP. Fig. 3.13 of the TTCLAP outlines the envisaged overall urban structure for Broomhill and includes residential or commercial development throughout the area.
- A concept Masterplan was submitted at FI stage. ‘REGEN’ zoned lands, according to the County Development Plan are ‘to facilitate enterprise and / or residential led development subject to a development framework or plan for the area incorporating phasing and infrastructure delivery.’ The uses proposed align with the County Development Plan and the specific Urban Structure for the site as listed in the TTCLAP.

Locational circumstances and advantages of the site not considered

- The site adjoins existing residential development to the north and will be located on a Bus Connects route, which will provide increased frequency of transport to and from the city. All footpath and bicycle connections can be made directly outside the site. Site is close to amenities and is well placed for new residential development.

- Site is within walking distance of several large employers and c 1.5 km from the Kingswood Luas stop.
- The planning authority's contention, as set out in the second Planning Officer's report, that the proposed commercial uses would be vacant is refuted, with the appellant considering the location as ideal and proximate to existing residential estates.

Use mix on the site

- No fundamental issues were raised at pre-application stage in relation to the proposed use mix. An element of commercial use was included in the application on foot of comments from the planning authority.
- The applicant also increased commercial floorspace by c 461 sqm in response to the FI request, which shows a considerable effort to deliver a mixed-use scheme on the lands.
- The split between residential and commercial uses on the applicant's overall landholding at 11 Broomhill Road and the appeal site would equate to 60% Residential use (5,266 sqm) and 40% commercial use (3508 sqm), which is considered to be wholly appropriate. Furthermore, the proposed development does not preclude the future development of the applicant's lands to align with the urban structure for the adjacent site in the future.
- It is not possible to amalgamate the subject site with the lands to the west due to an on-going and existing commercial operation which employs 80 persons.
- The quantum of commercial and residential development proposed aligns with the County Development Plan and the TCCLAP.
- If the applicant's entire landholding at this location was to be brought forward for development, it would not be viable to develop the sites with the commercial focus that the decision from the planning authority suggests.
- Reference is made in the appeal to the Planning Officer's suggestion regarding the provision of a business / enterprise / employment use for the northern-most block, with two residential blocks to the south with some

ground floor commercial uses. The appellant considers that this configuration would mirror the block layout and uses provided by the proposed development, with the exception of 1 no. only commercial block. The appellant considers that this contradicts the refusal reason.

Other

- Request that the proposed scheme is assessed on a de-novo basis.
- Relevant Council departments / sections accepted or recommended conditions in respect of 14 of the 15 FI items. This demonstrates clear compliance with the County Development Plan and the LAP.

6.2. Planning Authority Response

The planning authority considers that the issues raised in the appeal have been covered in the Chief Executive Order and as such no additional comment is made by it.

6.3. Observations

One observation was received in connection with the proposed development from Birchview Close Residents. Issues raised are summarised under relevant headings as follows:

Non-compliance with Zoning Objective and TTCLAP

- Proposed development fails to comply with the 'REGEN' zoning objective.
- The LAP directs that mixed use residential development is to be located along the southern side of Airton Road. The proposal could set a precedent and erode the delivery of the LAP.
- The proposal is predominantly residential. While 6 no. retail units were proposed in the FI submission, this was considered to be insufficient to satisfy the LAP requirements and the zoning objective.
- The LAP requires a focus on business, enterprise and employment at this location, however the proposed development is out of place, representing an

overdevelopment of residential units in an area designated for the aforementioned uses.

Transport issues and Public safety

- The submitted Traffic and Transport Statement has not adequately addressed the capacity of Greenhills Road and whether it could absorb the additional traffic generated by the proposed development.
- Movement of cars in and out of the subject site would cause disruption and safety concerns on Greenhills Road, which is a main route into Dublin city.
- Increase in traffic could affect health of people / residents.
- Proposed development would exacerbate traffic congestion.
- Having regard to the distance from the site to public transport, residents are likely to rely on personal vehicles.
- Insufficient parking proposed leading to overflow parking on roads within Birchview Close, compromising safety for residents and pedestrians.

Impacts on residential amenities of Birchview Close

- Adverse impacts on residential amenity, specifically overlooking leading to a loss of privacy, and overbearing impacts.
- Proposed development is out of character with the area.
- Devaluation of property

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land-use and nature of the proposed development
- Impact on residential amenities
- Transportation issues
- Other matters
- Appropriate Assessment Screening Determination

7.2. Land-use and nature of the proposed development

- 7.2.1. The subject site is zoned 'REGEN' in the South Dublin County Development Plan 2022-2028 and the zoning objective states as follows: 'To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery.' A relatively wide range of uses are permitted in principle within the 'REGEN' zoning, including Residential use restaurant/café use and other commercial uses.
- 7.2.2. I note that the text pertaining to the zoning objective refers to enterprise and/or residential led development being facilitated subject to (my emphasis) a development framework or plan. The framework / plan, in this case, is the Tallaght Town Centre Local Area Plan (TTCLAP) 2020, which provides guidance regarding development within the Broomhill Neighbourhood (Section 3.5 refers), of which the appeal site forms part.
- 7.2.3. As identified by the applicant, Figure 3.13 of the TTCLAP at Section 3.5 shows that the overall urban structure for Broomhill, including the subject site, includes residential and / or commercial development throughout the area. Notwithstanding, at the outset of Section 3.5, the envisaged Land-use Mix / Urban function for Broomhill is identified as a 'Predominantly business, enterprise and employment area with more mixed use residential development fronting along the southern side of Airtown Road, subject to integrating effectively with existing surrounding uses.' Furthermore, the first Key Objective (BH1) identified for Broomhill provides for the transition to a mixed use area to be primarily focussed on higher value commercial uses.
- 7.2.4. In my opinion, both the development as applied for comprising 82 no. apartments and a café (c 145 sqm) and the revised proposal submitted on foot of the FI request, relating to the provision of 75 apartments and 6 no. commercial units (c

609 sqm in total), would contravene Key Objective BH1 and would not accord with the Land-use Mix / Urban function for Broomhill, as set out above. These proposals would not constitute developments which would lead to a predominantly business, enterprise and employment area, as required under Section 3.5 of the TCCLAP, given the quantum of apartments applied for relative to the quantum of commercial / enterprise floor space proposed.

7.2.5. While I accept that residential development is permitted in principle under the 'REGEN' zoning objective of the South Dublin County Development Plan 2022-2028, as noted by the appellant, regard must also be had to the TTCLAP 2020. It is the case that the predominant nature of proposed residential use on the subject lands is contrary to Key Objective BH1 of the TTCLAP which is explicit in relation to land use and function permitted within the Broomhill Neighbourhood.

7.2.6. I concur with the appellant that the subject site is close to amenities and is well located off a primary route and immediately proximate to the permitted Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor Scheme, which was approved in October 2024, which will provide increased frequency of transport to and from the city. Notwithstanding, and as detailed above, the TTCLAP 2020 requires the Broomhill Neighbourhood to transition to a mixed-use area, predominantly with business, enterprise and employment uses, which is at odds with the predominantly residential nature of the proposed development. As such, I recommend a refusal of permission.

7.3. Impact on residential amenities

7.3.1. The appeal lands adjoin the residential area of Birchview Close to the north, which comprises two storey semi-detached housing. An observation has been submitted on behalf of residents which raises concerns relating to the impact of the proposed development on the residential amenity of this area, specifically in terms of overlooking, leading to a loss of privacy and overbearing impacts. It is also submitted that the proposed development would be out of character with the area.

7.3.2 I acknowledge that the prevailing character of residential development in the general area to the north of the appeal site comprises low rise suburban housing. I note the large mixed-use development (502 no. apartment units) in 6 blocks ranging in height from 4 to 8 storeys approximately 320 m south of the appeal site

at the junction of Greenhills Road and Airtown Road. The TTCLAP 2020 provides for significant regeneration and intensification of brownfield lands and changing character areas. The Sustainable and Compact Settlements – Guidelines for Planning Authorities (2024) notes also that in order to achieve compact growth, more intensive use of previously developed land and infill sites will need to be supported, in addition to the development of sites in locations served by existing facilities and public transport. Section 3.4 of the Urban Development and Building Heights – Guidelines for Planning Authorities (2018) advises that apartment developments in suburban areas, such as the subject location, be of 4 storey design and upwards and that such developments will address the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends. In this context, the TTCLAP envisages building heights of 4 to 6 storeys at the subject site.

- 7.3.3 The closest proposed building to Birchview Close is Block C, which is of 5 storey design and located at the northern part of the subject site. In terms of the proposed development as applied for, there is a separation distance of approximately 24 metres between Block C and No. 14 Birchview Close, which is the nearest residential unit to the proposed development. This separation distance is increased to approximately 28.5 m as demonstrated on the site plan submitted with the FI response. In my opinion, Block C does not have an overbearing impact of the residential units at Birchview Close, having regard to the separation distances proposed.
- 7.3.4 In terms of concerns raised in relation to overlooking impacts on houses at Birchview Close, Item 4 of the FI request sought that windows on the northern elevation of Block C serving three apartment units (APT C13, APT C09 and APT C05) be amended to high level windows, rather than full height windows. This request was acceded to by the applicant and, in my opinion, this measure appropriately mitigates overlooking impacts onto Birchview Close from Block C.
- 7.3.5 Section 12.6.7 of the County Development Plan states that all proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances to avoid negative effects such as excessive overlooking. In this regard, a minimum clearance distance of circa 22 metres is generally required between opposing windows,

although in blocks above three storeys in height, a greater separation distance may be required.

- 7.3.6 In this regard I note SPPR 1 of the Sustainable and Compact Settlements – Guidelines for Planning Authorities (2024) states that a separation distance of at least 16 m between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.
- 7.3.7 As referenced in Section 7.2.3 above, the separation distance between Block C and the nearest residential sensitive receptor at No. 14 Birchview Close was increased to approximately 28.5 m as shown on the revised site plan submitted at FI stage. I consider such separation distance as sufficient to prevent undue / excessive overlooking impacts arising on to housing at Birchview Close. This measure coupled with the removal of specific full height windows on the northern elevation of Block C and their replacement with high level windows ensures that no undue overlooking impacts would arise from the proposed development.

7.4 Transportation issues

- 7.4.1 The observation received in relation to the proposed development contends that the Transport and Traffic Assessment (TTA) provided has not adequately addressed the capacity of Greenhills Road and its ability to cater for the additional traffic generated by the proposed development. However, having examined the Transport Assessment Reports and findings provided by the applicant, which are based on traffic surveys of the adjacent road network, I am satisfied that the existing road network and proposed access junction would be more than adequate to accommodate traffic associated with the proposed development.
- 7.4.2 Given the findings of the TTA's, I do not consider that the movement of cars from the proposed development would be likely to result in disruption and safety issues on Greenhills Road. Furthermore, I note that a signalised junction is proposed at the junction of Broomhill Road and Greenhills Road, which I would expect would enhance the safety of traffic movements at this location.
- 7.4.3 While concern is raised that overspill of cars from the proposed development would result in occupiers of the scheme parking in adjoining residential areas, I do not consider this to be a likely scenario. In my view there is sufficient car parking

available on the site so that there would be no necessity to park on the adjoining road network. Furthermore, I note the subject site is well served by public transport, particularly by buses which travel on the adjoining primary route (Greenhills Road) to Dublin city, and as such, I envisage that many of the new residents would not require cars. The Greenhills Road will be upgraded to accommodate the recently approved Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor Scheme and as such more frequent services will be provided. The proposed development would also provide up to 190 secure bicycle spaces, which would, in my view, encourage increased use of this mode of transport. Separately, I note that the proposed scheme would be marketed as a development which has limited car parking and as such prospective residents would be aware of that fact prior to deciding to purchase an apartment in this scheme.

- 7.4.4 The observer considers that cars associated with the proposed development would adversely impact on the health of residents. This matter is outside the remit of planning. Notwithstanding, I would note that that no evidence is provided which support this assertion. I also note that the proposed number of car parking spaces is relatively modest at 33, as set out in the FI submission.

7.5 Other Matters

7.5.1 Density

There appears to be a discrepancy in relation to the density of the development as detailed in the planning application. The initial proposal was for 82 residential units with a stated density of 130 units per hectare (uph). The revised proposal of 75 units indicated a stated density of 122 uph.

I note that according to the submitted Site Statistics information the proposed development site area in the applicant's control (0.61 ha) less the lands required for Bus Connects (0.15) equates to 0.46 ha. On this basis I consider that the density of development is 178 uph if 82 units are proposed or 163 uph if 75 units are proposed.

Notwithstanding, given the location of the site within the 'City – Urban Neighbourhoods' category where residential densities in the range of 50 uph to 250 uph shall be applied, as set out in the Sustainable Residential Development and

Compact Settlements, Guidelines for Planning Authorities (2024), I am satisfied that the density of development is acceptable, given that it falls within the aforementioned range.

7.5.2 Devaluation of property

I note the concerns raised in the observation in respect of the devaluation of neighbouring property as a result of the proposed development. No evidence to support this assertion has been provided. Furthermore, having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

8.0 AA Screening

8.1. Applicant's Stage 1 – Appropriate Assessment Screening

- 8.1.1. The applicant has provided an Appropriate Assessment Screening report and I have had regard to this report.
- 8.1.2. The report notes that the site is located in an urban environment. The proposed development site is not within a European Site. The zone of influence of the proposed project would be restricted to the site outline, with potential for minor localised noise and lighting impacts during construction, which do not extend significantly along the site outline.
- 8.1.3. Despite a lack of hydrological connection to European Sites, having regard, inter alia, to the precautionary principle, the area of assessment was expanded and incorporates a number of SACs and SPAs within 15 km of the development site as follows:

Table 1

Name	Site Code	Distance from site
Glenasmole Valley SAC	001209	c 4.3 km
Wicklow Mountains SAC	002122	c 6.7 km
South Dublin Bay SAC	000210	c 10.2 km
Rye Water Valley / Carton SAC	001398	c 11.6 km

Knocksink Wood SAC	000725	c 13.2 km
North Dublin Bay SAC	000206	c 13.7 km
Wicklow Mountains SPA	004040	c 7.4 km
South Dublin Bay and River Tolka Estuary SPA	004024	c 10.5 km
North Bull Island SPA	004006	c 10.9 km
North West Irish Sea SPA	004326	c 14.7 km

- 8.1.4. In relation to Glenasmole Valley SAC, Wicklow Mountains SAC, Rye Water Valley / Carton SAC, Knocksink Wood SAC, Wicklow Mountains SPA, and North West Irish Sea SPA, the screening notes the urban nature of the proposed development site and its distance to each European Site. There are no direct or indirect source-pathways between the proposed development site and these European Sites. As such, no potential impacts are foreseen and it is concluded that no significant effects are likely on these European Sites.
- 8.1.5. In terms of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA, the screening notes the urban nature of the proposed development site and its distance to each European Site. While there is no direct hydrological pathway from the proposed development site to any of these European Sites, there is an indirect pathway from the subject site to these European Sites via surface water drainage. Following onsite attenuation, surface water will discharge to the stormwater network on Broomhill Road, which in turn discharges to the Tymon (Poddle River) approximately 500 m to the south, eventually discharging to the River Liffey in Dublin city. The Liffey discharges to Dublin Bay. Having regard to the distances between the subject site and these European Sites, flocculation within the estuarine environment, the scale of the proposal and also that surface water is directed to an existing public drainage network, it is considered that any pollutants, dust or silt laden run-off will be dispersed, diluted and settle within the surface water drainage network and the River Liffey. As such, no potential impacts are foreseen and it is concluded that no significant effects are likely on these European Sites.

- 8.1.6. A number of development proposals in the immediate vicinity of the subject site are reviewed and it is considered that no projects in the area of the proposed development would have a significant in combination effect on any European Site.
- 8.1.7. Applicant's Screening Conclusion: It is concluded that the proposed development would not give rise to any significant effects to any designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of qualifying interests of European Sites.

8.2. Appropriate Assessment Screening

- 8.2.1. I have considered the proposed development of 82 no. apartment units, provision of a cafe, 41 car parking spaces, landscaping and all associated site development works in light of the requirements of S 177S and 177U of the Planning and Development Act 2000, as amended. The scheme was amended through FI, with the total number of apartments reduced to 75, provision of 6 no. commercial units, and 33 car parking spaces. While I note that the applicant's AA screening relates only to the original scheme, I do not consider that the amendments made at FI stage would alter the outcome in terms of AA screening, having regard to, inter alia, the urban context of the site, and connections to mains drainage.
- 8.2.2. The subject site is not located within any European Site. The development has no direct impact on any designated European Site in terms of habitat loss or deterioration, and species disturbance or loss. The nearest European Site, Glenasmole Valley SAC, is located in excess of 4 km from the subject site.
- 8.2.3 In relation to indirect impacts, the development would have no impact in terms of disturbance in the form of noise, emissions, construction impact, lighting of habitats or species of qualifying interests of any Natura 2000 site given the significant separation distances between the development site and Natura 2000 sites. The development site is not an ex-situ habitat for any species that are qualifying interests as evidenced by the EclA and bat survey.
- 8.2.4 There are no direct hydrological linkages between the subject site and any European Site. There are indirect hydrological pathways between the subject site and the following Natura 2000 sites:
- South Dublin Bay SAC

- North Dublin Bay SAC
- South Dublin Bay and River Tolka Estuary SPA
- North Bull Island SPA.

8.2.5 Surface water will be attenuated on site, passing through SuDs features. A flow control device will regulate discharge to the stormwater network on Broomhill Road, which discharges to the Tymon (Poddle River) approximately 500 m to the south of the site, thereafter, discharging to the River Liffey in Dublin city. The Liffey discharges to Dublin Bay.

8.2.6 Foul water discharge is to the existing public wastewater network, discharging to the Ringsend Wastewater Treatment Plant. It is unlikely that there would be any indirect impact on water quality through foul water drainage, which drains into Ringsend Wastewater Treatment Plant which is operated to licence and has capacity to accept flows.

8.2.7 There is a possibility of indirect effects through discharge of pollutants, silt, and dust to surface waters at construction and operational phases, and impacting species that are dependent on water quality.

8.2.8 Likely impacts of the project 'alone'

The proposed development 'alone' is unlikely to undermine the conservation objectives of any European Site due to discharge of pollutants / sediment to surface water during the construction period. Standard construction practices and measures will prevent pollution risks and Sustainable urban Drainage Systems (SuDS) will prevent discharge of pollutants and silt to surface water during both construction and operational phases. In the event that these measures fail, the hydrological link between the development site and the 4 no. Natura 2000 sites (South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA) is indirect. As such, the likelihood of significant effects on qualifying interests can be ruled out on the basis of the dilution effect.

8.2.9 I conclude that the proposed development would not have a likely significant effect 'alone' on the qualifying interests of any European Site arising from impacts associated with discharge of sediments / pollutants to surface water, including those which are linked by way of an indirect hydrological link with the development

site, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA.

8.2.10 Likely impacts in combination with other plans and projects:

Noteworthy developments in the vicinity of the proposed development include a permitted development for 502 apartments at the junction of Airton Road and Greenhills Road (Ref. ABP-306705-20), a proposal for 197 apartments at Greenhills Road (ABP-313590), and a permitted development nearing completion at the junction of Belgard Road and Airton Road. I rule out in-combination effects given that any proposed or permitted development was subject to AA screening and that they connect / would connect to existing drainage infrastructure and are subject to standard construction management measures to prevent discharges of pollutants /sediments to surface water. As such, I concur with the findings of the applicant's AA screening report and I conclude that the proposed development would not have any likely significant effect in combination with other plans and projects on the qualifying features of any European Sites.

8.3. **Overall Conclusion**

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Code numbers 001209, 002122, 000210, 001398, 000725, 000206, 004040, 004024, 004006 and 004326, or any other European Site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively small scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The location of the site in a serviced urban area.
- The separation distances from European sites.
- The absence of meaningful pathway to any European Site.

- The AA screening undertaken by the planning authority.

No mitigation measures intended to avoid or reduce harmful effects on European Sites were taken into account in reaching this conclusion.

9.0 Recommendation

- 9.1. I recommend that permission be refused for the following reason and considerations.

10.0 Reasons and Considerations

1. Key Objective BH1 of the Tallaght Town Centre Local Area Plan 2020 relating to the Broomhill neighbourhood area identifies a “transition to mixed use area primarily focussed on higher value commercial uses” for the area. Under Section 3.5 relating to Land Use Mix / Urban Function, the area is to be “predominantly business, enterprise and employment area with more mixed-use residential development fronting along the southern side of Airton Road, subject to integrating effectively with existing surrounding uses.” The proposed development, which is mainly residential in nature with a limited level of business, enterprise and employment uses would contravene Key Objective BH1 of the Tallaght Town Centre Local Area Plan 2020 and would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

John Duffy
Planning Inspector
16th January 2025

Appendix 1: Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320166-24		
Proposed Development Summary	82 apartments, commercial spaces and all associated site works. At FI stage the proposed development was amended to comprise 75 units, 6 commercial units and associated works.		
Development Address	Greenfield lands adjoining Unit 11 Broomhill Road, Tallaght, Dublin 24.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5 Part 2 Class 10(b)(ii) construction of more than 500 dwelling units. Schedule 5 Part 2 Class 10 (b)(iv) Urban Development.	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Schedule 5 Part 2 Class 10(b)(ii) construction of more than 500 dwelling units.	Preliminary examination required (Form 2)

		Schedule 5 Part 2 Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Total site size within red line boundary is 0.69 ha	
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5. Has Schedule 7A information been submitted?		
No	X	Pre-Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: 16th January 2025

Appendix 2: Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 320166-24
Proposed Development Summary	82 apartment units in 3 blocks, commercial spaces and associated works. At FI stage the proposed development was amended to comprise 75 units, 6 commercial units and associated works.
Development Address	Greenfield lands adjoining Unit No. 11, Broomhill Road, Tallaght, Dublin 24.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development	<p>The proposed development as applied for comprises 82 units and café in 3 blocks and associated works. At FI stage the proposed development was amended to comprise 75 units, 6 commercial units and associated works.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants</p>
Location of development	<p>The size of the site is not exceptional.</p> <p>There is no hydrological connection present which would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors).</p> <p>There would be no significant cumulative considerations.</p>
Types and characteristics of potential impacts	There are no other locally sensitive environmental sensitivities in the vicinity of relevance.

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	YES
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	NO
There is a real likelihood of significant effects on the environment.	EIAR required.	NO

Inspector: _____

Date: 16th January 2025

Appendix 3: Screening the need for Appropriate Assessment

Finding of no likely significant effects

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development, and the development as amended on foot of the FI request in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises 82 no. apartment units, provision of a cafe, car parking, landscaping and all associated site development works at greenfield lands to the east of Unit 11 Broomhill Road, Tallaght, Dublin 24. The scheme was amended through FI, with the total number of apartments reduced to 75 and provision of additional commercial units (6 in total).

The planning application was supported by an Appropriate Assessment Screening report which concluded that the proposed development would not give rise to any significant effects on any Natura 2000 sites.

The assessment of the planning authority considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans and projects on Natura 2000 sites and therefore that Appropriate Assessment is not required.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). There are no watercourses running through the site and the operational development would connect to existing municipal services in terms of water supply and wastewater/drainage. I acknowledge that there would be a marginal increase in loadings to the sewer however I do not consider that this would negatively impact upon any Natura Site.

The boundary of the nearest European Site, Glenasmole Valley, is c 4.3 km to the east of the site.

There is an indirect pathway from the subject site to the following European Sites via surface water drainage:

- South Dublin Bay SAC (site code 000210) c 10.2 km from subject site
- North Dublin Bay SAC (site code 000206) c 13.7 km from subject site
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) c 10.2 km from subject site
- North Bull Island SPA (site code 004006) c 10.9 km from subject site

Surface water will be attenuated on site passing through SuDS features. A flow control device regulates discharge to the stormwater network, which discharges to the Tymon (Poddle) River, which in turn discharges to the River Liffey. The Liffey discharges to Dublin Bay.

Likely impacts of the project (alone or in combination)

The proposed development 'alone' is unlikely to undermine the conservation objectives of any European Site due to discharge of pollutants / sediment to surface water during the construction period. Standard construction practices and measures will prevent pollution risks and SuDS will prevent discharge of pollutants and silt to surface water during both construction and operational phases. If such measures fail, the hydrological link between the development site and the aforementioned Natura 2000s sites (South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA) is indirect. As such, the likelihood of significant effects on qualifying interests can be ruled out on the basis of the dilution effect.

In terms of in combination effects, developments of note in the vicinity of the subject site include a permitted development for 502 apartments at the junction of Airton Road and Greenhills Road (Ref. ABP-306705-20), a proposal for 197 apartments at Greenhills Road (ABP-313590), and a permitted development nearing completion at the junction of Belgard Road and Airton Road. I rule out in-combination effects given that any proposed or permitted development was subject to AA screening and that they connect / would connect to existing drainage infrastructure and are subject to standard construction management measures to prevent discharges of pollutants / sediments to surface water. As such I conclude that the proposed development would not have any likely significant effect in combination with other plans and projects on the qualifying features of any European Sites.

Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of any European Site. Due to separation distances and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. The development site is not an ex-situ habitat for any species that are qualifying interests as evidenced in the EcIA and bat assessment.

No mitigation measures are required to come to these conclusions.

Overall Conclusion - Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any Natura 2000. Appropriate Assessment is not required.

This determination is based on:

- The relatively small scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The location of the site in a serviced urban area.
- The separation distances from European sites.
- The absence of meaningful pathway to any European Site.
- The AA screening undertaken by the planning authority.

No mitigation measures intended to avoid or reduce harmful effects on European Sites were taken into account in reaching this conclusion.

Inspector: _____

Date: 16th January 2025