



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20th day of December 2018 by Atlas GP Limited care of Tom Phillips and Associates, 80 Harcourt Street, Dublin 2.

Proposed Development:

A ten-year permission for a strategic housing development at a combined site of circa 7.2 hectares known as Belgard House, Belgard Square and the former Uniphar factory, located at the junction of Belgard Road and Belgard Square North, Tallaght, Dublin 24.

The proposed development will consist of a mixed use residential development (total gross floor area, 180 square metres) comprising:

- a new urban quarter and streets with five number blocks to provide 438 number apartment units (including live/work units) and associated amenity facilities,
- a 403 number bed space student accommodation scheme and associated amenity facilities,
- childcare facility (circa 380 square metres),
- six number retail / commercial units (circa 632 square metres in total) and
- a security room (circa 52 square metres).

This will comprise phase I of the overall development of the circa 7.2 hectares site and will be located on a net site area of 3.45 hectares (excluding proposed temporary car park at grade).

The proposed development will include the demolition of all existing buildings, on the overall circa 7.2 hectares site, ranging from one to three storeys in height and the removal of hardstanding throughout. The proposed buildings for demolition include the two to three storey Belgard Square (circa 11,362 square metres) and associated single storey security hut (circa nine square metres); three storey Belgard House (circa 9,706 square metres) and associated single storey security hut (circa 14 square metres); two storey former Uniphar factory (circa 7,780 square metres), associated two storey office building (circa 1,033 square metres) and associated single storey security hut (circa 14 square metres).

The proposed development will also include provision of site boundary protection where required to facilitate the phasing of the development.

The proposed development will include the provision of a new north-south street bisecting the site (to later connect to the planned Airton Road Extension) with two number east-west internal streets proceeding east towards Belgard Road (pedestrian access only onto Belgard Road) and proceeding west (to later connect to lands in ownership of South Dublin County Council if required). Works to public roads to include replacement of roundabout at intersection of Belgard Square North and Belgard Square East, with a signalised junction and provision of cycle lanes on Belgard Square North and provision of a pedestrian crossing at Belgard Road.

The 438 number apartments (158 number one-bed, 230 number two-bed and 50 number three-bed) will comprise four number blocks (A1, A2, A3, B1) ranging from four to ten storeys in height.

- Block A1 will be four to seven storeys in height comprising 34 number one-bed units, 41 number two-bed units and 13 number three-bed units with residents' amenities (circa 298 square metres) on the ground floor.
- Block A2 will be four to seven storeys in height comprising 27 number one-bed units, 77 number two-bed units and 15 number three-bed units with residents' amenities (circa 307 square metres) on the ground floor.

- Block A3 will be four to ten storeys in height comprising 51 number one-bed units, 58 number two-bed units and seven number three-bed units with residents' amenities (circa 127 square metres) on the ground floor.
- Block B1 will be four to eight storeys in height comprising 39 number one-bed units, 53 number two-bed units and 15 number three-bed units with one number two-bed live/work unit and seven number one-bed live/work units.

Balconies / winter gardens / terraces to be provided on all elevations at all levels for each block.

The development will also consist of a 403 number bed space purpose built student accommodation scheme (Block B2) of six to nine storeys in height, to be used for student accommodation or accommodation related to a Higher Education Institute only during the academic year, and student accommodation or accommodation related to a Higher Education Institute or tourist/visitor accommodation during academic holiday periods. Bed spaces are accommodated within 10 number studio clusters, 10 number four-bed clusters, one number six-bed cluster, 15 number seven-bed clusters and 29 number eight-bed clusters. The proposed development also provides for ancillary facilities (circa 815 square metres) including a common room, gym, study room, laundry room and reception / parcel station; and staff facilities to include offices, kitchen and shower facilities, all at ground floor level.

Commercial units to be accommodated within the ground floor of Block B1 will provide six number retail / commercial units (circa 632 square metres) in total.

Block B1 will also accommodate the ground floor 'work' element of the proposed eight number live/work units (circa 509 square metres) and a security room (circa 52 square metres).

A childcare facility (circa 380 square metres) will be provided within the ground floor of Block A2 and ancillary outdoor play area (circa 242 square metres).

The proposed development will also provide 107 number car parking spaces (including three number car club spaces) to be provided at grade (circa 3,180 square metres) under podium within Blocks B1 and B2 and a total of 22 number on street parking spaces.

A total of 1,227 number cycle spaces will be provided within single storey secure shelters and ground floor storage rooms throughout the scheme and 20 number on street bike club stands will also be provided south of Block B2.

Two semi-private courtyards (located at grade) of circa 1,410 square metres and circa 1,361 square metres incorporating children's play spaces are proposed for the use of Blocks A1, A2 and A3. A semi-private courtyard of circa 1,495 square metres, incorporating a children's play space, is proposed for the use of Block B1 and an amenity courtyard of circa 1,250 square metres for the use of students is proposed for Block B2 (both at first floor podium level).

A temporary car park at grade (108 number spaces) is also proposed for the use of residents of Block A1, A2 and A3 and will be removed on completion of Blocks B1 and B2.

A public plaza of circa 2,366 square metres is proposed to the north of Block B1 to provide for multifunction outdoor uses and an amphitheatre / attenuation feature (with below ground attenuation tank) with Multi Use Games Area.

A combined heat and power plant (circa 225 square metres) will be located at ground floor within Block A3 and will facilitate connection to the proposed HeatNet system.

The development will also include for waste storage areas (residential and commercial), plant rooms, green roofs, solar panels and Electricity Supply Board substations within Blocks A2, A3, B1 and B2.

The proposal includes all other landscaping, new public realm (circa 7,442 square metres), boundary treatment, public lighting, servicing, excavation and associated site development works above and below ground including piped site wide services.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the South Dublin County Development Plan 2016-2022;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018;
- (e) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- (g) the nature, scale and design of the proposed development;
- (h) the availability in the area of a wide range of social, and transport infrastructure including the Luas,
- (i) the pattern of existing and permitted development in the area,
- (j) the submissions and observations received and
- (k) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development (being a redevelopment of land within a zoned and serviced urban area), the Appropriate Assessment Screening Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development at Belgard House, Belgard Square and the former Uniphar factory, at the junction of Belgard Road and Belgard Square North, Tallaght, Dublin 24,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the environmental impact assessment report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- (a) Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in Dublin.
- (b) A significant direct effect on land and the landscape by the change in the use and appearance from a series of brownfield sites to a primarily residential development. Given the location of the site within the built up metropolitan area of Dublin and the public need for housing there, this effect would not have a significant negative impact on the environment.
- (c) Potential effects on the road network during the construction phase will be mitigated by appropriate construction site management measures as outlined in

the environmental impact assessment report and the Construction Methodology and Phasing Management Plan.

- (d) Potential effects on the road network during the operational phase will be mitigated by the low provision of car parking spaces, reducing trip generation, and the provision of a car park management plan and Mobility Management Plan.
- (e) Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- (f) Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Conclusions on Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below the proposed development would:

- (a) secure the redevelopment of underutilised urban land in a prime town centre location strategically positioned beside a hospital, third level institute, and public transport connection,
- (b) would be consistent with national and local policy measures and guidance which seeks to secure more compact and higher density development in town centre areas,
- (c) would be consistent with the overall aims of the South Dublin County Development Plan 2016-2022,
- (d) would integrate satisfactorily with the surrounding existing development and with the established character of the town centre,
- (e) would make a positive contribution to the urban character of the area,
- (f) would not seriously injure the amenities of development in the area,
- (g) would be acceptable in terms of public and private transport and pedestrian safety and convenience.

The Board concluded that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures, outlined in Chapter 15 “Proposed Mitigation Measures” of the environmental impact assessment report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

3. The period during which the development hereby permitted may be carried out shall be seven years from the date of this order.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

4. The proposed development shall be amended as follows:
 - (a) The bicycle parking structures proposed within the courtyards Blocks A1/A2 and A2/A3 shall be omitted and revised landscaping plans for the treatment of these open spaces shall be submitted.
 - (b) Windows to the proposed community/function/amenity spaces at the

ground floor of Block A shall not be obscured by any means.

- (c) A plan for the management of the community/function rooms and the facilitation of the use of these spaces by non-residents shall be submitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

5. Block B2 of the proposed development hereby permitted shall only be occupied as student accommodation, including use as visitor or tourist accommodation outside academic term times, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

6. The use of the proposed retail/commercial units shall be restricted to uses which fall within Class 1, Class 2 and Class 10 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 as amended and shall exclude use as a betting office, take-away or stand-alone off-licence. Any other use shall require a separate grant of permission.

Reason: In the interest of proper planning and orderly development.

7. The live work units shall be retained as single entities and shall not be subdivided without a prior grant of planning permission.

Reason: In the interest of proper planning and orderly development.

8. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

9. Prior to the commencement of development, or unless otherwise stated, the following details shall be submitted for the written agreement of the planning authority:
 - (a) The developer shall liaise with National Transport Authority in respect of works required in respect of the Bus Connects project prior to the commencement of development.
 - (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths.
 - (c) Design and signal timings of all signalised pedestrian crossings shall be agreed prior to commencement of development.
 - (d) Details of the proposed toucan crossing on Belgard Road to the north of the Belgard Road/Belgard Square/Institute of Technology, Tallaght roundabout which will provide access from the development to Institute of Technology, Tallaght shall be agreed.
 - (e) A taking in charge plan shall be agreed and the areas to be taken in charge shall be undertaken to a taking in charge standard.
 - (f) Minimum of 10% of car parking spaces to be provided within the development shall make provision for the charging of electric vehicles.
 - (g) Mobility Management Plan to be submitted within six months of opening of the proposed development.
 - (h) A management plan for the proposed car parking spaces shall be agreed prior to the occupation of the development.
 - (i) The proposed pedestrian and cycle network shall comply with the requirements of the National Cycle Manual.
 - (j) Public Lighting Plan shall be submitted to and agreed in writing prior to commencement of development.

- (k) Details of materials and surfaces for roads and pathways and all items to be taken in charge shall be submitted to and agreed in writing prior to commencement of development.

Reason: In the interests of traffic, cyclist and pedestrian safety.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and secure the preservation and protection of any remains that may exist within the site.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

14. Prior to commencement of development, the developer shall submit:
 - (a) evidence of the agreement from the Irish Aviation Authority to the crane operations proposed for the site and aviation lights proposed during the construction phase.
 - (b) engagement with Tallaght Hospital to ensure operators of the Helipad facility are aware of proposal and that safety of aircraft operations into and out of facility are not adversely impacted.
 - (c) engagement with the Property Services Section of Department of Defence to ensure that there is no impact to safety of aircraft operations at Casement Aerodrome during and post construction.

Reason: In the interest of public safety.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not

reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan and Programme of Works, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety and residential amenity.

20. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019