



An  
Bord  
Pleanála

## Inspector's Report ABP-302617-18

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<b>Development</b>	Construction of a 5 storey mixed use building comprising retail unit and 31 no. apartments.
<b>Location</b>	Bruce House, Main Road, Tallaght, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18A/0239
<b>Applicant(s)</b>	Irish Residential Properties REIT Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tallaght Community Council
<b>Observer(s)</b>	none
<b>Date of Site Inspection</b>	4 <sup>th</sup> January, 2019
<b>Inspector</b>	Stephen Kay

## **1.0 Site Location and Description**

- 1.1. The appeal site is located on Main Road in Tallaght. The site is currently occupied by a part 2 and part three storey building called Bruce House which is unoccupied and is fenced off from surrounding sites by a hoarding. The site is adjoined to the west, south west and south by a large part four and part five storey mixed use development called Priors Gate. This development comprises three distinct blocks and is primarily residential use with apartments in the upper floors and a range of retail and commercial uses at ground floor level facing Main Road and the road to the west that connects Main Road with the N81. The Priors Gate development has a distinctive circular central courtyard and the appeal site essentially comprises the missing / undeveloped north east sector of the Priors Gate development.
- 1.2. It should be noted that two concurrent applications for changes of use of part of the Priors Gate development were submitted to the Planning Authority at the same time as the application which is the subject of this appeal. These applications are summarised in section 4.0 of this report below.
- 1.3. The existing building on the site (Bruce House) was most recently in use as a training facility and the site fronts onto the main road in Tallaght village to the north. The building has a two storey red brick frontage onto Main Road and has a significant extension to the rear. The floor area of the existing building on site is stated in the application documentation to be 510 sq. metres.
- 1.4. To the east, the site is bounded by a part single and part two storey building that is in educational use and to the north, on the opposite side of the Main Road is located generally two storey residential and commercial development.
- 1.5. The stated area of the appeal site is 0.29 ha.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of the existing part single and part two storey building on the site, Bruce House, and the construction of a five storey building with mixed use on the ground floor and a total of 31 no. residential units.

- 2.2. The proposed mix of residential units comprises 11 no. one bedroom units, 19 no. two bedroom units and 1 no. three bedroom unit. The ground floor retail unit has a stated floor area of 100 sq. metres and the balance of the 3,230 sq. metres total floor area is proposed to be residential accommodation. The floor area of the proposed residential units varies between c.53 and 111 sq. metres with one bed units ranging from c.53 – 73 sq. metres and two bed units c.76-87 sq. metres.
- 2.3. A total of 29 no. basement car parking spaces are proposed and these are to be located in the basement level of the adjoining Priors Gate development. These car parking spaces are proposed to be located in an area that was permitted as a car showroom area in the original permission on this site (An Bord Pleanála Ref. PL06S.206768).
- 2.4. The development includes alterations to the existing south facing elevation of the Priors Gate development where it fronts the N81 Tallaght Bypass with the addition of louvres to the glazed openings in this elevation. The development also provides for the removal of the existing boundary between the Priors Gate development and the appeal site to allow for permeability between the two sites.
- 2.5. Additional development in the form of ancillary works, infrastructure connections, surface water attenuation, landscaping and open space area including children's play area are also proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 20 no. conditions, the most significant of which in the context of this appeal are considered to be as follows:

Condition No.2 relates to drainage and includes, inter alia a requirement for the submission of revised surface water attenuation proposals and the submission of a connection agreement from Irish Water.

Condition No.3 relates to roads and traffic and requires the submission of a construction traffic plan, a mobility management plan and details of sightlines from the proposed 2 no. on street car parking spaces.

Condition No.7 relates to landscaping and requires the submission of a landscape design rationale and a landscape plan prepared by a qualified landscape designer.

Condition No.12 relates to noise and requires the preparation and submission of a noise nuisance assessment to assess the potential impact of the N81.

Condition No.15 relates to council housing and Part V and requires the submission and agreement of proposals to meet the requirements of Part V.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the Planning Officer notes the internal reports and content of the submissions received. The design approach proposed is considered to be acceptable and to integrate with the existing Priors Gate development and the impacts in terms of overlooking, overshadowing and overbearing visual impacts are acceptable. A grant of permission consistent with the notification of decision which issued is recommended.

#### **3.2.2. Other Technical Reports**

The following internal reports were received:

Housing Unit – No objections subject to conditions.

Environmental Health Officer – further information recommended on the impact of the proximity of the site to the N7 and noise generation and impact on occupants.

Roads Department – No objection subject to conditions.

Parks Department – No objection subject to conditions.

Water Services – Further information recommended relating to deficiency in surface water attenuation, extent of the application site, surface type pre development to be clarified. Stated that there is not a flood risk on the site.

### 3.3. **Prescribed Bodies**

Irish Water - No objection (class 1).

### 3.4. **Third Party Observations**

Two observations received by the Planning Authority with the following being the main issues raised:

- Splitting of the proposed works to the Priors Gate / Bruce House sites inappropriate.
- Contrary to the South Dublin County Council Interim Housing Strategy. Permission should be refused pending review of this strategy.
- Contrary to zoning and balance of uses.
- Inappropriate unit mix and ownership.
- Poor state of repair / condition of existing development and public realm.
- Excessive height relative to existing development in vicinity.
- Access to on street car parking spaces problematic.

## 4.0 Planning History

The following relates to the appeal site and the adjoining Priors Gate development:

### ***Appeal Site***

South Dublin County Council Ref. SD06A/1013 – Permission granted for the development of 26 no. apartments in a four storey over basement level building on the appeal site. Ground floor retail unit of 489 sq. metres proposed and basement car parking with 55 no. spaces.

### ***Adjoining Site (Priors Gate site)***

South Dublin County Council Ref. SD06A/1013; ABP Ref. PL06S.206768 – Permission granted for a mixed use development in three blocks comprising car parking at basement level, commercial and retail space at ground floor level and a total of 210 no. apartments.

South Dublin County Council Ref. SD18A/0240 – Permission granted for the change of use of the permitted vacant crèche unit in the ground floor of Block 1 of the Priors Gate development and ancillary open space area to residential use. The area of this crèche unit is 255 sq. metres and it is proposed to be replaced with 1 no. two bed apartment and 1 no. three bed apartment with private gardens / terraces. The permitted development also provides for the alteration of the existing east facing elevation of the crèche unit to facilitate the provision of private amenity space for the two additional units, revised ground floor fenestration and ancillary works. This application was submitted at the same time as the application the subject of the current appeal (SD18A/0239).

South Dublin County Council Ref. SD18A/0241 – Permission granted for the subdivision and change of use of the permitted vacant restaurant (c.309 sq. metres) at ground floor level to Block 2 of the Priors Gate development to residential use including 2 no. two bedroom apartments and 1 no. three bedroom apartment, the re configuration of the existing area of hard landscaping to the west of the vacant restaurant unit and the removal of an existing stairway within the existing hard landscaped area that links to the pedestrian overpass over the N81. Site area 0.06 ha. This application was submitted at the same time as the application the subject of the current appeal (SD18A/0239).

## 5.0 Policy Context

### 5.1. Development Plan

The site is located on lands that are zoned Objective VC village centre under the provisions of the South County Dublin Development Plan, 2016-2022. The stated objective for this zone is *'to protect, improve and provide for the future development of village centres'*.

The following specific plan policies are noted:

**Policy H6** relates to sustainable communities.

**Policy H7** relates to urban design and requires compliance with government guidance on sustainable residential developments issued under s.28.

**Policy H10** relates to residential mix and requires compliance with the Interim South Dublin County Council Housing Strategy, 2016-2022.

**Policy H14** relates to internal layout of residential developments and requires that a high standard of flexible accommodation be provided such as to meet the long term needs of a variety of house types and sizes.

**Section 11.2.7** of the Plan relates to building height.

**Section 11.3.1** relates to residential development and includes considerations of mix, density, open space, privacy and aspect.

**Sections 11.4.1** and **11.4.2** relate to bicycle and car parking standards / requirements.

### 5.2. Other Relevant Policy

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009.
- Urban Design Manual A Best Practice Guide, 2009.
- Sustainable Urban Housing; Design Standards for New Apartments, 2018.
- Urban Developments and Building Heights, December, 2018.

### 5.3. Natural Heritage Designations

The appeal site is not located in or close to any European sites.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party grounds of appeal raised:

- That the previous Tallaght Town Centre LAP has expired. The context has significantly changed since that plan was adopted in 2006.
- That the three separate applications in the Priors Gate complex should be considered together as they are interconnected and viewed as such in the Village Green and Blessington Road Masterplan.
- That the three applications SD18A/0239, SD18A/0240 and SD18A/0241 are all connected and should be viewed as a whole. They combine to result in more small apartments in an area that already has a lot of such units and to reduce the amenities available to the area.
- That a clear step down in height to the buildings to the east and the two storey houses opposite is required.
- That no review of the housing strategy as proposed under plan H1 Objective 3 has been undertaken. Permission should be refused pending such a review and the adoption of a new Tallaght TC development plan.
- That 23% of IRES apartments are in Tallaght and that of their three sites in Tallaght, 78% of the units are owned by IRES with a very low rate of owner occupiers.
- That as Tallaght is designated as a village (Sraid Baile) high rise buildings should not be permitted. The last Masterplan allowed 4 storeys onto this road frontage and sought transition in heights. The proposed 5 storeys is excessive.



- That access to parking spaces will be obstructed by congestion on the road.
- That the housing mix in this area is excessively rental with limited private ownership for young persons or those trading down.
- That the proposal is not consistent with the zoning objective which is to revitalise the Tallaght area.
- The proposed design is a reduction in the existing standard. The existing Priors Gate scheme has a curved building line and this should be retained. The current proposal goes against the original design concept and the mix of uses proposed.
- That the existing units have never been properly marketed and hence have remained vacant.
- That the original permission on the site (Priors Gate development) only had 7% three bed units. There is a need for significantly more three bed units and all units in any permitted scheme should be three or four bed. The ground floor should not be used for residential purposes.
- That the existing development in the area is poorly maintained. This includes the Charlie O'Toole pedestrian bridge over the N81.
- The poor mix of uses would be contrary to Policy Retail R 7.

## 6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That the proposed development will serve to complete the overall Prior Gate development and to result in better connections and shared parking between the two sites.
- That the retail unit will serve to animate the streetscape.
- That the site is currently significantly underutilised given its Village Centre zoning.

- That the previous LAP has expired and no new plan is available. The proposal was assessed on the basis of the County Development Plan.
- The proposal is consistent with the expired LAP in that the area of the site was identified as appropriate for integrated mixed use development and that the site had a key frontage.
- That the comments regarding separation of the planning applications are inaccurate. These other applications relate to a separate site (Priors Gate) and are independent of the Bruce House site. It was made clear in the planning report that accompanied the application that the application the subject of appeal was one of three concurrent applications on the Bruce House and Priors Gate sites.
- Regarding height, while the 2006 LAP identified 4 storeys as the appropriate for the appeal site, the planning context has changed significantly in the interim with the NPF and the Draft Consultation Guidance for Planning Authorities on Urban Development and Building Heights.
- Housing Policy 9 of the county development plan also recognises that varied building heights to support compact building forms are required. It is submitted that the proposed 5 storeys is consistent with the adjoining Priors Gate development and the varied height on the southern side of Main Road.
- That the proposed on street parking bays are not essential to the proposed development. They are proposed to be provided in agreement with SDCC and are not located within the red line application boundary. The traffic assessment undertaken (Transport Insights) did not identify any issue with regard to access to these proposed spaces.
- That the basement car parking area is divided into resident and non resident areas with access to the resident section restricted by coded security gates. Parking for the development is proposed to be in the south western corner of the basement car park with 29 spaces for the 31 no. units are proposed.
- That Figure 3.2 of the Transport Statement identify that 102 out of 193 total spaces that are owned by IRES and which are for the use of the 102 no. IRES apartments. These do not include the area referenced by the appellant as

accessed by the public. The proposed parking provision is consistent with the maximum standards set out in the Plan and with census car ownership data.

- That concerns regarding owner occupancy rates are not a valid planning consideration. The units will assist in meeting current housing demand.
- That the proposed development is for mixed use and the proposed retail unit will generate significantly more activity than the existing training centre use.
- That the wider Tallaght area has an abundance of three bedroom two storey houses and that the proposed units will meet a housing need for smaller units in a well designed infill scheme.
- That the rationale for the design approach is set out in the submitted Design Statement and was guided by a requirement to integrate with the existing Priors Gate development. The use of a curved façade was examined but was problematic due to the need for separation distances.
- That the appellants comments regarding unit mix are incorrect and compliance with the Sustainable Urban Housing Design Standards for New Apartments (March, 2018) promotes catering for smaller family unit sizes and specifies that up to 50 percent of a scheme may be one bed units with no minimum requirement for units with three or more bedrooms.
- That the proposal that there be no residential accommodation at ground floor level is not reasonable and the proposed 4 no. units to the rear is appropriate in terms of residential amenity.
- That the comments regarding the existing external environment are not considered a relevant planning consideration however the applicant retains a management company to undertake the work. Cleaning of external surfaces was scheduled for summer 2018 but not undertaken due to the hosepipe ban.

### **6.3. Planning Authority Response**

The Planning Authority have responded to state that it is considered that the issues raised have been addressed in the report of the Planning Officer that is on file.

## 7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of the subject appeal:

- Land Use Zoning and Principle of Development
- Design and Visual Impact
- Residential Design and Layout
- Impact on Amenity
- Traffic and Transportation Issues
- Other Issues
- Appropriate Assessment
- EIA

### 7.2. Land Use Zoning and Principle of Development

7.2.1. The appeal site is located on lands that are zoned Objective VC village centre under the provisions of the *South County Dublin Development Plan, 2016-2022*. The stated objective for this zone is *'to protect, improve and provide for the future development of village centres'*. Residential and small / local retail uses are Permitted in Principle on lands that are zoned Objective VC.

7.2.2. It is noted that the village centre, including the area in the vicinity of the appeal site, is located on lands that were the subject of a local area plan. This plan, the Tallaght Town Centre LAP, was adopted in 2006 and was further extended in 2011. It has, however, now expired and a pre draft consultation process for the preparation of a new LAP has been initiated by the Council. No Draft LAP has been produced to date.

- 7.2.3. The proposed uses are considered to be acceptable in principle in this location. I note the fact that the LAP has expired and no new plan has been prepared. The policies contained in the *South Dublin County Council Development Plan, 2016-2022* are therefore applicable in the assessment of the proposed development. In addition, the policy context at national level has changed significantly since the first adoption of the LAP in 2006 and a number of these documents are of particular relevance to the assessment. These include the National Planning Framework (NPF), Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities and Sustainable Urban Housing; Design Standards for New Apartments and these are referenced as appropriate in the assessment below.
- 7.2.4. I note the comments of the third party appellants regarding the separation of the planning applications with the development on the Bruce House site that is the subject of the current appeal from the other proposed changes of use on the Priors Gate site. On this issue I note, and would generally agree with, the comments of the first party, namely that these other applications relate to a separate site (Priors Gate) and are independent of the Bruce House site and that it was made clear in the planning report that accompanied the application that the application the subject of appeal was one of three concurrent applications on the Bruce House and Priors Gate sites. The subject appeal has been assessed in the knowledge that the other changes of use to residential sought on the Priors Gate site have been permitted by the Planning Authority (SDCC Refs. SD18A/0240 and SD18A/0241).
- 7.2.5. The third party appellants express concerns with regard to the low level of owner occupancy rates within the IRES properties in Tallaght including Priors Gate and the potential impact of the proposed development on further reducing owner occupancy levels. These comments are noted, however I would be in general agreement with the first party on this issue that owner occupancy rates are not a clear planning consideration. I would also note that the most recent Departmental Guidelines on apartment development specifically provide for rental apartment developments.

### 7.3. Design and Visual Impact

- 7.3.1. The design of the proposed development comprises a five storey building with mixed use on the ground floor and a total of 31 no. residential units at ground and upper floor levels. The form of development proposed comprises a basically rectangular shaped block with a staggered footprint, and I recognise that the footprint of the proposed development does not match with the existing curved inner courtyard form of the existing Priors Gate development. While the proposed development will essentially result in the appeal site being merged with the Priors Gate site, I do not consider that it is essentially in visual or urban design terms that the new development would match the curved form of the existing Priors Gate development. Specifically, I note the restrictions in terms of site width and would agree with the design statement provided which sets out how the use of a curved elevation to the inner courtyard and development closer to the western site boundary would present issue of overlooking and excessive proximity to the existing block to the west.
- 7.3.2. The main urban design and visual amenity considerations relate to the presentation of the new development to Main Road. In my opinion, the design as proposed, presents an acceptable elevation to Main Road in terms of design approach and materials such that it complements the existing frontage to Main Road formed by the Priors Gate development.
- 7.3.3. The development includes alterations to the existing south facing elevation of the Priors Gate development where it fronts the N81 Tallaght Bypass with the addition of louvres to the glazed openings to the car park at ground floor level in this elevation. These alterations are such that in my opinion they would have a negligible impact on the southern elevation to the N81 and are considered to be acceptable in principle.
- 7.3.4. In terms of height, while the 2006 LAP identified 4 storeys as the appropriate for the appeal site, I note that the planning context has changed significantly in the interim with the NPF, the adoption of a new County Development Plan in 2016 and the Guidance for Planning Authorities on Urban Development and Building Heights published in December, 2018.
- 7.3.5. Housing Policy 9 of the county development plan recognises that varied building heights to support compact building forms are required. It is my opinion that the proposed 5 storeys is consistent with the adjoining Priors Gate development and the

varied height on the southern side of Main Road. Section 3.0 of the guidelines on urban development and building height set out how there is a presumption in favour of buildings of increased height in town / city cores and other urban locations. The proposed development would, in my opinion assist in securing the objective of the National Planning Framework to focus development in key urban centres and meeting targets relating to infill development and the promotion of compact growth. In terms of the development management criteria set out at 3.2 of the Guidelines, it is my opinion that the scale and height of the proposed development is appropriate at the scale of the town and neighbourhood, being well served by public transport and integrating well into the existing streetscape.

- 7.3.6. With regard to the height of the proposed development relative to the existing development to the east and to the generally two storey development to the north of the site on the opposite side of Main Road, I note that the adjoining site to the east occupied by Tallaght Youth Service, is zoned Objective VC (Village Centre) under the provisions of the County Development Plan like the appeal site and is currently significantly underdeveloped in terms of height and site coverage. The proposed five storey development will result in a significant transition in scale relative to this site, however I do not consider that it is appropriate to restrict the scale of the proposal on the basis of the significantly under developed nature of this adjoining site. In design terms, the presentation of the site when viewed from the east along Main Road is considered to be acceptable.
- 7.3.7. The sites located on the opposite (north) side of Main Road comprise a mix of uses including a church, office and residential. These properties are separated by c.35 metres from the appeal site at the closest point and are set back by c.15 metres from Main Road. While of a significantly smaller scale than the proposed development it is my opinion that these sites have a different context given their location on the opposite side of a busy road and the physical separation. The existing Priors Gate development already fronts these properties and the impact of the proposed development will be similar to this existing relationship.
- 7.3.8. That the comments regarding the existing external environment are not considered a relevant planning consideration however the applicant retains a management company to undertake the work. Cleaning of external surfaces was scheduled for summer 2018 but not undertaken due to the hosepipe ban.

#### **7.4. Residential Design and Layout**

- 7.4.1. The proposed mix of residential units comprises 11 no. one bedroom units, 19 no. two bedroom units and 1 no. three bedroom unit. The ground floor retail unit has a stated floor area of 100 sq. metres and the balance of the 3,230 sq. metres total floor area is proposed to be residential accommodation. A schedule of residential floor area is included in the information submitted with the application. The floor area of the proposed residential units varies between c.53 and 111 sq. metres with one bed units ranging from c.53 – 73 sq. metres and two bed units c.76-87 sq. metres. The floor areas of all units are in excess of the minimum standards set out in the 2018 departmental guidelines, and in most cases significantly in excess of these standards. The floor area standards set out in the county development plan are also met.
- 7.4.2. With regard to other standards relating to room sizes, storage and private amenity areas, the proposed development is in accordance with the requirements of the guidelines. The private amenity space area is a minimum of 5.7 sq. metres (for Unit Type C) and Units types G-J have large terrace areas of c.12-40 sq. metres. A total of 12.35 sq. metres of average shared or communal amenity space per unit is proposed which compares to 5 sq. metres for a one bedroom unit, and 7 sq. metres for a two bedroom unit under the 2018 Apartment Guidelines.
- 7.4.3. Seventeen out of the 31 no. units proposed are dual aspect units (including corner units) with the single aspect units generally facing south or west. The proposed development is therefore slightly in excess of the general standard of 50 percent set in the 2018 apartment guidelines and is considered to be acceptable.
- 7.4.4. The third party appellants contend that the inclusion of residential units at ground floor level should not be allowed as it would result in a poor level of residential amenity. I note however that these units are proposed to be located away from the elevation to Main Road and do not therefore consider it reasonable that these units would be omitted and replaced with commercial or retail accommodation. The location of these ground floor units is, in my opinion consistent with the existing residential layout in the wider Priors Gate development and is appropriate in terms of residential amenity.



- 7.4.5. It is contended by the third party appellants that the proposed development provides for an excessive number of small units and that, taken in conjunction with other apartment developments in the vicinity, would result in an undesirable unit mix with inadequate provision of larger apartment units suitable for families. It is requested by the third party that the development should provide for three and four bedroom units only. I do not consider that this proposal is reasonable or appropriate given the very significant concentration of three and four bedroom residential units in the wider Tallaght area and the fact that compliance with the Sustainable Urban Housing Design Standards for New Apartments (March, 2018) promotes catering for smaller family unit sizes, (paragraph 2.8). Specifically, I note that these guidelines specify that up to 50 percent of a scheme may be one bed units with no minimum requirement for units with three or more bedrooms, (Specific Planning Policy Requirement 1). On the basis of the information available, therefore, I do not consider that the proposed unit mix is inappropriate. I note that the Housing Unit of the council stated that there was no objection to the proposed development and no reference is made to an inappropriate unit mix in the report from this department of the council.
- 7.4.6. The third party appellants make the case that no review of the housing strategy as proposed under plan H1 Objective 3 of the development plan has been undertaken and that the current document is an interim strategy. It is contended that permission should be refused pending such a review and the adoption of a new Tallaght TC development plan. I note that there is provision for a review of the housing strategy under Plan Housing 1 Objective 3 of the Plan however the housing and tenancy mix has been the subject of assessment by the housing department of the local authority who consider that it is accordance with the housing strategy. As set out above, the focus of the 2018 apartment standards, the NPF and the Sustainable Residential Development in Urban Areas Guidelines is on densification and consolidation of residential development in urban areas, the promotion of height in appropriate town and city centre locations and providing for increased household numbers and smaller household sizes. I consider that the proposed development is appropriate in meeting these aims.

## 7.5. Impact on Amenity

- 7.5.1. The proposed development has some potential to result in a loss of amenity arising from overlooking and overshadowing within the Priors Gate scheme. There is also a potential impact on the amenity of properties to the east and north due to overlooking and overbearing visual impact.
- 7.5.2. Within the development there are a number of locations where there is relatively limited separation between the proposed development and existing blocks within Priors Gate. In particular, at the northern end of the proposed block, the Type A one bed and Type C two one bed units at first and second floor levels face windows in the east facing elevation of the adjoining 4 storey block to the west. The separation in these locations is c.7.5 metres and is in my opinion excessively close and such as would result in overlooking between units and visual intrusion. The west facing window in the living room of Units 101, 201 and 301 could be omitted, however this change will result in these three units not being dual aspect and becoming single aspect north facing units. A compromise proposal in the form of windows in this location being high level is therefore in my opinion acceptable and in the event of a grant of permission a condition requiring the replacement of these windows with high level windows is recommended.
- 7.5.3. Further to the south the footprint of the proposed development and relationship with the adjoining block to the west is such that the separation distances increase and no significant overlooking issues are considered likely to arise. At the southern end of the proposed block, the separation distance to the existing development to the south is c.12 metres and, given this separation and the limited number of windows in this location this is considered to be acceptable.
- 7.5.4. With regard to daylight and sunlight, the application is accompanied by a daylight and sunlight assessment. The main potential impacts are on the residential block located to the north west of the site and on the existing youth centre site to the east. The submitted analysis indicates that the proposed development would not impact significantly on the available sunlight level to living rooms of apartments within the Priors Gate development. Similarly, in terms of the open areas within the Priors gate development, the proposal is indicated not to have a significant effect on existing and proposed outdoor amenity levels in terms of availability of sunlight. In terms of

skylight impact, a total of 7 no. locations out of the 23 no. points assessed were found not to meet the BRE standard. The impacts in these cases are identified as Negligible to low. An assessment of internal daylight standards within the proposed development indicates that the levels meet the BRE standard is all bar one of the units examined. Any impacts on properties on the northern side of Main Road are identified in the assessment as negligible and are not therefore considered to be of significance in amenity terms.

- 7.5.5. Overall therefore, the proposed development is substantially in line with the standards set out in the BRE Guidelines on daylight and sunlight. It is noted that such standards are a guideline and that it is specifically noted on page 43 of the document that the standards set out may not be achievable in the case of higher density developments in urban areas. On this basis, it is considered that the results achieved in the assessment of the proposed development are acceptable.

## **7.6. Traffic and Transportation Issues**

- 7.6.1. The proposed development provides for a total of 29 no. basement car parking spaces which are to be located in the basement level of the adjoining Priors Gate development and accessed via the vehicular ramp located to the immediate west of the appeal site.
- 7.6.2. The current layout is that a total of 102 no. of the 193 no. car parking spaces in the reserved residential section of the basement car parking area to Priors Gate are in the ownership of the first party (IRES) and serve the 102 no. apartments that are in IRES ownership in the development. The Information submitted with the application indicates that a total of 31 no. of these spaces are currently vacant and unused. It is proposed that the space occupied by these spaces would be used to provide 29 no. spaces to serve the proposed new apartment development comprising 31 no. residential units.
- 7.6.3. The development plan standard for residential units is 0.75 spaces per one bed apartment unit and 1 no. space per 2 bedroom unit within 400 metres of a high quality public transport service including LUAS. The appeal site is located c.800 metres from the Tallaght LUAS stop and therefore the applicable standards are 1 no. space per one bed unit and 1.25 spaces per 2 bed unit. With regard to car parking

provision I also note paragraph 4.21 of the Sustainable Urban Housing Design Standards for New Apartments, 2018 which states that in the case of intermediate urban locations which are served by public transport and are close to town centres, *'planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum standard'*.

- 7.6.4. A total of 29 no. spaces to serve 31 no. new spaces is considered acceptable and close to the development plan standard of 1 space per unit. At a wider Priors Gate development level however it should be noted that the level of parking owned / provided by IRES will be 100 no. spaces with the result that for their units, 100 no. spaces will serve 133 units. This equates to 0.75 space per unit. I note the information presented by the first party with regard to the level of underutilisation of the existing 102 no. parking spaces in its ownership, however the level of this under usage is very difficult to verify. As per 3.4 of the Transport Statement submitted with the application a spot survey showed only 31% occupancy in the residential section of the basement car park however it should be noted that this survey was undertaken at 16.00 hrs on a Friday.
- 7.6.5. The third party appellants have raised a number of concerns with regard to car parking, access and transportation issues. Specifically, it is submitted by the third party that inadequate car parking provision is proposed to serve the development, that the spaces identified in the basement level are open to public access as they are shared with retail uses and that traffic congestion on Main Road in the vicinity of the site is significant with significant tail backs in an easterly direction from the junction located to the north west of Priors Gate. This traffic is considered to be such as to make accessing the proposed 2 no. on street lay by parking spaces problematic.
- 7.6.6. In terms of basic parking provision for the overall IRES residential units (existing and proposed), taking account of a certain level of vacancy / under utilisation of existing spaces, the accessible town centre nature of the site, the general one and two bedroom unit sizes proposed and the provisions of the 2018 Apartment Guidelines, it is my opinion that the car parking provision equating to an average of 0.75 spaces per unit is acceptable.

- 7.6.7. With regard to the proposed 2 no. additional surface car parking bays, I note the concerns of the third party appellants regarding interference with traffic in the vicinity and at the time of inspection which was an early Friday afternoon there was a significant tailback of traffic in front of the appeal site on Main Road. I also note the fact that there is a local objective along the road frontage of the site for the provision of a NTA Greater Dublin Cycle Network Plan and I would have concerns that additional on street parking spaces such as the two proposed would impact negatively on the safety of cyclists in this location as well as interfering with traffic. I note the statement of the first party in the appeal response that the proposed on street parking bays are not essential to the proposed development and that they are proposed to be provided in agreement with SDCC and are not located within the red line application boundary. It is in my opinion preferable that these spaces would not be provided however, given that these spaces are located outside of the red line boundary of the development the subject of this appeal, it is not considered appropriate that a condition relating to their inclusion or omission would be attached to any decision issued by the Board.
- 7.6.8. That the basement car parking area is divided into resident and non resident areas with access to the resident section restricted by coded security gates. Parking for the development is proposed to be in the south western corner of the basement car park with 29 spaces for the 31 no. units are proposed.
- 7.6.9. Cycle parking to serve the proposed development is indicated adjoining the proposed retail unit and the level of provision at 32 no. spaces / stands is considered acceptable.

## **7.7. Other Issues**

- 7.7.1. An outline specification for softworks prepared by Mitchel and Associates Landscape Architecture is submitted with the application. The contents of this document as it relates to specifications and methods of landscaping works are noted. A Landscape Masterplan (including species and dimensions) and Typical Planting Details drawing as well as an Arboricultural Impact drawing (location of trees impacted) are also submitted. Condition No. 7 requires the submission of a detailed landscaping plan and Condition No.4 requires the submission of details of the proposed children's play

area. In the event of a grant of permission it is recommended that a condition requiring the submission of details of the proposed playground. I note that the report of the Parks and Landscape section requests that details of landscape plan be submitted and it is therefore considered appropriate that this would be required in addition to the play area.

## **7.8. EIA Screening**

- 7.8.1. Having regard to the limited number of units proposed (31 no.) relative to the threshold and to the limited site size (0.29 ha.) as well as the lack of sensitive environmental receptors or environmental designations in close proximity to the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **7.9. Appropriate Assessment**

- 7.9.1. The development is located in a built up urban area and is proposed to be connected to the public water supply and wastewater systems. The closest pathway to the site that connects in an indirect way to a European site is the Jobstown Stream that is located c.100 metres to the south of the site at the closest point.
- 7.9.2. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. In view of the above it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

## 9.0 Reasons and Considerations

Having regard to

- the objective VC (Village Centre) zoning objective for the site and wider area including the adjoining site to the east,
- the pattern of development in the area including the scale of the adjoining Priors Gate development to the west of the site,
- The form of development proposed that complements the existing Priors Gate development in design and scale,
- The provisions of the *South Dublin County Council Development Plan, 2016-2022*,
- The provisions of relevant planning guidance prepared by the Department of Housing Planning and Local Government, specifically the *Sustainable Urban Housing: Design Standards for New Apartments* (March, 2018) and *Guidelines for Planning Authorities on Urban Design and Building Heights*, (December, 2018).

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

## 10.0 Conditions

1. The 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.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) the west facing windows in the living room of Units 101, 201 and 301 shall be replaced with high level windows such as would prevent overlooking of the existing residential units to the west in Priors Gate.

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 residential amenity and traffic and cyclist safety.

3.
  - (a) 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.
  - (b) Prior to the commencement of development, the developer shall submit revised proposals for the written agreement of the Planning Authority for surface water layout providing for an increased attenuation of 55 m<sup>3</sup> by 20% for a 1 in 30 year storm event and by 28% for a 1 in 100 year storm event.

**Reason:** In the interest of public health.



4. The following requirements of the Roads Department of the council shall be complied with in the development:
  - (a) Prior to the commencement of development details of the proposed 2 no. on street car parking spaces, a drawing showing the proposed sight lines from the existing vehicular access point and details of the proposed on street bicycle parking stands shall be agreed with the Roads Department of the council.
  - (b) Proposals for vehicle cleaning and dust suppression shall be submitted for the written agreement prior to the commencement of development.

**Reason:** In the interests of traffic safety and to ensure a proper standard of development.

5. Prior to the commencement of development a comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority. This scheme shall include the following:-
  - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) details of the proposed play area to include design rationale, equipment and surface.
  - (c) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - (d) details of proposed street furniture, including bollards, lighting fixtures and seating;

The site landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. Proposals for a development name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of urban legibility.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall

agree in writing with the planning authority details regarding any further archaeological requirements prior to commencement of construction works. 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 area and to secure the preservation and protection of any archaeological remains that may exist within the site.

9. 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.

10. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development].

**Reason:** In the interest of the amenities of the area/visual amenity.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.

12. The developer shall pay to the planning authority a financial contribution of €222,153.53 (Two hundred and twenty two thousand one hundred and fifty three euro and 53 cent) 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. The application of any indexation required by this condition 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.

**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.

13. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of € 158,300 (one hundred and fifty eight thousand three hundred euro), or
- (b) a cash sum of € 137,638 (one hundred and thirty seven thousand six hundred and thirty eight euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

**Reason:** To ensure the satisfactory completion of the development.

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Stephen Kay  
Planning Inspector

8<sup>th</sup> January, 2019.