



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-305725-19

Strategic Housing Development

245 apartments built to rent, and two commercial units

Location

Fourth Avenue, Tallaght, Dublin 24

Planning Authority

South Dublin County Council

Applicant

Steelworks Property Development Ltd.

Prescribed Bodies

Irish Water

Irish Aviation Authority

Transport Infrastructure Ireland

Inland Fisheries Ireland

Commission on Railway Regulation

Observers

Belgard Residents' Association

Date of Site Inspection

23rd March 2019

Inspector

Stephen J. O'Sullivan

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	4
4.0 Planning History.....	5
5.0 Section 5 Pre Application Consultation.....	6
6.0 Relevant Planning Policy	12
7.0 Third Party Submissions	16
8.0 Planning Authority Submission	16
9.0 Prescribed Bodies.....	18
10.0 Screening Issues.....	19
11.0 Assessment.....	20
12.0 Recommendation	25
13.0 Reasons and Considerations	25

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is in the Cookstown Industrial Estate which lies to the north of the town centre of Tallaght. It consists of two adjoining plots and has a stated area of 0.71ha. It contains industrial type buildings with a stated floor area of 2,5118m². It is immediately south-east of a 3-armed roundabout at the junction between the Cookstown Estate Road and Fourth Avenue. The adjoining plots to the west and those on the other side of Fourth Avenue to the north and the Cookstown Estate Road to the east are occupied by similar industrial-type buildings. There is an entrance to Tallaght Hospital at the at the western end of Fourth Avenue c150m from the site. The adjoining land to the south and south-east of the site is vacant. There are apartment buildings up to 7 storeys high c60m south of the current site with access from Belgard Square, while to the south-east of the site the vacant plot extends to Belgard Square. The Cookstown Estate Road currently ends along the eastern site boundary but works are being carried out to extend it across the vacant land to the south of the site to provide access to the town centre at Belgard Square.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would provide 245 apartments in a building between 6 and 11 storeys high that would have frontage onto the northern, eastern and southern sides of the site. The tallest part of the building would be in the north-eastern corner of the site where it would reach a height of 37m. The apartments would be built to rent as a single scheme. The unit mix would be as follows -

Studio apartments	1 bedroom apartments	2 bedroom apartments
69	56	120

There would be a communal gym of 83m² and a landscaped courtyard at ground floor level, as well as various other communal rooms of indeterminate use throughout the building with a combined floor area of 880m². Two commercial units would be provided on the ground floor, one of 129m² in the north-eastern corner of the building and another of 126m² in the south-eastern corner. They could be used for shops, offices or care services within classes 1, 2 or 8 of part 4 of schedule 2 to the planning regulations. 79 car parking spaces and 338 bike spaces would be provided at basement level, with another 80 bike spaces at ground level. The combined stated floor of the apartments is 15,742m², while that of the overall development is given as 27,244m².

4.0 Planning History

- 4.1. SD16A/0270: In September 2016 the planning authority refused permission for a mixed residential and commercial development (GFA 38,207.1sq.m) providing a total of 246 apartments in 2 separate buildings, 3 commercial units, 2 community rooms, 2 crèches and 2 ESB substations on a site that includes the current application site. There were four reasons for refusal; poor site frontage and overdevelopment, lack of legal interest for access, compromising future development as planned for under the LAP, and residential amenity shortfalls.

Adjacent sites:

- 4.2. SD178/0007 – In November 2017 the council granted Part VIII approval for the provision of a direct road link between Belgard Square North and the Cookstown Estate Road with a signalised junction on Belgard Square North. These works were underway at the time on inspection.
- 4.3. ABP-303306-19: The board granted permission in April 2019 for a strategic housing development on a site at Belgard Square c90m east of the current site on land occupied by industrial buildings. The permitted development comprises a new urban quarter and streets with 5 buildings between 5 and 9 storeys high to provide 438 no. apartment units (including live/work units), a 403 no. bedspace student accommodation scheme and associated amenity facilities, a childcare facility (c.380 sqm), 6 no. retail / commercial units (c.632 sqm in total) and a security room (c.52 sqm). This development has not commenced.

- 4.4. ABP-303911-19: On 19th June 2019 the board refused permission for a strategic housing development of 150 build to rent apartments and a shared living facility of 222 bedspaces on a site at First Avenue c430m north of the current site. There were two reasons for refusal. The first stated that the development would be an unco-ordinated and piecemeal form of development contrary to section 11.2.4 of the development plan and the REGEN zoning of the area, the second that the proposed shared accommodation would not provide an adequate standard of residential amenity in line with paragraphs 5.15, 5.22 and 5.23 of the 2018 apartment design guidelines.
- 4.5. ABP-303803-19: On 25th July 2019 the board granted permission for a strategic housing development of 196 apartments that would be built to rent on a site at Second Avenue and Cookstown Way c550m north-west of the current site.
- 4.6. ABP-305763-19: An application is before the board for permission for a strategic housing development of 345 apartments on a site at Belgard Road and Airtown Road c375m east of the site of this application.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 26th June 2019 in respect of a proposed development of 336 apartments on a site of 1.15ha that includes the current site and that of two other units in the industrial estate on the other side of Fourth Avenue. The main topics raised for discussion at the tripartite meeting were follows:

1. Tallaght LAP – status
2. Architectural Expression – urban redevelopment sites and the Building Heights guidelines
3. Site Interface - adjoining development, permitted and existing
4. Residential Amenity - quantum and distribution of communal facilities, internal amenity and open space
5. Car parking
6. Any other matters

Copies of the record of the meeting and the inspector's report are on this file.

- 5.2. The board issued an opinion on which stated that the submitted documents required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development in respect of the following issues -

1. Height, Density and Unit Mix

Further consideration of the documents as they relate to height and residential density. In this regard a planning rationale/justification for the height and residential density proposed should be submitted which has due regard to inter alia, the local and national planning policy context. Specifically, the prospective applicant must be absolutely satisfied that the development would not conflict with emerging local policy guidance in terms of any proposed Local Area Plan. The prospective applicant should also provide a reasoned rationale for the proposed building height, taking into account the pattern of existing and permitted residential developments in the area and the zoning objective and permitted densities pertaining to such lands and how the proposed development of the scale proposed would be successfully assimilated into the area, now and in the future.

A planning rationale/justification for the proposed unit type/mix should be submitted which includes a housing assessment report that considers existing and recently permitted developments in the Tallaght area including tenure, unit type and mix. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Roads

Further consideration of the documents as they relate to planned road improvements in the area. Specifically, the prospective applicant is advised to illustrate all new and planned road infrastructure as it relates to both subject sites (A and B) and how the proposed development will integrate and/or facilitate these proposals. The prospective applicant should be satisfied that the proposed development is not premature pending the delivery of such road infrastructure. The prospective applicant should demonstrate that the proposed

development would not prejudice any stated objectives of the planning authority to deliver new roads and increase the prospect of vehicular connections to and from Cookstown, Airton Road and Belgard Square North or limit the possibility of land acquisition for proposals led by the Local Authority. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

3. Site Integration

The pre-application consultation documentation has failed to provide an adequate amount of material to allow any meaningful assessment of site integration if submitted as a full planning application. No documentation has demonstrated how the development will successfully integrate with the character and amenities of the area, such as they are, or recently permitted development to the east. Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the integration of the proposed development with adjacent permitted and emerging development. Layout drawings should show recently permitted development to the east in the context ABP-303306-18 regarding the provision of a future vehicular and/or pedestrian route, position of apartment buildings and open space. In addition, contiguous elevations, levels and cross sections should show permitted development on those lands to the east. There should be a logical physical connectivity between this site and the site to the east, as a means of providing a usable pedestrian/cyclist access route. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

4. Residential Amenity

Further consideration and/or justification of the documents as they relate to the internal layout of the proposed development, having particular regard to the provision of resident support facilities and amenities and their location within the overall development, having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 including the specific planning policy requirements in respect of Build to Rent and Shared

Accommodation developments. The provision of a variety of facilities should contribute to the creation of a shared environment where individual renters become more integrated and develop a sense of belonging with their neighbours in the scheme. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

5. Finishes and Materials

Further consideration of the documents as they relate to the detailed design of the proposed development. The documentation submitted at application stage should demonstrate that the external finishes, materials and detailing of the proposed buildings, together with the landscaping and surface/boundary treatments of the outdoor spaces would be of a sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

6. Public and Communal Open Space

Further consideration should be given to the design rationale/justification outlined in the documents as it relates to the qualitative standards of public and communal open space provisions particularly in the context of the disposition and usability of such spaces. Details of usability and hierarchy of such spaces, ease of access and consideration of any impact in terms of overlooking issues that may arise to units at ground floor level should be considered. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted. A site layout plan which clearly distinguishes between public open space and communal open space should be submitted. Any proposed pedestrian connections to adjoining lands should be clearly indicated on plans. The prospective applicant should include any plans for public open spaces in the wider area, if known, and how such proposals would link in and integrate with the proposed development. The further consideration

of these issues may require an amendment to the documents and/or design proposals submitted.

5.2.1. The opinion also stated that the following specific information should be submitted with any application for permission –.

1. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with existing streets and contiguous lands. In this regard, due consideration should also be given to recently permitted residential and road development not yet constructed.
2. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development.
3. A revised Traffic Impact Assessment report which addresses concerns raised by the planning authority regarding inter alia, access to car parks, roads layout, public transport capacity, car parking rationale and planned roads. A rationale justifying any reduction in car parking spaces should also be submitted in the context of the Sustainable Urban Housing guidelines and advice on Build to Rent schemes.
4. Additional water and waste water details to address matters raised in the planning authority's opinion dated 6 June 2019 in particular the Water Services Department's comments and consideration of the provisions of appropriate SuDS measures and attenuation calculations.
5. Construction and Demolition Waste Management Plan.
6. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build to Rent accommodation. There shall be a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no

individual residents units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018).

7. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document

5.3. Applicant's Statement

In relation to issue no. 1 on the board's opinion, the statement refers to the statement of consistency submitted with the application.

In relation to issue no. 2 it is stated that the current proposal omits the part of the original site to the east of Cookstown Road in order to avoid prematurity pending the delivery of roads infrastructure by the extension of the Airtown Road.

In relation to issue no. 3 it is stated that the integration with development on adjoining sites is addressed by the omission of the land from the east of the Cookstown Road and by providing a greater setback from the southern boundary of the site.

In relation to issue no. 4 it is stated that residential amenity will be provided by the proposed gym and 21 other communal spaces with a total floor area of 880m².

In relation to issue no. 5 the statement refers to the submitted architectural design statement in relation to finishes and materials.

In relation to issue no. 6 the statement says that the site is not big enough for public open space and refers to the submitted landscape design rationale.

The statement says that the specific information requested by the board has been submitted including photomontages, daylight/sunlight analysis, traffic analysis, drainage proposals, and a draft covenant regarding the build-to-rent status of the scheme.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. The government published the National Planning Framework in February 2018. Objective 3a is to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 13 is that, in urban areas, planning and related standards those on building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.
- 6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.5 and 5.8 states that densities for housing development in town centres and on public transport corridors should be increased. A minimum net density of 50 dph is specified. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.
- 6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that sites within 1km of railway stations are suitable for higher density development that may consist wholly of apartments. It contains several specific planning policy requirements (SPPRs) with which compliance is mandatory. SPPR 1 is that up to 50% of apartment schemes may be studios or one-bedroom units and that other restrictions on housing mix may only be imposed under a development plan after a housing needs and demand assessment has been carried out. SPPR3 is that the minimum floor area for studios is 37m², for one-bedroom apartments it is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Requirements for individual rooms, for storage and for private and communal

amenity space are set out in the appendix to the guidelines. SPPR 4 is that in accessible locations a minimum of 33% of apartments should be dual aspect. Section 3.18 states that the proportion of single aspect apartments facing south should be maximised and that east and west facing single aspect units are also acceptable. North facing single aspect apartments may be considered where overlooking a significant amenity. SPPR 5 is that ground level apartments should have floor to ceiling heights of 2.7m. Section 5 of the guidelines refers to build-to-rent developments. Section 5.9 states that the promotion of such schemes is strongly merited. SPPR 7 refers to the requirement for a covenant to be submitted with detailed proposals for build to rent schemes regarding their ownership, along with proposals for resident support facilities and amenities. Under SPPR 8 restrictions on housing mix and the number of apartments per core do not apply to BTR schemes, nor does the requirement that most apartments would exceed the minimum floor areas by 10%, and that car parking provision for them shall be minimal.

6.1.4. The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. SPPR 1 recites government policy in favour of increased buildings heights and densities in locations with good public transport accessibility and town cores, and states that plans shall identify where increased building height will be pursued and shall not provide for blanket numerical limitations on building height. SPPR 3 is that a planning authority may approve high buildings that meet various criteria even where the provisions of a plan indicate otherwise. These criteria are set out in section 3.2 of the guidelines and require the higher buildings to successfully integrate into the built environment and make a positive contribution to the streetscape.

6.1.5. The minister issued Guidelines for Planning Authorities on Childcare Facilities in June 2001. Section 3.3.1 of the guidelines recommends that new housing areas be provided with childcare facilities at a standard of one facility with 20 spaces for every 75 homes.

6.2. Local Policy

6.2.1. The **South Dublin County Development Plan 2016-2022** is the operative County Development Plan. The site is zoned under objective 'REGEN' which seeks to

‘facilitate enterprise and/or residential-led regeneration’. Residential use, local shops and restaurants/cafes are ‘permitted in principle’

CS2 Objective 6 of the plan is to promote and support the regeneration of underutilised industrial areas within areas designated with Zoning Objective Regeneration ‘REGEN’ (to facilitate enterprise and/or residential led regeneration).

Section 11.2.4 of the plan states that development proposals in REGEN zones should demonstrate a clear transition towards a more urban form of development and a traditional street network; and address connectivity and linkages in the area and demonstrate that the development of the site would not give rise to isolated piecemeal pockets of residential development that are disconnected from shops, amenities and/or residences.

UC6 Objective 3 is to direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centre, Regeneration and Strategic Development Zones, subject to an approved Local Area Plan or Planning Scheme

- 6.2.2. The Tallaght Town Centre Local Area Plan 2006-2016 has expired. A draft LAP for the period 2020-2006 was published on 12th September 2019. The site is included within the town centre identified in the plan with a high mix of uses. Plot ratios should be between 1.5 and 2.0. The plan specifies that a new junction and crossing would be provided at Fourth Avenue and the Cookstown Road beside the north eastern corner of the site. New streets would run from this junction south to meet Belgard Square and west to the junction of the Airton and Belgard Roads. A building height of 6 or 7 storeys for residential buildings or 5 or 6 storeys for commercial buildings is specified for the site’s frontage onto the Cookstown Road, although section 2.6.2 of the plan refers to a potential for buildings on some landmark sites of over 2ha that would be 2 or 3 storeys higher than would otherwise be the case. Section 5 of the draft plan states at least 30% of units in any residential development should have three bedrooms and no more than 60% should be built-to-rent.

6.3. **Statement of Consistency**

- 6.3.1. The proposed development would be close to Tallaght town centre and the Luas. Its density would be equivalent to 345 dph and it would have plot ratio of 3.1 and site coverage of 43%. It would provide housing in line with government policy as stated in Rebuilding Ireland. It would contribute to the achievement of objectives 3a, 13, 35

and 36 of the National Planning Framework. The proposed development would provide development of a suitable density and height near a town centre and public transport corridor and would therefore be in keeping with SPPR 1 of the 2018 guidelines on building height. It would also provide housing that was appropriate to its context near the Luas, town centre, hospital, the institute of technology and other facilities in line with the 2009 guidelines on sustainable urban residential development. It would meet the 12 design criteria in the manual that accompanied those guidelines with active frontage provided along Cookstown Road and Fourth Avenue with an extensive public realm in front of the building. The proposed development would therefore improve the character of the area. It would comply with the requirements set out in the 2018 apartment design guidelines including those which refer to Build to Rent schemes. The overall floor areas meet the standards required for apartments and those of individual rooms are within the variance allowed under appendix 1 of the guidelines. 92 or 37.5% of the units would have dual aspect which meets the standard of 33% for an accessible urban area. The provision of private open space, storage and the ceiling heights meet the standards on those topics required under the guidelines. The proposed development would also comply with DMURS and the guidelines on flood risk management. The required childcare facility would be on the part of the applicant's landholding that was omitted from this application.

6.3.2. The proposed residential use would be in keeping with the REGEN zoning of the site under the development plan. The higher residential density near the town centre and Luas would be in keeping with CS objective 6. The proposed development would be in line with the policies in the development plan in favour of good quality housing and with policy UC6 because the proposed height is appropriate for a landmark site. The site is not large enough to provide public open space but 2,813m² of communal amenity space would be provided. The level of car parking is justified under SPPR 7 of the apartment design guidelines.

6.3.3. The proposed development is in keeping with the designation in the draft LAP of the area as one with the high mix of uses. The exceedance of the limit of 60% on build to rent units is justified. Only 196 BTR units have been permitted in Tallaght under ABP-303803-19 and no others are currently proposed. The proposed scheme would not be viable if a significant share of units were owner occupied. The development

meets the key objectives of the draft LAP be providing mixed use on an underutilised site and improving the legibility and connectivity of the area. The exceedance of the limits in the draft LAP on height and plot ratio are justified by national policy on building height, the precedent established by the board's grant of permission under 303306 and the proximity of the Luas and the town centre. The proposed development would provide active street frontage. 10% of the units would be provided under lease as social housing under Part V.

7.0 Third Party Submissions

7.1. The Belgard Area Residents' Association stated that the regeneration of the Cookstown Industrial Estate was to be welcomed but its wider implications need to be considered. The current proposal does not comply with the draft LAP and makes no attempt to provide accommodation for families.

8.0 Planning Authority Submission

8.1. The minutes of the area committee record that the elected members raised concerns about the scale and density of the proposed development, the lack of open green space, the pressure on public transport, the impact on traffic, the limited amount of proposed car parking, and the potential demands on local services such as schools and the Garda.

8.2. The report from the Chief Executive recommended that permission be refused for 6 reasons as follows –

- The proposed development would materially contravene the height and plot ratios specified in the draft local area plan.
- The submitted basement plans are contradictory with attenuation tanks shown on some plans in the same place as parking on others.
- The proposal would prejudice the proper development of zoned land to the south.
- Single aspect north facing apartments are proposed and inadequate information was submitted regarding the proposed communal amenity rooms so the proposal would contravene the 2018 apartment design guidelines.

- The proposed development would not be properly integrated with the proposed upgrade of the junction of Cookstown Road and Fourth Avenue and it is not clear that bin lorries could access the bin store in the basement.
- The proposed development would not provide sufficient non-residential street frontage and so would contravene the provisions of the draft LAP regarding Cookstown Road.

The submission included conditions that the board could attach to any grant of permissions. Recommended conditions nos. 2 and 3 would require extensive alterations to the proposed development, including a reduction in height to 6 storeys and a setback of 8m from the southern boundary of the site.

- 8.3. The Chief Executive's report states that the board should have regard to the draft local area plan. It is due for adoption in the first quarter of 2020. Residential development is acceptable under the REGEN zoning objective that applies to the site. Only one of the previous reasons for refusal stated by the council in its decision on SD16A/0270 has been overcome – the one relating to the access to the site. The other reasons relating to over-development and the prejudice to the development of adjoining sites have not been overcome. The council is concerned that all of the proposed apartments would be built to rent and that no 3-bedroom apartments are proposed. There should be a greater setback from the southern boundary of the site so as not to prejudice the development of the vacant zoned land on the other side which is owned by the council. The setback should be at least 8m. The Part VIII approval for a north-south road includes a spur for an east-west street to the south of the current site that is not addressed by the proposed development. The council is considering an extension of the Airton Road to the Cookstown Estate Road which would involve a major reconfiguration of the junction between the latter road and Fourth Avenue at the north-eastern corner of the site. The proposed building fails to properly address this junction and does not provide a strong urban edge.
- 8.4. The draft LAP complies with the 2018 guidelines on building heights and sets a maximum of 6-7 storeys for key sites. The draft LAP sets a maximum plot ratio of 2.5 which the proposed plot ratio of 3.13 would exceed. The proposal is therefore over-development of the site. It should be reduced to a maximum of 8 storeys stepped down to 4 storeys to the south and west. The proposed layout with a perimeter on 3

sides of a block is acceptable and the site is appropriate for sequential development from the town centre. The western side of the proposed development would cause problems for the development on the adjoining site in that direction. The unit size would comply with the 2018 apartment design guidelines but there are numerous north-facing single aspect apartments that would be contrary to section 3.18 of those guidelines. Apart from the small gym, no uses are proposed for the communal rooms throughout the scheme. The daylight and sunlight analysis should have taken account of the potential for development on the adjoining site to the south. The draft LAP identifies Cookstown Road as a mixed use street. The current proposals does not provide a proper mix of uses along it. The design of the proposed building is complex. The north-eastern corner does not properly address the street and public realm. Additional height could be justified if an architectural landmark was being provided at the junction. The proposed tower should be omitted from the scheme.

- 8.5. The scheme lacks public open space or a play area. It might be appropriate to levy a special contribution towards public open space. The basement plans are contradictory, with different ones showing car parking and attenuation in the same place. There should be a right hand turning pocket on Cookstown Road to serve the entrance to the car park. It should be demonstrated that the site can be developed in accordance with the extension of the Airton Road to the Cookstown Road. More information is needed on traffic. It is not clear that bin lorries could access the refuse stores in the basement.

9.0 Prescribed Bodies

- 9.1. Irish Water stated that it can facilitate the proposed connections to its networks.
- 9.2. The Irish Aviation Authority stated that the developer should engage with the Department of Defence and the HSE and Tallaght Hospital. Any tower crane would need warning lights due to the proximity of the helipad at the hospital.
- 9.3. The Commission on Railway Regulation stated that the guidelines issued by Iarnród Éireann should be complied with.
- 9.4. Transport Infrastructure Ireland had no observations to make.
- 9.5. Inland Fisheries Ireland recited standard conditions regarding drainage.

10.0 Screening Issues

- 10.1. The proposed development would not be in or adjacent to any Natura 2000 site. It would not have the potential, therefore, to have a direct effect on any such site. The established use of the site is industrial. It contains no habitats that would support any species which is the subject of a conservation objective for any Natura 2000 site. It drains entirely to the municipal surface water and foul drainage systems. Irish Water have reported that it can facilitate the connection to its networks of the proposed residential development with ancillary commercial units. In these circumstances the proposed development would not have the potential to have indirect effects on any Natura 2000 site. As the development would not have the potential to have any direct or indirect effects on any Natura site, it would not have the potential to have significant effects in combination with any other plan or project. It is therefore evident from the location and nature of the proposed development that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.
- 10.2. The current proposal is an urban development project in a built up area. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or a site area of 10 hectares or 2 hectares in a business district. The number of proposed dwellings is less than half the number cited in the threshold. The site is outside the current town centre of Tallaght and the area zoned as such under the development plan but is inside the town centre area designated in the draft LAP. It is therefore debatable whether it is in a business district and so whether the applicable site area threshold is 2ha or 10ha. However the current site area is less than half the lower threshold in any event. The established use of the site is industrial and it is served by municipal water supply and drainage facilities. The proposed uses are predominantly residential with ancillary retail units and the development would not give rise to significant emissions. It is therefore evident from the scale, nature and location of the proposed development that there is no real likelihood that that it would have significant effects on the environment. An environmental impact assessment is not required

11.0 Assessment

11.1. The planning issues arising from the proposed development can be addressed under the following headings-

- The principle of the development and compliance with policy
- Residential amenity
- Access and parking
- Water supply and drainage

11.2. The principle of the development and compliance with policy

11.2.1. The proposed residential development with small shops is permitted in principle under the REGEN zoning that applies to the site under the development plan. The site is in the existing built up area of Dublin and within walking distance of a light railway and a wide range of commercial and social facilities and employment opportunities in Tallaght town centre. The proposal to provide a tall building at this location with a substantial density of apartments therefore complies with numerous national policies, including objectives 3a, 3b, 11, 27 and 33 of the National Planning Framework, SPPR 1 of the 2018 guidelines on building height and section 2.4 of the 2018 guidelines on apartment design. The proposal for a build-to-rent scheme would also be in keeping with section 5.9 of the latter guidelines.

11.2.2. The above policies would also support the redevelopment of the other plots in the Cookstown Industrial Estate. This is reflected by its REGEN zoning. Its current use, layout and built form do not represent an efficient use of zoned and serviced land. The estate as a whole presents a very significant opportunity for sustainable urban development that would help address the current pressing need for housing in a way that minimised the demand for travel. However the proper exploitation of this opportunity requires a coherent framework beyond the mere zoning of the site. The current layout of streets around the site in the industrial estate lacks the connectivity and permeability to cater for residential development. This would be addressed by the completion of the approved extension of the Cookstown Estate Road south of the site to a partial extent only. Furthermore the specifications of the streets in the industrial estate, including the high kerbs and roundabouts at junctions, are also unsuitable for a residential area and would inhibit pedestrian movement. The public

realm is hostile and restricted, as would be expected in an industrial estate. There is a multiplicity of plots in the industrial estate occupied by functional industrial buildings. The plot boundaries do not provide a useful basis on which to plan an urban residential area. Neither does the layout of the buildings on those plots which provides no streetscape or useful building line. The character and appearance of the buildings themselves bears no relation to that which would be required to provide an appropriate residential development. The quantity of residential development that could be provided in the area is large. This raises questions about the need or otherwise for supporting services and amenities within the REGEN area rather than the town centre, such as schools or parks, and if they are required where should they be located. The existing physical context of the site does not, therefore, provide sufficient guidance as to the appropriate scale or form of development upon it to allow the current application to be determined. Section 11.2.4 of the development plan recognises that this situation can arise on land zoned REGEN. It qualifies the support which that objective gives to development by the introduction of a requirement that any proposal in that zone avoids isolated piecemeal development and demonstrates a clear transition towards a more urban form of development with a street network that provided appropriate connectivity.

11.2.3. A planned basis for the provision of streets, spaces, uses and buildings is therefore required to ensure the proper regeneration of the REGEN area at the Cookstown Industrial Estate. The development plan and the zoning objective do not contain sufficient guidance regarding the layout and form of streets, spaces and buildings or the proportion and location of different uses to provide that basis. The previous LAP for Tallaght was adopted prior to the current development plan has now expired. The planning authority has submitted that the proposed development does not comply with the provisions of the draft LAP for Tallaght on these matters. However the draft LAP is not a material consideration under section 34(2)(a) of the planning act. It would not be appropriate to refuse permission simply on the basis of the contravention its provisions. Conversely it would not be appropriate to rely on the provisions of a draft plan regarding doubtful issues to grant permission either, as this would undermine an ongoing process of public consultation and the role of elected members in adopting an LAP set out in section 20 of the planning act. Therefore the

planning framework to support the coherent and comprehensive of the site and the area around it is not in place.

- 11.2.4. This absence causes specific problems in the circumstances of this site. As stated by the council, it is not clear that the proposed development could be carried out without having an undue or prejudicial effect on the potential for the redevelopment of the vacant and underutilised land to the south and west of the site respectively. Neither is it clear that the proposed development could be carried out without prejudicing the necessary improvements to the street network around the site, including the works required to render the Cookstown Estate Road, Fourth Avenue and the junction between them suitable to cater for a residential area and pedestrians, as well as the new streets needed to the south of the site and to link the area with the Airtown Road to the east. It is unclear if the type and amount of non-residential uses in the proposed development are adequate or whether they would provide the proper level of activity along the street in a regenerated area, or whether the proposed development would properly contribute to the quality of the public realm required in a regenerated area. The 2018 guidelines on building height set out strong policies in favour of higher buildings in central and accessible areas such as the one in which the current site lies. However that support is subject to a requirement that the suitability of the increased height is demonstrated in relation to its context at various scales, as set out in section 3.2 of the guidelines. The existing built environment around the site is not sustainable and its proper future form has not yet been determined by the planning system. So there is no context within which the height and design of the current proposal can be assessed, and so it cannot be concluded that it would be in keeping with the guidelines on building height.
- 11.2.5. The aeronautical assessment submitted by the applicant and the report from the Irish Aviation Authority indicate that the proposed high building would not interfere with the Baldonnel Aerodrome. However given the proximity of the helipad at Tallaght Hospital and the likelihood that tall buildings will be proposed on other nearby sites, the preservation of access to the hospital by helicopters would be better addressed in the context of a planning framework that governed the layout and height of buildings in the area generally.
- 11.2.6. The submissions from the Belgard Area Residents' Association and the council were concerned about the proposal for a build-to-rent scheme and the absence of 3

bedroom units. The 2018 guidelines on apartment design support the build-to-rent model and restrict the extent to which planning authorities can control the mix of housing types in their plans. However SPPR 1 of those guidelines specifically allows controls to be applied to housing mix in statutory plans if a Housing Need and Demand Assessment has been carried out. It would be therefore be reasonable for the planning authority to consider the issue in the plan making process before the form of the redevelopment of the Cookstown Industrial Estate was fixed. A grant of permission on the current application would prejudice this process to a limited extent.

11.2.7. Having regard to the above it is concluded that the proposed development would be premature pending a determination by the planning authority of the appropriate form for the regeneration of the area, including a road layout for the area, and that it would contravene section 11.2.4 of the development plan which requires proposals for development in REGEN zones to show that they would provide a clear transition towards a more urban form of development. This conclusions is based on the particular location and circumstances of the site within the industrial estate. It does not imply that no major development could be authorised in the zone before and LAP is adopted. It is noted that the board has recently granted permission for strategic housing developments on nearby sites in the REGEN zone under 303306 and 303803. However those permissions apply to sites along main streets around the edge of the REGEN zone which provided them with a clearer context to judge proposals for development than the current site, whose context more closely resembles the site on which the board refused permission for a strategic housing development under 303911.

11.3. Residential amenity

11.3.1. The floor areas of the apartments meet the standards required under the 2018 apartment design guidelines, as do their individual rooms, storage areas and private amenity spaces. The proposed development therefore complies with SPPR 3 of the guidelines. As a build-to-rent scheme the requirement for most apartments to exceed the minimum by 10% does not apply, nor does the restriction on one-bedroom and studio units in SPPR 1 or the number of apartments served by each core in SPPR 6. Only two apartments would be three person two-bedroom units and they would meet the overall minimum floor area for normal two-bedroom apartments so section 3.7 of the guidelines has been met. The amount of communal open

space in the proposed courtyard would meet the applicable standard in the appendix to the guidelines. The site is too small to provide useful public open space in conjunction with a residential development. The floor to ceiling height complies with SPPR 5.

- 11.3.2. The floor plans and schedule of accommodation indicate that 56 of the 245 units would have dual aspect, equivalent to 23% of the total. The proposed development would therefore fail to meet the minimum requirement that 33% of apartments in accessible areas would have dual aspect set out at SPPR 4 of the guidelines. 54 of the proposed single aspect apartments would face mainly north but would not overlook any significant amenity, contrary to section 3.18 of the guidelines. It is noted that the submitted sunlight and daylight analysis did not address the potential for tall buildings to be developed on the vacant and underutilised land to the south and west of the site and their possible interaction with the proposed development.
- 11.3.3. In relation to SPPR 7, the notices of the application describe the development as a build to rent scheme and the submitted details includes a draft covenant undertaking to retain the scheme in single ownership for 15 years (although the draft states that the covenant would cease to have effect at the end of 15 years rather than treating this as a minimum period). The proposed floorplans show numerous rooms throughout the proposed building as communal areas, but apart from an indication of a gym on the ground floor detailed proposals for communal and recreational amenities in those rooms has not been submitted. This is contrary to the requirement of SPPR 7b). In this regard it is also noted that no childcare facility is proposed, although the number of dwellings would be significantly above the threshold of 75 specified in the 2001 childcare guidelines above which such facilities should be provided.
- 11.3.4. It is therefore concluded that the proposed development would not provide an adequate standard of residential amenity for its occupants in accordance with the standards set out in guidelines issued by the minister under section 28 of the planning act.

11.4. **Access and parking**

- 11.4.1. The proposed level of car parking is consistent with the advice at SPPR8 of the apartment design guidelines that car parking should be minimised for build-to-rent

apartments in accessible locations, with 79 spaces proposed to serve 245 apartments. The number of bike storage spaces is adequate, although it appears that all would be provided in stacks. Other forms of bike storage should be provided to facilitate bicycles and users who cannot comfortably use such stacked storage. The management of access to the bin stores in the basement requires clarification, as stated in the submission from the council. These issues could be properly addressed by condition. However, as stated above the street network in the area is not suitable to serve residential development, either in terms of its connectivity or its specifications. The current access towards the Luas and town centre relies on the use of a private road through the hospital which is not always open to the public. These issues would have to be comprehensively addressed to support the regeneration of the industrial estate.

11.5. Water supply and drainage

11.5.1. The site is on serviced urban land that has already been surfaced. Issues relating to water supply and drainage would not preclude consideration of a grant of permission, therefore, although the inconsistencies in the plan drawings regarding stormwater attenuation upon which the council have commented would have to be addressed before construction commenced.

12.0 Recommendation

12.1. I recommend that permission be refused for the reasons set out below.

13.0 Reasons and Considerations

1. Having regard to the situation of the site in the Cookstown Industrial Estate and to the established built form, uses and character of the estate in its immediate vicinity, it is considered that the proper development of the site in accordance with the criteria set out in section 11.2.4 of the South Dublin County Development Plan 2016 – 2022 requires the adoption of a planning framework for the local area. In the absence of a such a framework that would determine the layout of streets and spaces in the immediate vicinity of the site and address the layout, height and design of buildings and the proportion and location of various uses there, a grant of permission for the proposed

development would be premature and would unduly prejudice the regeneration of adjoining land. This would be contrary to the REGEN zoning objective as it applies to the site and to the proper planning and sustainable development of the area.

2. The proportion of single aspect apartments in the proposed development would contravene SPPR 4 of the Guidelines for Planning Authorities on the Design of New Apartments issued by the minister in March 2018 and the proposal for some of those apartments to face predominantly to the north without overlooking a significant amenity would contravene the advice at section 3.18 of those guidelines. The application did not include proposals regarding the use and management of supporting communal and recreational amenities that were sufficiently detailed to discharge the requirement at SPPR 7 (b) of the guidelines. The proposed development does not include proposals for childcare facilities, contrary to the advice at 3.3.1 of the Guidelines for Planning Authorities on Childcare Facilities issued by the minister in June 2001. The proposed development would therefore fail to provide its residents with an adequate level of residential amenity and would be contrary to guidelines issued to planning authorities under section 28 of the Planning and Development Act 2000, as amended.

Stephen J. O'Sullivan
Planning Inspector

31st January 2020