



An
Bord
Pleanála

Inspector's Report

ABP-307177-20

Development

Alterations to previously permitted ABP-303803-19 to include alterations to internal layouts and omission of a basement level and relocation of car park and associated site works.

Location

Units 5A-C Second Avenue,
Cookstown Industrial Estate, Tallaght,
Dublin 24.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

n/a

Applicant(s)

QRD Development Co.

Type of Application

Section 146B

Prescribed Bodies

South Dublin County Council

Department of Defence

Irish Aviation Authority

Irish Water

Transport Infrastructure Ireland

Date of Site Inspection

29th June 2020

Inspector

Rachel Gleave O'Connor

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1.0 Introduction

- 1.1. An Bord Pleanála received an application for amendments to a previously permitted development ABP SHD Ref.303803-19 on 14th May 2020 from Hughes Planning and Development Consultants in relation to Units 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24. The request for amendments is made under section 146B of the Planning and Development Act 2000 (as amended).
- 1.2. In accordance with Section 146B. (2)(a) of the Planning and Development Act 2000 (as amended) and following a review of the submitted details, it was concluded that the alterations to which this request relates, amounted to a significant alteration to the overall development, and it could not be reasonably concluded that the Board would not have considered the relevant planning issues differently to a material extent, and that other planning issues for consideration might also arise. As a result, the alteration was considered to constitute the making of a material alteration of the terms of the development concerned.
- 1.3. Pursuant to subsection (3)(b)(i) notice was subsequently served on the requester to require information specified in Schedule 7A of the Planning and Development Regulations. Following the receipt of this information, a determination is now required under subsection (3)(b)(ii) of the Act whether to —
 - (I) make the alteration,
 - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
 - (III) refuse to make the alteration.

2.0 Site Location and Description

- 2.1. The development site is located approx. 9.5kms south-west of the City Centre within the jurisdiction of South Dublin County Council. The subject site, which has a stated area of circa 0.595 hectares, is located on the western edge of Cookstown Industrial Estate, approx. 1.2km north of the Square, Tallaght. It is a high visible site with frontage onto Cookstown Way and Second Avenue and is located immediately

adjacent to the Cookstown Luas stop. Vehicular access to the site is currently from Second Avenue.

- 2.2. Industrial type developments are the predominant use in the general area. There is a very large industrial unit adjoining the site to the east and to the west of the site is an established residential area. Tallaght hospital is located to the south of the subject site while Tallaght Institute of Technology is located approx. 1.3km to the east off Belgard Road.
- 2.3. The current unit on the site is unoccupied and the previous use is noted as a motor showroom and mixed-use development. The existing structures are between two and three storeys in height.

3.0 Proposed Development

- 3.1. A request under section 146B. of the Planning and Development Act 2000, as amended, received 14th May 2020 seeking an alteration to the permitted development under reference 303803-19; Concerning a Strategic Housing Development for the construction of 196 Build to Rent apartments, underground car park, commercial unit, office, creche, gym and including a range of communal spaces.

3.2. Description of proposed alterations:

Alteration to modular construction, with subsequent design amendments;

- Introduction of surface car parking beneath podium level (subsequent removal of basement car park);
- Reduction in the number of apartments from 196 to 185;
- Reduction in the number of car parking spaces from 67 to 58;
- Reduction in the height of all upper floors from 3150mm to 3075mm, and ground floor from 3700mm to 3075mm;
- Redesign of stair cores;
- Changes to apartment layouts and floorspace;
- Change to the location of fenestration in some areas;

- Reduction in size of private balconies and removal of secondary balconies;
- Introduction of new apartment type with internalised 'laundry' room;
- Incorporation of landscape communal amenity area at podium level;
- Creche amenity area subsequently located at sub podium level;
- Alteration to mix of Part V units in Block A;
- Relocation of bin store for Block A;
- Reduced entrance width to the development;
- Alteration to the arrangement of communal amenity rooms;
- Alteration to fenestration appearance; and
- Change of material finish (from brick and terracotta tile rainscreen cladding to ventilated façade systems).

4.0 Planning Authority Reports

4.1.1. No response.

4.2. Prescribed Bodies

4.2.1. Transport Infrastructure Ireland

4.2.2. Recommends conditions in relation to the nearby Luas Line.

4.3. Third Party Observations

4.3.1. None received.

5.0 Planning History

5.1. Strategic Housing Development Reference ABP-303803-19 – Planning permission granted by An Bord Pleanála on 25th July 2019 for demolition of the existing 2,590 square metres industrial building and the construction of a 'build-to-rent' housing development providing a total of 196 number residential apartments comprising:

- 45 number studio units,

- 48 number one-bed units,
- 8 number two-bed (three-person) units and
- 95 number two-bed (four-person) units)

in four number six to nine storey blocks over basement.

- 5.2. The development includes one number commercial unit (248 square metres, accommodating Class 1, 2 and 8 uses as per the Planning and Development Regulations, 2001 – 2018) at ground floor level, one number office unit (111 square metres) at ground floor level; a crèche (192 square metres) at ground floor level; a gym (18 square metres) at ground floor level; six number communal amenity spaces provided at ground and first floor levels across the development (totalling 286 square metres); a communal hot desk room (25 square metres) at ground floor level; and three number communal secure storage areas (totalling 31 square metres) at ground floor level; along with a ground floor level landscaped courtyard, 408 number bicycle spaces (308 number resident spaces at basement level and 100 number visitor spaces at ground floor level); an underground carpark (accessed from Second Avenue, providing a total of 67 number parking spaces (including 61 number standard spaces and six number mobility impaired user parking spaces)) and refuse/waste/recycling stores.
- 5.3. Associated site and infrastructural works also include: foul and surface water drainage; attenuation tanks; lighting; landscaping; boundary fences; plant areas; Electricity Supply Board substations; internal hard landscaping, including footpaths and street furniture; and all associated site development works.

6.0 Policy Context

- 6.1. Project Ireland 2040 – National Planning Framework
- 6.2. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:
- 6.3. National Planning Objective 13 provides that “in urban areas, planning and related standards, including in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in

order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

- 6.4. National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- 6.5. National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- 6.6. **Section 28 Ministerial Guidelines**
- 6.7. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
 - ‘Design Manual for Urban Roads and Streets’ (DMURS)
 - ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
 - ‘Childcare Facilities – Guidelines for Planning Authorities’
 - ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018 (the ‘Apartment Guidelines’)
 - ‘Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’, August 2018.
 - Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- 6.8. **Other relevant guidelines include:**
- Rebuilding Ireland: Action for Homelessness
 - Guidelines for Planning Authority, Appropriate Assessment, NPWS

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.9. Local Planning Policy

- 6.10. The South Dublin County Development Plan 2016-2022 is the operative County Development Plan.
- 6.11. Zoning: 'Objective REGEN' which seeks to 'facilitate enterprise and/or residential-led regeneration'. Residential and restaurant/cafe development is 'permitted in principle'
- 6.12. SDCC Vision: New Regeneration zoning objective 'REGEN' has been introduced to support and facilitate the regeneration of underutilised industrial lands that are proximate to town centres and/or public transport nodes for more intensive enterprise and residential led development.

Section 11.2.4 Regeneration Zone – Development proposals in REGEN zones should address the following criteria:

(1) Demonstrate a clear transition towards a more urban form of development and a traditional street network. 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.

- 6.13. The Tallaght Town Centre LAP 2006-2016 has expired and the Planning Authority are stated to be engaged in drafting a new LAP for Tallaght Town Centre.
- 6.14. Chapter 2 of the plan deals with 'Housing' and section 2.3.0 'Quality of Residential Development' and includes Housing (H) Policy 11 Residential Design and Layout.

7.0 Assessment

- 7.1. The alterations proposed impact the arrangement, layout, quantum, elevational treatment, amenity provision and materiality of the development. Some of these alterations are particularly significant, including the following:
- The reduction in height of floors and fenestration changes;
 - Reduction in size of private balconies and removal of secondary balconies;

- Introduction of a podium level and subsequent location of creche amenity at sub podium level;
- Relocation of bin store for Block A, increasing the distance from residential units and requiring exit from the development and then re-entry onto the site via the street to access the store;
- A reduced entrance width to the development; and
- The change of elevational treatment and material finish (from brick and terracotta tile rainscreen cladding to ventilated façade systems).

7.2. Materiality of the Changes

7.3. The alterations proposed amount to a significant visual and physical change to the development as approved. Particularly in relation to the inclusion of a new podium level and the removal / reduction in size of balcony areas. Externally, facades will be altered through a change in material finish and fenestration location and type. Internally the layout and arrangement of units also changes. The combined impact of the changes significantly alter the overall development from that approved under ABP SHD Ref.303803-19 and therefore constitute a material alteration which requires further assessment and consideration. I describe this assessment in detail below.

7.4. Quality of the Residential Accommodation and Other Uses Proposed

7.5. The proposed changes will alter the layout, arrangement and size of apartments in the proposed development. The floorspace areas will broadly comply with the minimum standards set out in the Apartment Guidelines, however I have a number of concerns regarding the changes and I expand upon this further below.

7.6. The changes to the proposed apartment layout and floorspace include the introduction of a small, internalised space in apartments 101B, 201B, 301B, 401B and 501B. This space is labelled for laundry and storage. The Apartment Guidelines are specific that internal storage should not exceed 3.5sqm, and this may explain the indication of 'laundry' within this space with a total area of 6.48sqm. The space has awkward proportions and the use of this space for storage will be difficult as it narrows significantly to one end. While the apartment guidelines state that flexibility is to be applied in relation to minimum requirements for storage in build-to-rent

scheme, I consider this alteration undesirable when compared to the approved development and indicative of leftover space arising from the proposed modular build arrangement. The reduction in floor to ceiling heights also reduces the internal quality of the accommodation when compared to the approved development.

7.7. In relation to the reduction in size and removal of some secondary balcony spaces to some apartments, this will no doubt reduce the private external amenity value of those units when compared to the approved design. The provision of private external amenity space in excess of minimum requirements was also a determining factor in the assessment by the Inspector for the approved development, particularly in relation to the internal floorspace size of apartments, as quoted below:

7.8. *“There is flexibility regarding storage and private amenity space and there is no requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10%. While I note that some units fall marginally below the combined/aggregate floor areas, the private open space provision generally exceeds the standards set out thus ensuring a satisfactory standard of living.”*

7.9. As a result, I consider the reduction in external private amenity space to be a significant deterioration in the quality of proposed residential accommodation in the development.

7.10. The proposed alterations also result in a change to access arrangements to the bin store for Block A. Block A is also proposed to accommodate the Part V units. The altered arrangements necessitate future occupiers to exit the development, walk along the street and re-enter the development via the pedestrian footpath alongside the car park entrance, in order to access their allocated bin store. This would be an unacceptable distance and convoluted route for future residents of Block A in the development. This arrangement is also contrary to the Apartment Guidelines which in paragraph 4.8 states that *“Refuse facilities shall be accessible to each apartment stair/ lift core”*.

7.11. In relation to the other uses proposed, I note that the proposed alterations will significantly alter the arrangement and quality of the outdoor playspace associated with the proposed creche. As a result of the creation of a podium level over grade level car parking, the outdoor playspace for the creche is enclosed on all sides and

becomes subterranean in character. This is in replacement of the approved basement level car parking design which allowed for all external amenity areas, including the creche outdoor playspace, to be located at ground level. It is clear that the environment of the outdoor playspace associated with the creche would significantly deteriorate as a consequence of this change, with extensive overshadowing and enclosure, resulting in an unattractive and unappealing space.

7.12. These matters alone are significant enough for me to consider the proposed alterations to be unacceptable. However, I have additional concerns that contribute further to the objectional nature of the proposed changes, and I set this out in more detail below.

7.13. Visual Impact

7.14. The alteration from a basement car park arrangement to surface car parking beneath podium level, creates a new ground level elevational appearance to the east of the development. The result is an extended area of blank façade across the ground floor level on this east side of the development. A 2.4m high wall is also indicated on the eastern boundary and new tree planting is indicated in this gap between the wall and the podium edge, which is between 2m and 5m in width. The maintenance of this confined space will clearly be challenging, and I question the viability of tree planting in this area.

7.15. The area in which the site is located is zoned 'REGEN – To facilitate enterprise and/or residential led regeneration' in the South Dublin County Development Plan 2016-2020. It is therefore an area experiencing a transition between the existing industrial character to a more residential neighbourhood. Therefore, the treatment of all edges to the site requires due consideration in light of the future development potential of neighbouring sites, which may include residential use. Overall, I find the treatment on this podium edge problematic and ill considered.

7.16. The general elevational aesthetic of the development has also deteriorated when compared to the approved development. This results from the regularisation of the façade features and removal of balconies to facilitate the modular construction. This has reduced the variation and interest exhibited in the design when compared to the approved development. The width of the entrance to the development has also been

reduced, diminishing it's visual importance in the streetscape and the legibility of the entrance.

7.17. The alteration in material finishes to a ventilation façade system (from brick and terracotta tile rainscreen cladding) would also noticeably reduce the design quality of the development, adversely impacting its exterior aesthetic. This is particularly significant for this site, as one of the first residential developments in an area zoned for regeneration. Overall, I consider the exterior appearance of the proposed development to be significantly and noticeably depreciated as a result of the proposed alterations under this application. This would therefore be contrary to Housing (H) Policy 11 Residential Design and Layout of the South Dublin County Development Plan 2016-2022, which promotes high quality design, layout and living environments in new residential development.

7.18. Applicant Rationale

7.19. The proposed alterations are a consequence of altering the design to a modular design and build construction. This is a process where the building is effectively constructed off-site and later transferred to the site location in modules for assembly. This is a quicker process than traditional on-site build processes and is a cost-effective approach for the developer.

7.20. The process does require standardisation of elements or modules that make up the build, and this therefore necessitates the changes applied for under this application. I note that the retrospective application of the modular design and build approach for this development has resulted in restricted flexibility in the design. As a result, I consider that aesthetic quality concerns arise. This is described in detail in my assessment above.

7.21. EIA Screening

7.22. The applicant has submitted a 'Statement of Required Information specified in Schedule 7A to the Planning and Development Regulations 2001'. The report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.

7.23. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units;
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

7.24. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, it can be concluded in the first instance that there is no real likelihood of significant effects on the environment.

7.25. The proposed development involves alterations to an approved development, resulting in the construction of 185 residential units and ancillary facilities on a 0.595 ha site in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. There are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The subject lands are not located adjacent to, or proximate, to any Conservation Areas or Protected Structures. The site is sufficiently removed from watercourses, and other sensitive sites beyond, to ensure that no likely significant effects will result. The proposed development is not likely to have a significant effect on any Natura 2000 site as concluded as part of the original application approval on the site (ABP SHD Ref. 303803-19).

7.26. Having regard to;

- a) the nature and scale of the proposed development, in an urban area on a site served by public infrastructure,

- b) the absence of any significant environmental sensitivities in the area,
- c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is therefore considered that an environmental impact assessment report for the proposed development is not necessary in this case.

7.27. Screening for Appropriate Assessment

7.28. The original application to which the amendments under this application relate (ABP SHD Ref. 303803-19), described the screening for appropriate assessment associated with the proposed development. None of the amendments applied for under this application, would alter the conclusions reached as part of that original assessment. As such, the conclusion remains that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of those sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 **Conclusion and Recommendation**

8.1. The combined impact of the changes significantly alters the overall development from that approved under ABP SHD Ref.303803-19 and result in a significant deterioration in the quality of design. This has a harmful impact on both the visual appearance of the development externally as well as on internal amenities. Specifically, the proposed development fails to make a positive contribution to the surrounding streetscape by reason of the proposed alterations to the façade and material finish of the development. The proposed alterations also result in the location of the bin store for Block A, which is a significant distance from the staircore for that block, the reduction in external private amenity space and creation of enlarged and unusable storage space to units, contrary to the Apartment Guidelines. In addition, the proposed alterations will generate an outdoor amenity area for the creche with an unacceptable environment. The proposal therefore fails to accord

with Housing (H) Policy 11 Residential Design and Layout of the South Dublin County Development Plan 2016-2022.

- 8.2. Having regard to the above assessment, I recommend that in accordance with subsection (3)(b)(ii) of section 146B of the Act 2000 (as amended) the Board – (III) refuse to make the alteration,
- 8.3. for the reasons and considerations set out below.

9.0 Recommended Order

Planning and development Acts 2000 to 2019

Planning Authority: Dublin City Council

Application for the alteration of ABP SHD Ref. 303803-19 under section 146 B of the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 14th Day of May by Hughes Planning and Development Consultants, 70 Pearse Street, Dublin 2.

Proposed Development

Alteration to modular construction, with subsequent design amendments;

- Introduction of surface car parking beneath podium level (subsequent removal of basement car park);
- Reduction in the number of apartments from 196 to 185;
- Reduction in the number of car parking spaces from 67 to 58;
- Reduction in the height of all upper floors from 3150mm to 3075mm, and ground floor from 3700mm to 3075mm;
- Redesign of stair cores;
- Changes to apartment layouts and floorspace;
- Change to the location of fenestration in some areas;
- Reduction in size of private balconies and removal of secondary balconies;
- Introduction of new apartment type with internalised 'laundry' room;
- Incorporation of landscape communal amenity area at podium level;

- Creche amenity area subsequently located at sub podium level;
- Alteration to mix of Part V units in Block A;
- Relocation of bin store for Block A;
- Reduced entrance width to the development;
- Alteration to the arrangement of communal amenity rooms;
- Alteration to fenestration appearance; and
- Change of material finish (from brick and terracotta tile rainscreen cladding to ventilated façade systems).

Decision

Refuse permission for alterations to ABP SHD Ref. 303803-19 under section 146 B of the Planning and Development Act 2000 as amended, as described above, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

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

Reasons and Considerations

The proposed alterations will significantly deteriorate the design quality of the approved development and introduce features that represent an unacceptable quality of accommodation. This is with specific reference to the following:

- The proposed alterations to the location of the bin store for Block A, which is a significant distance from the staircore for that block;
- The reduction in external private amenity space;
- Creation of enlarged and unusable storage space to units, contrary to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018);

- The alteration to the outdoor amenity area for the creche resulting in an unacceptable environment; and
- Failure to make a positive contribution to the surrounding streetscape by reason of the proposed alterations to the façade and material finish of the development.

The proposed alterations would, therefore, be contrary to the above mentioned Ministerial Guidelines and Housing (H) Policy 11 Residential Design and Layout of the South Dublin County Council Development Plan 2016-2022, and the proper planning and sustainable development of the area.

Rachel Gleave O'Connor
Planning Inspector

05 November 2020