



An  
Bord  
Pleanála

**Board Direction**  
**BD-007419-21**  
**ABP-308398-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/01/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to

- a. The planning history of the site;
- b. The location of the site on lands with a zoning objective for regeneration;
- c. The policies and objectives in the South Dublin County Development Plan 2016-2022 and the Tallaght Town Centre Local Area Plan, 2020 – 2026;
- d. The nature, height, scale and design of the proposed development;
- e. The pattern of existing development in the area;
- f. The recent planning history within the environs of the site;
- g. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- h. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- i. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;

- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- m. The Chief Executive's Report;
- n. Submissions and observations received; and
- o. The Inspector's Report.

The Board, in deciding not to accept the refusal recommendations as contained in the Report of the Chief Executive of the Planning Authority, agreed with the Inspector's assessment and recommendation on those matters.

### **Appropriate Assessment**

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

### **Environmental Impact Assessment**

The Board completed a preliminary examination of the proposed development. Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for regeneration uses under the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026. The Local Area Plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area of Tallaght, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, 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.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that the proposed development is, apart from the parameters of the plot ratio, housing mix and housing tenure set out in the Tallaght Town Centre Local Area Plan 2020-2026, broadly compliant with the provisions of the Tallaght Town Centre Local Area Plan 2020-2026 and the South Dublin County Development Plan 2016-2022 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the

Development Plan, it would materially contravene the provisions of the Tallaght Town Centre Local Area Plan 2020-2026 with regard to the plot ratio and the housing mix.

The Board considers that, having regard to the provisions of section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, a grant of permission in material contravention of the Tallaght Town Centre Local Area Plan 2020-2026 would be justified for the following reasons and considerations:

- The proposed development falls within the definition of strategic housing set out in Planning and Development (Housing) and Residential Tenancies Act 2016.
- Government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Tallaght Town Centre Local Area Plan 2020-2026 would be justified for the following reasons and considerations.

### ***Plot Ratio***

- Objectives 35 of the National Planning Framework which supports increased residential densities through a range of measures, including area based regeneration.
- SPPR3, and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased densities.
- RPO 4.3 and RPO 5.4 of the Regional Spatial and Economic Strategy which support increased densities through the consolidation and re-intensification of infill / brownfield sites within the existing built up area of Dublin City and suburbs.
- Condition No.2 (a) and (b) below which reduces the building height, and thence the floor area of the proposed development.

### **Housing Mix**

- SPPR8(i) of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that no restrictions on dwelling mix for Build to Rent developments shall apply.

## **Housing Tenure**

- Section 5.7 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that *‘a key aspect of the BTR is its potential to accelerate the delivery of new housing at a significantly greater scale than at present’*
- Section 5.8 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that *‘potential for accelerated housing construction through BTR can make a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning Framework’*.
- The government’s policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016,

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

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

## 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.  
**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The height of Block B, which fronts onto the Cookstown Road Extension, shall be reduced to a maximum of 7 storeys. This shall be achieved by the omission of 2 mid floors in the block.

(b) The heights of both Block A, which fronts onto Fourth Avenue, and of Block C, which faces south, shall each be reduced to a maximum of 6 storeys. This shall be achieved by the omission of a mid-floor in each block.

(c) The creche unit at the ground floor of Block A shall be relocated to the ground floor corner area of Blocks B and C, by the omission of apartment no. 40 and by the relocation of the 'community amenity/cinema/ multimedia room' and the 'communal amenity lounge area' to the ground floor of Block A as indicated on Drawing No. 001000. An outdoor play space for the creche shall be provided to the satisfaction of the planning authority.

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 interest of residential and visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

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

5. Proposals for an apartment naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

6. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the proposed development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential

units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first apartments within the scheme.

**Reason:** In the interests of proper planning and sustainable development of the area

7. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build to Rent Accommodation scheme. Any proposed amendment or deviation from the Build to Rent Accommodation model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

8. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

**Reason:** In the interest of place making and visual amenity.

9. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

10. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually



managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

12. Prior to commencement of development, details of the works to the public road, including the installation of the signalised junction, shall be submitted to, and agreed in writing with the planning authority. No residential unit shall be occupied until these works have been completed.

**Reason:** In the interest of road safety and to ensure the satisfactory completion of the works.

13. Prior to commencement of development the developer shall undertake a survey to verify the precise location of the culverted River Poddle within the site boundary and submit a drawing clearly indicating the location of the culverted water body in relation to the proposed development, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of public health, safety and sustainable development

14. Prior to the occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and

implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

15. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

16. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management

17. The site shall be landscaped, in accordance with the scheme of landscaping, which accompanied the application. The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity

18. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity

19. 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.

20. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

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

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

22.

Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

23.

All areas and items for taking in charge shall be undertaken the planning authority's taking in charge standards. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement the construction details of all areas/items to be taken in charge, including the access road details.

**Reason:** To comply with the planning authority's taking in charge standards.

24. Prior to the commencement of development, the developer shall lodge with the planning authority evidence of a written agreement with the Irish Aviation Authority for any crane operations proposed on the site.

**Reason:** In the interest of aviation safety.

25. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management

Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

26. The construction of the development shall be managed in accordance with a Construction and Environmental 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, noise management measures and off-site disposal of construction/demolition waste.

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

27.

A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

28.

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

the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

29. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of a public park within the Cookstown area of the Tallaght Local Area Plan 2020-2026, junction upgrades and road infrastructure for the Belgard Square North- Cookstown Link Road Scheme and the Airton Road Extension Scheme, all of which will benefit the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

30. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning

authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

**Board Member**

**Date:** 26/01/2021

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Terry Prendergast

**Note:** The Board did not agree with the Inspector that the height of the proposed development would not materially contravene the provisions of the Tallaght Local Area Plan 2020-2026. In addition, it considered the provisions of the Local Area Plan in relation to building height to be appropriate for the site.

Please issue Direction with Order.