



An
Bord
Pleanála

Inspector's Report ABP-301204-18

Development	Construction of 126 apartments, 2 commercial units, gym, creche, community room, and all associated site works including demolition of existing industrial unit.
Location	Unit 5A-C, Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD17A/0212
Applicant(s)	Pyrmont Property Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party V. Decision.
Appellant(s)	<ol style="list-style-type: none">1. Ambervale Cairnwood Community Group.2. Belgard Heights Community and Residential Association Ltd.3. Tallaght Community Council.

Observer(s)

None.

Date of Site Inspection

2nd July 2018.

Inspector

Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site, comprises Unit 5A to 5C, which are located at the entrance to the Cookstown Industrial Estate, at the junction of Cookstown Way and Second Avenue, at the north-western edge of Tallaght Town Centre. It is adjacent to the Red Luas Line and Cookstown Luas station and Tallaght general hospital. It is situated 1km to the north west of The Square Tallaght town centre and 2km to the west of Tallaght Institute of Technology. It comprises a site area that extends to approx. 0.595 hectares.
- 1.2. The lands in question are currently in use as a motor showroom and form part of the Tallaght Town Centre Local Area Plan now expired. Industrial and retail/commercial warehousing units are located to the east, south east and immediate north. The Cookstown Reservoir which is raised and covered over is located to the north east. Large areas of residential development are located to the immediate west, south and far north. An area of public open space is located to the west of the of Cookstown Way.
- 1.3. The residential areas to the west include Ambervale, Cairnwood and Belgard residential estates and Belgard Heights to the north are well established and characterised predominantly by two-storey terraced and semi-detached dwellings. The more recent residential developments located approx. 640m to the south along Cookstown Way, are characterised by high rise, high density mixed use development, with building heights ranging between two and twelve storeys. The mix of uses is predominantly residential over ground floor retail/commercial use.
- 1.4. The Cookstown Red Line Luas stop is located on Cookstown Way, approx. 24 metres from the western boundary of the appeal site. The area is also served by several bus routes linking the site to the City Centre. Cookstown Way is a wide straight road connecting to a junction with Katherine Tynan Road and Luas to the north and the N81 to the south.
- 1.5. The existing industrial units on site have a stated floor area of 2,509sq.m.

2.0 Proposed Development

2.1. The application was lodged with the planning authority on the 30/06/2017 with further plans and details submitted on the 19/01/2018. The latter triggered revised public notices.

2.2. The proposed development as lodged comprises:

- Demolition of the existing industrial units on site.
- Permission for construction of a mixed residential and commercial development consisting of 126 residential units with ancillary common facilities including community room, creche and gym, landscaped courtyard; 2 commercial units, with 152 car spaces and ancillary engineering facilities at basement level, and ESB substation.
- The stated floor area of the proposed development is 19,564.2 sq.m, and comprises 3 blocks located around a central landscaped courtyard. The blocks range in height from 5 to 7 storeys and consist of the following;
 1. Block A is positioned on the northern part of the site with frontage onto Second Avenue at the entrance to the Cookstown Industrial Estate. It includes a gym at ground floor level and 49 no. apartments over.
 2. Block B runs along the western boundary of the site with frontage onto the Luas Line and parallel to Cookstown Way. It includes 2 commercial units, creche and community room at ground floor and 49 no. apartments over.
 3. Block C is located along the southwestern corner of the site. It includes 29 apartments.

Table 1: Unit Mix*:

Residential		
Unit Type	No. units proposed	% of units
Studio	5	4
1 bed	46	36

2 bed	62	49
3 bed	14	11
Total	127 units	100%

* as described in the public notices

Table 2: Commercial /Community

Commercial Floor Space Unit 1 & 2	640.52sq.m.
Creche	215.22sq.m.
Gym	258.10sq.m.
Community Room	38.18sq.m.
Total	1,152.02sq.m.

- 2.3. In terms of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. The site surface water attenuation tank will be located within the car-parking area in the basement to the north of the site, and will have a capacity of 350m³. It is also proposed to provide permeable paving and a sedum green roof. Solar panels are proposed and located on the roof.
- 2.4. The proposed vehicular access and exit from the basement car park is via Second Avenue to the north of the site beneath Block A. A vehicular access gate is proposed within the centre of Block B, and a pedestrian entrance to the courtyard is located at the northern end of black B next to the gym.
- 2.5. Works to the public realm include a 'Gateway' plaza at the intersection of Second Avenue and Cookstown Way, which develops into a 'Linear Plaza' fronted by the ground floor commercial units and integrates with the existing Cookstown Luas stop.
- 2.6. The central courtyard is to be landscaped and includes a centrally located single bicycle storage unit.
- 2.7. The application was accompanied by the following;
- Planning Report
 - Environmental Report
 - Landscape Masterplan
 - Landscape Design Rationale

- Design Statement
- Transportation Assessment Report
- Engineering Services Report

- 2.8. In the interests of clarity for the Board, pursuant to further information, the applicant submitted revised public notices and noted that an anomaly in the original notices referred to Block B having 49 no. apartments which should have read 48 no. apartments.
- 2.9. Revised plans were submitted omitting the 6th and 7th floors and consequent reduction in the number of units from 126 to 107.
- 2.10. Revised plans also include a reconfiguration of ground floor Block B to increase the no. of retail units from 2 to 3 including amendments to layout of commercial unit 1 and creche, and relocation of community room resulting in an overall reduction in commercial/community floor space of 89.53sqm.
- 2.11. The other significant design alteration includes the removal of a first-floor apartment above the vehicular entrance through Block B to the courtyard resulting in an increase in the height to 7.050m. An additional vehicular access gate for emergency access is proposed from Second Avenue within Block A to the courtyard. There are 3 separate bicycle storage areas located within the courtyard.

Table 3: Unit Mix:

Residential		
Unit Type	No. units proposed	% of units
Studio	5	5
1 bed	30	28
2 bed	56	52
3 bed	16	15
Total	107 units	100%

Table 4: Commercial/Community

Commercial Floor Space Unit 1,2 & 3	560sqmsq.m.
Creche	231.80sq.m.
Gym	236.61sq.m.
Community Room	34.08sq.m.
Total	1,062.49sq.m.

2.12. The response to further information was accompanied by the following;

- Planning Report
- Design Statement
- Project Construction and Waste Management Plan

2.13. This assessment makes references to the plans submitted at further information stage and the original application stage. It appears that unsolicited additional information was also submitted and received by South Dublin County Council on 06/02/2018 in relation to the protection of a wayleave, but there are no details on file.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority **granted** permission subject to 35 no. conditions. A brief description of the conditions as follows:

- | | |
|----------------------------|---|
| Condition 1 | Compliance with plans and particulars |
| Condition 2, 3, 16, 17, 24 | Requirements of Roads Department |
| Condition 4 | Financial contribution – signal refurbishment |
| Condition 5 | Works in vicinity of Luas tracks/platform |
| Condition 6 | Creche requirements, limitations on signage and hours of operation of gym |
| Condition 7 | Compliance with energy analysis and requirements |
| Condition 8 & 9 | Requirements of Irish Aviation Authority |

Condition 10	Requirements of Transport Infrastructure Ireland
Condition 11	Requirements of Water Services Authority and/or Irish Water.
Condition 12	External finishes and agreement of materials.
Condition 13	Cycle parking, access gate within Block A and Landscaping plan
Condition 14	Bin storage
Condition 15	Requirements of Parks and Landscape Services Section
Condition 18	Undergrounding of public services
Condition 19	Limitations on use of residential units
Condition 20	Requirements of Public Lighting Section
Condition 21 & 27	Taking in charge
Condition 22	Part V
Condition 23	Management company
Condition 25	Limitations on advertising and other structures
Condition 26, 28 & 29	Construction traffic, waste and demolition management plan
Condition 30, 31, 32 & 33	Construction hours and control on noise
Condition 34 & 35	Section 48 contribution and security bond

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 18/08/2017 and 15/02/2018)

Basis for the planning authority decision. First planning report recommends further information on the following:

- *Design and height* – Inconsistent with the Local Area Plan for the area, revised proposals omitting the 6th and 7th storey elements of the proposed development, advised that 5 storeys is considered the maximum acceptable

height, add visual interest to the east facing gable walls of Block A and C, re-locate, redesign and/or redistribute the proposed bike parking.

- *Access, street design and fenestration at street level* – Concerns in relation to proposed entrance at ground floor level within Block B which create a ‘tunnelling’ effect and the potential for anti-social behaviour, increase the width of the proposed shared pedestrian street between 10-12 metres, increase the amount of fenestration within the ground floor units which address the proposed street, and the eastern end of the proposed street should be ‘opened’ out to provide clear lines of sight.
- *Fire access and deliveries* – Demonstrate how the central section of the site can be accessed for fire safety purposes and indicate location of areas for loading and unloading of goods vehicles.
- *Ground floor apartments* – Indicate private amenity space and own door access to the front and rear of ground floor units within Blocks A and C, privacy strips to the front of the proposed private amenity space, move forward of the deeply recessed doorways located at ground floor level within Block A, and moving forward of the proposed entrance gateways on all entrances in line with the front building line.
- *Works outside red line boundary* – Clarify how it is intended to undertake works outside the red line boundary which may be required to facilitate the proposed development, how it is intended to access the subject site given there are strips of land located between the red line of the subject site and the surrounding roadway and Luas tracks, and clarify details in elevation and plan format of the proposed plazas/shop located to the west of the red line boundary.
- *Internal accommodation inclusive of accessible spaces for all persons* – Remove the excessive lengths of the hallways within the units linking the living areas to the bedrooms, increase the width of stairways, landings and corridors, reconfigure the proposed stairwell and lift core located at the northern end of Block B to allow safe access from the main entrance gate.

- *Mix of units* – Provide a rationale for the proposed mix of units based on current demographics and house typology of the Tallaght area and ensure that the proposed development has an appropriate mix of dwelling units.
- *Design and Landscape* – Provide a change to the layout of the open space within the courtyard area inclusive of a significant reduction in non-grassed surfaces, a clearly laid out internal street network which allows safe access and circulation within the courtyard area, details and specification of green roofs, details in relation to the hard and soft landscaping and planting plans, and revised boundary treatment to the southern boundary and the southern section of the eastern boundary as a green mesh fence is not acceptable.
- *Car parking for electric vehicles* – Provide details in terms of compliance with Section 11.4.3 of the County Development Plan.
- *Lighting design and specification* – Provide details of existing lighting along Second Avenue, a lighting design and spill light calculation, and a clear description of any areas likely to be offered to the Council’s maintenance.
- *Creche* – Provide details of the proposed number of staff, children, age profile of the children, number of rooms and a plan drawing detailing access, car parking and drop off facilities for both staff and customers.
- *Gym* – Provide details of opening hours, maximum number of people expected to attend a class/session, other facilities available apart from classes and the maximum number of persons expected to avail of these facilities, and the number of staff proposed for the gym.
- *Low Carbon District Heating* – The site is within/adjoining an area identified within the County Development Plan as a ‘Low Carbon District Area of Potential’. Provide details in terms of compliance with Section 11.7.3 of the County Development Plan.
- *Aircraft safety* – Provide a glint and glare assessment which considers predicted effect of the solar panels on sensitive aircraft receptors and written agreement from the Irish Aviation Authority that the proposed development would not endanger or interfere with the safety of the safe and efficient navigation of aircraft.

- *Project Construction and Demolition Waste Management Plan* – Provide details addressing a range of items in accordance with Best Practice Guidelines.
- *Fire Safety, Foul drainage*– Consult with the Chief Fire Officer to agree and submit details in respect to a range of items, provide an increased sized foul sling drain of 225mm diameter and not 150mm diameter, confirmation that the development and pumping station will not ever be Taken in Charge or alternatively submit foul drainage drawings with details of the proposed pumping station to the satisfaction of the planning authority.
- *Taking in Charge* – Provide details indicating any or all parts of the proposed development intended to be offered for Taking-in-Charge, including details of the proposed community room.
- *Public Notices* – Clarify the description of the nature and extent of the proposed development and specifically the number of units by way of revised public notices.

The second planners report dealt with the applicants' response to further information and is summarised as follows:

- The omission of the 6th and 7th storey elements complies with the Building Height policies contained within the 2016-2022 County Development Plan and is consistent with the building height parameters of the most recent Tallaght LAP.
- The redesigned elevations include the use of coloured render and ghost windows and are acceptable.
- The proposals to provide 3 separate bicycle stores within the landscaped courtyard at ground level are inappropriately located and would have a negative impact on the quality, attractiveness and functionality of the open space. Reasonable to attach a condition for revised proposals to locate the bicycle parking spaces at basement level near the stair cores.
- The applicant indicates revised proposals to improve the safety and functionality of the proposed access routes.

- The applicant indicates an additional access for fire access purposes which intersects Block A, and submitted details of a swept path analysis for fire tender access and a letter from Fire Safety Engineers. Details of a drop off/pick up area to the north of Second Avenue is located outside the red line boundary of the subject site.
- The applicant provided details of a number of changes to the proposed layout, and states that the access gates on the access through Block A are slightly recessed to allow fire tender access. The recessed access area is located in an area where anti-social behaviour could potentially occur and recommends a condition be attached which moves forward the access gate within Block A in line with the front building line whilst ensuring fire tender access is still possible.
- The applicant clarified that the works proposed outside the red line boundary are indicative only and is outside their control.
- The proposed layout design solutions offered provides a safer and higher quality layout and are acceptable in principle. The number of units has been altered from 126 to 107 apartments which has resulted in amendments and changes to the internal layout and configuration. The amended internal design and layout is generally consistent with the 'Sustainable Urban Housing: Design Standards for New Apartments'.
- The applicant indicates that the mix of units proposed is suitable to the current market demands and trends and references the Draft National Planning Framework, the Draft update to the National Apartment Guidelines, Census 2016 figures and the specific planning policy requirements of the National Apartment Guidelines with regard to the mix of units. The applicant has provided a comprehensive and robust logic in terms of the proposed mix of units and is acceptable.
- The applicant provided revised landscape drawings and details of boundary treatments and clarified the details of the proposed sedum roof finish. Concern that the proposed landscaping layout within the courtyard area still contains a minimal quantum of green spaces and is not conducive to fire engine access. Outstanding issues can be dealt with by way of condition.

- The applicant provided details in relation to charging points for electric vehicles, lighting design and in a report prepared by KAK consulting indicates the area to be taken in charge by the planning authority which comprises the pedestrian walkway as required under the Tallaght LAP. Information submitted not considered appropriate and recommends a condition to address lack of details.
- The applicant clarified details in relation to the proposed creche which are consistent with the provisions detailed in Section 11.3.11 Early Childhood Care and Education. The applicant clarified also details in relation to the proposed gym. Recommends conditions in relation to signage and any further change of use.
- The report from JAK Consulting Engineers indicates the options for utilising district heat and the design will include a possible future connection into 'Low Carbon District Heating Networks'. Recommends a condition relating to energy and the protection of a wayleave submitted as Unsolicited Additional Information on 06/02/2018.
- The applicant has not submitted a Glint and Glare Assessment on the basis that the application was referred to the Dublin Airport Authority DDA and that they did not respond, and that the site is not located within a 15km radius of Dublin Airport. The site is located directly south of the 15km radius of Dublin Airport and the issue of glint and glare is of paramount importance in terms of the protection of public health and safety. Recommends a condition requiring the written agreement of the Irish Aviation Authority.
- The applicant has not submitted a Project Construction and Demolition Waste Management Plan. Recommends a condition to address this.
- The applicant submitted a letter from FCC Fire Safety Engineers in relation to water pressure and volume capacity in the water mains in the area and that additional storage within the site is not required. Details submitted regarding water and drainage are acceptable.
- The applicant clarified that no element of the development will be offered for taking in charge.

- The applicant submitted revised public notices which correctly describe the nature and extent of the proposed development.
- The planner recommended a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Architects Department – Planners report refers to verbal report received but no details on file.

Parks Department – Report not available from the planning authority at time of writing.

Public Lighting – Report dated 28/07/2017 recommends further information.

Environmental Services Department – Report dated 04/08/2017 recommends further information.

Environmental Health Officer – Report not available from the planning authority at time of writing.

Water Services Section – Reports (dated 31/07/2017 and 05/02/2018) recommends no objection subject to conditions.

Roads Department – Reports dated 10/08/2017 recommended no objection subject to conditions. Report dated 31/01/2018 recommends either Clarification of additional information or no objection subject to conditions.

Housing Department – Report not available from the planning authority at time of writing.

3.3. Prescribed Bodies

Irish Water – Reports (dated 08/08/2017 07/02/2018) recommends no objection subject to conditions.

Transport Infrastructure Ireland TII – Report dated 11/08/2018 recommends no objection subject to conditions. Report dated 31/01/2018 refers to their earlier position which remains unchanged.

Inland Fisheries Ireland – Report dated 02/08/2017 recommends no objection subject to requirements.

The file was referred to the Irish Aviation Authority, and Department of Defence however no responses are noted on file.

3.4. **Third Party Observations**

Four submissions were lodged with the planning authority from the following community groups;

- Ambervale Cairnwood Community Group
- Belgard Heights Community and Residential Association Ltd
- Tallaght Community Council
- John Finlay and four other residents of Belgard Heights

Submissions received are on file and issues raised are similar to those raised in the three grounds of appeal. Issues raised are summarised in section 6.0 below.

4.0 **Planning History**

Appeal Site

P.A. Reg. Ref. SD16A/0267: Planning permission **refused** 12/09/2016 for a mixed residential and commercial development. Development included a total of 184 apartments in three separate blocks with ancillary community room, and creche; 2 commercial units (877.64sqm total); and with 153 car spaces and ancillary engineering facilities at basement level. The stated floor area of the development was 21,097 sqm and the building heights ranged from 6 to 8 storeys. Reasons for refusal included the following;

1. Substandard form of development; non-compliance with urban design criteria as identified in the 'Sustainable Residential Development in Urban Areas' Guidelines; contrary to the Tallaght LAP and to the provisions of the South Dublin County Council Development Plan 2016-2022.
2. Impact on the light rail network; endanger public safety by reason of traffic hazard and create serious traffic congestion.

3. Inadequate storage; non-compliance with Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.
4. Compromise future orderly development of adjoining sites in line with the Council Masterplan/Local Area Plan.

P.A. Reg. Ref. SD04A/0760: Permission **granted** 13/04/2005 for change of use of existing factory/warehouse to a parking facility, with spaces for 150 vehicles, 1 no. illuminated advertising sign and 1 no. illuminated vehicular entrance gate sign boards to Cookstown Industrial Estate, new security hut with traffic barriers, new illuminated pedestrian gates on Cookstown Way, fencing and associated site works.

5.0 Policy Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. National Policy Objective 13 refers to urban areas, and that planning and related standards including in particular 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.

5.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (Cities, Towns & Villages) 2009

These guidelines should be read in conjunction with the Department's planning guidelines on design standards for new apartments, published in 2007. The objective of these guidelines is to promote high quality developments. These guidelines have a companion design manual showing how design principles can be applied in the design and layout of new residential developments at a variety of scales of development and in various settings. The design manual sets out a series of 12 criteria which should be

used at pre-application meetings and in the assessment of planning applications and appeals.

5.3. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2015, updated March 2018

These guidelines seek to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types and sizes – including households with a child or children, students, older people and an increasingly mobile workforce and secondly to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

These guidelines specify planning policy requirements for:

- Internal space standards for different types of apartments, including studio apartments;
- Dual aspect ratios;
- Floor to ceiling height;
- Apartments to stair/lift core ratios;
- Storage spaces;
- Amenity spaces including balconies/patios;
- Room dimensions for certain rooms.

The focus of this guidance is on the apartment building itself and on the individual units within it.

SPPR 1 'Apartment developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and

Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)'.

5.4. Design Manual for Urban Roads and Streets

This manual seeks to achieve better street design in urban areas by facilitating the implementation of policy on sustainable living by achieving a better balance between all modes of transport and road users. The Guidelines set out that street networks should be designed to maximise connectivity between destinations to promote higher levels of permeability and legibility for all users, in particular more sustainable forms of transport.

5.5. South Dublin Development Plan 2016-2022

Tallaght is designated as the County Town and administrative capital of South Dublin County and as the primary commercial centre in the County, providing the highest level of retailing along with a broad range of services and other functions in the context of a highly accessible centre with an established catchment population.

Tallaght is also designated as a Level 2 Retail Centre in the Retail Strategy for the Greater Dublin Area 2008-2016.

The site is within an area zoned '**REGEN**' – '*To facilitate enterprise and/or residential led regeneration*'. Residential development, childcare facilities, sports club/facility, community centres and various different types of commercial land-uses are 'permitted in principal' within this zoning objective.

Policy CS1 Consolidation Areas within the Gateway

Policy CS2 Metropolitan Consolidation Towns

Policy CS3 Emerging Moderate Sustainable Growth Town

Policy CS6 Local Area Plans

'It is the policy of the Council to prepare Local Area Plans as appropriate, and to prioritise areas that are likely to experience large scale residential or commercial development or regeneration.'

CS6 Objective 2: *'To support a plan led approach in Local Area Plan areas by ensuring that development complies with the specific local requirements of the Local*

Area Plan, in addition to the policies and objectives contained in this Development Plan.'

Chapter 2 refers to housing. Relevant policies include:

Policy H1 Housing Strategy

Objective 4: *'To promote social integration and facilitate a diverse range of dwelling tenures within housing developments, including social housing in a balanced way in all Local Electoral Areas of the County'*.

Policy H3 Housing for Older People

Policy H4 Student Accommodation

Objective 1: *'To support the development of student accommodation in the campus of student accommodation in the campus of a recognised Third Level Institution or at another suitable locations throughout the County proximate to public transport links'*.

Policy H6 Sustainable Communities

'It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.'

Policy H7 Urban Design in Residential Developments.

'It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).'

Objective 1: *'To ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) (or any superseding document) including the urban design criteria as illustrated under the companion Urban Design Manual – A Best Practice Guide, DEHLG (2009).'*

Policy H8 Residential Densities

'It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.'

Objective 4: *'To support proposals for more intensive enterprise and/or residential led development within areas designated with Zoning Objective 'REGEN' (To facilitate enterprise and/or residential led regeneration). Subject to appropriate design safeguards and based on traditions urban forms that adhere to urban design criteria.'*

Policy H9 Residential Building Heights

'It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.'

Objective 4: *'To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to approved Local Area Plan or Planning Scheme.'*

Policy H10 Mix of Dwelling Types

'It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.'

Objective 1 *'To ensure that new residential developments provide for a wide variety of housing types, sizes and tenures in line with the Interim South Dublin County Council Housing Strategy 2016-2022.'*

Section 2.3.0 Quality of Residential Development

Policy H12 Open Space

'It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.'

Policy H13 Private and Semi-Private Open Space

'It is the policy of the Council to ensure that all dwellings have access to high quality private open space (inc. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.'

Policy H14 Internal Residential Accommodation

'It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.'

Policy H15 Privacy and Security

'It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.'

Policy H16 Steep or Varying Topography Sites

'It is the policy of the Council to ensure that development on lands with a steep and/or varying topography is designed and sited to minimise impacts on the natural slope of the site.'

Chapter 3 refers to Community Infrastructure

Policy C1 Community Centres

'It is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.'

Policy C12 Open Space

'It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.'

Section 3.13 Open Space Management and Use

Chapter 4 refers to Economic Development and Tourism

Policy ET2 Enterprise and/or Residential led Development in Regeneration Zones

'It is the policy of the Council to facilitate and support the regeneration of underutilised industrial areas that are proximate to urban centres and transport nodes and to promote and support more intensive compatible employment and/or residential led development in regeneration zones.'

Objective 2 *'To support proposals for more intensive compatible enterprise and/or residential led development on lands designated with Zoning Objective 'REGEN',*

subject to appropriate design safeguards and based on a traditional urban form that adhere to urban design criteria’.

Chapter 5 refers to Urban Centre and Retailing

Policy UC6 Building Heights

‘It is the policy of the Council to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County.’

Chapter 8 refers to Green Infrastructure

Policy G4 Public Open Space and Landscape Setting

‘It is the policy of the Council to provide a hierarchy of high quality and multi-functional public parks and open spaces.’

Policy G6 New Development in Urban Areas

‘It is the policy of the Council to support the protection and enhancement of Green Infrastructure in all new development in urban areas, to strengthen Green Infrastructure linkage across the wider urban network and to achieve the highest standards of living and working environments.’

Chapter 11 refers to Implementation.

Section 11.3.1 Residential

Section 11.3.11 Early Childhood Care and Education

Section 11.4.2 Car parking Standards.

Section 11.4.3 Car Parking for Electric Vehicles

Section 11.4.4 Car Parking Design and Layout

Section 11.4.5 Traffic and Transport Assessment

Section 11.7.3 Low Carbon District Heating Networks

5.6. Tallaght Town Centre Local Area Plan adopted 2006

Policies in relation to the subject site are predominantly outlined in the Tallaght Town Centre Local Area Plan (LAP). A series of local framework plans have been

developed based on the local characteristics of each of the 15 precincts. The appeal site is located in the 'Cookstown Station' precinct.

The Tallaght Town Centre Local Area Plan was extended in 2011 but has now expired. A Local Area Plan for the area is currently under preparation.

5.7. Natural Heritage Designations

There are none in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Ambervale Cairnwood Community Group (previous submissions to P.A. attached)

- Height and Design - Incongruous five storey building height in the context of the established two storey homes, two or three storey buildings are more suitable. Design statement does not reference existing residences across the road. Design is monotonous with no variation in height, streetscape will be confusing and visually unattractive. If this site is to be a landmark location a more comprehensive and holistic planning and development approach is needed. Development does not enhance the area.
- Invasion of privacy – Privacy of residents opposite the development will be compromised. The end boundary of the back gardens of numbers 53-66 Ambervale are fifty metres from the proposed development.
- Inconsistency in development plan policy regarding building height – reference to building height policy in Palmerstown. This part of Tallaght is being disadvantaged and treated differently from other areas in the County.
- Lack of existing facilities to support development – reference to school capacity and ability of essential services to cope with an increase in population, in an area where services are under pressure.
- Disproportionate number of one and two-bedroom apartments – would not attract families. New residential developments should be in keeping with the area.

Concern that Cookstown will become an area of high rise low quality apartment blocks.

- Increase in anti-social behaviour – Concern based on short term rental and that the local Garda resources are already under extreme pressure.
- Impact on local traffic – Current local knowledge of traffic movements would conflict with the results of the traffic infrastructure assessment carried out by the applicant. Contend that a fully independent road infrastructure assessment be carried out. Note that existing bus stops are non-functioning and are only used at times when Luas service is not running.
- Adverse impact on current park amenity – Object to shared park being included as an adjunct to this development, which already experiences a litter problem and is used as an escape route for those involved in antisocial behaviour.
- Needs of the community – Tallaght Hospital is likely to be designated as a university or teaching hospital in the near future and will need to expand. The appeal site is ideal for this purpose. Preference for high quality business offices which would attract high quality jobs. Noting that the Tallaght Town Centre Masterplan has lapsed, it would be unwise to allow development in the absence of an updated and cohesive masterplan. The proposed development will not enhance the quality of life for the residents in the area.

6.1.2. Belgard Heights Community and Residential Association Ltd (previous submissions to P.A. attached)

- Proposed development does not comply with key policies and objectives of the County Development Plan, specifically paragraphs 1.2.0, 2.2.0, 2.2.1, 2.2.3, 2.2.4, 2.3.1, 2.3.2 and 2.3.5.
- Precedent for the entire estate with drab basic level apartments which are bland and uninspiring in design and build.
- The building height of five stories is too high, is oversized, invasive and out of character with the long established local housing in Belgard Heights, Alpine Rise, Ambervale and Cairnwood.

- In breach of several objectives and policies related to sustainable communities, social integration, community spirit and sense of place in the County Development Plan 2016-2022.
- Long term concerns about school places, traffic congestion, green areas and overcrowding.
- Proposed units are unsuitable for families. Families hold communities together, they engage and interact through their children and gel together to build a stable, cohesive and inclusive community.
- Of the 107 apartments permitted only 16 are 3 bedrooms. The remaining 91 (84%) are suitable for only one or two occupants. There are no four bedroom units, this allocation of residential space is grossly disproportionate, anti-family, and contrary to the interests of the community.
- The apartments over retail model has already failed in Belgrade Square, with many units vacant. The proposed development will attract transient tenants with no interest, no roots and no commitment to the community, and will lead to anti-social behaviour, social breakdown and crime.
- Concern in relation to a strip of land outside the red line boundary which is not in the applicants ownership, and which is dealt with by the Council as an advice note.
- Proposal to provide studio and one bedroom apartments is located in a sector which is already oversupplied in Tallaght town centre.
- Potential of Cookstown as a business and enterprise park is not adequately addressed. Believe the ITT and Tallaght Hospital will be upgraded to university status in the near future which will be a factor in attracting interest from multinational companies involved in finance, research and development and other forms of enterprise. The Cookstown site is a prime location in the heart of Tallaght and if not developed as an enterprise centre will be a missed opportunity. Retail space proposed typically attracts chain store operators who frequently employ part-time staff at low wages, and that Cookstown deserves better.

6.1.3. Tallaght Community Council (TCC)

- Lack of valid local area plan for the area, the masterplan for the area has lapsed, application is premature, and contrary to policy CS6 of the County Development Plan which refers to a plan led approach to preparing local area plans.
- Non-compliance with national and local planning regulations and contravenes section 18(4)(b) of the Planning and Development Act, 2000, as the lapsed Tallaght Town Centre local area plan conflicts with the South Dublin County Council Development Plan 2016-2022.
- Failure to conduct and be guided by a valid local housing need analysis. The applicant and the Council have ignored section 2.14 and 2.16 of the Sustainable Urban Design Standard for New Apartments Draft Jan 2018 (SUHDS) and Specific Planning Policy Requirement (SPPR1). TCC can provide clear evidence that this development is not viable and that other parts of the county are in a better position to undertake developments of this kind.
- Large number of conditions attached to grant of permission, risk to the proper planning of Cookstown if all of the conditions are not met, particularly concerned in relation to access and egress arrangements for fire services.
- Lack of urban design criteria compliance, in relation to height, transitional heights to adjoining single storey industrial units on Second Avenue and the traditional housing forms directly across the road in the mature Ambervale and the Belgard housing estates. Five storey height is still too high. Poor external design and finishes which will dominate the Second Ave and Ambervale area, lacks a sense of place. The Design Statement submitted by way of further information has no regard to the adjacent traditional 2 storey homes and the proposed development does not respect or enhance the existing built environment. Reference to examples of residential developments in terms of building height and finishes.
- Overshadowing of buildings to the west.
- Contrary to H8 Objective 4 - the five storey development is not a 'traditional urban form'.
- Contrary to H10 Objective 1 – fails to provide a 'wide variety of housing types'.
- Concern in relation to unidentified retail uses.

- Contrary to H1 Objective 4 – fails to provide ‘a diverse range of dwelling tenures’.
- Premature pending the adoption of the new Tallaght Town Centre Local Area Plan.
- Contrary to H10 Objective 1 - fails to provide ‘a variety of housing types’. There should be no studio apartments, and larger three and four bedroom apartments which would attract families. Contend that in Tallaght the mix is in favour of one and two bedroom apartments rather than traditional housing and that further apartment blocks will have a detrimental impact on Tallaght.
- Concern in relation to privacy on balconies as clear glazing offers no screening.
- Concern in relation to potential apartment ownership model of build to let which would deprive the emerging community a balance of ownership tenancy.
- Clustering of social housing in one block will not lead to integration and units should be distributed across the 3 blocks. There are no affordable homes proposed.
- Query the maintenance of the recreational facilities, security, tree planting and maintenance of the area around the Luas stop.
- The park to the west of Cookstown Station should be upgraded and direct access provided across Cookstown Way to link it to new residential development around Cookstown Station. Similarly, the feasibility of utilising the covered reservoir in Cookstown as open space should also be explored.
- No traffic impact assessment carried out in accordance with Section 11.4.5 of the County Development Plan.
- The development will not lead to sustainable communities as few will want to live in this development as the apartments are too small, will lead to social segregation and does not respond to the population profile need of the local area.
- The reasons for refusing SD16A/027 still apply to the proposed development.
- Note the absence of a Housing Needs and Demand Assessment (HNDA), the over concentration of 1 and 2-bedroom apartments and undersupply of larger 3-bedroom apartments in the area. Queries the approach used by the applicant in representing the housing demand profile for the area, as 36% of families in the Tallaght area have more than two children.

- Refers to three adjoining sites in the Town Centre which are to be developed for a large scale residential (build to let) development by a new landowner Marlet.
- The proposed development is inappropriately located in an industrial zone and landscape, response to survey held that the majority wanted new industry and offices rather than more apartments.
- Contrary to H7 Objective 1 – sustainable communities.
- Tallaght is being disadvantaged as there are different policies in relation to building height throughout the County.
- Environmental concerns in relation to public and private space and impact on the Cookstown Reservoir and habitat.
- The modern office development in Cookstown Court where fleetmatics are located and the (FAS) Tallaght Training centre show the success of retaining an employment generating enterprise land usage for this part of Tallaght. The scheme repeats a commercial/retail use at ground floor level used in Belgard Square, Tallaght Cross etc where there has been high vacancy rates, and this model has failed.
- There is no demand for another creche in this immediate area, and reference to two recent planning applications for change of use SD17A/0412 and SD17A/0418.
- There is no market demand for another gym, with 7 large existing gyms within the town centre.
- The proposal does not support ‘evolutionary renewal’ within the Cookstown industrial area as described in the County Development Plan. Professional services, high employment office developments should be specifically targeted and encouraged at the Luas stop at Cookstown.
- Already an over concentration of 1 and 2 bedroom apartments across the Tallaght Town Centre area.
- The site has the potential to act as a catalyst for employment generating regeneration, or for purpose built student accommodation.

- Queries how the proposed development enhances/compliments the local hospital, IT Tallaght, Training Centre or the recently renovated businesses in Cookstown.
- Market demand for large family homes along the Luas, reference to new development at 'Citywest Village'. Location near Tallaght Hospital would make traditional housing attractive for key hospital workers.
- Process and clarity – public notices are confusing and invalidate the application.

6.2. Applicant Response

The applicant's response to the three third party appeals is summarised as follows:

- Validity of the Application – Accept there was an error regarding apartment numbers in the initial public notices, but this was rectified by the subsequent further information notices. The notices were prepared in accordance with the requirements set out in Articles 17 and 18 of the Planning and Development Regulations 2001 (as amended) and was validated by South Dublin County Council.
- Previous planning application – Contend that the current proposal approved under P.A. Reg. Ref. SD17A/0212 appropriately responds to the grounds of refusal under P.A. Reg. Ref. SD16A/0267. Regard was had to the overall layout and height, arrangement and height of Block C, provision of own door access and suitable private amenity space at ground floor, permeability within the scheme, the creation of a quality streetscape to the south, and provision of a crossing of Cookstown Way. The proposal addresses the issue of storage and have demonstrated compliance with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2015. The scheme contributes to the future orderly development of the area.
- P.A. Reg. Ref. SD16A/0270 relates to a similar proposal on a nearby site on Second Avenue.
- South Dublin County Council Development Plan 2016-2022 -

- Zoning – The appellants have focused on one aspect of the ‘REGEN’ zoning objective, its reference to enterprise, and the applicant submits that the proposed development is consistent with the ‘REGEN’ zoning objective when it is considered in its entirety. The ‘REGEN’ zone is a new addition to the land-use zoning classifications, in the recently adopted South Dublin County Council Development Plan 2016-2022, and is aimed at supporting and facilitating the regeneration of underutilised industrial lands that are within close proximity to town centres and/or public transport nodes, with a particular emphasis on more intensive enterprise and residential led development. The ‘REGEN’ zone is a relatively broad zoning designation under which a wide range of uses may be permitted.
- Submit that the proposed development which is for a residential-led development on an otherwise underutilised industrial site, that is well served by high frequency public transport services, and located in close proximity to Tallaght Town Centre is compliant with the zoning objectives for the site. The decision of South Dublin County Council to grant permission should be upheld.
- Planning Policies – A thorough assessment of the proposed development against the relevant planning policies contained within the South Dublin County Development Plan 2016-2022 was provided in the Planning Report submitted with the application.
- The proposed development is in accordance with the objectives of the ‘Core Strategy’ including Policy CS2 regarding metropolitan consolidation towns, and is consistent with the housing objectives of the County Development Plan.
- The proposed development is in accordance with the varying qualitative standards for apartments set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the standards in relation to the quality of residential development including Section 2.3 and 11.3.1 of the County Development Plan.
- The proposed development has been designed and scaled to respect the established residential development in the immediate area, the two storey residential housing estate to the west of the site whilst providing a layout that allows an

adequate provision of surveillance over public spaces within and surrounding the application site.

- Some 2,337 sqm (32% of the site) of open space is provided as part of the proposed development which substantially exceeds the minimum requirements set out in the Development Plan.
- Mix of Dwelling Types – Contend that the permitted scheme, which was revised by way of further information addressed the concerns of the planning authority and the third-party submissions, incorporates an appropriate unit mix having regard to the site context and the housing need and demand in the area. Reference to the Central Statistics Office data for the electoral division of Springfield, Tallaght which indicates a transition in the primary demographic.
- Materials and Boundary Treatment – Initial concerns raised by the planning authority in relation to the east facing gable walls of Block A and C were addressed in the response to further information request. Revised drawings included the use of coloured render and ghost windows to provide a degree of articulation and enhance the interface with future development to the east. Condition 12 of the grant of permission sets out further requirements in respect of finishes and materials to be agreed, which the applicant is willing to do.
- Social Housing Provision – The inclusion of Condition 22 of the grant of permission ensures that the provision of Part V housing will be done in conjunction with South County Dublin's Housing Department.
- Car Parking and Traffic – Submit that the impact of the proposed development on the surrounding road network, car parking and traffic implications have been appropriately assessed in the application, which was accompanied by a Transportation Assessment Report, prepared by NRB Consulting Engineers Ltd. The Roads Department of the planning authority did not object to the proposal subject to conditions which were included in the grant of permission under condition no's 2, 3,4, and 21.
- Miscellaneous Grounds – Issues in respect to planning policy, plans and effective public engagement are matters to be discussed with the planning authority during the preparation of the next County Development Plan and Tallaght Local Area Plan.

- All conditions attached to the grant of permission are mandatory, including those in relation to building design and safety. Should an issue with compliance occur, the planning authority has the option of taking enforcement action to ensure compliance.
- The potential upgrade of the Institute of Technology Tallaght and Tallaght Hospital are hypothetical scenarios and the proposed development has been prepared having regard to the existing site context and the strategic planning policy direction set out for the Cookstown area.
- Argue that the issue of sufficient services (schools, doctors and Gardaí) in the area is not a relevant planning consideration for the current application.

6.3. **Planning Authority Response**

The planning authority confirmed its decision and refers to issues raised in the appeal have been covered in the planners report.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings.

- Principle and consistency with statutory plans
- Height and Visual Impact
- Design and Layout
- Housing Mix
- Impact on Adjoining Residential Amenities
- Access Car Parking and Traffic
- Validity of Application

- Appropriate Assessment
- Other Issues

7.2. I refer the Board to the previous history on this site under P.A. Reg.Ref. SD16A/027 whereby permission was refused in 2016 for a similar type development on these lands. The reasons for refusal have been cited above and relate to; non-compliance with the relevant apartment guidelines, Tallaght LAP and County Development Plan; would endanger public safety by reason of traffic hazard, non-compliance with design standards for new apartments, and compromise development on adjoining sites in line with the LAP masterplan for the area.

7.3. The appellants have submitted that the current proposal is very similar to the previous application on site and does not address the four reasons for refusal under P.A. Reg.Ref. SD16A/027, and that similar refusal reasons still apply to the proposed development. The main differences between the previous application and this current application relate to the expiry of the Tallaght Town Centre Local Area Plan, the layout of the blocks, significant reduction in height, and no. of units. In this regard I am satisfied that the current proposal is materially different to the previous proposal. The current application seeks to address issues raised in the previous application and reasons for refusal. However, my assessment will focus on the current proposal on its own merits.

7.4. **Principle and consistency with statutory plans**

7.4.1. The South Dublin County Development plan 2016-2022 is the current statutory development plan for the area. The settlement strategy (section 1.7) identifies Tallaght (including the Cookstown Industrial Estate) as a Metropolitan Consolidation Town with strong transport links. Table 1.10 states that Tallaght has an estimated housing capacity to provide 5,412 residential units. This capacity has been identified through sustainable intensification; development on brownfield sites; on a number of smaller infill sites and on Local Area Plan areas.

7.4.2. Most significantly, a 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 4.3.2 of the South Dublin County Development Plan (CDP) deals with enterprise and/or residential led development in regeneration zones and section 11.2 sets out standards and criteria for development on regeneration zoned lands.

- 7.4.3. The Tallaght Town Centre Local Area Plan was first produced in 2006 and further extended in 2011, but expired in October 2016. The Local Area Plan (LAP) is based on key objectives/guiding principles and it is these that are considered as a useful guide in the assessment of the proposed development.
- 7.4.4. Section 4.8 of the LAP identifies the appeal site as being located within the 'Cookstown Station' precinct and the following key objectives/guiding principles are considered most relevant to the development in question:
- 7.4.5. With respect to future land use it states that development in the area should take advantage of the Luas station, and that intensification of the area, including residential development as part of a mixed-use scheme will be encouraged.
- 7.4.6. In terms of existing access and movement it notes that pedestrian activity and permeability is low and the LUAS station cannot be directly accessed from adjacent residential areas. In respect to future access and movement it states that a new street link should be provided to allow access to and from the hospital. It is envisaged that the area will become a transport interchange with introduction of the LUAS spur to Citywest via a 'Delta' junction. In this regard I would note that this spur is now operational. There is also a clear intent that direct pedestrian access to the area from existing residential areas to the west and the northern section of the Hospital should be prioritised.
- 7.4.7. The LAP also refers to future built form and landscape and where buildings should be of medium scale with minimal setbacks from the street to promote a hard urban edge, particularly along Key Frontages. Specifically it notes the potential for landmark and opportunity buildings in this precinct are subject to a height restriction of six storeys for the corner elements. In relation to the intersection of Second Avenue and Cookstown Way it recognises that a gateway into the precinct could be established, and that a small urban square should be located in the areas adjacent to the LUAS station, particularly to encourage free movement toward the Hospital.

- 7.4.8. The masterplan outcome states that *'The character of the Precinct will change from an underutilised industrial area to a more intensively developed urban transport interchange. The area to the east of the station will include a people intensive urban area of retail units, offices and apartments, with opportunities for landmark buildings adjacent to the major transport interchange and gateways. Streets will be more pedestrian friendly and traffic calmed using urban design led measures. As part of any future development, existing parklands to the west of the station will be upgraded to provide safe access and a greater level of amenity to existing and future residents.'*
- 7.4.9. The appeal site has a land-use zoning objective 'REGEN': 'To facilitate enterprise and/or residential led regeneration'. It is proposed to provide 3 commercial units with a total floor area of 680sqm, a creche facility with an area of 231.80 sqm and a gym with a floor area of 236.61sqm and 107 residential units. Such uses are considered suitable at this location.
- 7.4.10. While it is acknowledged that the proposed development is primarily residential as opposed to enterprise/employment the proposed uses are consistent with the provisions of the CDP and LAP. The provision of commercial uses at ground floor will ensure the delivery of an active streetscape with residential uses overhead providing a critical mass within this neighbourhood. Critical mass is essential to ensure the viability of retail and other commercial units.
- 7.4.11. The subject site is located adjacent to the Luas Red Line and Cookstown Luas station. The proposed development will form a new streetscape and provide an opportunity for a high quality architectural response to this underutilised site while enhancing the built environment at this location.
- 7.4.12. I am satisfied that the proposal is broadly in line with the key objectives for the Precinct under the now expired Tallaght Town Centre LAP, and the CDP, and is not premature pending the adoption of the draft Tallaght Town Centre LAP as set out in the grounds of appeal.

7.5. Height and Visual Impact

- 7.5.1. The third-party appeals raise concerns about the overall height of the proposal adjacent to established two storey houses. The CDP sets out policy in relation to building height in urban centres. Section 5.1.5 states that 'varied heights are supported in urban centres and regeneration zones and will be important in creating a sense of place, urban legibility and visual diversity. Tall buildings that exceed five storeys will be considered at strategic and landmark locations in Town Centres, Regeneration and Strategic Development Zones based on approved Local Area Plans or SDZ Planning Schemes.'
- 7.5.2. Policy UC6 Objective 1 of the CDP also states that '*the Council will support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County.*'
- 7.5.3. The overall height of the three blocks which was reduced by way of further information from seven to five storeys in height and are consistent with the building height criterion. I would also note that in the previous application on site under P.A. Reg. Ref. SD16A/027 a building height of between 6 to 8 storeys was proposed and considered unacceptable by the planning authority. While I do agree that there is a requirement to have a transition between the adjoining developments which are low profile in terms of height, I am satisfied that the subject site has the capacity to absorb buildings of this scale. In my opinion a building height of five stories is appropriate at this location, as it is located at a junction, next to a Luas station at the north-western edge of Tallaght Town Centre.
- 7.5.4. I viewed the appeal site from the neighbouring residential areas of Ambervale to the west and Belgard Heights to the north, and consider that while the proposed development will result in a visual impact, however in its context next to industrial units I consider that it will enhance the evolving visual amenity in the area.

7.6. Design and Layout

- 7.6.1. There are section 28 Ministerial guidelines which should be considered in conjunction with the provisions of the South Dublin County Development Plan with

regard to the overall design and layout of the proposed scheme. The most relevant of these are 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2015' and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009'. Both Ministerial Guidelines advocate high quality sustainable development that are well designed and built so as to integrate with the existing or new communities. The principle of universal design is also advocated so as to ensure that the environment can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. The Design Manual which accompanies the Sustainable Residential Development Guidelines provide best practice design manual criteria such as context, connections, inclusivity, variety, efficiency, layout etc.

- 7.6.2. The proposal involves the demolition of an existing industrial unit and the construction of 126 residential units which was reduced to 107 residential units in response to issues raised in submissions and in the assessment by the planning authority. The previous proposal for development on the site which was refused permission by the planning authority under P.A. Reg. Ref. SD16A/027 provided for 184 apartments.
- 7.6.3. Block A is positioned on the northern part of the site with frontage onto Second Ave at the entrance to the Cookstown Industrial Estate. Block B runs along the western boundary of the site with frontage onto the Luas Line and parallel to Cookstown Way. Block C is located along the southwestern corner of the site.
- 7.6.4. A design statement was submitted with the application and was further amended in response to the further information request. It states that the proposed blocks have been designed and scaled to respect the established residential development in the immediate area, the two storey residential housing estate to the west of the site, whilst providing a layout that allows an adequate provision of surveillance over public spaces within the surrounding application site.
- 7.6.5. The application was also accompanied by a landscape masterplan. This indicates that it is a key objective to incorporate the design of the wider public realm with particular focus on the creation of a 'Linear Plaza' between Cookstown Luas stop and the development scheme that will ensure a distinct sense of place is achieved.

- 7.6.6. Initial concerns raised by the planning authority in relation to specific design elements including the design of the east facing gable walls of Block A and C were addressed in the response to further information request. Revised drawings included the use of coloured render and ghost windows to provide a degree of articulation and enhance the interface with future development to the east. Condition 12 of the grant of permission sets out further requirements in respect of finishes and materials to be agreed, which the applicant has indicated they are willing to deliver.
- 7.6.7. The updated guidelines state that a maximum of 12 apartments per floor per individual stair/lift core may be provided in apartment schemes. Blocks A and B provide 2 no. stair/lift cores each, while Block C has a single stair/lift core with a maximum no. of apartment units on any of the floor levels being 5 apartments per stair/lift core in each block.
- 7.6.8. I consider that the proposed design is such that it accords with the principles set out in the CDP and the LAP for the area. Using the 12 indicators in the companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', it is considered that the proposed design is such that it would positively contribute to the character and identity of the neighbourhood. The development will create a strong urban edge along a key transport route, i.e. Red Luas line. This area is in transition and in terms of proposed uses, the proposal will contain commercial/community uses across the ground floors of two of the blocks with residential use on the remaining floors. This scheme will serve to enhance and contribute to the vitality and viability of the urban centre by helping to enhance critical mass at a key transport hub.
- 7.6.9. With regard to the individual apartments themselves, they have been designed to a high standard and all apartments exceed the minimum floor areas. The majority of the units are dual aspect. Where units are single aspect unit for example studio apartment unit 6 in Block B they are east facing and while not ideal they do overlook the central courtyard, as such I consider that such is acceptable in this instance. The layout and configuration of the units are functional and spacious. Whilst there are a number of two and three bed units which have unconventional/awkward configurations, e.g. unit 9 in Block B, the overall size of the bedrooms ensure that they are functional with adequate storage spaces. A number of apartments also contain walk-in storage rooms/areas and study areas which will enhance the overall residential functionality and amenity for future residents. The generous floor areas of most of the units will provide flexibility for

residents in terms of adaption/use of units and should ensure that units are occupied on a longer-term basis by residents.

- 7.6.10. I am also satisfied that the ground floor residential units within Block A and C which were amended at further information stage to include front and rear private amenity space, and own door access to the front and rear are acceptable.
- 7.6.11. Private open space is provided by way of terrace or balcony area. Public open space is provided by way of a courtyard at ground level. In general I am satisfied that adequate public and private open space has been provided within the overall scheme. There is a large area of open space on the western side of Cookstown Way which is within walking distance of the site. While I note that the third parties object to this shared park being included 'as an adjunct' to the proposed development, I consider it reasonable that the proposed development would benefit from this existing amenity.
- 7.6.12. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside.

7.7. Housing Mix

- 7.7.1. Concern has been raised by the appellants in relation to the disproportionate number of one and two-bedroom apartments, and as such contend that the proposed development will not be as attractive to families.
- 7.7.2. The planning authority also had serious concerns in relation to the mix of units which initially provided for 89% of units as studio, 1 bed and 2 bed units. In response to a request for further information the applicant submitted revised proposals which provides for 85% of the same unit types and 15% of 3 bed units.
- 7.7.3. Each of the blocks contain a mix of units. This would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Given the established nature of the area, the proposed development could aid those wishing to downsize but remain in the general area, thereby freeing up some existing housing stock in the locality, and provides accommodation adjacent to employment areas including Tallaght General hospital.

- 7.7.4. Concerns are also raised in relation to the clustering of social housing in one block which will fail to lead to integration and units should be distributed across the 3 blocks. I would tend to agree with the applicant in that the provision of social housing is by agreement with the Housing Department of the planning authority and I am satisfied that this can be best achieved by way of a condition in relation to Part V housing.
- 7.7.5. The residential density at 211 units/ha as lodged was reduced to 180 units/ha by way of further information. I consider the reduced density is generally acceptable for this location which is in an area designated for higher densities in the Tallaght Town Centre LAP, and in compliance with section 28 ministerial guidelines. I would note however that the appeal site which is located next to a Luas station can accommodate a higher residential density.
- 7.7.6. I am of the opinion that given its 'REGEN' zoning, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the National Planning Framework and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness. The site is in a central and accessible location, it is within easy walking distance of good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community.

7.8. Impact on Adjoining Residential Amenities

- 7.8.1. The main concerns raised regarding impact on existing residential amenities pertain to overlooking and overshadowing.
- 7.8.2. The overall height of the structures is such that it would give rise to perceived overlooking. However, the location of balconies, roof terraces, windows etc. are such that do not give rise to undue overlooking of nearby properties. Block B is located east of the adjoining residential estate at Ambervale. The eastern elevation overlooks the Luas Line and station and Cookstown Way and is separated by 50m from the rear garden boundaries of numbers 53-66 Ambervale. The rear elevations of these properties and no. 59-66 Ambervale are approx. 70m from the eastern

elevation of the proposed development. I am satisfied given these separation distances that the proposed development will not negatively impact on the residential amenities of these properties.

- 7.8.3. In the context of the overall height of the blocks relative to existing two storey houses it is somewhat understandable that there would be concerns regarding over-shadowing. The applicant was requested to reduce the height of the seven storey blocks by way of further information and I am satisfied given the separation distances to adjoining residential development that the proposed five storey blocks will not give rise to undue overshadowing.
- 7.8.4. Concerns were raised in some submissions regarding the potential for anti-social behaviour and that the shared park which already experiences a litter problem is used as an escape route for those involved in anti-social behaviour. On my inspection of the appeal site and surrounding area and public park I did not observe any issues and noted that the park is well maintained. With the introduction of an active street front and extent of overlooking of this area from the proposed apartments, I do not have undue concerns in this regard.

7.9. Access, Car Parking and Traffic

- 7.9.1. Third party concerns were raised in respect of the impact of the proposed development on local traffic and query the results of the traffic infrastructure assessment carried out by the applicant based on local knowledge of traffic movements in the area. The entrance to the site to the basement car park is located 60m east of the junction of Cookstown Way and South Avenue at the entrance to the industrial estate.
- 7.9.2. In relation to the vehicular access to the courtyard proposed within Block B the planning authority had concerns in relation a number of design issues, which were addressed by way of further information to their satisfaction. While I recognise that this access is being provided in response to an objective in the former Tallaght Town Centre LAP which seeks to create a shared pedestrian street as per fig. 5.4.2 of the LAP with the purpose of creating a new street link to and from Tallaght hospital. I would have concerns as to the immediate function of this access as there is a conflict with the existing luas line. I note that the applicant submitted revised details

by way of further information indicating an additional vehicular access for emergency vehicles to the courtyard within Block A from Cookstown Road.

- 7.9.3. While this long-term objective is understood, I would have serious concerns about the practicalities and merits in providing such a large ope in the principal elevation to Cookstown Way which will be gated in the short to medium term. I suggest that there may be an alternative design solution to the elevation of this entrance/ope within Block B in the short term, that would not prejudice its future use as a shared street and which may be revisited as a long-term objective in the draft Tallaght Town Centre LAP. I am satisfied that this can be dealt with by condition.
- 7.9.4. It is proposed to provide 152 no. car parking spaces of which of 8 number car parking spaces are reserved for persons with impaired mobility. The planning authority note that with the reduced no. of residential units there is a surplus of 6 no. spaces but were satisfied that the rationale provided by the applicant for the provision of the maximum no. of car parking spaces permitted under the South Dublin County Development Plan is acceptable, and I would concur. However, I see no real difficulty with this scenario as it allows certain flexibility in relation to parking provision for the commercial units particularly.
- 7.9.5. While the location rather than the quantum of bicycle parking was a concern of the planning authority considering its visual impact on the courtyard, at further information stage they expressed a preference for bicycle parking not to be located at basement level. However, in their subsequent assessment of the proposal they stated a preference for the bicycle parking to be located primarily at basement level near the stair cores. I consider this reasonable and given the surplus of car parking spaces it may be possible to forfeit some spaces in lieu of bicycle parking. I would however still consider that there should be some bicycle parking at grade within the Courtyard. I am satisfied this can be addressed by way of condition.
- 7.9.6. In general, I consider that the proposal complies with national guidance in terms of locating high density development along public transport routes. Transport Infrastructure Ireland also supported the proposal for this reason. The appeal site is located immediately adjacent to Cookstown Luas Stop and in an area served by a number of bus routes. At the time of my inspection, I noted that the road network in the immediate vicinity was operating within capacity with no undue delays although I do accept that the inspection was carried out prior to the re-opening of schools which

tend to give rise to more urban congestion. The applicant submitted a Transport Assessment Report the findings of which I consider robust. The Transportation Department of the planning authority were also satisfied with the proposal. As the lands are zoned for residential use and located immediately adjacent to both a luas stop and Dublin bus routes and within walking distance to Tallaght Town Centre providing future occupants with a choice of public travel modes I consider the proposal to be acceptable.

7.10. Validity of Application

- 7.10.1. The matters raised relate to the description of the nature and extent of the proposed development and in particular to the number of apartments referenced in the public notices lodged with the application. The applicant has accepted that there was an error regarding apartment numbers in the initial public notices, but this was rectified by the subsequent further information notices.
- 7.10.2. These are not matters on which the Board can adjudicate. The appeal before the Board is valid and the third party's right to participate is given full effect.

7.11. Other Issues

7.11.1. Lack of facilities

Concerns are expressed in the appeals that there is a lack of facilities to support the proposed development. They refer to school capacity, the ability of essential services to cope with an increase in population, in an area where services are under pressure and refer to the local Garda station where resources are already under extreme pressure.

I consider that given the location of the site in such proximity to Tallaght Town Centre and all the associated facilities including Tallaght Hospital that the area is very well served. I am satisfied that there is no substantive basis to this ground of appeal.

7.11.2. *Red Line Boundary*

The appeal site is bounded to the west by planting, an existing footpath the existing Red Luas line tracks and Cookstown station platform. To the north the site is bounded by a footpath and grass verge. These areas are however outside the red line boundary of the appeal site, and this issue was raised as a concern by the appellants. In some drawings the red line boundary extends to include parts of the planted area and luas platform and across Cookstown Way to include the proposed works in the creation of a pedestrian route across to the park. I am clear that these areas and works proposed are located outside the site boundary as indicated on the site layout and principle plan drawings. The works indicated represent works to the public realm which in co-ordination with the TII and the planning authority will in time hopefully come to fruition. I would be reasonably confident that with the completion of the proposed development, and with the benefit of development contributions accrued that the proposed development will act as a catalyst for enhancement works to the public realm.

7.11.3. *Built to Rent Schemes*

Concern is raised in relation to the potential apartment ownership model of build to let which it is submitted would deprive the emerging community a balance of ownership tenancy.

Circular PL11/2016 refers to “Ensuring Delivery of Build-to-Rent Housing Projects”. This Circular amends and updates the document “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities”. The applicants have not indicated that the proposal currently before the Board is a Build-to-Rent Scheme and therefore the “management” provision within the circular does not need to be considered. The circular provides that the following paragraph is inserted after paragraph 5.11 of the Apartment Guidelines,

“5.12 Where a planning authority is minded to approve build-to-rent housing projects, it is reasonable to expect that the unique characteristics of such projects and their advantages from a housing delivery perspective_are secured for a specified period of time, at a minimum of 15 years and more normally at least 20 years”. (my emphasis)

In this instance, the applicant has not sought derogation from the statutory development plan unit mix standards nor are there any unique characteristics, e.g. shared living

accommodation, about this project that would give rise for the need to include a condition securing the delivery of a build-to-rent scheme. The standards in this instance comply and generally greatly exceed the standards provided for in the applicable section 28 guidelines in respect of residential developments.

7.11.4. Solar Panels

It is proposed to provide solar panels on the sedum green roofs of the proposed blocks. I note that the planning authority raised concerns in relation to the potential for glint and glare and required an assessment which considered the predicted effect of the solar panels on sensitive aircraft receptors. The planning authority also required the applicant to seek written agreement from the Irish Aviation Authority (IAA) that the proposed development would not endanger or interfere with the safety of the safe and efficient navigation of aircraft. In this regard I note the report of the IAA and consider that the inclusion of a condition in this regard to be appropriate.

7.12. Appropriate Assessment

7.12.1. A screening report was submitted as part of the Environmental Report with the application. The report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites. The report considers the following Natura 2000 sites:

Name	Designation	Site Code	Distance from Site
Glenasmole Valley	SAC	001209	4km
Wicklow Mountains	SAC	002122	6.3km
Wicklow Mountains	SPA	004040	8.3km

7.12.2. The appeal site forms part of the urban lands identified in the Tallaght Town Centre LAP identified for development. The site itself is adjacent to a Luas Stop and comprises of existing industrial development. There are no streams or water channels on the site.

7.12.3. Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required.

7.13. **Special Development Contribution**

7.14. The planning authority has sought a financial contribution in respect of refurbishment of the existing signal controlled junction of Second Avenue and Cookstown Way. The Board will be aware that the provisions of section 48 (12) of the Planning and Development Act as amended, provides such a condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates. The only information on file regarding the contribution relates to the recommended conditions of the Roads Department for a sum of €30,000 for the refurbishment of the existing signal controlled junction of Second Avenue and Cookstown Way.

7.15. A new development contribution scheme was adopted by South Dublin County Council in 2016 and this general scheme identifies Belgard to Cookstown Road 400mm main and junctions as a project listed under Class 1 Roads Infrastructure and Facilities. The provisions of this order (enclosed as an Appendix for ease of reference). I do not therefore consider it appropriate to seek a special development contribution as there does not appear to be any justification for the additional contribution having regard to the most recent general contribution scheme and therefore consider that such a condition is inappropriate notwithstanding the inclusion of such condition by the planning authority.

8.0 **Recommendation**

8.1. I recommend a grant of permission subject to the following conditions.

9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, to the zoning of the site and its location within a Regeneration Area in the South Dublin County

Development Plan 2016-2022, the proximity of public transport facilities it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of both the South Dublin County Development Plan 2016-2022. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 19th January 2018, and unsolicited further information received on 6th February 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars

Reason: In the interest of clarity.

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

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

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

Reason: In the interest of public health.

4. Details of all external shopfronts and signage shall be [the subject of a separate planning application] [submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays. Prior to the operation of the crèche the operator shall submit to the planning authority for written agreement details of the proposed signage for the crèche.

Reason: In the interest of residential and visual amenity.

6. The number of children to be accommodated within the childcare facility shall not exceed 41 at any time on any day.

Reason: To limit the development in the interest of residential amenity.

7. The proposed gym shall not operate outside the period of 0700 to 2200 hours Monday to Friday inclusive except public holidays, and not operate outside the period of 0800 to 2200 hours on Saturdays, Sundays or public holidays. Prior to the operation of the gym the operator shall submit to the planning authority for written agreement details of the proposed signage for the gym.

Reason: In the interest of residential and visual amenity.

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

9. The internal noise levels, when measured at the windows of the proposed development, shall not exceed:

(a) 35 dB(A) LAeq during the period 0700 to 2200 hours, and

(b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.

Reason: In the interest of residential amenity.

10. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

11. The car parking facilities, hereby permitted, shall be reserved solely to serve the proposed development and shall provide for the following:

(a) A total of 152 number car parking spaces shall be reserved to serve the proposed residential units. At least one clearly identified car parking space shall be assigned permanently to each residential unit and shall be reserved solely for that purpose.

(b) A total of 8 number car parking spaces shall be reserved for persons with impaired mobility. The layout and design of such designated spaces shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" published by the National Disability Authority.

(c) Revised proposals for the location of bicycle parking shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure that adequate parking spaces are permanently available to serve the proposed residential units and other commercial uses within the development and also to prevent inappropriate commuter parking.

12. . 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.

13. Prior to commencement of development, the developer shall liaise with the Irish Aviation Authority with regards to the potential requirement for an aviation warning beacon.

Reason: In the interests of public safety.

14. Proposals for a development name/commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

15. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

16. Revised elevational details in respect to the proposed gated entrance to the courtyard within Block B that addresses the void within the elevation to Cookstown Way shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

17. Site development and building works shall be carried out only between the hours of 0800 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.

18. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this [private] development in the interest of residential amenity and orderly development.

19. 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.

20. 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.

21. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

22. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

23. 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.

Susan McHugh
Planning Inspectorate

6th July 2018