



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-301909-18**

---

#### **Strategic Housing Development**

Demolition of buildings and construction of phase 1 of mixed use residential development (427 no. apartments, 358 no. bed space student accommodation), childcare facility and associated site works.

#### **Location**

Belgard Gardens, Belgard Square North, Tallaght, Dublin 24.

#### **Planning Authority**

South Dublin County Council

#### **Prospective Applicant**

Atlas GP Ltd

#### **Date of Consultation Meeting**

30<sup>th</sup> July 2018

**Date of Site Inspection**

20th July 2018

**Inspector**

Stephen J. O'Sullivan

## **Contents**

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	4
4.0 Planning History.....	5
5.0 Section 247 Consultations with Planning Authority .....	5
6.0 Prospective Applicant’s Case .....	6
7.0 Planning Authority Submission .....	7
8.0 The Consultation Meeting .....	8
9.0 Assessment .....	10
10.0 Recommended Opinion .....	11

## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

The site is in the town centre of Tallaght. Its southern boundary is along Belgard Square, its eastern one along Belgard Road. Access is from an existing roundabout on Belgard Square. The Luas stop is 300m to the south west. The overall site area is stated to be 7ha. The 'applicable area' upon which development is proposed is stated to be 3.45ha. The site is currently occupied by three buildings that were used for offices, industry and storage. Commercial and service uses are predominant in the area. The site is within 400m of Tallaght Hospital to the west, the council offices and the Square shopping centre to the south, and the Institute of Technology to the east. The land immediately to the north is a retail warehouse park; that to the west is vacant.

## 3.0 Proposed Strategic Housing Development

It is propose to demolish the buildings and clear the site and carry out a development on the southern part of the site (which would be first of two phases of development on the overall site) that would provide –

- 427 apartments, including 104 one-bedroom units, 263 two-beds and 60 three-beds. 8 of the apartments would be live work units with the 518m<sup>2</sup> of workspace on the ground floor. 169 of the apartments would be dual aspect. There would be accommodation of 1,575m<sup>2</sup> for shared facilities for the residents.

- Student accommodation with 358 bedspaces. These would be provided in 34 studio units, and 49 'clusters' of between 4 and 8 bedrooms served by a common kitchen. Accommodation of 848m<sup>2</sup> would be provided for shared facilities for the students.
- A child care facility of 420m<sup>2</sup> and 6 commercial units of 678m<sup>2</sup>.

The development would be provided in buildings between 4 and 12 storeys high that would have frontage onto Belgard Square to the south. The building with the student accommodation would also have frontage onto Belgard Road to the east. The buildings would be laid out in 2 blocks bisected by a new street running north/south from a signalised junction on Belgard Square that would replace the existing roundabout. It is also proposed to provide a new public square to the north of the proposed buildings. 107 car parking spaces would be provided below a podium in the eastern apartment block. 20 other spaces would be provided on the street. A toucan crossing would be provided across the Belgard Road towards the college. The floor area of the overall development is stated to be 45,444m<sup>2</sup>, 93% of which would be for residential use. A proposal was made to the council to provide 42 apartments as social housing under Part V off a single core within the development. A 10 year permission is being sought.

#### 4.0 **Planning History**

SDA18A/0094 – There is an outstanding application for permission to clear the site. The council requested further information consisting of an EIA and details of waste management.

#### 5.0 **Planning Policy**

The South Dublin County Development Plan 2016-2022 applies. The site is zoned under objective REGEN. A local area plan for Tallaght town centre was adopted in 2006 and expired in 2016.

## 6.0 Section 247 Consultations with Planning Authority

The council submitted records of two meetings with the prospective applicant under section 247 of the Planning and Development Act 2000, as amended. The first meeting occurred on 9<sup>th</sup> February 2018 and discussed the potential development of the site in general terms. The council referred to the need to provide active frontage onto Belgard Square and Belgard Road, with a preference for perimeter blocks of varying heights. The general context scale is between 4 and 6 storeys. A central square should be provided within the development, and an open space along Cookstown Road. Streets and links should be extended through the site, including the extension of Belgard Square East and the provision of better links to ITT. The second meeting occurred on 1<sup>st</sup> June 2018. The record states that the prospective development of the entire site would include 1,499 apartments. 427 apartments, 357 student bedspaces, commercial units and a childcare facility would be provided in the next phase, with 1,072 apartments, a restaurant and a community building in the one after that. The applicant did not intend to respond to the FI request on SD18A/0094 and would include site clearance in the application for the first phase of development. The council stated that the north/south link road was of paramount importance and should be provided in phase 1. A proposed arcade arrangement along south of the site could give rise to anti-social behaviour and should be omitted. The level of detail on the propose civic space was welcomed. Concerns were raised regard to amount of bike parking. The *BusConnects* proposals for the Belgard Road may affect the development of the site. Proper access should be provided for fire tenders. The submitted drainage details were noted. Reference was made to the project for district heating in the area.

## 7.0 Prospective Applicant's Case

The prospective applicant submitted a statement outlining the consistency of the proposed development with various national and local planning policies. It stated that the development would provide compact urban growth that would meet the objectives of the National Planning Framework. The proposed student accommodation would support the adjacent ITT, which will be part of the proposed technological university for Dublin. The density of 148 dph was appropriate to a site

on a public transport corridor according to the sustainable urban residential guidelines. The layout of the development would be permeable and would prioritise pedestrians and cycle movement, in accordance with DMURS, with links through the site that could join future streets on adjoining sites and a new pedestrian crossing at the Belgard Road. The proposed apartments would meet the 2018 design standards. The site is on flood zone C, according to the 2009 Flood Risk Management Guidelines. The proposed residential use with ancillary facilities, including childcare and commercial units, would be in keeping with the REGEN zoning objective under the development plan. The layout would be in keeping with the objective in the development to provide a street running north-south through the site. The heights of the proposed buildings and the car parking provision would not comply with the requirements of the recently expired Local Area Plan. It is considered that quantitative restrictions on building height and car parking have been superseded by objective 13 of the NPF in any event.

## **8.0 Planning Authority Submission**

The authority's submission referred to the 2006-2016 local area plan for the town centre which sought more intense development with street frontage and a public square. Although its period has expired, the LAP's provisions remain instructive. The mainly residential use is consistent with the REGEN zoning of the site and the approach set down in the LAP. 50% of the buildings would be higher than allowed under the LAP, which is 4 or 5 storeys with an allowance for 2 more for a landmark at the junction of the east and north sides of Belgard Square. However the proposed development reflects the advice in more recent national policy. The 12 storey tower would be improved if the top 2 storeys were recessed. The proposed 9 storey building at the corner on Belgard Road could be considered a gateway building under the provisions of the LAP. However its visual impact could be improved by recessing the elements at the top, as it does not currently complement the scale of the four storey building beside it. The developer has a unique opportunity to provide a high quality design for an important and evolving district. The elevations require some significant amendments as the current proposed appears monotonous, with little contrast by way of materials, finishes or styles. The façade onto Belgard Square needs strong visual elements or points of interest. All major infrastructure

should be provided in phase 1 of the development on the site including the north-south line which is an objective of the development plan. The development must not affect access to the hospital by helicopters. The level of cycle parking does not meet the standard of 1 per bedspace set out in the apartment standards, which is a significant issue given the paucity of car parking. Insufficient information has been provided with regard to stormwater attenuation.

## 9.0 The Consultation Meeting

9.1. A meeting was held at the Board's offices on Monday, 30<sup>th</sup> July 2018 between the representatives of the board, the prospective applicant and the planning authority

The main issues discussed at the meeting were –

1. Residential amenity, including the quality of accommodation, privacy and natural light within apartments and the provision of proper open space and supporting facilities throughout the overall scheme and their ongoing management
2. Access and mobility, including a rationale for the level of car parking and alternative means to manage demand arising from the development, and facilities for pedestrians and cyclists
3. Design, with particular reference to materials and detailing on the buildings and to issues of daylight and micro climate throughout the scheme
4. Integration of the development with the town centre, including questions of phasing and the delivery of infrastructure and the impact on potential of adjoining land
5. Issues arising from demolition and site clearance
6. Water and drainage
7. Any other issues

With regard to issues nos. 1 and 3, the board's representatives stressed the importance of providing a high level of amenity for a development of the density proposed. The applicant stated that the standard of landscaping was intended to provide a high level of amenity for spaces throughout the development, hence the



name Belgard Gardens. The planning authority stated that the proposal conformed to a type that had been prevalent in Tallaght town centre development just before the recession, and that it was generally acceptable. The prospective applicant had drawings indicating how it might respond to the design concerns expressed in the planning authority's opinion, but the board's representatives stated that revised proposals could not be accepted at the meeting.

With regard to issue no. 2, the board's representatives noted the low number of car parking spaces proposed (127) relative to the number of proposed apartments (427), having regard to prevailing rate of car ownership by households in the county. The rate is above 85% and includes households who would not necessarily use the car for commuting. It is important that the development met the housing needs of a suitably wide section of the community. The applicant expressed confidence that the range of public transport, employment and other facilities within walking distance of the site meant that it could function successfully with such a low number of parking spaces. They also referred to the proposals for enhanced bus services in the area and along the Belgard Road. Alternative means to provide access to cars to residents without ownership would be considered, including sharing schemes and commercial hire facilities. The planning authority did not object to the proposed approach. In relation to cycle facilities, the board's representative noted that the national cycle manual did not recommend segregated facilities on local or link streets or the frequent mixing of pedestrian and cycle movement at junctions. They also expressed concern that stacked cycle parking would not be easy to use by children or infrequent cyclists. The applicant indicated that the proposed facilities would adhere to the requirements of the manual and that a range of parking and storage facilities would be provided. The applicant referred to consultations with the NTA regarding bus and cycle facilities.

With regard to issue 4, the board expressed concern that the proposed development would need to be developed in a timely manner to avoid delays to the regeneration of the area and that a 10 year period may not be appropriate for any permission. The applicant stated that it did not intend to delay construction or the development of phase 2 on the site, and that the reference to a 10 year permission was precautionary and that it was envisaged that both phase 1 and 2 would be completed within 10 years.

With regard to issue no. 5, the applicant believed that there were only localised issues with soil on the site. It was intended to submit an EIAR with the application that would address any such issues.

With regard to issue no. 6, the applicant stated that the site currently drains directly to the surface water sewer, and that the proposed development would include SUDS measures that would mitigate the peak runoff that currently occurs. The planning authority advised the applicant to contact the relevant section of the council directly regarding its storm water drainage proposals. The board's representatives advised the applicant that, if agreement had not been reached with the council regarding those details, then the existence and extent of any disagreement should be clearly outlined in the documentation submitted with the application.

## 10.0 Assessment

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: parking and mobility management, residential amenity, design, cycle facilities, phasing and integration with adjoining developments, and water supply/drainage, which are set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development

(Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## **11.0 Recommended Opinion**

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration/amendment of the documents as they relate to the provision of car parking and mobility management within the proposed development. The documentation submitted at application stage should provide a robust rationale for the amount of car parking that is proposed. This should have due regard to the pattern of demand for travel that is likely to arise the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school. The documentation should also take proper account of the prospective future development of the rest of the site, and to the prevailing patterns of car ownership in the area, whereby c87% of households in the county and c73% of households in the electoral division where the site lies reported having at least one motor car at the last census.
  
2. Further consideration of the documents as they relate to the standard of amenity that would be provided to the occupants of the proposed development. The documentation submitted at application stage should be sufficient to demonstrate that the proposed apartments and student accommodation would be provided with sufficient internal accommodation, privacy, daylight and sunlight, and private and shared open space, and that they would comply with the applicable requirements of the development plan and the apartment design standards issued in 2018, including its Specific Planning Policy Requirements.
  
3. Further consideration of the documents as they relate to the detailed design of the proposed development. The documentation submitted at application stage should demonstrate that the external finishes, materials and detailing of the proposed buildings and that the landscaping and surface/boundary treatments of the streets and outdoor spaces would be of a sufficient quality to ensure that the proposed development made a positive contribution to the character of the area over the long term.
  
4. Further consideration/amendment of the documents as they relate to the provision of cycle facilities. The documentation submitted at application stage

should demonstrate that the cycle facilities along streets are designed in accordance with the National Cycle Manual and that they provide an acceptable quality of service with continuity and suitable priority across junctions; that they avoid conflict between cyclists and pedestrians; and that they allow access to destinations on both sides of the street for cyclists. Segregated facilities should only be provided where the criteria set out at section 1.7 of the manual have been met. The documentation should show cycle parking in secure and convenient locations across the development to meet the needs of occupants and visitors and in various formats that are accessible and easy to use by cyclists with the range of physical capacities that would be expected in a residential scheme. The documentation should indicate how the amount of cycle parking would comply with the relevant guidance set out in the development plan, section 5.5 of the National Cycle Manual and section 4.15 of the apartment design standards.

5. Further consideration/amendment of the documents as they relate to the phasing of development on the site and its integration with the development and regeneration of the town centre. The documentation should indicate the timeframe in which the proposed development would proceed and that the infrastructure required to support and facilitate development on the rest of the application site and on neighbouring land was provided in a timely manner. The documentation should also demonstrate that the layout and design of the development would be compatible with the proper and sustainable development of adjoining land.
6. Further consideration of the documents as they relate to water supply and drainage infrastructure. The documentation submitted at application stage should be sufficient to demonstrate that the proposed surface water infrastructure would be adequate to cater for the proposed development and whether the council had indicated its agreement or otherwise to the proposals in this regard.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in

addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A mobility management plan, which would include specific and quantifiable measures to facilitate the demand for travel and for parking arising from the development including, as appropriate, proposals to provide access to off-site car parking facilities for residents of the proposed apartments, and information as to where the responsibility would lie for the ongoing implementation of each measure.
2. An analysis, prepared by suitably qualified persons, of the impact of the proposed development with regard to daylight/sunlight and microclimate. The analysis should demonstrate the impact of the development on adjoining streets and lands, and well as the standards achieved within the proposed apartments and student accommodation, in private and shared open space, and in public areas and streets within the development
3. A plan for the ongoing management of the proposed development and the upkeep of its amenities, including a building life cycle report under section 6.13 of the 2018 Apartment Design Guidelines.
4. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual for all streets, including the revised junction to replace the roundabout on Belgard Square North and the proposed crossing of the Belgard Road.
5. Details as to how the proposed development would facilitate existing and proposed bus services in the area, with particular reference to the proposals made by the NTA for the BRT project and BusConnects.

6. Details of any measures required to prevent interference with aviation, in particular the use of the helipad at the hospital at Tallaght.
7. Proposals with compliance with Part V of the Planning and Development Act, 2000 (as amended).

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Transport Infrastructure Ireland
2. National Transport Authority
3. Transport Infrastructure Ireland
4. Irish Water
5. The Irish Aviation Authority
6. South Dublin County Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

---

Stephen J. O'Sullivan

Planning Inspector,

9<sup>th</sup> August 2018