



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
302565-18**

Strategic Housing Development

Location	Unit 21, First Avenue, Cookstown Industrial Estate, Dublin 24
Planning Authority	South Dublin County Council
Prospective Applicant	Bartra Property (Cookstown) Ltd
Date of Consultation Meeting	October 23 rd 2018
Date of Site Inspection	17 th October 2018
Inspector	L. Dockery

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 and the documentation received from the prospective applicant, 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

- 2.1 The subject site, which has a stated area of circa 1.077 hectares, is located within Cookstown Industrial Estate, north of Tallaght, Dublin 24. Industrial type developments predominant in the general area and to the north of the site is an established residential area, known as Belgard Heights. Tallaght hospital is located to the SW of the subject site while Tallaght Institute of Technology is located to the SE. The nearest LUAS tram stop is approximately 500m from the subject site.
- 2.2 The existing structure on site appears to be vacant, apart from a small café which was operating from a smaller structure on site.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises 158 residential dwellings and 193 shared living accommodation suites and associated facilities over 3 blocks. The overall bedspace provision is stated as being 485. The scheme is 5 storey in height.

Block	Type	No.
Block A	Build to Rent	58 apartments
Block B	Build to Rent	100 apartments
Block C	Shared Living Accommodation	193 bedspaces

The following details are noted:

Parameter	Site Proposal
Application Site	1.077 ha
No. of Units	158 + 193 bedspaces
No. of bedspaces	485
Other Uses	Café- 60m ² Associated site works
Car Parking	34 + 5 spaces on Cookstown Road
Bicycle Parking	490
Plot Ratio	1.7
Vehicular Access	First Avenue
Communal Open Space	2.132 ha
Part V	100% of Block A- exact details not yet agreed

The breakdown of unit types is as follows:

Unit Type	No.
Studio	44
1-Bed	66
Two-Bed	48
Shared Living	193
Total	485

3.2 The stated cumulative gross floor space of non-residential uses are 60 square metres.

4.0 **National and Local Planning Policy**

4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- Rebuilding Ireland- National Student Accommodation Strategy (2018)

4.2 Local

The South Dublin County Development Plan 2016-2022 is the operative County Development Plan.

Zoning:

‘Objective REGEN’ which seeks to ‘facilitate enterprise and/or residential-led regeneration’

Residential and restaurant/cafe development is ‘permitted in principle’

SDCC Vision

New Regeneration zoning objective ‘REGEN’ has been introduced to support and facilitate the regeneration of underutilised industrial lands that are proximate to town centres and/or public transport nodes for more intensive enterprise and residential led development.

11.2.4 Regeneration Zone

Development proposals in REGEN zones should address the following criteria:

- (1) Demonstrate a clear transition towards a more urban form of development and a traditional street network. Address connectivity and linkages in the area and demonstrate that the development of the site would not give rise to isolated piecemeal pockets of residential development that are disconnected from shops, amenities and/or residences.

The Tallaght Town Centre LAP 2006-2016 has expired and the Planning Authority are stated to be engaged in drafting a new LAP for Tallaght Town Centre.

5.0 **Planning History**

There is no recent history on the subject site.

Nearby Sites:

SD17A/0212: Permission GRANTED for mixed use scheme, providing for 126 apartments, 2 no. commercial units and 152 no. car parking spaces at Unit 5A-C, Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24.

6.0 Section 247 Consultation(s) with Planning Authority

6.1 It is stated by the prospective applicant that one pre-application consultation took place with the planning authority on 16th April, 2018.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 158 apartments and 193 bedrooms. Advises that subject to a valid connection agreement being put in place, the proposed connections to the Irish Water networks can be facilitated.

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

7.1 Documentation Submitted

8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, 3D visualisations, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Planning Report; Pre-Planning Submission Drawings (A3 booklet), DMURS Statement of Consistency, Outline Demolition, Construction and Operational Waste Management Plan; Outline Method Statement for Demolition of Existing Building; Tree Survey; Sketch Design Report; Outline Construction Management Plan; Architectural Report; Landscape Masterplan; Traffic and Transport Statement, Engineering Services Report; Environmental Screening

Report; Justification Report; Report for the purposes of AA Screening and Flood Risk Assessment,

8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

7.2 Planning Authority Submission

7.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 12th October 2018.

7.2.2 The planning authority's 'opinion' included the following matters: description of site and surroundings, proposal, zoning, consultations, planning history, enforcement history, national and local policy considerations,, proposed land uses, urban design, scale and design, open space, movement and accessibility. The following points are noted:

- Proposal may benefit from the provision of a retail use at ground floor level, thereby supporting the establishment of a more sustainable community. Allied to this, such provision could also serve to aid the animation of either the newly proposed streetscapes on First Avenue or Cookstown Road
- Greater cohesion provided between blocks and more integrative approach and enhanced interface with surrounding road network achieved
- Proposal should not give rise to overshadowing, while solar gain should be maximised
- Advised to provide a robust rationale for 5 storeys based on proximity to LUAS, which should form part of any future planning application
- Important that adequate communal living space is delivered, which is proportionate with the attainment of quality kitchen/living facilities for 193 future residents
- Location of parking and orientation of blocks offer greater opportunity for passive surveillance than was proposed at section 247 meeting

- Serious consideration for vulnerable road users into and out of the site, as well as safely accessing the surrounding area- potential conflict from a visibility perspective associates with parked HGVs on adjoining streets

7.2.3 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 23rd day of October 2018, commencing at 14.30 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

7.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Development strategy for the site in the context of its location relative to Tallaght town centre and adjoining REGEN lands; layout; connectivity; height and design
2. Residential amenity- quantum and distribution of communal facilities, internal amenity and open space
3. Access and mobility
4. Any other matters

7.3.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Redevelopment of the site in the context of its location in proximity to Tallaght Town Centre, in the absence of an adopted LAP and/or detailed masterplan for this entire area which is zoned 'REGEN'
- Section 11.2.4 of operative County Development Plan in relation to Regeneration Zone
- Layout and urban design in the context of setbacks from public roads, internal separation distances; consider possibility of providing a landmark building of greater height on site; ensuring that layout doesn't negatively impact on future development potential of adjoining lands

- Proposed uses, in particular at ground floor level to Cookstown Road/First Avenue, in the context of the site zoning; interface with public realm; creation of active streetscape
- Connectivity/linkages through to adjoining lands to public transport; to nearby services
- Elevational treatment; proposed materials and finishes, in particular durability, maintenance of coloured panels

7.3.4 In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Quantum, distribution and quality of resident support facilities/resident services and amenities in context of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) and Circular PL11/2016
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents
- Open space provision and desire to ensure it is usable, provision for active and passive spaces; landscaping plan

7.3.5 In relation to access and mobility, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Accessibility for vulnerable road users into/out of site and in accessing surrounding area

7.3.6 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Refuse and Storage Block location/design
- Management of proposed scheme
- Part V
- Boundary treatments/landscaping
- Waste Management

- Taking in charge
- Liaise with Drainage and Transport Departments in planning authority prior to making an application
- EIA Regulations

7.4 Conclusion and Recommendation

- 7.4.1 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.
- 7.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, 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 section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 7.4.3 Having regard to all of 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.
- 7.4.4 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.

8 Recommended Opinion

The Board 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 of the documents as they relate to the site's context in particular the relationship of this site with other REGEN lands within the overall area. Further consideration of the documents as they relate to the height strategy for the site and the design of the proposed development. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site provides the optimal architectural solution for this strategic site and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. In this regard, the submitted documents should allow for further consideration of the elevational treatments and proposed materials. The proposed development shall have regard to inter alia, national policy including the National Planning Framework and Sustainable Urban Housing: Design Standards for New Apartments March 2018 and local planning policy, the site's context and locational attributes.

2. Further consideration of documents as they relate to the layout of the proposed development particularly in relation to permeability and the criteria set out in the Urban Design Manual relating to 'Connections' which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the Design Manual for Urban Roads and Streets. The configuration of the layout particularly as it relates to the creation of an urban edge along Cookstown Road to First Avenue should be given further consideration. Further consideration and/or justification of the documents as they relate to the proposed ground floor element of the scheme in terms of possible provision of commercial uses and the creation of an active streetscape. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.
3. Further consideration and/or justification of the documents as they relate to the internal layout of the proposed development, having particular regard to the provision of resident support facilities and amenities and their location within the overall development, having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 including the specific planning policy requirements in respect of Build to Rent and Shared Accommodation developments. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

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 arising from this notification:

1. A Design Statement addressing the criteria contained within section 11.2.4 of the South Dublin County Development Plan 2016 in relation to development within regeneration zones, and which includes, *inter alia*, justification outlining how the

proposal would not give rise to an isolated piecemeal pocket of residential development that is disconnected from shops, amenities and/or other residences

2. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build to Rent accommodation. There shall be a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residents units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018)
3. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development
4. Construction and Demolition Waste Management Plan
5. Details of any measures required to prevent interference with aviation, in particular the use of the helipad at the hospital at Tallaght.
6. Landscaping proposals including an overall landscaping masterplan for the development site. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including boundary treatments should be submitted. Proposals relating to improving accessibility for vulnerable road users into/out of site and in accessing surrounding area should also be submitted.

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. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. The Irish Aviation Authority
5. Health Service Executive

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.

Lorraine Dockery
Senior Planning Inspector

09th November 2018