



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-302700-18**

Strategic Housing Development	201 no. build to rent housing units and all associated site works.
Location	Unit 5A-C, Second Avenue, Cookstown Industrial Estate, Dublin 24
Planning Authority	South Dublin County Council
Prospective Applicant	Pymont Property Developments Ltd
Date of Consultation Meeting	November 9 th 2018
Date of Site Inspection	24 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 0.595 hectares, is located on the edge of Cookstown Industrial Estate, north of Tallaght, Dublin 24. It is a high visible site fronting onto Cookstown Way and Second Avenue and is located immediately adjacent to the Cookstown Luas stop.

Industrial type developments predominant in the general area and to the west of the site is an established residential area. Tallaght hospital is located to the south of the subject site while Tallaght Institute of Technology is located to the east.

2.2 The site is currently in use as a motor showroom and mixed use development. The existing structures are between two and three storeys in height.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of an existing industrial unit and the construction of 201 residential 'Build to Rent' units and associated facilities over 4 blocks. The proposal also includes for 1 no. commercial unit, a crèche, gym, communal amenity space and a community room. The scheme ranges in height from 6-9 storeys in height.

The following details are noted:

Parameter	Site Proposal
Application Site	0.595 ha
No. of Units	201 build to rent units
Other Uses	Commercial unit- 166m ² Gym-183m ² Creche-188m ² Community room-53m ² Communal Amenity Space-93m ²
Car Parking	67
Bicycle Parking	420
Vehicular Access	Second Avenue
Part V	10% of units

The breakdown of unit types is as follows:

Unit Type	No.
Studio	42
1-Bed	51
Two-Bed	108
Total	201

3.2 The stated cumulative gross floor space of non-residential uses are 683 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**

SD17A/0212 (ABP-301204-18)

Permission GRANTED for demolition of existing industrial unit and construction of mixed residential and commercial development, comprising 107 apartments in three, five-storey blocks, 3 commercial units, community room, crèche and gym, together with ancillary site works.

SD16A/0267

Permission REFUSED for mixed residential and commercial development providing 184 apartments in 3 blocks, 2 commercial units, community room, crèche and ancillary site works

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 15th June, 2018.

7.0 Submissions Received

Irish Water

Confirmation of Feasibility issued for this site for 201 no. build to rent housing development, 1 no. commercial unit, crèche, gym, communal amenity space, community room and associated site works. Advises that subject to a valid connection agreement being put in place, the proposed connections to the Irish Water networks can be facilitated. The proposed development, as assessed for the CoF, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water.

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, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Planning Report; Draft Construction, Demolition and Operational Waste Management Plan; Landscape Masterplan; Landscape Design Rationale; Transport Assessment Report and Stage 1 Road Safety Audit; Engineering Submission; Climate Change Adaptation & Energy Efficiency Statement; Outdoor Lighting Report; Aeronautical Assessment Report and Solar Photovoltaic Glint and Glare Study.
- 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 25th 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, scale and design, massing, form and shape, public realm, mix of units, roads, access and parking, services and drainage and waste-construction and demolition. The following points are noted:

- Design solution encompasses a mixed-use residentially led approach, which is consistent with the REGEN zoning
- Site is at a highly visible location, thus it is a key opportunity for more intensive urban development in keeping with regeneration zoning, the urban centre of Tallaght and public transport usage
- Scale and design is of critical importance- advise use of 2006 Tallaght Town Centre LAP as a reference point pending adoption of new LAP
- Massing, form and shape of blocks and use of materials/finishes are similar to that permitted under PL06S.301204
- Proposal has illustrated works to public realm which are outside red line boundary- written agreement of SDCC to undertake such works should be included in application
- Development should activate street frontage at ground floor level particularly in vicinity of Luas stop- current proposal has reduced number of commercial units from that previously permitted- all residential units at GF should have appropriate privacy strips
- Interface between ground floor uses and Luas stop and Second Avenue is highly important- refers to opinion of TII in their submission under 301204

- Mix of units would need to be assessed in accordance with National Apartment Guidelines
- Rationale for reduction in parking from 152 spaces in 301204 to 67 spaces proposed should be provided- electric car parking spaces should align with CDP standards- details of car park management should also be submitted- provision of bicycle spaces should be assessed with the standards outlined in the 'Design Standards for New Apartments' guidelines
- Full details of services and drainage should be provided in any future application- this request was not circulated to other departments within SDCC due to time constraints- advised to ensure that the drainage aspect of the courtyard area is fully investigated, as it could result in significant drainage issues
- Detailed Project Construction and Demolition Waste Management Plan should be submitted, in particular given location of site to Luas line and Tallaght hospital

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 09th day of November 2018, commencing at 11.30 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- proposed uses in the context of its site zoning/location, height, unit mix and design
2. Residential amenity- quantum and distribution of residential support facilities, internal amenity
3. Access and parking
4. Any other matters

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

- Previous development permitted under ABP-301204-18
- Section 11.2.4 of operative County Development Plan in relation to Regeneration Zone
- Proposed uses, in particular at ground floor level to Cookstown Road, in the context of the site zoning; creation of active streetscape; location of community facility
- Height of proposed development
- Unit mix, in particular lack of three-bed units
- Elevational treatment; proposed materials/finishes and quality of proposed development given its prominent location, together with the fact that proposal would set the benchmark for future developments within REGEN area

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; landscaping plan

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

- Car and bicycle parking provision
- Pedestrian safety in terms of vehicles entering/exiting basement car park

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

- Crèche facility
- Height of proposal in context of its location relative to Tallaght hospital helipad and Baldonnell aerodrome- advised to contact IAA and Department of Defence regarding
- Public notices and inclusion of build to rent in development description
- Management details and submission of draft covenant agreement, in accordance with SPPR7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018
- Construction and Demolition Waste Management Plan

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 and/or justification of the documents as they relate to the proposed ground floor uses of the proposed scheme, in particular along Cookstown Road, in terms of the creation of an active streetscape at this location and the provision of commercial uses at ground floor level. 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 such regeneration zones, and which includes, *inter alia*, justification addressing the point that residential development should not be introduced at ground floor level adjacent to busy roads, and/or roads that are subject to significant movements by Heavy Good Vehicles (HGVs). The further consideration of

these issues may require an amendment to the documents and/or design proposals submitted at application stage.

2. 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.
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, together with the landscaping and surface/boundary treatments of the outdoor spaces would be of a sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term.

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 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)

2. 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
3. Construction and Demolition Waste Management Plan
4. Details of any measures required to prevent interference with aviation, in particular the use of the helipad at the hospital at Tallaght.

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. Department of Defence
6. Coras Iompair Eireann
7. Commission for Railway Regulation
8. South Dublin 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.

Lorraine Dockery
Senior Planning Inspector

14th November 2018