



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303163-18

Strategic Housing Development	100 no. apartments, 5 no. retail units, community meeting room and associated site work.
Location	Corner of Main Road and Greenhills Road, Tallaght, Dublin 24
Planning Authority	South Dublin County Council
Prospective Applicant	O'Mahony Holdings SPRL
Date of Consultation Meeting	21 January 2019
Date of Site Inspection	11 January 2019
Inspector	Una Crosse

1.0 Introduction

- 1.1. 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

- 2.1. The site has a stated area of 0.3 hectares and comprises two parts of what is an area of ground surrounded by the Old Greenhills Road, Greenhills Road and Main Road in Tallaght. This area of ground currently accommodates a number of other structures outside of the subject site including a number of single storey structures along the Old Greenhills Road and a part 2/3/4 storey residential development (comprising 17 units) which addresses the Greenhills road and which is within the prospective applicants holding (outlined in blue). The larger portion of the site is undeveloped but accommodates an access from the Old Greenhills Road to an existing basement car park which is located under part of the subject site. The smaller element of the site comprises an area of ground located west of the apartment development fronting Greenhill's Road and adjoining two single storey structures, of which the structure to the north is a protected structure.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal is for a mixed use development in two separate blocks with 4 retail units and 1 retail/community use with a total area of 245 sq.m and 100 apartments with a gross floor area of 6212 sq.m. The majority of the proposal is included within a 7 storey structure which addresses the Old Greenhills Road, the Main Road and the corner of Main Road and Greenhills Road. This 7 storey structure comprises 3

blocks annotated as A, B and C and includes the 5 proposed retail/commercial units at ground floor level with one of the units proposed as community or retail. A 3-storey structure is proposed north of the main site area, within an area of existing open space, accommodating 6 apartments.

Access is proposed to an existing basement car park on the Old Greenhills Road which it is proposed to rearrange and extend to provide a total of 43 car parking spaces and 78 bicycle parking spaces within the existing and the proposed new basement parking area. Pedestrian access is proposed from the Greenhills Road. It is proposed to provide an open space within the development of c.1,310 sq.m to be shared with the adjoining development which addresses the Greenhills Road. A civic space is proposed at the corner of Main Road and the Old Greenhills Road with the building set back from the corner. The proposed density is c.300 units per hectare.

3.2. The breakdown of the residential units is as follows:

Type of Unit	No.	% of Total Res
Studio Apt	9	9
1-bed Loft Apt	12	12
1-bed Apt	43	43
2-bed Apt	30	30
3-bed Apt	6	6
Total	100	100

4.0 Planning History

- **SD07A/0883 (ABP-PL06S.229207)** – permission granted and upheld on appeal by the Board for a mixed retail/residential development of 27 apartments and 662 sq.m retail on 4 floors over basement.
- **SD07A/0569** – Permission refused for a mixed use development of 32 apartments and 654 sq.m retail on 4 floors over basement.

- **SD06/1125** – permission refused for demolition of petrol; station and construction of mixed use scheme of 39 apartments and 676 sq.m retail on 4 floors over basement.

Adjoining Site

- **SD04A/0731 (PL06S.210123)** – permission granted for 21 apartment and 2 retail units in four linked apartment blocks from 2-4 storeys.

5.0 National and Local Policy

5.1. Section 28 Ministerial Guidelines

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 S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009
- Design Manual for Urban Roads and Streets
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Height Guidelines 2018
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection – Guidelines for Planning Authorities.

5.2. National Planning Framework

- 5.2.1. Chapter 4 of the Framework addresses the topic of 'making stronger urban places and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

5.3. South Dublin County Development Plan

The site is zoned 'VC' the objective of which is 'to protect, improve and provide for the future development of Village Centres. The policy for Village Centres is set out in Section 5.1.2 of the Plan. Urban Centre Policy 3 seeks to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value. The following policies are of note – Policy R3 – Tallaght Town Centre, Policy H6 sustainable communities, Policy H7 – Urban Design, Policy H8 Residential Densities, Policy H9 Residential Building and Policy UC6 Building Heights.

The site is within historical boundary of the recorded monument associated with the village, and adjoins Tallaght Village Architectural Conservation Area and a number of protected structures;

5.4. Tallaght Town Centre Local Area Plan 2006

The Tallaght Town Centre LAP 2006-2016 which has expired with the PA currently engaged in drafting a new Tallaght Town Centre LAP.

6.0 Forming of an Opinion

6.1. Documentation Submitted

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, a Completed Application Form, Cover Letter, Appendix to application form, Response to Part V, SDCC Pre-application consultation form and minutes, A3 copy of architectural drawings and CGI's, Engineering drawings, Engineering Pre-planning report, Traffic and Transport assessment, outline construction and demolition waste management plan.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant

guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

The applicant's case is summarised as follows:

- Site is situated in an area with a mixed retail / residential context with a number of 6 / 7 storey mixed use developments, as well as smaller 4, 3 & 2 storey residential developments within the adjacent context of the proposed development.
- Numerous local amenities within walking distance of the subject site and the area is well serviced by public transport;
- Stated in Apartment Guidelines (pg. 10) that the NPF signals a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance based standards to ensure well-designed high quality outcomes.
- Reference is made to the blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location;
- Proposed development provides a high standard of environmental quality both within the dwellings and the communal amenities, well designed apartment blocks which respond to site and context and streetscape;
- Stated that it is important to consider the changing demographics and the need for a greater number of single housing units (1 bedroom / 1 or 2 persons) in response to the needs of the population.
- In response to changing demographic needs, the proposed development is designed to accommodate a larger number of studio and 1-bedroom apartments, giving singles, retired people and couples with no children greater choice in available home types.
- Proposal still responds to need for family units with the provision of spacious 2-bedroom and 3-bedroom apartments to provide a desirable social mix of different household types.

- Apartment designed to be good quality units and meet and in many cases exceed residential design guidelines to provide for varying family needs (84% exceed minimum floor area requirements);
- Proposal provides for a new civic space (210 sq.m) and private residential communal amenity space (1,310 sq.m) which it is proposed to share with the existing development which is within the ownership of the prospective applicant;
- Provision of a shared residential amenity space exceeds the required 719 sq.m for both existing and proposed developments;
- Car parking, bicycle parking are within the basement with 54 storage units;
- Proposal does not include a crèche due to demographic requirement of increased one and 2-bed units with existing childcare facilities outlined in the map of the area;
- Site is within a medium density zone as per the LAP but proposal considered medium-high, plot ratio is 2.6 with LAP 1.5:1 for the area with building height max for the area 6-storeys and proposal is 7;
- Proposal consistent with the New Apartment Guidelines and Building Heights Guidelines;
- Site is situated in an historic precinct;

6.2. Planning Authority Opinion

A submission was received by An Bord Pleanála on the 9th of January 2019 from South Dublin County Council. The 'opinion' of the planning authority, in addition to outlining the planning history and National and Local planning policy context includes, inter alia, the following opinion on the proposal:

- The Tallaght Town Centre LAP 2006-2016 has expired with the PA currently engaged in drafting a new Tallaght Town Centre LAP and opinion of the PA that the expired Tallaght LAP should be utilised as a reference point in conjunction with the CDP and recently published National Policy and Guidance documents;
- The PA outline that they consider the main issues for consideration to be as follows:
 - Zoning and Council policy;

- Visual and residential amenity,
 - Architectural heritage,
 - Private open space,
 - Public open space,
 - Internal accommodation,
 - Communal facilities,
 - Compliance with New Apartment Guidelines,
 - Consistency with DMURS,
 - Design Criteria,
 - Density,
 - Building Height,
 - Access,
 - Parking and Accessibility,
 - Childcare facilities,
 - Landscaping and boundary treatments,
 - Public Lighting,
 - Taking in Charge,
 - Services and Drainage,
 - Flood Risk Assessment,
 - Noise and Public Health incl. bin storage,
 - Part V
 - Waste Management,
 - Phasing of Construction Works,
 - Screening for EIA
 - Screening for AA
- PA note that the proposal has been modified when compared to proposal the PA commenced the Section 247 pre-planning on most notably in relation to building height which previously extended to 10 stories and has now greater number of retail units previously one unit and now five;

- As a vacant and under-utilised site the PA is supportive of the appropriate redevelopment of the site with permission previously granted for a mixed use scheme which predates the current CDP;
- Site is prominent with dual frontage onto Main Street and Old Blessington (Greenhills) Road and PA consider it is important that new development contributes to the animation and activation of the streetscape with the uses proposed permitted under the site zoning but also be supportive of a broader cultural/community/commercial use and would welcome exploration of how more flexible floorspace which could cater for a mix of uses could be incorporated;
- Objectives for villages in CDP requires new development is based on clear understanding of heritage of villages which is a significant consideration for this application given the prominent site location and historical context;
- Site is within historical boundary of the recorded monument associated with the village, and adjoins Tallaght Village Architectural Conservation Area and a number of protected structures and PA consider built heritage should be a major consideration in determining appropriate design and layout of the development on site;
- Design Statement is required (Section 11.2.1 SDCCDP) and Archaeological Impact Assessment and Method Statement (Section 11.5.1) and may require design statement to outline how proposal responds to setting and special interest of Protected structure and curtilage (Section 11.5.2) which could be incorporated into design statement required with no such statement prepared;
- Concerns with proposal include:- overall design, scale, height and mass on a prominent site adjoining an ACA, overall context, adjacent protected structures and existing architectural elements of Village Core have not been identified and considered design and scale does not reflect or show any consideration of these elements;
- Need for greater understanding and awareness of the ACA and impact inappropriate development can have on overall character of the area with preparation of a design rationale required which can inform how existing context informs and steers design process;

- Overall design and height important element to highlight but scale and mass of development especially along Main Street and adjacent to cultural/historic core can significantly effect existing historic character;
- Apartments arranged in an 'L' shaped around a private secure communal open space with play area which is welcome but in order to achieve dual aspect blocks extremely bulky and dense;
- Inclusion of civic space welcomed but not being utilised within overall design and concern area would not function in current form and location and will not provide connectivity;
- Proposed materials should be assessed further given site location and need for a more suitable design finish with predominately plain render presenting maintenance issues with mixture of materials and colours adding architectural interest and breaking up mass of the blocks with existing building stock to be reflected;
- Height of many of other apartment buildings along Main street – 3-storey and only 4-storey along new section of Greenhill's Road furthest away from the Village core with proposed height highly visible on approach from village centre and would dominate adjoining buildings;
- Applicant has failed to provide a new development which understands the site context and reflects the site location with any new development required to respond to a variety of factors including:- urban structure, urban grain, density and mix, scale, materials and detailing, landscape, views and landmarks and historical development;
- Within Tallaght village particular respect required for the historic status of the area with designs required to be of high standard and finishes to be of high quality with sensitive use of colour and texture;
- Design rationale and statement and architectural impact assessment required;
- As advised a Landscape Masterplan required to include SuDS facilities within tree pits and use of continuous trenches under pavement, proposed street trees should be additional to 2m path and should not encroach on adjacent path, application previously advised that materials and finishes in public realm should

enhance area and advised to investigate the provision of multi-generational area within civic space with Tallaght Village currently lacking a civic space;

- Applicant previously advised to undertake a tree survey and report and ecological report to address any invasive species;
- Quantum of public open space to be set out in accordance with New Apartment Guidelines and existing apartments given the land was previously indicated as public open space to serve the existing apartments;
- In absence of alternative compensatory public/semi-private open space PA have serious concerns regarding impact of proposal on residential amenities of adjoining development;
- Applicant advised to consult with South Dublin Childcare committee to ascertain requirements in area and demand derived from other apartment developments;
- Shadow diagrams indicated communal open space experiences significant degree of overshadowing during much of the day and should be addressed with overshadowing caused to apartments to the east with the impact required to be established;
- NTA's GDA Cycle Network designated Greenhills Road as a link and proposed should not limit potential of this link with detail of scheme required to ensure proposal and surroundings are safe for pedestrians and cyclists;
- Car and bicycle parking standards should be set out and accord with National Standards;

6.3. Response from Prescribed Bodies

A response has been received from Irish Water and the Department of Culture, Heritage and the Gaeltacht is appended to this report.

6.4. Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 21st January 2019, 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.

The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Development Strategy for the site to include inter alia, design, height, density, finishes, open space (existing and proposed), tenure, uses/facilities on site and architectural heritage
 2. Residential Amenity (existing and future)
 3. Mobility management and parking provision
 4. Archaeology
 5. AA screening
 6. Any other matters
- In relation to development strategy for the site to include inter alia, design, height, density, finishes, open space (existing and proposed), tenure, uses/facilities on site and architectural heritage An Bord Pleanála sought further elaboration/discussion/consideration of the following: the design of the proposed development including the proposed height, elevational treatment and finishes in respect of the location and context of the site and in particular having regard to the architectural heritage of the area, the open space proposed and existing open space on site, the proposed tenure of the scheme, the clarification necessary with regard to commercial/community uses at ground floor and the treatment of the public realm particularly the civic space proposed.
 - In relation Residential Amenity (existing and future) An Bord Pleanála sought further elaboration/discussion/consideration of the following: the impact of the proposal on the residential amenity of the existing apartment development adjoining the site on the Greenhills Road, the amenity of adjoining properties along the Old Greenhills Road and the amenity of the proposed development having regard in particular to daylight and sunlight.
 - Having regard to points above, the Board also sought further elaboration and consideration in respect of the integration between the existing and proposed residential developments in the applicant's ownership, including sharing and management of semi-private/communal open space, car parking, bike parking,

refuse and storage facilities, etc.. Further consideration was sought in respect of the proposed application site boundary, and whether it should include the applicant's full landholding at this location, in particular given the proposed amendments to the open space and car parking arrangements associated with the permitted and occupied residential units.

- In relation mobility management and parking provision An Bord Pleanála sought further elaboration/discussion/consideration of the following: the requirement for a justification for the proposed car parking provision in the context of existing public transport provision in the area and the requirement for any application to provide a mobility management plan.
- In relation archaeology An Bord Pleanála sought further elaboration/discussion/consideration of the following: the comments provided from the Department of Culture, Heritage and the Gaeltacht.
- In relation AA screening An Bord Pleanála sought further elaboration/discussion/consideration of the following: the requirement to provide a screening report.
- In relation any other matters An Bord Pleanála sought further elaboration/discussion/consideration of the following: the requirement to use SuDS measures on site within the surface water drainage scheme proposed.

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 303163' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 **Conclusion & Recommendation**

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 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: height, design, scale, mass and density; public realm and community uses; integration with adjoining development; car parking and surface water management and flooding; details of 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.

8.0 **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:

Height, Design, Scale, Mass and Density

1. Further consideration of the documents as they relate to the development strategy for the site as it relates in particular to the height, design, scale, mass and density proposed. In this regard, the prospective applicant should satisfy themselves that the design strategy which they propose for the site, as it relates to (i) height, design including finishes, mass, scale and density, providing for the optimal architectural solution for this focal site and (ii) that the proposed development is at a sustainable density to provide for an acceptable efficiency in serviceable land usage balanced with the requirement to respect the context within which the site is located. The proposed development shall have regard to inter alia, national policy including the National Planning Framework, Urban Development and Building Heights Guidelines for Planning Authorities 2018, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and Sustainable Urban Housing: Design Standards for New Apartments March 2018, local planning policy and the sites context and locational attributes and context.

Public Realm and Community Uses

2. Further consideration of the documents as they relate to the provision of a new civic plaza and public realm at this key location in Tallaght village, as well as clarity as to whether community or retail use is proposed. Details of materials, finishes,

uses, maintenance and managements of these spaces and buildings should be further considered in the documents.

Integration with adjoining development

3. Further consideration in respect of the integration between the existing and proposed residential developments in the perspective applicant's ownership, including nature of the proposed residential use of the existing and proposed residential development (eg. Build to Rent, sale, etc.), sharing and management of semi-private/communal open space, car parking, bike parking, refuse and storage facilities, etc. is sought. In this regard and as a result of further consideration in respect of this issue, further consideration in respect of the proposed application site boundary, development description, etc. is considered appropriate.

Car Parking

4. Further consideration of documents as they relate to the proposed parking strategy for the proposed development and adjoining existing scheme. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Surface Water Management and Flooding

5. Further consideration of the documents as they relate to surface water management for the site. This further consideration should seek to maximise the SuDS measures proposed within the design of the proposed surface water management strategy. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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 report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, openings and privacy screening, the treatment of balconies, shopfronts, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the

requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development, avoiding blank facades and having regard to the context of the site and particularly architectural heritage. The documents should also have regard to the long term management and maintenance of the proposed development.

2. A traffic and transport assessment and mobility management framework for the proposed development which should have regard to existing public transport which serves the area.
3. A public realm and permeability strategy which address the treatment of the proposed Civic Space and outlines how the proposed development can be accommodated within the existing public realm with particular regard to pedestrian crossing facilities and access to and through the proposed development.
4. Details regarding the impact on the internal open space from the requirement to provide ventilation for the basement car park.
5. A report that addresses residential amenity, specifically how the development will limit the potential for overlooking and overshadowing within the proposed development and of adjoining properties. A comprehensive daylight and sunlight analysis addressing proposed units and open spaces should also be included.
6. A report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining public pathways.
7. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
8. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
9. An Archaeological Impact Assessment shall be submitted which responds to the comments outlined in the report received by the Board from the National Monuments Service which is attached.

10. An Architectural Heritage Impact Assessment shall be submitted which addresses in particular the visual impact of the proposal on adjoining protected structures and areas of architectural heritage in the vicinity of the site.

11. A justification for the exclusion of a childcare facility from the proposal.

12. A site layout that details any areas to be taken in charge by the local authority.

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. National Transport Authority
2. Transport Infrastructure Ireland
3. Minister for Culture, Heritage and the Gaeltacht
4. Heritage Council
5. An Taisce — the National Trust for Ireland
6. Irish Water
7. 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.

Una Crosse
Senior Planning Inspector

February 2019