



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-303803-19

Strategic Housing Development

Construction of 196 Build to Rent Apartments, underground car park, commercial unit, office, creche, gym including range of communal spaces.

Location

Unit 5A-C Second Avenue,
Cookstown Industrial Estate, Tallaght,
Dublin 24

Planning Authority

South Dublin County Council

Applicant

Pyrmont Property Developments Ltd

Prescribed Bodies

Irish Water

National Transport Authority

Transport Infrastructure Ireland

The Irish Aviation Authority
Department of Defence
Coras Iompair Éireann
Commission for Railway Regulation
South Dublin Childcare Committee

Observer(s) 11 no submissions/observations

Date of Site Inspection 3rd May 2019

Inspector Joanna Kelly

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 as amended.

2.0 Site Location and Description

- 2.1 The development site is located approx. 9.5kms south-west of the City Centre within the jurisdiction of South Dublin County Council. The subject site, which has a stated area of circa 0.595 hectares, is located on the western edge of Cookstown Industrial Estate, approx. 1.2km north of the Square, Tallaght. It is a high visible site with frontage onto Cookstown Way and Second Avenue and is located immediately adjacent to the Cookstown Luas stop. Vehicular access to the site is currently from Second Avenue. 'Prodieco', a tool manufacturing unit is located opposite the site. There is also a covered reservoir adjacent the 'Prodieco' unit.
- 2.2 Industrial type developments are the predominant use in the general area. There is a very large industrial unit adjoining the site to the east 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 approx. 1.3km to the east off Belgard Road.
- 2.3 The current unit is currently unoccupied and the previous use noted last year by an Inspector was 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

Table 1: Number of Residential Units proposed

Units Type	No of units	% of each Unit type
Studio	45	23%
1 bed	48	24.5%
2 bed	103	52.5%
Total	196 Units	100%

Table 2: Key development details

Detail	Proposal
No. of Units	196 Build to Rent units
Commercial floor space	741 sq.m. total
Site Area – stated by applicant	0.595 ha red-line boundary
Density	329 units per hectare net (stated by applicant)
Plot Ratio	3.41:1
Building Height	6-9 storeys
Open Space	3,632sq.m.
Dual Aspect Apartments	48%
Childcare Facility	Yes - 192sq.m.
Car parking	67 spaces
Bicycle parking	408 total
Part V proposal	10% of overall units

4.0 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.

There were four reasons for refusal included non-compliance with urban design criteria as identified in the 'Sustainable Residential Development in Urban Areas' Guidelines, substandard form of development and would seriously injure the amenities of property in the vicinity. The second reason pertains to the failure to demonstrate the proposal would not have a detrimental impact on the capacity, safety or operational efficiency of the light rail network. The other reasons included an unacceptable standard of residential amenity and that the proposal would compromise the future orderly development of adjoining sites in line with the Council Masterplan/Local Area Plan.

SHD Applications in the area

File Ref. No. ABP303306-18 Permission granted under SHD for 438 no. apartments and 403 no. student bedspaces at the junction of Belgard Road and Belgard Square north. This site is approx. 900m (as the crow flies) to the south east of the development site (outside of the Cookstown Industrial estate).

File Ref. No. ABP A current SHD application for 150 B2R unit and 222 bedspaces of shared accommodation in Unit 21 Cookstown Industrial estate. This site is located approx 500m to the north-east of the development site.

5.0 Section 5 Pre-Application Consultation

5.1. Overview

A section 5 pre-application consultation took place at the office of An Bord Pleanála on 9th November 2018. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance 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

A copy of the Inspector's report and Opinion is on the file for reference by the Board.
A copy of the record of the meeting is also available on the file.

5.2. Notification of Opinion

An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultation, require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

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.

The Opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

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.

5.3. Applicant's Statement

The applicant has submitted a statement of response to ABP Opinion's which is briefly summarised as follows:

Item 1

Ground floor uses

Response

A number of changes have been made to the commercial elements of the scheme and street frontage to address issues raised. A gym and crèche along Cookstown Way frontage will serve both the residents of the development and the surrounding area more broadly. The street frontage activation resulting from the crèche has been improved upon through the reconfiguration of its internal layout and introduction of additional glazing along the street frontage. The additional windows improve surveillance and activation of the Cookstown Way frontage.

Item 2

Internal layout

Response

Additional internal communal spaces have been provided at ground and first floors. The additional communal spaces provided, in addition to the ground floor concierge, gym and open space area, includes seating areas, ping pong tables and a playground among other things originally featuring in the development which are to be maintained.

Item 3

Detailed design

Response

The architectural drawings have been amended to include additional details regarding external finishes, materials and detailing of proposed buildings. The landscape masterplan and landscape rationale statement include additional information regarding landscaping and surface/boundary treatments of the outdoor spaces proposed.

With regard to the specific additional information required, the applicant has submitted/ responded as follows:

- Application is accompanied by a legal agreement pursuant to section 47 of the planning and development act.
- A daylight and sunlight analysis has been submitted.
- A construction and demolition waste management plan has been submitted.
- Application is accompanied by an Aeronautical Assessment Report.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

National Planning Objective 13 provides that “in urban areas, planning and related standards, including in particular, 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”.

National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

6.2. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018
- ‘Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’, August 2018.
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.

Other relevant guidelines include:

- Rebuilding Ireland: Action for Homelessness
- Guidelines for Planning Authority, Appropriate Assessment, NPWS
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.3. Local Planning Policy

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.

6.4 Applicant's Statement of Consistency

The applicant has submitted a statement of consistency with relevant policy required under Section 8(1)(iv) of the Act which provides, *inter alia*:

- It is set out that the proposal is consistent with Project Ireland 2040 – National Planning Framework as it involves the re-development of underutilised land which is in close proximity to existing facilities and public transport.
- The proposed development will provide much needed accommodation in close proximity to Tallaght Hospital and IT Tallaght which are two of the investment priorities envisaged in the National Development Plan.

- With regard to the Urban Development and Building Height Guidelines, the policy is to encourage the facilitation of increased levels of residential development in urban centres and significant increases in building heights and overall density through the planning process. The increased height and density is consistent with the guidance due to the proximity of the site to the Luas and bus network serving the Tallaght and Cookstown area.
- The proposal makes a positive contribution to the legibility of the wider urban area as it provides links through to the new Luas stop.
- The proposal has limited impact in relation to overshadowing and loss of light due to its separation distance from existing residential developments in the surrounding area.
- The proposed development responds to a recognised need, at national level, for built-to-rent accommodation and is consistent with the Rebuilding Ireland – Action Plan for Housing and Homelessness, 2016.
- Reference is made to Circular PL 8/2016 APH 2/2016 and that the proposed development accords with the policy set out in this Circular to encourage and work with proposers of B2R projects to facilitate their emergence at appropriate locations.
- The design of the development responds appropriately to its locational context in terms of its scale, massing, and architectural treatment. It will provide an appropriate form of redevelopment along Cookstown Way and Second Avenue, in accordance with the development plan and Tallaght Town Centre Local Area Plan.
- The proposed B2R scheme will accommodate a diverse mix of residents; workers and students and will promote the efficient use of land and energy.
- The proposed design provides for a high quality development of purpose built build to rent accommodation and as such is consistent with Sustainable Residential Development in Urban Areas Planning Guidelines.
- With regard to the Urban Design Manual, the statement provides a response under each of the 12 criteria headings. It is submitted that the new building will exert its own streetscape presence on Cookstown Way, Second Avenue

and the Luas stop and will generate activity at street level along both frontages due to the commercial uses proposed and communal facilities along Blackthorn Road. The public realm around the site will be improved with the setting back of the building to create the plaza.

- With regards the Apartment Guidelines, the statement sets out how the proposal will be consistent with the standards applying to build-to-rent schemes. 48% of the apartments are dual aspect. The floor to ceiling heights are between 2.7 and 3.7m. 308 bicycle parking spaces are provided at basement level and 100 spaces at ground floor level.
- The proposal has had due regard to DMURS and Flood Risk Management Guidelines.
- As per the Childcare guidelines, it is proposed to provide a facility of 192sq.m.
- With regard to the Regional Planning Guidelines, Tallaght is identified as a 'Metropolitan Consolidation Town'. The proposal contributes to the consolidation of an urban area while making efficient use of underutilised land in close proximity of a Luas stop and a number of bus routes.
- The proposed development is consistent with the Draft RSES for the Eastern and Midland Region, 2018, where the key aim is to unlock the development capacity of strategic development areas within the Dublin Metropolitan area.
- With regard to the South Dublin County Development Plan 2016-2022, the objective of the 'Core Strategy' is to focus residential-led development to areas with capacity to absorb more intensified forms of development that support long term growth of the Metropolitan Towns set out in the RPGs for the GDA.
- The proposal will provide for the intensification of an otherwise underutilised industrial site that is zoned for residential-led regeneration and is well served by high capacity public transport services. Cookstown Luas stop is less than 20m from the western boundary of the site and the site is less than 1km north-west of the town centre of the Metropolitan Consolidation town of Tallaght.
- The site is zoned 'REGEN', the objective of which is 'to facilitate enterprise and/or residential-led regeneration'. This zoning is a new category recently

adopted in the South Dublin CDP 2016 and is aimed at supporting and facilitating the regeneration of underutilised industrial lands that are within close proximity to town centres and/or public transport nodes, with a particular emphasis on more intensive enterprise and residential led development.

- Reference is made policy ET2 which seeks to facilitate and support the regeneration of industrial areas...and to promote and support more intensive compatible employment and/or residential led development in regeneration zones.
- The objective for housing in the CDP is to provide high quality residential development that contributes to communities. The proposal for the site is to construct a mixed-use development scheme comprising predominantly of residential built-to-rent apartment units in 4 no. blocks of varying building heights. The proposed blocks have been designed and scaled to respect the established residential development within the immediate area whilst providing a layout that allows an adequate provision of surveillance over public spaces within and surrounding the application site.
- The proposed development provides a housing choice in a suitably located area, offering a mix of build to rent apartments on an otherwise underutilised industrial site.
- Reference is made to section 5.1.5 of the CDP which deals with building height and states that varied building heights are supported for proposed developments within urban centres and regeneration zones, and are recognised as playing a key role in creating a sense of place, urban legibility and visual diversity. This section sets out that proposals for building in excess of five-storeys in height will only be considered at strategic and landmark locations in town centres, regeneration and strategic development zones in accordance with LAPs or SDZ planning schemes.
- The site is located within the 'REGEN' area and is consistent with the CDP regards height.
- The development plan requires that 10% of total site area for residential developments in 'REGEN' zoned lands are to be allocated to public open space and in the case of residential developments exceeding 50 units

provisions for children's play areas will be required. The application site extends to an area of 5,950sq.m. and the minimum open space required on site is 595sq.m. 3,632sq.m. or 61% of the site is provided as open space.

- With regards to parking, reference is made to the provisions of the Section 28 guidelines and in particular SPPR 8 in respect of B2R schemes and there shall be a default of minimal or significantly reduced car parking provision on the basis of B2R development being more suitable for central locations and/or proximity to public transport services.
- A total of 67 spaces are provided which fall short of the CDP requirement but appropriate given the provision of national guidance and proximity to the Luas and bus routes.
- With regard to the Tallaght Town Centre Local Area Plan, the absence of a revised LAP does not impede a decision being issued on an application. Reference is made to an Inspector's report ABP-301204-18 which stated that the proposal in that instance is broadly in line with the key objectives for the Precinct under the now expired Tallaght Town Centre LAP and the CDP, and is not premature pending the adoption of the draft Tallaght Town Centre LAP.
- The proposed density is c. 329 units per hectare and is appropriate considering the site is earmarked for higher densities in the LAP.
- The site is located in an area identified for buildings up to five storeys. The LAP identifies the south western corner of the application site as an opportunity site for the construction of a landmark building. It is permitted for landmark buildings to exceed the designated building height for the area by a further two-storeys allowing for an overall building height of seven storeys.
- The departure in height is considered appropriate given the considerable changes in national and regional policy guidance regarding housing provision.
- The plot ratio exceeds the recommended maximum plot standard for the site and is considered appropriate given the recent planning policy direction on increased building heights and intensification of development in suitable locations.

- The statement concludes that the development has been designed to an exceptionally high standard to contribute to the urban form of the area and it is considered that the proposal will not give rise to any undue impacts on the amenity of any adjacent properties.

7.0 Observer Submissions

A total of 11 no. observations were received in respect of the proposed development.

A brief summary of each submission received is set out hereunder:

1 Cllr Charlie O'Connor

- Objects to development.
- Applicant already has permission for 107 apartments
- Height will impact on local residents in adjacent estates
- The density is of serious concern
- The plan will have no transformative impact on the county town
- The proposed development will not provide for a sustainable community

2 Philip and Miriam Kelly

- The proposed development is in breach of current development plan in so far as height is concerned
- Proposal will set a dangerous precedent for the Cookstown regeneration area
- A development of this nature is too dense and will lead to traffic chaos in the surrounding area
- Consider facilities required for the new population
- Schools already at capacity
- Permission was refused previously for a development of this size
- Attention drawn to the findings of ABP in 2017 when deciding to limit the development to 107 units.

3. Edward Geoghegan and Niamh Geoghegan

- Permission already refused for development of a similar size and a revised application was granted for 126 units and reduced to 107 units on appeal
- The proposal is excessive in size and makes no provision for family living
- Height of the development is in breach of the current development plan
- Fails to incorporate any family living into scheme when there is a need for it
- Opposes the level of development sought

4. Ambervale Cairnwood Community Group

- Lack of congruence with the established community – Images shown are of monotonous bulk, with no variation in height
- Proposal will visually be out of place in a low rise neighbourhood
- Proposal does not enhance the area for the existing community
- Right to privacy compromised – Back gardens of numbers 53-66 Ambervale are fifty metres from the front doors of the proposed new development
- Concerns the proposal will adversely affect the quality of life for families
- Inconsistency in South Dublin County Development Plan – Reference is made to Palmerstown village and the restriction of heights to three storeys which should apply to Tallaght
- Lack of existing facilities to support development – there is a lack of schools and essential services to cope with an increase in population
- Fundamental change in current Cookstown area community structure – The disproportionate number of studios, one bed and two bed apartments have no attraction for families and would be out of kilter with existing communities which are almost entirely 3 and 4 bed two storey homes.
- Increase in anti-social behaviour/lack of Garda resources – Local Garda station is under extreme pressure.

- Effects on local traffic – Road infrastructure should be developed to accommodate the particular development in advance of build. Reference is made to non-functioning bus stops which are only used at time when Luas service is not running and a replacement bus service is put in place.
- Adverse impact on current park amenity – Object to shared park being used as an adjunct to this development. Residents had to struggle to ensure this park remained as green area in spite of proposed local authority attempts to turn it into a road reservation.
- Tallaght hospital adjoins the southern boundary of this site. The site is an ideal site for any extension to the existing hospital and serious consideration needs to be given to this. In the absence of the need to extend the hospital, the residents would prefer a high quality business office which would attract high quality jobs. The Tallaght town centre masterplan has lapsed and it is unwise to allow such development in the absence of an updated and cohesive master plan.
- It is concluded that the development does not support cultivation of the area for the good of the existing community.

5. Birchwood Close Residents

Issues raised in this submission are similar to that of the previous submission and have been noted by this Inspector.

6. Cllr. Cora McCann

- Object to proposed development
- Cookstown Industrial estate should be retained as industrial only
- The position of the 9 storey block is directly across from Ambervale, a residential estate completely overlooking existing homes.
- Local traffic congestion will be a major issue and proposed car park is not sufficient to accommodate parking for the number of units proposed

- Potential obstruction to nearby Helipad within the grounds of the hospital and may have negative impact on the aviation flight path
- Issue with build to rent scheme, value sense of community and similar schemes have created social issues.

7. Belgard Residents' Association

- Reference is made to planning history associated with site
- The current proposal is for tower blocks of 6 to 9 storey high which would be intrusive, out of character and out of proportion to conventional housing in Belgard Heights.
- Tower blocks would compromise privacy
- Unsuitable for family homes which form the backbone of any community
- Questions suitability of 2 bed units for four people
- All local schools are filled to capacity and there are no specific plans to increase places
- There are already problems with traffic congestion in the area
- Tallaght hospital is under severe strain and a large influx of new people will only add to the pressure
- Tallaght Garda station is understaffed
- Call to refuse permission and uphold the highest principles of proper planning and sustainability for housing development in this area

8. Matt McCullagh and Florence McCullagh

- Concerns about density and unit types
- Development will not provide an integrated balance to place making and streetscape design and will be out of context with the surrounding area
- Proposal does not support public realm improvements as part of an infill development

- Schools and services are already overcrowded
- The open space planned is not adequate for a development of this magnitude
- Development does not conform with SDCC residential building heights policy as stated in their LAP
- This is not a landmark site for this building height.

9. Rory Fitzgerald and Shonagh Fitzgerald

- Plan does not cater for families
- Concerns over lack of schools and health services
- Cookstown is zoned for residential/enterprise but there is nothing in the plan for enterprise.
- Traffic volumes already heavy in Cookstown
- Dublin fire brigade at Belgard road do not have ladders to reach the height of this proposed development
- Tallaght already has a number of high rise apartment/commercial units which look unfinished and have no ground floor retail occupants causing the area to look desolate and lacking in community environment to the surrounding areas.
- Proposal at 9 storeys is out of context
- If granted will set precedent for similar developments.

10. Martin Lynch, Michelle Lynch and Katie Lynch

- No parking anywhere in the vicinity and inadequate number of spaces proposed
- Height will completely block morning sun from Alderwood and eliminate the mountain view from Alpine Rise and will cause obstruction to access to Tallaght hospital by air ambulance
- Severe blasting is being done with bi-weekly blasting at Roadstone Quarry.
The proposed development is a similar distance away from the blasting area

and such regular tremors would have structural repercussions on a high rise building.

- Increased traffic congestion
- Local schools already at capacity
- Statement of consistency refers to frequent Dublin Bus services which is untrue.
- Section 6.16.2 figure 21 shows open lands which suggest an amenity adjacent to the development. These lands are not public and incorporate Luas tracks and ESB pylons.
- New homes should not be built at the detriment of existing residents in the area.

11. Tallaght Community Council

- A Tallaght Town Centre Local Area plan was to have been produced as part of the CDP but this plan has not been produced to date.
- As per Section 20 of the planning and development act, a local authority must consult with the public before preparing, amending or revoking a local area plan. This has not happened. Therefore, decisions on planning applications cannot be made in the absence of a Tallaght town centre local area plan.
- The submission attaches a previous appeal observation in respect of SD17A/0212 which hold true for this increased density application.

8.0 Planning Authority Submission

8.1. Overview

The planning authority, South Dublin County Council has made a submission which was received by ABP 16th April 2019. The report notes pre-planning consultations in the area and summarises the submissions received in respect of the application.

8.2 Summary of Views of Elected Members

A synopsis of the comments/views in respect of the proposed development is set out as follows:

- Height of proposal will overlook and impact on the amenity of houses to the west. It will also affect the flight path of helicopters to and from the hospital.
- Lack of parking and overspill concerns
- Density and transitory nature of build to rent tenants will impact on the community in the area
- Concerns in relation to tenure
- Longer term commitment required of institutional investor was positive
- Residential development in an industrial area in the absence of the emerging Tallaght Local Area Plan or a masterplan for the area not ideal
- The design placed the greatest height on the corner that would impact the amenity of existing residents the most
- Concerns for the potential for hospital to extend in the future

8.3 Planning Analysis

The report which sets out the principle planning considerations and response to issues raised is summarised as follows:

- Site is zoned 'REGEN' to facilitate enterprise and/or residential-led regeneration and proposal is consistent with the zoning objective.
- The site is located within the lands incorporated within the unpublished Draft Tallaght LAP within an area defined as Cookstown.
- The redevelopment of sites such as this to a more intensive level is critical to achieving national planning policy objectives, including National Strategic Outcome 1 of the NPF. It is also consistent with the regional designation of Tallaght as a Metropolitan Consolidation Town at regional level.
- The principle of redeveloping this site to a higher density is acceptable and to be encouraged.

- The development is at a highly visible location and is a significant departure from the existing buildings on site and neighbouring area in terms of height.
- Reference is made to the unpublished draft LAP which sets the height for this site at 6-7 storeys along the road frontages to the west and north and the height for the remainder of the site at 3-4 storeys. The proposed development extends to 9 storeys, with the tallest element of 9 storeys at the northern part of the Cookstown Way elevation, and with 6 storeys being the lowest element proposed. Having regard to the height caps in the unpublished Draft LAP, it is recommended that a condition be imposed restricting the height of the perimeter blocks along the road frontage to the west and north to no more than 7 storeys. It is also recommended that in respect of the height of the remaining block to the east and having regard to the 5-storey height already permitted under the Board permission SD17A/0212 (ABP-301204-18), the height of this block should not exceed 5 storeys.
- It should be noted that the unpublished draft LAP sets out a plot ratio for the site as 1.25-1.5 whereas in actual fact the plot ratio for the proposed development is significantly higher at 3.41.
- A reduction in height would go some way to achieving a more sustainable plot ratio. Plot ratios and heights in the unpublished draft LAP have been carefully considered as part of a wider urban design input for the town centre and surrounding areas, as part of the preparation of the draft plan.
- The proposed height is one of the main departures from the existing permission on site, where this proposal is in parts 1 and 2 storeys taller.
- Assessment of visual impact and shadow studies have not been submitted to illustrate the impact of the proposed development on the existing houses.
- The additional height and the location of same predominantly on the north-western corner and along the western edge would increase the impact on the amenity of existing dwellings to the west. This is considered to contravene Policy UC6 Building Heights – UC6 Objective 2 of the County Development Plan, the objective of which is ‘to ensure that higher buildings in established areas take account of and respect the surrounding context’.

- The planning authority has concerns in relation to the general height parameters of the scheme which are not considered to be acceptable for this site nor appropriate to the site context.
- The scale of the development delivers a building line which robustly defines the future urban environment and endeavours to deliver height and density.
- With the exception of height, the massing, form and layout of the blocks are similar to that granted under ABP-301204-18.
- Generally, elevations are well considered.
- The mix is required to be assessed in the context of Design Standards for New Apartments Guidelines for planning authorities and relevant specific planning policy requirement and is considered generally consistent with the Guidelines.
- It is noted that landscape works are illustrated outside of the red line area, particularly along the western perimeter including adjacent the Luas stop. A condition should be attached which clarifies that only works stated within the development description and shown within the application site red line area benefit from planning permission.
- In relation to dual aspect ratios, floor to ceiling heights, lift and stair core ratios, average sunlight and daylight factors, and internal space standards, the proposal appears to be generally acceptable in these regards.
- Communal amenity spaces proposed are considered acceptable.
- Whilst sufficient open space is provided overall, very limited information in relation to play areas has been provided.
- The Transport Assessment report provides a justification for the reduced car parking levels. It is acknowledged that the capacity of the Luas is limited particularly in the context of the scale of development coming forward along the Luas Red Line corridor and additional analysis in this regard is required to ensure the level of parking provision proposed is appropriate.
- Parking spaces should be constructed to be capable of accommodating future charging points. This can be dealt with by way of condition.

- 408 bicycle parking spaces are proposed which is significantly below the provision required by the National Apartment Guidelines but above the South Dublin Development Plan. The information provided does not clearly state the rationale for the level of provision provided.
- A crèche is proposed but limited information is provided. Having regard to the location of the development it is considered that the proposed provision is acceptable in the context of unit mix and guidance on the calculation of crèche sizes contained in the guidelines.
- A condition regarding Part V should be attached to any grant of permission
- An aeronautical assessment report has been submitted. Reference is made to a submission from the Department of Defence. It is recommended conditions to address the Department of Defence's concerns and the glint and glare is attached.
- It is concluded that the proposed development subject to the conditions outlined would be acceptable.

36 Recommended conditions are contained in the Chief Executive's report. Of note condition 2 seeks the reduction in height to the north and west to 7 storeys and remaining blocks to 5 storeys.

8.3 Inter-Departmental reports

Landscape and Open Space

- Applicant has submitted a basic landscape plan and does not provide sufficient details such as appropriate cross sections, levels, boundary drawing, SuDS features etc.
- Applicant hasn't outlined how drainage within the open space and landscape areas will function.
- The rubber safety surface to the playground is unacceptable and use of engineered woodchip and sand should be explored.

- No universally accessible equipment has been included.
- Applicant should demonstrate how the proposed public open space is usable open space, the areas that are proposed should be highlighted.
- The drainage scheme does not comply with the objectives of the development plan in terms of Green Infrastructure.
- Applicant has not provided a bat survey - the surrounding boundary of the development has large trees and buildings present which bat species typically frequent.

9.0 Prescribed Bodies

9.1 Irish Water

Confirm that subject to a valid connection agreement being put in place, Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

9.2 Irish Aviation Authority

Submission dated 21st March 2019

The applicant/developer should engage with the Property Management Branch of the Department of Defence in relation to the development to consider the impact on the obstacle limitation surfaces for Casement Aerodrome. In the event of permission being granted, the applicant/developer should also engage with the HSE and Tallaght Hospital and operators of the Helipad site to make them aware of any potential crane operations. The Authority should be notified 30 days in advance of erection of a tower or mobile crane. Given the proximity to the hospital, it is likely the crane would need to be fitted with three aviation warning lights. These should be fixed red obstacle lighting to be visible in all directions of azimuth and should be operational 24/7.

Submission dated 8th January 2019

With regard to the 'Glint and Glare' assessment supplied it does not consider the operations of the Helipad at Tallaght hospital and needs to be revised to consider these operations. In the event of a grant, the development will represent a permanent obstacle to the aircraft operations at Casement Aerodrome and should engage with the Property Management Branch of the Department of Defence to determine obstacle lighting requirements for the permanent structure. Reference is also made to the crane operations as previously outlined above.

9.3 Transport Infrastructure Ireland

Conditions are recommended for the protection and safe operation of the Luas.

10.0 Environmental Impact Assessment

10.1 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Statement of Consistency and planning report. The applicant states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. The development comprises of 196 no. residential units and is not a large-scale project and there are no apparent characteristics or elements of the design of the scheme that are likely to cause significant effects on the environment.

10.2 The proposed development would be located on brownfield lands that are zoned and serviced. The site is not designated for the protection of a landscape or of natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 site (as per findings of section 11.7 of this assessment).

10.3 Having regard to:

- (a) the nature and scale of the proposed development, in a suburban area on a site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,

- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is, therefore, considered that an environmental impact assessment report for the proposed development is not necessary in this case.

11.0 Assessment

Pursuant to site inspection and inspection of the surrounding environs, examination of all documentation, plans and particulars and submissions/observations on file, the following are the relevant planning considerations of this application:

- Zoning
- Local Area Plan to include density
- Urban Design and Layout
- Residential Amenity
- Height and Aviation
- Principle of Build to Rent and relevant policies
- Other Issues
- Appropriate Assessment

11.1 Zoning

11.1.1 The site in question is zoned 'REGEN - To facilitate enterprise and/or residential led regeneration' in the South Dublin County Development Plan 2016-2022. Residential use is a permissible use. It is also proposed to provide a commercial component to this development consisting of a childcare facility (192sq.m.), gym (189sq.m.), commercial unit (248sq.m.) and an office unit (112sq.m.). The zoning matrix in the Development Plan indicates that residential use, childcare facilities, restaurant/café,

shop-local are permitted in principle. Shops – Neighbourhood are ‘open for consideration’.

11.1.2 The Planning and Development (Housing) and Residential Tenancies Act of 2016 provides that other uses on the land, the zoning of which facilitates such use, can be included but only if the cumulative gross floor area of the houses comprise not less than 85% of the gross floor space of the proposed development and that the other uses cumulatively do not exceed 15sq.m. gross floor space for each house subject to a maximum of 4,500sq.m. gross floor space for such other uses in any development. The proposed development is consistent with the land use zoning objectives set out in the South Dublin County Development Plan 2016-2022 and the provisions of the Planning and Development Act of 2016 as amended in respect of strategic housing applications.

11.2 Local Area Plan to include Density

11.2.1 The most recent Tallaght LAP 2011-2017 has expired and it is proposed as part of the County Development Plan 2016-2022 to prepare a new one. The PA has indicated that it is progressing the preparation of a draft LAP for Tallaght and expect the plan to be placed on public display in the summer of 2019. While it is unfortunate that an LAP is not in place, it is not reasonable to hold up development on lands that are located to the western fringe of the industrial estate immediately adjacent the Luas stop on lands specifically zoned for regeneration in anticipation of an adopted Plan and in this regard, I do not consider that the proposal could be determined to be premature on the basis of the absence of an LAP. I also note that the Board has recently permitted an SHD application for 438 units and 403 no. student bedspaces at the junction of Belgard Road and Belgard Square North. I note the comments raised by some observers regarding the reservation of the site for possible extension of the hospital, however, the land-use objective pertaining to the site allows for residential-led development and the proposal is considered reasonable in this context.

11.2.2 With regards to density, the Tallaght LAP 2011 in section 3.1.2 sets out that “higher density areas are focused around the existing retail and administration centre (i.e. the Core Area) and the LUAS stations at Cookstown and Belgard Road. Higher

densities are desirable in these locations for reasons of their centrality, location at transport nodes and/or the range of facilities currently available.” The site fronts onto the Cookstown Way Luas stop and as such is ideal for higher densities. The applicant is proposing a density of 329 units per hectare. While high, the site is located along the red Luas line and as such the density proposed is considered acceptable in that it reinforces the policies and objectives contained in the National Planning Framework regarding the consolidation of urban centres. There are local shops within 500m of the development site. The site is also located on the perimeter of the Cookstown Industrial estate with direct frontage onto Cookstown Way where there is a footpath leading directly to the town centre to the south. There is also a public open space area directly opposite the Luas stop which provides residential amenity for residents in addition to the open space within the development itself. In this context, the site is considered to be ideally placed for the re-development/regeneration of the Cookstown industrial estate.

11.3.0 Urban Design and Layout

11.3.1 The proposal is to construct four blocks which have been identified on the plans as Blocks A-D inclusive. Blocks A and C are 6 stories. Block D is 8 stories and Block B at the junction of Second Avenue with the Luas line is 9 stories approx. 32.4m tall. The design of the blocks and proposed external finishes are consistent with all apartment units having private amenity spaces in the form of balconies.

11.3.2 The Urban Design Manual – A Best Practice Guide which is a companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, uses 12 criteria that are designed to encapsulate the range of design considerations for residential development. The Urban Design: New Apartment Guidelines for Planning Authorities, 2018 also provides relevant standards both in quantitative and qualitative terms. The ABP Opinion that issued required further consideration of the documents as they related to the proposed ground floor uses of the proposed scheme with the view to creating an active streetscape in particular along Cookstown Road. The proposals have been revised such that there is a more active streetscape along Cookstown Road. The reception area has been relocated

from Second Avenue to Cookstown Road. There is also a gym, creche, commercial unit and office proposed at ground floor level to this road. With regard to justification addressing the point that residential development should not be introduced at ground floor level adjacent to busy roads, and/or roads subject to significant HGVs, the applicant sets out that the number of ground floor units fronting onto Second Avenue and Cookstown Way have been kept to a minimum with only 4 no. proposed and are separated from Second Avenue by a generous footpath, terraces and landscaping strips. The proposed development has also been set-back from the site's south-western corner to create a plaza adjacent to the Luas stop and also has been set back from the property boundary to provide generous footpaths.

11.3.3 Item 3 of the ABP Opinion that issued required further consideration of the documents as they related to the detailed design of the proposed development. I am generally satisfied that adequate information has been provided both within the architectural plans and the landscaping details to allow a robust assessment of the application in this regard. The proposed finishes are considered acceptable i.e. cladding, render and brick. There is an extant permission on the site which was granted in August 2018 for a five-storey development. I do consider that the introduction of more variation in the height of the blocks as is the case in this application, provides a focal point at the junction of Second Avenue and Cookstown Way.

11.3.4 Having regard to the location of the site immediately abutting the Luas platform, the proposal for commercial and retail uses concentrated along Second Avenue and Cookstown Way, key frontages, and provision of openings including own door residential units to help enliven the streetscape, I consider that the proposal has adequately addressed concerns regarding street interface. With regards to the adjoining industrial unit which is quite a large structure, there are projecting elements of the existing structures which are quite close to the eastern party boundary. In general, the design and configuration of units within Block D adjacent this unit is satisfactory with the balcony area overlooking communal courtyard open space and main windows located serving bedrooms to the southern boundary.

11.4 Residential Amenity

11.4.1 Impact on existing residential amenity

Observers have raised concerns regarding impact on privacy. I do not consider that the proposal gives rise to any concerns regarding privacy or overlooking. While I accept that the character of the structures on the site will change from predominantly large commercial/industrial type units to residential apartment blocks rising to 9 storeys, overlooking will not arise. While the site location map submitted indicates a property approx. 23m to the south-east of the site i.e. formerly Cookstown Town House, pursuant to site inspection I noted that this site is boarded up and aerial imagery indicates it is ruinous. The majority of existing houses are located on the opposite side of Cookstown Way with approx. 45m between the nearest point to the site boundary and the rear boundary of the properties. I note that the planning authority indicate that shadow impact analysis to these properties should have been submitted. I consider that there is adequate distance between the site and the properties in question that no undue overshadowing will arise and such analysis is not required.

11.4.2 Residential Amenity for future occupants

A sunlight and daylight analysis report has been submitted. I note that the target ADF used for living spaces is 1.5% and consider given the open plan nature of these spaces combining the kitchen that the 2% target would have been more appropriate. The target ADFs are generally met save for a living space in Block C identified as Apt. No. C1 which has an ADF of 1.31%. Bedroom 2 in Apt. no. C10 falls just marginally below the ADF target. I note that an ADF target of 1.5% has been set for the studios and again consider given the nature of these units, that the target ADF should be 2%. Studio identified as Apt. No. A7 therefore falls below the target of 2% at 1.83%. I accept that the shortfall is minimal. The report identified that there is more than adequate sunlight to the courtyard/communal areas.

A Housing Quality Assessment has not been provided however it is noted that all apartments appear to meet the minimum floor area requirements with regards overall size. I note that some studios fall marginally short of the 30sq.m. combined

living/dining/bedspace area of 30sq.m. However the private amenity spaces provided in most cases greatly exceed the minimum floor area of 4sq.m. There are some apartments that below the minimum aggregate floor area for living/dining/kitchen areas e.g. Block B, Apt 12. Both bedrooms in this apartment fall just marginally below the minimum floor area. The storage spaces to the units vary in size with some exceeding minimum storage space requirements and others falling below the minimum standards. Specific Planning Policy Requirement 8 regarding B2R developments provides that no restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise. There is flexibility regarding storage and private amenity space and there is no requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10%. While I note that some units fall marginally below the combined/aggregate floor areas, the private open space provision generally exceeds the standards set out thus ensuring a satisfactory standard of living. The provision of communal open space is also appropriate for the scheme. A landscape masterplan has been submitted. A playground for younger children and facilities for older children are proposed.

In terms of overlooking between proposed blocks, there is window to the north-west elevation of units in Block C three metres from windows serving bedrooms on each floor of units in Block B (southern elevation). I consider the potential for overlooking arises and that the aspect from these windows would be quite poor. I recommend that the window serving the living rooms on the north-west elevation of the units on each floor of Block C should be omitted.

11.5 Height and Aviation

11.5.1 With regards to the height, I draw the Board's attention to the identification of the site within the Tallaght Local Area Plan (while out of date is still the operational plan for the area) for buildings up to five stories. The LAP provides under section 5.2.4 for Landmark Opportunities and Gateways. Performance criteria is set out in the LAP as to where such structures will be considered. Map 5.2.3 identifies sites for potential landmarks which includes the site. The map also identifies the lands for

“landmark buildings up to 1.5 x the Height Threshold”. Therefore, I consider that the site has been identified in the LAP as being suitable for 7.5 stories. The LAP sets out that landmark sites or adjacent gateways should be designed to the highest of architectural standards and should vary in height, form, material and finishes. I am satisfied that the proposed development in question satisfies the performance criteria set out in the LAP save for the control zone for Casement aerodrome which is examined in more detail hereunder. The overall height is also considered to accord with the provisions of national policies in terms of achieving more compact urban form.

11.5.2 I note that in the application form, the applicant has indicated that the proposal does not materially contravene the LAP. I raise this issue in the context of height concerns raised by Observers. Reference is made by the applicant to the provisions within this LAP for landmark buildings that may generally exceed the height threshold for the area by a further two storeys. Blocks B and D exceed this threshold. The applicant has justified this departure having regard to national and regional policy guidance regarding housing provision, including the introduction of the Urban Development and Building Heights Guidelines since the adoption of the LAP. The applicant anticipates that the draft LAP will exceed the previous height thresholds provided for in the old LAP. Of note, the Chief Executive’s report makes reference to the unpublished draft LAP which will set heights for this site at 6-7 storeys (for residential) along the road frontages to the west and north and the height for the remainder of the site at 3-4 storeys (whether commercial or residential). The Chief Executive’s report is seeking a condition that caps the height of the perimeter blocks along the road frontages to the west and north to no more than 7-storeys and that the height of the remaining blocks to the east should be five storeys.

11.5.3 The Urban Development and Building Height Guidelines provide that increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability. The Guidelines provide that the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a

greater density of development. I consider that the general provisions of the development plan and the LAP do allow for flexibility regarding height particularly on the site in question.

11.5.4 With regards the control zone the applicant has submitted an Aeronautical Assessment report. This report identifies three main items of aeronautical significance affecting the site as follows:

- The site lies under the Approach and Take-Off Climb Surfaces to/from Casement Aerodrome's main runway 11/29 in South County Dublin with its nearest corner at a distance of 4.08km from the threshold of runway 29;
- The site lies under the Inner Horizontal Surface at Casement military aerodrome; and
- The ground level at the site lies at about 10m higher than the ground level at the threshold of Casement Aerodrome's runway 29.

The report sets out that the highest structures are 32.45m in height, extending to 139.3m OD. This height is well below the 181.625m OD elevation of the Approach surface above the site, and the proposed development complies with the requirement of the Development plan with regard to that surface. The calculations for Take-Off Surface from runway 11 are provided and it is submitted that the proposed development will not affect the Take-Off Climb Surface from Casement Runway 11 which lies in excess of 37m above this highest point. A further calculation is provided in relation to the 1.2% slope and it is concluded that the proposed development will not affect a lower Take-Off Climb at 1.6% slope and therefore does not constitute a significant obstacle in respect of the 1.2% slope.

11.5.5 As indicated in the report, the entire site lies within the area of the Inner Horizontal Surface at Casement Runway 29. The CDP defines the Inner Horizontal Surface as "a large race-track shaped or circular area above an aerodrome". The purpose of the Inner Horizontal Surface is to protect airspace for visual circling prior to landing. Section 4 of the report provides calculations with regards to the Approach Surface to Runway 29. It is noted that the report indicates that part of the proposed development extends to 139.3m OD, which projects 7.7m above the Inner

Horizontal Surface at Casement. The report submits that this is a less significant surface and taking the factors listed in section 7.4 of the report into account, and in particular the existing aerial erected on nearby elevated ground at Cookstown Road which extends to 139.4m OD the projection is not considered significant or likely to affect the operation of aeroplanes.

11.5.5 The submission from the Department of Defence indicates that the proposed development is located within and penetrates the Inner Horizontal Surface at Baldonnel (Casement) Aerodrome and lies within the area considered for obstacles for aircraft circling to land for RWY 28. I note that the CDP sets out that there are two runways at this aerodrome, RWY 11/29 and 05/23 and no reference is made to such runway in the aeronautical report and while this may perhaps be a typo, this is unclear. It is also set out in the submission that a lift shaft on the roofing plan will penetrate the surface applicable to Baldonnel Aerodrome and indicates that the shielding principle as outlined in the consultant's report is not regarded as appropriate to this case and therefore the Irish Air Corps do not regard the development as shielded. The term 'shielded' for the purposes of the technical assessment has not been defined by the Department or the Aeronautical report submitted. I refer the Board to a cross-section submitted in the aeronautical report which indicates the degree of encroachment of the development into the Inner Horizontal Surface. The aeronautical report clearly indicates that the encroachment is 7.7m which is greater than just the lift shaft referred to in the Department of Defence's submission.

11.5.6 The record of the meeting held in respect of the pre-application consultation makes specific reference for the need to consider aviation and impacts on the helipad at Tallaght hospital. Furthermore, the Opinion that issued, Item 4 of the specific information that should be submitted, required details of any measures required to prevent interference with aviation, in particular the use of the helipad at the hospital of Tallaght. While the applicant makes reference to some engagement with the Department of Defence and the Irish Air Corps within the aeronautical report, the fact remains that there is an objection to this development due to as I understand from the submission, the penetration of the Inner Horizontal Surface at Casement Aerodrome and that the development is not regarded as shielded by the Irish Air Corps.

11.5.7 Air traffic safety is of paramount importance in the interests of public safety and where there remains a concern by the Department of Defence, I consider that the proposed development by reason of its height is such that cannot be sustained at this location due to failure to adhere to control zones for Casement Aerodrome and as such should be refused. The applicant was made aware of this issue at pre-application stage and the aeronautical report submitted does not address the 'shielded' issue in any detail. SHD is a fast-track system for housing applications with no further information mechanism which the applicant would be aware of. The only provision available to address this matter is in my opinion by way of Oral Hearing which is provided for under section 18 of the Planning and Development Act 2016 as amended. However, such can only be held where the Board has regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness and having regard to the particular circumstances of the application, that there is a compelling case for such a hearing. Given that the applicant was made aware of the need to address aviation interference I do not consider that this represents a 'compelling case'. I therefore consider that the proposal should be refused on the grounds of public safety having regard to the policies in respect of Casement Aerodrome contained in the South Dublin County Development Plan.

11.5.8 A 'glint and glare' assessment has been submitted with the application due to the proposals for roof-top solar panels. The IAA sets out that the assessment should be revised to consider the operations of the Helipad at Tallaght Hospital. Having regard to the findings of the assessment submitted, I consider that this issue can be dealt with by way of condition.

11.6 **Principle of Build to Rent and relevant policies**

11.6.1 Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent (B2R) and Shared Accommodation sectors. The guidelines define B2R as "purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord". These schemes have

specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. A Build-to-Rent justification report is submitted. Having regard to the location of the site in close proximity to the Luas red line, the proximity of the Tallaght Hospital, IT Tallaght Institute and the Square Tallaght to the site, I am satisfied that a Built to Rent scheme is suitable and justifiable at this location. The proposal will provide a viable housing solution to households where home-ownership may not be a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland. I note concerns raised by observers that the proposed tenure is at variance to the existing privately predominantly three and four bed houses in the area. The proposal by reason of unit mix and tenure will enhance the offering for future residents in the area.

11.6.2 I refer the Board to the provisions of Specific Planning Policy Requirement 7 which provides that

B2R development must be:

- (a) Described in the public notices associated with a planning application specifically as a 'Build-to-Rent' housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by 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 as such. Such conditions include 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 residential units are sold or rented separately for that period:
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the B2R development. These facilities to be categorised as:

- (i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
- (ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

11.6.3 The public notices refer to the scheme as 'Build-to-Rent' and a draft Agreement

Pursuant to section 47 of the Planning and Development Act, 2000 as amended has been submitted.

11.6.4 SPPR 8 sets out proposals that qualify as specific B2R development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. While no Housing Quality Assessment report has been submitted, the relaxation in standards appear to relate to storage areas and some aggregate floor areas (as opposed to unit sizes) set out in the apartment guidelines fall marginally below the recommended standards. However, the private amenity space areas are considered to compensate for any shortfall in aggregate floor areas that arise.

11.6.5 I consider that any subsequent extension of use of the subject accommodation as B2R beyond the 15 years should be agreed with the planning authority prior to the expiration of the covenant, or any proposal to alter the tenancy type should be subject to a further planning application so as to allow further assessment of

residential amenity associated with the subject units or suitability of the scheme for any other purpose that maybe proposed in the future.

11.7 Other Issues

11.7.1 Infrastructural Services

An infrastructural report has been submitted with the application. While no inter-departmental report from Water services department has been submitted from the planning authority, I note that the Chief Executive's report refers to such a report. It is set out that there is no objection subject to conditions and conditions for the inclusion of additional SuDS be included. Irish Water raised no concerns.

11.7.2 Childcare Facility

A childcare facility is being proposed as part of the development which is acceptable in accordance with the Childcare guidelines. The facility is located at ground floor level along Cookstown Way.

11.7.3 Part V

Details in respect of Part V have been submitted including identification of units for Part V purposes. A condition should be attached in respect of Part V.

11.8 Appropriate Assessment

Screening report

11.8.1 The applicant has not submitted an AA screening report but rather sets out in the Statement of Consistency that "from analysis of the NPWS mapping system it was determined that the site of the proposed development and the corresponding grid connection is not located in a site of European importance....the screening assessment found that significant impacts of the proposed development on the qualifying interests of the SPA's and SAC's are not likely. Accordingly, progression to Stage 2 of the Natura Impact Statement process is not considered necessary.'

11.8.2 Identification of sites

Table 3: Natura 2000 sites within 15km range of site

Natura 2000 Code	Site Code	Distance to site (as crow flies)	Qualifying Interests
Glenasmole Valley SAC	001209	3.94km south of site	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]
South Dublin Bay SAC	000210	12.2km east of site	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
South Dublin Bay and River Tolka Estuary SPA	004024	12.2km east of site	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149]

			<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
Wicklow Mountains SAC	002122	c. 8.1km south east of the site	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>

Wicklow Mountains SPA	004040	c. 8.4km	Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]
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Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project.

11.8.3 Assessment of likely Significant Effects on Designated Sites

The potential for likely significant effects should be assessed in the context of the relevant sites' conservation objectives. The development site in question is not part of or located adjacent to any of the designated sites. Having regard to the 'source-pathway-receptor' model and lack of any direct entry of surface and untreated waste waters to any of the Natura 2000 sites, the use of best construction practices as an integral component of the development and the treatment of waste waters prior to discharge, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites' conservation objectives.

AA screening – Conclusion

11.8.4 I have had due regard to the screening submission by the applicant and the details available on the NPWS web-site in respect of the Natura 2000 sites identified as being within 15km radius of the development site, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any

European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.0 Recommendation

I recommend that permission be refused for the proposed development for the following reasons and considerations.

1. The Board is not satisfied that the proposed development would not pose an aviation and public safety risk by reason of the encroachment of part of the overall development into the Inner Horizontal Surface applicable to Casement Aerodrome and where concerns remain regarding the shielding nature of this component of the development. The proposed development is considered to contravene Policy 8 Casement Aerodrome of the South Dublin County Development Plan, in particular IE 8 Objective 2 and IE 8 Objective 3 pertaining to the protection of the Inner Horizontal Surface pertaining to Casement Aerodrome and implementation of shielding principles in the vicinity of Aerodromes. The proposed development would be contrary to the proper planning and sustainable development of the area.

Joanna Kelly
Senior Planning Inspector
16th May 2019