



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304142-19

Strategic Housing Development	345 dwellings and childcare facility
Location	Corner of Belgard Road and Airton Road, Tallaght, Dublin 24
Planning Authority	South Dublin County Council
Prospective Applicant	Power Scaffolding Supplies Ltd.
Date of Consultation Meeting	10 th May 2019
Date of Site Inspection	3 rd May 2019
Inspector	Joanna Kelly

1.0 Introduction

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

2.0 Site Location

- 2.1 The development land c. 1.19ha is a corner plot located on the eastern side of Belgard road at the junction of Airton Road in Tallaght, South County Dublin, Dublin 24. The area is characterised by a mix of commercial, industrial and educational uses. Tallaght hospital is c. 1km to the west and the Square Shopping Centre is located approx. 1.5km to the south-west of the site. Belgard Retail Park is located on the opposite side of the Belgard/Airton road junction. There is a large data centre located opposite the development site on Airton Road.
- 2.2 The site itself is currently characterised with a vacant red brick industrial type unit which it is proposed to demolish and replace with two residential blocks. There are trees located to the perimeter of the site. There is a low perimeter wall to the site along Belgard Road. There are two telecommunication masts in close proximity to the site, nearest to the south-east boundary.

3.0 Description of proposed development

The applicant is proposing 345 residential units with a childcare facility

Table 1 Key Information

Parameter	Site Proposal
Application Site	1.19 ha
No. of Units	345 apartment units
Other Uses	Childcare facility – 344sq.m. Retail/Commercial/Café 705sq.m.
Amenity Areas	Internal Amenity – 674sq.m. External Amenity – 3103sq.m.
Stated Net Density	290 u/ph
Plot ratio	2.75:1
Site Coverage	43.13%
Part V	35 units

Table 2: Apartment Type

Unit Type	No. of Units
1 bed	88
2 bed	244
3 bed	13
Total	345 Units

4.0 Planning History

The previous applications include:

File Ref. No. 99A/0115 Permission granted for signage

File Ref. No. 00A/0667 Permission granted for excavation, removal of earth mound and surface car parking

Lands in the vicinity of the development site

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. These lands are located on the opposite side of Belgard Road to the south-west.

File Ref. No. SD188/0010 Part VIII application A new Energy Centre to provide for a future district heating distribution network for the South Dublin District Heating Scheme Tallaght. The site is on the old Jacob's Social Club. I note that the report on file indicates that a large-scale source of waste-heat may be available from a new data-centre to be developed (adjoining site) and the viability of the project is dependent on the waste-heat component being made available at no charge by the Data-company. The proposed energy centre will result in the provision of heating to a wide range of public and private buildings and facilities in the surrounding area.

5.0 National and Local Planning Policy

5.1. National

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- '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’
- Urban Development and Building Height, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2. Local Policy

5.2.1 South Dublin County Development Plan

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 is the operative plan for the area and the Planning Authority are stated to be engaged in drafting a new LAP for Tallaght Town Centre.

6.0 Forming of the Opinion

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

6.1 Documentation Submitted

- 6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including but not limited to, Schedule of documents; Statement of Consistency, Screening Report for Appropriate Assessment, Archaeological Assessment, Demolition and Construction Waste Management Plan, Operational Waste Management Plan and Noise Impact Assessment, architectural and infrastructural drawings.
- 6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 7th May 2019.

6.2.2 The planning authority's opinion refers to key planning considerations as follows:

- Site zoned 'REGEN' in South County Council Development Plan.
- It is noted that the quantum of commercial floorspace has been reduced by over 40% (from 1,189sq.m. to 705sq.m.) since section 247 pre-planning meeting.
- Further reduction of publicly accessible commercial uses would undermine the suitability of the proposal within the REGEN zone.
- A density of 290 units proposed. PA considers density too high for the location. A robust rationale in this regard should be provided.
- The unpublished draft LAP for Tallaght sets the maximum residential height range for this site at 3-7 storeys. The LAP indicates 3-4 storeys at the east of the site; 4-6 storeys at the north and south and 6-7 storeys at the west of the site overlooking Belgard Road.
- The mono-pitch 'feature' roof of the tower gives the effect of an additional 12th storey when viewed from the north
- A 7 storey or 7 storey with 8 storey set back at the corner of Belgard Road and Airton Road would be more appropriate for the area having regard to its location within an area known as Broomhill.
- A key objective for this area is a transition to mixed use primarily focussed on higher value commercial uses.
- There is potential for taller buildings to be more concentrated within the central urban area of Tallaght town centre.
- A sunlight/daylight assessment should be submitted.
- The Belgard Road block ranges from 6 to 7 storeys and is over 90m in length.
- Having regard to the height, scale and form of the proposal it is considered that the massing of the development is excessive.

- All residential units at ground floor should incorporate appropriate privacy strips where addressing the public realm
- Over-concentration of one and two bed units.
- Proposal is deficient in public open space
- Clarity should be provided regarding the level of public access within and through the site and whether it is proposed to be gated or completely open.
- Access should be relocated further east to avoid queuing back to the junction
- Airton Road extension is being finalised by the Roads Authority. Applicant must be cognisant of this in terms of traffic movements.
- Details for management of car parking should be submitted.
- Water services department raises concerns regarding inter alia attenuation, calculations used.
- Scheme should be district heat enabled.
- Applicant to consult with relevant bodies in respect of Aviation including potential for glint and glare.
- An appropriate assessment screening report is provided.
- The conclusion sets out that the Planning Authority's opinion has been highlighted.

6.2.3 Submission from Irish Water

Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

7.0 Consultation Meeting

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 10th May 2019, commencing at 2.30pm. Representatives of the prospective applicant, South Dublin County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Local Planning Context to include integration of the development with adjoining lands including rationale for height and density
2. Design, with particular reference to massing as referred to in Planning Authority's opinion and to issues of daylight and micro climate throughout the scheme
3. Residential amenity, including the quality of accommodation, privacy and natural light within apartments and provision of open space and supporting facilities throughout the overall scheme and their ongoing management
4. Access and Mobility including rationale for level of car parking
5. Drainage having regard to comments contained in Planning Authority's opinion
6. Any other Matters

7.3 In relation to Local Planning Context to include integration of the development with adjoining development lands including rationale for height and density, ABP representatives sought further discussion/elaboration on this issue including the status of the draft LAP, how the proposal contributes to the zoning objective in the context of enhancing the local economy and justification for density and housing unit mix proposed.

7.4 In relation to Design, with particular reference to massing as referred to in Planning Authority's opinion and to issues of daylight and micro climate throughout the scheme, ABP representatives sought further discussion/elaboration on this issue including consideration of the interface of the proposed blocks with Airtown Road streetscape.

7.5 In relation to Residential amenity, including the quality of accommodation, privacy and natural light within apartments and provision of open space and supporting facilities throughout the overall scheme and their ongoing management ABP representatives sought further discussion/elaboration on this issue.

- 7.6 In relation to Access and Mobility including rationale for level of car parking ABP sought further elaboration/discussion on this issue including consideration of accessibility issues to proposed civic plaza given difference in levels.
- 7.7 In relation to Drainage having regard to comments contained in Planning Authority's opinion, ABP representatives sought further elaboration/discussion on this issue having regard to comments in the Planning Authority's opinion.
- 7.8 In relation to Any other matters, ABP representatives sought further elaboration/discussion on consideration of any potential aviation issues, and comments raised in the planning authority's report regarding connection to the 'Heatnet' project.
- 7.9 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 ABP-304142-19' 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.

8.0 Conclusion and Recommendation

- 8.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 8.2 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 section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.

- 8.3 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 elements that are set out in the Recommended Opinion below.
- 8.4 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.
- 8.5 I would 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.

9.0 Recommended Opinion

- 9.1 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.
- 9.2 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.**
- 9.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result

in them constituting a reasonable basis for an application for strategic housing development:

1. Height, Density and Unit Mix

Further consideration of documents as they relate to height and density. In this regard a planning rationale/justification for the height and density proposed should be submitted which has due regard to *inter alia*, local and national planning policy context including consideration of the performance criteria set out in the Local Area Plan in respect of building height, pattern of existing and permitted residential developments in the area and the zoning objective and permitted densities pertaining to such lands and how the proposed development of the scale proposed would be successfully assimilated into the area.

A planning rationale/justification for the proposed unit type/mix should be submitted which includes a housing assessment report that considers existing and recently permitted developments in the Tallaght area including tenure, unit type and mix. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Design

Further consideration of documents as they relate to the urban design response, site context and street interface, in particular the architectural design response and treatments employed at ground floor of the proposed blocks and the external perimeter of the site. Further consideration of the design should also have regard to the provisions of universal access.

Consideration should also be given to the integration of the proposed development with the immediate area having particular regard to existing and or permitted development which are proximate to the site so as to ensure a cohesive approach to urban design and streetscape patterns and development of sustainable communities.

Further consideration of this issue may require amendment to the documents and/or design proposals submitted.

3. Residential Amenity

Further consideration of documents as they relate to the qualitative standards of the residential amenity of future occupants of the proposed development having regard to national and local planning context. A design statement addressing the criteria contained within section 11.2.4 of the South Dublin County Development Plan 2016-2022 in relation to the 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 Goods Vehicles (HGVs).

A daylight and sunlight analysis should be submitted demonstrating reasonable levels of light in the proposed units and the open space areas. Regard should be given to the quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2:2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and also the provisions of section 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Public and Communal Open Space

Further consideration should be given to the design rationale/justification outlined in the documents as it relates to the qualitative standards of public and communal open space provisions particularly in the context of the disposition and usability of such spaces. Details of usability and hierarchy of such spaces, ease of access and consideration of any impact in terms of overlooking issues that may arise to units at ground floor level should be considered. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted. A site layout plan which clearly distinguishes between public open space and communal open space should be submitted. Any proposed pedestrian connections to adjoining lands should be clearly indicated on plans. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

9.3 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 planning rationale as to how the uses proposed will contribute to the zoning objective 'REGEN' having regard in particular to the proposed commercial uses and the presence of vacant commercial units in the town centre area.
2. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with existing streets and contiguous lands. In this regard, due consideration should also be given to recently permitted development not yet constructed.
3. All existing utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
4. Details demonstrating that the proposed development would not interfere with the signals to the existing telecommunication masts in the immediate area.
5. A revised Traffic Impact Assessment report which addresses concerns raised by the planning authority regarding inter alia, the location of the car park entrance. A rationale justifying the reduction in car parking spaces should also be submitted.

6. A site layout plan which clearly identifies the full extent of areas to be taken in charge. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.
7. A construction and demolition waste management plan
8. Additional water and waste water details to address matters raised in the planning authority's opinion dated 3rd May 2019 in particular the Water Services Department's comments and consideration of the provisions of appropriate SuDS measures.
9. Information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018.

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

1. Irish Water
2. Transport Infrastructure Ireland
3. Córas Iompair Éireann
4. Irish Aviation Authority
5. Department of Defence
6. Irish Air Corps

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 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Joanna Kelly

Senior Planning Inspector
27th May 2019