



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-304419-19**

Strategic Housing Development	336 no. residential units (build to rent), creche and associated site works.
Location	Cookstown Industrial Estate, Tallaght, Dublin 24.
Planning Authority	South Dublin County Council.
Prospective Applicant	Steelworks Property Developments Limited and Absolute Limousines Limited.
Date of Consultation Meeting	20 June 2019.
Date of Site Inspection	25 June 2019.
Inspector	S Rhys Thomas.

1.0 Introduction

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

2.0 Site Location and Description

2.1 The subject site comprises two sites, which have a combined stated area of circa 1.15 hectares and are located to the north of waste ground adjacent to Tallaght Town Centre. The two sites are either side of the Cookstown Estate Road. Site A has frontage onto the Cookstown Estate Road and Fourth Avenue, that links into Tallaght Hospital to the west. Industrial/warehouse buildings are located to the west of site A, to the south is located waste ground. A warehouse building is located to the north of site B, with waste ground to the south and east. Site B has frontage onto Cookstown Estate Road. The character of the area is defined by low density warehousing and industrial buildings. The existing road infrastructure is designed for heavy goods vehicles, though there are limited pedestrian facilities such as raised footpaths, the public realm is utilitarian. There are Council Roads proposals in the area. Tallaght hospital is located to the west of the subject sites while Tallaght Institute of Technology is located to the east. Public transport is widely available in the area, but connections are limited and pedestrian routes circuitous. The existing structures on the sites are between two and three storeys in height.

3.0 Proposed Strategic Housing Development

3.1 Demolition of the existing industrial buildings on site.

Construction of a 'build-to-rent' housing development, comprising 8 no. blocks accommodating 336 no. residential apartments, 92 no. car parking spaces (plus an

additional 9 no. limited mobility spaces); 336 no. resident bicycle parking spaces; 160 no. visitor bicycle parking spaces; 3 no. commercial ground floor units, a crèche, a gym and 3 no. community rooms.

The following details are noted:

Parameter	Site Proposal
Application Site	1.15 ha (two separate sites)
No. of Units	336 build to rent units
Other Uses	Commercial unit- 394m ² Gym-167m ² Creche-266m ² Community room-64m ² Communal Amenity Space-93m ²
Height	Block A – 6 to 10 storeys Block B – 5 to 8 storeys
Car Parking	101
Bicycle Parking	496
Vehicular Access	Cookstown Estate Road Fourth Avenue
Part V	10% of units

The breakdown of unit types is as follows:

Unit Type	No.
Studio	62
1-Bed	68
Two-Bed	206
Total	336

4.0 **National and Local Planning Policy**

4.1 National

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

- ‘Urban Development and Building Heights Guidelines for Planning Authorities’ - 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ - 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009
- ‘Design Manual for Urban Roads and Streets’ 2013
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001

4.2 Local

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

Zoning:

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

Residential and restaurant/cafe development is 'permitted in principle'

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

Section 11.2.4 Regeneration Zone

Development proposals in REGEN zones should address the following criteria:

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.

4.3 **Planning History**

Subject site:

SD16A/0270 – Permission refused for mixed residential and commercial development (GFA 38,207.1sq.m) providing a total of 246 apartments in 2 separate buildings, 3 commercial units, 2 community rooms, 2 crèches and 2 ESB substations.

Four reasons for refusal; poor site frontage and overdevelopment, lack of legal interest, compromise future development as planned for under the LAP and residential amenity shortfalls.

Nearby sites:

ABP Case No. **303306** - Strategic Housing Development mixed use residential development (total GFA 55,180 sqm) comprising a new urban quarter and streets with 5 no. blocks to provide 438 no. apartment units (including live/work units) and associated amenity facilities, a 403 no. bedspace student accommodation scheme and associated amenity facilities, childcare facility (c.380 sqm), 6 no. retail / commercial units (c.632 sqm in total) and a security room (c.52 sqm).

SD178/0007 - Provision of a direct road link between Belgard Square North and the Cookstown Road. A new signalised junction where the new Cookstown Link Road connects to the Belgard Square North. Improvements to pathways, cycleways, crossings and improvements to the quality of the public realm locally. Upgraded public lighting.

5.0 **Section 247 Consultation(s) with Planning Authority**

6.1 It is stated by the prospective applicant that two pre-application consultations took place with the planning authority on 20 July 2018 and 12 December 2018.

6.0 **Submissions Received**

Irish Water

Confirmation of Feasibility issued for this site for 336 no. build to rent housing development, crèche and associated site works. A response has been received from Irish Water and is appended to this report. In summary, Irish Water state that the applicant must enter into a Project Works Services Agreement (PWSA) to deliver required network upgrades to facilitate the development. The following upgrades are required:

- Water Network cross connections.
- Existing 600mm wastewater sewer on Airton Road must be extended to Belgard Road.

No third party or statutory consent are required for these works, other than a road opening licence.

7.0 Forming of Opinion

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

7.1 Documentation Submitted

- 7.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Planning Report; Aviation Report; Go-Car letter of support; Part V Report; Schedule of Accommodation; Landscape Masterplan; Landscape Design Rationale; Transport Assessment Report and Stage 1 Road Safety Audit; Engineering Submission and an Adaptation & Energy Efficiency Statement.
- 7.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

7.2 Planning Authority Submission

- 7.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 10 June 2019.
- 7.2.2 The planning authority's 'opinion' included the following matters: description of site and surroundings, proposal, zoning, consultations, planning history, enforcement history, national and local policy considerations, proposed land uses, scale and design, massing, form and shape, public realm, mix of units, roads, access and parking, services and drainage and waste-construction and demolition. The following points are noted:

- Draft Local Area Plan (LAP) – the planning authority have highlighted that the publication of a Draft LAP for the area is imminent, though no document has yet been published, it will inform the development of the area. In this context, site B presents the most serious concerns for the planning authority, in terms of integration with planned road extensions east/west and north/south, the development of Council lands to the south could also be compromised. Site A is better organised and there are no significant concerns here.
- Housing Mix – no three bed units, this is a concern.
- Density – 292 dwellings per hectare is too high and will not accord with the plot ratio and site coverage that will emerge in the LAP.
- Building Height, form and massing – the variation in building heights is noted in the context of the Urban Development and Building Heights Guidelines. The 2006 LAP set a limit of 4 storey development at this location, the unpublished 2019 LAP seeks heights up to 6 and 7 storeys on primary frontages, stepping down to 4 and 6 storeys elsewhere. The height, scale and massing would benefit from the unpublished LAP for the area in order to allow for better coordination of adjacent sites and new road infrastructure.
- Block Layout – the proposed block structure will impact upon the residential amenity of future occupants because of the industrial nature of adjacent development.
- Residential Amenity and Design – concern is expressed about the choice of materials and finishes, elevations are too solid, and the overall character is bulky. Floor area standards and unit aspect require greater attention in order to comply with the guidelines. The provision of residential amenities as called for with Build for Rent accommodation is not well organised and inadequate. Permeability and accessibility requires greater consideration, in terms of linkages with existing and proposed development in the area, pedestrian facilities in the area require upgrades.
- Public Realm – concerns are raised in relation to the proposed planting and lack of public open space, children’s play areas, SuDs and green infrastructure. A new public green space is planned for the south of the site.

- Roads, Access and Parking – future connectivity to planned roads infrastructure in the area has to be demonstrated. Concerns of a technical nature revolve around the provision of car and cycle parking and access. Over reliance on existing and unimproved public transport is raised as a concern, Luas is currently at capacity. A revised TTA will be required to take into account the transformation of the area and greater reliance on public transport. Site B may impact on the delivery of the proposed Airton Road Extension.
- Services and Drainage – surface water infrastructure requires refinement and recalculation.
- Energy – the applicant is requested to plan for the local 'HeatNet; project.
- Aviation – consultation with the Irish Air Corp and Tallaght Hospital is noted.
- AA and EIA – to be considered by the Board.

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

7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 20th day of June 2018, commencing at 11.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Tallaght LAP – status
2. Architectural Expression – urban redevelopment sites and the Building Heights guidelines
3. Site Interface - adjoining development, permitted and existing
4. Residential Amenity - quantum and distribution of communal facilities, internal amenity and open space
5. Car parking
6. Any other matters

7.3.3 In relation to Tallaght LAP status, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The current status of any local area plan for Tallaght and what is the prospect of the delivery of a new LAP in the near future, given the pace of development proposals for 'regen' areas.
- The planning authority replied that a draft LAP for Tallaght has been prepared but not published. It is likely that the LAP would be published by September 2019 and hopefully adopted/operative by mid 2020.
- The planning authority discussed roads proposals, new public park plans, new school, new innovation centre and Council housing all in the immediate area of the proposed site. All of these plans are either at design stage or close to public consultation launch.
- ABP representatives highlighted the importance of timing and the proposed application, any plans that the Council have for the area should not be prejudiced.

7.3.4 In relation to Architectural Expression, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The scale, massing and height of the proposed development should be informed by the 'Urban Development and Building Heights Guidelines for Planning Authorities' – 2018. A robust proposal should be based upon the criteria outlined in the guidelines.
- More descriptive material will be necessary to illustrate the proposed development, such as computer generated images and photomontage images from a number of perspectives.
- It will also be important that building finishes and materials are carefully selected and a greater understanding of how the building will operate in terms of management of waste, community facilities etc.

7.3.5 In relation to Site Interface, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- It would be useful to understand how the proposed development integrates with recently permitted development, such as SHD schemes, if any.
- The planning authority detailed how the area will change with a number of large projects planned but not yet published.
- The prospective applicant accepted that the area will change, but detailed plans have not been seen by them and they are satisfied that the development as proposed will integrate well with any future changes in the area.
- The importance of public realm improvement was highlighted in the context of existing road infrastructure and planned improvements.

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

- Quantum, distribution and quality of resident support facilities/resident services and amenities in context of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) were discussed. The query was raised about the end users of communal facilities, the location of facilities and to ensure that sufficient quantity and quality is provided solely for the future occupants. This is essential given the build to rent character of the proposed development and the lack of amenities in the immediate vicinity.
- Internal daylight/sunlight analysis to ensure adequate amenity for future residents was discussed in addition to the provision of suitable sized and adequately lit open spaces that are usable and attractive.
- The planning authority outlined their concerns regarding the poor provision of open space in the proposed development and briefly indicated their intention to provide a large public park on waste ground to the south of the site. Other public realm improvements and development schemes are also planned to urbanise the area.

7.3.7 In relation to car parking, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Car and bicycle parking provision was discussed in the context of the site's location proximate to Tallaght town centre and public transport.
- The planning authority highlighted technical concerns regarding access to the underground car park and how the proposed development would integrate with roads proposals in the area. The issue of public transport in the area operating at close to capacity was raised and the requirement for a revised TTA was suggested.

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

- Greater clarity in relation to SuDS, green roofs and the surface water management strategy for the site was discussed, further clarity is required.
- The planning authority requested the applicant to consider the Council's district heating development and to future proof the heating/cooling infrastructure for the development.

7.4 Conclusion and Recommendation

7.4.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

7.4.3 Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a

reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.4.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 **Recommended Opinion**

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Height, Density and Unit Mix

Further consideration of the documents as they relate to height and residential density. In this regard a planning rationale/justification for the height and residential density proposed should be submitted which has due regard to inter alia, the local

and national planning policy context. Specifically, the prospective applicant must be absolutely satisfied that the development would not conflict with emerging local policy guidance in terms of any proposed Local Area Plan. The prospective applicant should also provide a reasoned rationale for the proposed building height, taking into account the 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, now and in the future.

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. Roads

Further consideration of the documents as they relate to planned road improvements in the area. Specifically, the prospective applicant is advised to illustrate all new and planned road infrastructure as it relates to both subject sites (A and B) and how the proposed development will integrate and/or facilitate these proposals. The prospective applicant should be satisfied that the proposed development is not premature pending the delivery of such road infrastructure. The prospective applicant should demonstrate that the proposed development would not prejudice any stated objectives of the planning authority to deliver new roads and increase the prospect of vehicular connections to and from Cookstown, Airtown Road and Belgard Square North or limit the possibility of land acquisition for proposals led by the Local Authority. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

3. Site Integration

The pre-application consultation documentation has failed to provide an adequate amount of material to allow any meaningful assessment of site integration if submitted as a full planning application. No documentation has demonstrated how

the development will successfully integrate with the character and amenities of the area, such as they are, or recently permitted development to the east. Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the integration of the proposed development with adjacent permitted and emerging development. Layout drawings should show recently permitted development to the east in the context ABP-303306-18 regarding the provision of a future vehicular and/or pedestrian route, position of apartment buildings and open space. In addition, contiguous elevations, levels and cross sections should show permitted development on those lands to the east. There should be a logical physical connectivity between this site and the site to the east, as a means of providing a usable pedestrian/cyclist access route. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

4. Residential Amenity

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 provision of a variety of facilities should contribute to the creation of a shared environment where individual renters become more integrated and develop a sense of belonging with their neighbours in the scheme. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

5. Finishes and Materials

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

6. 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 prospective applicant should include any plans for public open spaces in the wider area, if known, and how such proposals would link in and integrate with the proposed development. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. 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 residential and road development not yet constructed.

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. A revised Traffic Impact Assessment report which addresses concerns raised by the planning authority regarding inter alia, access to car parks, roads layout, public transport capacity, car parking rationale and planned roads. A rationale justifying any reduction in car parking spaces should also be submitted in the context of the Sustainable Urban Housing guidelines and advice on Build to Rent schemes.
4. Additional water and waste water details to address matters raised in the planning authority's opinion dated 6 June 2019 in particular the Water Services Department's comments and consideration of the provisions of appropriate SuDS measures and attenuation calculations.
5. Construction and Demolition Waste Management Plan.
6. 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).

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

1. Irish Water
2. National Transport Authority

3. Transport Infrastructure Ireland
4. The Irish Aviation Authority
5. Department of Defence
6. Commission for Railway Regulation
7. South Dublin Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Stephen Rhys Thomas
Senior Planning Inspector

05 July 2019