



An  
Bord  
Pleanála

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

## Inspector's Report ABP-305763-19

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### Strategic Housing Development

Demolition of existing buildings,  
construction of 328 no. apartments,  
crèche and associated site works.

### Location

Site at the corner of Belgard Road and  
Airton Road, Tallaght, Dublin 24

### Planning Authority

South Dublin County Council

### Applicant

Power Scaffolding Supplies Limited

### Prescribed Bodies

Irish Aviation Authority

Irish Water

Transport Infrastructure

**Observers**

Trulife

Tallaght Community Council

Belgard Area Residents Association

**Date of Site Inspection**

27<sup>th</sup> January 2020

**Inspector**

Rónán O'Connor

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	4
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation .....	8
6.0 Relevant Planning Policy .....	19
7.0 Statement of Consistency .....	22
8.0 Third Party Submissions .....	27
9.0 Planning Authority Submission .....	30
10.0 Prescribed Bodies .....	36
11.0 Screening .....	36
12.0 Assessment.....	44
13.0 Conclusion and Recommendation .....	62
14.0 Recommended Order.....	63

## 1.0 Introduction

- 1.1. 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.

## 2.0 Site Location and Description

- 2.1. The subject site comprises a corner plot on the junction of Airton Road and Belgard Road and has an area of c. 1.19 Ha.
- 2.2. The area immediately surrounding the site is principally characterised by a mix of commercial uses including educational, retail, and industrial. Technological University (former Tallaght IT) is located to the south of the site. There is also traveller accommodation and an ESB substation located to the south of the site. Industrial type uses are located to the east further along Airton Road and to the north.
- 2.3. The site directly opposite the subject site on Airton Road comprises a Data Centre. On the opposite side of Belgard Road to the west lies Belgard Retail Park.
- 2.4. Tallaght Hospital is situated approximately 1km to the west with the Square Shopping Centre located approximately 1.5 km to the south-west

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of:

The development will consist of the demolition of the existing industrial buildings on site (4,800 sq m) and the construction of 2 No. blocks comprising 328 No. apartments (93 No. 1 bed, 222 No. 2 bed and 13 No. 3 bed), ancillary residential support facilities and commercial floorspace measuring 31,147 sq m gross floor space above a single basement level measuring 5,861 sq m.

Block A is a part-5 to part-7 No. storey building (13,710 sq m) over basement block comprising 149 No. apartments with office space (222 sq m). Block B is a part-6 to part-9 No. storey (17,437 sq m) over basement block comprising 179 No. apartments, 2 No. double-height Class 1/2 commercial/retail units (as set out in

Schedule 2, Part 4, Article 10 of the Planning and Development Regulations 2001 (as amended)) (354 sq m), café/restaurant (313 sq m), creche (360 sq m), internal residents amenity area (644 sq m) at ground floor including reception (37.7 sq m), residents lounge (91.3 sq m), private dining area (52.6 sq m), co-working space (45.5 sq m), games room (47.3 sq m), gym (80 sq m) and communal lounge (220 sq m) at 6th floor level.

The development also consists of the provision of a landscaped courtyard; public plaza at the corner of Airton and Belgard Road; pedestrian access from Airton Road to the Technological University campus; balconies; landscaped roof terrace at 6th floor level (7th Storey) of Block B (671 sq m); 184 No. car parking spaces at basement level including 14 No. club car spaces, 10 No. disabled parking spaces and 4 No. crèche parking spaces; 727 No. basement and surface bicycle parking spaces; 4 No. motorbike parking spaces; bin storage; boundary treatments; green roofs; hard and soft landscaping; plant; lighting; Vodafone cabin sub-station; ESB sub-stations, switch rooms and generators; and all other associated site works above and below ground.

### Key Figures

Site Area	1.19 Ha
No. of units	328
Density	276 units/ha
Plot Ratio (excluding GFA of basement levels)	2.62
Site Coverage	38.82%
Height	Maximum 9 storeys
Communal Internal Amenity Space	644 sq. m.
Communal External Amenity Space	3,071 sq. m.
Part V	35
Vehicular Access	From Airton Road
Car Parking	184 spaces
Bicycle Parking	727 spaces

Total Commercial/Retail/Café/Office	889 sq. m.
Creche	360 sq. m
Creche play area	230 sq. m.

Unit Mix						
Apartment Type	Studio	1 bed	2 bed (3 person)	2 bed (4 person)	3+bed	Total
No. of Apts	n/a	93	33	189	13	328
As % of Total	n/a	21.6	9.6	62.9	5.9	100

## 4.0 Planning History

### Subject Site

There are two minor applications on this site which do not have relevance to the current proposal.

### Nearby Sites

Former Jacob's/Allied Biscuits Site, Belgard Road, Tallaght, Dublin 24, D24 DA2 (Opposite corner of Airton Road and Belgard Road)

**SD18A/0219** – Grant – 2 storey Data Centre and associated development.

Belgard House, Belgard Square and the former Uniphar factory, the junction of Belgard Road and Belgard Square North, Tallaght, Dublin 24.

**SHD Application ABP Ref PL06S.303306** – Grant – Mixed use development consisting of 438 no. apts, 403 no student bedspaces, crèche, 6 no retail/commercial units and associated development. - block A1 and A2 will range from 4-7 No. storeys, block A3 will be 4-10 storeys in height, block B1 will be 4-8 No. storeys in height and block B2 will be 6-9 storeys.

### **Other Relevant SHD Applications**

Units 66 and 67 Fourth Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24

**Current SHD Application** - ABP-305725-19 - Demolition of existing industrial buildings, construction of 245 no. Build to Rent apartments and associated site works.

Unit 21, First Avenue, Cookstown Industrial Estate, Dublin 24.

ABP-303911-19 - **Refuse Permission** 150 no. build to rent units and 222 no. shared bedspaces and associated site works. For 2 no. reasons as follows:

1. Having regard to the location of the subject site within the existing Cookstown Industrial Estate, to the established build form, uses and character of the industrial estate surrounding the site, particularly along First Avenue and Cookstown Way, and having regard to the location of the subject site at a remove from the town centre of Tallaght, it is considered that the development of a residential use at this location, in the absence of an overall strategy for the re-development of the industrial estate, and in the absence of the realisation of planned direct vehicular, and convenient cyclist and pedestrian links, to the town centre and to public transportation, would represent an uncoordinated and haphazard form of development which would give rise to an isolated piecemeal pocket of residential development that is disconnected from shops, amenities and/or residential services, contrary to section 11.2.4 of the current South Dublin County Development Plan 2016 – 2022, and would not be in accordance with an appropriate sequential development of these Regeneration (REGEN) zoned lands as a whole. The proposal would, therefore, not represent a “plan-led” residential development, would be contrary to the provisions of the statutory Development Plan, and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the format proposed for the shared accommodation development, with significant numbers of individual units sharing a single common living/kitchen area on each floor, and with a notable shortfall in the quantitative and qualitative provision of sufficient communal facilities, would fail to provide an acceptable living environment for future residents of the development, contrary to the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018, and

particularly paragraphs 5.15, 5.22 and 5.23 of these Guidelines. The proposed shared accommodation development would, therefore, be contrary to these Ministerial Guidelines and would seriously injure the residential amenities of future occupants/residents, and accordingly would be contrary to the proper planning and sustainable development of the area.

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

ABP-303803-19 **Grant Permission** 196 no. Build to Rent apartments, creche and associated site works.

## 5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 10<sup>th</sup> May 2019 in respect of a proposed development of 345 dwellings and childcare facility. 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

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 29<sup>th</sup> May 2019 (ABP Ref. ABP-304142-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **required 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.

- 5.3. In the opinion of An Bord Pleanála, the following issues needed 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.

5.3.1. The opinion also stated that 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.

#### 5.4. **Applicant's Statement**

5.4.1. The application includes a statement of response to the pre-application consultation (Response to the Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

**Item 1 - Height, Density and Unit Mix**

- The subject scheme is principally 5-7 No. storeys in height with a pop-up 9 No. storey element.
- Cannot be considered a challenging height on the subject site having regard to the characteristics of the surrounding area and recent SHD applications granted permission by the Board.
- The Draft Tallaght LAP 2020-2026 was only very recently published on 12th September 2019.
- Previous LAP (adopted 2006, extended to 2016) has expired.
- Critical to note that in the South Dublin County Development Plan 2016-2022, the zoning of the subject site and surrounding lands has fundamentally changed since the previous LAP, from an Industrial/Enterprise zoning to a 'Regen' zoning, which seeks 'to facilitate enterprise and/or residential led regeneration'/therefore reference to the previous LAP must be considered of limited relevance.
- Current national planning policy in the context of the NPF, Apartment Guidelines and Building Height Guidelines must be considered the most relevant guidance documents
- Recent decision by An Bord Pleanála for a 6 – 9 No. storey development (Ref.: PL06S.303803)
- The proposed development is primarily 5-7 No. storeys in height with a 9 No. storey feature element fronting the junction of Belgard Road and Airton Road,
- Proposal has been reduced from 11 No. storeys as presented at the tri-partite meeting in response to concerns from South Dublin County Council.
- Comprehensive rationale has been provided within the application documents for the increased height at this location, which draws significant reference from the Belgard Gardens scheme permitted across Belgard Road (ABP Ref: 303306-18).

- Having regard to the height standards in the 2006 LAP, which is the only adopted LAP, a Material Contravention Statement has been prepared specifically addressing the height of the proposed development.
- The Material Contravention Statement refers to the Height Guidelines, 2018 which expressly seek increased building heights in urban locations:
- Due to the site's unique site context, it has greater potential for the building height proposed, having regard to the surrounding development.
- Surrounding land uses all provide an open context that cannot be considered sensitive in nature/will not be negatively impacted by the heights proposed as part of the development of the subject scheme.
- Considered that the proposed development will positively contribute to the character and public realm of the surrounding area
- The Draft Tallaght LAP 2020-2026 is likely to see significant changes at Material Amendments stage eg. in relation to mix and plot ratio
- Acknowledge that the proposed scheme exceeds the height thresholds envisaged in the Draft LAP.
- Overall benefits of the scheme which introduces 328 No. Build-to-Sell apartments into the locale along with a range of commercial/social use, high-quality public, communal and private space and the introduction of a new pedestrian connection from Airton Road through the site into the adjoining Tallaght campus of TUD, who have provided a letter of support for this connection.

### Density

- Proposed development represents the appropriate densification of the currently underutilised 'REGEN' lands, providing a density of 276 No. units per hectare
- Policy H8 promotes higher residential densities at appropriate locations
- Objectives Nos. 1, 2 and 4 also promote increase densities and more intensive development.
- National planning policy expressly seeks densification of sites such as the application site including the National Planning Framework – Project Ireland 2040.

- Cookstown scheme (303803-19) provided a density of 329 No. units Per Hectare /same considerations applied in the assessment of this scheme must be applied to the subject site.
- Tallaght Town Centre with its associated services, facilities and high quality public transport has the capacity to absorb and support the needs of the future residents of the scheme, with the residents in turn providing footfall and social and economic spin-off benefits to the Tallaght area through increased spending power.
- Uplift in population located within walking proximity of the town centre will help support and sustain its commercial viability.
- Subject site adjoins lands zoned 'Town Centre' and therefore represents the most rational and sequential development of zoned lands for higher density developments.
- Will provide an excellent quality of life for future residents through the provision of a range of commercial and communal facilities on the site and through the provision of a hierarchy of public, communal and private open spaces, which will provide an attractive living environment for the residents.
- Further the Daylight/Sunlight study prepared demonstrates a high quality of daylight and sunlight in both the apartments and to the external spaces.

#### Zoning and Pattern of Development

- Inspector in the Cookstown scheme (ABP Ref 303803-19) considered the 'Regen' zoning as entirely appropriate for residential development/Cookstown site is further removed from the Town Centre than the subject site, which adjoins Town Centre zoned lands.
- Regeneration zoning has been introduced in the adopted South Dublin Development Plan 2016-2022 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.
- CS2 Objective 4 of REGEN zoned sites is 'to facilitate enterprise and/or residential-led regeneration'.

- Belgard Gardens SHD application (Ref: PL06S.303306) and the subject site share similar site characteristics/should be developed before the Cookstown site for example, which is further removed from the Town Centre.
- Subject site will not result in piecemeal development/ will complement the recently granted Belgard Gardens development
- Easily assimilate into the adjacent Town Centre zoning.
- Most logical and coherent development approach as it is served by 4 No. Luas stops, numerous bus stops along Belgard Road and easily accessible via the N7 Naas Road, N81, and M50.
- Wide range of existing services and facilities in the general area of the subject site to serve the needs of the future residents of the scheme.

#### Unit Type/Mix – Housing Assessment

- Refer the Board to the Housing Assessment Report which comprehensively details the existing and recently permitted developments in the surrounding Tallaght area, justifying the type of tenure, unit type and mix of development proposed in the subject scheme.

#### **Item 2 – Design**

- The proposed ground floor level of the scheme fronting both Airton Road and Belgard Road has been amended as detailed in the accompanying Response to the Opinion prepared by John Fleming Architects.
- The treatment at ground floor level has been revised to allow for commercial, office, retail, amenity and creche spaces to address both Belgard and Airton Road's to create an active street presence along with a revised landscape strategy to soften any hard edges on the previous scheme design.
- Ground floor residential units previously orientated towards busy road junctions have been removed.
- Finished floor levels of the scheme have been revised to allow all facilities of the scheme to be universally accessible.
- Access to the basement carpark has been moved further east, away from the junction of Belgard and Airton Road.

- Break between blocks A & B has been replaced with a landscaped universal access pathway to allow residents only access the courtyard from Airton Road.
- Public plaza is designed to create a feature landmark which will enable the scheme to integrate into its context and facilitate way finding at a key junction in Tallaght.
- Proposed pedestrian link from Airton Road to the Technological University will support the integration of the subject scheme on the 'REGEN' zoned lands into the adjoining Town Centre zoned lands to the south.
- Locational characteristics of the subject site are similar to that of the recently granted development at Belgard Gardens, which proposed heights up to 10 No. storeys.

### **Item No. 3 – Residential Amenity**

- Proposed residential scheme provides for a high quality development on a key site in Tallaght.
- Noted that all ground floor residential units facing onto Airton Road and Belgard Road have been removed from the scheme.
- Provision of office floorspace, a café, creche and resident amenities at this level will ensure an active frontage and passive surveillance of the communal and public open spaces.
- Ground floor units (which provides passive overlooking), fronting onto the pedestrian link between Airton Road and TUD are raised above the level of the pedestrian link due to a level difference.
- ABP has recently granted permission for residential development in close proximity to the subject site at Belgard Gardens which shares similar site characteristics and a similar zoning objective/ Natural transition from Town Centre to REGEN zoned lands has previously been assessed and accepted by the Board in the assessment of Belgard Gardens.
- Development of the subject site would represent the logical and balanced next phase of development of the REGEN zoned lands.



- The Square Tallaght is located c. 800 m (10 No. minutes) walking distance from the application site which provides a huge range of shops and amenities.
- Phase I of a residential development has recently been granted adjacent the site on Belgard Road, with an indicative layout for Phase II.
- Further residential developments are provided within the area zoned Town Centre and south of the N81.
- Immediate surrounding uses are not considered to result in a negative impact on the proposed residential use of the currently vacant and underutilised site.
- Location of the retail/commercial units, office space, communal resident amenities and creche at ground floor fronting Belgard Road and Airton Road ensures that all residential units receive adequate privacy from passing pedestrians.
- A Noise Impact Study prepared by Byrne Environmental Consulting is enclosed within the application submission.
- Daylight and Sunlight Analysis demonstrates that as 92% of the assessed rooms meet the BRE guidelines for daylight, approximately half recording and ADF more than double the recommended level, the proposed scheme should be considered to have achieved a good level of daylight/all 6 No. external amenity spaces within the scheme receive at least two hours of sunlight in at least 50% of the space on 21<sup>st</sup> March.

#### **Item No. 4 – Public and Communal Open Space**

- Site layout plan clearly distinguishing the public and communal open spaces has been submitted/Key Zone Spatial Breakdown' drawing has been submitted.

#### Public Open Space

- A public pedestrian link has been provided from the Tallaght Technological University Dublin (TUD) campus along the eastern boundary of the subject site, with a letter of consent from TUD attached at Appendix A to facilitate this link.
- Refer Board to the Landscape Design and Access Statement.
- Public plaza (500 sq m) has also been provided at the corner of Airton Road and Belgard Road/will create a welcoming and vibrant open space.

### Communal Open Space

- The courtyard between Blocks A and B provides communal open space for the future residents of the scheme.
- Designated play areas for older and younger children have been provided with suitable play equipment, in addition to a dedicated play area for use by the creche.
- Proposed landscaping plan comprising a combination of raised lawns and paved areas.

### Specific Information Item 1 – Proposed Uses

- 222 sq m of commercial offices have been provided at ground floor level fronting onto Airton Road, which removes the residential element from the street and introduces a small office that could be utilised by a business in the locality.
- Transition from Town Centre Zoning to REGEN zoning will be softened with the introduction of new uses along the street i.e. the provision of commercial/retail, office space use and a restaurant/café unit.
- Provision of commercial units at this location are intended to provide convenience facilities to future residents of the scheme/not intended to compete with the town centre/uplift in population created by the proposed scheme will support the viability of the town centre

### Specific Information Item 2 – Photomontages

- Photomontages have been submitted with the application.

### Specific Information Item 3 – Existing Utilities

- The existing surface water sewer to be re-routed is clearly identified on Drawing entitled Drainage Layout (C03).

### Specific Information Item 4 – Existing Telecommunications masts

- Report submitted in relation to same.
- Applicants understanding that the proposed development will not negatively interfere with the signals to the existing telecommunication masts in the immediate area.

#### Specific Information Item 5 – Traffic Impact Assessment

- A Traffic Impact Assessment has been submitted which addresses the re-location of the vehicular access and provides a rationale for the reduced parking proposed within the scheme.

#### Specific Information Item 6 – Taken in Charge Plan

- No areas are proposed to be taken in charge.

#### Specific Information Item 7 – Construction and waste management plan.

- Has been submitted.

#### Specific Information Item 8 – Additional water and waste water details

- Letter, drawings and documents submitted in relation to same.

#### Specific Information Item 9 – EIA Screening

- An Ecological Appraisal in addition to the Environmental Report has been submitted.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

6.1.1. 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’) (2009)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)

- Architectural Heritage Protection- Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities (2001)

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.

## 6.2. Local Policy

### South Dublin County Development Plan 2016-2022

#### 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.

#### 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 following policies are relevant:

- CS2 Objective 4 – promote and support the regeneration of underutilised industrial areas within areas designated with zoning objective Regeneration (REGEN);

- CS2 Objective 6 – promote higher residential densities at appropriate locations, adjacent to town centres or high capacity public transport nodes (Luas/Rail);
- Policy CS6 LAP's – to prepare LAP's as appropriate and prioritise areas likely to experience large scale residential or commercial development or regeneration;
- Policy H6 Sustainable Communities – support development of sustainable communities and ensure new housing development is carried out in accordance with Government Policy in relation to housing and residential communities;
- Policy H7 Urban Design in Residential Developments – ensure new residential development within the County is of high quality design and complies with Government guidance on design of sustainable residential development;
- Policy H10 Mix of Dwelling types – ensure wide variety of housing types, sizes and tenures;
- Policy H8 – residential densities – promote higher densities at appropriate locations;
- H8 Objective 4 – support proposals for more intensive enterprise and/or residential led development within areas designated for Regen subject to design safeguards;
- Housing Policy 9 – residential building height – seeks to support varied building heights across residential and mixed use area.
- H9 – Obj. 1 seeks to encourage varied building heights in new residential developments;
- H9 Obj. 4 – direct tall buildings that exceed 5 storeys in height to strategic and landmark locations in Town Centres, MU zones and SDZ's;
- Economic and Tourism (ET) Policy 2 Enterprise and/or residential led development in regeneration zones – support regeneration of underutilised industrial areas proximate to urban centre and transport nodes to promote and support more intensive compatible employment and/or residential led development in regeneration zones;

- ET2 Obj. 1 – support consolidation or relocation of existing employment uses in Regen zones and upgrade of these areas to create opportunities for regeneration;
- Policy TM7 – Transport and Mobility – policy of Council to take a balanced approach to provision of car parking with aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation. Number of supporting objectives (TM7 Obj.1) which seek to carefully consider the number of parking spaces provided to service needs of new development.
- Table 6.5 outlines 6-year road programme including north-south link from Belgard Sq. North to Cookstown Estate Road (Part 8 approved), east-west link from Belgard Rd to Cookstown Estate Road (Airton Rd. Extension, North-south link from Belgard Sq. East to Airton Road Extension).

### **Draft Tallaght Town Centre LAP 2020-2026**

At the time of writing this report, a Chief Executive's Report has been prepared following the Public Consultation period for the Draft Tallaght Town Centre LAP 2020-2026 but as yet it has not been formally adopted.

## **7.0 Statement of Consistency**

- 7.1.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 Guidelines and the City Development Plan and I have had regard to same. The following points are noted:

### **South Dublin County Council Development Plan 2016-2022**

#### **Zoning**

The proposed development which comprises a mixed-use scheme of 328 No. residential units and 1,249 sq m of commercial/creche floor area is consistent with the zoning objective for the site.

#### **Height**

Development Plan supports greater height in strategic and landmark locations, subject to an approved Local Area Plan or Planning Scheme.

LAP specifies a maximum height of 4 storeys (Gateway Location) – proposed development is not consistent with this policy.

A Material Contravention Statement has been submitted. This is summarised in Section 7.1.2 below.

It is stated that the development is consistent with other relevant policies and objectives in the Development Plan including those relating to;

Housing

- Social housing Policy H1; Sustainable Communities H6; High Quality Design H7; Residential Densities H8 and Objective No's 1, 2 and 4; Adaptable housing types, sizes and tenures; Open Spaces Policy H13; Standards of Accommodation H14;

Community Infrastructure Economic Development/Retail/Transport/Green Infrastructure/Energy

- Policy C8 Childcare Facilities; C12 High Quality Open Space; Policy ET2 Regeneration of Underutilised Industrial Areas; Retail Strategy for the Greater Dublin Area; TM7 relating to sustainable modes of transport; G1 and G6 relating to green infrastructure networks; E5 relating to waste heat technologies and E4 relating to energy performance in new buildings.

#### 7.1.2. Material Contravention Statement

- This refers to the relevant local policies being the South Dublin Development Plan 2016-2022 and the Tallaght Town Centre Local Area Plan (adopted 2006, extended 2011 until 2016).
- It is stated that the Draft LAP is unlikely to be adopted in its current form.
- Reference is made to the previous zoning of the expired LAP, need for active frontages within this LAP, maximum heights of 4 storeys permitted in the subject location.
- Reference made to provisions of the Draft LAP including those relating to heights.
- It is contended that the heights proposed are in line with National and Regional Policy including the NPF, Urban Development and Building Height Guidelines

(2018), Design Standards for New Apartments (2018), Regional Spatial and Economic Strategy for the Eastern and Midlands Region and in line with Section 1.2 of the South Dublin County Development Plan.

- Site is within Regeneration Lands/is proximate to significant employment locations and public transport.
- Reference is made to policies in the South Dublin Development Plan 2016-2022 relating to height (Policy H8 Objective 4) and density (Policy H9) and it is stated that these are conflicting.

### **Draft Tallaght Town Centre Local Area Plan 2020 – 2026**

- Anticipated that the Draft LAP will be subject to further amendments prior to its adoption
- Draft LAP identifies the site as being located at the junction of a primary/secondary route - development proposes mixed use active frontages along both Airton and Belgard Roads.
- The proposed development proposes a plot ratio of 2.62 - LAP specifies a plot ratio of 0.75 – 1.0 for the Broomhill Area
- Such a plot ratio is contrary to the guidance set out in National Planning policy which seeks the densification of urban areas through the increased heights and densities.
- Would not be possible to keep within these plot ratio figures with the heights proposed in the Draft LAP on the subject site of up to 7 No. storeys.
- Draft LAP appears to be conservative in its development approach with particular reference with the non-sensitive eastern boundary having much greater capacity than 3-4 No. storeys.
- Draft LAP requires a minimum of 30% three bed units within any new residential development – would appear to be contrary to the NPF and current and projected population and household formation trends.

### **Tallaght Town Centre Local Area Plan 2006-2016**

- Has expired although the Planning Authority continue to have regard to the Plan.



- Of the opinion the LAP is not relevant and is outdated, namely in regard to height thresholds and future development of this area.
- Material Contravention Statement submitted in respect of the height of the proposed development.

### **National Planning Framework**

- The proposed development is a direct response to the housing shortage that is readily reported and identified in recent planning policy. The proposed application is consistent with the policy objectives as set out in the NPF including those related to population growth and employments, tenure and household formation, sustainable transport, design, housing need and environment.

### **National Spatial Strategy 2002-2020**

- Proposal is for higher density development located on brownfield land in an area designated for regeneration/will increase the supply of housing. Complies with the relevant tests of the NSS.

### **Action Plan for Housing and Homelessness, Rebuilding Ireland**

- Will address the five 'pillars' of the Action Plan.

### **Urban Development and Building Height Guidelines for Planning Authorities 2018**

- Design response provided strikes a balance between respecting the surrounding environment of the scheme and ensuring the development potential of a significantly scaled, strategically positioned and underutilised plot is maximised.
- Complies with the relevant SPPRs contained within the document including the criteria as set out in SPPR3.

### **Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities'**

- Site is located within an accessible location, development will provide suitable accommodation types, complies with relevant standards including those related to dual aspect, floor to ceiling heights and the number of units per core.

### **Urban Design Manual Best Practice Guide**

- Complies with the 12 design criteria within the Design Manual

#### **Design Manual for Urban Roads and Streets (2013)**

- Has been taken into consideration during the design process of the proposal.
- Is also consistent with the key goals as outlined in *Smarter Travel – A Sustainable Transport Future A New Transport Policy for Ireland 2009 – 2020*.

#### **Planning System and Flood Risk Management Guidelines, 2009**

- The enclosed Flood Risk Assessment concludes that there are no flood risks identified.

#### **Retail Planning Guidelines (2012)**

- Proposed retail/commercial/café units will front the public plaza and will provide active frontage and activity to the streetscape.
- Commercial element of the scheme will provide local convenience type services for the residents of the scheme
- Will have no impact on larger scale retail locations in nearby Town Centre lands.

#### **Childcare Facilities – Guidelines for Planning Authorities (2001)**

- A proposed childcare facility will be located within residential scheme to serve the 328 No. residential units.

#### **Regional Planning Guidelines for the Greater Dublin Area 2010-2022**

- The proposal is consistent with the strategic policies in the guidelines including those relating to the environment and climate change, employment, delivery of housing and built and natural heritage.

#### **Regional Spatial and Economic Strategy for the Eastern and Midlands Region**

- The proposal is consistent with the strategy including those provisions relating to intensification and use of brownfield site, regeneration, integration of land use and transport, sequential development, location of employment, carbon reduction and provision of a mix of housing.

## 8.0 Third Party Submissions

3 no. submissions on the application have been received from the following parties – 1. Belgard Residents Association; 2. Tallaght Community Council and 3. Trulife. The issues raised are summarised below. A submission on Draft Local Area Plan for Tallaght Town Centre 2020-2026 has also been included with the submission from Belgard Residents Association and Tallaght Community Council and I have had regard to the contents of same although I note it does not specifically relate to the application under consideration here.

### General/Nature of Use

- Draft LAP has proposed a change of land use in Cookstown. Broomhill and Greenhills from Enterprise and Employment to mixed use residential
- However every planning application to date at Cookstown has been for residential only with only retail outlets at ground level
- This application seeks to extend this trend into Broomhill and Greenhills to the detriment of business and industry.
- An overarching objective of the LAP is to promote Tallaght's role as the capital of the county.
- Business and Industrial base being undermined in the interests of residential development.
- Tallaght has the potential to create high level enterprise and employment at the three locations cited above (Cookstown. Broomhill and Greenhills)
- The industrial base in Broomhill and neighbouring areas is being eroded.
- Replacing prime industrial sites with homes is not the way to provide housing.
- Policy should be to keep 90% of Cookstown and Broomhill as industrial with 10% set aside for mixed use residential not just apartments.
- Gallagher site on Airton Road is likely to be developed as an SHD/This site, Cable and Wireless Site/Former chemical factory where Belgard Gardens is proposed were significant sources of employment.

### Housing Mix/Housing Mix/Units Sizes

- Uncontrolled residential development of high-rise one and two-bed apartment blocks – no family units
- Mix of housing is needed to cater for all needs.
- This can be accomplished in tandem with business and industrial development.
- Application follows the well-established pattern of applications in Cookstown for high-rise apartment blocks of one and two-bed apartments.
- Only 13 no. 3 bed apartments, about 4% of the total/does not cater for families.
- Development Plan Policies and the Draft LAP require a wide variety of housing types.
- Proposal is contrary to these policies and objectives
- Faced with the prospect of short-term leases and transient tenants with no commitment to the community and lacking in local pride and a sense of place
- Planning permission should be refused.
- Application ignores the Draft LAP which calls for a minimum of 30% three bed apartments.
- Application documents do not show one other SHD in the vicinity which is also with the Board for consideration – at Cookstown Cross – this does not provide any 3 beds.
- Therefore of the two applications granted and two at consideration the overall 3 bed allocation is a totally inadequate 5%
- Airton Plaza figures do not include an allocated c400 student accommodation units at Belgard Gardens.
- Excessive concentration of SHDs in the area
- Estimated 3176 no. apartments proposed in Tallaght of which 648 are granted, 573 are with the Board and 1655 are reported in the press or likely to be developed.
- Needs to be a larger share of 3 beds.

- Urge Bord Pleanála to call a review of SHD in Tallaght until it guarantees a much larger share will be three bedroom apartments or larger.
- Apartments in Tallaght are too small and do not match the demographic profile
- Developments that have been given planning permission between 2002 and 2004 have less than 5% allocation to three-bedroom houses.
- Of three proposed SHDs in Tallaght only 7% are three bed units.
- Implication is that two person households will never need three bedroom apartments.
- Young families grow so if there are few three bed and larger apartments there is no room for growth.
- Developer's proposals contradict their own analysis.
- Larger apartments with some green spaces is what is needed in Tallaght
- Census 2016 says at least 34% of households need at least 3 bedrooms.
- Applicants ignore, misinterpret or are just unaware of the Census figures.
- SHD legislation is enabling and actively encouraging the trend of studio, 1 bed and co-living supply of accommodation.
- Quality of life decreases as space is unnecessarily restricted.
- Need to increase apartment sizes.
- There is inadequate information on the real housing need in the area.
- Poor housing mix – no duplexes or houses.

#### Transport Issues

- Application demonstrates that there will be a moderate negative impact arising from the development. – proposal will only add to the traffic congestion already experienced
- Community groups like TCC have had to hire a town planner to get a focus on a very large development.
- Building works will only lead to further disruption and traffic congestion in the area.

- With current building works both sides of the road are being used for all day parking by the builders.
- Is there a plan to accommodate alternative parking to that on the side of the road?
- There are HGV's and heavy plant and machinery accessing the site daily which further encroach our ability to access and egress our facility.
- Construction works have previously knock out internet connections/impacts ability to run our business to its full capability.
- Would question the suitability and position of the proposed entrance to the underground car park for the final site as it is located particularly close to the junction of the Airton Road and Belgard Road.
- Would lead to further delays and traffic jams already seen at this junction.
- Insufficient parking for the number of units proposed/will be overspill of parking onto the Airton Road and surrounding areas.

#### Other

- Future development of a pedestrian access to the TUB would seriously compromise the security of the Trulife site/would provide an access-egress point for intruders.
- Wider concern about the future of Tallaght in regard to hospital services, schools, infrastructure, environment and impact on excising housing.
- Very little greenspace is proposed as part of this development.
- Greenspace in the areas was recently annexed for a Part 8 development.
- Increased demands on hospital and health services.
- Fire safety issues.

## **9.0 Planning Authority Submission**

- 9.1. South Dublin County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in

accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

#### General/Principle/Uses

- Proposed uses are permitted in principle under the REGEN zoning objective.
- Proposal materially contravenes the South Dublin County Development Plan and the Tallaght Town Centre Draft Local Area Plan 2020-2026.
- Material contraventions pertain to building heights, density and the lack of a setback from Airton Road to facilitate a linear park.
- Part V to be agreed with the Council.
- Applicant has not provided a rationale for inclusion of the 33 no. 2-bed, 3-person units.
- The development of this site is acceptable in principle. However the PA seeks some major modifications to this scheme.

#### Linear Park

- The Draft LAP seeks a Linear Park on the southern side of Airton Road –was published in September.
- Park is proposed to be provided on the southern side of Airton Road – where the current setbacks provide an adequate strip for a public linear park.
- Principle of this amenity would be severely compromised by its omission from any of the sites on the southern side of Airton Road – PA recommends that the existing setback of 15 meters from the red line boundary of the subject site should be maintained.

#### Mix

- PA raises no objection the unit mix which has been justified by the applicants.

#### Height and Density

- In relation to height, the proposal exceeds the recommended maximum height on each side of the block perimeter/the proposal does not fulfil the criteria for taller buildings.

- Proposed development would be an overdevelopment of the site, with excessive height, plot ration and site coverage (see above) notwithstanding that the Board may take a contrary view on height when considering the ‘Urban Development and Building Heights – Guidelines for Planning Authorities.
- PA recommends that the Board refuse permission for the proposed development.

#### Layout

- General layout approach is acceptable to the Planning Authority.
- Welcome the proposed pedestrian link to TUD and a no dig zone to the east of the site.
- PA recommend that the gated access at the north-west corner of the development is amended to provide a pedestrian gate with opening hours subject to a condition of permission.

#### Residential Amenity

- Single aspect north facing units are not acceptable to the PA
- PA recommends that the single aspect units are omitted from the scheme.
- PA recommends that the 2 bed 3 person units should be removed from the scheme, unless the Board forms the opinion that there is a particular need as laid down in the apartment guidelines.
- Welcomes the provision of residential facilities
- A lighter profile development would achieve higher levels of daylight penetration and better residential amenity for perspective residents.
- Mix of uses is appropriate.
- Public realm proposals are generally acceptable.
- Noted that public plaza does not constitute 10% of the site/CDP standards are not met.
- Linear park would fulfil the requirement.

#### Drainage and Services



- Reference is made to comments from the Environmental Services Department which state that they have no objections subject to conditions.

### Transport

- Comments from the Roads Department are included within the Chief Executive's Report and it is noted that the parking ratio of 0.71 spaces per residential units is acceptable, although reasonably high. Conditions are recommended.
- Revised layout plan to be agreed to facilitate the setback from Airton Road/would result in loss of car parking spaces/would be acceptable if matched with corresponding loss of units.
- No empirical study has been provided in relation to usage/capacity of the Luas at peak travel times/cumulative impact of the SHDs which are dependent on the Luas/needs to be demonstrated that the Luas has capacity to absorb this and other developments in the Belgard, Cookstown and Fortunestown Area.

### Environment

- Note the contents of the Bat Report/Lighting Design Report/Ecological Appraisal.

### Planning Authority Recommendation

Refuse permission for 5 no. reasons as follows:

1. The proposed development would contravene the Draft Tallaght Town Centre Local Area Plan 2020-2026 in relation to density, having a plot ratio of 2.62 and including heights of up to 9 storeys. Generally the proposed development does not conform to the recommended heights in the Draft Local Area Plan. The draft LAP as developed further by the Chief Executive's Report on the Public Consultation, is considered to be consistent with the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018) and sets a maximum plot ratio of 1.5 for this site, in certain circumstances, and 1.0 otherwise. This would only be achieved by the proposed scheme if it were at a height of 3 storeys, which is below the recommend heights for much of the site, suggesting that the bulk of the development/site coverage is too high. The Draft Local Area Plan, as developed by the Chief Executive's Report of

December 2019, contains provisions for the identification of key sites for additional height. The present proposal does not meet those conditions. The development would therefore contravene the Draft Local Area Plan and would constitute overdevelopment of the site and would not be in accordance with the proper planning and sustainable development of the area.

2. Having regard to:

- a. The single-aspect north facing units proposed;
- b. The 2-bed, 3 person units proposed;

It is the opinion of the Planning Authority that the development contravenes the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2018).

3. Having regard to:

- a. The single-aspect north facing units proposed;
- b. Shortfalls in daylight standards for 8% of the units assessed;

The development would provide a poor standard of residential amenity and would contravene the 'REGEN' land-use zoning objective and the South Dublin County Development Plan 2016-2022.

4. The applicant has not provided for a setback to the north of the site. The Planning Authority seeks to maintain the existing building line, in order to provide a key amenity in the Broomhill neighbourhood area, a public linear park. The proposed development would therefore be contrary to the provisions of the Tallaght Town Centre Draft Local Area Plan 2020-2026 and would set an undesirable precedent which would seriously prejudice the future delivery of the Park.

5. The density of the proposed development is largely dependent on the proximity and existence of the LUAS. The capacity of the LUAS to accommodate the proposed increased density and the cumulative density of the LAP has not been adequately demonstrated by the applicant in the Traffic and Transport assessment lodged with the application. The capacity of the current bus network to accommodate any additional demand over and above that can be accommodated by LUAS has not been sufficiently demonstrated.

In the absence of a demonstrated sufficient capacity in public transport, there may be a significant rise in car mode share leading to unsustainable development, contrary to climate change objectives and to the proper planning and sustainable development of the area.

In the event that the Board grants planning permission, 24 no. conditions are recommended. Those of note include:

- Condition No. 2 – modifications to the development including a 15m buffer from the northern red line boundary of the site; replace ground floor and first floor residential units to the west of the development with double height office space and 2 no. retail units; revise basement layout; omit all development above 8 storeys; removal of single aspect north facing units.
- Condition No. 3 – Revised plans showing a development with a maximum plot ratio of 1.5 OR in addition to the requirements of condition 2, the development shall have a maximum height of 3 storeys.
- Condition No. 4 – Gated access to be replaced with a pedestrian gate.

### **Elected Members**

9.1.1. A summary of the views of elected members as expressed at the Tallaght Area Committee Meeting held on Monday 25<sup>th</sup> November 2019 is included in the Chief Executive's Report and is reproduced below:

- Scale and Density of this proposed development a concern.
- Why is there a resident's lounge, co-working space would like clarification on the reasoning behind this?
- There is a lack of public/green space.
- Traffic is already an issue in the area.
- Lack of amenities in this area to cope with increase in population.
- Increase pressure on Garda.
- It will be a huge pressure on parents trying to find schools for their children.

## 10.0 Prescribed Bodies

### Irish Water

- Based upon the details provided by the developer and the Confirmation of Feasibility issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

### Transport Infrastructure Ireland

- No observations to make.

### IAA

- Applicant should engage with the Property Management Branch of the Department of Defence to consider the impact on flight procedures and the obstacle limitation surfaces for Casement Aerodrome.
- In the event of planning consent being granted, the applicant/developer should engage with the HSE and Tallaght Hospital and operators of the helipad site to make them aware of any potential crane operations.
- IAA should be notified 30 days in advance of the erection of a tower or mobile crane.
- Given the proximity to the helipad at Tallaght Hospital, a tower 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.

## 11.0 Screening

### 11.1. Environmental Impact Assessment (EIA) Preliminary Assessment

- 11.1.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 11.1.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environment Report, and I have had regard to same. This concludes that an EIAR is not mandatory and when assessed against the criteria for

sub-threshold projects, the proposal is not likely to have a significant effect on the environment.

11.1.3. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Construction of a car-park providing more than 400 no. spaces, other than a car-park provided as part of, and incidental to the primary purpose of a development.
- Construction of a shopping centre with gross floor space exceeding 10,000 sq. m.
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

11.1.4. The proposed development involves 328 no. apartments, 1 no. office, unit, 2 no. commercial/retail units, 1 no. café/restaurant unit, a crèche and associated site works on a site of 1.19ha. The site is located in an urban area that may come within the above definition of a “business district” but is below the threshold of 2 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

11.1.5. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects.

11.1.6. 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 11.2 of this assessment).

11.1.7. Having regard to;

- (a) the nature and scale of the proposed development, in an urban 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.

## 11.2. **Appropriate Assessment**

11.2.1. An Appropriate Assessment Screening Report (dated September 2019) was submitted with the application. I have had regard to the contents of same. This report concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects to the Natura 2000 network.

## 11.3. **The Project and Its Characteristics**

11.3.1. See the detailed description of the proposed development in section 2.0 above.

### **The European Sites Likely to be Affected - Stage I Screening**

11.3.2. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity is predominantly commercial in nature along with transport arteries. EPA mapping indicates that the Tymon Stream (known as the Poddle further downstream) flows approximately 30m to the south of the site. This water course enters the River Liffey in Dublin City Centre and it is a highly modified water body and is culverted for much of its length.

11.3.3. I have had regard to the potential zone of influence as identified in the submitted Appropriate Assessment Screening Report which identifies the following 4 no. Natura 2000 sites within the zone of influence of the development: (i) South Dublin

Bay and River Tolka Estuary SPA (004024); (ii) South Dublin Bay SAC (000210) (iii) North Bull Island SPA (004006) and North Dublin Bay SAC (000206) due to surface water and wastewater pathways ultimately leading to Dublin Bay, with potential impacts on these sites. The Poulaphouca Reservoir SPA (004063), from which drinking water supply for this development will originate, was also considered to fall within the zone of influence. I have also had regard to the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie))<sup>1</sup> in order to determine the appropriate zone of influence. I am satisfied that the 5 no. sites as identified above are those sites that are within the zone of influence of the project, for those reasons as identified within the screening report submitted.

Table 10.1 Natura 2000 Sites within 'Zone of Influence' of the Project.

Site (site code)	Distance from site	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (004024)	11.2 km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus)

<sup>1</sup> Accessed 27/01/2020

		<p>[A179] Roseate Tern (<i>Sterna dougallii</i>)</p> <p>[A192] Common Tern (<i>Sterna hirundo</i>)</p> <p>[A193] Arctic Tern (<i>Sterna paradisaea</i>)</p> <p>[A194] Wetland and Waterbirds [A999]</p>
South Dublin Bay SAC (000210)	11.2 km	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
North Bull Island SPA (004006)	14.5 km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p>



		<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	14.5 km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila</i></p>

		<p>arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>
Poulaphouca Reservoir SPA (004063)	14.6 km	<p>A043 Greylag Goose (Anser anser)</p> <p>A183 Lesser Black-backed Gull (Larus fuscus)</p>

### Potential Effects on Designated Sites

- 11.3.10. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'. Specific conservation objectives have been set for all of these areas with the exception of the Poulaphouca Reservoir. Generic conservation objectives have been published by the NPWS and are stated as 'To maintain or restore the favourable conservation condition of the Annexed species for which the SPA has been selected'.
- 11.3.11. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013) and the North Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There is no objective in relation to water quality.
- 11.3.12. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space (NPWS, 2015a & b).
- 11.3.13. At its closest point the site is over 11km away (as the crow flies) from the boundary of the Natura 2000 areas within Dublin Bay. In reality however, this distance is greater as hydrological pathways follow the course of the drainage network to Dublin

Bay. There is no direct pathway to the Tolka estuary from this development as it lies to the north of the River Liffey. Because of the distance separating the site and the SPA/SAC there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPA.

11.3.14. While the Poulaphouca Reservoir SPA (004063) is within the zone of influence of the project, as the development will draw the water supply from this source, the distance from the site is so great (14.6km) that likely significant effects on the SPA can be ruled out, having regard to the conservation objectives for this site.

11.3.15. In relation to the construction phases, potential pollutants include silt and hydrocarbons/chemicals, given that construction works typically generate fine sediments and could also generate result in accidental spills of oils and other toxic chemicals. Should these enter the River Tymon/Poddle watercourse and in turn into the larger watercourse of the River Liffey, before finally discharging into Dublin Bay, it is likely that such pollutants would be significantly diluted by the point of discharge into Dublin Bay, given the distance involved and the volume of water relative to the volume of likely pollutants, and therefore likely significant effects on the coastal sites listed above can be ruled out, having regard to the sites' conservation objectives.

11.3.16. During the operational phase of the development, there main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, rainwater will either percolate to ground in green areas, or will be collected in gutters/drains and discharged to local authority sewers. Foul water will be discharged to a local authority foul sewer. There is therefore an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP. However, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend plant, and I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.

### **In Combination or Cumulative Effects**

11.3.17. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in the Tallaght Area, by the South Dublin Development Plan 2016-2022. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

### **AA Screening Conclusion**

11.3.18. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area and the distances to the nearest European sites, it is reasonable to conclude that on the basis of the information on the file, 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 sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **12.0 Assessment**

12.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Height and Density
- Urban Design

- Residential Amenities/Residential Standards
- Traffic and Transport
- Flood Risk
- Site Services
- Ecology
- Other Issues

## 12.2. Principle of Development

- 12.2.1. The application site is zoned REGEN in the South Dublin County Development Plan 2016-2022. CS2 Objective 4 of REGEN zoned sites is 'to facilitate enterprise and/or residential-led regeneration'. In terms of the uses proposed these are supported by the zoning objective and as such are acceptable in principle. The Planning Authority have raised no objection to the principle of the uses proposed nor to the principle of a residential/commercial development on this site.
- 12.2.2. The proposed uses at ground floor level, with residential above, provide an appropriate transition from the 'Town Centre' Zoning to the 'Regen' Zoning, and I do not consider that the proposed commercial/retail/restaurant uses would adversely impact the viability or vitality of the established town centre retail uses, given the limited scale of the commercial/retail/restaurant uses proposed, and in my view would play a complementary role in supporting same.
- 12.2.3. I note that the Third Party submissions raise the issue of the loss of employment land. However, the site in question, as noted above, is zoned 'REGEN' which allows for residential led development, such as this current proposal. This REGEN zoning seeks to support and facilitate the regeneration of underutilised industrial lands that are proximate to town centres and transport nodes to provide for a more intensive mix of enterprise and/or residential led development. It is noted within the South Dublin County Council Development Plan that these lands are serviced and offer significant potential for more intensive forms of enterprise and/or residential led development.
- 12.2.4. In relation to the Draft Tallaght Town Centre LAP 2020-2026, at the time of writing this report, a Chief Executive's Report has been prepared following the Public Consultation period for the LAP, but as yet it has not been formally adopted.

12.2.5. In terms of whether this current application could be considered premature prior to the adoption of the Draft Tallaght Town Centre LAP 2020-2026, I note that the application site is a key strategic site, located on a major junction at the entrance to the Tallaght Town Centre, is proximate to shops and services with Tallaght Town Centre, is well served in terms of public transport, as well as road and pedestrian infrastructure, is not overly constrained by neighbouring land uses and is currently zoned for residential-led development under the South Dublin County Council Development Plan 2016-2022. It represents a natural transition from Town Centre Zoned Lands to Regen Zoned Lands, and the development of the site would represent appropriate sequential development. As such, it is considered reasonable to assess the application having regard to adopted national, regional and local policies, and I do not consider this current proposal is premature pending adoption of the Draft Town Tallaght Town Centre LAP.

### 12.3. Height and Density

#### Height

- 12.3.1. The highest element of the proposal is a 9 storey element fronting onto Airton Road, with the remainder of the blocks ranging from 5 to 7 storeys in height.
- 12.3.2. The Planning Authority have raised concern in relation to the proposed development and it is stated in their submission that the proposal would be an overdevelopment of the site, with excessive height, plot ratio and site coverage and recommended reason for refusal No. 1 relates to same. The Planning Authority, in their submission, state that the proposal materially contravenes the South Dublin County Development Plan and the Tallaght Town Centre Draft Local Area Plan 2020-2026, and that the material contraventions pertain to building heights, density and the lack of a setback from Airton Road to facilitate a linear park. There is no reference to what specific policies are being materially contravened, however, and none of the 5 no. recommended reasons for refusal refer to a material contravention.
- 12.3.3. In relation to the height, the applicant has stated that the proposal is principally 5-7 no. storeys, with a pop-up 9 No. storey element, and this height cannot be considered challenging having regard to the characteristics of the surrounding area, and having regard to other recent SHD applications granted permission by the Board

(such as the application referred to above at Belgard Road and Belgard Square North APB Ref 303306-18, which was a maximum of 10 storeys in height).

- 12.3.4. Notwithstanding the above, the applicant has submitted a Material Contravention Statement specifically addressing the height of the proposed development, as relates to the policies of the South County Dublin Development Plan 2016-2022 and the Tallaght Town Centre LAP 2006-2016. However, in my view, it is unclear what specific policies the applicant's consider are being materially contravened. The Material Contravention Statement makes reference to Housing Policies 8 and 9 of the South County Dublin Development Plan 2016-2022 and argues that these two policies are conflicting. There is also a general reference to the height limitations within the Tallaght Town Centre LAP 2006-2016. However, the Material Contravention Statement does not unequivocally state what policy or policies are being materially contravened.
- 12.3.5. It is my view that the relevant local policy document is the South County Dublin Development Plan 2016-2022.
- 12.3.6. Section 2.2.3 of the South County Dublin Development Plan 2016-2022 refers to Residential Building Height. Housing Policy 9 seeks to support varied building heights across residential and mixed use areas and includes a number of objectives including *inter alia*;
- H9 – Obj. 1 seeks to encourage varied building heights in new residential developments;
  - H9 Obj. 4 – direct tall buildings that exceed 5 storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and SDZ's, subject to an approved LAP or Planning Scheme.
- 12.3.7. The applicant contends that the current Development Plan provides a number of policies and objectives which seek to provide for higher residential densities and ensure the efficient use of zoned lands, which are contrary to the height limitations imposed by H9 Objective 4 of the Development Plan. My view is that, and as per view of the reporting Inspector in relation to SHD application 303306-18, in order to achieve sustainable densities at locations proximate to town centres adjoining public transport corridors, I would consider that some heights in excess of 5 storeys is required.

- 12.3.8. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: where development is of strategic or national importance; conflicting objectives in the development plan; regional planning guidelines or guidelines under Section 28 etc. or the pattern of development/permissions granted in the area since the adoption of the development plan.
- 12.3.9. The Board did not appear to invoke Section 37(2)(b) of the Planning and Development Act 2000 (as amended) in relation to a development, of to 10 stories in height, on a similarly REGEN zoned site on a site opposite this site at Belgard Gardens (ABP Ref: 303306-18). As such, it is reasonable to conclude that this current proposal, which is lower in height at a maximum of 9 stories, would also not be a material contravention of the South County Dublin Development Plan 2016-2022. However, should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein.
- 12.3.10. In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site.
- 12.3.11. In relation to the matter of conflicting objectives in the development plan, it could be argued that the objectives of Housing Policy 8, to support higher densities, conflict with the limitations in height contained within Housing Policy 9 Objective 4.
- 12.3.12. In relation to the matter of RPGs and Section 28 Guidelines, I note that there are a number of relevant guidelines, prepared by the Minister under Section 28 of the Act, which are relevant to this current application. Of particular relevance are the Urban Development and Building Height Guidelines (2018) which state that there is a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility. The subject site is located in



an accessible urban location and is located within 900m of the Belgard Luas station and within 1km of the Tallaght (The Square) Luas Station. Therefore the location of the site is one which in principle allows for greater height, subject to the criteria outlined in the Section 3.2 of the Guidelines.

12.3.13. Section 3.2 of the Guidelines requires that, where higher buildings are being proposed, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies a number of criteria that relate *inter alia* to the accessibility of the site, integration with the character and public realm, consideration of building form, incorporation of public spaces, maximising internal amenity and minimising impacts on surrounding residential amenity.

12.3.14. Of particular note is SPPR3 of the guidelines which state:

*It is a specific planning policy requirement that where;*

*1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and*

*2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;*

*then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.*

12.3.15. Also of note are Design Standards for New Apartments Guidelines for Planning Authorities (2018) which seeks to move away from blanket restrictions on heights in certain locations in favour of an evidence based approach based on performance criteria. These provide clear guidance with regard to the types of location which are considered suitable for higher density developments that may wholly comprise apartments, referred to as Central and /or Accessible Locations. The current site falls within the category of a Central and/or Accessible Location, given its location within 950 metres of the LUAS Red Line (Belgard Luas Stop).

12.3.16. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, is the recent approval for

an SHD application on the site opposite this site for *inter alia* 438 apartments and 403 no. student bedspaces, where the building height ranged from 4 to 10 storeys (junction of Belgard Road and Belgard Square North – ABP Ref 303306-18). As such precedent for higher buildings than currently exist has been established in this area.

12.3.17. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan policies pertaining to height, I consider that the provisions of Section 37(2)(b) have been met and in this regard I consider that the Board can grant permission for the proposal.

12.3.18. Notwithstanding same however, and having regard to the considerations above, I consider that that the height as proposed is acceptable, having regard to overarching national policy.

#### Density

12.3.19. The proposed density is 276 no. units/ha. The Planning Authority have concerns in relation to the density and state that the proposal materially contravenes the South Dublin County Development Plan and the Tallaght Town Centre Draft Local Area Plan 2020-2026, although the specific policies which are materially contravened are not referred to. Reason for refusal no. 5 relates to the density of the proposal and this reason refers to the density proposed under this scheme, and the cumulative density of other schemes, has not been supported by capacity studies of the Luas and Bus network. The reason for refusal does not refer to a material contravention.

12.3.20. In relation to density, policy at national, regional and local level seeks to encourage development in key locations particularly around public transport nodes. In particular, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. I consider that the application site complies with those objectives and supports government policy seeking to increase densities and thereby deliver compact urban growth.

12.3.21. I also note the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) which state, with respect

to location, that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. I consider that the scale and extent of the proposed development is compliant with this guidance, given its proximity to core urban centres, public transport nodes, employment locations, retail and other community amenities. As noted above, I am of the opinion that this site could be considered a 'Central and/or Accessible Urban Location' as described in the Guidelines, as it complies with the characteristics described therein and therefore is suitable for higher density.

12.3.22. I note also the provisions of Sustainable Development in Urban Areas – Guidelines for Planning Authorities (2009) which note that for sites in city and town centres, such as this one, there should in principle be no upper limit on the number of dwellings that may be provided within any town or city centre site, subject to safeguards. The site could also be considered a Public Transport Corridor, given its proximity to the Luas Red Line and the Tallaght QBC, and is therefore suitable for higher density development, as outlined in the Guidelines.

12.3.23. Housing Policy 8 of the South Dublin Development Plan refers to residential densities and the objectives therein generally support higher densities on site close to Town, District and Local Centres and close to high capacity public transport corridors, as well as supporting more intensive enterprise and/or residential led development within areas designated with Zoning Objective 'REGEN' subject to design safeguards.

12.3.24. In conclusion, I consider the density to be acceptable in principle, having regard to the considerations above.

#### **12.4. Urban Design**

12.4.1. In my view, the proposal, at 6, 7 and 9 storeys along Airton Road, and at 6 and 7 storeys along Belgard Road, present a strong frontage along these main transport routes and will provide a landmark development at this key site at the entrance to Tallaght Town Centre. The surrounding context is that of low rise industrial and commercial units, which contribute little to the architectural character of the area and which it is not desirable to replicate. As such the development is required to establish its own context and character, and I believe it has been successful in this regard.

- 12.4.2. The treatment at ground floor level creates an active street presence along Airton Road and Belgard Road and the proposed public plaza, framed by the retail/commercial and café/restaurant units is a welcome addition to the area and will provide a significant amenity for future occupiers of the development, as well as to the wider area.
- 12.4.3. In terms of the layout, the proposal maximises built form on the site, ensuring efficient use of brownfield urban land, while allowing for areas of high quality public and communal spaces, (the quality of which further considered in the relevant sections below). I note the Planning Authority consider the general approach to the layout to be acceptable.
- 12.4.4. A proposed pedestrian link from Airton Road to the TUD campus is indicated on the plans. This is welcomed by the Planning Authority and provides a greater level of permeability through the site than that which currently exists. The Planning Authority recommend that the gated access at the north-west corner of the development is amended to provide a pedestrian gate with opening hours subject to a condition of permission. I consider that this is desirable and a condition should be imposed to such effect.
- 12.4.5. In terms of detailed design, the quality of finish and materials is considered to be high. The materials proposed are a combination of light buff brick, red brick and brushed powder coated aluminium panels. The use of a combination of materials also serves to break up the massing of the building.

#### Public Realm

- 12.4.6. The Planning Authority consider that the public realm proposals are generally acceptable but note that the public plaza does not constitute 10% of the site and therefore that Development Plan standards have not been met.
- 12.4.7. I note that the Draft LAP proposes a linear park along the entire length of the Airton Road (as stated in Section 3.5 Broomhill; and within Chapter 8.0 where it is stated that a Linear park along the length of Airton Road between new building frontage and existing road). No additional details of the linear park are set in the plan other than a written statement. The Planning Authority state that this current proposal would preclude the delivery the linear park, as it does not have the required setback, and recommended reason for refusal No. 4 refers to same. However, in the event

that the Board is minded to grant permission for this development, the PA recommends that *inter alia* that the existing setback of 15 meters from the red line boundary of the subject site should be maintained.

- 12.4.8. The LAP is not yet adopted, however, and in my view, the requirement for a 15m setback to facilitate the proposed linear park is not justified, and would not result in the most efficient use of a key strategic site within Tallaght. Notwithstanding, even if this development is approved, there is still considerable scope to provide a linear park to the front of some or all of the remaining sites on Airton Road, which is some 900m in length.
- 12.4.9. The development as proposed does provide a public amenity in any case along Airton Road and Belgard Road, in the form of a public plaza and landscaping along both frontages, as well as providing a pedestrian link from Airton Road to the TUD site. Should the linear park be developed at a future point, there is scope to link this amenity to the Airton Road/TUD pedestrian link. As such, I do not consider that proposal would preclude the provision of a linear park of considerable scale along Airton Road, as outlined in the Draft LAP.

## 12.5. Residential Amenities/Residential Standards

- 12.5.1. Section 11.2.4 of the South Dublin County Council Development Plan refers to development within Regeneration (REGEN) zones and requires a design statement to address a number of points including the restriction of residential development at ground floor level adjacent to busy roads, and/or roads that are subject to significant movements by Heavy Goods Vehicles (HGVs). It is further stated that it may be necessary to consider improvements to the surrounding road and street network in conjunction with the Planning Authority, to calm traffic and improve pedestrian and cyclist access.
- 12.5.2. The applicants note that there are no ground floor residential units facing onto Airton Road and Belgard Road, with active frontages/commercial uses being provided along these frontages. It is further stated that the immediate surrounding uses are not considered to result in a negative impact on the proposed residential use.

### Noise and Disturbance

- 12.5.3. The area that the site lies within is undergoing substantial change, although it is still predominately a mixture of commercial and industrial uses. The site also lies at the

junction of Airton Road and Belgard Road, two major transport routes, with vehicles serving the surrounding land uses utilising these routes. As such there is potential for the surrounding uses, as well as road traffic, to impact on the amenity of residents.

- 12.5.4. The provision of ancillary residential and non-residential elements along Airton Road and Belgard Road will help to mitigate against negative impacts on amenity resulting from road traffic. I also note that the building is setback to a degree from the road, with landscaping providing a buffer from the road.
- 12.5.5. A Noise Impact Study (dated 25th September 2019) is enclosed within the application submission which considers noise from road traffic, from the industrial unit to the east and from the commercial/retail elements of the scheme on the proposed residential uses. This notes that, in order to mitigate noise impacts, design features such as double/triple pane windows and noise attenuating ventilation systems will be utilised. I consider that the mitigation measures as proposed within the report should be required by way of condition.

#### Daylight and Sunlight

- 12.5.6. The applicant has submitted a Daylight and Sunlight Analysis (dated October 2019). This demonstrates that 92% of the assessed rooms meet the BRE guidelines for daylight with approximately half recording an ADF more than double the recommended level.
- 12.5.7. The Planning Authority have raised concern in relation to the shortfalls in daylight standards for the remaining 8% of units, and this is referred to in recommended reason for refusal No. 3. However it is my view, that where the guidelines have not been met, the breaches are not material, with the percentage of target value achieved ranging from 82% to 99%.
- 12.5.8. The applicants have not considered ADF values for the kitchen areas, which generally require an ADF value of 2%. However the units are open plan with combined living/dining/kitchen areas and as such the kitchen areas will benefit from internal daylight availability to the living/dining areas. This is in line with the BRE Guidance which state that, where internal galley type kitchens are proposed, they should be linked to a well daylight living room.

12.5.9. All of the proposed external amenity spaces within the scheme receive at least two hours of sunlight in at least 50% of the space on 21<sup>st</sup> March, in line with BRE Standards.

12.5.10. It is my view that the overall level of residential amenity is acceptable, having regard to internal daylight provision.

#### Communal Amenities

12.5.11. The proposal also includes a number of communal residential amenities such as a reception area, residents lounge, private dining area, co-working space, games room and resident's gym. These amenities are considered to be a positive addition to the scheme.

#### Public and Communal Open Space

12.5.12. As noted above, a public plaza is proposed at the junction of Airton Road and Belgard Road, as well as a landscaped pedestrian link from the Tallaght Technological University Dublin (TUD) campus along the eastern boundary of the subject site, with a letter of consent from TUD submitted to facilitate this link.

12.5.13. The total amount of open space is as follows:

- Public Open Space c2,950 sq. m. which includes the Plaza and the proposed pedestrian link to TUD. (24% of overall site area)
- Communal Open Space (Resident's Courtyard) c2,950 sq. m./Roof Garden 671 sq. m.
- Crèche Open Space c232 sq. m.

12.5.14. The Planning Authority state that the standards of the Development Plan, as relates to public open space, have not been met. The Third Party submissions have raised the issue of lack of open space.

12.5.15. However it is my view that the overall provision, as outlined above, complies with the standards as set out in Appendix 1 of the Design Standards for New Apartments (2018) and also complies with the relevant section of the Development Plan (Section 11.3.1 (iii)) which states that all new residential development shall be required to incorporate a minimum of 10% of the total site area as public open space.

12.5.16. I consider that the quality of open space is high, with the plaza and pedestrian walkway providing a welcome amenity to the area, and in particular the walking route providing a dedicated route that is set away from the surrounding road network. I note that the submission from Trulife, the occupier of the adjacent site to the east, has raised security concerns in relation to the pedestrian path, and note that access can be gained from the path to the Trulife site. However I do not consider the development of the pedestrian pathway would raise any additional security issues than existing, and the provision of passive surveillance from the proposed residential units may well improve upon the current situation.

12.5.17. The communal open space within the development is well overlooked by the residential units and provides sufficient areas of play spaces for children of different ages.

12.5.18. All private amenity spaces in the development comply with or exceed the minimum required floor areas for private amenity spaces.

#### Mix

12.5.19. The proposed mix of units is as follows:

- 93 x 1 bed (21.6%); 22 x 2 bed/3 person (9.6%); 189 x 2 bed/4 person (62.9%); 13 x 3 bed (5.9%).

12.5.20. A Housing Assessment Report has been submitted which seeks to provide a planning rationale for the proposed unit type and mix. The report provides an analysis of the unit types granted under the Cookstown Crescent proposal (ABP Ref 303803-19), the Belgard Gardens proposal (ABP Ref: 303306-18) and this current application. It is stated that the 3 no. applications seeks to address the unbalanced provision of 3+ no. bed traditional housing typologies in Tallaght with the development of principally 1 and 2 bed units provided to address current and future population trends.

12.5.21. The Planning Authority have not raised any objection to the mix.

12.5.22. The observations from Belgard Residents Association and Tallaght Community Council state that the proposal does not provide enough larger family units and contest the figures provided within the Housing Assessment Report.



12.5.23. While only 13 no. 3 bed units are proposed, it is expected that the demographic for the proposed development will be comprised of smaller households, as supported by the analysis in the Housing Assessment. I note that the development will also allow for downsizing, freeing up unused larger units in the vicinity. I consider the mix to be acceptable in this instance.

#### Floor Area

12.5.24. The apartments are designed to exceed minimum standards with more than 10% over minimum size standards (a total of 175 units or 53% of the units are over 10% over the minimum size standards). The Planning Authority have raised concern in relation to the provision of 2 bed/3 person units, and this is referred to in recommended reason for refusal No. 2. I note that there are 22 no. 2 bed/3 person units proposed (9.6% of the total no of units), which require a smaller minimum floor area. The Design Standards for New Apartments note that such units, while providing necessary variation in dwelling size, should not comprise more than 10% of the total number of units in any private residential development. The proposal complies with this provision.

#### Dual Aspect

12.5.25. The applicant has stated that the number of dual aspect units is 176 no. units (54%), which exceeds the policy requirement of 33% in central and/or accessible locations such as this one, as set out in Design Standards for New Apartments (2018). However, it could be argued that a number of the units have somewhat artificial aspects, and may not be considered dual aspect e.g. unit nos. A1.109 and B1.210, for example, on the first floor. There are 29 such unit types in total across all floors, and if these are not included as dual aspect, the total number of dual aspect units is 147 units (44%), which is still above the requirement for locations such as this one. I note the Planning Authority have raised concern in relation to the number of north facing single aspect units and this is referred to in recommended reason for refusal No. 2 and recommended reason for refusal No. 3. If the units as described above are not considered to be dual aspect, then the number of north-facing dual aspect units is 16 in total (5%). I do not consider that this is an excessive number of north-facing dual aspect units. I have also had regard to the results of the daylight/sunlight

assessment, as assessed above, and I am satisfied that the proposal will provide a sufficient level of amenity for future occupants.

### **Traffic and Transport**

- 12.6. A Traffic Impact Assessment and a Parking and Mobility Management Plan have been submitted with the application and I have had regard to same.

#### Car Parking

- 12.6.1. It is proposed to provide 184 no. car parking spaces (which includes 14 no. spaces allocated to car club uses, 10 no. accessible car parking spaces and 4 no. crèche parking spaces). Excluding the car club spaces and the crèche spaces, this is a car parking ratio of 0.5 spaces per unit.
- 12.6.2. The submitted Parking and Mobility Management Plan seeks to justify the level of provision (that is substantially below Development Plan maximum standards) and makes reference to the Apartment Guidelines. Section 2.3 of the Parking and Mobility Management Plan, erroneously in my view, categories the site as being located in an 'Intermediate Urban Location', whereas in my view it falls within a 'Central and/or Accessible Urban Location', given its proximity to the Luas Line. The conclusion of the report then categorises the location as a 'Central and/or Accessible Urban Location'.
- 12.6.3. Section 4.19 of the Apartment Guidelines (2018) state, in respect of central and/or accessible urban locations, that in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Given the location of the site in close proximity to high frequency transport route, I consider the provision of car parking to be excessive. I note that the provision in the Belgard Gardens Scheme (ABP Ref 303306-18) was 0.24 spaces per unit. The reduction in parking would also have positive impact on the operation of the adjoining road network, with reduced traffic volumes generated. I consider then, given the locational similarities between the two sites, a similar provision of 0.24 spaces per unit would be appropriate (a total of 89 car parking spaces allocated to the residential units, 14 no. car clubs spaces, 10 accessible car parking space and 4 no. crèche parking spaces) and a condition should be imposed in relation to same.

### Cycle Parking

A total of 727 no. cycle parking spaces are being provided which is 98% of the provision required by the Development Plan. Section 4.17 of Design Standards for New Apartments (2018) which require a total of 737 No. spaces (576 resident and 161 visitor). I consider the overall provision appropriate.

### Impact on the surrounding road network

12.7. A Traffic Impact Assessment has been submitted with the application. This considers the impact of the development on three junctions – the Belgard Road/Airton Road signalised junction, the Belgard Road/Belgard Square North roundabout and the Greenhills Road/Airton Road signalised T-junction. The report also considers the impact of this development, in conjunction with the approved development at Belgard Gardens. This concludes that the impact on the above junctions as a result of the development alone would be minimal, with increases of 2.7% in the morning peak and 2.3% in the evening peak. The report notes that the Belgard Gardens generated flows are twice those from the subject site during the morning peak, and 5 times those from the subject site during the evening peak. It is noted that both without the proposed development and with the proposed development, the Belgard Road/Airton Road junction are heavily loaded and that queuing and delays will continue to be significant. The report notes the need to minimise car usage from this development. The report concludes that proposed development is not a significant contributor to predicted congestion levels at critical junctions analysed.

12.8. I note the Traffic Impact Assessment assumes a car parking provision of 184 spaces. However, as noted above, I consider that this provision to be excessive and should be reduced in line with other permitted developments. This will further reduce any impact on the surrounding road network.

12.9. Having regard the above, I do not consider the proposal would have a material impact on the surrounding road network, in terms of traffic volumes.

### **12.10. Flood Risk**

12.10.1. A Flood Risk Assessment has been submitted with the application (03/10/2019). This state that the site is not considered at risk from pluvial, fluvial, coastal or groundwater flooding. The proposed SUDs measures, including attenuation chambers for a 1:100yr storm event (with a 20% increase in volume to allow for

climate change) will runoff. The report concludes that the risk of flooding at this site is minimal and the risk of flooding due to the development of this site in flood events is minimal.

12.10.2. Having regard to the above, and having regard to flood mapping (accessed at floodinfo.ie<sup>2</sup>), I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

## 12.11. Site Services

### Surface Water

12.11.1. The existing site is currently a brownfield site and predominantly covered with existing warehouse.

12.11.2. In relation to SuDS, it is proposed to provide attenuation for the 1:100yr storm event and a 20% increase in storage volume to allow for climate change. The introduction of the proposed attenuation system reduces the volume of rain water leaving the site, thereby reducing the strain on the public sewer in relation to capacity in storm events. Proposed footpaths including the access road around the apartment development will be of a permeable finish.

12.11.3. It is proposed to use an extensive green roofing system on 6th, 7th and 8th floor on Block A & on 8th floor and roof on Block B, making a total of 43% green roof. Green roof will incorporate the use of sedum layers into the design, with the aim of delaying and reducing runoff from the site in times of precipitation. The intention is to provide an additional natural and sustainable form of attenuation within the site that will reduce the total runoff from site by temporarily retaining the runoff within the sedum layers and promoting evaporation.

12.11.4. Surface water in the basement is drained using pumping system and passed through a petrol interceptor before flowing to foul water manhole.

12.11.5. The proposed development will not result in the generation of any additional surface water runoff, given the existing site contains large areas of hard surfacing with run off making its way into the existing surface water system with no flow controls. The

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<sup>2</sup> Accessed 29/01/2020

introduction of SUDs measures will enable the surface runoff generated by the development to be attenuated and the discharge rate controlled.

#### Foul

12.11.6. It is proposed to provide a 150mm diameter foul sewer pipe to serve the development. The foul water from the development is to fall by gravity to the existing foul water manhole located on Airton Road.

12.11.7. I note the submission from Irish Water stating that network connections can be facilitated.

#### Water Supply

12.11.8. It is proposed to connect a 100mm diameter watermain pipe from the development to the existing water main on Airton Road.

### **12.12. Ecology**

12.12.1. A Preliminary Ecological Appraisal has been submitted with the application. This notes that the site and its surrounds mainly comprise of buildings/artificial surfaces and dry grassland habitats, with tree line on the boundaries providing valuable wildlife corridors for species such as hedgehog. The potential for bat roosting, foraging and commuting is also noted (see also discussion on submitted Bat Survey). The Poddle River may also provide a water source for hedgehog and habitat for the Common Frog. A number of botanical species of high value were also noted including Pyramidal Orchid, Knapweed and Hawbit spp.

12.12.2. Recommendation with the Preliminary Ecological Appraisal include *inter alia* clearance works to be carried outside of nesting season, measures to prevent debris/sediment/pollutants wash off into the River Poddle, relation of botanical species of value as well as number of other measures. I consider that, subject to the recommendation of the appraisal being carried out, the impact on ecology will be minimal.

12.12.3. In relation to bats, a bat report has been submitted which states that the entire site is frequently used for commuting and foraging by three bat species. Mitigation measures are proposed to ensure that bat roosting, foraging and commuting activities in the area continue unhindered and these include lighting controls, preservation of trees with bat roosting features and installation of bat boxes. I am

satisfied that, subject to the measures as outlined in the bat report being carried out there will be no adverse impacts on bats as a result of this development.

### **12.13. Other Issues**

- 12.13.1. Childcare - The application proposes a 360 sq m crèche which will provide 80 No. child care spaces. The crèche comprises 3 No. classrooms for 0-1 year, 1-2 years and 2-6 years. In addition, there are a number of ancillary rooms including buggy storage, staff kitchen/dining, office space and reception area. An enclosed outdoor amenity area 230 sq m for use of the creche is also provided. This provision is in line with Childcare Facilities – Guidelines for Planning Authorities (2001).
- 12.13.2. Trees – A Tree Survey and Tree Report has been submitted. It does not appear any trees are to be removed although crown thinning is recommended for some species..
- 12.13.3. Archaeology – An Archaeological Assessment has been submitted which concludes that is highly likely that, given the level of development which has taken place on the site previously, any previously unknown archaeological deposits would have been removed, and therefore no adverse impact on archaeology is predicted as a result of the development.
- 12.13.4. Telecoms – A Telecoms Assessment has been submitted which confirms that the development does not significantly impact on signals to the existing telecommunications masts in the area.

## **13.0 Conclusion and Recommendation**

The proposed residential, commercial/retail, café/restaurant and crèche uses are acceptable in principle at this site with regard to the relevant 'REGEN' zoning objective under the South Dublin County Council Development Plan 2016-2022, which seeks 'to facilitate enterprise and/or residential led regeneration'. The provision of a higher density residential development at this location is desirable with regard to the edge of town centre location and its proximity to high frequency transport services. In addition, the site is located in an area with a wide range of social infrastructure facilities. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area.

The future occupiers of the scheme will also benefit from a high standard of internal amenity and the proposal will contribute significantly to the public realm. The overall provision of car parking and cycle parking is considered acceptable, subject to conditions. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be **GRANTED** for the proposed development, subject to conditions, for the reasons and considerations set out below.

## 14.0 Recommended Order

### **Planning and Development Acts 2000 to 2019**

### **Planning Authority: South Dublin County Council**

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th day of October 2019 by Power Scaffolding Limited care of Thornton O'Connor Town Planning, No.1 Kilmacud Road Upper, Dundrum, Dublin 14, D14 EA89.

### **Proposed Development:**

The demolition of the existing industrial buildings on site (4,800 sq m) and the construction of 2 No. blocks comprising 328 No. apartments (93 No. 1 bed, 222 No. 2 bed and 13 No. 3 bed), ancillary residential support facilities and commercial floorspace measuring 31,147 sq m gross floor space above a single basement level measuring 5,861 sq m.

Block A is a part-5 to part-7 No. storey (13,710 sq m) over basement block comprising 149 No. apartments with office space (222 sq m). Block B is a part-6 to part-9 No. storey (17,437 sq m) over basement block comprising 179 No. apartments, 2 No. double-height retail/commercial (Class 1/Class 2) units (354 sq m), a café/restaurant (313 sq m), a creche (360 sq m), internal residents amenity

area (644 sq m) at ground floor including reception (37.7 sq m), residents lounge (91.3 sq m), private dining area (52.6 sq m), co-working space (45.5 sq m), games room (47.3 sq m), gym (80 sq m) and communal lounge (220 sq m) at 6th floor level.

The development also consists of the provision of a landscaped courtyard; public plaza at the corner of Airton and Belgard Road; pedestrian access from Airton Road to the Technological University campus; balconies; landscaped roof terrace at 6th floor level (7th Storey) of Block B (671 sq m); 184 No. car parking spaces at basement level including 14 No. club car spaces, 10 No. disabled parking spaces and 4 No. crèche parking spaces; 727 No. basement and surface bicycle parking spaces; 4 No. motorbike parking spaces; bin storage; boundary treatments; green roofs; hard and soft landscaping; plant; lighting; Vodafone cabin sub-station; ESB sub-stations, switch rooms and generators; and all other associated site works above and below ground.

## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the site's location within an area with a zoning objective that permits residential development in principle;
- (b) the policies and objectives of the South Dublin County Development Plan 2016-2022;



- (c) The nature, scale and design of the proposed development and the availability in the area of a wide range of community, social, retail and transport infrastructure, including Tallaght Town Centre and the Luas Red Line;
- (d) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) the nature, scale and design of the proposed development;
- (j) the pattern of existing and permitted development in the area,;
- (k) the submissions and observations received, and
- (l) the report of the inspector

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening

document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development on an urban 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),

the Board 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. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out

and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:

A revised basement plan showing a reduction in the quantum of car parking serving the apartment units. Car parking provision shall be reduced to a ratio of 0.24 per unit i.e. a maximum of 79 car parking spaces allocated to the residential units. Car parking allocation shall be as follows:

- A maximum of 79 car parking spaces allocated to the residential units;
- 14 no. car club spaces;
- 10 accessible car parking spaces;
- 4 no. crèche parking spaces.

**Reason:** In the interests of sustainable transport.

3. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:
  - (a) 14 no. car parking spaces shall be reserved for communal car sharing use (car club use) only and shall be clearly delineated and signed for such use;
  - (b) 8 no. car parking spaces shall be reserved for electric vehicles (i.e. as 'e-car' spaces) only and shall be clearly delineated and signed for such use;
  - (c) All other car parking spaces, with the exception of visitor parking, shall be let/sold with the residential units and shall not be sold or let separately or independently;
  - (d) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense;

- (e) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works;
- (f) All of the communal parking areas, as well as the 8 no. 'e-car' spaces, serving the apartments shall be provided with electric vehicle charging points.

Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

- 4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
  - (a) Signage throughout the development, including the shopfronts to the commercial/retail units and restaurant/café.
  - (b) Public lighting throughout the development.
  - (c) The operating hours of the proposed retail/commercial units and restaurant/café unit shall be agreed in writing within the planning authority prior to first occupation of the units.

**Reason:** In the interests of visual and residential amenity.

- 5. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
  - (a) Revised drawings indicated a gated access at the north-west corner of the site (serving the pedestrian link to TUD);
  - (b) Written agreement of the landowners of the Technical University of Dublin Campus to the pedestrian link to their lands;
  - (c) A management proposal for the pedestrian link including proposed hours of access.

**Reason:** In the interests of proper planning and development.

6. (a) The proposed restaurant/café area shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway) unless authorised by a further grant of planning permission and;
- (b) The use of the proposed retail/commercial units shall be restricted to uses which fall within Class 1 and Class 2 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 as amended and shall exclude use as a betting office, take-away or stand-alone off-licence. Any other use shall require a separate grant of permission.

**Reason:** In the interest of proper planning and orderly development.

7. Details and samples of the materials, colours and textures of all the external finishes and boundaries to the proposed development including external facades, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

8. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

9. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. Proposals for the development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

13. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

**Reason:** In the interest of residential amenity.

14. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and water quality.

15. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

16. All mitigation measures as set out in Flood Risk Assessment submitted with this application shall be implemented in full.

**Reason:** To minimise flood risk and in the interest of proper planning and sustainable development of the area.

17. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.  
(a) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan should include details of a programme of works that amongst other items provides for interception containment and treatment of construction runoff. No construction runoff should be diverted to the proposed SuDS measures such as the bioretention areas, permeable paving, green podiums or attenuation systems. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to SuDS elements.

This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

20. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation



from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

21. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

22. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of public safety and residential amenity.

23. The applicant shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the scheme shall be appointed to oversee and co-ordinate the preparation of the plan.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

24. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development.

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area.

25. Prior to commencement of development the developer shall submit, for the written agreement of the Planning Authority, a schedule of Ecological Mitigation Measures, as detailed in the Preliminary Ecological Appraisal and as detailed in the Bat Report submitted with the application. The schedule shall set out the timeline for implementation of each measure and assign responsibility for implementation. All of the mitigation measures shall be implemented in full and within the timescales stated.

**Reason:** In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

26. The mitigation measures as set out in the submitted Noise Impact Study shall be implemented in full. In particular internal noise levels, when measured from bedroom windows of the proposed development, shall not exceed:

- (a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and
- (b) 30 dB(A) LAeq at any other time.

The mitigation measures shall be implemented before the proposed dwellings are made available for occupation.

**Reason:** In the interest of residential amenity.

27. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological

materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site, co-ordinate all the mitigation proposals contained in the archaeological assessment and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

28. Prior to commencement of development, the developer shall:

- (a) Notify the Irish Aviation Authority – Safety Regulation Division 30 days in advance of erection of tower or mobile crane.

All cranes used during construction shall be fitted with aviation warning lights. The lighting scheme shall be agreed with the Authority prior to installation.

- (b) Engage directly with the operator of Casement Aerodrome to determine if obstacle lighting is required for the permanent structure and agree the exact requirements regarding any such lighting. The lighting shall be provided on the structure as required by the operator of the Casement Aerodrome.

**Reason:** In the interests of aviation and public safety.

29. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge

31. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Rónán O'Connor  
Planning Inspector

03<sup>rd</sup> February 2020