



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-306402-20

Strategic Housing Development	1,156 apartments, creches, retail and office accommodation
Location	Cookstown Industrial Estate, Tallaght, Dublin 24
Planning Authority	South Dublin County Council
Prospective Applicant	Joseph Costello Absolute Limousines Ltd and Hollin Court Development Ltd
Date of Consultation Meeting	20 th February 2020
Date of Site Inspection	9 th February 2020
Inspector	Stephen J. O'Sullivan

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is in the Cookstown Industrial Estate c1km north of the town centre of Tallaght and c11 south-east of the centre of Dublin. It has a stated area of 4.01 ha. It consists of several plots in the industrial estate occupied by functional buildings on both sides of the Cookstown Estate Road. It includes a filling station with frontage onto the Old Belgard Road at the eastern end of the site. A vacant office building stands outside the site boundaries to the north of the filling station. Otherwise the land around the site is occupied by buildings similar to those on the site. The Luas stop at Belgard is c100m north of the nearest part of the site. A 110kV electricity line crosses the northern part of the site. The roads in the estate are laid out to accommodate heavy goods vehicles, with high kerbs and a roundabout at the junction with First Avenue beside the western boundary of the site.

3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to demolish the existing structures on the site, while retaining the petrol station, and to build 1,156 apartments including an unspecified amount of build-to-rent units. The housing mix would be as follows –

Studio	1 bed	2 bed	3 bed	4 bed	Total
172	321	628	28	7	1,156

3.2. The apartments would be in 7 buildings up to 15 storeys high. The development would also include a creche of 332m², 1,173m² of offices, 938m² of commercial floorspace and 367m² of retail floorspace. The total floor area is given as 111,305m². 385 car parking spaces would be provided, 313 of which would be underground, and 2,210 bike spaces. A new street would be provided parallel to the southern boundary of the site from the Cookstown Estate Road to the Old Belgard Road with two link roads running north to the estate road. A pedestrian link to the Luas stop is shown.

4.0 Planning History

4.1. SD19A/0259 - the planning authority granted permission for alcohol sales from the shop associated from the petrol station on the site.

SHD applications in the vicinity

4.2. ABP-303306-18: The board granted permission for 438 apartments and 403 student bedspaces in buildings between 4 and 10 storeys high at Belgard Square North c1km south of the current site.

4.3. ABP-303803-19: The board granted permission for 196 apartments at Second Avenue Cookstown c900m west of the current site.

4.4. ABP-303911-19: The board refused permission for 150 apartments and 750 co-living bed spaces on First Avenue just to the west of the current site. The reasons for refusal referred to uncoordinated haphazard development and deficiencies in the proposed co-living accommodation.

4.5. ABP-305725-19: The board refused permission for 245 apartments on a site at Fourth Avenue c650m south of the current site. The reasons for refusal referred to the absence of a planning framework for development in the area, and deficiencies in the amenities that would be afforded to occupants of the proposed apartments.

5.0 Policy

5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 3b is that 50% of new homes would be in the five cities. Objective 10a and table 4.1 set a minimum population target for Dublin of 1,408,000 compared to 1,173,000 in 2016. Objective 11 is to encourage more people to live and work in existing settlements. Objective 13 is that in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale. Objective 35 is to increase residential density in settlements.

The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets 2013
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- Childcare Facilities – Guidelines for Planning Authorities 2001

5.2. Local Policy

- 5.2.1. The South Dublin County Development Plan 2017-2023 applies. The site is zoned under the 'REGEN' objective which seeks to 'facilitate enterprise and/or residential led regeneration'. Residential uses, offices and shops are open for consideration. CS2 Objective 6 of the plan is to promote and support the regeneration of underutilised industrial areas zoned REGEN. The core strategy allocated 3,500 residential units to the centre of Tallaght over the plan period. Section 11.2.4 of the

plan states that development proposals in REGEN zones should demonstrate a clear transition towards a more urban form of development and a traditional street network and addressed connectivity and linkages to avoid isolated piecemeal pockets of residential development. UC6 Objective 3 is to direct tall buildings over 5 storeys to strategic and landmark locations in Town Centre, Regeneration and Strategic Development Zones subject to an approved Local Area Plan or Planning Scheme.

- 5.2.2. The Tallaght Town Centre Local Area Plan 2006-2016 has expired. A draft LAP for the period 2020-26 was published on 12th September 2019. The council made material alterations to the draft plan on 7th January 2020 upon which submissions have been sought. Between 9,716 and 12,716 homes could be provided in the plan area but their delivery would extend beyond the period of the LAP. The plan indicates that the area around the Luas stop at Belgard would have a mix of uses with a grid layout of streets and buildings 3 to 7 storeys high. Plot ratios on the block including the current site would be between 1.5 and 2.0. A square would be laid out to the south of the site. A new street with frontage would be laid out to face the Luas line. At least 30% of apartments in any scheme in the plan area will have three or more bedrooms.

6.0 Forming of the Opinion

6.1. Documentation Submitted

The prospective applicant submitted extensive documentation including drawings of the proposed development and –

- A Planning Report and Statement of Consistency
- A Design Statement
- An Engineering Submission referring to drainage and water supply
- A Sunlight and Daylight Analysis Report
- A Schedule of Accommodation
- A Landscape Design Rationale
- A Site Specific Flood Risk Assessment
- An Appropriate Assessment Screening Report

- An Aeronautical Assessment Report
- A Transportation Assessment Report

6.2. Statement of consistency

- 6.2.1. The proposed development would be consistent with objectives 3a, 3b 13 and 35 of the national planning framework. It would also be consistent with SPPR1 of the 2018 guidelines on building height. It would be also be consistent with the policy to provide more housing including build-to-rent units set out by the government in Rebuilding Ireland. The proposed development of a brownfield site near a hospital and college at a suitably high density would be in keeping with the 2009 guidelines on sustainable urban residential density. It would establish proper streets and links in line with the advice in the design manual issued with those guidelines. The apartments would comply with the design standards set out in the 2018 guidelines on that topic. 33% of the apartments would have dual aspect. A childcare facility of 332m² would be provided in line with the 2001 guidelines on that topic. The proposed development would be supported by RPO4.3 of the RSES which seeks the regeneration of brownfield sites on public transport corridors.
- 6.2.2. The proposed residential and other uses would be in keeping with the REGEN zoning of the site under the development plan. It would be in keeping with policy CS2 of the plan which supports development in the metropolitan consolidation towns of the county. It would regenerate underutilised land of poor environmental quality and so would be in keeping with section 4.3.2 and policy ET2 of the plan. It would also be in keeping with the various provisions of the plan in favour of good housing. The proposed landmark heights are appropriate for this regeneration site following policy UC6 even though they would materially contravene the specific height restrictions in the plan. 10,481m² or 26% of the site area would be provided as open space which is well in excess of the requirements of the development plan. The provision of 385 car parking spaces would be well below the standards of the development plan. However this is justified by the advice in the 2018 apartment design guidelines regarding the reduction or elimination of parking for build-to-rent schemes.
- 6.2.3. The proposed uses would be consistent with the provisions of the draft Local Area Plan for Tallaght Town Centre, as would the layout of the scheme. The proposed

plot ratio of 2.77 would be higher than the recommended range of 1.5-2.0 but would nevertheless be appropriate following national planning policy, as would the proposed exceedance of the heights recommended in the LAP. The proposed blocks meet the dimensions set out in the LAP. The divergence from the mix of tenure and apartment sizes recommended in the LAP is also justified by national planning policy.

6.3. Planning Authority Submission

- 6.3.1. The proposed development would occupy a brownfield regeneration site on a strategic development corridor. The council supports the mixed-use redevelopment of the site but does not support the current proposals. There has been a series of proposals for residential development in the central Tallaght. The density of these schemes and the proportion of studio and one-bedroom units would exceed the capacity of the area under the core settlement strategy of the county development plan and would prejudice the creation of a sustainable community. It would exceed the height limits in the draft LAP. The variation in the proposed heights is haphazard and would lead to a confused urban form. The open spaces would be overshadowed. The proposed tower would be on a secondary route. The elevations are complicated and of poor quality. The share of units that would be suitable for families is not adequate. The provision of 3-person 2-bedroom apartments is not justified. The proposed development does not improve the junction types and road specifications in the industrial estate which are not suitable for a residential area, including the roundabout on the western edge of the site. It does not include proposals to deal with the 110kV line that crosses the northern part of the site. More and better public open space is required. More information is needed on the standard of amenity that would be provided in the apartments.

6.4. Other submissions

- 6.4.1. **Irish Water** has reported that it has issued a confirmation of feasibility for 1,389 homes on the site. A connection agreement would be subject to a detailed scoping exercise to determine the extent of the investigations required to inform the extent of upgrades required to the water supply to the area. There are issues with the capacity of the foul sewers near the site so the proposed development should

connect with the sewer in the Airton Road which would have to be extended by 800m at the developer's expense.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1130 on Thursday, 20th February 2020 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were –

- i. Integration with regeneration of the surrounding area, compliance with local policy
- ii. Design strategy, height, layout, housing mix, residential amenity, compliance with standards etc.
- iii. Streets and access
- iv. Drainage and water supply
- v. Any other issues

6.5.1. In relation to item i) the board's representatives referred to the recent planning history in the Cookstown Industrial Estate which includes a grant and two refusals of permission under the SHD procedure, as well as several grants of permission for SHD schemes on other sites that adjoin or are adjacent to the estate. The situation of the current site is similar to those upon which permission was refused under 303911 and 305725 which raises the question as to whether an adequate planning framework is in place to allow significant housing development to be approved there. There is concern that the proposed buildings were designed to face a roundabout on the western side of the site whose retention would not be appropriate in a residential area. The council stated that material alterations had been made to the draft local area plan. It was expected that the final plan would be adopted in April, but the amendments had not yet been advertised. The principle of the redevelopment of the site for residential use at a suitably high density is accepted. However there are significant concerns that the current proposal would be overdevelopment and would not provide the type and mix of housing that the area needs to form a stable and successful residential community, as stated in the council's written submission. The

prospective applicant stated that the industrial estate needs regeneration. This had previously been prevented due to the absence of a local plan. This should not occur again or the area could remain underutilised for decades more. Three meetings had been held with the council and the proposals had been substantially amended to reflect the council's concerns. The current proposal would allow a new community to be established close to the Luas stop and to centres of employment and services. It could be properly integrated with the regeneration of the surrounding lands. The proposed layout would improve the permeability of the area with a new east-west route parallel to the southern edge of the site. It includes a pedestrian link to the northern edge of the site that could provide part of a route towards the Luas stop. The lane from the northern edge of the site to the Luas stop is owned by the city council. The proposed development could include improvements to public roads. Frontage development would be provided along streets and facing the northern edge of the site. The proposed square at the south-western corner of the site could operate as part of a larger space in conjunction with adjoining land outside the site. The prospective applicant stated that it would work in conjunction with landowners to the south of the site. A further planning application on lands to the south is expected to be made soon.

- 6.5.2. In relation to item ii) the council expressed concern at the density of the proposal. The prospective applicant stated that the density and height of the proposed buildings were justified in accordance with national policy by their proximity to centres of employment, services and public transport even though they were greater than those envisaged in the draft LAP. The proposed development would provide planning gain by providing new routes through the site running east-west and north-south, a new link towards the Luas stop, and open space that would link with a wider network of such spaces including the green area to the south designated in the draft LAP. The current proposal would provide a superior design and would consolidate several adjoining plots. A proposal for buildings of 2 to 4 storeys there would not be viable. The council stated that a landmark building would have to be justified by a significant contribution to the public realm. The council would not regard the provision of permeability through the site as a planning gain, just proper planning. The provision of connections through the site is essential. The provision of public open space would also be a requirement of the proper planning of the area. There is

a question as to the utility of the proposed open space given the scale of the buildings that would surround it. The board's representatives noted the divergence of the proposed development from the standards on various issues set out in the draft LAP. It was accepted that the several SHD permissions had been granted on the basis of national policy for schemes that would exceed standards set out in development and local area plans. However in previous cases those plans had been made before the relevant national guidelines. The Planning Regulator will be responsible for ensuring any local plans adopted in the future are consistent with national guidelines, so there may not be the same scope to depart from the provisions of new local plans.

- 6.5.3. In relation to item iii), the board's representatives referred to the need for residential areas to be served by suitable streets in line with the applicable guidance and specifications set out in DMURS, in contrast to the existing situation in the industrial estate where the roads and junctions facilitate movement by HGVs and inhibit pedestrians. If cycle facilities are provided they should follow the applicable guidance in the national cycle manual which advises against shared facilities with pedestrians and would require priority for cyclists travelling along streets over vehicles emerging from or turning right at junctions with minor roads. The council stated that a link to the Luas stop should be provided as part of the development and that parking should be provided at a rate of 0.5 per unit rather than the 0.31 proposed. It also suggested links between the proposed basements and the use of right turning pockets on the streets at their entrances. The prospective applicant stated that right turning pockets would not be necessary and that it would not be practical to link the basements.
- 6.5.4. In relation to item iv), the board's representatives referred to comments in Irish Water's submission. The council stated that a sewer would have to be diverted to facilitate the proposed development. More sustainable drainage features would be required. SuDS features are not shown on landscape drawings. The prospective applicant stated that it could consult further with the council on these matters.
- 6.5.5. In relation to item v), the council raised several issues in relation to landscaping and the utility of open spaces. The prospective applicant stated that the spaces were designed for an urban context. The drawings submitted with the application would be consistent and clarify who could use the various spaces.

7.0 Conclusion and Recommendation

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

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

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the elements that are set out in the Recommended Opinion below.

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

requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

8.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the

Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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

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

1. Further consideration of the documentation as it relates to the integration of the proposed development with the regeneration of adjoining sites and the rest of the industrial estate. The documentation should demonstrate whether and how the proposed development could form part of a coherent and sustainable regeneration of the area with regard to the layout, design and height of the proposed buildings; the number, size and type of the proposed residential units; open space; and the mix of uses including the provision of supporting social and commercial services including childcare. The documentation should address the provisions of the development plan including its core strategy, and any local area plan or other planning framework that had been adopted by the planning authority before the application was made.
2. Further consideration of the documentation as it relates to access to the proposed development and to the streets in and around the site. The documentation should demonstrate whether the street network would provide adequate access for pedestrians and other road uses from the proposed development to public transport facilities, places of employment and commercial and social services, having regard to the principles and detailed requirements for urban streets set out in DMURS. In particular the

documentation should clarify whether and how any new pedestrian access would be provided to the Luas stop at Belgard and whether and how the existing roads in the industrial estate would be altered to make them suitable to serve urban residential development. If separate cycle facilities are proposed the documentation should demonstrate whether they would comply with the National Cycle Manual and provide proper priority for cyclists over vehicles exiting from minor roads at junctions. The documentation should also provide a rationale for the proposed provision of parking for cars and bicycles.

3. Further consideration of the documentation as it relates to drainage and water supply having regard to the issues raised in the submissions from the county council and Irish Water.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. In particular, plans should indicate which apartments the applicant regards as having dual aspect and a justification should be provided for any 3-person 2-bedroom apartments. The submitted documentation should clarify which apartments are proposed to be built-to-rent and the information required under SPPR 7 of the guidelines should be submitted in respect of them. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
2. A report demonstrating compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018 in accordance with SPPR3 of those guidelines

3. A report addressing the potential for the proposed development to affect the use of Baldonnell Aerodrome and the helipad at Tallaght Hospital.
4. An analysis of the daylight and sunlight that would be available to the proposed dwellings and open spaces with reference to the BRE guidance on the subject, as well as of the impact of the proposed development on adjoining sites and their development potential in this regard.
5. A phasing scheme for the development which would indicate how open space and access for the proposed housing would be provided in a timely and orderly manner.
6. A landscaping and open space strategy that shall include details of proposed boundary and surface treatments throughout the development, and of landscaping and planting. The details shall indicate the size of each open space and what persons would have access to them. They shall demonstrate how the provision and treatment of open space complies with the provisions of the development plan and the 2018 apartment design guidelines regarding amenity space.
7. Proposals in respect of the 110kV line at the north of the site.
8. A draft construction management plan
9. A draft waste management plan.

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

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Irish Water
5. Irish Aviation Authority
6. Department of Defence

7. South Dublin County Childcare Committee

PLEASE NOTE:

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



Stephen J. O'Sullivan

Planning Inspector,

15th April 2020

