



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-306830-20

Strategic Housing Development	205 apartment built to rent and a creche
Location	Unit 1, Cookstown Industrial Estate, Dublin 27
Planning Authority	South Dublin County Council
Prospective Applicant	Boherkill Property Developments Ltd.
Date of Consultation Meeting	20 th May 2020
Date of Site Inspection	19 th May 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 and Irish Water, 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 Tallaght c1.5km north of the town centre and c10km south west of Dublin city centre. It lies in the north west corner of the Cookstown Industrial Estate at the junction of Cookstown Way and Tynan Road. It has a stated area of 0.62ha. It is occupied by the vacant industrial unit. Another such unit occupied by a bakery stands immediately beside the south-eastern boundary of the site. Both plots share an access from Cookstown Way. The Tallaght branch of the Red Luas line runs between them and the rest of the industrial estate. The Cookstown Luas stop is c300m south of the site. The Saggart branch of the line and a 220kV line run between the north of the site and Tynan Road.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 205 apartments for rent. The housing mix would be as follows–

	Studio	1 bed	2 bed		Total
Apartments	52	55	98		205

3.2. The apartments would be provided in a C shaped block that would be 9 storeys at its central point and 7 storeys otherwise. There would be a creche of 96m² on the ground floor. There would be a shared amenity room of 9.7m² on each floor. A

basement would contain 62 car and 336 bike parking spaces. The total floor area of the proposed development is given as 14,323m². Access to the site would be from the existing entrance from Cookstown Way shared with the neighbouring bakery.

4.0 Planning History

- 4.1. ABP-303803- The board granted permission in July 2019 for strategic housing development on a site c300m to the south of the current site along Cookstown Way consisting of 196 build-to-rent apartments in block 9 storeys high.

5.0 Policy

5.1. National Policy

- 5.1.1. 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.
- 5.1.2. 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 plot including the current site could accommodate a perimeter block with residential buildings between 6 and 7 storeys high. It could also accommodate a higher landmark building subject to various criteria. Plot ratios should be between 1.5 and 2.0. It is an objective to encourage at least 30% of apartments across the plan area to have three or more bedrooms, which will be reviewed following a housing needs and demand assessment for the county..

6.0 Forming of the Opinion

6.1. Documentation Submitted

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

- A Planning Report and Statement of Consistency
- An Architectural Design Statement
- A Schedule of Accommodation
- An Landscape Design Report
- An Engineering Services Report
- An Aeronautical Assessment
- A Transportation Assessment Report

6.2. Statement of consistency

- 6.2.1. The proposed development would be similar in scale and form to other SHD schemes granted in the area, in particular the 9 storey BTR block authorised to the south under 303803. The development of urban land served by public transport would be in line with various objectives of the NPF including Nos. 3a, 3b, 13 and 35. The height of the building would be in keeping with 2018 building height guidelines. The apartments would meet the required standards of the 2018 guidelines on apartment design including those relating to floor area and ceiling height. 71 of the apartments would be dual aspect, meeting the standard of 34% that applies in such an accessible location. The provision of car parking is minimised, as recommended for BTR schemes in accessible locations by those guidelines. The proposed development would be in keeping with other national guidelines, including those issued in 2009 on sustainable residential urban density and in 2001 on childcare facilities.
- 6.2.2. The proposed development would be in keeping with the core strategy and zoning of the site under the South Dublin County Development Plan 2016-2022, as well as its various policies in favour of regeneration and the provision of good housing. It would be in keeping with its policies on building height because this is a landmark site. It would provide 38% of the site as open space in line with the requirement at section 11.3.1 of the plan. The provision of car parking would be well below the maximum of 180 under table 11.24 of the plan.
- 6.2.3. The proposed residential scheme would be in keeping with the landuse provisions of the draft LAP. The BTR model is appropriate as only one other such scheme has been permitted in the area. The mix of units is also justified by the existing and

permitted housing in the area. The proposed would create a new urban block structure in line with the plan and provide a sustainable use for underutilised land. The plot ratio of 2.3 is not much above the target range of 1.5-2.0 and is justified by the proximity of public transport. The proposed height would improve legibility at a major junction and the site is suitable for landmark building above the general guideline of 6-7 storeys.

- 6.2.4. Social and affordable housing will be provided under Part V. The proposed development is not likely to have a significant effect on the environment or any Natura 2000 site

6.3. Planning Authority Submission

- 6.3.1. The amount of housing granted under the SHD procedure in the centre of Tallaght is not consistent with the overall capacity for the area set out in the draft LAP, nor are the heights and density of individual schemes. The final LAP is expected to be adopted in June. The proposed plot ratio of 2.61 and 9 storey height is greater than that provided for on this plot in the draft LAP. However the site is suitable for a landmark building. There is concern about the proposal to develop this site while the adjoining bakery remains in operation having regard to issues of access, nuisance and the coherence of development. The BTR tenure and absence of 3 bedroom units is not consistent with the draft LAP. The 3-person 2-bedroom apartments have not been justified. There is a lack of clarity on what role the shared amenity rooms would fulfil. Better information is required in the schedule of accommodation to demonstrate compliance with standards, with particular regard to the identification of dual aspect apartments. Building heights should allow adequate light to the communal open space. Audits of educational, community and social facilities would be required. The green area between the proposed block and the street could be developed as a public open space including lands in the applicant's and council's ownership. The roads department have sought 75 car parking spaces and two accesses to the basement car park. Access for fire tenders needs to be demonstrated.

6.4. Other submissions

Irish Water reports that it can facilitate a connection to its network subject to an upgrade of 950m of water main from 4 inch to 200mm.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 0930 on Wednesday, 20th May 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

In relation to item i), the board's representatives noted that the current site was at the edge of the Cookstown Industrial Estate and that permissions for SHD schemes have been granted on similar sites, including the one immediately to the south along Cookstown Way under ABP-303803-19. It was also noted that the site did not include all of the plot lying to the north-west of the Luas line to Tallaght which might raise challenges for its development. There was also a large grassy area between the site and the roads in front of the site that does not currently serve a clear or useful purpose. The council stated that it expected that a report on the amendments to the draft local area plan would be presented to the elected members on 6th June 2020. The Planning Regulator made comments on the draft plan in January, after which specific requirements regarding the housing mix in each proposal were amended to targets to be pursued for the wider area. The prospective applicant stated that the development would have a similar scale and relationship with the streetscape and adjoining industrial plots as the scheme granted under 303803. It

was designed to provide a focal point on a major junction at the entrance to Cookstown and to be capable of implementation in conjunction with the redevelopment of the adjoining bakery site or otherwise. Any application will have an assessment of noise and odour and of any mitigation measures needed to protect residential amenity. The incorporation of the grassy areas in front of the site into useful open space would be pursued in co-operation with the council.

In relation to item ii) the council stated that this was a high profile site that needed a building of visual interest and architectural merit that might justify a greater scale. The proposed plot ratio was 40% more above that provided for in the draft local area plan. Very few 3-bedroom units suitable for families were proposed. In relation to housing mix the board's representatives referred to SPPR 8 of the 2018 guidelines on apartment design which stated that build-to-rent schemes were not subject to restrictions on unit mix, except maybe after the adoption of a housing need and demand assessment into a development plan under SPPR 1. Concern was also expressed about the long internal corridors and the extent to which the scheme would provide dual aspect apartments to comply with SPPR 4. The prospective applicant stated that this was a gateway site that needed additional height. A 7-storey base level was taken from the adjoining approved SHD. The upper height is limited by the safety requirements of Casement Aerodrome. Only 7 three-person two-bedroom units were proposed which would be in keeping with section 3.7 of the guidelines. The length of the corridors could be reconsidered. A sunlight and daylight analysis would be made for the proposed apartments and associated open space.

In relation to item iii) the council stressed the need for a safe pedestrian access to the site and from it to the Luas stop. Adequate access for fire tenders and bin trucks also needs to be demonstrated. It was suggested that a right hand turning lane be provided at Cookstown Way into the site and that a higher level of car parking be provided. The board's representatives stated that it may not be appropriate way to propose changes to major public roads on an *ad hoc* basis in response to individual housing schemes, particularly if they involve widening the carriageway, and that SPPR 8 of the 2018 apartment design guidelines required minimal car parking levels for BTR schemes close to public transport. The proposed applicant stated that it owns the access to the site and can implement changes to it,

subject to the right of access for the neighbouring plot. The proposed level of car parking will be justified. Bins can be taken out from the stores in the basement on collection day by management staff.

In relation to item iv) the council had detailed suggestions regarding surface water drainage. The prospective applicant stated that it was satisfied that it could meet these requirements. The upgrades to Irish Water's networks cited in its submission would be in the public domain.

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 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 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 wider area. 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 with particular regard to the regeneration potential of the adjoining plot to the south-east; to the number, size and type of the proposed residential units; and to open space. It should also show how the development would address or integrate the grassy areas that lie to the north and west of the proposed building. 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. It should also refer to any draft local area plan that may be adopted during the period in which the application would be considered by the board. The prospective applicant should satisfy itself that any application complies with section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, regarding the material contravention of the provisions of the development plan or any local area plan other than zoning.

2. Further consideration of the documentation as it relates to the level of amenity that would be afforded to the occupants of the proposed development. The documentation should clarify the use and demonstrate the amenity value of the shared facilities and services that are proposed within the building. It should also demonstrate the amenity value of the communal open space to the rear of the proposed buildings, and the consider whether the length of the proposed corridors is appropriate.
3. Further consideration of the documentation as it relates to access for pedestrians and cyclists. The documentation should demonstrate that safe access to the proposed development could be provided for vulnerable road users while facilitating their safe and convenient movement along Cookstown Way across the entrance to the proposed development. The documentation should also demonstrate that safe and convenient access could be provided for pedestrians from the proposed development to the adjacent Luas stops and towards the Tallaght town centre, and that adequate bicycle storage/parking would be provided in the proposed development.

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 Aviation Authority
5. Department of Defence
6. South Dublin County Childcare Committee

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. The submitted documentation should include the information required under SPPR 7 of the guidelines for built-to-rent apartments. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
2. A Residential Amenity Report which would describe and assess the potential for impacts on the occupants on the proposed development from the established use of the adjoining industrial premises to the south-east of the site in relation to noise, odours or other disturbance, and which would describe any

measures proposed to mitigate such potential impact. The report should also provide 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.

3. A report addressing the potential for the proposed development to affect the use of Casement Aerodrome and the helipad at Tallaght Hospital.
4. An engineering services report which would describe the water supply and drainage for the proposed development. The prospective applicant is advised to consult with the relevant technical section of the planning authority and with Irish Water prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to water supply or drainage.
5. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
6. A draft construction management plan
7. A draft waste management plan.

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,

8th June 2020