



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-308398-20**

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#### **Strategic Housing Development**

Demolition of existing industrial buildings and the construction of 252 no. build to rent apartments.

#### **Location**

Units 66 and 67 Fourth Avenue,  
Cookstown Industrial Estate,  
Tallaght, Dublin 24.  
([www.cookstowncrossSHD2.com](http://www.cookstowncrossSHD2.com))

#### **Planning Authority**

South Dublin County Council

#### **Applicant**

Steelworks Property Developments  
Limited

#### **Prescribed Bodies**

Irish Water  
Transport Infrastructure Ireland

Commission for Railway Regulation

**Observer(s)**

Belgard Area Residents Association  
Gerard Stockil (Tallaght Community  
Council)  
Inland Fisheries Ireland

**Date of Site Inspection**

31<sup>st</sup> December 2020

**Inspector**

Elaine Power

## 1.0 Introduction

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 site is located in the Cookstown Industrial Estate at the junction of Fourth Avenue and Cookstown Road, approx. 450m north of Tallaght Town centre and approx. 150m west of a gated entrance to Tallaght Hospital.
- 2.2. The site has a stated area of 0.71ha. It currently accommodates 2 no. light industrial warehousing units 'Units 66 and 67' and associated surface car parking. The subject site is referred to 'Site A' by the applicant. It is bound to the north by Fourth Avenue and to the west by industrial units. Immediately south of the site is vacant open space, within the ownership of South Dublin County Council further the south of the site there is a 7-storey mixed use development 'Exchange Centre' with access onto Belgard Square North. To the east of the site there are on-going construction works to extend the Cookstown Road southwards, to link with the Belgard Square North. The applicants blue line boundary extends to the east of the site and incorporates similar industrial type units. This site is known as 'Site B'. The subject site and Site B are separated by the Cookstown Road.
- 2.3. The existing site boundary includes a high wall and palisade fencing above a low wall. The existing vehicular and pedestrian access to the site is from Fourth Avenue.
- 2.4. The site includes a section of the public road and a letter of consent has been included from South Dublin County Council. Including the area outside of the applicant's ownership increases the site area to 1.1ha.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the demolition of existing 2 no. light industrial warehouse buildings 'Units 66 and 67' with a gross floor area of 2,518sqm and the construction of 252 no. Build to Rent apartments. The proposed scheme includes the provision of 687.5sqm of residential amenity area, 240sqm commercial use and a 275sqm creche. The building is designed as a perimeter block around a podium level courtyard and varies in height from 2-9 storeys.
- 3.2. The apartment mix comprises 50 no. studio's, 96 no. 1-beds, 100 no. 2-beds and 6 no. 3-beds, ranging in size from 37.8 sqm to 94.5sqm. Each unit has private open space in the form of a terrace or balcony. The residential amenity space includes a concierge and management facilities, communal gym, meeting rooms, library / co-working space, lounge, cinema / multi-media room and an external covered communal amenity space. Approx. 1,792 sqm of external communal amenity space is proposed at first and second floor levels and an additional 65sqm covered external communal amenity area at first floor level.
- 3.3. The commercial element comprises 2 no. ground floor units comprising a 95sqm café / restaurant use and a 145sqm units accommodating uses permissible under class 1, 2 and 8 of the Planning and Development Regulations, 2001 (as amended). The ground floor creche includes an associated 86sqm external play area.
- 3.4. The development includes 73 no. under-croft car parking spaces comprising 58 no. standards spaces, 10 no. go-car spaces and 5 no. mobility impaired spaces. 500 no. bicycle parking spaces are proposed at ground floor level, in this regard 372 no. resident spaces and 128 no. visitor spaces.
- 3.5. The scheme includes road, junction and streetscape upgrade works including a new public plaza at the junction of Fourth Avenue and Cookstown Road and an area of public open space along the southern site boundary. The works also incorporate all associated site and infrastructural works.
- 3.6. The application included the following:

- Statement of Consistency and Planning Report
- Statement of response to An Bord Pleanála Opinion issued in June 2019
- Architects Design Statement
- Statement of Material Contravention
- Landscape Design Rationale
- Daylight and Sunlight Assessment Report
- Transport Assessment Report
- Solar Photovoltaic Glint and Glare Study Aviation Specific
- Aeronautical Assessment Report
- Commentary on the Private Rental Market / Market Demand
- Build to Rent Market Justification Report
- Building Life Cycle Report
- Appropriate Assessment Screening Report
- Site Specific Apartment Management Strategy
- Letter of consent from South Dublin County Council
- Letter of confirmation from GoCar
- Engineering Services Report
- Draft Construction, Demolition and Operational Waste Management Plan
- Public Lighting Report
- Climate Change Adaption and Energy Efficiency Statement
- Photomontages and CGI's
- Details of Part V provision

## 4.0 Planning History

### ***Subject Site***

***Strategic Housing Development 305725-19:*** Permission was refused in 2020 for the demolition of existing industrial buildings and the construction of 245 no. Build to Rent apartments. The 3 no. reasons for refusal related to (1) in the absence of a framework

that would determine the layout of streets and spaces in the immediate vicinity of the site and address the layout, height and design of buildings and the proportion and location of various uses, the development would be premature and would unduly prejudice the regeneration of adjoining land; (2) The development would fail to provide its residents with an adequate level of residential amenity having regard to the proportion of single aspect apartments and the northern orientation of some of those single aspect units, no provision for childcare on site and a lack of information regarding proposal for the use and management of communal and recreational amenities and (3) the proximity of the development to the southern boundary would inhibit the development potential of the adjoining vacant zoned land.

**Reg. Ref. SD16A/0270:** Permission was refused in 2016 for the demolition of existing industrial units and the construction of a mixed residential and commercial development (GFA 38,207.1sq.m) providing a total of 246 no. apartments, 3 no. commercial units, 2 no. community rooms and 2 no. crèches in 2 no. separate buildings and a public park, on a larger site that incorporated the current application site. The 4 no. reasons for refusal related to (1) poor site frontage and overdevelopment of the site; (2) lack of legal interest in land for access; (3) compromising future development as planned for under the LAP; and (4) the proposed layout of some units, do not reach the minimum storage and aggregate bedroom floor areas as set out in the apartment guidelines.

### ***Surrounding Sites***

**Reg. Ref. SD178/0007:** In 2017 South Dublin County Council granted Part VIII approval for the provision of a direct road link between Belgard Square North and Cookstown Road, a new signalised junction at Belgard Square North and public realm and lighting improvements.

**Strategic Housing Development ABP 306705-20:** Permission was granted in 2020 for the construction of 502 no. apartments, a creche and 3 no. retail units in a development with a maximum height of 8-storeys at the junction of Airton Road and Greenhills Road, approx. 500m east of the subject site.

**Strategic Housing Development ABP 305763-19:** Permission was granted in 2020 for the demolition of existing buildings and the construction of 328 no. apartments and a creche in a development with a maximum height of 9-storeys, at the junction of Belgard Road and Airton Road, approx. 375m east of the subject site.

**Strategic Housing Development ABP 303306-19:** Permission was granted in 2019 for the construction of 438 no. apartments and 403 no. student bedspaces, a crèche and 6 no. retail / commercial units in 5 no. blocks with a maximum height of 10 storeys, at the junction of Belgard Road and Belgard Square located approx. 90m east of the subject site.

**Strategic Housing Development ABP 303911-19:** Permission was refused in 2019 for the construction of 150 no. build to rent units and 222 no. shared bedspaces at on a site at First Avenue located approx. 430m north of the subject site. The 2 no. reasons for refusal related to (1) in the absence of an overall strategy for the re-development of the industrial estate, it would represent an uncoordinated and haphazard form of development contrary to Sections 11.2.4 of the Development Plan and REGEN zoning objective; and (2) the shortfall in quantitative and qualitative communal facilities would fail to provide an acceptable residential amenity as set out in Sections 5.15 and 5.23 of the Apartment Design Guidelines.

**Strategic Housing Development ABP 303803-19:** Permission was granted in 2019 for the construction of 196 no. 'build to rent' apartments and a creche, in a development with a maximum height of 9-storeys, at the junction of Second Avenue and Cookstown Way, approx. 550m north west of the subject site.

### ***Lands with the Ownership of South Dublin County Council***

**Reg. Ref. SD208/0005:** A Part VIII application was approved by South Dublin County Council in October 2020 for public realm works comprising c. 1.2ha on lands to the north and south of Belgard Square North. The public realm improvements include a new public space at Innovation Square; new Belgard Square North / Airton East West

pedestrian link street; pedestrian crossings; advertising; reconfiguration of county council car parking; and all associated landscaping works.

**Reg. Ref. SD208/0007:** A Part VIII application was lodged in August 2020 for the construction of 133 no. affordable rental apartments with a community facility in 3 no. blocks ranging in height from 3-8 storeys on lands located to the south of the subject site. There is no decision on this application to date.

**Reg. Ref. SD208/0012:** A Part VIII application was lodged in January 2020 for the construction of a new 4-storey innovation centre for Tallaght. The development has a gross floor area of c. 2,980sqm and would accommodate a town hall, reception and café at street level engaging with new Public Square (which forms separate Part 8 application); 3 levels of flexible office accommodation - to support start up enterprise and a new access road to the north of the site, to include the provision of 11 no. new car parking spaces on lands to the east of the subject site, on the opposite side of the Cookstown Road (extension).

## 5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 26<sup>th</sup> June 2019 in respect of a proposed development of 336 no. apartments on a site of 1.15ha that included the current site and two other units in the industrial estate on the other side of Cookstown Road, referred to as Site B. The main topics raised for discussion at the tripartite meeting were as follows:

1. Tallaght LAP
2. Architectural Expression
3. Site Interface
4. Residential Amenity
5. Car parking
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 11<sup>th</sup> July 2019 (ABP 304419-19) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development in respect of the following 6 no. issues:

### ***1. Height, Density and Unit Mix***

Further consideration of the documents as they relate to height and residential density. In this regard a planning rationale/justification for the height and residential density proposed should be submitted which has due regard to inter alia, the local and national planning policy context. Specifically, the prospective applicant must be absolutely satisfied that the development would not conflict with emerging local policy guidance in terms of any proposed Local Area Plan. The prospective applicant should also provide a reasoned rationale for the proposed building height, taking into account the pattern of existing and permitted residential developments in the area and the zoning objective and permitted densities pertaining to such lands and how the proposed development of the scale proposed would be successfully assimilated into the area, now and in the future.

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

### ***2. Roads***

Further consideration of the documents as they relate to planned road improvements in the area. Specifically, the prospective applicant is advised to illustrate all new and planned road infrastructure as it relates to both subject sites (A and B) and how the proposed development will integrate and/or facilitate these proposals. The prospective

applicant should be satisfied that the proposed development is not premature pending the delivery of such road infrastructure. The prospective applicant should demonstrate that the proposed development would not prejudice any stated objectives of the planning authority to deliver new roads and increase the prospect of vehicular connections to and from Cookstown, Airtown Road and Belgard Square North or limit the possibility of land acquisition for proposals led by the Local Authority. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

### ***3. Site Integration***

The pre-application consultation documentation has failed to provide an adequate amount of material to allow any meaningful assessment of site integration if submitted as a full planning application. No documentation has demonstrated how the development will successfully integrate with the character and amenities of the area, such as they are, or recently permitted development to the east. Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the integration of the proposed development with adjacent permitted and emerging development. Layout drawings should show recently permitted development to the east in the context ABP-303306-18 regarding the provision of a future vehicular and/or pedestrian route, position of apartment buildings and open space. In addition, contiguous elevations, levels and cross sections should show permitted development on those lands to the east. There should be a logical physical connectivity between this site and the site to the east, as a means of providing a usable pedestrian/cyclist access route. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

### ***4. Residential Amenity***

Further consideration and/or justification of the documents as they relate to the internal layout of the proposed development, having particular regard to the provision of resident support facilities and amenities and their location within the overall development, having regard to the provisions of the Sustainable Urban Housing:

Design Standards for New Apartments, 2018 including the specific planning policy requirements in respect of Build to Rent and Shared Accommodation developments. The provision of a variety of facilities should contribute to the creation of a shared environment where individual renters become more integrated and develop a sense of belonging with their neighbours in the scheme. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

### ***5. Finishes and Materials***

Further consideration of the documents as they relate to the detailed design of the proposed development. The documentation submitted at application stage should demonstrate that the external finishes, materials and detailing of the proposed buildings, together with the landscaping and surface/boundary treatments of the outdoor spaces would be of a sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

### ***6. Public and Communal Open Space***

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

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

5.3. The opinion also stated that the following specific information should be submitted with any application for permission.

1. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with existing streets and contiguous lands. In this regard, due consideration should also be given to recently permitted residential and road development not yet constructed.
2. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development.
3. A revised Traffic Impact Assessment report which addresses concerns raised by the planning authority regarding inter alia, access to car parks, roads layout, public transport capacity, car parking rationale and planned roads. A rationale justifying any reduction in car parking spaces should also be submitted in the context of the Sustainable Urban Housing guidelines and advice on Build to Rent schemes.
4. Additional water and wastewater details to address matters raised in the planning authority's opinion dated 6 June 2019 in particular the Water Services Department's comments and consideration of the provisions of appropriate SuDS measures and attenuation calculations.
5. Construction and Demolition Waste Management Plan.
6. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build to Rent accommodation. There shall be a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residents units are sold or rented separately for that period (Your attention is drawn to the

provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018).

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- The Irish Aviation Authority
- Department of Defence
- Commission for Railway Regulation
- South Dublin Childcare Committee

5.5. Following this pre-planning consultation an application was lodged and subsequently refused permission (ABP-305725-19), for reasons outlined above.

5.6. ***Applicant's Statement***

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The report addresses the 6 no. issues raised to ensure the application constitutes a reasonable basis for an application and the 6 no. items of specific information to be submitted with the application.

The Items that required further consideration are summarised below: -

***1. Height, Density and Unit Mix***

The applicant references the Statement of Consistency and Planning Report submitted with the application which provides a rational / justification for the unit type / mix, height and residential density proposed and the Material Contravention Statement submitted with the application which justifies aspects of the development

(plot ratio, unit mix and tenancy mix) which contravene the Tallaght Town Centre LAP 2020-2026.

## **2. Roads**

Following from the pre-application consultation it was decided that development Site B would be premature at this time given the uncertainty surrounding the delivery / layout of the proposed Airton Link Road. Therefore, Site B has been omitted from this application. After a strategy for the delivery of the proposed Airton Link Road has been established a separate application will be made for Site B.

This application relates to Site A (Units 66 and 67) and also includes 0.39ha of land, within the ownership of South Dublin County Council, comprising part of the Cookstown Road and part of Fourth Avenue. The works to this parcel of land includes road, junction and streetscape upgrades including the provision of a signalised junction. These works have been designed in conjunction with South Dublin County Council.

## **3. Site Integration**

The design team have re-examined the subject site and how its design and layout integrate with the surrounding area and made the following amendments: -

- The application boundary was extended to include 0.39ha of land within the ownership of South Dublin County Council to facilitate road, junction and streetscape upgrades;
- The scheme has been designed to link with the Cookstown Road Extension
- The set back from the southern boundary was increased to provide an appropriate interface with the strategic amenity route and South Dublin County Council Housing Scheme.

Photomontages, contextual elevations and masterplan drawings illustrate how the development would integrate into its surrounding environment.

#### **4. Residential Amenity**

The design team have re-examined the design and layout to ensure compliance with Sustainable Urban Housing: Design Standards for New Apartments, 2018, specifically having regard to Build to Rent Accommodation. The proposed development includes 613sqm of internal communal amenity space and access to an external landscaped courtyard at first and second floor levels.

#### **5. Finishes and Materials**

Details of the external finishes, materials and detailing of the proposed buildings are provided on the elevations and within the Design Statement. The scheme is of a high quality and would make a positive contribution to the character of the area.

#### **6. Public and Communal Open Space**

The proposed development provides public and communal open space in excess of the applicable standards. Details of the specifications of open spaces are provided within the Landscape Plan and Landscape Design Rationale submitted with the application.

The items of specific information to be submitted with the application are summarised below: -

**Item 1:** Photomontages and site sections have been submitted with the application.

**Item 2:** A Daylight and Sunlight Analysis have been submitted with the application.

**Item 3:** A revised Traffic and Transport Assessment have been submitted with the application. A justification for a reduction in car parking standards is also provided.

**Item 4:** Details regarding water and wastewater have been submitted with the application.

**Item 5:** A Construction and Demolition Waste Management Plan have been submitted with the application

**Item 6:** A draft legal agreement has been prepared and is submitted with the application.

## 6.0 Relevant Planning Policy

### 6.1. *Tallaght Town Centre Local Area Plan 2020*

The site is located within the boundary for the Tallaght Town Centre LAP. This plan seeks to strengthen Tallaght's position as a highly liveable, well designed, quality urban environment that is home to diverse and integrated communities, where people feel connected and there is a distinctive sense of place. The full development of the LAP area is expected to accommodate between 8,410 no. - 11,090 no. new residential units, 7,800 to 15,300 additional jobs; and a population of up to 34,000 people, over the plan period.

The site is zoned 'REGEN' with the associated land use objective '*To facilitate enterprise and/or residential-led regeneration*'. The LAP provides for a number of neighbourhoods. The subject site is located within 'The Centre'. The aim for this neighbourhood is for the '*continued transformation towards a high quality mixed use urban centre of city scale and character, promotion of new and enhanced retail, civic and town centre uses, new employment space and a vibrant mix of residential, that will support the whole of the County all set within an attractive network of streets, spaces and buildings*'.

Section 3.2 and Figures 2.1, 2.4 and 2.5 set out the development parameters for 'The Centre'. With regard to the subject site the plan recommends a height of 6-7 storeys (+1 recessed) for a residential development fronting onto Fourth Avenue and 4-6 storeys for the remainder of the site. The plan notes that the height standards may be exceeded in 'The Centre', where they reflect the height of existing buildings, particularly in the core of the town centre proximate to the Luas Terminus and The Square Shopping Centre, subject to criteria set out in Section 2.6.



A plot ratio of 1.5-2.0 applies in 'The Centre'. Flexibility in relation to the gross floor area of up to 20% of the plot ratio ranges may generally be applicable where there is a strong design rationale for an increase in density / height and the development will result in a significant public gain.

Development should include mixed use frontage onto Fourth Avenue. The Plan also indicates a new local route / homezone along the eastern site boundary, linking the Cookstown Road with Belgard Square North.

Key Objectives for 'The Centre' are outlined in Section 3.2 of the Plan. The following are considered relevant.

**TC1:** *Continue the transformation of the centre with an increase in existing residential, commercial, retail, civic, services and cultural uses and functions.*

**TC3:** *Improve urban legibility throughout the area by providing new local streets including an extension to Airton Road to Cookstown Road; and Cookstown Road to Belgard North; and a new connection from Belgard North to Tallaght Square*

**TC4:** *Improve the condition of existing streets to encourage walking and cycling*

**TC7:** *Improve interface with all existing and proposed routes and open spaces.*

**TC9:** *Provide new primary and secondary open spaces. Including provision of a new urban square or plaza to the north of Belgard Square North.*

**TC10:** *Improve and enhance the public realm.*

**TC11:** *Improve connectivity to all surrounding areas.*

The following policies and objectives of the plan are also considered relevant: -

- **Residential Development:** *It an objective of the Council to ensure that all new residential development in Tallaght enables the delivery of a mixed and balanced community that is of a high quality design and complies with Government guidance on the design of sustainable residential development*

and residential streets including those prepared by the Minister under Section 28 of the Planning & Development Act 2000 (**Objective RE 1**).

- **Housing Mix:** It is policy of the Council to ensure an appropriate housing mix is provided within the LAP lands, therefore a minimum of 30% of units within any new residential development (in the form of either apartments or houses, but excluding student accommodation schemes) shall have a minimum of 3 bedrooms (**Objective RE 2**).
- **Housing Options:** It is an objective of the Council to support new and innovative ways to meet housing demands in the County while also ensuring that there is an appropriate mix of tenure and dwelling types provided to meet the needs of the current and future population of Tallaght (**Objective RE 3**).
- **Housing Options:** It is an objective of the Council to ensure that a mix of tenure is achieved in order to provide an appropriate balance which will promote social integration in Tallaght (**Objective RE 4**).
- **Build To Rent (BTR):** It is the policy of the Council to support Build to Rent developments that comply with the housing/occupancy mix requirement specified in this Section and national policy, in particular with the policies and objectives set out in 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)' (**Objective RE 5**).

## 6.2. South Dublin County Development Plan 2016-2022

Tallaght is the County Town and the administrative capital of South Dublin County and is identified as a Metropolitan Consolidation Town within the Plan. Table 1.9 allocates an additional 2,264 no. residential units for Tallaght within the plan period.

The subject site is zoned 'REGEN' with the associated lands use objective 'to facilitate enterprise and / or residential led regeneration'. Section 11.2.4 Regeneration Zone states that development in Regeneration zones will be assessed against the relevant criteria within the Urban Design Manual, the Design Manual for Urban Roads and

Streets and/or the Retail Design Manual as appropriate. A Design Statement (see Section 11.2.1 Design Statements) accompanying development proposals in Regeneration (REGEN) zones should also address the following criteria:

- Demonstrate a clear transition towards a more urban form of development and a traditional street network.
- Address connectivity and linkages in the area and demonstrate that the development of the site would not give rise to isolated piecemeal pockets of residential development that are disconnected from shops, amenities and/or other residences.
- 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).
- Given the transitional nature of Regeneration zones, precautions will be taken to ensure that the potential for noise pollution, air pollution or other nuisance from established industrial uses will not exceed acceptable environmental standards. The Planning Authority may seek a report from a suitably qualified person to identify and quantify sources of noise pollution, air pollution, or nuisance, assess the potential impacts on the proposed development and provide a series of recommendations to mitigate the impacts of any pollutants insofar as possible (e.g. orientation and layout of dwellings, positioning of openings and insulation).
- 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.

**Core Strategy Objectives CS1 Objective 1:** *‘To promote and support high quality infill development’*

**Core Strategy Objectives CS1 Objective 2:** *‘To promote and support the regeneration of underutilised industrial areas in areas designated with Zoning*

*Objective Regeneration 'REGEN' (to facilitate enterprise and/or residential led development)'.*

**Housing (H) Policy 9 Residential Building Heights:** 'It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County'.

**Community Infrastructure (C) Policy 8 – Childcare:**

*Policy C8 (a): It is the policy of the Council to support and facilitate the provision of good quality and accessible childcare facilities at suitable locations in the County.*

*Policy C8 (b): It is the policy of the Council to require the provision of new childcare facilities in tandem with the delivery of new communities.*

**Urban Centres (UC) Policy 6 Building Heights:** 'It is the policy of the Council to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County'.

Chapter 1 – Core Strategy, Chapter 2 – Housing, Chapter 3 – Community Infrastructure, Chapter 5 – Urban Centres and Retailing, Chapter 6 – Transport and Mobility, Chapter 7 – Infrastructure and Environmental Quality

6.3. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion.

Table 5.1 Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing identifies Tallaght as being on the South Western Corridor. This corridor has the potential to deliver an additional population of 66,000. The regeneration of brownfield lands in Tallaght and intensification of industrial lands and mixed use development of lands at Cookstown / Tallaght Town Centre for are identified to support this population increase.

The followings RPOs are of particular relevance:

**RPO 4.3:** Support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development is co-ordinated with the delivery of key water infrastructure and public transport.

**RPO 5.4:** Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

**RPO 5.5:** Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

#### 6.4. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 6.5. ***Section 28 Ministerial Guidelines***

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

## 6.6. **Material Contravention Statement**

The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Tallaght Town Centre Local Area Plan 2020 – 2026 as it relates to plot ratio, housing mix and housing tenure mix. The statement is summarised below: -

### **Plot Ratio**

The proposed development has a plot ratio of 2.95. The LAP sets a plot ratio of 1.5 – 2.0 for the Centre Neighbourhood. The LAP allows for 20% flexibility in plot ratio subject to a number of criteria, including the provision of dedicated public open space, creation of new streets and links, major upgrades to streets, provision of social infrastructure and other public domain works or improvements.

The proposed development includes road, junction and streetscape upgrades along Fourth Avenue and Cookstown Road, a public plaza in the north eastern corner of the site and a new route along the sites southern boundary. Therefore, it is considered that the scheme can benefit from this 20% increase, which results in an acceptable plot ratio of 1.8 – 2.4.

While the plot ratio is in excess of the LAP standards it is considered appropriate in this instance as the subject proposal complies with the height and built form requirements and would create a high-quality urban environment. The high-quality environment includes the following: -

- The proposed building is of a high-quality architectural design and uses high quality materials and finishes;
- The scheme incorporates road, junction and streetscape upgrade works, which create an urban / residential environment and improves the existing industrial street network.
- The design of the building responds to the surrounding environment, including the proposed signalised junction, the public plaza and the South Dublin County Council development to the south of the site.

It is also noted that the plot ratio has been calculated using the developable site area within the ownership of the applicant as opposed to the site boundary. If the site boundary was used in the calculation the development would have a plot ratio of 2, which is in accordance with the LAP.

### ***Housing Mix***

Section 5.2.1 of the LAP states that a minimum of 30% of units within any new residential scheme shall have a minimum of 3-bedrooms. 2% of the proposed development accommodates 3-bedrooms.

A population analysis of the area has been provided which indicates that the proposed housing mix appropriately responds to the age demographic and family size of the Electoral Division of Tallaght Springfield.

### ***Housing Tenure Mix***

Section 5.2.2 of the LAP states that it is an ambition of the LAP to encourage the provision of at least 30% owner occupied units across the LAP area. The proposed scheme comprises 10% social housing units and 90% Built to Rent units.

It is noted that this is aspirational and not mandatory. It aims to achieve 30% over the LAP area, therefore, there is flexibility regarding the tenure for each development site. The proposed type / mix can be justified having regard to the existing and recently permitted developments in the vicinity of the site and to the socio-economic and demographic context of the site. The development responds to the younger age profile and smaller family size in this Electoral Division as the Build To Rent model is most appealing to young professionals and small families due to the level of on-site amenities offered.

The application includes a Commentary on Private Rented Sector / Market Demand and a Build to Rent Market Justification Report which provide an economic and market rationale for this housing typology / mix at this location.



### **Section 37(2)(b)**

The development is justified by Section 37(2)(b)(i) as the proposed development is of strategic importance with respect to the timely delivery of urban housing and implementation of the current Governments Action Plan for Housing and Homelessness – Rebuilding Ireland.

The proposed Housing Mix is justified under Section 37(2)(b)(ii) as Section 5.2.1 of the LAP conflicts Section 5.5.2 of the LAP which supports Build to Rent developments that comply with national policy and with SPPR 8 of the Apartment Guidelines

The development is justified under Section 37(2)(b)(iii) by reference to National Policy Objective 3a, National Policy Objective 3b and National Policy Objective 35 of the National Planning Framework, the Urban development and Building Height Guidelines, SPPR1 and SPPR 8 of the Sustainable Housing: design Standards for New Apartments and to the provisions of Rebuilding Ireland – Action Plan for Housing and Homelessness.

The development is justified under Section 37(2)(b)(iv) by reference to a number of Strategic Housing Developments that have been approved in the Cookstown Industrial Estate which involve similar plot ratios at the subject site including ABP-305763-19 with a plot ratio of 2.62, ABP306705-20 with a plot ratio of 1.8 and ABP-303803-19 with a plot ratio of 3.41.

It is also noted that the proposed development to the south of the subject site, within the ownership of South Dublin County Council went on public display in August 2020 and will be delivered through Part 8. The development comprises 133 no affordable rental apartments and a community facility and has a plot ratio of 2.24.

## **7.0 Third Party Submissions**

3 no. third party submissions were received from Belgard Area Residents Association, Gerard Stockil (Tallaght Community Council) and Inland Fisheries Ireland.

### ***Belgard Area Residents Association***

The submission by Belgard Area Residents Association is generally support the regeneration of the Cookstown Industrial Estate. The concerns raised are summarised below: -

- The proposed development does not comply with the Tallaght Town Centre LAP, which is informed by national, regional and local plans.
- It is unclear why Build to Rent is the preferred option to the exclusion of other housing options. No sources or supporting data is provided for the provision of a Build to Rent development which is in contrast to the LAP which references the 2016 Census data.
- The applicants claim that the development is consistent with Sustainable Urban Housing: Design Standards for New Apartments. All the data quoted is based on a nation-wide basis and makes no provision for variations at location level. The LAP established a very different baseline for Tallaght, with 75% of families at pre-family or early family state and that 22% of families were made up of 4 or more persons and highlights the need for a variety of housing types and sizes.
- The proposed housing mix is not compliant with Section 5.2.1 of the LAP which requires a mix of houses and apartments, Objective RE1 which requires the delivery of a mixed and balanced community that is of the highest quality design and Objective RE2 to ensure a minimum 30% of units have a minimum of 3-beds.
- Section 5.2.1 of the LAP provides an analysis of the demographics of the local area and does not support a 50% allocation of studio / 1-bed apartments. The provision of 9.3% of 3-bed units falls significantly below the 30% standard set out in the LAP.
- The proposed housing mix would attract transient tenants with no interest or commitment to the local community which is detrimental to the prospects of a settled and stable community in Tallaght, where people want to live, works and socialise. High quality housing is at the heart of creating an integrated diverse

community and all residential development should be focused on that objective.

***Gerard Stockil (Tallaght Community Council)***

The submission by Gerard Stockil on behalf of Tallaght Community Council is summarised below: -

- There are a number of SHD applications granted permission in the vicinity of the site, it would appear that none have been constructed to date.
- The documentation submitted does not include the 403 no. student accommodation recently approved (ABP-303306-18) of the 2 no. planning applications with the Planning Authority for the change of use of a vacant restaurant to 2 no apartments (SD18A/0241) and for a change of use of a vacant creche to 2 no. apartments (SDA/0240).
- The cumulative impact of these developments needs to be taken into consideration when assessing this application.
- Higher densities are to be considered in some areas of the LAP, however, the subject site is not identified as a suitable location. The proposed development would contravene the plan.
- The proposed development, if permitted, would support an unsustainable population increase of 455% as outlined in the LAP. In this regard the LAP proposed to increase the population of Tallaght Town Centre from 6,126 to 34,000. This population increase would breach European Environmental Guidelines. Appendix A included with the submission indicates that the LAP area would be denser than London.
- The proposed development should include 30% 3-bed units as outlined in Objective RE2 of the LAP. The documentation submitted does not support the proposed housing mix. The majority of residents would aspire to a 3-bed unit.
- The applicant states that only 196 no. Built to Rent units have been granted permission within the LAP area. It should be noted that many of the apartments in Tallaght, constructed around 2004 - 2007 have been

purchased by Build to Rent companies. The submission includes a breakdown of these units, which indicates that there are approx. 1,150 Build to Rent Units in Tallaght. There is very little choice to buy an apartment due to the lack of supply and high demand.

- There is a disproportion amount of Build to Rent in Tallaght which warps the market and keeps rental prices high.
- The proposed development includes an excessive number of material contraventions and there are insufficient reasons to breach the standards set out.
- The plot ratio of the development exceeds the LAP standard. There is not a strong design rationale for the increased density.
- The amount of the site dedicated to open space and plaza area is very small and is not of exceptional quality. The open space is not accessible to the public.
- The site is located in an industrial estate, which already has wide roads. Nothing of significance has been added by the development. Any improvements are minor.
- There is no provision for social amenity or public art provided.
- The LAP indicates that there are a number of larger families in Tallaght. The evidence provided in the LAP regarding population and family size should be assessed when considering the suitability of the proposed development. A minimum of 30% of units should be 3-beds. This could be provided for by reconfiguring some of the smaller units.
- The proposed housing mix does not support mature families and fails to support the recent trend of working from home.
- The 20% of studio units is excessive and not required within Tallaght.
- Concerns are raised regarding the height of the development and fire safety.
- Concerns are raised regarding the SHD process and public consultation.

### ***Inland Fisheries Ireland***

The comments from Inland Fisheries Ireland are summarised below:

- Comprehensive surface water management measures must be implemented at the construction and operational stage to prevent any pollution of local surface waters. While policies and recommendations made under the Greater Dublin Strategic Drainage Study (GDSDS) have been applied in development of a drainage strategy for this site a maintenance policy to include regular inspection and maintenance of the SUDS infrastructure and the petrol/oil interceptors throughout the operational stage should be a condition of any permission.
- All construction should be in line with a detailed site specific Construction Environmental Management Plan (CEMP). The CEMP should identify potential impacts and mitigating measures, it should provide a mechanism for ensuring compliance with environmental legislation and statutory consents. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Precautions must be taken to ensure there is no entry of solids, during the connection of pipe-work, or at any stage to the existing surface water system and the River Dodder.
- It is essential that local infrastructural capacity is available to cope with increased foul and storm water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment. Wastewater from the development will discharge to Ringsend Wastewater Treatment plant. It is consistently reported that Ringsend WWTP is currently overloaded experiencing average daily loads of 1.8-1.9M PE. While additional capacity is under construction any additional loading to the current plant is premature until the upgrade is commissioned.

## 8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 8<sup>th</sup> December 2020.
- 8.2. The report includes a summary of the key issues arising, proposed development, pre-planning consultations, development site and context, third-party submissions, relevant planning history and policy context. A summary of the views of the elected members of the Tallaght Area Committee, meeting held on the 23<sup>rd</sup> November 2020. The elected members do not support the proposed development. The main concerns related to the principle of Built to Rent and its impact on the community, the height, material contraventions of the Tallaght Town Centre LAP, the concerns raised by Inland Fisheries Ireland regarding capacity issues at Ringsend wastewater treatment system are supported, housing mix, which comprises a majority of 1-bed units, negative impact on the capacity of the surrounding road network, capacity of luas to accommodate the development and concerns regarding the SHD process. Reports from the Roads Department, Environmental Health Officer, Waste Management Section and Water Services have also been provided.
- 8.3. The key planning considerations of the Chief Executive's report are summarised below.

***Principle of Development:*** The Planning Authority are committed to the regeneration of Cookstown. This site is ideally placed for residential-led development. The proposed development 'permitted in principle' under the 'REGEN' zoning objective. The efficient use of this site would contribute to the economic health of retail in the area and the site would avail of good access to local amenities.

***Planning History:*** The scheme addresses the 3 no. reason for refusal under ABP-305725. With regard to reason no. 1 the Tallaght Town Centre came into effect on the 20<sup>th</sup> July 2020. The PA are seeking full compliance with the policies, objectives and standards set out in the plan.

With regard to reason 2 the scheme has been revised to ensure there are no single aspect north facing units. The layout of the scheme is considered to provide good amenity spaces for residents as well as encouraging public use of the street at the junction north-east of the site. It is also proposed to provide a creche as part of this development. There are some concerns regarding access to daylight and sunlight for the lower level play area.

With regard to reason no. 3 the proposal now includes a set back along the southern boundary and the provision of a partially pedestrianised and landscaped street. This is considered acceptable.

The proposed development has a lower height and plot ratio than the previous scheme, however, it contravenes the LAP with regard to plot ratio which is a key indicator of development intensity.

The mix of uses in the scheme is considered acceptable, however, the arrangement of these uses needs to be re-considered.

***Density, Height, Plot Ratio:*** It is not appropriate to include major streets external to the development when calculating plot ratio. This is particularly important on a relatively small site, as plot ratio is an indicator of the intensity of development.

The LAP sets a maximum plot ratio of 1.5 – 2.0 and a height of 6-7 storeys with a further storey set back for perimeter blocks in this location, stepping down from 4-6 storeys plus 1 set back.

The development has a plot ratio of 2.95. This is a 48% increase on the stated maximum. The LAP allows for an increased 20% subject to certain criteria. Notwithstanding flexibility the plot ratio would exceed the standard by 23%.

In terms of height the proposal provides 9 storeys where 7 is permissible, and does not provide any set backs. The applicant has not specifically argued for the additional height. However, the LAP provides for some flexibility with regard to height with the provision of 2-4 no. additional storeys at certain locations to be key or landmark sites

that reach a number of criteria set out in the LAP. It is considered that the form of proposed development does not fulfil this criteria as the element which is above 8-storeys is not provided as a corner feature with a slender profile, and does not therefore contribute to the emerging skyline in Tallaght. Rather this development sits above and continues the bulky form of the overall development. This would contribute to an overbearing visual impact, and is not of design or visual interest addressing or signposting a major public amenity. The proposed height, in terms of its design and form, is contrary to the LAP and should not be permitted in its current form.

Having regard to the above the proposed development represents overdevelopment of the site and this should be remedied by changes to the design of the development which is considered outside of the scope of conditions. It is therefore recommended that permission be refused on the basis of a material contravention of the LAP.

To provide for a transition from traditional urban development the LAP sets frontages of 3-4 storeys. The western block features a 2-storey element. This falls below the minimum standards. There are concerns regarding the urban form, sense of enclosure and overall aesthetic treatment, however, this is not a material contravention.

**Mix of Units:** The development includes 6 no. 3-bed units (2% of the housing mix). This is a low provision of 3-bed units and is a material contravention of Objective RE2 of the Plan to provide a minimum of 30% 3-bed units within any new residential development. the development should be refused on this basis.

**Mix of Tenure:** Concerns regarding the proposal to provide 100% Build to Rent. Objectives RE3, RE4 and RE5 of the LAP provide for a mix of tenure across the Plan to meet the needs of the current and future population. Build to Rent is supported in developments which provide an appropriate mix of tenure. The applicant should provide further justification as to why the scheme is 100% BRT considering other BTR schemes permitted in the LAP area.

**Part V:** It is noted that the applicant has engaged with the Housing Department.



**Mixed Use Frontage:** There is a preference for more facilities to be directly accessed from Cookstown Road and not Fourth Avenue. This may involve altering the location of creche and commercial unit on Fourth Avenue and the communal facilities on Cookstown Road. Notwithstanding this, the proposed layout is considered an improvement on the previously layout.

**Design, Character and Layout:** The layout comprises a perimeter blocks around communal open spaces and is the preferred for of development in the LAP. The provision of a street along the western elevation is welcomed. The layout is generally acceptable. The location of under-croft car parking accessed from the western elevation is acceptable and allows for an improved elevational treatment on Cookstown Road. The proposed elevational treatments are considered acceptable and an improvement on the previous proposal on the site.

There is a preference for a building edge at the junction of Fourth Avenue and Cookstown Road, due to the potential for poor sunlight penetration would hinder the use of the space. It is acknowledged that the provision of a restaurant / café unit with outdoor seating and a public plaza at the corner of Cookstown Road and Fourth Avenue would improve the use of this space, however, is noted that the outdoor seating area associated with the restaurant / café unit has not been assessment for access to daylight and sunlight.

There are some concerns regarding the lack of access to the internal communal open space area and that future residents would have to take a circuitous route to access and egress the space.

In general the PA supports the development no the basis of the layout of open spaces provided, with the exception of the creche playground area.

**Creche:** The provision of a creche is generally welcomed. However, there are concerns regarding the ground floor level external play area, which is bound by high walls, associated with the under-croft car park. The Sunlight and Daylight Analysis indicates that the play area would receive little sunlight. This could be improved by

providing the creche over 2 no. levels and providing the play area at podium level. The applicant should also demonstrate that the creche is of a sufficient size to attract an operator.

**Residential Amenity and Facilities:** It is noted that a number of bedrooms do not reach the minimum sizes set out in the Apartment guidelines but are within the 5% variation generally allowed for where overall standards are being met.

**Sunlight and Daylight:** It is noted that the development is generally achieving good levels of sunlight for communal open spaces and good levels of average daylight for residential units. It is noted that some units located at or near the corner joins of the blocks do not achieve good levels of sunlight, which reflects the orientation of the site.

The analysis assumes that the site to the south is to remain as open space, however this site is currently subject to a Part 8 planning application. It is considered reasonable to assume that the set-back provided would ensure adequate daylight in south facing units, however, this has not been indicated on the documents submitted.

**Aspect:** The scheme provides almost 50% dual aspect units and no north facing single aspect units and therefore exceeds the requirements set out in the Apartment guidelines.

**Waste:** Waste storage arrangements are considered acceptable.

**Open Spaces:** the quantum of public and communal open space is generally acceptable. There are concerns that the minimum quantum of communal open space is being achieved by the provision of a roof space at 9<sup>th</sup> floor level. No details have been provided with the application. Landscaping and layout details should be agreed prior to commencement of development.

**Streetscapes:** The PA is supportive of the proposals to reconfigure and reprofile the streets surrounding the development and are satisfied in principle with the approach taken.

**River Poddle:** It is recommended that a condition be attached that a survey be undertaken to establish the proximity of the development to the River Poddle, having regard to objectives in the LAP to investigate the possibility of uplifting the river and opening it as part of the public realm.

**Access, Transport, Car Parking:** The proposed works to the surrounding road network are noted. The quantum of car parking is considered acceptable having regard to the BTR nature of the development, improved cycle and pedestrian access, the proximity to Tallaght Town Centre and the provision of 10 no. GoCars. It is considered that adequate mobility impaired spaces have been provided.

**Bicycle Parking:** All surface level visitor spaces should be covered.

**Permeability:** The proposed layout provides possibility of future permeability to lands to the west. It also provides a choice of routes through and around the development. The development fulfils the requirement of the LAP with regard to improving the configuration of the street layout of Cookstown.

**Water:** The report of the Environmental Services Department is noted which recommends a number of conditions, in particular the need for additional details of the attenuation systems of site.

**Taking in Charge:** The areas to be taken in charge are considered acceptable.

**Aviation:** The information submitted in the Aviation Report states that the development would not adversely impact on safety or regularity of operations at Casement Aerodrome or Tallaght Hospital. No correspondence has been provided from the Irish Aviation Authority.

**Solar Glare / Glint:** The information submitted in the Solar Glint and Glare Study states that any potential glare from the solar panels would fall into the 'green' category of glare hazard. Therefore, the proposed development is acceptable and would not appear to be a risk to pilots.

**Noise:** Having regard to the provision of a creche and gym within the development noise mitigation conditions should be attached to any grant of permission.

**Construction and Demolition Waste:** No objection to the information contained in the Draft Construction, Demolition and Operational Waste Management Plan submitted.

**Appropriate Assessment and Environmental Impact Assessment:** ABP is the competent authority for carrying out screening.

**Conclusion:** The proposed development represents a far superior scheme to that previously refused on the site. The residential / commercial development is welcomed at this site, having regard to the location of the site in the context of the regeneration of Cookstown, which can proceed in sequential order from this site.

Notwithstanding this, the proposed development is too intense, and the bulk and footprint of the residential blocks need to be reduced. The development is a material contravention of the LAP in relation to height, plot ratio and unit mix.

As noted above there are also a number of other improvements that are recommended including: -

- Relocation of the commercial unit and creche to front onto Cookstown Road.
- Provision of a creche playground above the undercroft.
- Units fronting onto the western homezone may be raised to 3-4 storeys.
- Details are required for the landscape and layout of the rooftop communal space.

8.4. The planning authority consider that the development would without serious modification be a material contravention of the Tallaght Town Centre LAP 2020-2026 and therefore the South Dublin County Development Plan 2016-2022 and would not, by itself and through the precedent that it would create, support the proper planning an sustainable development of the area. It is recommended that permission be refused for the following 3 no. reasons:

1. The proposed development would be a material contravention of the Tallaght Town Centre Local Area Plan 2020-2026, as it exceeds the maximum allowable plot ratio and therefore the density of the development provided for in section 2.6 of the Plan. It does not adhere to the design standards for taller buildings contained in section 2.6 of the Plan. The development would, by itself and through the precedent it would create, undermine the proper planning and sustainable development of the area.
2. The proposed development would be a material contravention of the Tallaght Town Centre Local Area Plan 2020-2026, as it provides for an inappropriate mix of dwelling units, with just 6 no. 3-bedroom units provided, 2% of the entire development. the LAP requires a minimum provision of 30% of units as 3-beds in any development, subject to an exception for affordable housing, which this scheme does not qualify for. The development would therefore fail to cater for local need and demand as established in the drafting process of the LAP. The development would, by itself and through the precedent it would create, undermine the proper planning and sustainable development of the area.
3. The provision of a creche playground at ground floor level with very little access to direct sunlight, as illustrated in the applicant's Sunlight and Daylight Assessment, would undermine the social and community value of that amenity and set a poor precedent for the provision of community facilities in the area.

If permission is being contemplated the planning authority have provided 27 no. conditions. Conditions of note are outlined below: -

**Condition 2:** (i) Omit all development above 6<sup>th</sup> floor level, (ii) omit units 120, 216 and 218 and redesign area to include a 2-storey creche with playground and (iii) replace a number of studio units and 1-bed units in the eastern block to ensure 30% of units are 3-bed.

**Condition 3:** The development shall be revised to provide a maximum plot ratio of 2.4 or the development shall have a maximum height of 6-storeys.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- The Irish Aviation Authority
- Department of Defence
- Commission for Railway Regulation
- South Dublin Childcare Committee

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 12<sup>th</sup> October 2020. A summary of the comments received are summarised below:

***Irish Water:*** The applicant has engaged with Irish Water in respect of design proposal for which they have been issued a Statement of Design Acceptance for the development.

In respect of water a new connection to the existing network is feasible subject to network upgrade and network reconfiguration: 2 new cross-connections between existing adjacent 4"uPVC mains in Second Avenue in Cookstown Industrial Estate

In respect of wastewater a new connection to the existing network is feasible subject to network extension. The 600mm ID sewer on Airton Road will need to be extended to the intersection with Belgard Road. The 300mm ID sewer to the west of Belgard Road will need to be realigned from the 450 mm sewer on Airton Road and connected to the extended section of 600 mm ID sewer on Airton Road. It is expected that the

extension and realignment will be delivered under a major connection agreement with Irish Water.

***Commission for Railway Regulation:*** Iarnrod Eireann should be consulted to ensure risks associated with railway trespass are not increased near the project. The party undertaking the construction should ensure future works which may affect the safe operation of the railway are undertaken with the consultation of Iarnrod Eireann and in accordance with RSC Guidelines RSC-G-010-A. Care should be taken with works near the railway boundary that may increase loading on cuttings, affect stability of embankments or change water table / drainage.

If permission is granted the party undertaking the works should consult with Iarnrod Eireann regarding road – rail interfaces on access routes which may have increased flow or abnormal loads during the construction phase and upon completion of the project.

***Transport Infrastructure Ireland:*** It is requested that regard is had to the provisions of Chapter 3 of the Spatial Planning and National Roads Guidelines in the assessment and determination of the application.

No comments were received from the National Transport Authority, The Irish Aviation Authority, Department of Defence and the South Dublin Childcare Committee

## 10.0 **Assessment**

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and local plan and has full regard to the chief executives report, 3<sup>rd</sup> party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development

- Housing Tenure
- Plot Ratio
- Height
- Design and Layout
- Housing Mix
- Residential Amenity
- Open Space
- Childcare Provision / School Demand
- Transportation
- Water Services
- Impact on Aviation
- Material Contravention

#### 10.1. ***Principle of Development***

10.1.1. The proposed development comprises the demolition of 2 no. light industrial warehouse units and the construction of 252 no. Build to Rent apartments, associated residential amenity space, 2 no. commercial units and a creche in a building ranging in height from 2 - 9 storeys. It is also proposed to upgrade roads, junctions and the streetscape surrounding the site.

10.1.2. Permission was previously refused on the site (ABP-305725-19) in 2020 for the demolition of existing industrial buildings and the construction of 245 no. Build to Rent apartments. The first reason for refusal related to the absence of a framework that would determine the layout of streets and spaces in the immediate vicinity of the site and address the layout, height and design of buildings and the proportion and location of various uses, the development would be premature and would unduly prejudice the regeneration of adjoining land.

10.1.3. The Tallaght Town Centre Local Area Plan was adopted in July 2020. This plan seeks to strengthen Tallaght's position as a highly liveable, well designed, quality urban environment that is home to diverse and integrated communities, where people feel connected and there is a distinctive sense of place. The LAP sets out guidance for a



number of neighbourhoods within the LAP area. The subject site is located within 'The Centre' neighbourhood. The aim for this neighbourhood is for the '*continued transformation towards a high quality mixed use urban centre of city scale and character, promotion of new and enhanced retail, civic and town centre uses, new employment space and a vibrant mix of residential, that will support the whole of the County all set within an attractive network of streets, spaces and buildings*'. The plan also identifies development parameters and sets out an indicative urban structure for the neighbourhood.

- 10.1.4. The planning authority's report stated that they are committed to the regeneration of Cookstown and that this site is ideally placed for residential-led development. The subject site is zoned 'REGEN' with the associated land use objective '*To facilitate enterprise and/or residential-led regeneration*'. An extension to the Cookstown Road to the east of the site is currently under construction and will link Cookstown Road to Belgard Square North. The provision of this road changes the context of the site and provides improved linkages to Tallaght Town Centre, public transport and centres of employment and education. The subject site therefore represents the sequential growth of Tallaght Town Centre.
- 10.1.5. It is my view that the proposed scheme generally accords with the urban framework set out for the LAP for 'The Centre' neighbourhood. The planning authority note that the efficient use of this site would contribute to the economic health of retail in the area and the site would avail of good access to local amenities. It is also noted that the third-party submissions raised no objection in principle to the regeneration of the subject site.
- 10.1.6. In addition to the above, Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations. Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and 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. The apartments guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. Having regard to the sites location, approx. 600m from the Hospital and Tallaght Luas stop and its proximity to urban centres, employment locations and urban amenities it is my opinion that the proposed development complies with national guidance for increased scale and density.

10.1.7. In conclusion, it is my view the proposed development is in accordance with the development framework set out in the LAP, would support the regeneration zoning objective of the site and represents the sequential development of Tallaght Town Centre. It is, therefore, my opinion that the proposed development is acceptable in principle and would have a positive impact on the regeneration of the Cookstown Industrial Estate and the surrounding area.

## 10.2. ***Housing Tenure***

10.2.1. The proposed development comprises 252 no. Build to Rent apartments. The third-party submission from Gerard Stockil on behalf of Tallaght Community Council raises concerns regarding the tenure of the proposed development and argues that there is a demand for Build to Sell apartments in Tallaght. The submission states that approx. 1,150 apartments in the vicinity of the site, constructed around 2004 – 2007, have been purchased by Build to Rent companies. The prevalence of Build to Rent apartments warps the market and keeps rental prices high.

10.2.2. While noting that Objective RE5 of the LAP supports Build to Rent developments. The planning authority have also raised concerns regarding the provision of a 100% Build to Rent scheme. The concerns raised relate to the provisions of Objective RE3 and RE4, which aim to provide a mix of tenure across the plan area to meet the needs of the current and future population, concerns are raised regarding the level of Build to Rent Schemes permitted with the LAP area. The planning authority also considered that the applicant has not provided a sufficient justification for the proposed scheme.

- 10.2.3. Objective RE 3 supports new and innovative ways to meeting housing demands within the County while also ensuring an appropriate mix of tenure and dwelling types. Objective RE4 aims to ensure a mix of tenure is achieved in order to provide appropriate balance. Section 5.2.2 of the LAP states that it is an ambition of the LAP to encourage the provision of at least 30% owner occupied units across the LAP area.
- 10.2.4. The aim of both Objective RE3 and RE4 is to support an appropriate balance of tenure in the LAP area. Having regard to the recently approved 'Build to Sell' residential schemes in the vicinity of the site, as outlined above in Planning History, and the traditional housing stock within the vicinity of the site, it is my view that the proposed BTR scheme, which would provide a professionally managed scheme, is acceptable in this instance and would contribute to the mix of tenure within the LAP area. While the ambition of the LAP to increase the provision of owner-occupied units is acknowledged, this is not a policy of the plan. Therefore, it is my view that the proposed contravention of the LAP with regard housing tenure would not be a material. Notwithstanding this, the applicant has addressed the issue of housing tenure in the Material Contravention Statement and this issue is addressed further below.
- 10.2.5. Chapter 5 of the Apartments Guidelines notes that *'a key aspect of the BTR is its potential to accelerate the delivery of new housing at a significantly great scale than at present'*. Therefore, the provision of a BTR development would deliver a higher volume of units for the private rental sector over a shorter timeframe. Having regard to government policy to provide more housing as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness additional housing unit are welcomed.
- 10.2.6. In support of the BTR scheme the applicant submitted a Commentary on the Private Rented Sector / Market Demand Report and Build to Rent Justification Report with the application. The Build to Rent Justification Report states that currently approx. 19% of residential units in Tallaght are privately rented. The sites proximity to employment opportunities, public transport and the demographic composition suggest that this relatively low figure reflects the lack of suitable rental stock entering the market and that a purpose built BTR would align well with the local context. It notes that there are currently 9 no. BTR schemes at various stages of development within Tallaght, giving

a combined capacity of almost 2,800 new homes. In support of the proposal the Justification Report also notes the BTR is primarily targeted at a younger demographic, particularly mid-level and established professionals, service workers and couples and considers that the subject site is appropriate match for the demographics and local employment and educational context.

- 10.2.7. A Commentary on the Private Rented Sector / Market Demand Report also notes that due to the sites proximity to key centres of employment, in particular Tallaght Hospital, Technology University Dublin (TUD) Tallaght and Tallaght Town Centre, it is considered that there would be a consistent and probably increasing workforce in the immediate area which would generate a housing demand for a variety of tenures.
- 10.2.8. The concerns of the planning authority and the third party (Gerard Stockil on behalf of Tallaght Community Council) regarding an over provision of private rented properties in Tallaght are acknowledged. It is noted that Table 5.4 of the LAP states that 53.3% of households within the LAP area are in the private rented market while The Build to Rent Justification Report which states that approx. 19% of residential units in Tallaght are privately rented. From the information submitted, it appears that the number of private rented properties in the LAP area is significantly higher than the overall Tallaght environs. In my opinion this may be accounted for the by the changing character of the LAP area from low density traditional housing stock to higher density residential schemes which would attract a younger demographic to the areas proximity to centres of employment and education and public transport.
- 10.2.9. In conclusion, having regard to the sites location in close proximity to large employment and education centres, services and facilities within Tallaght Town Centre and to public transport, it is my view that the proposed Build to Rent scheme is appropriate in this instance as it would provide an additional housing tenure in the wider Tallaght area which is professionally managed and would support the provision of long-term residents.

### 10.3. **Plot Ratio**

- 10.3.1. The proposed development has a density of 359 units per ha and a plot ratio of 2.95. These calculations are based on the site area, c. 0.7 ha within the applicant's ownership and not the red line boundary, c. 1.1ha, which incorporates the public road within the ownership of South Dublin County Council.
- 10.3.2. The planning authority recommended that permission be refused on this basis that the proposed development would be a material contravention of the Tallaght Town Centre Local Area Plan 2020-2026, as it exceeds the maximum allowable plot ratio and, therefore, the density. A third-party submission from Gerard Stockil on behalf of Tallaght Community Council also raises concerns regarding the scale of the development and notes that this site has not been identified in the LAP as an area for additional density.
- 10.3.3. LAP does not set out recommended densities. To assess the intensity, scale and bulk of a development the plan provides standards for plot ratio, height and built form, as it considers this approach promotes high-quality urban environments. It is noted that it supports higher density developments within 'The Centre' neighbourhood due to its proximity to transport nodes and Tallaght Town Centre.
- 10.3.4. With regard to plot ratio LAP sets a range of 1.5 – 2.0 for 'The Centre' neighbourhood. The LAP allows for 20% flexibility in plot ratio subject to a number of criteria, including the provision of dedicated public open space, creation of new streets and links, major upgrades to streets, provision of social infrastructure and other public domain works or improvements. Therefore, subject to certain criteria a plot ratio of 1.8 – 2.4 is acceptable.
- 10.3.5. It is proposed to upgrade the junction of Cookstown Road and Fourth Avenue, the works include the provision of a signalised junction and the lowering of kerbs. The public realm improvements include widening footpaths and a new 540sqm plaza at the north east corner of the scheme. It is also proposed to provide 470sqm of public open space to the south of the scheme, at the boundary with South Dublin County Councils

residential scheme (Reg. Ref. SD208/0007). Therefore, it is my opinion that the scheme can benefit from this flexibility and a 20% increase is acceptable. The planning authority acknowledge that the plan allows for an additional 20% increase in plot ratio, however, as the proposed development represents a 48% increase, it is not in accordance with the LAP.

- 10.3.1. Section 2.6 Intensity of Development of the LAP acknowledges that the large scale regeneration of the Tallaght LAP lands will give rise to a new built form that will be different to the type of buildings that predominate in the area today. The proposed development would be significantly denser than the adjoining industrial units and should be viewed in the context of the surrounding area which has experienced a transition towards to a more urban / denser area, with a mix of uses, including apartment blocks of varying heights and significantly increased densities. In this regard recent grants of permission, include ABP 306705-20 granted in 2020 for the construction of 502 no. apartments, a creche and 3 no. retail units in a development with a maximum height of 8-storeys at the junction of Airton Road and Greenhills Road, approx. 500m east of the subject site; ABP 305763-19 granted in 2020 for the demolition of existing buildings and the construction of 328 no. apartments and a creche in a development with a maximum height of 9-storeys, at the junction of Belgard Road and Airton Road, approx. 375m east of the subject site; ABP 303306-19 granted in 2019 for the construction of 438 no. apartments and 403 no. student bedspaces, a crèche and 6 no. retail / commercial units in 5 no. blocks with a maximum height of 10 storeys, at the junction of Belgard Road and Belgard Square located approx. 90m east of the subject site. ABP 303803-19 granted in 2019 for the construction of 196 no. 'build to rent' apartments and a creche, in a development with a maximum height of 9-storeys, at the junction of Second Avenue and Cookstown Way, approx. 550m north west of the subject site. Having regard to these recent planning permissions in the wider area, it is my view that the surrounding area is in transition and undergoing a major change in its profile of development and that the proposed development would reinforce that changing profile.

10.3.2. As outlined above, the National Planning Framework, Building Heights Guidelines and the Regional Spatial and Economic Strategy also support higher density developments in appropriate locations. I have no objection in principle to the proposed plot ratio. It is my view that the proposed development should be assessed on its merits and its potential impact on the surrounding environment. The issue of material contravention is dealt with below.

#### 10.4. **Height**

10.4.1. The proposed development ranges in height from 2 – 9 storeys. The planning authority state that the design of the proposed development requires reconsideration, which is outside of the scope of conditions. The first recommended reason for refusal states that the proposed development, does not adhere to the design standards for taller buildings contained in section 2.6 of the LAP. The planning authority acknowledge that the LAP provides for some flexibility with regard to height. However, it is considered that the form of the proposed development does not fulfil the criteria set out in the LAP for a taller building, in this regard the element which is above 8-storeys is not provided as a corner feature with a slender profile, and does not contribute to the emerging skyline in Tallaght. Rather it is considered that this development sits above and continues the bulky form of the overall development and considers that this design contributes to an overbearing visual impact. It is not of design or visual interest addressing or signposting a major public amenity.

10.4.2. The height strategy of the LAP, generally, provides for the following:

- Building height and scale is greatest in the Centre, in close proximity to Luas stops and along arterial and primary route frontages (up to 6–7 storeys residential, +1 recessed and up to 5–6 storeys non-residential, +1 recessed).
- Building height and scale on secondary routes/frontages is lesser but still within an urban scale, (4–6 storeys residential, 3–5 storeys non-residential).
- Building Height (3-4 storeys) is lower along tertiary routes, within the network of secondary streets).

- 10.4.3. The LAP identifies locations where an additional 2 - 4 storeys may be considered, including sites directly adjacent to (within 100m) of 'The proposed 'New Urban Square' north of Belgard Square North in The Centre neighbourhood. This new Urban Square was approved under Reg. Ref. SD208/0005 in October 2020 and is located on the opposite side of the Cookstown Road extension. Therefore, in accordance with the Height Strategy an 11-storey building plus set back, would be permissible on the subject site. This height would be subject to exceptional design, which creates a feature of architectural interest or a significant contribution to the public realm and a mix of uses at ground floor level.
- 10.4.4. Notwithstanding the site's proximity to the proposed New Urban Square, there is a requirement set out in the LAP that where additional height is proposed it must be provided in a landmark building which is of exceptional design. The LAP states that where justified by a Design Statement, building elements higher than 8 storeys must be designed as corner features or similar limited elements of urban blocks to define streetscape, respond to public spaces or close urban vistas. It further states that where taller landmark buildings are proposed they should achieve the highest standards of design including high quality and robust materials, should contribute to an emerging skyline for Tallaght and should be slender buildings that successfully manage their environmental impacts on surrounding lands.
- 10.4.5. A Design Statement and a Landscape Design Rationale were both submitted with the application, however, neither document provide a rationale for the proposed height. Having regard to the above, it is my view that the proposed development does not comply with the LAP in terms of the height strategy or the design for taller buildings set out in Section 2.6, however, as the LAP allows for additional height at this location it is my view that, in this instance, the contravention of the LAP is not material.
- 10.4.6. SPPR3 of the Urban Development and Building Heights Guidelines allows for additional height at appropriate locations. Section 3.2 of the guidelines sets out criteria for assessing the scale of the development with regard to the city, street and site level including, proximity to high frequency public transport; integration / enhancement of the character and public realm of the area; response to overall natural and built



environment; architectural response; urban design; improved legibility; mix of uses and building typologies. Additional specific assessment may also be required for issues including daylight and sunlight; microclimate; communication. Having regard to the information outlined above it is my view, that the proposed development would be in compliance with SPPR3, having specific regard to the high-quality design and layout of the scheme and its contribution to the consolidation of the urban area.

10.4.7. In conclusion, I have no objection in principle to the proposed height or design of the development. While it is acknowledged that it would introduce a new feature in the skyline it in my view that it would not result in an overbearing impact, overdevelopment of the site or have a negative visual impact.

10.4.8. The planning authority further note that the 2-storey element of the development, Block D, falls below the minimum standard of 3-4 storeys at transitional locations. While this is not a material contravention there are concerns regarding the urban form, sense of enclosure and overall aesthetic treatment. I agree with the planning authority's concerns and, in my view, additional height at this location would be acceptable in principle. It is noted that the applicant has not provided a justification for the provision of 2-storey element on the western elevation.

#### 10.5. ***Design and Layout***

10.5.1. The scheme has a contemporary design. It comprises a flat roofed block designed around an internal courtyard. While the blocks are interconnected, each elevation has been treated as an individual block with differing heights and materiality. The north eastern corner of the site at the junction of Fourth Avenue and Cookstown Road extension has been designed to provide a public plaza.

10.5.2. The planning authority state that it is their preference for a building edge at the junction of Fourth Avenue and Cookstown Road, as due to the orientation of the building there is potential for poor sunlight penetration which could hinder the use of the space. Notwithstanding this, the provision of a restaurant / café unit with outdoor seating and a public plaza at the corner of Cookstown Road and Fourth Avenue is welcomed as it

would improve the use of this space. However, it is noted that the outdoor seating area associated with the restaurant / café unit has not been assessed for access to daylight and sunlight. Having regard to the northern orientation I would agree with the planning authority's concerns regarding access to daylight and sunlight for this area of public open space and consider that a building edge at this location could be considered a more appropriate design approach. It is also noted that no detailed analysis of access to daylight or sunlight has been submitted for the plaza. Figure 4.1 of the Daylight and Sunlight Assessment report submitted with the application indicates that a significant portion would not receive any sunlight on 21<sup>st</sup> March.

- 10.5.3. Notwithstanding concerns regarding access to daylight and sunlight for the public plaza it is noted that it has been designed as one quarter of a future redesign of 'Cookstown Cross' which would provide a focal point within the Cookstown Industrial Estate and support its regeneration. It is also noted that the plaza would improve the public realm within the Industrial Estate and that the applicant is proposing significant public realm works at this junction. Therefore, I have no objection in principle to the provision of a public plaza at this location.
- 10.5.4. Block A fronts onto Fourth Avenue to the north of the site. Block C fronts onto open space to the south of the site, which is subject to Part VIII approval (SD208/0007) for a 3-8 storey residential development. Blocks A and C are both 7-storeys in height. They have similar elevational treatments with a dark (brown) brickwork finish with elements of a light (grey) brickwork around windows / doors and balconies. Block B fronts onto the Cookstown Road extension and as noted above is 9-storeys in height. This block has a light (yellow) brickwork finish. Block D fronts onto a proposed new street to the west of the site and is 2-storeys in height. This block has a light (grey) brickwork finish similar to that proposed on small portions of Blocks A and C. The elevations also include small portions of glazing and render, generally where the blocks join. The balconies comprise both glazing and railings. The applicant has stated that all materials would be high quality and robust.
- 10.5.5. The siting of the scheme has also been revised to overcome the third reason for refusal under ABP-305725-19 which related to the proximity of the development to the

southern boundary. The applicant has stated that the Design Team have liaised extensively with South Dublin County Council's Architects Department regarding proposals for a residential development to the south of the site (SD208/0007). In particular, the subject site provides a generous setback from the subject site's southern boundary and ties in with a new road to provide access to the subject site in the longer term. The planning authority have raised no objection to proximity of the proposed development to the southern boundary. It is my view that revised siting, approx. 13m from the southern boundary, would not inhibit the development potential of the adjoining lands to the south.

10.5.6. The applicant has stated that the proposed development reaches and exceeds the minimum standards set out in the Apartment Guidelines. A Housing Quality Assessment was submitted within the application. It is noted all apartments reach and exceed the minimum floor area. However, a significant portion of aggregate floor areas and room widths of kitchen / living / dining rooms and bedrooms fall marginally below the minimum standards, in this regard less than 1sqm for the overall aggregate floor areas of kitchen / living / dining rooms and bedrooms and less than only 200mm in room widths. It is also noted that a number of units marginally exceed the standards. The apartment standards allow for a variation of up to 5% for room areas and widths subject to overall compliance with required minimum overall apartment floor areas. It is also noted that in accordance with SPPR8(iv) of the Apartment Guidelines there is no requirement for the majority of apartments in a BTR scheme to exceed the minimum floor area standards by a minimum of 10%.

10.5.7. A Daylight and Sunlight Assessment Report was submitted with the application. It found that the development generally achieves good access to sunlight for communal areas and good levels of average daylight for the residential units. It is noted that some spaces within units located where the blocks interconnect do not achieve the value set out in the BRE guidelines. The values for these units range from 78% - 91%. Having regard to the overall number of units provided within the scheme and the high quality of the communal residential amenities and open spaces the average levels of daylight for the scheme is considered acceptable. It is noted that the planning authority raised

concerns regarding the analysis as it does not take account of the proposed development (SD208/0007) to the south of the site. However, having regard to the separation distances and orientation of the site it is reasonable to assume that the proposed development to the south would not result in significant levels of overshadowing.

- 10.5.8. I have no objection in principle to the contemporary design approach, materiality and siting of the development. However, I have some concerns regarding the layout of the ground floor level, in particular the uses at ground floor level fronting onto Cookstown Avenue and Fourth Avenue and the location of the creche. I also have some concerns regarding the access arrangements to the site. These concerns are addressed below.
- 10.5.9. The ground floor of Blocks A and B comprises a mix of residential and commercial uses. The ground floor of Block A includes a café / restaurant unit with a gross floor area of 95sqm, at the north east corner adjacent to the proposed public plaza, an additional 145sqm commercial unit accommodating uses permissible under class 1, 2 and 8 of the Planning and Development Regulations, 2001 (as amended) and a 274.5sqm creche located along the northern elevation fronting onto Fourth Avenue. The ground floor level of Block B accommodates the communal residential amenity areas.
- 10.5.10. The planning authority raised concerns regarding the active ground floor uses fronting onto Fourth Avenue and recommended that they be relocated to Cookstown Road in accordance with the LAP. I would agree with the concerns raised by planning authority and consider that the relocation of the commercial units from the northern elevation, to the eastern elevation would be a more appropriate design approach to the sequential growth of Tallaght Town Centre. In addition, it is my view that the active frontage would provide a more appropriate relationship with the approved public square (SD208/0005) and the proposed (SD208/0012) innovation centre on the opposite side of Cookstown Road. It is also my view that the residential amenity uses would provide a sufficient passive surveillance of Fourth Avenue, which is industrial in nature. It is my opinion that this concern could be addressed by way of condition.

- 10.5.11. As noted above the scheme includes a 275sqm creche at the ground floor of Block A, fronting onto Fourth Avenue. The creche includes an associated 86sqm external play to the rear (south) at ground floor level. The play area is enclosed by the high walls of the podium level. The planning authority raised serious concerns regarding access to daylight and sunlight for the external space and recommended that the creche could be relocated or provide over 2 no. levels with the external space relocated to podium level. Figure 4.1 of the Daylight and Sunlight Assessment report submitted with the application indicates that a small portion of the external play, along the northern boundary of the play area, are would receive more than 2 hours of sunlight on 21<sup>st</sup> March, while a significant portion would not receive any sunlight. No detailed analysis of access to daylight or sunlight has been submitted for the creche and it is noted that the assessment provided does not include the Birch tree indicated in the external play area in Landscape drawings submitted with the application. Having regard to the northern orientation of Block A and the high walls of the podium level, I would also have concerns regarding access to daylight and sunlight for the internal rooms within the creche. Having regard to the nature of the use and to the concerns raised above, regarding an active frontage onto Cookstown Road, it is my view that relocating the creche to the eastern elevation, which could potentially include an external play area along the southern boundary, would be a more appropriate design solution.
- 10.5.12. As noted above, vehicular access to the car park is proposed via a new road which forms part of a separate application (SD208/0007). In the interim a temporary road is proposed along the southern boundary of Block C to provide access to the car park. The area along the southern boundary would revert to public open space once the new road is in place. The proposed layout includes a homezone / emergency access route along the eastern boundary of the site with bollards provided at the junction with Fourth Avenue. It is noted that it is intended that this road be taken in charge by South Dublin County Council. The provision of an additional access route, which would improve permeability is welcomed and it is my view that this road could be utilised for access to the site until such time as the new road to the south of the site is constructed. This would allow the area along the southern boundary to be provided as public open space, and possibly include an external play area for the creche facility.

10.5.13. In conclusion, it is my view that the proposed development is acceptable in principle and would support the regeneration of the Cookstown Industrial Estate and the sequential growth of Tallaght Town Centre. It is my opinion that the concerns raised above regarding the design and layout of the scheme could be addressed by way of condition.

## 10.6. ***Housing Mix***

10.6.1. The scheme comprises 50 no. studio's, 96 no. 1-beds, 100 no. 2-beds and 6 no. 3-beds BTR apartments. The planning authority raised concerns regarding the housing mix and recommend that permission be refused on the basis that the proposed development would be a material contravention of the Objective RE2 which requires a minimum provision of 30% of units as 3-beds in any development, subject to an exception for affordable housing, which this scheme does not qualify for as it provides for an inappropriate mix of dwelling units. As the scheme includes provision for 6 no. 3-bedroom units / 2% of the entire development it would therefore fail to cater for local need and demand as established in the drafting process of the LAP. The development would, by itself and through the precedent it would create, undermine the proper planning and sustainable development of the area.

10.6.2. Third parties have also raised concerns regarding the proposed housing mix and consider it would have a negative impact on the local community. With regard to BTR schemes, SPPR 8(i) of the Apartment Guidelines states that no restrictions on dwelling mix shall apply. The concerns of the planning authority and the third parties are noted, however, having regard to the justification provided above for the provision of BTR scheme at this location and to guidance set out in the Apartments Guidelines it is my view that the proposed housing mix is appropriate in this instance. The issue of material contravention is dealt with below.

## 10.7. ***Residential Amenity***

10.7.1. The second reason for refusal of the previous application on the site (ABP-305725-19) stated that the development failed to provide its residents with an adequate level

of residential amenity having regard to the proportion of single aspect apartments and the northern orientation of some of those single aspect units, no provision for childcare on site and a lack of information regarding proposal for the use and management of communal and recreational amenities.

- 10.7.2. The applicant has stated that the proposed scheme has been designed in response to the second reason for refusal and includes a childcare facility, 613sqm of internal communal amenity space and the number of single aspect units have been reduced.
- 10.7.3. The concerns regarding the design and layout of the creche facility are noted above, however, the provision of a childcare facility within the scheme is welcomed. The internal residential amenity areas include a concierge and management facilities, communal gym, meeting rooms, library / co-working space, lounge, cinema / multi-media room and an external covered communal amenity space at ground floor level of Block B and an additional 65sqm external communal amenity / games room is proposed at first floor level of Block B. Having regard to the nature and size of the proposed development it is my view that the variety of residential amenities are appropriate in this instance. However, as noted above there are some concerns regarding the active frontage onto Cookstown Road. Therefore, this may result in an alteration of ground floor uses and the relocation of residential amenities to Fourth Avenue.
- 10.7.4. The proposed scheme includes 127 no. (50.4%) single aspect units and, therefore, 49.6% of units are dual aspect units. It is noted that none of the single aspect units are north facing. SPPR4 of the Apartment Guidelines requires that a minimum of 33% of units are required to be dual aspect in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in. Having regard to the site's location proximity to Tallaght Town Centre this is standard is applicable.
- 10.7.5. SPPR 7(a) requires the submission of a proposed covenant or legal agreement to ensure the scheme remains as a BTR for at least 15 years, this has been prepared and an appropriate condition should be attached. SPPR 7 (b) of the Apartment

Guidelines provides that BTR developments must be accompanied by detailed proposals for (i) resident support facilities and (ii) resident services and amenities. This information has been provided in the documentation submitted and includes a Site-Specific Apartment Management Strategy.

## 10.8. ***Open Space***

- 10.8.1. Each unit has private open space in the form of a terrace or balcony which reaches or exceeds the minimum area for private open space, as set out in the Apartment Guidelines.
- 10.8.2. A total of 1,792sqm of communal open space is provided at podium level (1,219.3sqm) and second floor level / roof level (572.7 sqm) of Block D. The quantity of communal open space exceeded the standards set out in the Apartment Guidelines. The Landscape Design Report and associated drawing indicate that a number of activity areas including seating, a children's playground, table tennis tables, softball play areas, recreational paths, open grass areas and a community gardening area would be provided within the communal open space. The planning authority consider that additional details are required for the landscape and layout of the rooftop communal space. I have no objection to the quality of the communal open spaces and consider that the final details of these areas could be agreed with the planning authority by way of condition.
- 10.8.3. The planning authority also raised concerns regarding the lack of access to the internal communal open space area and that future residents would have to take a circuitous route to access and egress the space. Access to the communal open space area is provided directly from units in Block D, from a communal stairwell in both Blocks A and C and via the communal external amenity room / games room in Block B. Having regard to the layout of the scheme it is my view that an additional access could be provided from the communal stairwell in Block B which is adjacent to the communal amenity space. This would reduce the level of pedestrian movement via the amenity space. While it is noted that there is no direct access from the north east portion of the development having regard to the overall size of the scheme, it is my view that the



proposed access arrangements are acceptable. It is noted that the second floor level / roof level area of open space above Block D is accessed directly from the podium level. I have no objection to the quantity or quality of the communal open space.

10.8.4. The third-party submission by Gerard Stockil on behalf of Tallaght Community Council raised concerns regarding the quantity and quality of the public open space. The development plan requires that 10% of the total site area for residential developments in 'REGEN' zoned lands are to be allocated to public open space. The total site area, including land in the ownership of South Dublin County Council, is 1.1ha, while the lands within the ownership of the applicant have a stated area of 0.7ha. Therefore, there is a requirement for 700sqm of public open space. The subject proposal includes 1,010sqm of public open space, in this regard 540sqm is provided as a public plaza in the north-eastern corner of the site and 470sqm of public open space at the site's southern boundary and is, therefore, in compliance with development plan standards. The development also requires that developments in excess of 50 units provision should include the provision of a public children's play areas be will be required. The applicant has stated that due to the limited size of the site and the proximity to the proposed future public park it is not proposed to provide a children's play area in this instance. In my view this is acceptable in this instance.

10.8.5. While it is acknowledged carriageways within the Cookstown Industrial Estate are wide, in my view that the public realm improvements, which include 2 no. areas of public open space, widened footpaths and a signalised crossing would enhance the immediate environs of the site. It is noted that the planning authority raised no concerns regarding the quantum of public open space and are supportive of the reconfiguration and reprofiling of the streets surrounding the development.

10.8.6. The third-party submission also considered that a piece of public art should be included within the scheme. It is policy (Community Infrastructure (c) Policy 3 Arts and Cultural Facilities) *to facilitate the continued development of the arts and culture in the County* and an objective (C3 Objective 1) seeks *to facilitate the provision of arts infrastructure at suitable locations in the County*. It is recommended that a condition

be attached to any grant of permission that the applicant engage with the planning authority regarding the requirement for an art installation within the subject site.

#### 10.9. ***Childcare Provision / School Demand***

10.9.1. The Childcare Facilities Guidelines require that 1 no. childcare facility with capacity for 20 no. children be provided per 75 no. dwellings. Excluding the studio and 1-bed units there are 106 no. 2-bed and 3-bed units. The applicant has stated that, depending on the operator, it estimated that this childcare facility could have capacity for 69-92 no. children. this is in excess of the requirement of the guidelines. It is noted that the planning authority welcome the provision of a childcare facility. No comments were received from the South Dublin County Childcare Committee. It is my view having regard to the BTR nature of the proposed development the proposed creche facility is sufficient to cater of the demand generated by the proposed development.

10.9.2. As noted above I have concerns regarding the location of the creche and associated external play area and as it is an objective of the LAP to provide active frontage onto Cookstown Road extension, it is my opinion that a more appropriate location for the creche would be at the south east corner of the site, which associated external open space located to the south of the site.

10.9.3. No School Demand Assessment has been submitted with the application. However, it is noted that a site located to the south of the subject site, with frontage on to Belgard Square is a designated school site. Having regard to the BTR nature of this site and the site proximity to the future school site I am satisfied that there is likely to be sufficient capacity existing and in the future at both primary and secondary level to meet the demand generated by the proposed development.

#### 10.10. ***Transportation***

10.10.1. The subject site is highly accessible by public transport. It is located approx. 600m from both the Hospital and Tallaght Luas stops and there are 9 no. Dublin Bus routes (27, 49, 54a, 56a, 65, 75, 76/a and 77) located within 10 minute walk of the site.

- 10.10.2. The proposed development includes the provision of 73 no. car parking spaces, including 10 no. go-car spaces and 5 no. mobility impaired spaces. These spaces are provided at ground floor level beneath a podium level open space. The development includes 500 no. bicycle parking spaces, in this regard 372 no. resident spaces and 128 no. visitor spaces. Bicycle parking is provided at ground floor level in both the central car parking area and on street.
- 10.10.3. SPPR 8 (iii) of the Apartments Guidelines (2020) states that *there shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures*'. Having regard to the highly accessible location of the subject site and the provision of 10 no. car club spaces, I am satisfied that the provision of 0.3 spaces per unit is acceptable in this instance and complies with the standards set out in the Design Standards for New Apartments Guidelines. It is also noted that the planning authority raised no objection to the proposed level of car parking.
- 10.10.4. A Transportation Assessment Report assessed the impact of the proposed development on the capacity of the surrounding road network. Having regard to the information provided within the Traffic Assessment, the existing use on site, which generates vehicular movements, and the limited number of car parking provided within the scheme, it is my view that the proposed development would not have a significant impact on the capacity of the surrounding road network. It is noted that the submission from Transport Infrastructure Ireland raised no objection to the proposed development.
- 10.10.5. The red line boundary includes a section of public road and a letter of consent from South Dublin County Council has been submitted with the application. The works to the public road include the removal of the existing roundabout and high kerbs at the junction of Cookstown Avenue and Fourth Avenue and the installation of a new signalised junction. It is my view that these works would significantly improve the public realm surrounding the site. The planning authority raised no objection to the proposed works.

10.10.6. The submission from the Commission for Railway Regulation recommends that Iarnród Éireann be consulted to ensure risks associated with railway trespass are not increased near the project. While the concerns are acknowledged, it is noted that there is no rail infrastructure in the vicinity of the site.

#### 10.11. **Water Services**

10.11.1. The site is located approx. 1.1km from the nearest water course, Whitestown Stream. The OPW maps indicate that the appeal site is located outside of a flood zone and that there is no record of historic flood on the site.

10.11.2. The proposed surface water drainage system incorporates SUDS. Surface water runoff would be collected and would drain to an attenuation facility beneath the surface car parking area. Flows from the development would be at greenfield runoff rates before discharging to the public system which runs in an easterly direction under Fourth Avenue. It is noted that the existing brownfield site does not provide any attenuation measures and that the proposed system would result in a significant benefit to the downstream system capacity.

10.11.3. The development would be connected to the existing public water main which is located at the eastern boundary of the site. The submission from Irish Water notes a new connection to the existing network is feasible subject to network upgrades.

10.11.4. Foul drainage would discharge to the public sewer, which runs in a northerly direction on the Cookstown Road. The submission from Irish Water notes a new connection to the existing network is feasible subject to network extension. The submission from Inland Fisheries Ireland states that it is essential that local infrastructural capacity is available to cope with increased foul and storm water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment. Wastewater from the development will discharge to Ringsend Wastewater Treatment plant. It is consistently reported that Ringsend WWTP is currently overloaded experiencing average daily loads of 1.8-1.9M PE. While

additional capacity is under construction any additional loading to the current plant is premature until the upgrade is commissioned.

10.11.5. The site is identified for regeneration through the land use policies of the Tallaght Town Centre Local Area Plan 2020 – 2026. This statutory plan was adopted in 2020 and was 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. I note also the development is for a relatively small residential development providing for 252 no. residential units on serviced lands in an urban area, which is currently in use a light industrial warehousing. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing and associated Appropriate Assessment Screening. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

10.11.6. In conclusion, I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

10.11.7. It is noted that the planning authority recommended that a condition be attached to any grant of permission that a survey be undertaken to establish the proximity of the development to the River Poddle. Objective TC15 of the LAP seeks to explore the feasibility of uplifting the River Poddle and incorporating it into public realm, open space and green/blue infrastructure asset strategies as part of proposals for development. Having regard to this objective it is my view that it is appropriate in this instance to attach a condition to any grant of permission that a survey be undertaken to investigate the possibility of uplifting the river and opening it as part of the public realm improvement works proposed as part of the development.

## 10.12. ***Impact on Aviation***

10.12.1. The subject site is located approx. 4.75km from Casement Airport and approx. 220m from a helipad at Tallaght Hospital. An Aeronautical Assessment Report has been submitted with the application which states that the proposed development lies c. 66.7m below the approach surface and c. 54.6m below the take-off climb surface for runways at Casement Airport. With regard to the helipad at Tallaght Hospital it is considered that the proposed development would not interfere with operations to and from the hospital.

10.12.2. A Glint and Glare Study was also submitted with the application. It assessed the potential for glint and glare from the proposed rooftop solar panels and any potential harm to Casement Airport or Tallaght Hospitals helipad. The report states that the level of potential glare from solar PV panels is similar to water and much less than materials such as concrete and vegetation. The report considers that major nuisance or hazardous glare cannot be expected for aircraft landing at any runway of the Air Traffic Control Tower at Casement Airport or Tallaght Hospital. Negligible levels of glare could potentially be experienced for runway 05 at Casement Airport, however, it is considered that the level of glare would most likely be undetected by the pilot. It is also noted that direct sunlight would have to be shining on the panels to produce glare.

10.12.3. The Irish Aviation Authority and the Department of Defence were notified of the proposed development by the applicant and no comments have been received.

10.12.4. Having regard to the information provided in both the Aeronautical Assessment and the Glint and Glare Study it is my opinion that the proposed development complies with all aviation and aeronautical requirements and would not have any impact on aviation safety.

## 10.13. ***Material Contravention***

10.13.1. As outlined above the proposed development would materially contravene Table 2.0 Plot Ratio Ranges, Objective RE2: Housing Mix and Section 5.2.2 Housing Tenure of the Tallaght Town Centre Local Area Plan 2020-2026. The applicants Material

Contravention Statement addresses and provides a justification for the material contraventions to the LAP. In the interest of clarity, the material contraventions are outlined below.

**Plot Ratio:** Table 2.0 of the LAP sets out plot ratio ranges. The subject site is located within 'The Centre' neighbourhood which has a plot ratio range of 1.5 - 2.0. The LAP allows for 20% flexibility in plot ratio subject to a number of criteria, including the provision of dedicated public open space, creation of new streets and links, major upgrades to streets, provision of social infrastructure and other public domain works or improvements. It is my view that the proposed scheme is in accordance with these criteria and at an additional 20% is permissible in this instance. Therefore, a plot ratio range of 1.8 – 2.4 would apply to the development.

The proposed development has a plot ratio of 2.95 and is, therefore, above the range set out in the LAP.

**Housing Mix:** Objective RE2 of the LAP states that it is policy to ensure an appropriate housing mix is provided within the LAP lands, therefore a minimum of 30% of units within any new residential development shall have a minimum of 3 bedrooms. As only 2% of the units within the proposed scheme would have 3-bedrooms the proposed development would not be in accordance with this objective.

**Housing Tenure:** Section 5.2.2 of the LAP it is an ambition of the LAP to encourage the provision of at least 30% owner occupied units across the LAP area.

10.13.2. Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that: -

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or

- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.13.3. Having regard to the characteristics of the proposed development, Section 37 (2) (b) (i) and (iii) are considered relevant in this instance.

10.13.4. **Section 37 (2) (b)(i)**

The proposed development falls within the definition of strategic housing as set out in the Planning and Development (Housing) and Residential Tenancies Act 2016 and by the government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the proposed material contravention is justified by reference to section 37(2)(b)(i) of the act.

10.13.5. **Section 37 (2) (b)(iii)**

The proposed material contravention to the Plot Ratio is justified by reference to: -

- Objectives 35 of the National Planning Framework which supports increased residential densities through a range of measures, including area based regeneration.
- SPPR3, and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased densities.
- RPO 4.3 and RPO 5.4 of the Regional Spatial and Economic Strategy which support increased densities through the consolidation and re-intensification of infill / brownfield sites within the existing built up area of Dublin City and suburbs



The proposed material contravention to the housing mix is justified by reference to: -

- SPPR8(i) of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that no restrictions on dwelling mix and all other requirements of these Guidelines shall apply for Build to Rent developments.

The proposed material contravention to the housing tenure mix is justified by reference to: -

- Section 5.7 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that *'a key aspect of the BTR is its potential to accelerate the delivery of new housing at a significantly greater scale than at present'*
- Section 5.8 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that *'potential for accelerated housing construction through BTR can make a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning Framework'*.
- The government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016,

#### 10.13.6. **Conclusion**

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to materially contravene the Tallaght Town Centre Local Area Plan 2020-2026, would be justified in this instance under sub sections (i) and (iii) having regard to the Planning and Development (Housing) and Residential Tenancies Act 2016, by government's policy to provide more housing, as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the National Planning Framework,

2018, the Regional and Economic Strategy for the Eastern and Midland Region 2019-2031 and Sustainable Urban Housing: Design Standards for New Apartments, 2020.

## 11.0 Chief Executives Recommendation

11.1. As noted above the planning authority recommended that permission be refused for 3 no. reasons. In the interest of clarity, the reasons for refusal are addressed individually below. The issues raised by the planning authority have been addressed above and in the interest of clarity are outlined below.

### 11.2. *Plot Ratio*

11.2.1. The planning authority's first reason for refusal states that the proposed development would be a material contravention of the Tallaght Town Centre Local Area Plan 2020-2026, as it exceeds the maximum allowable plot ratio and therefore the density of the development provided for in section 2.6 of the Plan and it does not adhere to the design standards for taller buildings contained in section 2.6 of the Plan.

11.2.2. The proposed plot ratio would materially contravene Section 2.6 of the Tallaght Town Centre Local Area Plan, 2020-2026 and it is acknowledged that the proposed design does not adhere to the standards for taller buildings contained in Section 2.6 of the LAP. However, as the LAP does not set out standard densities for the LAP area it is considered that the proposed scheme does not contravene the density. It is my view that the proposed plot ratio is acceptable in this instance having regard to national policy, the recent permissions in the vicinity of the site, the area's changing context, the site's size, proximity to public transport and proximity to centres of employment and education.

11.2.3. As outlined above the proposed design of Block B does not comply with the height strategy or design standards for taller buildings, however, as the LAP allows for taller buildings at the subject site the proposed contravention would not be material.

11.2.4. In conclusion, I am satisfied that the proposed development represents a reasonable response to its context and is acceptable in this instance.

### 11.3. **Housing Mix**

- 11.3.1. The planning authority's second reason for refusal state that the proposed development would be a material contravention of the Tallaght Town Centre Local Area Plan 2020-2026, as it provides for an inappropriate mix of dwelling units, with just 6 no. 3-bedroom units provided, 2% of the entire development.
- 11.3.2. The proposed housing mix would materially contravene the LAP which requires a minimum provision of 30% of units as 3-beds in any development. It is noted that SPPR 8 (i) of the Apartment Guidelines applies no restrictions on dwelling mix apply for BTR developments. In addition, having regard to the sites location in close proximity to large employment and education centres, services and facilities within Tallaght Town Centre and to public transport, it is my view that the proposed scheme is appropriate in this instance as it would provide an additional housing tenure in the wider Tallaght area which that would support the provision of long-term residents.
- 11.3.3. In conclusion, I am satisfied that the proposed housing mix is in accordance with national policy and is appropriate in this instance.

### 11.4. **Creche Unit**

- 11.4.1. The planning authority's third reason for refusal states that the provision of a creche playground at ground floor level with very little access to direct sunlight, as illustrated in the applicant's Sunlight and Daylight Assessment, would undermine the social and community value of that amenity and set a poor precedent for the provision of community facilities in the area.
- 11.4.2. The planning authority's concerns regarding access to daylight and sunlight for the creche are noted and, as noted above, it is my view that this concern can be addressed by way of condition which would relocate the creche unit within the scheme to ensure adequate access to daylight and sunlight.

## 12.0 Environmental Impact Assessment (EIA) Screening

12.1. Class (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,
- 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.)

It is proposed to construct 252 no. residential units on a site within an overall area of approx. 1.1ha. The subject site currently accommodates 2 no. light industrial warehousing units and surface car parking. The site is located within the existing Cookstown Industrial Estate. The area is characterised and is bound by low density industrial uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed below). The development would predominately be for residential use with 2 no. commercial and a creche unit at ground floor level. It would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and South Dublin County Council, upon which its effects would be marginal.

12.2. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for regeneration uses under the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026. The

LAP was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).

- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 13.0 **Appropriate Assessment**

- 13.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.
- 13.2. The applicants AA Screening report notes that there is no direct hydrological link to any designated sites. Therefore, the only potential for an indirect pathway is via surface water run-off to the Dodder River and foul water network to Ringsend Wastewater Treatment Plant.

- 13.3. The following 11 no. European sites are located within a 15km radius of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
Glenasmole Valley SAC	001209	3.7km
Wicklow Mountains SAC	002122	6.1km
Wicklow Mountains SPA	004040	7.6km
Rye Water Valley / Carton SAC	001398	10.9km
South Dublin Bay SAC	000210	11.7km
South Dublin Bay and River Tolka Estuary SPA	004024	11.7km
Knocksink Wood SAC	000725	13.8km
Poulaphouca Reservoir SPA	004063	14.4km
Red Bog SAC	000397	14.8km
North Bull Island SPA	004006	15km
North Dublin Bay SAC	000206	15km

- 13.4. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are proximate to the outfall location of the Ringsend WWTP and River Dodder and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

- 13.5. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

- 13.6. **Screening Assessment**

The Conservation Objectives and Qualifying Interests of sites in inner Dublin Bay are as follows:

**South Dublin Bay SAC** (000210) - c.11.7km from the subject site.

**Conservation Objective** - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

**Qualifying Interests/Species of Conservation Interest:** Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

**South Dublin Bay and River Tolka Estuary SPA** (004024) - c. 11.7 km from the subject site.

**Conservation Objective** – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

**Qualifying Interests/Species of Conservation Interest:** 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*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999]

**North Dublin Bay SAC** (000206) – c. 15 km from the subject site

**Conservation Objective** - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

**Qualifying Interests/Species of Conservation Interest:** Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

**North Bull Island SPA (004006)** - c. 15 km from the subject site.

**Conservation Objective** – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

**Qualifying Interests/Species of Conservation Interest:** Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]



13.7. ***Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA***

- 13.7.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.
- 13.7.2. Surface water from the proposed development will discharge, as it already does in part to the River Dodder. Downstream of the site this watercourse flows into the River Liffey, which in turn discharges to Dublin Bay. The River Poddle is currently culverted to the south of the site and, therefore, at present does not provide a potential hydrological link to a designated site. However, as noted above in accordance with Objective TC15 of the LAP, it is my view that a condition be attached that a survey be undertaken to investigate the possibility of uplifting the river and opening it as part of the public realm improvement works proposed as part of the development. Therefore, there is a potential future hydrological link to Dublin Bay via surface water run off entering the River Poddle.
- 13.7.3. The habitats and species of Natura 2000 sites in Dublin Bay are c. 11.7 km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. The surface water pathways create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase, standard pollution control measures would be put in place. Pollution control measures during both construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

- 13.7.4. The foul discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway.
- 13.7.5. As noted above the submission from Inland Fisheries Ireland states that it is consistently reported that Ringsend WWTP is currently overloaded experiencing average daily loads of 1.8-1.9M PE. While additional capacity is under construction any additional loading to the current plant is premature until the upgrade is commissioned.
- 13.7.6. The subject site is identified for regeneration through the land use policies of the Tallaght Town Centre Local Area Plan 2020 – 2026. This statutory plan was adopted in 2020 and was 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. I also note the development is for a relatively small residential development providing for 252 no. residential units on serviced lands in an urban area, which is currently in use a light industrial warehousing. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.
- 13.7.7. The applicants AA Screening report notes that even without the upgrade of Ringsend WWTP, the peak effluent discharge calculated for the proposed development would equate to 0.026% of the licensed discharge. While the concerns of Inland Fisheries Ireland are noted it is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

13.7.8. A Draft Construction, Demolition and Operational Waste Management Plan was submitted with the application and it is noted that all waste from the construction phase would be disposed of by a registered facility.

13.7.9. It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

#### 13.8. ***AA Screening Conclusion:***

It is reasonable to conclude that on the basis of the information on 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 South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### 14.0 **Recommendation**

Having regard to the above assessment, I recommend that Section 9(4)(a) of the Act of 2016 be applied and that permission is granted for the reasons and considerations and subject to the conditions set out below.

### 15.0 **Reasons and Considerations**

Having regard to

- a. The sites planning history;
- b. The site's location on lands with a zoning objective for regeneration;
- c. The policies and objectives in the South Dublin County Development Plan 2016-2022 and the Tallaght Town Centre Local Area Plan, 2020 – 2026;

- d. Nature, scale and design of the proposed development;
- e. Pattern of existing development in the area;
- f. The recent planning history within the environs of the site;
- g. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- h. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- i. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. Chief Executive's Report; and
- n. Submissions and observations received.

It is 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, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Recommended Order

**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 12<sup>th</sup> day of October 2020 by Hughes

Planning and Development Consultants, on behalf of Steelworks Property Developments Limited.

**Proposed Development:** The demolition of existing 2 no. light industrial warehouse buildings and the construction of 252 no. Build to Rent apartments (50 no. studio's, 96 no. 1-beds, 100 no. 2-beds and 6 no. 3-beds), 613 sqm of internal residential amenity area, 65sqm external covered residential amenity space, 2 no. commercial units (240sqm) and a creche (275sqm). The building is designed as a perimeter block around a podium level courtyard and varies in height from 2-9 storeys. It includes a new public plaza at the north eastern corner of the site and public open space along the southern boundary.

The works include road, junction and streetscape upgrades along Fourth Avenue and Cookstown Road, including the installation of a signalised junction; the construction of a temporary vehicular access along the southern boundary and associated infrastructural site and drainage works, including foul and surface water drainage, attenuation tanks, lighting, landscaping, 73 no. car parking spaces, 500 no. bicycle spaces, a bin storage, 2 no. ESB substations and all other landscaping, servicing and associated works above and below ground

The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Council Development Plan 2016-2022 and the Tallaght Town Centre Local Area Plan 2020-2026.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

**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.

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

Having regard to the following:

Having regard to

- a. The sites planning history;
- b. The site's location on lands with a zoning objective for regeneration;
- c. The policies and objectives in the South Dublin County Development Plan 2016-2022 and the Tallaght Town Centre Local Area Plan, 2020 – 2026;
- d. Nature, scale and design of the proposed development;
- e. Pattern of existing development in the area;
- f. The recent planning history within the environs of the site;
- g. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- h. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- i. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- k. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- m. Chief Executive's Report;
- n. Submissions and observations received; and
- o. The Inspectors Report.

The Board, in deciding not to accept the refusal recommendations as contained in the Report of the Chief Executive of the Planning Authority, agreed with the Inspector's assessment and recommendation on those matters.

### ***Appropriate Assessment***

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 an zoned and serviced urban site, the information for the Screening Report for Appropriate Assessment 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**

The Board completed a preliminary examination of the proposed development. Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for regeneration uses under the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026. The LAP was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

***Conclusions on Proper Planning and Sustainable Development:***

The Board considered that the proposed development is, apart from the parameters of the Plot Ration, Housing Mix and Housing Tenure set out in the Tallaght Town Centre Local Area Plan 2020-2026 broadly compliant with the provisions of the Tallaght Town Centre Local Area Plan 2020-2026 and the South Dublin County



Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the provisions of the Tallaght Town Centre Local Area Plan 2020-2026 with regard to the plot ratio and the housing mix.

The Board considers that, having regard to the provisions of section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Tallaght Town Centre Local Area Plan 2020-2026 would be justified for the following reasons and considerations:

- The proposed development falls within the definition of strategic housing set out in Planning and Development (Housing) and Residential Tenancies Act 2016.
- Government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Tallaght Town Centre Local Area Plan 2020-2026 would be justified for the following reasons and considerations:

***Plot Ratio***

- Objectives 35 of the National Planning Framework which supports increased residential densities through a range of measures, including area based regeneration.
- SPPR3, and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased densities.

- RPO 4.3 and RPO 5.4 of the Regional Spatial and Economic Strategy which support increased densities through the consolidation and re-intensification of infill / brownfield sites within the existing built up area of Dublin City and suburbs

### **Housing Mix**

- SPPR8(i) of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that no restrictions on dwelling mix for Build to Rent developments.

### **Housing Tenure**

- Section 5.7 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that *'a key aspect of the BTR is its potential to accelerate the delivery of new housing at a significantly greater scale than at present'*
- Section 5.8 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that *'potential for accelerated housing construction through BTR can make a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning Framework'*.
- The government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016,

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms

of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 17.0 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The proposed development shall be amended as follows:
  - (a) The 145sqm commercial unit and the creche unit at the ground floor of Block A shall be relocated to the ground floor of Block B. Residential amenities spaces shall be relocated to the ground floor of Block A.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to

commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

4. 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.

5. Proposals for an apartment naming / 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 names 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.

6. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the proposed development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first apartments within the scheme.

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

7. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build to Rent Accommodation scheme. Any proposed amendment or deviation from the Build to Rent Accommodation model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

8. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

**Reason:** In the interest of place making and visual amenity.

9. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

10. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually

managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

12. Prior to commencement of development details of the works to the public road, including the installation of the signalised junction, shall be submitted to, and agreed in writing with the planning authority. No residential unit shall be occupied until these works have been completed.

**Reason:** In the interest of road safety and to ensure the satisfactory completion of the works.

13. Prior to commencement of development the developer shall undertake a survey to verify the precise location of the culverted River Poddle within the site boundary and submit a drawing clearly indicating the location of the culverted water body in relation to the proposed development, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of public health, safety and sustainable development

14. Prior to the occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling,

walking and carpooling by residents in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

15. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

16. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management

17. The site shall be landscaped, in accordance with the scheme of landscaping, which accompanied the application. The developer shall appoint and retain

the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity

18. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity

19. 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.



20. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

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

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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

22. 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. 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.

23. 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.

24. 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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Elaine Power  
Planning Inspector

20<sup>th</sup> January 2021