



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-311753-21**

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<b>Strategic Housing Development</b>	236 no. apartments, creche and associated site works.
<b>Location</b>	Lands at Greenhills Road, Tallaght, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Prospective Applicant</b>	Greenhills Living Limited
<b>Date of Consultation Meeting</b>	14/01/2021
<b>Date of Site Inspection</b>	06/01/2022
<b>Inspector</b>	Conor McGrath

## **Contents**

1.0	Introduction .....	3
2.0	Site Location and Description .....	3
3.0	Proposed Strategic Housing Development.....	4
4.0	Relevant Planning History .....	5
5.0	Section 247 Consultation(s) with Planning Authority .....	6
6.0	Planning Policy .....	6
7.0	Submissions Received .....	14
8.0	Forming the Opinion .....	14
9.0	Conclusion and Recommendation .....	18
10.0	Recommended Opinion.....	21

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site is located on the eastern side of the Greenhills Road, Tallaght, opposite the junction with Airton Road. The site comprises a stated area of 0.8ha and is currently vacant. The lands are subdivided internally and partly hard surfaced, with the remainder of the lands under scrub. There is a slight fall in levels to the south.
- 2.2. Lands to the south of the site comprise active recreational space / all-weather pitches, to the south of which is Bancroft Park. Lands to the east comprise light industrial / warehouse type uses. To the north is a three-storey, mixed-use commercial / car sales development, with upper floor office accommodation. To the northwest, on the opposite side of the junction is a 5-storey HSE Primary Care Centre. To the southwest is the former Gallagher cigarette factory site which has been the subject of a previous grant of permission for a strategic housing development.
- 2.3. The junction with Airton Road is signalised and includes a pedestrian crossing to the south of the junction. A footpath and off-road cyclepath run along the frontage of the site and there are bus stops immediately adjacent to the site. The site includes access along an existing road from Hibernian Industrial Estate to the north. This road includes a narrow footpath on its western side and provides access to parking for the adjoining mixed-use development.

### 3.0 Proposed Strategic Housing Development

The development is described as a mixed-use development of 4 no. blocks (A, B, C & D) ranging in height from 7 to 14-storeys around a central communal amenity courtyard which is open on its southern side. The development provides 236 no. apartments, a crèche with associated outdoor play area, and 3 no. commercial units.

Blocks A and D to the south provide 110 no. build-to-sell apartments units. Blocks B and C provide 126 no. build-to-rent residential units and the ancillary BTR residential amenity facilities (Management Offices & Amenity Space) at ground floor level.

Split level communal open space is provided at ground and over-podium levels, and at a 14<sup>th</sup> floor roof terrace. A separate play area for the proposed Creche is provided on the northern elevation. The development includes improvements to the public realm along Greenhills Road and a *plaza* at the southwestern corner of the site.

78 no. car-parking spaces are proposed at surface and undercroft level. Vehicular access is proposed via the existing Right of Way from the north, with an emergency access proposed from Greenhills Road along the southern boundary. There is pedestrian and cycle access from Greenhills Road. 288 no. bicycle parking spaces are proposed, comprising 228 secure spaces at undercroft level and 60 no. surface level visitor spaces.

Key development parameters, as described, include:

<b>Site area</b>	0.8ha
<b>No. of units</b>	236 110 no. / 47% BTS & 126 no. / 53% BTR
<b>Density</b>	295 / ha Plot ratio 2.66:1
<b>Height</b>	7 – 14-storeys
<b>Other uses</b>	Commercial units 435-sq.m. Creche 230-sq.m. BTR management office and amenity 283-m <sup>2</sup>
<b>Communal Open Space</b>	2,250-sqm outdoor (9.5-sq.m. / unit)
<b>Public open space</b>	1529-sq.m. to Greenhills Road (19%)
<b>Parking</b>	74 car parking spaces + 4 disabled 288 no. bicycle spaces
<b>Dual aspect</b>	43.6%

Unit Type	No. of Units	%
1 bed	94 no.	39.8%
2 bed	122 no.	51.7%
3 bed	20 no.	8.5%

#### 4.0 Relevant Planning History

**PA ref. S01A/0086:** Permission granted for the construction of a mixed commercial, motor retail development in 3 no. 3-storey blocks. Block C, located on the subject site, comprised a leisure Centre with swimming pool and was not constructed.

**PA ref SD04A/0186:** Permission granted for amalgamation and change of use of Block C Leisure Centre into enlarged and modified Block B comprising two additional retail warehouse units and offices. Not constructed.

**PA ref. SD05A/0963:** Permission granted for alterations to previously permission ref. SD04A/0186.

**PA ref. SD07A/0622 ABP ref. PL06S.226188:** Permission granted for an office development of 4–6-storeys, basement car parking and new entrance from the Greenhills Road on a site which included the subject site. The decision was subject to a first party appeal against conditions.

An Extension of Duration Of Permission was granted in 2013 under SD07A/0622/EP until July 2018.

**PA ref. SD08A/0851:** Permission granted in 2009 for amendments to planning permission SD07A/0622 / PL06S.226188 comprising new access off Greenhills Road with left-turn only access out and revisions to roads, footpaths and cyclepaths.

**Adjoining lands:** The prospective applicants refer to a number of previous applications in the wider Tallaght LAP area, however, I consider the following to be the most relevant to this case:

**ABP-306705-20:** Permission granted in June 2020 for a Strategic Housing Development on the Former Gallaher's cigarette factory site at the junction of Airton Road & Greenhills Road. The development comprised demolition of existing buildings and construction of 502 no. apartments (197 no. 1-bed; 257 no. 2-bed; and 48 no. 3-bed units) within 6 no. blocks ranging in height from 4 to 8 storeys, 3 no.

retail units, and creche. 202 no. car parking spaces at basement and undercroft levels) and 584 no. bicycle parking spaces were proposed, with vehicular / pedestrian / cyclist access from Greenhills Road and Airton Road. The development provides for road improvements and pedestrian crossings.

Work has not yet commenced on this development.

**ABP-305763-19:** Permission granted in February 2020 for a Strategic Housing Development on a site at the corner of Airton Road and Belgard Road, comprising demolition of existing industrial buildings and construction of 2 no. blocks providing 328 no. apartments (93 no. 1 bed, 222 no. 2 bed and 13 no. 3 bed), ancillary residential support facilities and commercial floorspace / creche. 184 no. car parking spaces at basement level were proposed and 727 no. basement and surface bicycle parking spaces.

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

Documentation submitted refers to a s.247 pre-application consultation meeting with the planning authority on 10<sup>th</sup> December 2020 at which the following items were discussed.

- Compliance with the Tallaght LAP in terms of height, density and uses.
- Access arrangements and interaction with Bus Connects.
- Residential amenity impacts from adjoining uses and floodlighting.
- Consultation with Air Corps due to height of buildings.
- Car and bicycle parking provision.
- Boundary set-backs.
- Treatment of the public realm and public space.
- Connection to Bancroft Park
- Details on the proposed tenure of the development
- Housing mix.
- Any road improvements proposed.

## 6.0 Planning Policy

### 6.1. National and Regional Planning Policy

### 6.1.1. **Project Ireland 2040 - National Planning Framework**

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. The activation of these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and / or brownfield sites.

Objective 13 states that, in urban areas, planning and related standards including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes to achieve targeted growth.

Objective 35 promotes increased densities through measures including infill development, area or site-based regeneration and increased building height.

### 6.1.2. **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

The overarching aim of the Plan is to increase the delivery of housing, from its current undersupply across all tenures, to help individuals and families meet their housing needs. The Plan identifies a target to double the number of residential dwellings delivered annually by the construction sector and to provide 47,000 social housing units in the period up to 2021. The plan identifies five pillars for action.

Pillar 3: Build More Homes, which seeks to increase private housing output to meet demand at affordable prices. The key action is to double housing output over the Plan period.

Pillar 4: Improve the Rental Sector. The key objective is addressing obstacles to greater private rented sector delivery and improving the supply of units at affordable rents. Key actions include encouraging “build to rent”.

### 6.1.3. **Housing for All - A New Housing Plan for Ireland (Sept 2021)**

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum

nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

#### 6.1.4. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)**

RPO 4.3 seeks to 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 areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

Section 5.3 identifies guiding principles for development of the metropolitan area, which include:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

#### 6.2. **S.28 Ministerial Guidelines**

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



- Urban Development and Building Heights, Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual
- Design Manual for Urban Roads and Streets (DMURS)
- National Cycle Manual
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

### 6.3. Local Planning Policy

#### 6.3.1. South Dublin Development Plan 2016-2022

Zoning Objective REGEN: to facilitate enterprise and/or residential-led regeneration.

Vision: to support and facilitate the regeneration of underutilised industrial lands that are proximate to town centres and/or public transport nodes for more intensive enterprise and residential led development.

Tallaght is identified as a Metropolitan Consolidation Town. Core Strategy (CS) Policy 2 supports the sustainable long-term growth of these towns through consolidation and urban expansion.

- Objective 4: promote and support the regeneration of underutilised industrial areas within areas designated with zoning objective REGEN.
- Objective 6: promote higher residential densities at appropriate locations, adjacent to town centres or high-capacity public transport nodes (Luas/Rail).

Housing Policy H8 *Residential Densities* promotes increased densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

- Objective 2: consider higher residential densities at appropriate locations close to Town, District and Local Centres and high-capacity public transport in accordance with the Sustainable Residential Development Guidelines.
- Objective 4: support more intensive enterprise and/or residential led development within areas designated for REGEN subject to design safeguards.

Housing Policy H9, *Residential Building Heights*, supports varied building heights across residential and mixed-use areas.

- Objective 1 encourages varied building heights to support compact urban form, sense of place, urban legibility and visual diversity.
- Objective 2 is to ensure that higher buildings in established areas respect the surrounding context.
- Objective 4 directs tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and SDZ's and subject to an approved Local Area Plan or Planning Scheme.

This objective is replicated in UC6 Objective 3.

Section 11.2.4 Regeneration Zone, states that a Design Statement for development proposals in Regeneration (REGEN) zones should address the following criteria:

- Demonstrate a clear transition towards a more urban form of development and a traditional street network.
- Address connectivity and linkages and demonstrate that the development would not give rise to isolated piecemeal pockets of residential development 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 HGV's.
- Precautions to ensure that the potential noise pollution, air pollution or other nuisance from established industrial uses will not exceed acceptable standards.
- It may be necessary to consider improvements to the surrounding road and street network, to calm traffic and improve pedestrian and cyclist access.

Section 11.2.7 notes that proposals for 'tall buildings', that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along the main street network and along principal open spaces.

### 6.3.2. Tallaght Town Centre Local Area Plan 2020

Chapter 1 notes that the delivery of between 3,000 and 5,000 new homes will be sought within the lifetime of the plan.

Section 2.3 Urban Framework, notes that the overall urban structure (Fig 2.4) provides the basic and larger scale layout of routes, spaces and features for the Plan. A strong urban structure ensures a coordinated approach over a longer time period. The proposed urban structure is a guide for future development in the area. Flexibility in relation to the proposed urban structure will be considered where it is demonstrated that the overarching objectives of the urban framework and key elements of the urban structure are achieved.

Section 2.6, Intensity of Development, notes that higher and medium intensity areas should be located primarily around the existing retail and administration centre, that is, the Centre and the Luas Stations on the Cookstown and Belgard Roads. Plot Ratio, Height and Built Form will be used to determine and assess the intensity, scale and bulk of development.

To reflect the importance of placemaking at key public transport stops and key public spaces, flexibility in relation to the plot ratio range and the potential for higher buildings (2-4 storey increase on typical levels set in the LAP) may be considered at certain locations which are considered to be key or landmark sites, subject to exceptional design which creates a feature of architectural interest, a significant contribution to the public realm at these locations and mixed uses at ground floor level. These requirements are subject to criteria for taller buildings in Section 2.6.2.

This provision may apply (including) where the site is directly adjacent to high-capacity public transport stops (i.e. a Luas stop or high frequency bus stop (i.e. 10-minute peak hour frequency) on a dedicated bus lane.

A proposed development shall not normally exceed the maximum plot ratio and building height thresholds, except where there is a compelling case of a significant public or economic benefit (as defined). Flexibility of up to 20% of the plot ratio ranges may generally be applicable where there is a strong design rationale for increased density / height and the development will result in a significant public gain.

#### 2.6.2 Height and Built Form

Figure 2.4 identifies building heights, informed by best practice urban design principles as per the Urban Development and Building Height Guidelines (2018). In general terms, the height strategy provides for the following:

1. Building height and scale greatest in the Centre, in 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).
2. 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).
3. Building Height (3-4 storeys) is lower along tertiary routes, within the network of secondary streets). (This includes the subject site).

Section 2.7.2 identifies a requirement for a minimum of 10% of the gross site area as public open space. In general, this requirement should be met on site. In certain circumstances, a financial contribution towards provision of public open space in the area shall be required.

The subject site is located within the Greenhills Neighbourhood for which Section 3.6 identifies the following development parameters:

Land Use Mix / Urban Function	Predominantly business, enterprise and employment area with higher value commercial, industry and distribution and potential for limited mixed uses along Greenhills Road, proximate to Airton Road, where it can integrate effectively with existing and established uses.
Plot Ratio:	0.5:1 (Low) 1:1 (High)
Building Height:	It is expected that industrial buildings will generally be low rise and this would be supported. Where office development comes forward buildings should not exceed 6 storeys. In all circumstances development should deliver a strong building line on public streets. (See Figure 3.16)

Key Objectives:

- GH1: Intensification of use to higher value commercial and employment uses.
- GH2: New local routes and connections to Bancroft Park.
- GH3: Improved interface with Bancroft Park and Greenhills Road.
- GH4: Protect and enhance recreational amenities and green infrastructure value of Bancroft Park.
- GH5: Protection of residential amenity of adjoining residential areas

## Chapter 5 Residential and Community

Objective RE 2, to ensure an appropriate housing mix a minimum of 30% of units within any new residential development shall have a minimum of 3 bedrooms.

Objective RE 4, to ensure that a mix of tenure is achieved to provide an appropriate balance which will promote social integration in Tallaght.

The LAP notes the high levels of rental accommodation in the area and the number of BTR schemes in planning. To avoid over-proliferation of a single housing tenure, new housing developments must provide a balanced mix of private, build-to-rent and social housing to accommodate the needs of a mixed and balanced community.

All residential development proposals shall state the proposed tenure mix and provide justification for the mix having regard to the socio economic and demographic context of the area. It is an ambition to encourage the provision of at least 30% owner occupied units. This provision will be reviewed pending the completion of a Housing Need and Demand Assessment for the Dublin area.

### Build-to-Rent (BTR): Security of Tenure

Objective RE5, 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 of the Apartment Design Guidelines.

Ch. 8 deals with Implementation and sequencing

Objective IS1 requires that development is undertaken in an orderly and sustainable manner.

## 7.0 Submissions Received

**Irish Water:** A Wastewater connection can be facilitated subject to strict flow management, to ensure no further detriment in the downstream network. Flow control and storage measures will be installed, owned, operated and managed by the applicant until Irish Water have increased capacity in the downstream network. The capital upgrade project is currently at preliminary design stage. Removal of any existing misconnections and installing separate storm water systems will be required. Local Network upgrades or extensions and point of connection will be assessed at connection application stage.

The Water connection should be made at the existing 6" uPVC. Approx. 65m of new 100mm ID water main will be required at the applicant's expense.

## 8.0 Forming the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the submission of the planning authority and other bodies, and the discussions which took place during the tripartite consultation meeting.

### 8.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. The documentation accompanying this pre-application consultation request is set out in appendix 1 to this report.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should

nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

A Statement of Consistency under S.5(5) has been submitted considers compliance against the provisions of the following policy documents:

- South Dublin County Development Plan 2016-2022
- Tallaght Town Centre LAP 2020
- Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031
- Project Ireland 2040: National Planning Framework (2018)
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)
- Dept of Housing, Planning and Local Government Circular PL 8/2016 APH 2/0216
- Sustainable Urban Housing - Design Standards for New Apartments Guidelines for Planning Authorities (2018) (sic)
- Urban Development and Building Height Guidelines for Planning Authorities (2018).

Section 9.4 of the statement addresses material contravention of the LAP in respect of building height, plot ratio housing mix and housing tenure mix. It is indicated that a comprehensive material contravention statement will accompany the application.

## **8.2. Planning Authority Submission**

A submission from South Dublin County Council was received by An Bord Pleanála on the 24/11/2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes:

- A statement of the opinion of the planning authority
- Details of relevant planning history
- Copies of internal technical reports from the Water Services Section and the Housing Department.

The report containing the opinion of the planning authority makes the following points:

- The Tallaght Local Area Plan came into effect in June 2020. It is consistent with national guidelines and SPPR's relating to apartment standards and building heights and was approved by the Office of the Planning Regulator.
- Redevelopment in line with the provisions of the LAP is supported.
- The proposed height and plot ratio far exceed the standards set out in the LAP.
- The site may qualify for additional height and plot ratio under the LAP subject to a demonstrated significant contribution to the public realm and public gain.
- The proposed uses are permitted in principle under the Regen zoning objective.
- Having regard to the provisions of the LAP for the Greenhills neighbourhood and the zoning objective, residential development is acceptable subject to mixed use frontage.
- The applicant should demonstrate how the proposal complies with the urban function and the objectives for the Greenhills neighbourhood set out in the LAP.
- Whilst the interface with Greenhills Road is improved through active frontage, the layout, design and servicing arrangements of the commercial space is poorly considered and would result in unlettable units, impacting on streetscape.
- There are concerns regarding pedestrian connectivity having regard to the road layout to the north and the eastern internal street. Improved pedestrian connections should be provided.
- Separation of north-facing units from development to the north is inadequate with potential impacts on privacy, light and aspect.
- The application should demonstrate how this scheme could be accommodated within the water and foul drainage network.
- Having regard to recent permission to the west, nearby services, and proximity to a local park and Tallaght village, the development would be acceptable in terms of the sequencing of development.
- The development represents a material contravention of the LAP with regard to building height, plot ratio and unit mix. The criteria under section 37(2)(b) do not apply in this instance.
- Car parking provision is not considered to materially contravene the Plan, although a higher car parking ratio is requested.
- Height and density should be revised in line with the LAP, as follows:
  - Reduced height to Airton Road of 6-storeys + 1 setback & 3-4-storeys to rear.
  - Reduced overall plot ratio of 1.0.



- Increased provision of 3-beds units to 30%.
- A corner feature of 9 – 11 storeys, and a plot ratio of 1.2, could be considered, where the development meets the criteria defined in the LAP.
- Given the LAP plot ratio standard, proposed heights would have to be significantly reduced to the rear in order to facilitate a tower feature.
- The plot ratio of 2.66 suggests that the proposed buildings are too bulky.
- While the proposed height exceeds the flexibility provided for in the LAP, the requirement for a significant contribution to the public realm is not delivered.
- The density of 295/ha is greater than that given in the 2020 apartment guidelines for 'central and/or accessible urban areas', and may not be justified.
- The level of 3-bed units is significantly below the LAP requirement and would undermine the formation of a sustainable community and fail to meet local housing demand.
- The LAP provisions are based on an assessment of local demand as referenced in the Apartment Design Guidelines.
- Adequate childcare facilities should be provided.
- Adequate daylight levels should be achievable for lower-level units.
- Greater levels of permeability, as required in the LAP, should be provided, particularly between Airton Road and lands to the east.
- Greater activation of the rear / eastern perimeter street should be considered.
- The nature of BTR residential amenities is unclear.
- The layout of communal open space is acceptable.
- The plaza to the south-west should be greener and include natural SUDs features as part of 'significant gain' of the public realm.
- 2-bed, 3-person units are not provided for under any SPPR or the County Development Plan.
- The level of dual aspect provision should be detailed / described.
- Revised surface water management details, including SUDS, are required.
- Parking provision is too low at this remove from the town centre.
- Further details in relation to road design and operation are required.
- The application should provide details of interaction with existing sewers traversing the site.

- The applicant consult with the Irish Aviation Authority and the Department of Defence regarding aviation impacts.
- The development should integrate with the HeatNet district heating system.
- Waste management details should be provided.

### 8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 14/01/2021, commencing at 10am, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting and the main topics raised for discussion at the tripartite meeting were as follows:

1. Land use and Development Principle
2. Design and Layout, including:
  - Height and density
  - Open space
  - Residential amenity
3. Access and Transport
4. Drainage
5. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-311753-21' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

In relation to Land Use and Development Principle, An Bord Pleanála sought clarification and further elaboration for the proposed development in respect of the following matters:

- The nature and tenure mix of the proposed development.
- Compliance with the development plan land use objectives and the Urban Function of the Greenhills neighbourhood set out in the Local Area Plan.

In relation to Design and Layout, including height and density, open space and residential amenity, An Bord Pleanála sought clarification and further justification for the proposed development in respect of the following matters:

- The height and density of development proposed in the context of the provisions of the Tallaght Town Centre Local Area Plan.
- The nature and quantum of residential amenity space and facilities.
- The design of public open space and public plaza.
- The servicing arrangements for commercial units.
- The assessment of daylight and sunlight.

In relation to Access and Transport, An Bord Pleanála sought clarification and further elaboration for the proposed development in respect of the following matters:

- The design and capacity of the northern vehicular access to serve the proposed development.
- Proposed commercial and service vehicle access arrangements.
- Creche parking and set-down arrangements.
- The implications of Bus Connects and associated improvements / modifications to the surrounding road network, including bus stops and lay-bys.
- The level of car and cycle parking proposed.

In relation to Drainage, An Bord Pleanála sought further clarification and elaboration for the proposed development in respect of the following matters:

- The design solution to overcome constraints on the downstream wastewater network identified by Irish Water.

## 9.0 Conclusion and Recommendation

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

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

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

- Clarification regarding the nature of development and the mix of tenure proposed therein.
- Further consideration / justification in respect of the proposed height and density of development having regard the policies and objectives of the Development Plan and LAP for the area.
- The design and layout of proposed access arrangements, and the capacity of the access road to serve the development.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder)

be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process.

I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 10.0 Recommended Opinion

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

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

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

1. Further clarification of the documents as they relate to the nature of the development and the proposed tenure mix.
2. Further consideration / justification of the documents as they relate to the height, scale and density of development proposed. In this regard the application should be accompanied by a detailed Rationale / Justification for the proposed density and building heights, having particular regard to section 2.6 of the Tallaght Town Centre LAP 2020 in respect of *Intensity of Development* and section 3.6 in relation to the Greenhills neighbourhood, and the provisions of the County Development Plan in this regard, as well as the criteria set out in Section 3.2 of

the Urban Development and Building Height, Guidelines for Planning Authorities' 2018.

This may require possible amendment to the documents and/or design proposals submitted.

3. Further consideration and elaboration of the documents as they relate to the design and capacity of the existing vehicular access from the north which is to serve the proposed development.

This access route should be described in detail in the application drawings and an assessment of its capacity in terms of width, alignment, pedestrian facilities and existing parking and access functions should be undertaken. The requirement for any improvement works along this route to safely and satisfactorily accommodate the traffic movements arising, and the ability of the applicant to undertake same, should be clearly described.

This may require possible amendment to the documents and/or design proposals submitted.

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

1. Having regard to the response to item no. 1 above, the Statement of Consistency and Housing Quality Assessment should clearly address the particular requirements of Build-To-Rent and Build-To-Sell accommodation proposed, including inter alia, requirements relating to floor areas, mix, storage, units per core etc. A statement demonstrating compliance with SPPR7 with regard to provision of supporting communal and recreational facilities for BTR accommodation, should be provided.

Regard should be had to relevant and up to date S.28 Ministerial Guidelines, including the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities (2020).

2. A management plan which addresses the varied requirements of the proposed tenure mix within the development, and associated amenities and facilities, as well as the relationship with other commercial uses within the development.
3. The application should include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and justified, and their effect appropriately described and / or quantified.

4. An analysis of wind microclimate and pedestrian comfort, with reference to pedestrian occupation and usability of new public spaces in the context of the proposed development and adjoining permitted developments. The analysis should also address the safety and comfort of residential amenity spaces, including communal spaces, roof terraces and private upper floor balconies. Any required mitigation or other design measures arising from such assessment should be clearly described and assessed in the study.
5. A noise impact assessment having regard to the pattern of commercial uses to the north and east, as well as commercial uses within the proposed development, which should identify measures necessary to ensure the achievement of adequate levels of residential amenity for future occupiers.
6. An Aeronautical Assessment in respect of the proposed development.
7. Drawings clearly showing the relationship between the proposed development and future public transport improvements along Greenhills Road as part of Bus Connects, including modifications and upgrades to footpaths, bus stops and junctions. The application should clearly describe works in the public realm,

including responsibility for completion, and how the development will connect to the existing and future public footpath network on Greenhills Road.

8. The application should be accompanied by the following:
  - a) A Traffic and Transport Impact Assessment (TTIA), which includes consideration inter alia of proposed modifications to traffic flow on Greenhills Road and roads within the Hibernia Industrial Estate as part of Bus Connects.
  - b) A Mobility Management Plan.
  - c) A Parking Management Strategy, including detail on the breakdown of parking provision by type and land use.
  - d) A Quality Audit demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual. This should include a Road Safety Audit which considers inter alia the design and layout of the proposed car park and the vehicular access route from the north.
  - e) Details of the quantum and design of bicycle parking / storage, which should accord with the provisions of the guidelines on Sustainable Urban Housing: Design Standards for New Apartments. Regard should be had to the access and operational requirements of such parking / storage provision.
  - f) A Servicing and Operations Management Plan for commercial, childcare and residential uses across the site. The application should also address possible impacts on ground floor residential amenities in Block A from commercial servicing arrangements.
9. A full landscape and visual impact assessment which shall include photomontages and appropriate CGI's showing the proposed development from the surrounding area. Application documentation should illustrate the relationship between the proposed development and adjoining existing and permitted development in this area.
10. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
11. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning



Authorities (2020) guidelines which should consider the external materials on all elevations. The report shall also address the management and maintenance of public spaces and access routes to the development.

12. A site layout plan, which clearly identifies areas to be taken in charge, if any.
13. Where the applicant considers that the proposed strategic housing development would materially contravene the South Dublin County Development Plan or the Tallaght town Centre LAP 2020, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development.
14. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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

1. Irish Water
2. NTA
3. South Dublin Childcare Committee

**PLEASE NOTE:**

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

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Conor McGrath  
Planning Inspector

25/01/2021

**Appendix 1:****Documentation accompanying the request, includes the following:**

- Completed application form and fee
- Cover Letters to ABP and South Dublin Co. Co.
- Letter of Consent
- Irish Water Confirmation of Feasibility
- Part V proposals
- Pre-Planning Statement of Consistency & Planning Report
- Preliminary Aeronautical Assessment
- Energy Statement
- Traffic and Transport Assessment
- Screening Report for Appropriate Assessment
- Preliminary Engineering Services Report, incl. Flood Risk Assessment
- Engineering Drawings
- Landscape Design Statement
- Landscape drawings
- Architectural Design Statement
- Architectural Drawings
- Accommodation schedule
- Architectural drawings