



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-311896-21**

Strategic Housing Development	326 no. Build to Rent apartments, creche and associated site works
Location	Belgard Square East, Belgard Road and Blessington Road, Tallaght, Dublin 24.
Planning Authority	South Dublin County Council
Prospective Applicant	Ravensbrook Limited
Date of Consultation Meeting	04/02/2022
Date of Site Inspection	21/01/2021
Inspector	Conor McGrath

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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

The subject site is located in Tallaght town centre. It comprises a stated area of 0.9063 ha, with frontage onto Belgard Road to the east, Blessington Road to the north and Belgard Sq. East on its western side. The site is currently vacant and has been so for a considerable time, having previously been occupied by a Woodies outlet. The site is partly hard paved and there is a slight fall across the lands to the south. To the south of the site is a single-storey detached McDonalds restaurant / drive-through and associated surface car park. To the southwest, across Belgard Square East is surface and multi-storey car parking serving The Square Tallaght. To the west is a mixed-use 6/7-storey development, the Tuansgate building. To the east, across Belgard Road is a mixed use, residential / commercial area. North of the site, across Blessington Road is a two-storey commercial site. Tallaght TUD campus lies to the northeast of the site.

3.0 Proposed Strategic Housing Development

The proposed development is described as the construction of a mixed-use development, comprising ground and first floor commercial units and 326 no. Build-to-Rent apartments within a part 6, part 12-storey building over basement with associated amenity spaces, parking and ancillary works.

Key elements include:

- 5 no. commercial / retail / café units and creche at ground and first floor level (c. 1,702 sqm)
- 326 no. one and two-bedroom BTR apartments;
- Internal residential amenity areas at basement, ground and first floor levels, including shared office space and private meeting rooms (1553-sq.m.).
- Open space in the form of ground level resident's garden, and roof terraces.
- Public open space in the form of a large ground level courtyard, and usable areas around the perimeter of the site.
- 149 no. car parking spaces comprised of 5 no. at ground level and 144 no. at basement level, including 8 no. club car spaces, and 6 no. motorcycle spaces.
- 631 bicycle spaces comprised of 431 no. secure resident's bicycles spaces at ground and basement floor levels, and 200 no. visitor bicycle spaces at ground level.
- Vehicular access to the basement from Belgard Square East and a new tertiary access road at the southern end of the site.
- Associated services and infrastructure.

The development is divided into three blocks. Block A, forming the western part of the main 'U' shaped block, fronts onto Belgard Square East and extends midway along the frontage to Blessington Road to the north. Block B forms the eastern part of this block, with frontage to Blessington Road and Belgard Road. Block C extends across the southern perimeter of the site and is bounded by the proposed tertiary street on its northern side.

Residents' amenity space comprises 950-sq.m. of co-working spaces, yoga / meditation room, gym and games rooms. Shared support facilities of 603-sq.m. are described bicycle parking, refuse storage, storage, post room and refuse storage (1,553-sq.m.). All apartments are provided with balcony amenity space.

Key development parameters include:

Site area	0.9063ha
Total units	326 no. BTR units 110 no. 1-bed (33%)

	216 no. 2-bed (66%)
Density	359.7 / ha
Plot ratio	3.75
Site Coverage	46%
Height	6 – 12-storeys
5 no. retail / cafe units and creche	1,702-sq.m.
Internal Communal Amenity Space	950-sq.m.
Shared Support Facilities	603-sq.m. 1,553-sq.m.
Public Open Space	1,306-sq.m. / 14%
Car parking	149 no. spaces* <ul style="list-style-type: none"> ○ 120 residential spaces (0.37 / unit) ○ 8 no. car club spaces ○ 15 no. commercial spaces ○ 5 no. surface level creche spaces
Bicycle parking	631 - 431 secure resident spaces and 200 visitor spaces

4.0 Relevant Planning History

PA ref. SD16A/0195: Permission granted for a gas pressure reduction unit and vent stack on the site along the Belgard Road frontage of the site.

PA ref. SD04A/0975: Permission granted for a mixed used development of 4-6 storeys over basement consisting of retail (c. 6,300 sqm), crèche, and 223 no. apartments at upper floors, alongside a 200 space Luas park-and-ride at basement level and residents parking. The permission expired in March 2016.

PA ref. SD09A/0419: Permission granted for a mixed-use development of 5-storeys over basement comprising ground and first floor retail, café/restaurant uses, leisure/bowling and cinema, new landscaped public plaza and a public street linking Belgard Square East and Belgard Road. The permission was granted an extension in 2015 which expired on 1st April 2020.

Adjoining lands:

The prospective applicant's planning report notes a number of planning decisions in the surrounding area. I note the following cases in particular:

ABP ref. ABP-309916-21: Permission granted for a SHD development at Glen Abbey, Belgard Road, Cookstown Industrial Estate, approximately 750m north of the subject site comprising 170 BTR no. units. The proposal extends to 4-7 storeys over basement and a net density of 256 units per hectare. The proposal materially contravenes the Tallaght Local Area Plan in terms of height, density and plot ratio.

ABP-308398-20: Permission granted for an SHD in January 2021 for 252 BTR apartments, 2 commercial units and a creche approx. 450m northwest of the application site at Fourth Avenue, Cookstown Industrial Estate. The Board granted permission in material contravention of the plot ratio and housing mix provisions of the LAP. The Direction noted that the provisions of the Local Area Plan in relation to building height were appropriate for the site and conditions were attached to reduce building heights in line with the LAP.

ABP ref. ABP-306705-20: Permission granted for an SHD, at the junction of Airton Road and Greenhills Road, approx. 850m northeast of subject site. The development comprised approx. 500 no. dwelling units, building heights of 4-8 storeys and a density of 202 units per hectare.

ABP ref. ABP-303803-19: Permission granted for an SHD on a site on Second Avenue, Cookstown Industrial Estate, c. 1km northwest of the subject site. The development provided density of 276 units / ha and a maximum height of 9 storeys.

ABP ref. ABP-303306-18: Permission granted for an SHD at the junction of Belgard Road and Belgard Square North, within 600m of the subject site, comprising 438 no. apartments and 403 no. student bedspaces and amenity facilities, crèche, retail / commercial units, parking, public plaza and associated works. The development comprises a density of 146 units / ha and building heights of 4-10-storeys.

5.0 Section 247 Consultation(s) with Planning Authority

Documentation provided refers to S.247 consultations with the planning authority on 22 July 2021. The main items raised in those discussions included:

- The provisions of the LAP.
- Density and building height.
- The urban framework provisions relating to this site.
- Housing mix.
- Provision and design of public open space.
- Access arrangements.
- Drainage.

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 4.4, Dublin City and Suburbs, notes that MASP identifies strategic residential and employment corridors along key public transport corridors existing and planned, that contain development opportunities. These brownfield lands in Tallaght.

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 other authorities, and discussions at the tripartite meeting, 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 associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001.

6.3. Local Planning Policy

6.3.1. South Dublin County Development Plan 2016-2022

The lands are zoned TC – town centre, wherein residential, retail / commercial and café/restaurant uses are permitted in principle.

Urban Centres (UC) Policy 2 Town Centres: to reinforce the role of Tallaght as the County Town at the top of the County’s urban hierarchy.

Objective 1: To promote Tallaght Town Centre as the primary urban centre in the County by directing higher order retail, retail services, residential, cultural, leisure, financial, public administration, restaurants/bars, entertainment and civic uses into and adjoining the Core Retail Area of this centre.

Objective 4: To encourage and facilitate the re-use and regeneration of derelict land and buildings for retail and other appropriate centre uses and encourage the full use of buildings and in particular the upper floors and backlands with due cognisance to the retail sequential approach, quality of urban design, integration and linkages.

Objective 5: To reinforce town centres as the priority location for new mixed-use development, with urban design, integration and linkage as important considerations.

Objective 6: To provide a broad range of facilities and services in Tallaght and Clondalkin Town Centres and support the role of these centres as the focus for commercial activity, leisure, entertainment, community activities and public transport.

The subject site is identified as a Retail Opportunity Site.

Retail (R) Policy 3 Tallaght Town Centre: to maintain and enhance the primary retailing and major town centre function of the Town Centre as a Level 2 retail Centre.

Objective 3: To promote the intensification of the Core Retail Area of Tallaght.

Objective 4: To promote and encourage the development and redevelopment, to a high standard of urban design, of the identified Retail Opportunity Sites at, and adjacent to, the Square Shopping Centre **and the former Woodies site on the Belgard Road.**

Tallaght is classified as a “metropolitan consolidation town” and the “county town”, with a target population of up to 100,000 people. Core Strategy (CS) Policy 2

supports the sustainable long-term growth of these towns through consolidation and urban expansion.

Objective 5 supports high quality infill development in existing built-up areas.

Objective 6 promotes higher residential densities at appropriate locations, adjacent to town centres or high-capacity public transport nodes (Luas/Rail).

Housing (H) Policy 8 Residential Densities promotes higher residential densities at appropriate locations.

Housing (H) Policy 9 Residential Building Heights, supports varied building heights across residential and mixed-use areas.

Housing (H) Policy 10 Mix of Dwelling Types seeks to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in accordance with the Interim Housing Strategy 2016-2022.

Housing (H) Policy 17 Residential Consolidation, supports consolidation and sustainable intensification at appropriate locations.

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 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 will be considered where it is demonstrated that the overarching objectives of the urban framework and key elements of the urban structure are achieved.

The LAP notes the Town Centre zoning of the subject site and surrounding lands.

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.

Flexibility in 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 locations 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 set out in Section 2.6.2. This provision may apply (including) where the site is directly adjacent to high-capacity public transport stops.

A development shall not normally exceed the maximum plot ratio and building height thresholds for any particular site, block or parcel of land, 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 an increase in 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 certain circumstances, a financial contribution towards provision of public open space in the area shall be required.

The subject site is located within the Town Centre Neighbourhood, in respect of which Section 3.2 refers to “Continued transformation towards a high-quality mixed use urban centre of city scale and character, with a vibrant mixed-use residential community continuing to emerge in an attractive network of streets”.

The following development parameters are identified, while Figure 3.3 illustrates the overall urban structure:

Land Use Mix / Urban Function	A broad mix of uses in accordance with zoning objectives in the County Development Plan
Plot Ratio	1.5:1 (Low) 2:1(High)
Building Height (See Figure 3.3)	Primary Frontage: Up to 6-7 storeys residential (+1 recessed), 5-6 storeys non-residential (+1 recessed). Secondary Frontage: 4–6 storeys Residential, 3–5 storeys non-residential. Other Frontages 3–4 storeys (Res/Non-Res). Landmark Blocks / Sites Junction of N81 with Cookstown Way and Belgard Road, Luas Stops and Transport Interchange The height standards may be exceeded 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 Section 2.6.
Open Space	Urban square, local pocket parks, urban spaces and green corridors
Block Structure	Flexibility in relation to individual site and block structure will be considered where the principles and key elements of the proposed urban structure are achieved. This is particularly relevant to key landmark sites, such as the Square Shopping Centre, where opportunity exists to provide buildings of architectural merit which contribute to the character of the Town Centre core area, public realm improvements and enhance connectivity at a strategic location proximate to the Luas terminus and proposed transport interchange.

The framework provides for heights of 6-7-storeys to the northern and eastern frontage and 4-6-storeys to the south and west. A proposed tertiary route runs parallel to the southern site boundary.

Key Objectives for the Centre (TC) include:

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

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.

TC10: Improve and enhance the public realm.

TC11: Improve connectivity to all surrounding areas.

Objective RE 3 supports new and innovative ways to meet housing demand, while also ensuring that there is an appropriate mix of tenure and dwelling types to meet the needs of the current and future population of Tallaght.

Objective RE 4 seeks 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 5 supports Build-to-Rent developments that comply with the housing/occupancy mix requirement 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).

7.0 Submissions Received

- 7.1. Irish Water: A Confirmation of Feasibility has been issued to the prospective applicant. A Wastewater connection can be facilitated subject to strict flow management. The flow control and storage measures will be installed, owned, operated and managed by the developer locally on the private side until capacity in the downstream network has been increased. The capital upgrade project is currently at preliminary design stage. A water connection to the public network is feasible and is not subject to any upgrades. The applicant is required to confirm the proposed phasing of this development in advance of any SHD application.

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 planning authority submission 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 submitted with 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 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:

- National Planning Framework
- Housing for all: A New Housing Plan for Ireland
- Regional Economic and Spatial Strategy (RSES), for the Eastern and Midlands Region 2019
- Urban Development and Building Height Guidelines (December 2018)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- 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 (2019).
- Guidelines for Planning Authorities on Childcare Facilities (2001).
- Draft Water Services Guidelines for Planning Authorities 2018
- Best Practice Guidelines- Quality Housing for Sustainable Communities (2007);
- Transport Strategy for the Greater Dublin Area 2016-2035
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning authorities (2009)

- The South Dublin County Development Plan 2016-2022
- The South Dublin Draft County Development Plan 2022-2028
- Tallaght Town Centre LAP 2020

The request is also accompanied by a Material Contravention Statement having regard to section 5(6) of the Act. This refers to the potential material contravention of the County Development Plan and Local Area Plan as follows:

- The Tallaght Town Centre LAP 2020 in respect of building height, plot ratio, tenure and unit mix; and
- The South Dublin County Development Plan in respect of car parking.

The statement concludes that there is ample justification for An Bord Pleanála to permit a material contravention of the Development Plan and Local Area Plan in terms of allowable height, plot ratio, tenure, unit mix and the quantum of car parking having regard to Section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended).

8.2. Planning Authority Submission

A submission from South Dublin County Council was received by An Bord Pleanála on the 6th of December 2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes a statement of the planning authority's opinion, details of relevant planning history and copies of internal technical reports.

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.
- The appropriate development of these brownfield, TC zoned lands is supported.
- The site is located within the retail core and identified as a retail opportunity site. Development Plan Policy R3, Objective 4 refers specifically to this site.
- The LAP refers to a broad mix of uses for this neighbourhood.

- The mix of uses is inappropriate, with inadequate retail and commercial uses for a mixed-use development in the TC zone.
- The low level of retail / commercial space within the retail core / opportunity site has not been justified.
- Consideration should be given to enhancements to the public realm, water and drainage infrastructure, childcare and health services in line with the identified requirements of the LAP.
- The development materially contravenes the provisions of the LAP, which is consistent with national guidance and contravention is not justified. The criteria under s.37(2)(b) would not apply in this instance.
- The proposed density is contrary to the overall development capacity provisions of the LAP.
- The building height exceed the provisions of the LAP by up to 5-storeys.
- Building height and plot ratio should be reduced in line with the LAP and should reflect a transition in heights across the site and the status of the tertiary street.
- Plot ratio is 187.5% of the higher LAP standard, reflecting over-development of the site. The precedent for further development in the area is a concern.
- The development does not deliver a significant public gain in order to avail of the 20% flexibility provided for in the LAP.
- Surrounding development does not justify the heights proposed. This is not identified as a landmark site or meet the criteria for taller buildings.
- The higher elements are overly-bulky and should be restricted to a tower element appropriately located on the site.
- The southern elevation is a concern, appearing monolithic. Stronger variation in form and materials is required.
- Further CGI's are required including views of the public realm and streetscape.
- The general layout is acceptable.
- The central space would not properly constitute public open space, due to relative inaccessibility and microclimatic environment.
- A meaningful, connected open space should be delivered, with active frontage.
- The quality and amenity of public open spaces is questioned.
- Communal roof terraces will be impacted by overshadowing and wind.

- Unit mix should be revised in line with the LAP to serve local demand as assessed in the LAP. Tenure mix should include owner-occupied units.
- The LAP identifies the eastern and western edges as Mixed-Use Frontages, a priority location for retail development.
- Residential amenity space along site frontage is a poor use of these spaces.
- Further detail of the design of the public realm are required.
- Insufficient SUDS measures are proposed.
- Viability of the creche should be addressed
- The dual aspect nature of units should be demonstrated.
- Archaeology should be addressed at application stage.
- Application should clearly identify trees and vegetation to be removed.
- Basement parking is welcome and car parking provision could be further reduced. Bicycle parking provision is acceptable.
- The development will not adversely affect the surrounding road network.
- Creche parking / set-down layout is inefficient and should be relocated as set-down spaces on the tertiary street.
- Capacity issues in Irish Water infrastructure are identified.
- There should be engagement with Dept. of Defence and IAA.
- Integration with HeatNet district heating is encouraged.
- An Operational Waste Management Plan is required.

Internal technical reports are provided as follows:

- Housing Department
- Water Services
- Public realm
- Roads Department

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 04/02/2022, commencing at 2.30pm, via Microsoft Teams. 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:

- Land Use and Development Principle, including zoning and mix of uses
- Design and Layout, including:
 - Height and density
 - Open space
 - Residential amenity
- Access and Transport
- 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-311896-21' 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 further elaboration and justification for the proposed development in respect of the following matters:

- Compliance with the land use objectives and the policies of the Development Plan and Local Area Plan for this Town Centre area, having regard to the predominantly residential nature of the proposed development.
- Clarification of the planning authority submission with regard to the mix of uses sought on the lands.

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

- Rationale for the design approach, including proposed building height and scale at this location, having regard to the provisions of the Local Area Plan.
- The design and intended function of the proposed tertiary route through the site.
- The design and function of open space within the central courtyard as public open space and intent with regard to its taking in charge.
- The assessment of daylight and sunlight within the development and the assessment of microclimate, particularly for upper floor balconies.

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

- The extent of modifications to the adjoining road and footpath network (if any) as part of the proposed development.
- The role of the proposed tertiary street through the site.
- The design and layout of parking serving the proposed creche and response to the issues raised by the planning authority.

In relation to Any Other Business, the planning authority reiterated the intent of the Local Area Plan with regard to the function of the tertiary route and raised the potential for further SUDS measures on the site.

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 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 elements, details of which are set out in the Recommended Opinion below.

- Further consideration / justification in respect of the proposed mix of uses in this town centre location.
- 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 function of the proposed tertiary route.

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. A detailed statement of consistency and planning rationale, outlining how in the prospective applicant's opinion, this primarily residential development is in compliance with the policies of the County Development Plan for this area. Such statement should have regard in particular to the "Town Centre" land use zoning objective and the identification of this as a Retail Opportunity Site, as well as the provisions of section 2.4.2 of the LAP relating to Mixed Use Frontage in such locations.
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 3.2 in relation to The Centre, 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.

3. Further clarification and elaboration for the documents as they relate to the design and function of the proposed Tertiary Road linking Belgard Road with Belgard Square East. The intent with regard to the taking-in-charge of this road should be clearly stated.

These matters 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. 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.

2. An analysis of wind microclimate and pedestrian comfort, with reference to pedestrian occupation and usability of new public spaces and the safety and comfort of residential amenity spaces, including communal spaces, roof terraces

and private upper floor balconies. The achievement of appropriate acceptance criteria for upper floor balconies should be clearly demonstrated.

Any required mitigation or other design measures arising from such assessment should be clearly identified and described in the study.

3. A management plan which addresses the varied requirements of the proposed Built-to-Rent residential units and associated amenities and facilities, as well as proposed commercial uses within the development.
4. A site layout plan, which clearly indicates areas intended to be taken in charge.



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5. Details clearly distinguishing between areas proposed as public open space and those specified as communal open space and identifying which areas it is proposed that the council would take in charge. Where it is not proposed that open space would be taken in charge, details should be submitted as to how such space would be managed including the management of access and use of the space, and who would take responsibility over the long-term for the costs arising from maintenance and the liability for accidents.
6. Details of the treatment of existing gas infrastructure on the eastern / Belgard Road frontage of the site. Any wayleaves associated with such gas infrastructure affecting the application site should be clearly identified.
7. Drawings clearly identifying all works proposed in the public realm including any modifications to the adjoining road and public footpath networks. The relationship with future works and improvements as part of BusConnects, including modifications and upgrades to junctions, bus stops and footpaths should be clearly described.
8. The application should be accompanied by the following:
 - a) A statement addressing the matters raised in the report of the South Dublin County Council Roads Department, dated 26/11/2021
 - b) A Parking Management Strategy, including detail on the breakdown of parking provision by type and land use.
 - c) 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 tertiary access route running between Belgard Square East and Belgard Road.

- d) A Servicing and Operations Management Plan for the proposed commercial and residential uses.
 - e) Details of the quantum and design of bicycle parking / storage, having regard to the provisions of the guidelines on Sustainable Urban Housing: Design Standards for New Apartments. The allocation of spaces between residential and commercial uses on the site should be clearly described. The design of such parking / storage should consider relevant access and operational requirements.
9. 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.
- Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
10. 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. South Dublin Childcare Committee
3. NTA

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.

Conor McGrath
Planning Inspector
15/02/2021

Appendix 1:

Documentation accompanying the request:

- Application Form for a Section 5 Pre-Application Consultation Request and appropriate fee.
- Cover letters to ABP and SDCC.
- Irish Water letter Confirmation of Feasibility dated 13th October 2021 (Appendix D of the Engineering Services Report);
- Part V proposals including an Estimate of Costs.
- Architects drawings.
- Architects Design Statement incl Housing Quality Assessment and Schedule of Areas.
- Statement of Consistency with Planning Policy.
- Statement of Material Contravention.
- EIA Screening Report.
- Landscape and Public Realm Design Statement and Masterplan.
- Engineering Drawings.
- Engineering Services Report.
- Site Specific Flood Risk Assessment Report.
- Traffic and Transport Assessment Report.
- Mobility Management Plan.
- DMURS compliance statement.
- Outline Construction Management Plan.
- Construction and Demolition Waste Management Plan.
- Operational Phase Waste Management Plan.
- Daylight, Sunlight and Overshadowing Study.
- AA screening Report.
- Ecological Impact Assessment Report (including Bat Survey).
- Sustainability Statement.
- Aviation Impact Assessment.
- Design, Townscape and Visual Impact Assessment.
- Arboricultural Report and drawings.
- Wind and Microclimate Modelling Report.
- Archaeological Assessment.