
Statement of Material Contravention

Mixed-use Development

**Lands West of Old Belgard Road and North, South & West of
Cookstown Road, Cookstown Industrial Estate, Tallaght,
Dublin 24**

**Joseph Costello, Absolute Limousines Ltd and
Boherkill Property Development Ltd**

February 2021



Hughes Planning & Development Consultants

70 Pearse Street, Dublin 2
+353 (0)1 539 0710 – info@hpdc.ie – www.hpdc.ie

Application Preface

The Applicants, Joseph Costello, Absolute Limousines Ltd and Boherkill Property Development Ltd, has acquired the subject land (Lands West of Old Belgard Road and North, South & West of Cookstown Road, Cookstown Industrial Estate) with the intention of securing the optimum land use on these underutilised sites within the Cookstown Industrial Estate. The Cookstown Industrial Estate is an area identified for 'regeneration' in the South Dublin County Development Plan 2016-2022. It is expected to be the subject of extensive urban renewal in the coming years, with existing industrial buildings being replaced with higher density development and multi-national corporations, such as Amazon, commencing operation in the area.

The subject site is the ideal starting point for the regeneration of the northern part of the Cookstown Industrial Estate for a no. of reasons. Firstly, the subject site comprises a large parcel of land capable of establishing a self-sustaining neighbourhood with its own character. Further to this, the subject proposal includes road, junction and streetscape upgrades which will see the existing industrial setting being replaced with a more residential environment. Secondly, the immediately surrounding area has started to see an infiltration of non-industrial uses in recent times, with a 4-storey office building featuring immediately adjacent at the Old Belgard Road and Cookstown Road roundabout and an Aldi Supermarket having been recently constructed further north. Finally, the pedestrian/cycle link to the Belgard Luas Stop provided by the subject proposal unlocks the development potential of this part of the Cookstown Industrial Estate and will stimulate redevelopment of surrounding lands. Currently, sites featuring on the northern side of Cookstown Road turn their back to the Luas Line. The road, junction and streetscape upgrades included in the subject application will also stimulate redevelopment of adjacent sites and the northern elevation of Block A will provide a new active frontage to the Luas line as illustrated in Drawing No. 2102, prepared by C+W O'Brien Architects.

A mixed-use development, comprising primarily 'Build-to-Rent' residential apartments, has been identified as the preferred land use option for the subject site having regard to the employment opportunities existing in the surrounding area, including the Tallaght University Hospital, TU Dublin (Tallaght Campus) and Amazon, and the sites proximity to multiple public transport services linking the Tallaght area with Dublin City Centre. In addition, the subject site is proximate to Tallaght Town Centre, which features an array of established services and facilities for residents of the surrounding area, and a public open space area proposed immediately south-east under the Tallaght Town Centre Local Area Plan 2020-2026.

Extensive market analysis, including a review of national and local demographic information and adjacent land uses, was undertaken to inform the optimum mix of units within the development which would meet market and demographic demand. Further to this, LIV Consulting, who have extensive experience regarding the management of such schemes, were consulted with regards to amenity space provision and layout.

Despite involving a contravention to the unit/tenure mix sought by the Tallaght Town Centre Local Area Plan 2020-2026, the proposed development is consistent with the provisions of the Specific Planning Policy Requirements 7 & 8 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018), which relate specifically to Build-to-Rent developments, and national plans and guidance more broadly.

The proposed development fully accords with national plans and guidance documents; has had regard to housing market needs of the area and is consistent with a range of Strategic Housing Development developments previously granted by An Bord Pleanala in the immediately surrounding area and Dublin more broadly.

The subject proposal has also been designed having regard to the feedback received from An Bord Pleanala and South Dublin Council during pre-planning consultations; the policies and objectives outlined in the Tallaght Town Centre Local Area Plan 2020-2026 and South Dublin County Development Plan 2016-2022; and the Environmental Impact Assessment Report prepared in conjunction with the subject application.

1.0 Introduction

Hughes Planning and Development Consultants, 70 Pearse Street, Dublin 2, have prepared this Statement of Material Contravention on behalf of our clients, Absolute Limousines Ltd and Boherkill Property Development Ltd, to accompany a planning application to An Bord Pleanála for a proposed Strategic Housing Development at Lands West of Old Belgard Road and North, South & West of Cookstown Road, Cookstown Industrial Estate, Tallaght, Dublin 24.

The subject application involves a large parcel of land located to the west of Old Belgard Road and east of the intersection of First Avenue and Cookstown Road, Cookstown Industrial Estate, Tallaght, Dublin 24. The subject site comprises an area of approximately 4.99Ha (12.3 acres). It includes a no. of existing industrial/commercial premises fronting Cookstown Road, Old Belgard Road and First Avenue; the Circle K Belgard petrol station and associated commercial premises; 0.98Ha of South Dublin County Council owned land; and 0.19 Ha of Dublin City Council owned land (a consent letter from South Dublin County Council and Dublin City Council accompany this application under a separate cover). The South Dublin County Council owned land comprises parts of First Avenue, Cookstown Road and Old Belgard Road and the Dublin City Council owned land comprises a strip to the north of Unit 5 First Avenue and Unit 4 Cookstown Road which provides access to the Belgard Luas Stop.

The proposed development, as designed by C+W O'Brien Architects, involves the demolition of the existing industrial buildings on site; construction of a mixed-use development featuring 1104 no. 'build-to-rent' apartments with ancillary resident facilities, 4 no. commercial units, 1,500sqm of office space and a crèche, in 4 no. blocks varying in height from four to eleven storeys; road, junction and streetscape upgrade works along First Avenue, Cookstown Road and Old Belgard Road, including the installation a signalized junction at the intersection of First Avenue and Cookstown Road and Old Belgard Road and Cookstown Road; construction of 3 no. new roads and 1 no. pedestrian/cycle link to the Belgard Luas Stop; and construction of a public plaza in the south-western corner of the site.

This statement has been prepared to set out the justification for the building height, housing mix and housing tenure mix involved in the proposed mixed-use development. While the Applicant does not consider the proposed building height, housing mix and housing tenure mix to be a material contravention of the Tallaght Town Centre Local Area Plan 2020-2026, it is a matter for An Bord Pleanála to determine if the proposed development in fact materially contravenes the Tallaght Town Centre Local Area Plan 2020-2026 and if minded to do so, grant permission for the proposed development by reference to the provisions of Section 37(2)(b) of the Planning and Development Act 2000 (as amended). Therefore, the Applicant has taken a conservative approach to compliance with the above requirement regarding the statutory newspaper notice and the provision of a justification for the proposed building height, housing mix and housing tenure mix in the context of the provisions of Section 37(2)(b) of the Planning and Development Act, 2000 (as amended).

It is respectfully requested therefore that An Bord Pleanála have regard to the following justification for a potential material contravention of the Tallaght Town Centre Local Area Plan 2020-2026 (as it relates to building height, housing mix and housing tenure mix), having regard to the fact that the proposed development is by definition 'of strategic importance', the pattern of development approved in the area and having regard to the compliance of the proposed development with national planning policy and section 28 Guidelines as outlined herein. These include the National Planning Framework 2040, Urban Development and Building Heights Guidelines for Planning Authorities, 2018, and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018, which fully support and reinforce the need for urban infill residential development at appropriate densities on sites in close proximity to public transport and within existing urban areas.

2.0 Legislative Context

Pursuant to Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (2016 Act), where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), the Board can determine that permission should, nonetheless, be granted, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000 as amended (the Act). Section 9(6)(c) of the 2016 Act stating that:

Where the proposed strategic housing 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 Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.

Section 37(2)(b) of the Act states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

It is respectfully requested that An Bord Pleanála, should they determine the proposal materially contravenes the Tallaght Town Centre Local Area Plan 2020-2026, have regard to the justification for the proposed building height, housing mix and housing tenure mix provided in the subsequent sections. It is considered that the policies and objectives stated in the Section 28 Government Guidelines, including the National Planning Framework 2040, Urban Development and Building Heights Guidelines for Planning Authorities, 2018, and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018, provide justification for the proposed building height, housing mix and housing tenure mix. These policies, among others, are discussed in the below justification section. Further to this, the proposal can also be justified having regard to the strategic importance of Strategic Housing Developments and the permissions recently granted in the area.

3.0 Potential Material Contraventions

3.1 Building Height

Section 2.6.2 of the Tallaght Town Centre Local Area Plan 2020-2026 outline the building height strategy for the LAP lands. The subject site is designated for buildings of 6 to 7 storeys in height along the sites northern boundary and in the south-eastern corner of the site; 4 to 6 storeys along the sites remaining frontage to Old Belgard Road, frontage to Cookstown Road (west) and the development frontage to the east-west link between the Old Belgard Road and Cookstown Road proposed along the subject site's southern boundary; and 3 to 4 storeys elsewhere, as shown in the Overall Urban Structure (Cookstown) Diagram in Figure 1.0 overleaf.



Figure 1.0 Overall Urban Structure Diagram included in Figure 3.3 in Section 3.2 of the LAP

The diagram included at Figure 2.0 below is taken from page 52 of the Design Statement, prepared by C+W O'Brien Architects, and illustrates the height strategy adopted by the subject proposal in the context of the surrounding area.

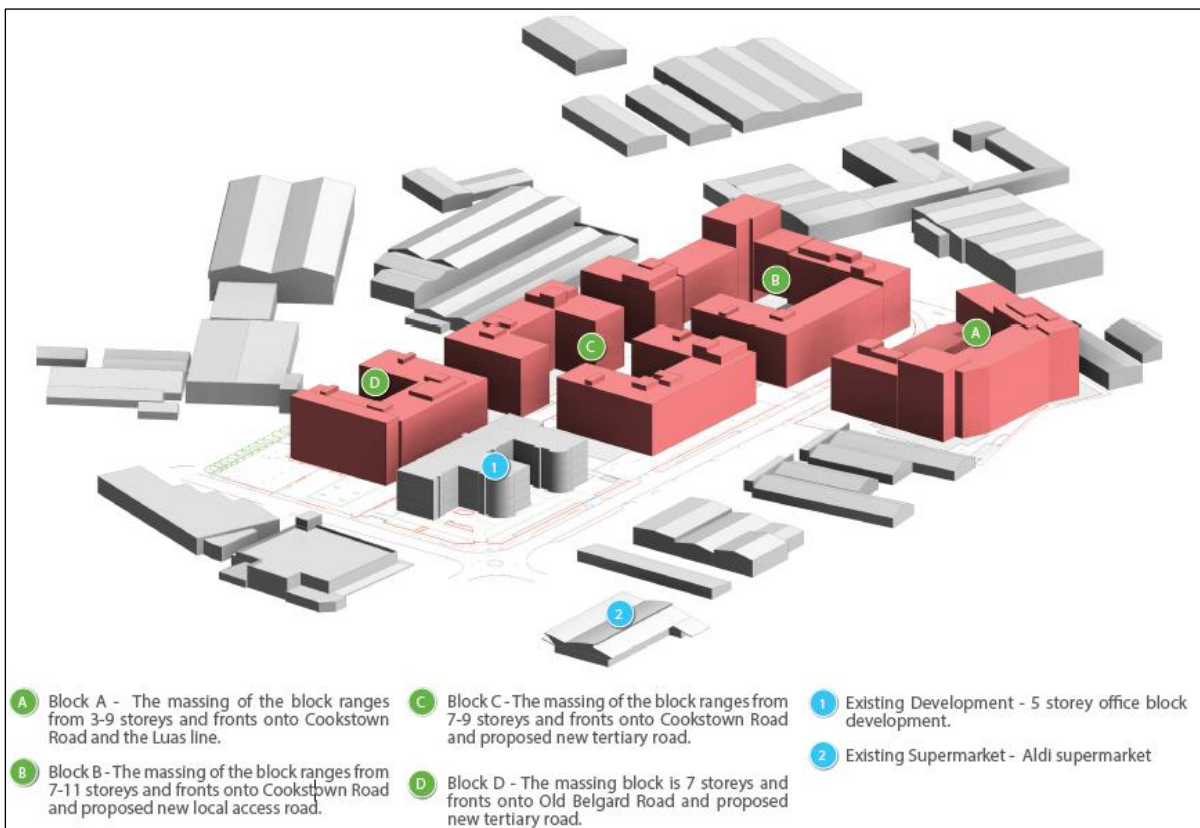


Figure 2.0 Height strategy model as in the Design Statement, prepared by C+W O'Brien Architects

Section 2.6.2 of the LAP sets out the following height strategy in relation to sites in close proximity to the Luas stops:

Building height and scale is greatest in the Centre, in close proximity to Luas stops and along arterial and primary route frontages (up to 6–7 storeys residential, +1 recessed and up to 5–6 storeys non-residential, +1 recessed)

Figure 2.7, included in Section 2.6.2 of the LAP, illustrates the LAP's "Density Strategy" (an excerpt of which is included in Figure 3.0 below). It indicates the subject site with a purple colour due to its proximity to the Belgard Luas stop – the same density designation as that of applied to the Tallaght Town Centre. The purple colour is applied to areas where higher densities are encouraged.

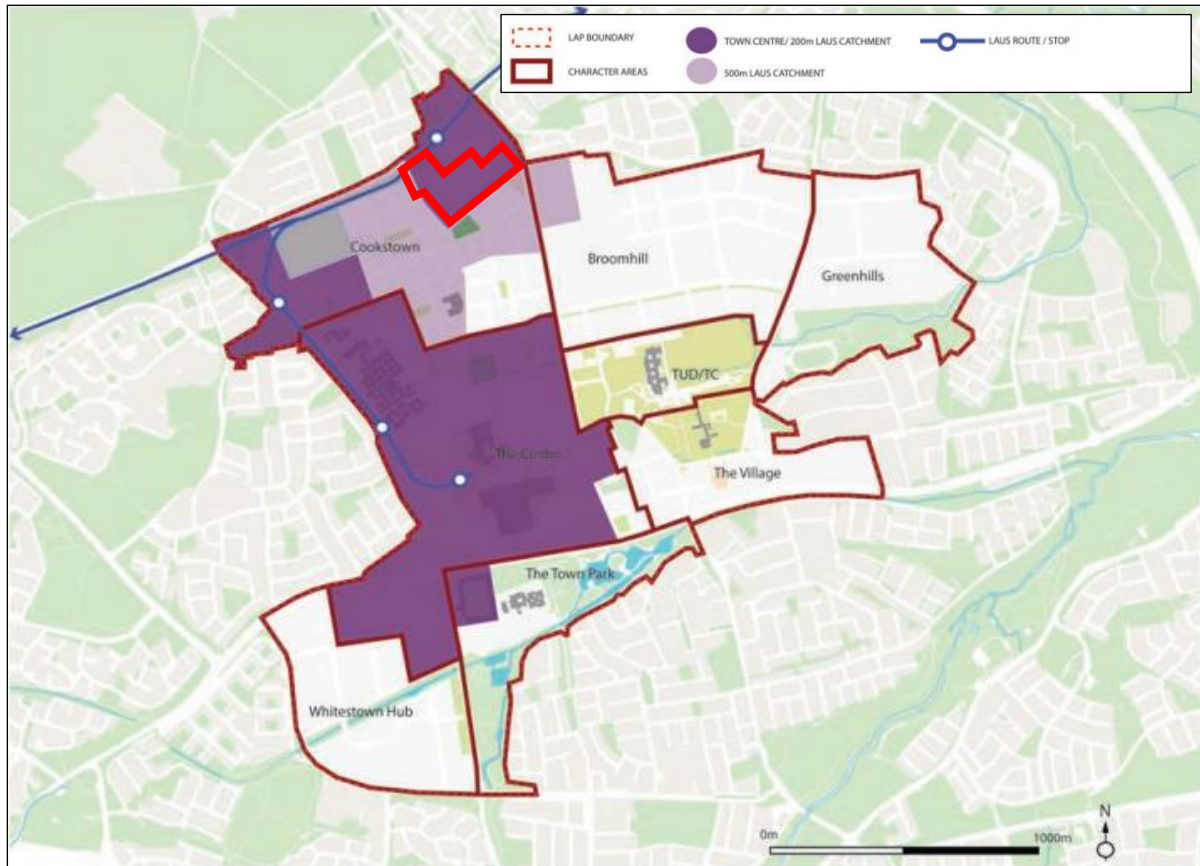


Figure 3.0 Density Strategy included in Figure 2.7 in Section 2.6.2 of the LAP

Section 2.6.2 also states the following in relation to 'Landmark Buildings':

In the interest of place making and improving legibility, Landmark Buildings are permissible at key locations that will punctuate urban areas. In general, buildings that exceed the prescribed general buildings heights should only be provided at the locations indicated as having 'Potential for Higher Buildings' in the Building Height Strategy (see Figure 2.4) and at locations adjacent to the key public transport stops and key public spaces identified in Section 2.6.

A 2–4 storey increase on the above typical levels may be considered for key or landmark sites or where sites exceed 2ha in area and can establish its own identity (see Section 8.2 Implementation).

Section 2.6 states:

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 set out in Section 2.6.2. This provision may apply where the site is directly adjacent to the following:

- *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);*
- *The proposed 'New Urban Square' north of Belgard Square North in the Centre neighbourhood;*
- *The proposed 'New Urban Square' within the Cookstown neighbourhood; and*
- *The proposed Transport Interchange and adjacent proposed 'Urban Space' in the Centre neighbourhood.*

This provision will only apply to the extent of a site which is within 100m walking distance of the above locations and will only be considered where the Planning Authority is satisfied that provision of the above facilities will be achieved.

The subject site is located immediately north-west of the proposed 'New Urban Square' within the Centre neighbourhood and is directly adjacent to the Belgard Luas Stop as illustrated in the plan excerpt included previously at Figure 1.0.

The proposed development varies in height from varies in height from 4-11 storeys, rising to 11 storeys in the south-western corner of the site. The 11 storey component, included in the south-western corner of the site, sits immediately north of the proposed public plaza on the subject site. The proposed heights exceed those specified in the Tallaght Town Centre Local Area Plan 2020-2026 in parts.

3.2 Housing Mix

Section 5.2.1 of the Tallaght Town Centre Local Area Plan 2020-2026, includes the following policy in relation to housing mix:

It is policy of the Council to ensure an appropriate housing mix is provided within the LAP lands, therefore a minimum of 30% of units within any new residential development (in the form of either apartments or houses, but excluding student accommodation schemes) shall have a minimum of 3 bedrooms.

The proposed development comprises of 13.4% studios, 41.6% 1-bedroom apartments, 40.9% 2-bedroom apartments and 4.1% 3 bedroom apartments which differs from the recommended housing mix.

3.3 Housing Tenure Mix

Section 5.2.2 of the Tallaght Town Centre Local Area Plan 2020-2026, includes the following policy in relation to housing tenure mix:

In the interest of providing an appropriate housing tenure mix it is policy of the Council that all residential development proposals shall state the proposed tenure mix and provide justification for the proposed mix having regard to the socio economic and demographic context of the area. It is an ambition of the LAP to encourage the provision of at least 30% owner occupied units across the LAP area.

In terms of its residential component, the proposed development comprises of 10% units for social housing (Part V) and 90% Built-to-Rent units which differs from the recommended housing tenure mix.

4.0 Justification having regard to the Tallaght Town Centre Local Area Plan 2020-2026

Justification for the proposed building height, housing mix and housing tenure mix having regard to the Tallaght Town Centre Local Area Plan 2020-2026 is set out below.

4.1 Building Height

Section 2.6.1 of the Tallaght Town Centre Local Area Plan 2020-2026 states that *'plot ratio, height and built form will be used to determine and assess the intensity, scale and bulk of development in the Plan lands. This approach promotes an urban design quality-led approach to achieving sustainable urban densities where the focus will be on achieving a high-quality urban environment.'* While the proposed building heights are in excess of those outlined in the building height strategy set out in relation to the Centre Neighbourhood, we would contend that this is appropriate in this instance as the subject proposal complies with the plot ratio and built form requirements and will create a high-quality urban environment as sought by the Tallaght Town Centre Local Area Plan 2020-2026.

With regards to plot ratio and built form, as discussed in detail in the Statement of Consistency and Planning Report, prepared by Hughes Planning and Development Consultants, the subject proposal is consistent with the guidance regarding plot ratio and built form set out in the Tallaght Town Centre Local Area Plan 2020-2026. In summary, plot ratio range of 1.5-2.0 was set in relation to the CT-D parcel within the Cookstown Neighbourhood and flexibility in relation to the gross floor area of up to 20% of the plot ratio ranges may generally be applicable where there is a strong design rationale for an increase in density/height and the development will result in a significant public gain. Due to the significant public gain resulting from the subject proposal, a plot ratio range of 1.8-2.4 applies to the subject scheme. The subject proposal involves a plot ratio of 2.4 consistent with the Local Area Plan requirements.

From a built form perspective, the proposed development is consistent with this guidance set out in Section 2.6.2 of the Tallaght Town Centre Local Area Plan 2020-2026 as it creates active ground floor frontages due to the inclusion of commercial/retail and own-door access residential units along its frontages and the building has been designed to clearly express the ground floor and features distinctive main façade and a strong parapet.

In addition to complying with the guidance regarding plot ratio and built form, the subject proposal achieves a high level of residential amenity for future residents. As discussed in detail in the Statement of Consistency and Planning Report, prepared by Hughes Planning and Development Consultants, the subject proposal complies with the residential amenity minimum design standards required under Design Standards for New Apartments (2018). Further to this, the application is accompanied by a Sunlight, Daylight and Shadow Assessment Report, prepared by JAK Consulting Engineers, which confirms that the building proposed provides a high quality living environment for future residents of the proposed apartments and users of the proposed central courtyards.

We would contend that the exceedance of the building heights specified in the Tallaght Town Centre Local Area Plan 2020-2026 is appropriate in this instance as a high-quality urban environment is created irrespective of the building heights proposed. This high-quality urban environment comes as a result of the following:

- The proposed building is of a high quality architectural design and uses high quality materials and finishes as outlined in Section 12.3 of the Design Statement, prepared by C+W O'Brien Architects;
- The subject proposal includes the construction a new road through the subject site, along the site's southern boundary, which links Cookstown Road with the Old Belgard Road, as well as 2 no. new roads through the subject site linking Cookstown Road with the newly created through road and incorporates road, junction and streetscape upgrade works along Old Belgard Road, Cookstown Road and First Avenue. This will create a more urban/residential feel which improves upon the existing industrial street network currently featuring in the Cookstown Industrial Estate, as illustrated in the plan excerpts included in Figures 4.0, 5.0 and 6.0 overleaf;

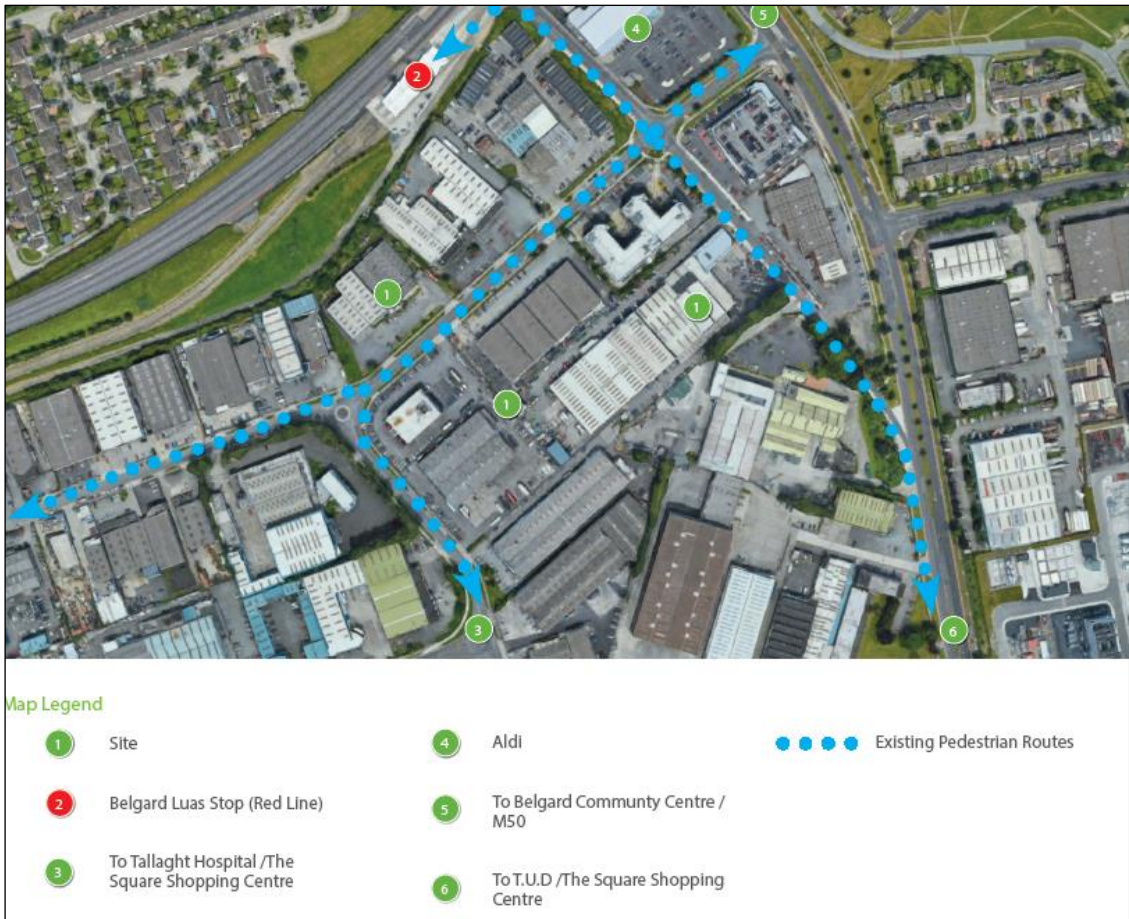


Figure 4.0 Existing Connectivity – Pedestrian included in the Design Statement, prepared by C+W O’Brien Architects



Figure 5.0 Proposed Connectivity - Site Permeability Diagram included in the Design Statement, prepared by C+W O’Brien Architects



Figure 6.0 Proposed Connectivity - Site Permeability Diagram included in the Design Statement, prepared by C+W O'Brien Architects, with pedestrian cycle links provided to Luas Stop encircled in yellow

- The proposed development includes a pedestrian/cycle link to the Belgard Luas Stop adjacent to the site's western boundary. The proposed development also features a 1,688sqm public plaza in the south-western corner as well as an additional 4,992sqm of public open space throughout the development. These items will create a high-quality urban environment for residents of the wider area as well as residents of the subject development; and
- The proposed building appropriately responds to the signalised junction being created at the intersection of Cookstown Road and First Avenue and the public plaza being introduced to the south-west of the site by incorporating commercial/retail uses and active internal amenity spaces adjacent as well as incorporating a landmark building component adjacent to the proposed public plaza.

Section 2.6.2 of the Local Area Plan states the following in relation to 'Landmark Buildings':

In the interest of place making and improving legibility, Landmark Buildings are permissible at key locations that will punctuate urban areas. In general, buildings that exceed the prescribed general buildings heights should only be provided at the locations indicated as having 'Potential for Higher Buildings' in the Building Height Strategy (see Figure 2.4) and at locations adjacent to the key public transport stops and key public spaces identified in Section 2.6.

A 2–4 storey increase on the above typical levels may be considered for key or landmark sites or where sites exceed 2ha in area and can establish its own identity (see Section 8.2 Implementation).

Section 2.6 states:

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 set out in Section 2.6.2. This provision may apply where the site is directly adjacent to the following:

- 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);
- The proposed 'New Urban Square' north of Belgard Square North in the Centre neighbourhood;
- The proposed 'New Urban Square' within the Cookstown neighbourhood; and
- The proposed Transport Interchange and adjacent proposed 'Urban Space' in the Centre neighbourhood.

This provision will only apply to the extent of a site which is within 100m walking distance of the above locations and will only be considered where the Planning Authority is satisfied that provision of the above facilities will be achieved.

Although the proposed higher built form elements featuring in the proposed scheme exceed the heights specified in the Local Area Plan, we would contend that they are consistent with the above policies pertaining to landmark buildings for the following reasons:

- The subject site immediately abuts the Belgard Luas Stop and sits immediately north of the proposed 'New Urban Square' within the Cookstown neighbourhood; and
- The subject site, at 4.99Ha, exceeds 2ha in area and establishes its own identity.

4.2 Housing Mix

With regards to housing mix, we would firstly note that Section 5.2.1 of the Tallaght Town Centre Local Area Plan 2020-2026 acknowledges that the population statistics from Census 2016 reveal that the population in the LAP area is young and includes a high proportion of families at the early stages of forming a family.

The subject site is located within the settlement of Tallaght and the Electoral Division of Tallaght Springfield. We consider there to be ample justification for the proposed housing mix in particular the no. of 3-bedroom apartments proposed, having regard to the demographic context of the area.

The below table illustrates the significant population growth that the settlement of Tallaght has experienced in comparison to Ireland in recent years. The CSO data outlines that Ireland has seen a 12.3% increase in population from 2006 to 2016, whilst during the same period, Tallaght has experienced a 16.8% growth. The electoral division of Tallaght Springfield has grown by an incredible 39.8% in the same period.

Settlement/Province	2006	2011	2016	Percentage Change		
				06-11	11-16	06-16
Ireland - State	4,239,848	4,588,252	4,761,865	8.2	3.8	12.3
South Dublin County	246,935	265,205	278,767	7.4	5.1	12.9
Tallaght	65,167	69,454	76,119	6.6	9.6	16.8
Electoral Division of Tallaght Springfield	7,876	9,123	11,012	15.8	20.7	39.8

Table 1.0 Population Trends 2006-2016

The 2016 census data revealed that 55.3% of the population of the Electoral Division of Tallaght Springfield was made up of people between the age of 0-34. This is 15.8% greater than the national figure, which is 39.5%. The 2016 census data also revealed that 75.7% of families living in the Electoral Division of Tallaght Springfield were 1, 2 and 3 person households/families. This is 10% above the national figure, which is 65.7%. We would contend that the proposed housing mix appropriately responds to the age demographic and family sizes in the Electoral Division of Tallaght Springfield.

SPPR 1 included in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018, provides that mix for apartments may specified in statutory development plans where an evidence-based Housing Need and Demand Assessment (HNDA) has been carried out. The review process for the South Dublin County Development Plan 2022-2028 only recently commenced and the HNDA had not been completed at the time of the adoption of the Tallaght Town Centre Local Area Plan 2020-2026. Therefore, we would contend that the national guidelines continue to outweigh the local planning policy provisions until such point that the HNDA is completed and policies and objectives in respect of housing mix are adopted in the new County Development Plan. Please note SPPR7 makes amendments to the mix required by SPPR1 in the context of Build-to-Rent developments.

4.3 Housing Tenure Mix

With regards to housing tenure mix, we would firstly note that the policy outlined in Section 5.2.2 of the Tallaght Town Centre Local Area Plan 2020-2026 is aspirational rather than a mandatory requirement. The encouragement to provide at least 30% owner occupied units across the LAP area is described as *'an ambition of the LAP'*.

Secondly, it looks to achieve 30% owner occupied units across the LAP area rather than on each site within the LAP area. This gives flexibility regarding the housing tenure mix adopted for a particular development. The proposed housing tenure mix can be justified having regard to the existing and recently permitted developments in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026 more broadly. Traditionally, the housing stock provided in the applicable area has been build-to-sell and the majority of recently permitted developments in the area have featured build-to-sell apartments. Table 2.0 below details recently permitted developments (within the past 3 years) featuring build-to-sell apartments and affordable apartments in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026. The corresponding map at Figure 7.0 indicates the location of this approved developments in the context of the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026 and the subject site.

Application Ref.	Site Address	Development Approved (in summary)	Date of Approval	Indicator No. on Map
ABP-303306-18	Belgard Gardens, Belgard Square North and Belgard Road, Tallaght, Dublin 24	Demolition of all existing buildings and construction of a mixed use residential development (total GFA 55,180 sqm) comprising a new urban quarter and streets with 5 no. blocks to provide 438 no. apartment units (including live/work units) and associated amenity facilities, a 403 no. bedspace student accommodation scheme and associated amenity facilities, childcare facility (c.380 sqm), 6 no. retail / commercial units (c.632 sqm in total) and a security room (c.52 sqm).	15 th April 2019	1
ABP-305763-19	Airton Road and Belgard Road, Tallaght, Dublin 24	Demolition of the existing industrial buildings on site (4,800sq.m) and the construction of 2 no. blocks comprising 328 no. apartments, ancillary residential support facilities and commercial floorspace measuring 31,147sq.m gross floor space above a single basement level.	20 th February 2020	2
ABP-306705-20	Former Gallaher's cigarette factory site at the junction of Airton Road & Greenhills	Demolition of existing factory/warehouse buildings on site; construction of 502 no. apartments, 3 no. retail units and a creche, within 6 no. blocks ranging in height from 4 to 8 storeys; provision of road improvements and pedestrian crossings; and all associated site development works and services provision.	16 th June 2020	3

	Road, Tallaght, Dublin 24			
SD208/0007	Belgard Square North, Tallaght, Dublin 24	Construction of 133 affordable rental apartments with a community facility (c. 12,918sq.m) in three blocks ranging from three to eight storeys with associated balconies/ terrace for each apartment and roof mounted solar panels linked by a single storey podium.	Due to be approved in early 2021	4
SD20A/0050	Colberts Fort, Belgard Road, Tallaght, Dublin 24.	Three storey apartment building containing six apartments with external terraces/private gardens (3 x two bed & 3 x three bed duplex) & one end of terrace two storey house (two bed), landscaping of site and play area, footpath, bin stores, eight car parking spaces, eighteen bicycle parking spaces and all associated site works.	18 th January 2021	5

Table 2.0 Developments permitted within the past 3 years in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026 featuring build-to-sell apartments

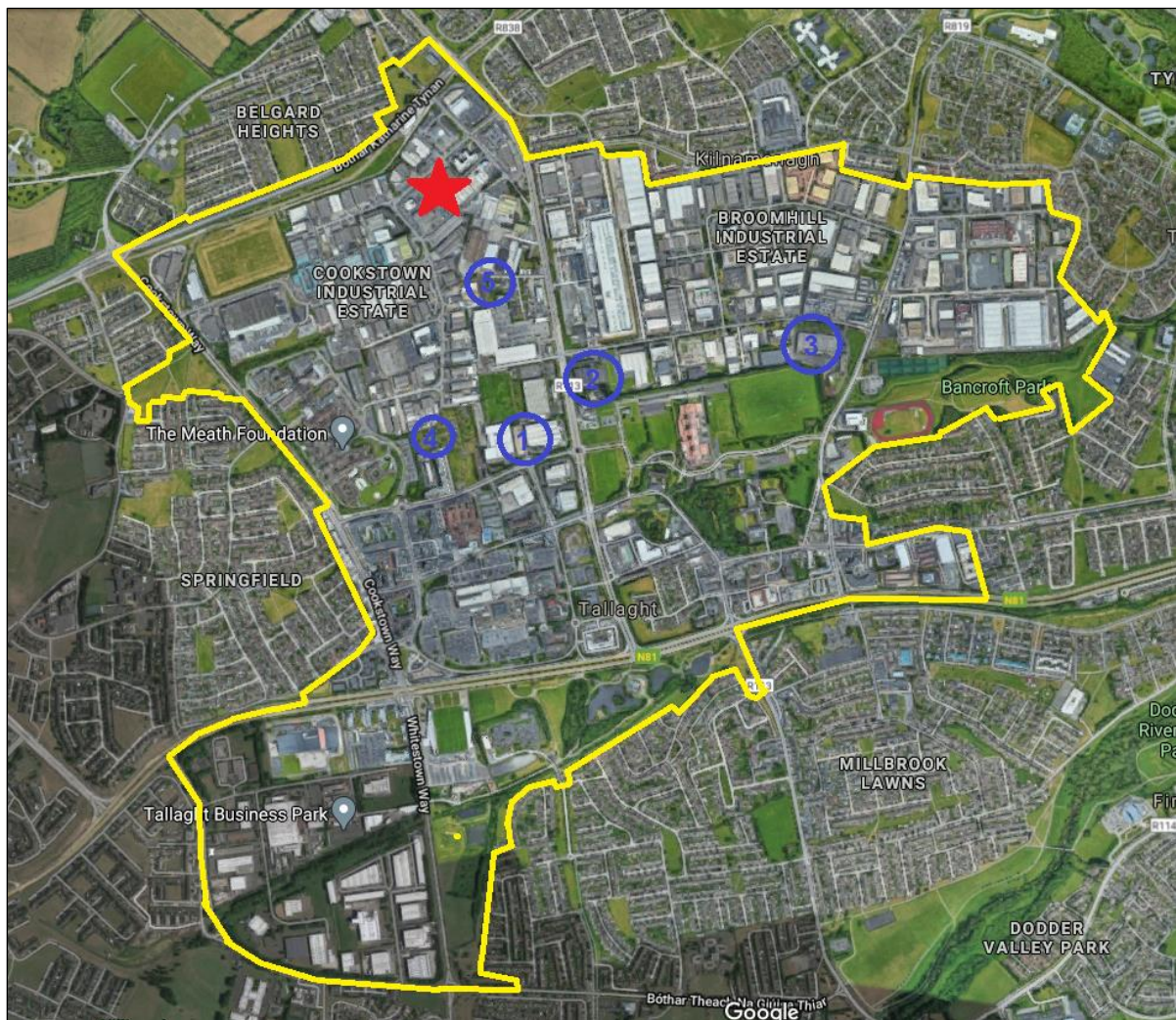


Figure 7.0 Map indicating the location of the permitted developments detailed in Table 2.0, with the boundary area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026 marked in yellow and the subject site indicated with red star

The concept of build-to-rent is a relatively new one. To date, only 2 no. planning applications involving 'Build-to-Rent' apartments have been granted planning permission through the Strategic Housing Development process (under ABP Ref. ABP-303803-19 and ABP Ref. ABP-308398-20) in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026. These approvals were for the following development:

- Units 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24, under ABP Ref. ABP-303803-19:

Demolition of the existing 2,590sq.m industrial building and the construction of a 'build-to-rent' housing development providing a total of 196 no. residential apartments (comprising 45 no. studio units, 48 no. one-bed units, 8 no. two-bed (3-person) units and 95 no. two-bed (4-person) units) in 4 no. six-nine storey blocks over basement. The development will include 1 no. commercial unit (248sqm, accommodating Class 1, 2 and 8 uses as per the Planning and Development Regulations, 2001 – 2018) at ground floor level, 1 no. office unit (111sqm) at ground floor level; a crèche (192sqm) at ground floor level; a gym (18sqm) at ground floor level; 6 no. communal amenity spaces provided at ground and first floor levels across the development (totalling 286sqm); a communal hot desk room (25sqm) at ground floor level; and 3 no. communal secure storage areas (totalling 31sqm) at ground floor level; along with a ground floor level landscaped courtyard, 408 no. bicycle spaces (308 no. resident spaces at basement level and 100 no. visitor spaces at ground floor level); an underground carpark (accessed from Second Avenue, providing a total of 67 parking spaces (including 61 no. standard spaces and 6 no. mobility impaired user parking spaces)) and refuse/waste/recycling stores. Associated site and infrastructural works are also proposed which include: foul and surface water drainage; attenuation tanks; lighting; landscaping; boundary fences; plant areas; ESB Substations; internal hard landscaping, including footpaths and street furniture; and all associated site development works.

- Units 66 & 67 Fourth Avenue, Cookstown Industrial Estate, Dublin 24, under ABP Ref. ABP-308398-20:

Demolition of the existing industrial buildings (2,518sq.m); (ii) construction of: (a) 252 no. 'build-to-rent' apartments (comprising 50 no. studios, 96 no. one-bed apartments; 100 no. two-bed apartments and 6 no. three-bed apartments) in a two to nine storey development. Each apartment has associated private open space in the form of a ground floor terrace or a balcony and has access to 613sqm of internal communal amenity space (including a concierge and management facilities, communal gym, flexible meeting rooms, library/co-working space, lounge, cinema/multimedia room and external covered game area); 1792sqm of external communal amenity space at first and second floor levels; and a 65sqm external covered communal amenity area at first floor level. The development is served by an under-croft carpark accessible from the south-western corner of the site providing a total of 73 no. parking spaces (including 58 no. standard spaces, 10 no. go-car spaces and 5 no. mobility impaired user parking spaces) and 500 no. bicycle spaces at ground floor level (372 no. resident spaces and 128 no. visitor spaces); and (b) 2 no. commercial units (comprising of a 95sqm unit accommodating a café/restaurant and a 145sqm unit accommodating Class 1, 2 and 8 uses as per the Planning and Development Regulations, 2001-2019, as amended) and a 275sqm crèche, with associated 86sqm play area, at ground floor level; (iii) road, junction and streetscape upgrade works along Fourth Avenue and Cookstown Road, including the installation a signalized junction at the intersection of Fourth Avenue and Cookstown Road; (iv) Construction of a temporary access road along the southern site boundary; and (v) associated site and infrastructural works are also proposed which include: foul and surface water drainage; attenuation tanks; lighting; landscaping; boundary treatment; plant areas; ESB substations; and all associated site development works. (Please note: Condition No. 2 included in the Board's order requires changes to the building height of Blocks A and B and the relocation of the proposed creche which necessitates a reduction in the overall apartment nos.)

It is worth noting that the Inspector Report, associated with the recently granted Strategic Housing Development at Units 66 & 67 Fourth Avenue, Cookstown Industrial Estate, Dublin 24 under ABP Ref.

ABP-308398-20, included the following commentary regarding the applicable development's non-compliance with the housing mix outlined in the Tallaght Town Centre Local Area Plan 2020-2026:

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

1 no. other Strategic Housing Development proposal involving Build-to-Rent units submitted in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026 was refused permission. The details of this application are as follows:

- On 19th June 2019, a development was refused at Unit 21 First Avenue, Cookstown Industrial Estate, Dublin 24 (under ABP Ref. ABP-303911-19), involving the following (in summary):

The demolition of 5,500 square metres of existing one and two-storey industrial buildings (including a small operating café) and associated site clearance works, and the construction of 150 no. 'Build-to-Rent' apartments in three number, five to six storey blocks and 222 number Shared Living units in a fourth, six to eight storey (parapet level) block.

A review of the An Bord Pleanála and South Dublin County Council planning registers revealed no planning applications involving 'Build-to-Rent' units currently being considered in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026.

In light of the above, we consider that the proposed scheme will not result in an overconcentration of Build-to-Rent units in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026 and given the no. of the owner occupied units featuring in the above SHD approvals, the 30% owner occupied units sought across the LAP area will be achieved.

Thirdly, we consider there to be justification for the proposed mix having regard to the socio economic and demographic context of the area. As discussed previously in Section 4.2, the age profile is younger and in the family/household sizes smaller in the Electoral Division of Tallaght Springfield than the equivalent national figure. We would contend that the proposed housing tenancy mix appropriately responds to the age demographic and family sizes featuring in the Electoral Division of Tallaght Springfield as the Build-to-Rent model is most appealing to young professionals and small families due to the level of on-site amenities offered, including a creche and children's play area, as well as the majority of maintenance responsibility falling to the management companies. The proposed development offers younger people/small families in the area a suitable accommodation option during the transitional period between vacating their family home and purchasing their first home.

Finally, the subject application is accompanied by a Commentary on the Private Rented Sector / Market Demand, prepared by Cushman Wakefield, and a Build to Rent Market Justification Report, prepared by LIV Consulting, which provide an economic and market rationale for this housing typology/mix at this location. Cushman Wakefield's report concludes that: -

'In short, there is a compelling economic and planning rationale for this housing typology at this location. The site enjoys a number of key locational advantages including its position relative to major employment centres in the surrounding area including the Tallaght Hospital, TUD Tallaght, the Square and the Civic Offices.' LIV Consulting's report concludes that *'in addition to the immediate geographical benefits of the scheme, the continued decline in home ownership against the increase of rental tenures across Dublin provides further justification for introducing Build to Rent in an emerging urban hub such as Tallaght. The BTR proposition is primarily targeted at a younger/mid age level demographic, particularly junior and established professionals, service workers, couple and small families. Moreover, given the local employment and education context there is also reason to assume that the proposed scheme will appeal to graduates who want to stay in the area. The trend of smaller household sizes is supported by*

this development, with a high level of Studios, One and Two Beds, whilst an appropriate number of larger three-bedroom units are also provided. The proposed unit mix ensure flexibility for residents, allowing them to evolve and move within the scheme should their requirements change. This mix supports long term rental and professionally managed developments with a focus on resident wellbeing’.

5.0 Justification for Potential Material Contraventions pursuant to Section 37(2)(b) of the 2000 Act.

A justification for the potential material contraventions of the Tallaght Town Centre Local Area Plan 2020-2026 is set out below, under the relevant parts of Section 37(2)(b) of the 2000 Act.

5.1 Part (i) - Proposed Development is of Strategic or National Importance

The proposed development comprises of inter alia the provision of a mixed-use development featuring 1104 no. build-to-rent apartments on a site of c. 4.98 hectares. The proposed development falls within the definition of a Strategic Housing Development in accordance with the definition of same provided under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. On this basis it is submitted that the proposed development is, of strategic importance with respect to the timely delivery of urban housing and implementation of the current Government’s Action Plan for Housing and Homelessness – Rebuilding Ireland.

5.2 Part (ii) - There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned

In the context of housing mix: - As discussed in Section 3.2 of this report, Section 5.2.1 of the Tallaght Town Centre Local Area Plan 2020-2026 establishes a quantitative requirement in relation to housing mix, more specifically in relation to 3-bedroom apartment provision. The Tallaght Town Centre Local Area Plan 2020-2026 goes on to state the following in Section 5.2.2 of the Tallaght Town Centre Local Area Plan 2020-2026 in relation to Build-to-Rent (BTR): Security of Tenure:

It is the policy of the Council to support Build to Rent developments that comply with the housing/occupancy mix requirement specified in this Section and national policy, in particular with the policies and objectives set out in ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)’ (Objective RE 5).

The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) will be discussed in greater detail subsequently in Section 5.3.3 of this report. However, at this stage of the report, we would like to highlight part (i) of Specific Planning Policy Requirement 8 which specifically removes restriction on dwelling mix in the context of Build-to-Rent developments. Part (i) of Specific Planning Policy Requirement 8 reads as follows:

For proposals that qualify as specific BTR development in accordance with SPPR 7:

- i. No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;*

Therefore, the objectives outlined in Sections 5.2.1 of the Tallaght Town Centre Local Area Plan 2020-2026 regarding housing mix directly contradicts Objective RE 5 subsequently set out in Section 5.2.2 of the Tallaght Town Centre Local Area Plan 2020-2026. Further to this, the requirements contained within Objective RE 5 to comply with the housing/occupancy mix requirement specified and with the policies and objectives set out in ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)’ also contradicts itself.

In the context of building height: - we would contend that the objectives contained in the Tallaght Town Centre Local Area Plan 2020-2026 pertaining to height have so many inherent flexibilities that they are open to interpretation and are therefore, not clearly stated. For example, the objectives pertaining to the height and landmark buildings make provision for:

- Greater density and height in close proximity to Luas stops and along arterial and primary route frontages (up to 6–7 storeys residential, +1 recessed and up to 5–6 storeys non-residential, +1 recessed) (Ref., page 27, LAP);
- Building design as opposed to building height is the key determinant in producing an acceptable Landmark Building and such buildings should be of high quality design (Ref., page 28, LAP);
- Buildings that exceed the prescribed general buildings heights should only be provided at the locations indicated as having ‘Potential for Higher Buildings’ in the Building Height Strategy (see Figure 2.4) and at locations adjacent to the key public transport stops and key public spaces identified in Section 2.6 (Ref., page 29, LAP);
- A 2–4 storey increase on the above typical levels of the LAP Heights Strategy may be considered for key or landmark sites or where sites exceed 2 ha in area and can establish its own identity (Ref., page 29, LAP);
- Where justified by a Design Statement, building elements higher than 8 storeys must be designed as corner features or similar limited elements of urban blocks to define streetscape, respond to public spaces or close urban vistas (Ref., page 29, LAP); and
- Where taller landmark buildings are proposed they should achieve the highest standards of design including high quality and robust materials, should contribute to an emerging skyline for Tallaght and should be slender buildings that successfully manage their environmental impacts on surrounding lands (Ref., page 29, LAP).

We would contend that the proposed development warrants a flexible application of the abovementioned objectives regarding building height due to the quality of the proposed development’s design and its contribution to the emerging skyline for Tallaght. In this regard, we note the following:

- The subject site is proximate to 2 no. bus routes running along Belgard Road and is located immediately south of the Belgard Luas Stop. The proposed development has been designed to provide a pedestrian/cycle link between Cookstown Road and the Luas Stop as well as Block A providing an active frontage and improved interface with the Luas Line.
- Further to this, the proposed development makes a positive contribution to place-making, by also incorporating 3 no. new streets which will also enhance connectivity and permeability within the surrounding area. The proposed development also incorporates a large public plaza in the south-western corner of the site as well as additional public open space throughout the development. The scheme also provides for 5,107sqm of communal open space incorporating designated play areas.
- The subject site, at c. 5Ha, establishes a self-sustaining community through the provision of 1104 no. ‘build-to-rent’ apartments with ancillary resident facilities, 4 no. commercial unit, 1,500sqm of office space, open space areas and a 245sqm crèche; which are proximate to existing community infrastructure/services including Aldi as well as the nearby Tallaght Town Centre.
- The proposed scheme is primarily 4-9 no. storeys in height with an 11-no. storey element in the south-eastern corner of the site adjacent to the proposed public plaza. The varying height and architectural composition of the proposed buildings which gradually extend up to 11 no. storeys afford visual interest in this area and will act as a wayfinding beacon for pedestrians that will traverse the public plaza provided as part of the scheme as well as the public open space area proposed south of the proposed development.

5.3 Part (iii) - Permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government

The following section shall demonstrate how the proposed building height, housing mix and housing tenure mix are justified in the context of recent National Planning Policy and Section 28 Government Guidelines.

5.3.1 Project Ireland: National Planning Framework 2040

The National Planning Framework 2040 (NPF) seeks to increase densities and building heights in appropriate urban locations to consolidate urban sprawl, increase the sustainability of public transport networks and meet the housing needs of our growing population. The NPF seeks to influence the location of new housing development and future population growth and targets the location of 40% of new housing development within and close to the existing 'footprint' of built up areas over the lifetime of the framework.

The following objectives and guidance regarding brownfield development in the NPF are of particular relevance:

National Policy Obj. 3a *Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.*

National Policy Obj. 3b *Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.*

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

National Policy Obj. 35 *Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*

To enable brownfield development, planning policies and standards need to be flexible, focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases. Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes. This is in recognition of the fact that many current urban planning standards were devised for application to greenfield development sites and cannot account for the evolved layers of complexity in existing built-up areas.

The proposed building heights are considered appropriate given the brownfield nature of the subject site and the location of the site, in close proximity to Tallaght Town Centre and multiple public transport services. More specifically, the subject site immediately abuts the Belgard Luas Stop and is in close proximity to Bus Route Nos. 76 and 76A which run along Belgard Road.

The proposed development is therefore in accordance with the objectives of the NPF in this regard. Restricting development building heights at such a location, well served by public transport, under the Tallaght Town Centre Local Area Plan 2020-2026 is a direct contravention of National policy which promotes increased densities at well served urban sites, and discourages universal height standards in certain urban areas, such as the subject site.

National Planning Framework states the following in relation to changing family size:

Currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. Household sizes in urban areas tend to be smaller than in the suburbs or rural parts of the country. In Dublin city, one, two and three person households comprise 80 percent of all households. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms.

Having regard to the above, the proposed unit mix responds to the identified strategic need for smaller units in the housing stock in urban areas. The proposed development will include studio, one-bedroom,

two-bedroom and three-bedroom apartments which will improve the variety of house types in the area consistent with national policy guidance.

5.3.2 Urban Development and Building Heights Guidelines for Planning Authorities, 2018

The Urban Development and Building Height Guidelines, 2018, are intended to set out national planning policy guidelines on building heights and development intensity in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. Under Section 28(1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function.

The Height Guidelines emphasise the policies of the National Planning Framework to greatly increase levels of residential development in urban centres and to increase building heights and overall density, and to ensure that the transition towards increased heights and densities are not only facilitated but actively sought out and brought forward by the planning process and particularly at Local Authority level and An Bord Pleanála level.

The Height Guidelines, 2018, state that the:

Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.

The Guidelines also note that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development and it notes that the planning process must actively address how this objective will be secured. Chapter 3 of the Height Guidelines, 2018 expressly seeks increased building heights in urban locations:

In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.

Under Section 28(1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function. The Height Guidelines state that *'the preparation of development plans, local areas plans, and Strategic Development Zone Planning Schemes and their implementation in the city, metropolitan and wider urban areas must therefore become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights'*.

The Height Guidelines note Local Authorities have set generic height limits within their functional areas and state the following:

Such limits have resulted from local-level concerns, like maintaining the character of an existing built-up area, for example. However, such limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby many of our cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area. Such blanket limitations can also hinder innovation in urban design and architecture leading to poor planning outcomes.

The Guidelines state that it is appropriate to support heights of at least six storeys at street level with scope for greater height subject to design parameters. This is contrary to the height limitations provided in the Tallaght Town Centre Local Area Plan 2020-2026. It is further stated that in some cases Development Plans have set out overly restrictive maximum heights limits which leads to development being displaced to less suitable locations resulting in a lost opportunity for key urban areas. Section 2.8 of the Guidelines identifies examples of locations with potential for comprehensive development which

could accommodate a cluster of tall buildings with brownfield former industrial districts being cited as an example. This is wholly applicable to the subject site which represents a serious underutilisation of zoned and serviced land within a town centre environment.

Chapter 2 of the Guidelines sets out the following Specific Planning Policy Requirement:

Specific Planning Policy Requirement 1

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

We would contend that the height limits set out in the Tallaght Town Centre Local Area Plan 2020-2026 are contrary to Specific Planning Policy Requirement 1 which notes that blanket numerical limitations on building height shall not be provided for through statutory plans.

Chapter 3 of the Guidelines sets out the following Specific Planning Policy Requirement:

Specific Planning Policy Requirement 3

It is a specific planning policy requirement that where;

- (A) 1. *an applicant for planning permission sets out how a development proposal complies with the criteria above; and*
 2. *the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.*
- (B) *In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme*
- (C) *In respect of planning schemes approved after the coming into force of these guideline these are not required to be reviewed.*

We have demonstrated how the proposed development satisfies the specified criteria set out in Specific Planning Policy Requirement 3 of the Height Guidelines as follows:

Development Management Criteria	
Assessment Criteria	Comment
<i>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</i>	<ul style="list-style-type: none"> The subject site is located immediately south of the Belgard Luas Stop and is also proximate to 2 no. bus routes running along Belgard Road.
<i>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having</i>	<ul style="list-style-type: none"> It has been detailed in the Architectural Design Statement, prepared by C+W O'Brien Architects, and the Statement of Consistency, prepared by Hughes Planning and Development Consultants, how the development will be assimilated into its surrounding context. We note that the subject site is not located within an architecturally sensitive area and is not surrounded by any unique locational characteristics, having regard to its

At the scale of the relevant city/town	<p><i>regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect</i></p>	<p>position at the edge of the Cookstown Industrial Estate in Tallaght. It is considered that the architectural composition of the proposed buildings which gradually extend up to 11 no. storeys afford visual interest in this area and will act as a wayfinding beacon for pedestrians that will traverse the public plaza provided as part of the scheme as well as the public open space area proposed south of the proposed development. It is also noted that the proposed development involves extensive public realm upgrades, including the construction of 3 new roads; road, street and junction upgrades along First Avenue, Cookstown Road and Old Belgard Road; and provision of a pedestrian/cycle link through the site, between Cookstown Road and the Belgard Luas Stop.</p> <ul style="list-style-type: none"> • A Visual Impact Assessment and Sunlight, Daylight and Shadow Assessment Report have been carried out and are submitted with this application.
	<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<ul style="list-style-type: none"> • The proposed development makes a positive contribution to place-making, incorporating 3 no. new street and a pedestrian/cycle link to the Belgard Luas stop which will enhance connectivity and permeability within the surrounding area. The proposed development also incorporates a 1688sqm public plaza in the south-western corner of the site as well as additional public open space throughout the development. The scheme also provides for 5,107sqm of communal open space incorporating designated play areas as detailed within the accompanying Landscape Masterplan and Landscape Strategy and Design Report, prepared by Cunnane Stratton Reynolds. • The site is enclosed on multiple sides by roads which allow the site to have the capacity to absorb additional height. We note that the sites adjacent to the subject site comprises of commercial warehouses/industrial buildings, thus there are no concerns for impacts on existing residential amenity. The high quality design including a palette of simple materials, will allow the scheme to successfully integrate with the surrounding area.
At the scale of district/ neighbourhood/ street	<p><i>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape</i></p>	<ul style="list-style-type: none"> • The high quality design of the proposed development has regard to clear guidance provided in national planning policy which seeks the densification of brownfield sites in close proximity to significant employment locations and public transport such as the subject site. We submit that no material impacts on residential amenity will occur as a result of the proposed development, having regard to the results of the Visual Impact Assessment and Sunlight, Daylight and Shadow Assessment Report and the absence of any sensitive residential receptors in the vicinity. The high quality materials utilised in the scheme ensures that the development will make a positive contribution to the streetscape. The provision of a public pedestrian/cycle link through the site and the creation of 3 no. new roads will encourage connectivity and permeability for the those utilising the Belgard Luas Stop, which will create a vibrant sense of place on these regeneration zoned lands.
	<p><i>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</i></p>	<ul style="list-style-type: none"> • We note that this high quality scheme provides adequate relief, the 4 no. blocks proposed varying in height from four to eleven storeys, with the 11 no. storey element confined to the south-western corner of the scheme. A comprehensive Design Statement has been prepared by C+W O'Brien Architects and is submitted with this planning application which demonstrates the rationale for the design approach and how conscious efforts have been made to provide architecturally interesting forms and spaces.
	<p><i>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered</i></p>	<ul style="list-style-type: none"> • We note that the scheme will provide active surveillance of the public and communal open spaces throughout the development with the provision of own door access apartments, retail/commercial units, a creche and resident support facilities providing animated daytime uses. Furthermore, we submit that the scale of the development is appropriate to its location as set out within the accompanying Statement of Consistency and

	<i>in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009)</i>	<p>Planning Report, prepared by Hughes Planning and Development Consultants.</p> <ul style="list-style-type: none"> We note that a Flood Risk Assessment has been carried out by GDCL Consulting Engineers (discussed in the Engineering Services Report) which has due regard to the Flood Risk Management Guidelines.
	<i>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</i>	<ul style="list-style-type: none"> The high quality design of the scheme will ensure the development will be a legible and attractive addition to the area designated for regeneration. As previously noted, the pedestrian/cycle link to the Belgard Luas Stop provided along the sites eastern boundary and the 3 no. new roads being created will enhance the legibility of the scheme within its context. The public plaza will contribute to the wayfinding within the surrounding area.
	<i>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</i>	<ul style="list-style-type: none"> As set out at Section 1.0 of this report, the proposed application seeks permission for a strategic housing development comprising a mixed-use development featuring 1104 no. 'build-to-rent' apartments with ancillary resident facilities, 4 no. commercial units (totalling 762sqm), 1,500sqm of office space and a 245sqm crèche. The mix of uses proposed on the subject site will ensure the creation of a sustainable community with ease of access to services and facilities on the subject site as well as the nearby Tallaght Town Centre.
At the scale of the site/building	<i>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light</i>	<ul style="list-style-type: none"> We refer to the Sunlight, Daylight and Shadow Assessment Report, prepared by JAK Consulting Engineers, submitted with this application, which demonstrates a high quality living environment internally and externally for future residents. In conclusion, the steps taken by the project team during design have ensured that levels of daylight and sunlight within the development have been safeguarded.
	<i>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'</i>	<ul style="list-style-type: none"> As noted above, the Sunlight, Daylight and Shadow Assessment Report demonstrates a high quality living environment for future residents.
	<i>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</i>	<ul style="list-style-type: none"> N/A – as outlined in the Sunlight, Daylight and Shadow Assessment Report, prepared by JAK Consulting Engineers, the proposed development fully meets all the requirements of the daylight provisions.
	<i>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments</i>	<ul style="list-style-type: none"> The proposed scheme is primarily 4-9 No. storeys in height with a 11 no. storey element in the south-eastern corner of the site adjacent to the proposed plaza. The application is accompanied

Specific Assessments	<i>shall include measures to avoid/mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</i>	by an Environmental Impact Assessment Report which includes a wind and microclimate chapter, prepared by B-Fluid. This chapter concludes that <i>'the development is designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrian), and, the development does not introduce any critical impact on the surrounding buildings, or nearby adjacent roads'</i> .
	<i>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision</i>	<ul style="list-style-type: none"> A bat survey has been carried out by Altemar Environmental Consultants in preparing the Biodiversity Chapter of the EIAR. The applicable section of the chapter notes that: <i>A full examination of the buildings yielded no evidence of past or current bat presence. No sign of bats was observed on external walls or within buildings. All smooth-sided containers etc. were inspected for bat corpses but, none was found. No evidence of past or current use by bats of any of the onsite structures or trees was found when surveys were undertaken. No foraging was noted on site.</i>
	<i>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</i>	<ul style="list-style-type: none"> N/A
	<i>An assessment that the proposal maintains safe air navigation.</i>	<ul style="list-style-type: none"> The application is accompanied by an Aeronautical Assessment Report, prepared by O'Dwyer & Jones Design Partnership, which assesses the subject developments potential impact on the approach & take-off climb surfaces and conical surface associated with Casement Aerodrome and the Tallaght Hospital Heliport. It concludes that: <i>...the proposed residential development at the Cookstown Castle site complies with all aviation and aeronautical requirements affecting the site.</i>
	<i>An urban design statement including, as appropriate, impact on the historic built environment.</i>	<ul style="list-style-type: none"> An Architectural Design Statement prepared by C+W O'Brien Architects has been submitted with the application. The industrial buildings featuring on site currently are not considered to be of any historical or architectural merit.
	<i>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</i>	<ul style="list-style-type: none"> An Appropriate Assessment Screening Report, prepared by Altemar Environmental Consultants, and Environmental Impact Assessment Report, compiled by Hughes Planning and Development Consultants, are submitted with the planning application.

As discussed previously, the subject site is in close proximity to the Belgard Luas Stop and multiple bus services running along Belgard Road. The proposed development therefore represents an opportunity to provide for increased building heights and densities in accordance with national planning policy.

The building heights set out in the Tallaght Town Centre Local Area Plan 2020-2026 are considered to be conservative and an inefficient use of zoned land and is considered to be contrary to the objectives of the Urban Development and Building Height Guidelines, 2018.

5.3.3 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018

The following guidance is provided in regards to Central and/or Accessible Urban Locations in the Apartment Guidelines:

'In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or

adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.

These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.'

The subject site is located immediately south of the Belgard Luas Stop and within 5 minutes walking distance of Bus Route Nos. 76 and 76A. The subject site therefore constitutes a 'central and / or accessible urban location' as defined within the 2018 Apartments Guidelines. The site is also in close proximity to a number of existing employment providers, including Tallaght Hospital, TU Dublin (Tallaght Campus) and Amazon, with additional employment opportunities earmarked for the Cookstown Industrial Estate area and the Tallaght area more broadly. Therefore, the subject site is considered appropriate to accommodate higher density development and a suitable location for a build-to-rent scheme.

The Apartment Guidelines includes the following specific planning policy requirements (SPPRs) pertaining to unit mix:

Specific Planning Policy Requirement 1

Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

Specific Planning Policy Requirement 8

For proposals that qualify as specific BTR development in accordance with SPPR 7:

- ii. No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;*
- iii. Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;*
- iv. There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;*
- v. The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;*
- vi. The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.*

The prescriptive requirement regarding minimum 3-bedroom unit provision included in the Tallaght Town Centre Local Area Plan 2020-2026 is in conflict with SPPR 1 of the Apartment Guidelines which set no minimum requirement for the number of 3+ bedroom units in any apartment development and SPPR 7 which requires no restriction on dwelling mix in the context of Build-to-Rent developments.

Further to this and as previously discussed, SPPR1 allows for a Statutory Development Plan to specify a mix for apartment and other housing developments where an evidence-based Housing Need and Demand Assessment (HNDA) has been agreed and incorporated into the relevant development plan.

The Tallaght Town Centre Local Area Plan 2020-2026 does not constitute a Statutory Development Plan and is not informed by the Housing Need and Demand Assessment being prepared in conjunction with the South Dublin County Development Plan 2022-2028. Therefore, we would contend that the national guidelines continue to outweigh the local planning policy provisions until such point that the HNDA is completed and policies and objectives in respect of housing mix are adopted in the new County Development Plan.

The housing mix specified in the Tallaght Town Centre Local Area Plan 2020-2026 conflicts with the provisions set out in the Apartment Guidelines and are therefore a direct contravention of National policy.

5.3.4 Rebuilding Ireland – Action Plan for Housing and Homelessness

Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 no. homes and deliver 47,000 no. units of social housing in the period to 2021, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector.

Rebuilding Ireland is set around 5 no. pillars of proposed actions. Pillar 3 seeks to – Build More Homes: Increase the output of private housing to meet demand at affordable prices and Pillar 4, ‘Improving the Rental Sector’, includes build-to-rent and encourages “build-to-rent” as a key action.

The increased building height and unit mix put forward in the proposal will deliver much needed housing within the Dublin Metropolitan Area in accordance with the aims of Rebuilding Ireland, and in particular Pillars 3 and 4.

5.4 Part (iv) - Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted in the area since the making of the development plan

We would contend that permission for the proposed development should be granted having regard to the pattern of development approved in the surrounding area. The pattern of development and permissions granted in the area of the subject site are key considerations in the rationale for the current Strategic Housing Development proposal. The pattern of development in the surrounding area are of relevance to the current development proposal.

The transition/major change being experienced in the Cookstown Industrial Estate as a result of recent planning permissions was recently acknowledged by the Inspector considering the recent Strategic Housing Development at Units 66 & 67 Fourth Avenue, Cookstown Industrial Estate, Dublin 24, under ABP Ref. ABP-308398-20. The following commentary featured in the Inspector’s Report in this regard:

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

subject site. Having regard to these recent planning permissions in the wider area, it is my view that the surrounding area is in transition and undergoing a major change in its profile of development and that the proposed development would reinforce that changing profile.

As alluded to in the above commentary, a number of Strategic Housing Developments have been approved in the Cookstown Industrial Estate which involve similar building heights as the subject proposal as illustrated in the map in Figure 8.0 below and the subsequent discussion.



Figure 8.0 Strategic Housing Developments approved in the Cookstown Industrial Estate involving similar building heights as the subject proposal

The approved Strategic Housing Developments illustrated in Figure 8.0 above are discussed in more detail overleaf:

Belgard Gardens, Belgard Square North and Belgard Road, Tallaght, Dublin 24 (Site No. 1 on map at Figure 8.0)

ABP Case No. 303306-18

Permission was granted by An Bord Pleanála on 15th April 2019 for a Strategic Housing Development on lands at Belgard Gardens, Belgard Square North and Belgard Road, Tallaght, Dublin 24 (immediately east and south-east of the subject site). In summary, the proposed Strategic Housing Development involves demolition of all existing buildings and construction of a mixed use residential development (total GFA 55,180 sqm) comprising a new urban quarter and streets with 5 no. blocks to provide 438 no. apartment units (including live/work units) and associated amenity facilities, a 403 no. bedspace student accommodation scheme and associated amenity facilities, childcare facility (c.380 sqm), 6 no. retail / commercial units (c.632 sqm in total) and a security room (c.52 sqm). This will comprise phase I of the overall development of the c.7.2 ha. site and will be located on a net site area of 3.45 ha. (excluding proposed temporary car park at grade).

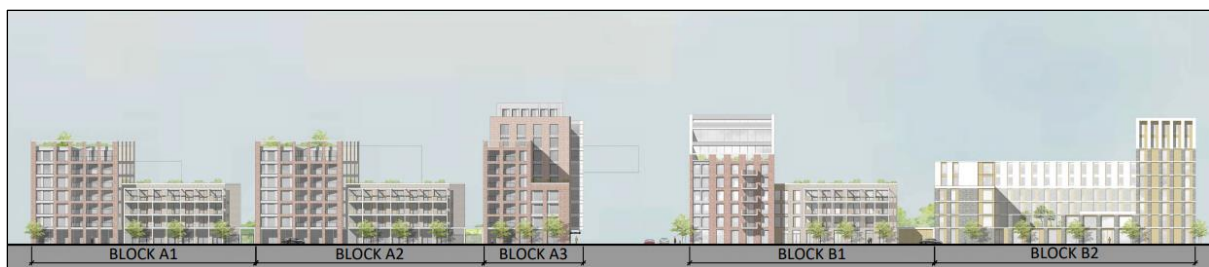


Figure 9.0 South contextual elevation of development proposed under An Bord Pleanála Case No. 303306



Figure 10.0 Site layout plan approved under An Bord Pleanála Case No. 303306-18

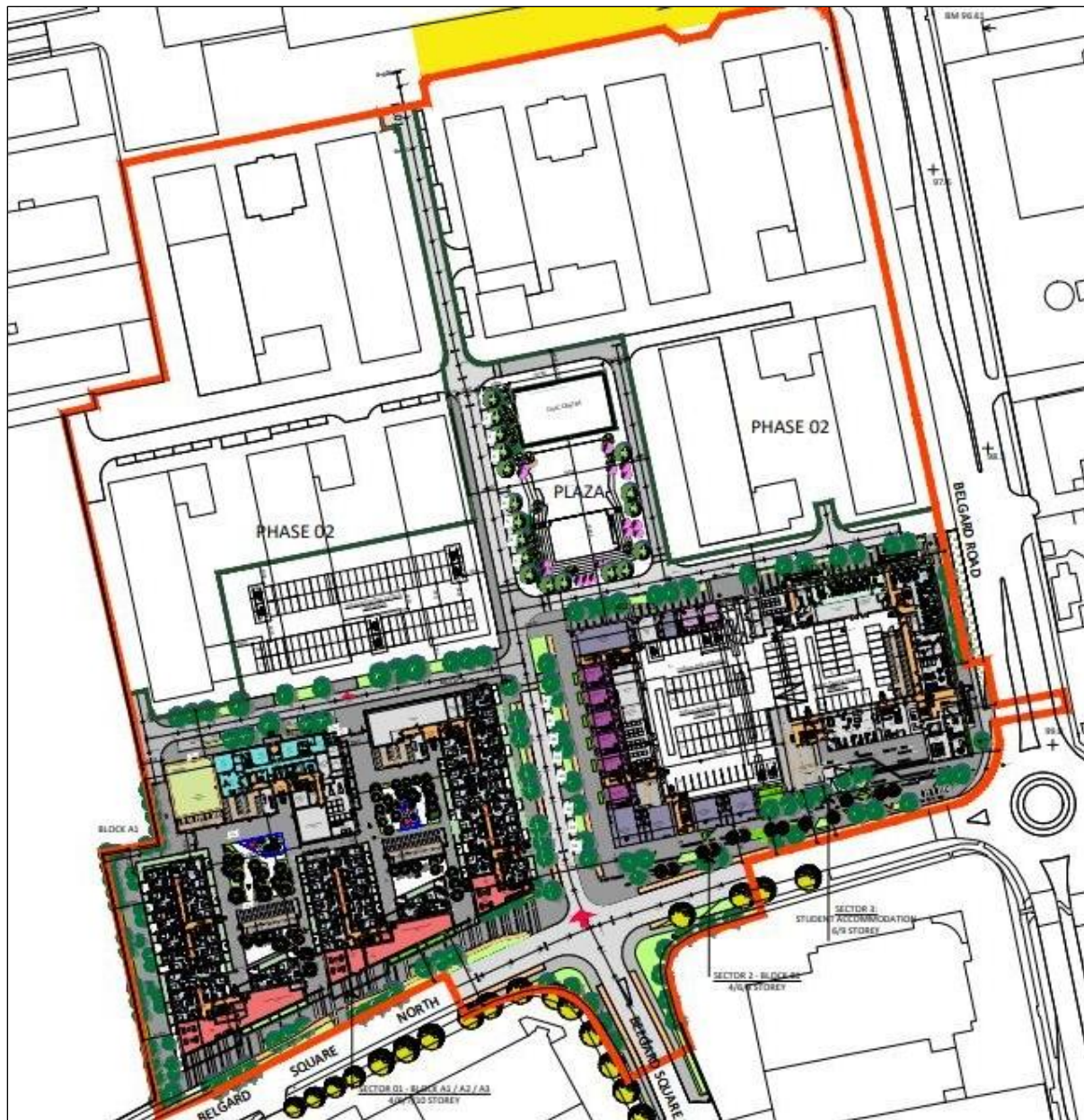


Figure 11.0 Site layout plan of development approved under An Bord Pleanála Case No. 303306-18 including the second phase of development which is to follow

This planning permission remains in force until July 2029 and sets a precedent for the construction of suitably designed residential developments in this area. This development proposes building heights of 4-10 storeys which exceeds the 3-4 storey height earmarked for the sites northern boundary and 4-6 storey height earmarked for the sites western and eastern boundaries, as illustrated in the Overall Urban Structure (Cookstown) Diagram included in Figure 3.7 of the Tallaght Town Centre Local Area Plan 2020-2026.

In the Inspector's Report, dated April 2019, it is noted that the site is suitable for the construction of 10 storeys. The Inspector states:

'In relation to urban design I consider that the site is wholly capable of establishing its own height. It addresses two public roads with suitable separation distances and in addition to the further phase of development, it effectively is a new urban quarter in the area given the size of the site. The higher elements of the proposed scheme are located at pivotal corners and junctions which create a presence for the development and way finding for the wider area. The

design of the buildings which is discussed elsewhere provides that the height can be appropriately absorbed into the overall design and into the wider area. I consider therefore that in urban design terms the height strategy for the site is appropriate.'

The Inspector's Report notes that the development was in contravention of the 2006 Tallaght Town Centre Local Area Plan before noting that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: where development is of strategic or national importance; conflicting objectives in the development plan; regional planning guidelines or guidelines under Section 28 etc. or the pattern of development permissions granted in the area since the adoption of the development plan. The Inspector's Report notes that the development is a Strategic Housing Development Application and is therefore of significant or national importance. It is noted:

'The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. Government policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. This site would meet these requirements.'

Based on the criteria set out in Section 37(2)(b), the Inspector made the following comment regarding increased height:

'Furthermore, as the applicant points out in their statement, National Policy 13 and 35 refer to building height and car parking being based on performance criteria and increasing density through area or site based regeneration and increased building height. Therefore, it is clear that a significant and sustained increase in housing output and apartment type development is not only necessary but is Government Policy in order to meet the need for residential units. Therefore, I consider that the proposal herein would meet the requirements of Section 37(2)(b)(i).'

Site at the corner of Airton Road and Belgard Road, Tallaght, Dublin 24 (Site No. 2 on map at Figure 8.0)

ABP Ref. ABP-305763-19 Permission was granted by An Bord Pleanála on 20th February 2020 for a Strategic Housing Development on a site at the corner of Airton Road and Belgard Road, Tallaght, Dublin 24. In summary, the proposed Strategic Housing Development involves demolition of the existing industrial buildings on site and the construction of 2 no. blocks comprising 328 no. apartments (93 no. 1 bed, 222 no. 2 bed and 13 no. 3 bed), ancillary residential support facilities and commercial floorspace measuring 31,147sq.m gross floor space above a single basement level measuring 5,861sq.m.

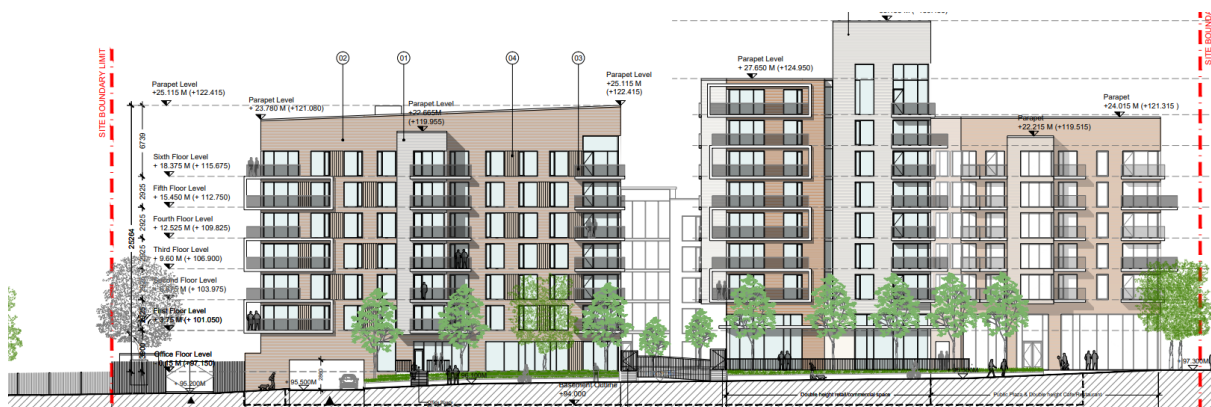


Figure 12.0 Northern elevation (fronting Airton Road) approved under ABP Ref. ABP-305763-19

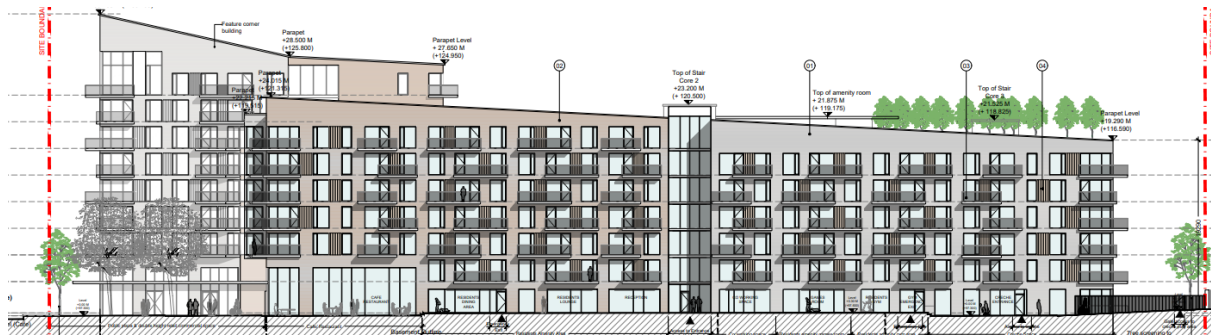


Figure 13.0 Western elevation (fronting Belgard Road) approved under ABP Ref. ABP-305763-19

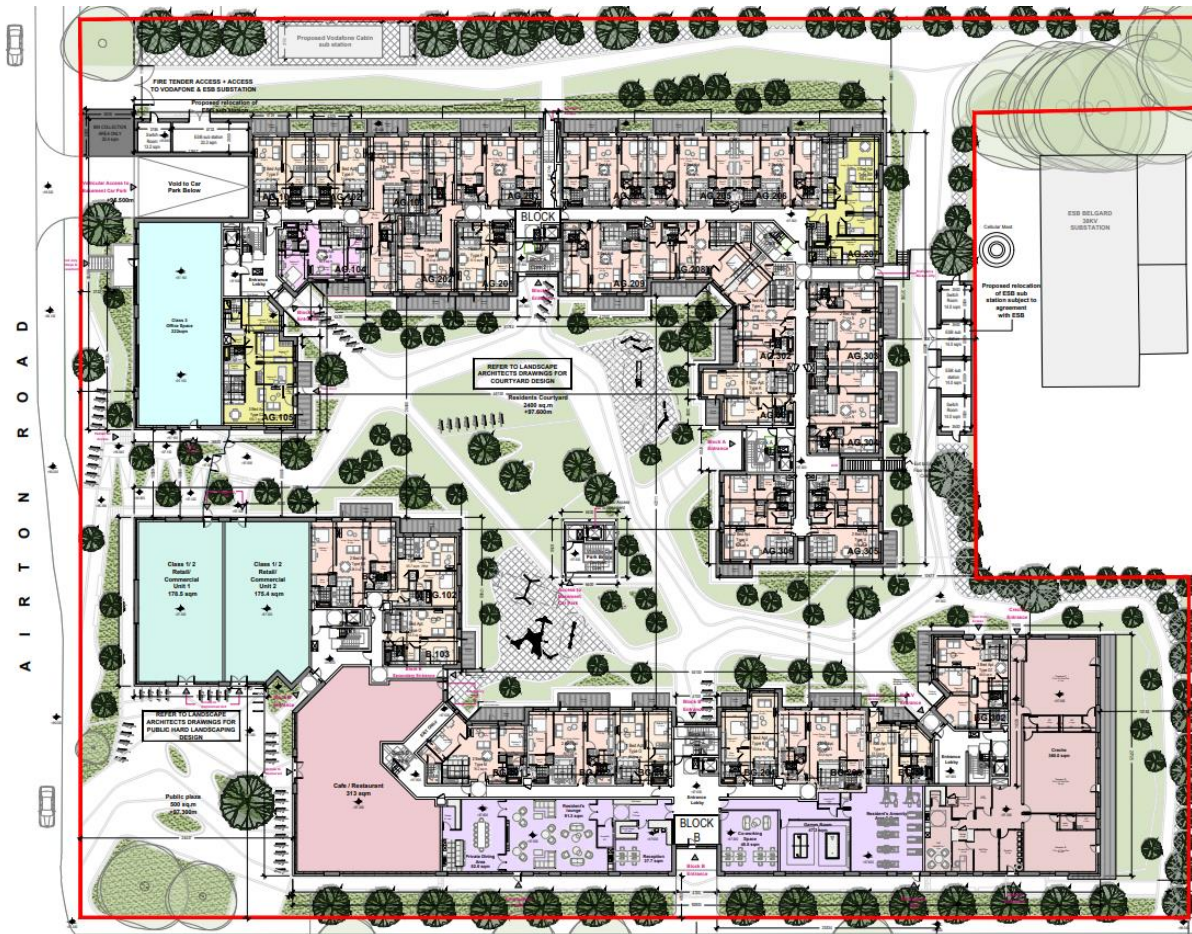


Figure 14.0 Ground floor layout plan approved under ABP Ref. ABP-305763-19

This planning permission remains in force until 2025 and sets a precedent for the construction of suitably designed residential developments in this area. This development proposes building heights of 5-9 storeys which exceeds the 3-4 storey height earmarked for the sites eastern boundary, 4-6 storey height earmarked for the sites northern boundary and 6 to 7 storey height earmarked for the sites western boundary, as illustrated in the Overall Urban Structure (Broomhill) Diagram included in Figure 3.13 of the Tallaght Town Centre Local Area Plan 2020-2026.

Former Gallaher's Cigarette Factory Site at the junction of Airton Road & Greenhills Road, Tallaght, Dublin 24 (Site No. 3 on map at Figure 8.0)

ABP Ref. ABP-306705-20 Permission was granted by An Bord Pleanála on 16th June 2020 for a Strategic Housing Development at the Former Gallaher's cigarette factory site at the junction of Airton Road & Greenhills Road, Tallaght, Dublin 24. In summary, the proposed Strategic Housing Development involves: demolition of existing factory/warehouse buildings on site; construction of 502 no. apartments (comprising 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, creche, and provision of road improvements and pedestrian crossings; and all associated site development works and services provision.



Figure 15.0 Ground floor layout plan approved under ABP Ref. ABP-306705-20

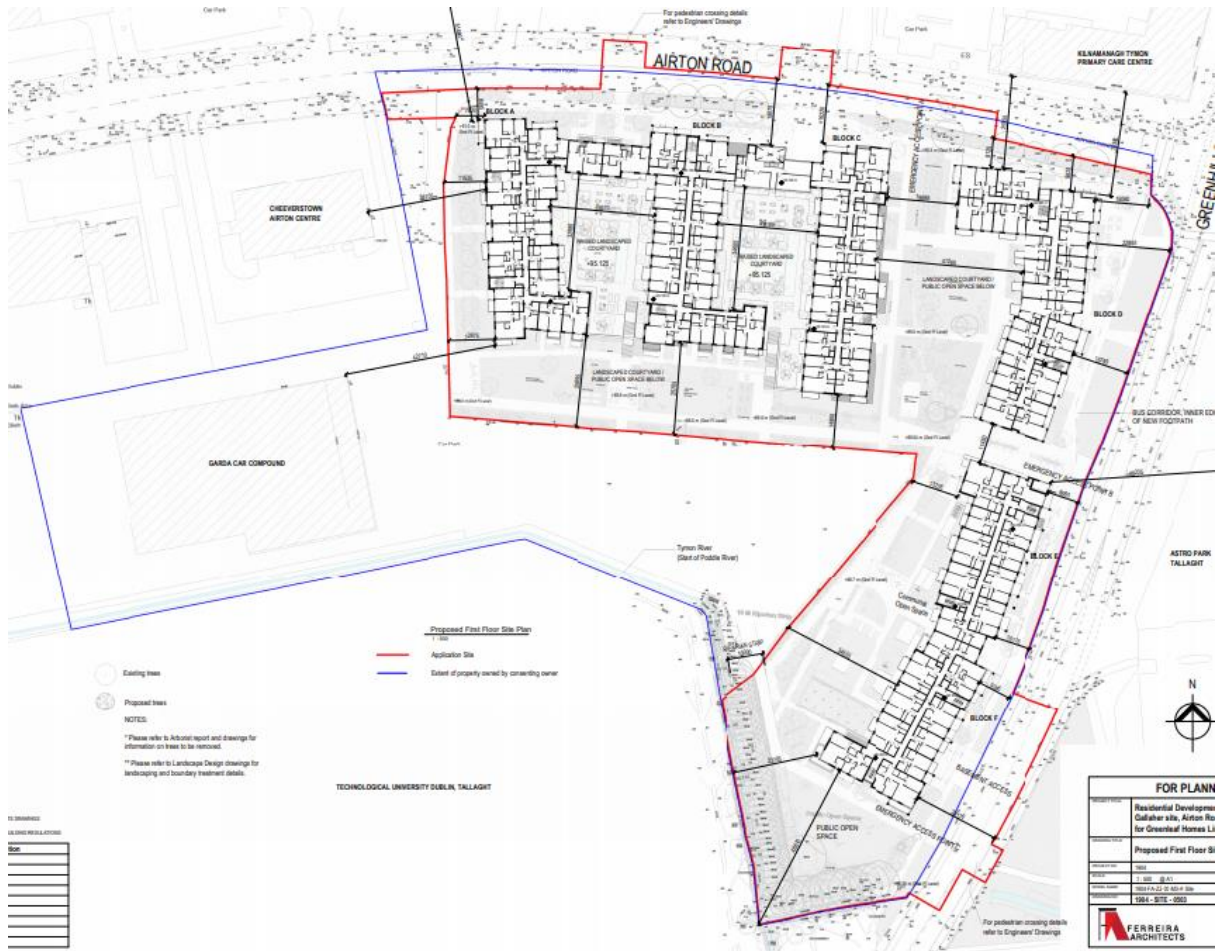


Figure 16.0 First floor layout plan approved under ABP Ref. ABP-306705-20



Figure 17.0 Contextual Site Elevation (Greenhills Road) approved under ABP Ref. ABP-306705-20



Figure 18.0 Contextual Site Elevation (Airton Road) approved under ABP Ref. ABP-306705-20

This planning permission remains in force until 2025 and sets a precedent for the construction of suitably designed residential developments in this area. This development proposes building heights of 4-8 storeys which exceeds the 4-6 storey height earmarked for the sites northern, southern and eastern

boundaries, as illustrated in the Overall Urban Structure (Broomhill) Diagram included in Figure 3.13 of the Tallaght Town Centre Local Area Plan 2020-2026.

Unit 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24 (Site No. 4 on map at Figure 8.0)

ABP Ref. ABP-303803-19 Permission was granted by An Bord Pleanála on 25th July 2019 for a Strategic Housing Development Unit 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24. In summary, the proposed Strategic Housing Development involves demolition of the existing industrial building and construction of a ‘build-to-rent’ housing development providing a total of 196 no. residential apartments (comprising 45 no. studio units, 48 no. one-bed units, 8 no. two-bed (3-person) units and 95 no. two-bed (4-person) units) in 4 no. six-nine storey blocks over basement. The development also includes 1 no. commercial unit (248sqm), 1 no. office unit (111sqm), a crèche (192sqm) and a gym (18sqm).



Figure 19.0 Western elevation (fronting onto Cookstown Way) of development approved under ABP Ref. ABP-303803-19



Figure 20.0 Northern elevation (fronting onto Second Avenue) of development approved under ABP Ref. ABP-303803-19



Figure 21.0 Ground floor plan of development approved under ABP Ref. ABP-303803-19

This planning permission remains in force until July 2024 and sets a precedent for the construction of suitably designed residential developments in this area. This development proposes building heights of 6-9 storeys which exceeds the 6 to 7 storey height earmarked for the sites northern, southern and western boundaries, as illustrated in the as shown in the Overall Urban Structure (Cookstown) Diagram included in Figure 3.7 of the Tallaght Town Centre Local Area Plan 2020-2026.

Units 66 & 67 Fourth Avenue, Cookstown Industrial Estate, Dublin 24 (Site No. 5 on map at Figure 8.0)

ABP Ref. ABP-308398-20 An Bord Pleanála recently considered a planning application for a Strategic Housing Development at Units 66 & 67 Fourth Avenue, Cookstown Industrial Estate, Dublin 2. The proposed development, as per the description contained within the statutory planning notices, was for: (i) Demolition of the existing industrial buildings; (ii) construction of: (a) 252 no. ‘build-to-rent’ apartments (comprising 50 no. studios, 96 no. one-bed apartments; 100 no. two-bed apartments and 6 no. three-bed apartments) in a two to nine storey development. The development is served by an under-croft carpark accessible from the south-western corner of the site providing a total of 73 no. parking spaces (including 58 no. standard spaces, 10 no. go-car spaces and 5 no. mobility impaired user parking spaces) and 500 no. bicycle spaces at ground floor level (372 no. resident spaces and 128 no. visitor spaces); and (b) 2 no. commercial units and a 275sqm crèche, with associated 86sqm play area, at ground floor level; (iii) road, junction and streetscape upgrade works along Fourth Avenue and Cookstown Road, including the installation a signalized junction at the intersection of Fourth Avenue and Cookstown Road; (iv) Construction of a temporary access road along the southern site boundary; and (v) associated site and infrastructural works are also proposed which include: foul and surface water drainage; attenuation tanks; lighting; landscaping; boundary treatment; plant areas; ESB substations; and all associated site development works.



Figure 22.0 Northern elevation of the proposed development under ABP Ref. ABP-308398



Figure 23.0 Eastern elevation of the proposed development under ABP Ref. ABP-308398

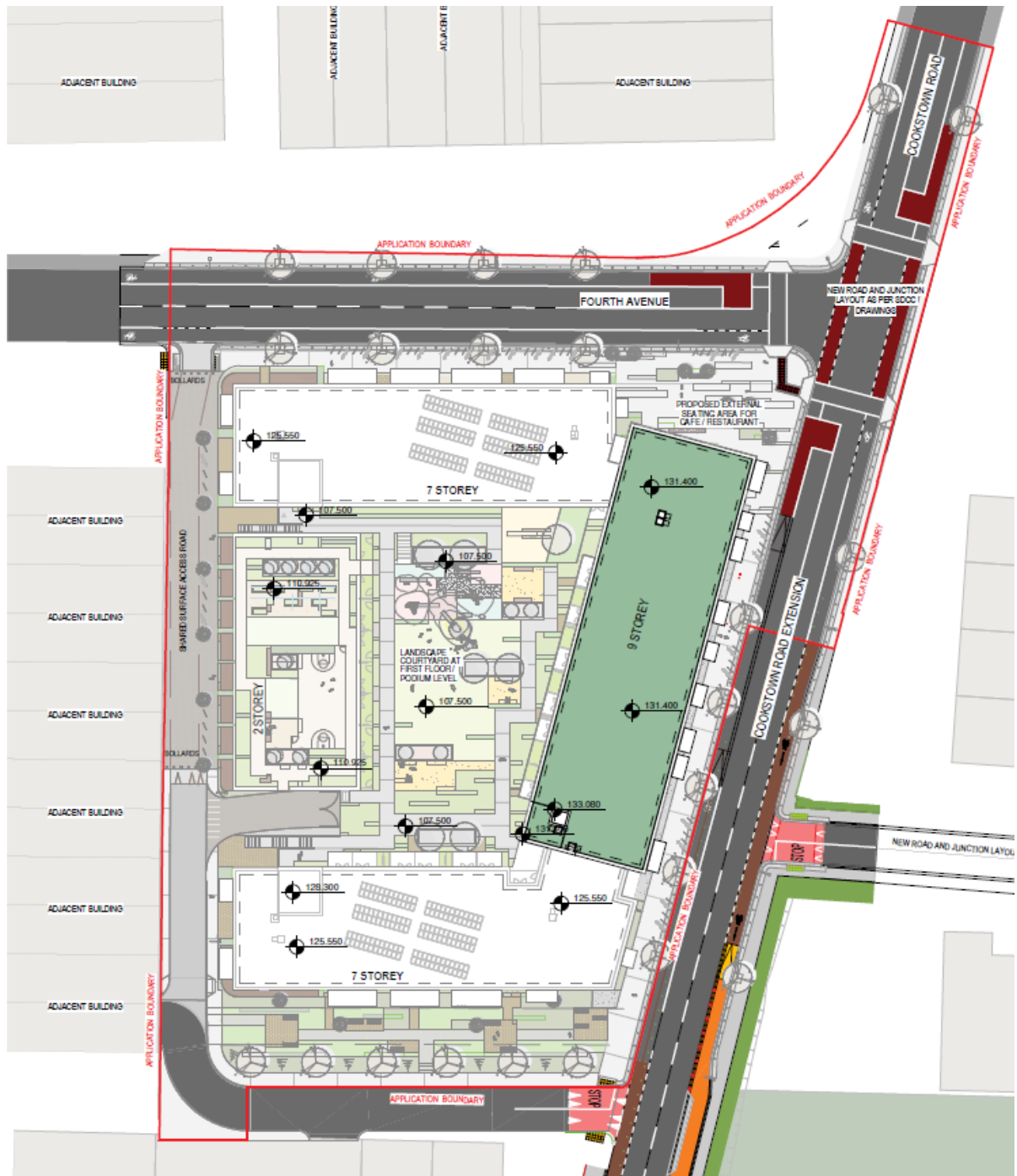


Figure 24.0 Site layout plan of proposed development under ABP Ref. ABP-308398-20

An Bord Pleanála granted planning permission on 28th January 2021, subject to 30 no. conditions, including Condition No. 2 which required changes to the building height of Blocks A and B and the relocation of the proposed creche.

In recommending the planning application be granted permission as lodged, the Inspector’s Report included the following positive commentary regarding the scale and density of the proposed development:

10.1.16 Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most located within urban areas, and the scale and extent should increase in relation to proximity to public transport

as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. Having regard to the sites location, approx. 600m from the Hospital and Tallaght Luas stop and its proximity to urban centres, employment locations and urban amenities it is my opinion that the proposed development complies with national guidance for increased scale and density.

The Inspector's Report also included the following positive commentary regarding the proposed developments non-compliance with the housing tenure mix outlined in the Tallaght Town Centre Local Area Plan 2020-2026:

10.2.4. The aim of both Objective RE3 and RE4 is to support an appropriate balance of tenure in the LAP area. Having regard to the recently approved 'Build to Sell' residential schemes in the vicinity of the site, as outlined above in Planning History, and the traditional housing stock within the vicinity of the site, it is my view that the proposed BTR scheme, which would provide a professionally managed scheme, is acceptable in this instance and would contribute to the mix of tenure within the LAP area. While the ambition of the LAP to increase the provision of owner-occupied units is acknowledged, this is not a policy of the plan. Therefore, it is my view that the proposed contravention of the LAP with regard housing tenure would not be a material.

10.2.9. In conclusion, having regard to the sites location in close proximity to large employment and education centres, services and facilities within Tallaght Town Centre and to public transport, it is my view that the proposed Build to Rent scheme is appropriate in this instance as it would provide an additional housing tenure in the wider Tallaght area which is professionally managed and would support the provision of long-term residents.

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

The precedent for increased building heights in excess of that set out in the Local Area Plan has already been established in the vicinity of the site with building height of up to 10 no. storeys already approved. Therefore, it is considered that the proposed development at 4 to 11 storeys is in keeping with the wider context of development in the area and is in keeping with urban design principles.

We note that the Board considered it appropriate to grant permission for the following Strategic Housing Development (in summary), under ABP Ref. ABP-305176-19, at Stillorgan Leisureplex, Old Dublin Road, Stillorgan, Co. Dublin:

Demolition of existing structures, construction of a mixed use development to include 232 no. Build to Rent apartments and associated site works

The development approved under ABP Ref. ABP-305176-19 had a building height of 4-8 storeys in comparison to the benchmark 5 storey height with 9 storey landmark building and 3 storey element along St Laurence's Park outlined in the Stillorgan Local Area Plan 2018-2024.

The Inspector's Report included the following commentary in relation to the exceedance of the building heights specified in the applicable Local Area Plan:

11.24. The proposed increase in height along the Lower Kilmacud Road would be in keeping with the recent SHD permission for the Blake & Esmond Motors Site (ABP 300520-17) with a maximum of 9 storeys. It would also be justified in the context of any proposed 9 storey landmark building on the DLRCC lands to the east of the site adjoining the N11. The building steps down towards the north of the site to a minimum of 4 storeys, with a 5 storey

setback, along St Laurence Park and although the LAP specifies a maximum of 3 storeys at this location, the addition height for a transitional site between a row of 2 storey commercial buildings and a future development site, DLRCC, is justified in the context of the appropriate development of a KDS. The proposed height would meet the development management criteria for higher buildings set out in section 3.2 of the guidelines, and would therefore comply with SPPR3. The impact on the residential amenity of the four existing dwellings on the opposite side of St Laurence Road, is further discussed below.

- 11.25. *The terms of the 2018 guidelines on building height and the recent permitted development on the adjoining development (ABP 300520-17) would justify a grant of permission for the proposed development despite its height exceeding the benchmark height of 5 storeys, with reduction along the north, as detailed in Site Development Framework in the LAP, in accordance with section 37(2) (b)(iii) of the planning act. In addition, as stated above, an advisory note attached to the CDP refers to the implementation of the national guidance aside from any development management standards in the CDP.*

We would contend that similar merits exist in relation to the subject proposal's exceedance of the recommended building heights, particularly having regard to the transition/major change being experienced in the Cookstown Industrial Estate currently.

6.0 Conclusion

Having regard to the foregoing, including the SHD precedent developments referenced above, it is considered that the proposed building heights, housing mix and housing tenure mix is justified in this instance. It is submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national and regional planning policies and guidelines.

It is respectfully submitted that should An Bord Pleanála consider the proposed development a material contravention of the Tallaght Town Centre Local Area Plan 2020-2026 that an appropriate justification is set out within this statement demonstrating that the proposed building height, housing mix and housing tenure mix is appropriate having regard to the contents of the Tallaght Town Centre Local Area Plan 2020-2026, the policies and objectives set out within the Section 28 Guidelines, as well as the strategic nature of the development and the pattern of development approved in the surrounding area.



Margaret Commane MIPI
Associate
for and on behalf of HPDC.