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Planning Department,
South Dublin County Council
County Hall Tallaght,
Dublin 24, D24 A3XC

11 March 2022

Dear Sir/Madam,

Third Party Planning Objection Report in respect of South Dublin County Council planning application, reg. ref SD22A/0035. The proposed development comprises of (a) Construction of a 4 storey nursing home building consisting of: (i) 106 bedrooms (with ensuite); (ii) associated residents welfare facilities; (iii) administration areas and staff facilities; (iv) multi-function space and pharmacy proposed at ground level; (b) construction of 60 one bed independent living units in 3 blocks as follows: (1) Block A, a 4 storey building comprising 11 one-bed units; (2) Block B, a part 4/part 5 storey building comprising 35 one-bed units; and (3) Block C, a 5 storey building comprising 14 one-bed unit. Each unit will be provided with a private open space in the form of a balcony terrace (6sq.m.) (c) The development will include communal open space and landscaping (including new tree planting and tree retention), 30 car park spaces (including 3 limited mobility parking spaces; 3 EV parking and 1 car sharing spaces); and 52 bicycle parking spaces (d) The development will be served by a new pedestrian and vehicular access from Old Greenhills Road through existing boundary wall (etc.) at Lands within St Marys Priory, Old Greenhills Road, Tallaght, Dublin 24.

BPS Planning Consultants - a firm of Irish Planning Institute¹ accredited town planning and development consultants - have been appointed by Tallaght Community Council, c/o Bolbrook Enterprise Centre, Avonmore Road, Tallaght, Dublin 24 to make a planning objection on its behalf (hereafter referred to as 'they' or 'client') in respect of South Dublin County Council (hereafter referred to as 'SDCC') planning application, reg. ref. SD22A/0035, which proposes the following proposed development at St. Mary's Priory protected structure, Old Greenhills Road, Tallaght, Dublin 24:

Construction of a 4 and 5 storey nursing home consisting of 106 bedrooms (with ensuite); associated residents welfare facilities; administration areas and staff facilities; multi-function space and pharmacy proposed at ground level; construction of 60 one bed independent living units in 3 blocks.

This planning application was submitted on the 7/2/2022. The final date for the submission of objections is the **14/03/2022**. This planning objection is lodged on or before the 14/03/2022.

For the convenience of the planning authority, the attached Planning Objection Report sets out the rationale for this Tallaght Community Council objecting (Section 2.0); sets out the site location and description (Section 3.0); reviews the site's zoning and designations (Section 4.0); sets out the proposed development (Section 5.0); sets out pre-planning issues raised, the site's planning history and a relevant planning application in the vicinity (Section 6.0); and sets out our client's objections to the proposed development (Section 7.0). Finally, Sections 8.0 and 9.0 set out our client's conclusions and recommendations following this BPS planning assessment.

In terms of the validation of this planning objection, please find attached:

1. Payment of the €20 fee;
2. A completed Planning Objection Form; and
3. A Planning Objection Report.

If you require any further details, please contact bps at the address below.

If you require any further details, please contact BPS using the contact details set out on our letterhead.

Best wishes,


Brendan Buck
Director
BPS Planning Consultants Ltd

¹ <https://www.ipi.ie/>

**Planning Department
Planning Counter**

11 MAR 2022

Received



Planning & Development Consultants

Third Party Planning Objection Check List

1. The Objection must be in writing.
2. Name of the Objector: TALLAGHT COMMUNITY COUNCIL
3. Address of the Objector: C/O BOLBROOK ENTERPRISE CENTRE, AVONMORE ROAD, TALLAGHT, DUBLIN 24.
4. If an agent is involved, state the name of the agent: BRENDAN BUCK
5. Address of the agent (DURING COVID): BPS PLANNING CONSULTANTS, BALLINATONE LOWER, GREENAN, COUNTY WICKLOW, A67W662.
6. State the Subject Matter of the Objection: THIRD PARTY PLANNING OBJECTION REPORT IN RESPECT OF SOUTH DUBLIN COUNTY COUNCIL PLANNING APPLICATION, REG. REF SD22A/0035.
7. Brief description of the development: THE PROPOSED DEVELOPMENT COMPRISES OF (A) CONSTRUCTION OF A 4 STOREY NURSING HOME BUILDING CONSISTING OF: (I) 106 BEDROOMS (WITH ENSUITE); (II) ASSOCIATED RESIDENTS WELFARE FACILITIES, (III) ADMINISTRATION AREAS AND STAFF FACILITIES; (IV) MULTI-FUNCTION SPACE AND PHARMACY PROPOSED AT GROUND LEVEL; (B) CONSTRUCTION OF 60 ONE BED INDEPENDENT LIVING UNITS IN 3 BLOCKS AS FOLLOWS: (1) BLOCK A, A 4 STOREY BUILDING COMPRISING 11 ONE-BED UNITS; (2) BLOCK B, A PART 4/PART 5 STOREY BUILDING COMPRISING 35 ONE-BED UNITS; AND (3) BLOCK C, A 5 STOREY BUILDING COMPRISING 14 ONE-BED UNIT. EACH UNIT WILL BE PROVIDED WITH A PRIVATE OPEN SPACE IN THE FORM OF A BALCONY TERRACE (65Q.M.) (C) THE DEVELOPMENT WILL INCLUDE COMMUNAL OPEN SPACE AND LANDSCAPING (INCLUDING NEW TREE PLANTING AND TREE RETENTION), 30 CAR PARK SPACES (INCLUDING 3 LIMITED MOBILITY PARKING SPACES: 3 EV PARKING AND 1 CAR SHARING SPACES); AND 52 BICYCLE PARKING SPACES (D) THE DEVELOPMENT WILL BE SERVED BY A NEW PEDESTRIAN AND VEHICULAR ACCESS FROM OLD GREENHILLS ROAD THROUGH EXISTING BOUNDARY WALL (ETC)
8. Location of development: AT LANDS WITHIN ST MARYS PRIORY, OLD GREENHILLS ROAD, TALLAGHT, DUBLIN 24.
9. Name of planning authority: SOUTH DUBLIN COUNTY COUNCIL
10. Planning authority register reference number: REG. REF. SD22A/0035.
11. Attach, in full, the grounds for objection and the reasons, considerations and arguments on which they are based. ATTACHED IN FULL IN PLANNING OBJECTION REPORT.
12. Enclose/Pay the correct fee for the **THIRD** party Objection: E20 PAID BY PHONE CALL TO THE SDCC CASH DESK. RECEIPT ATTACHED.
13. Ensure that the OBJECTION is received by South Dublin County Council in the **correct manner** and in **time**. THIS PLANNING APPLICATION WAS SUBMITTED ON THE 7/2/2022. THE FINAL DATE FOR THE SUBMISSION OF OBJECTIONS IS THE 14/03/2022. THIS PLANNING OBJECTION IS LODGED ON OR BEFORE THE 14/03/2022.



Planning & Development
Consultants

Planning Objection Report

Third Party Planning Objection Report in respect of South Dublin County Council planning application, reg. ref SD22A/0035. The proposed development comprises of "(a) Construction of a 4 storey nursing home building consisting of: (i) 106 bedrooms (with ensuite); (ii) associated residents welfare facilities; (iii) administration areas and staff facilities; (iv) multi-function space and pharmacy proposed at ground level; (b) construction of 60 one bed independent living units in 3 blocks as follows: (1) Block A, a 4 storey building comprising 11 one-bed units; (2) Block B, a part 4/part 5 storey building comprising 35 one-bed units; and (3) Block C, a 5 storey building comprising 14 one-bed unit. Each unit will be provided with a private open space in the form of a balcony terrace (6sq.m.) (c) The development will include communal open space and landscaping (including new tree planting and tree retention), 30 car park spaces (including 3 limited mobility parking spaces; 3 EV parking and 1 car sharing spaces); and 52 bicycle parking spaces (d) The development will be served by a new pedestrian and vehicular access from Old Greenhills Road through existing boundary wall [etc.] at Lands within St Marys Priory, Old Greenhills Road, Tallaght, Dublin 24.

This Planning Objection Report has been produced by BPS Planning Consultants Ltd. for and on behalf of Tallaght Community Council, C/O Bolbrook Enterprise Centre, Avonmore Road, Tallaght, Dublin 24.

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1.0 Introduction

BPS Planning Consultants – a firm of Irish Planning Institute¹ accredited town planning and development consultants – have been appointed by Tallaght Community Council, c/o Bolbrook Enterprise Centre, Avonmore Road, Tallaght, Dublin 24 to make a planning objection on its behalf (hereafter referred to as 'they' or 'client') in respect of South Dublin County Council (hereafter referred to as 'SDCC') planning application, reg. ref. SD22A/0035, which proposes the following proposed development at St. Mary's Priory protected structure, Old Greenhills Road, Tallaght, Dublin 24.

Construction of a 4 and 5 storey nursing home consisting of 106 bedrooms (with ensuite), associated residents welfare facilities; administration areas and staff facilities; multi-function space and pharmacy proposed at ground level; construction of 60 one bed independent living units in 3 blocks.

Clarification on the proposed development's description: BPS notes how Block A is 4 storeys, Block B is 4 and 5 storeys while Block C is 5 storeys. This is primarily a 5 storey planning application.

This planning application was submitted on the 7/2/2022. The final date for the submission of objections is the 14/03/2022. This planning objection is lodged on or before the 14/03/2022.

For the convenience of the planning authority, this Planning Objection Report sets out the rationale for this Tallaght Community Council objecting (Section 2.0); sets out the site location and description (Section 3.0); reviews the site's zoning and designations (Section 4.0); sets out the proposed development (Section 5.0); sets out pre-planning issues raised, the site's planning history and a relevant planning application in the vicinity (Section 6.0); and sets out our client's objections to the proposed development (Section 7.0). Finally, Sections 8.0 and 9.0 set out our client's conclusions and recommendations following this BPS planning assessment.

1.1 No consultation with and/or permissions given from Tallaght Community Council

Our client wishes to note that neither Tallaght Community Council or any of its members who are represented by this Planning Objection Report have been consulted by the Applicant in respect of the proposed development. At no point have they given any indication that the proposed development, as now submitted, would be acceptable to them. This includes:

- Deirdre and Frank Peggs, 2 Main Street, Tallaght Village;
- David, Paula and Darragh Nugent, 45 Main Street, Tallaght village;
- Paddy, John and Paul Kenny, 1 Main Street, Tallaght village;
- Paul Kelly, 5 Main Street, Tallaght village;
- Enda O'Toole, 22 Main Road, Tallaght village; and
- Joe Peggs, 6 Newtown Park, Tallaght village.

Given the decision made by SDCC to refuse the previous proposal for a nursing home on this site under planning decision, reg. ref. SD21A/0136, a meeting with Tallaght Community Council could have addressed some if not all the group's concerns. Given this, lodging an objection is the only route left open to our client to take part in the development and planning process for this site.

Our client is opposed to this scheme, as submitted, for the reasons set out in this Planning Objection Report.

1.2 Pre-planning meeting with South Dublin Co. Co. was held 'without prejudice'

Our client is concerned that pre-planning meetings took place between the Applicant and South Dublin County Council, under pre-planning, reg. ref. PP112/21). The Applicant Planning Report sets out the issues discussed and BPS has reviewed the feedback provided to the Applicant.

Our client considers that their input into the proper planning of this site, i.e. with the best interests of the Tallaght community in mind has been excluded to date from the Applicant's design proposals. They are concerned that the Applicant Planning Report suggests the submitted planning application represents a fait accompli when, in fact, it fails to address many of the concerns that resulted in the refusal of the previous planning application.

BPS has advised our client that pre-planning meetings are held 'without prejudice', that the content of this planning objection will be considered by SDCC in its planning assessment and that there would not have existed any developer/council "agreement" prior to the lodgement of this planning application. We trust this is correct.

BPS has reviewed the pre-planning issues discussed and the primary planning concerns arising in this case. Our client's position on these points is set out below.

1.3 Recent refusals provide the planning context for the current planning application

Our client considers that each of the two planning applications and recent SDCC planning decisions confirm individual planning concerns with each planning application, but they also raise cumulative planning concerns regarding their respective proposed densities heights, scales, and bulk of development near to or on Old Greenhills Road.

¹ <https://www.ipi.ie/>

These planning applications and decisions should reasonably be reviewed at the same time as the current proposal to understand why our client is concerned at the growing threat these planning applications pose to the established character and pattern of development at the Old Greenhills Road.

Critically, the two planning applications each either try or continue to try (via appeal) to increase the allowable plot ratio density in this area provided for under the LAP. Concerns arise at the growing pressure to create a precedent to allow unacceptably high densities on the Old Greenhill Road, within and outside The Priory lands, within the Architectural Conservation Area, and within this historic area of Tallaght Village.

1.3.1 Refused planning application, reg. ref. SD21A/0136, for a nursing home on this site

Our client wishes to note how they recently objected in respect of a planning application, reg. ref. SD21A/0136, for the development of a 5 storey nursing home on this site. The scheme proposed

(a) Construction of a 5 storey nursing home building consisting of (i) 112 bedroom (with en-suite); (ii) associated resident's welfare facilities; (iii) administration areas and staff facilities; (iv) with day centre and pharmacy proposed at ground floor level; (b) construction of a part 5/part 6 storey building consisting of (i) 108 one-bedroom/two-person independent living units for older people; (ii) social and activity areas, (iii) management office and (iv) 5 guest bedrooms, each unit will be provided with private open space in the form of a balcony/terrace (ranging from 5sq m to 12sq.m); (c) communal open space and landscaping (including new tree planting and tree retention), 30 car parking spaces and 86 bicycle parking spaces; (d) the development will be served by a new pedestrian and vehicular access from Old Greenhills Road through existing boundary wall, (e) landscaping, boundary treatments (including walls and railings to southern and western boundaries), an ESB Substation, SuDS drainage, road infrastructure and all ancillary site works necessary to facilitate the development.

The reasons for refusal issued by SDCC are set out below. This decision made on 19/07/2021 was not appealed by the Applicant. Our client does not consider that the following reasons for refusal have been addressed in this new planning application:

1. *The proposed design and layout tries to address the issue of a contemporary design within a historic site with the use of contemporary materials and building elements found within the existing building stocks. Having regard to the building height, mass and dense form of the proposed blocks, the overall impact on the protected structures cannot be negated by the design elements and finishes alone. It is considered that the proposed development fails to be sensitive within its proposed location and does not reflect the most suitable layout or design for the intended use on the subject site as the new build will completely dominate this part of the site due to its proposed height, scale and mass which will be visible within The Priory Demesne and along Old Greenhills Road. The proposed development would impact on the Protected Structures and result in a diminished quality of character at this sensitive location which would be contrary to the policies for development within the curtilage of a Protected Structure and New Development in ACA in the Tallaght Town Centre Local Area Plan, including Objective HC1 and VL8, which states 'Protect the character and integrity of the Priory, including its parkland setting, and provide for greater public access and usage'.*
2. *The proposed plot ratio of c1.4 is contrary to the plot ratio range standards in Section 3.4 of the Tallaght Town Centre Local Area Plan 2020 – 2026 and exceeds the 20% flexibility for planning gain outlined in Section 2.6.1 Plot Ratio. The development would constitute overdevelopment and as such would, by itself and by the precedent it would create, be seriously injurious to the redevelopment of the village centre and the development of a site within the curtilage of a protected structure.*
3. *The proposed building height is contrary to the Tallaght Town Centre Local Area Plan 2020 – 2026 and the South Dublin County Council Development Plan. The site is not identified for taller buildings in the LAP and as such, the proposed development is contrary to Policy UC6 Objective 3 of the Development Plan which seeks to direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme. The Tallaght LAP specifies heights of 3-4 storeys for 'other frontages' (the subject site is neither designated as a primary or secondary frontage). Under Section 3.4 'The Village' and particularly Objectives VL6 and VL8, the Tallaght LAP requires development to be responsive to the local context, and seek to protect and enhance the setting of protected structures and the ACA. The proposed development is contrary to the proper planning and sustainable development of the area.*
4. *The buildings would be located in close proximity to the boundary walls, particularly on the eastern side of the site, which coupled with the height proposed would result in a poor and cramped layout. There are also concerns from a heritage perspective regarding the proposed new entrance and the impact that this would have on the setting and character of the protected structure. The public open space is poorly located away from the majority of the Nursing Home and Apartment block and does not encourage public usage. The existing trees along the east boundary would be compromised by the proximity of the eastern block, and tall trees at this location would significantly impact on light to the apartments. For these reasons the proposed development would not be in accordance with the Tallaght Town Centre Local Area Plan and the proper planning and sustainable development of the area.*
5. *The proposed parking provision of 30 car parking spaces would seriously under provide for the proposed development, which the SDCC Roads Department has recommended would require 43 car parking spaces, inclusive of 7 spaces for complementary uses which would be better provided separately (50 spaces in total). The*

proposed provision would have knock on impacts in terms of illegal parking on the site and on the surrounding road network.

6. The applicant has provided a Conservation Statement only in respect of the proposed development. Under Section 6.2.1 of the Tallaght Town Centre Local Area Plan, a detailed Conservation Plan must be prepared for the overall Priority site in advance of any significant development being considered. In the absence of such a plan led approach, the application is considered to be contrary to the proper planning and sustainable development of the area.
7. The applicant has not submitted any form of Ecological Assessment in support of the proposal. Given the presence of mature trees and older buildings which could support bat Comhairle Chontae Atha Cliath Theas Record of Executive Business and Chief Executive's Order Pg. 29 roosts, this is a significant concern. The proposed development would therefore be contrary to Policy HCL15 of the South Dublin County Council Development Plan 2016 - 2022. The applicant has not addressed Objective VL9 of the LAP which seeks to protect and preserve the heronry located within the site, and the proposed development would therefore be contrary to that objective.

1.3.2 Refused planning application, reg. ref. SD21A/0139 for development on Old Greenhills Rd, etc.

Our client wishes to note how they objected in respect of a planning application, reg. ref. SD21A/0139, which has also been lodged in the close vicinity of the proposed nursing home. This planning application has been refused because, inter alia, it proposed a 4 storey building on Old Greenhills Road and 5 and 6 storey buildings on Greenhills Road. This planning application proposed the following development:

The demolition of three existing apartment units (c. 239sq.m) and bin store (c.18sq.m) and the construction of a residential development arranged in two building blocks (Block A & Block B) ranging from 3 to 6 storeys in height over basement level (c. 3,728sq.m, including basement). Block A comprises 11 residential apartments (c. 1256sq.m) in a 5 to 6 storey building and including a ground floor level cafe (c. 93sq.m) at the buildings south eastern corner. Block B comprises 15 residential apartments (c.1393sq.m) in a 3 to 5 storey building. The proposed development will comprise 26 new residential units (5 studio apartments, 6 1-bedroom apartments, 7 2-bedroom apartments & 8 3-bedroom apartments) with associated balconies and terraces. The proposed development will comprise a total of 40 apartment units derived from 26 new apartments and 14 existing apartments; relocation of existing basement access on Old Greenhills Road (etc.).

The reasons for refusal issued by SDCC are set out below. Our client considers this new nursing home planning application to raise many of the same planning concerns as those which resulted in the refusal by SDCC of planning application, reg. ref. SD21A/0139. Primarily, Block B on the Old Greenhills Road – at 4 storeys following Further Information stage – remained too tall. This decision has now been appealed to An Bord Pleanála and our client has responded to this appeal. The SDCC reasons for refusal are:

1. *The proposed plot ratio of 1.521 exceeds the maximum plot ratio of 1.1 contained in Section 3.4 of the Tallaght Town Centre Local Area Plan 2020 - 2026 for this area. The development does not qualify for additional 20% as per the criteria laid down in the Local Area Plan, and regardless it exceeds the upper maximum limit of 1.21 provided for under such criteria. The proposed development would therefore materially contravene the Local Area Plan in relation to intensity of development and would constitute overdevelopment and as such would, by itself and by the precedent it would create, be seriously injurious to the village centre and more generally the lands designated under the Local Area Plan. The proposal is contrary to the proper planning and sustainable development of the area.*
2. *Due to the height and mass and treatment of Block B, the proposed development fails to respond to the specific local historic context of the block location. The submission from the applicant fails to demonstrate that the overall visual impact of Block B at the proposed scale and height will not adversely impact on the adjacent Protected Structure (St Basils Training Centre, RPS Ref. 268), the Tallaght Architectural Conservation Area (ACA) and a Protected Structure Site, 'The Priory'. The proposed development due to its close proximity, scale and height will directly impact on the visual quality adjoining Protected Structure site, St Basils Training Centre Block A will be highly visible at a prominent and sensitive location and will have an overall negative impact on the character of Tallaght Village Architectural Conservation Area, given its height and mass at this location. Block A will visual dominate and would be highly visible on approach from Main Street and The Priory Demesne. Overall, the proposed development would result in a diminished quality of character in Tallaght, which fails to address and adhere to existing policies for new development within or in close proximity to an Architectural Conservation Area in line with SDCC County Development Plan (2016-2022) and Chapter 6 of the Tallaght Local Area Plan 2020. As such, the proposed development is contrary to the proper planning and sustainable development of the area.*
3. *The provision of only 15 spaces to serve the existing and proposed development will result in increased parking along Old Greenhills Road, causing a traffic hazard. The Planning Authority does not agree with the assumptions made in relation to the level of private parking that can be offset with the provision of 2 'Go Car' spaces. A greater ratio of car parking spaces to units is required at this site. The proposed development is not in accordance with the proper planning and sustainable development of the area.*

2.0 Rationale for Tallaght Community Council's objection

In making this objection, our client wishes to raise three planning issues that can be addressed by way of the South Dublin County Council planning assessment, including by way of refusal, a request for Further Information (revised drawings, etc.) and/or by way of condition:

1. The principle of development is conditionally supported

Our client accepts the principle of a nursing home at the proposed location. By nursing home our client means a nursing home for older persons. Nursing homes are a defined land use as understood by the HSE² (public sector) and by Nursing Homes Ireland³ (private sector). Our client understands a nursing home to be: "a public or private residential facility providing a high level of long-term personal or nursing care for persons (such as the aged or the chronically ill) who are unable to care for themselves properly".

Our client asks that the use of the proposed building as a nursing home for older people and people unable to care for themselves properly due to age or chronic illness, be made a condition of any planning decision made in this case and that exempted development rights regarding further and/or alternative uses of the building be removed.

If exempted development rights are retained then those defined by Class 9 of Part 4, Exempted development - Classes of Use of Article 10 of the Planning and Development Regulations 2001 (as amended) would apply and would include:

CLASS 9

Use—

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),
- (b) as a hospital or nursing home,
- (c) as a residential school, residential college or residential training centre.

Our client is therefore concerned that if exempted development rights are not removed then the building could be used to provide residential accommodation to people other than older persons or chronically ill persons.

In making this point, our client is asking that there be a community balance in accommodation provision in this area. There is a need for a nursing home for older people, but there is no further need in our client's view, for private emergency accommodation, supported temporary accommodation, emergency accommodation, etc. for the wide range of groups who require homelessness supports, etc. Our client notes how Focus Ireland already leases all of Greenhills Court which offers services to those not in need of specific nursing home care designed here for older persons.

At pre-planning, SDCC's Planning Department asked the Applicant team for its "Definition of Elderly". The Applicant Planning Report responds by stating, "Older people over 65 who are registered on the Councils Housing List". However, the Applicant Design Statement refers to "Older People over 55". Our client does not understand this definition and asks that this be clarified. **This nursing home scheme should be only for older people over 65 who need nursing home care only. Whether an older person pays privately or is state funded should make no difference.**

2. Siting density, scale, height & bulk of the proposed nursing home scheme requires down-sizing:

Our client is concerned over the density, scale, height, and bulk of the proposed nursing home. The Applicant site is located on the Old Greenhills Road which is arguably the most sensitive road in Tallaght regarding its character and heritage. The Applicant site is located to the east and within the curtilage of St. Mary's Priory protected structure which is a protected structure, and the site is located within the Tallaght Village Architectural Conservation Area (in accordance with Part IV of the Planning and Development Act (2000)).

The Applicant is seeking to build 10,166.7sq.m of floor area. The previous planning application proposed 14,325sq.m of floor area. The site is just 0.99ha. This new planning application proposes a scheme reduced by 4,158.3sq.m but which remains significant in size. The plot ratio density of the scheme is 1.026. This remains very high for this site location.

Our client asks that SDCC consider the following revisions to the scheme (see also Section 9.2)

- **The layout of the scheme requires revision.** Tallaght Community Council considers that the site of Block A should be a publicly accessible area of open space. A pocket park for the community. The areas of open space to the north of the site are not publicly accessible. This requires the full removal of Block A which would, in any case, cause negative visual and visual overbearing impacts onto Old Greenhills Road.
- **A building line is needed to Old Greenhills Road, the existing trees inside the site boundary and from the existing boundary wall:** Tallaght Community Council considers that a new building line shown in dashed blue line should be required. This would mean setting back Block C and re-designing the end of the nursing home. If Block A is retained, it should be setback.
- **The building heights of each block need to be reduced and/or amended:** Tallaght Community Council considers that Block A should be removed or reduced to 2-3 storeys (3rd setback). Block B should be 3-4 storeys. Block C 3-4 storeys (with the 4th setback from Old Greenhills Road and the nursing home should be 3 and 4 storeys with the east wing dropping to 3 storeys.

² <https://www.hse.ie/eng/services/list/4/olderpeople/residentialcare/>

³ <https://nh.ie/>

This Planning Objection Report focuses on highlighting why these revisions to the scheme are required such that it respects The Priory, Old Greenhills Road, existing trees on the site and the area.

Our client's objections, set out in this report, are each aimed at addressing the above points, but a range of other planning concerns are also noted.

3.0 Site location & description

The Applicant greenfield site comprising of institutional lands to the east and within the curtilage of St. Mary's Priory protected structure and the site is located within an Architectural Conservation Area. Development across the Old Greenhills Road/Greenhills Road from the Applicant site is all single and two storeys in nature. The Old Greenhills Road is therefore accepted by all parties as being an area which is sensitive to new development. As things stand, the Applicant site - beyond the existing 2m tall stone wall - appears as parkland and contributes to the character and setting of the Old Greenhills Road and to The Priory protected structure. There are mature trees along the full boundary of the Applicant site shared with the Old Greenhills Road and with Greenhills Road (the site has street frontage of approx. 95m on Old Greenhills Road and 50m on Greenhills Road).

Views north along the Old Greenhills Road toward the Applicant site (see Figs 2 & 4) suggest the site contains mature Poplar trees and appears much like parkland. Views south down Greenhills Road and the Old Greenhills Road toward the site also show the Applicant site as maintaining a parkland type appearance. The Applicant site's current appearance contributes to and respects the setting of the Old Greenhills Road.

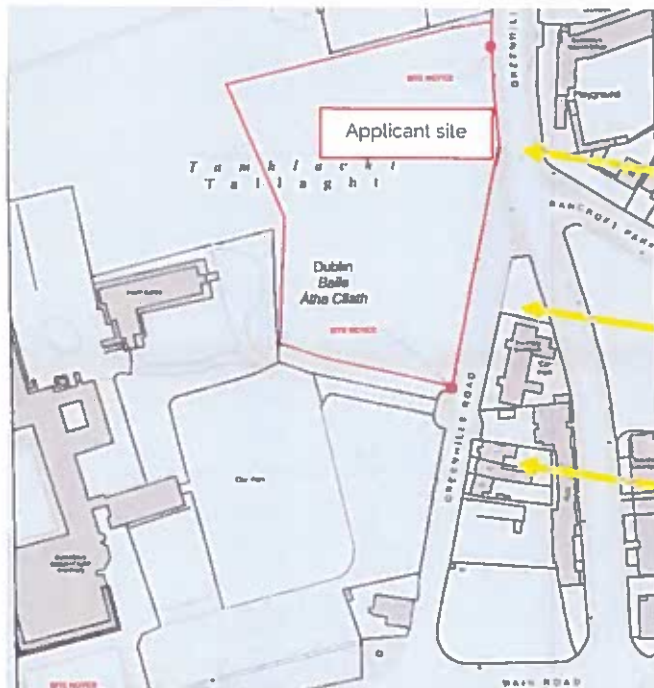


Fig. 1: Excerpt from applicant site location map

Tallaght Community Council is concerned to protect the established character and pattern of development of the Old Greenhills Road which adjoins the eastern boundary of the Applicant site. While the Applicant site adjoins approx. one half of the Old Greenhills Road, its existing appearance serves to significantly benefit the visual setting of this historic road. Our client is therefore concerned to ensure that any development of these priory protected structure lands which currently appear as tree-filled parkland as views from the Old Greenhills Road is respectful and sympathetic to the road.

The existing and established pattern of development along the east side of the Old Greenhills Road is of single storey structures including dwellings and St. Basil's (old schoolhouse) - this structure is listed on the National Inventory of Architectural Heritage. On the other side of Greenhills Road and to the northeast of the Applicant site are St. Mary's National School and The Priory Youthreach Centre.

The west side of the upper part of Old Greenhills Road and beyond its junction with Greenhills Road is fully visually defined by St. Mary's Priory protected structure's existing parkland type appearance. St. Mary's Priory protected structure's buildings reach 4 storeys in height but are considerably setback from the Applicant site and/or the closest building within The Priory protected structure's cluster of buildings presents its gable end only toward the Applicant site.

The Applicant site and the Old Greenhills Road maintain approx. the same ground levels so there is no possibility of the proposed development benefiting from any slope or of any new buildings being set into the site.

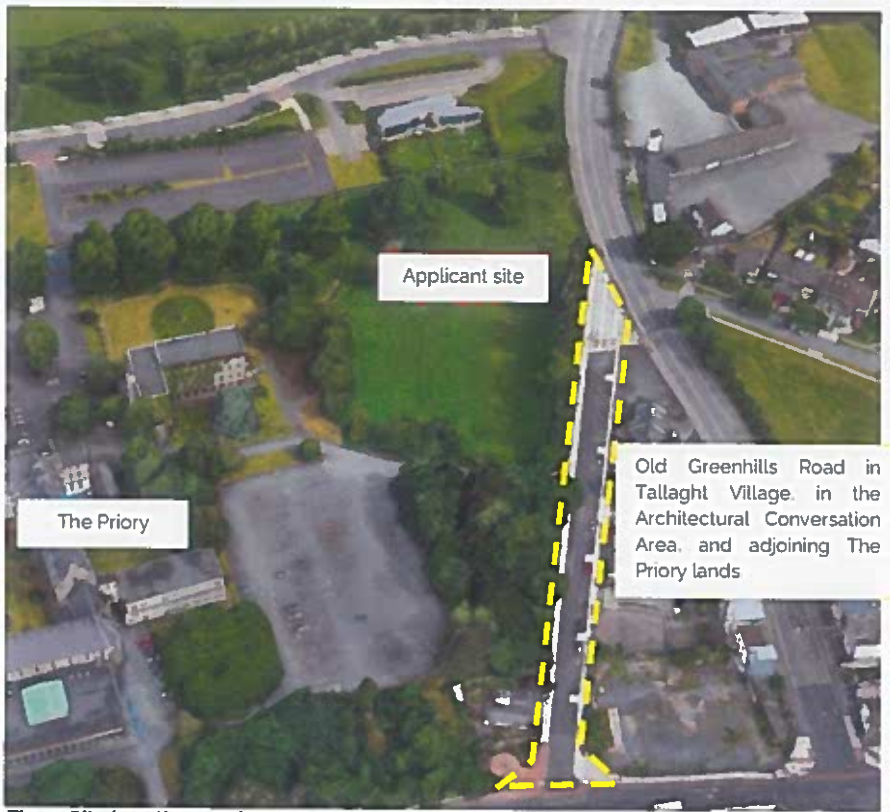


Fig. 2: Site location as shown in a Google Earth aerial photograph

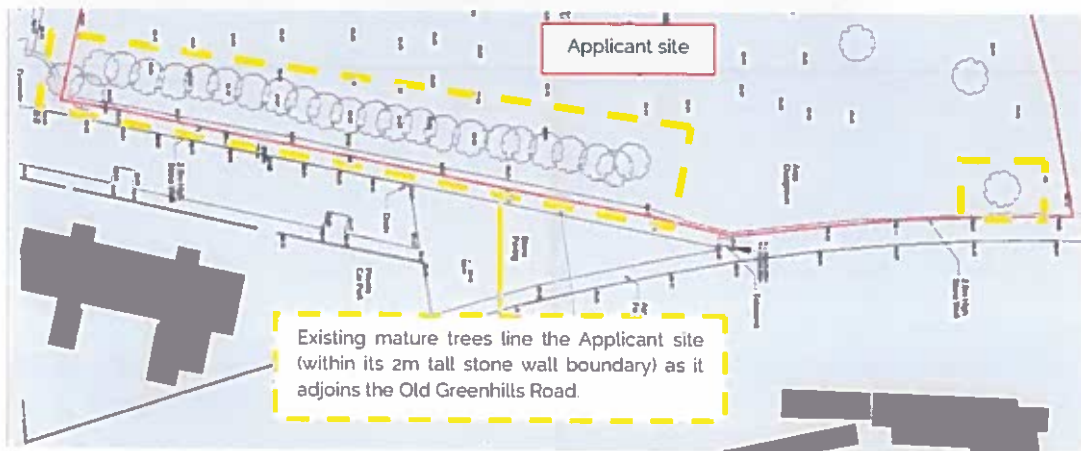


Fig. 3: The locations of existing mature trees inside the Old Greenhills Rd site boundary

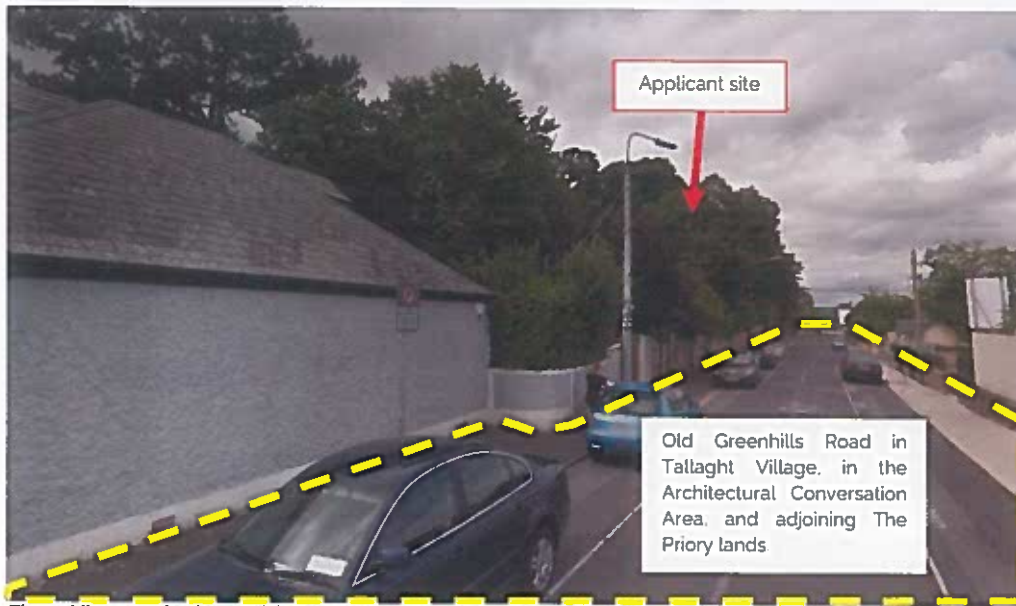


Fig. 4: View north along Old Greenhills Rd toward the site (Google Earth photograph)

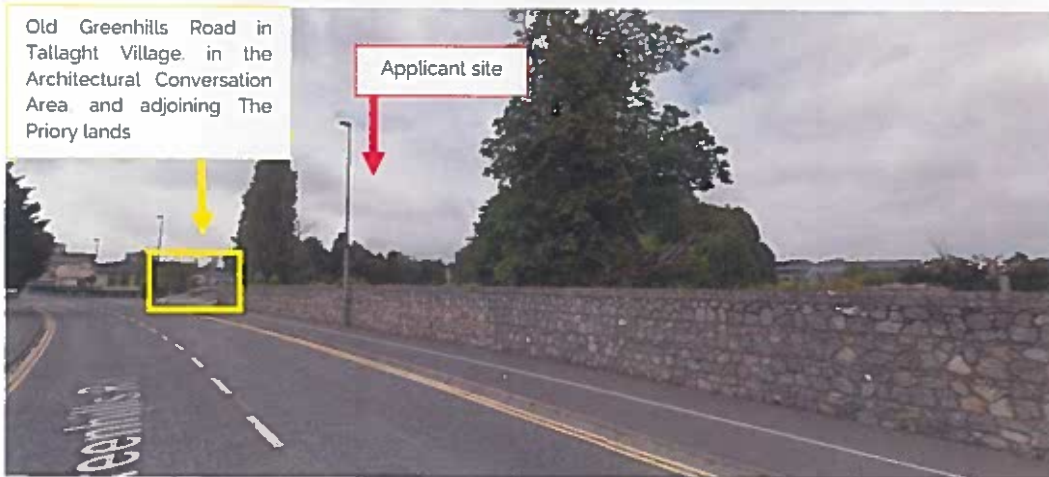


Fig. 5: View south along Greenhills & Old Greenhills Rd toward the site (Google Earth photograph)

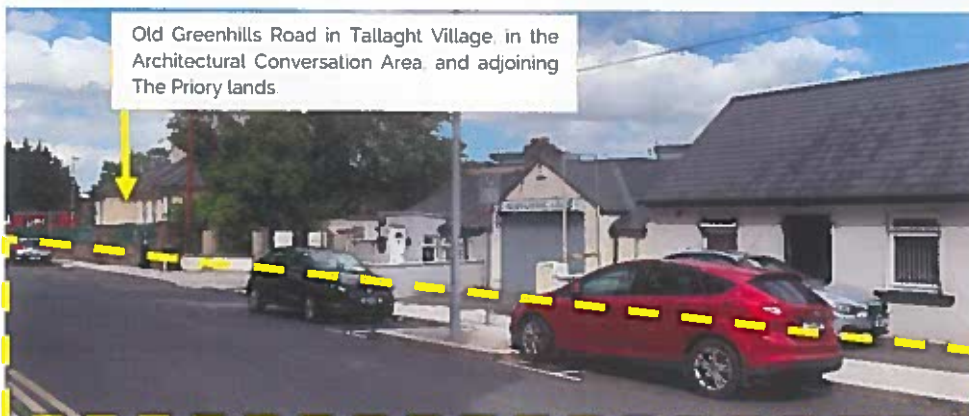


Fig. 6: Single storey scale of existing development on the adjoining Old Greenhills Road (Google Streetview)



Fig. 7A: Scale of existing development adjoining the north of the Old Greenhills Road



Fig. 7B: View of sylvan landscape within the existing property protected structure entrance



The Priory's existing boundary wall - included in the current planning application as a boundary wall to the subject site.

Old Greenhills Road in Tallaght Village, in the Architectural Conversation Area, and adjoining The Priory lands

Fig. 7c: Priory wall bordering Old Greenhills Road & its footpath

3.1 Established building heights in the vicinity of the Applicant site

The Applicant Design Report provides an analysis of adjoining and nearby building heights that requires objective analysis. BPS has reviewed Fig. 8 and we note the following:

1. The only 5 storey building claimed by the Applicant Design Report to be in the vicinity of the site is the Retreat House shown in Fig. 9 below. **This is a 4 storey building set within very significant grounds and setback long distances from the boundaries of The Priory protected structure.**
2. The Priory protected structure buildings offer no precedent for the Applicant scheme as they are set within a vast estate-like environment setback from adjoining boundaries.
3. The largest buildings in the vicinity, even those of The Priory protected structure, are 3 and 4 storeys in height.
4. Most buildings to the north, east and southeast are 1 and 2 storeys.
5. The site area shaded in yellow is not a building. It may only achieve 4 storeys.
6. The building height transition in this planning application should be from west to east with taller structures adjoining the closest 4 storey priory protected structure building and then reducing to 3 storeys at the east side of the site and then 1 and 2 storeys on the other side of Old Greenhills Road/Greenhills Road.

The Planning Report refers on page 9 to the Retreat House having a recessed 5th storey – where is this?

It is not clear to our client how the Applicant has interpreted from their own building heights analysis that this site can accommodate 5 and 6 storey buildings in a manner that could assimilate them into the site and this area. The analysis suggests the scheme should be 3 and 4 storeys in height with the taller structures located to the west side of the site.

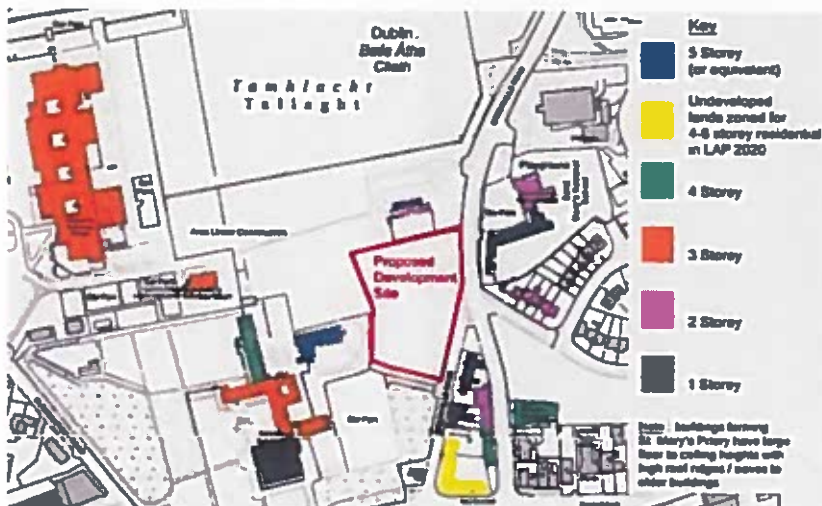


Fig. 8: There is no precedent in the area for 6 storeys – the area is defined by 1 to 3 storeys



Fig. 9: The Applicant's indicated 5 storey building is a 4 storey building with a flat roof

3.2 Scale & massing of The Priory buildings set within massive grounds offer no precedent

The Applicant Design Statement and the Architectural Heritage Impact Assessment for the previous refusal each argued that the proposals were wholly in line with the scale and massing of The Priory's building. Both now argue

that the previous planning application was somewhat over-scaled and that "Designs for the proposed development have significantly changed". Both continue to argue that "the land parcel is peripheral and separate to the wider campus even though any person walking or driving into The Priory is unlikely to see it this way.

Our client submits that it is not in any way appropriate for the Applicant scheme to be of a scale and massing similar to buildings that were built within a de facto massive estate with vast setbacks to adjoining boundaries, etc.

The Applicant buildings should be visually subordinate to The Priory protected structure buildings and not of a scale that once built would detract from the setting of those buildings, etc. The proposal's siting, density, scale, and heights should be defined by what can be achieved in an appropriate manner relative to The Priory buildings and not with trying to produce buildings of a similar scale and massing

4.0 Zoning and site designations

Under the South Dublin County Development Plan 2016-2022, the site is zoned Objective 'VC' with the following objective: "To protect, improve and provide for the future development of village centres" (site outlined in yellow in Fig. 10)

The site is located within the attendant grounds of St. Mary's Priory protected structure, but is located proximate to no less than 5 designated protected structures (SDCC refs. 268, 269, 270, 271 & 273) listed on Page 8 of the submitted Architectural Heritage Impact Assessment) and most of the site is located within an Architectural Conservation Area. According to the National Inventory of Architectural Heritage, there are no less than five buildings of architectural merit (these are listed in Table 1 of the submitted Architectural Heritage Impact Assessment).

The site is located within lands designated as an area of archaeological potential (within the blue line in Fig. 10).



Fig. 10: Excerpt from SDCC CDP 2016-2022 zoning map

5.0 The proposed development

The proposed development provides for:

- (a) Construction of a 4 storey nursing home building consisting of 106 bedrooms (with ensuite), associated residents welfare facilities, administration areas and staff facilities, multi-function space and pharmacy proposed at ground level.
- (b) Construction of 60 one bed independent living units in 3 blocks as follows:
 - (1) Block A, a 4 storey building comprising 11 one-bed units;
 - (2) Block B, a part 4/part 5 storey building comprising 35 one-bed units, and
 - (3) Block C, a 5 storey building comprising 14 one-bed unit. Each unit will be provided with a private open space in the form of a balcony terrace (6sq.m.)

The development will include communal open space and landscaping (including new tree planting and tree retention), 30 car park spaces (including 3 limited mobility parking spaces, 3 EV parking and 1 car sharing spaces), and 52 bicycle parking spaces.

The development will be served by a new pedestrian and vehicular access from Old Greenhills Road through existing boundary wall etc.

5.1 Technical issues with the planning application as submitted

5.1.1 Public notices do not refer to the site's location mostly in an Architectural Conservation Area (ACA)

Our client is concerned that while the Applicant's public notices refer to the site's location as within the curtilage of a protected structure, they fail **again** to refer to the fact that the site **is also** located within an Architectural Conservation Area.

5.1.2 The north point on the Proposed Site Layout Plan is misleading

The Applicant's Proposed Site Layout Plan is oriented such that the top of the drawing is not north. This is permitted but it makes the drawing more difficult for third parties to review. The type of Northpoint used by the Applicant does not help. It makes it seem like north is south.

The Applicant should be requested to provide revised drawings on a north-south axis with Northpoints which are clear.



Fig. 11: The proposed Site Layout Plan includes a misleading Northpoint

5.1.3 Plot ratio proposed is marginally over the maximum permitted – but it is a maximum: not a target

The appropriate measure of density on this site is plot ratio and the proposed plot ratio of 1.027 exceeds that permitted under the Tallaght Town Centre Local Area Plan 2020 (see Section 7.2.9 of this Planning Objection Report).

Our client's concern is that rather than consider the allowable plot ratio on this site as a range, the Applicant has once again, sought to maximise the quantum of floor area within the developable areas of the site. As some areas are undevelopable, the result is parcels of overdevelopment by way of over-sized blocks.

6.0 Pre-planning feedback for the current scheme & relevant planning history

6.1 Pre-planning feedback for the current scheme raises concerns over non-compliance

BPS has reviewed all the Section 247 pre-planning feedback (reg. ref. PP112/21) issued to the Applicant and the Applicant's Planning Report which refers to how they have attempted to address this feedback. Tallaght Community Council has discussed this and considers the following concerns to arise

1. **The definition of older persons:** The Applicant has suggested a definition of older persons as those over "65 and on the SDCC Housing List" and also "above the age of 55" – which is it? Over 55 is not old. These people would have cars and need car parking. Our client asks that any part of this scheme which is proposed to be used as de facto social housing be stated as such. This area is already one which offers considerable facilities and accommodation for those receiving council supports. Clarity is required
2. **The number of blocks:** Our client acknowledges that they recommended 4 blocks be sited within these lands to break up the refused scheme's cumulative massing. They did not however anticipate Block B and the nursing home being so massively scaled with long elevations. They consider that if these two buildings are to be retained then Block A needs to be removed from the scheme to address the excessive clustering of over scaled buildings proposed. This would also provide a public open space inside the entrance to the scheme which would benefit

the community in line with retaining the character of institutional lands and ensuring the wider community benefits from the scheme.

3. **Building heights:** Our client notes the pre-planning discussions over building heights and the revisions made during the pre-planning process to the submitted scheme. They consider that each block should be revised to be and 4 storeys with the 3rd storey sections facing Old Greenhills Road and The Priory. This would allow a stepping down in building heights particularly to Old Greenhills Road. The Applicant Planning Report refers to 4 storey building heights on Greenhills Road – these are not on Old Greenhills Road. Planning application, reg. ref. SD21A/0139, was recently refused by SDCC (now on appeal) and it provided for one 4 storey building on Old Greenhills Road which was considered visually dominant, etc. The Applicant proposes 3 no. 4 and 5 storey buildings along the more sensitive north end of Old Greenhills Road. This does not add up. The Applicant Planning Report claims 4 and 5 storeys can be “easily absorbed” along Old Greenhills Road. BPS has reviewed this entire planning application and stood on the road outside the site – we cannot agree. Blocks A and C and the east wing of the nursing home would be visually dominant and obtrusive. They would overbear onto the road and onto St. Basil’s protected structure.
4. **The blocks need to be stepped back from the eastern boundary and the Poplar trees retained:** For consistency across planning decisions, to retain mature screening of the site, to protect bat and bird nests, etc. the local landmark Poplar trees should be retained. Page 7 of the Planning Application Report refers to a “stepped approach”. Where is this stepping? Block C, for example, is a 5 storey block with a tall triangular cone on top. How does it step? The buildings should be stepped back 15m from the eastern boundary to protect the Poplar trees and then staggered from 3 storeys up to 4 storeys. Page 8 of the Planning Application Report states, “the revised layout is such that the impact on the eastern boundary is reduced. Let us review. The scheme proposes the removal of a wide section of The Priory Wall which removes existing screening. The scheme removes 23 x 22m tall Poplar trees removing screening. 3 no. new 4 and 5 storey buildings are to be sited as close as 3.7m from the eastern boundary with most screening removed. How are these revisions more sensitive to the eastern boundary?”
5. **The scheme’s heights, scale, bulk and massing are not subservient or subordinate to The Priory buildings:** The scheme needs to be cut back in height and cumulative bulk and massing to ensure it appears as subservient to The Priory.
6. **No publicly accessible open space is provided:** SDCC stated at pre-planning that all users including the public should be comfortable using the public open space. Despite this and national and local planning policy requiring the provision of public open space available to the wider community to be provided alongside the development of institutional lands, the Applicant continues to site all open space beyond any reasonable accessibility for the wider community. Page 8 of the Planning Application Report accepts this stating: “The public open space ... is accessed by way of a circuitous walking route around the site ...”. This access would not be used by the public. Block A needs to be replaced with a public area of open space. Previous reason for refusal No. 4 is not addressed.
7. **The scheme entrance:** Our client does not accept the proposal to break open The Priory Wall. The Priory should either give permission to use its entrance (to create the purported “campus” style development so often claimed by the AHIA) or no development proceeds. The Priory wall is unbroken to the north of the existing entrance and is a unique feature of the area and provides screening. This should be retained. The AHIA offers no justification for the entrance and merely states that it is acceptable.
8. **Parking provision:** While the Applicant has met with SDCC and has apparently agreed a reduced parking provision, our client notes the proposed loss of on-street car parking along Old Greenhills Road to facilitate this scheme’s new entrance and also considers that the under-provision of parking for the apartments and visitors will cause overflow and fly parking on Old Greenhills Road. It is recommended that parking be increased to 45 spaces. If Block A is removed and converted to a public open space, a small car park providing approx. 10 spaces could be sited in this area to benefit the scheme and the wider area.
9. **The ecological assessment:** The assessment suggests mitigation measures for the loss of bird and bats nests in the Poplar trees which do not stand up to scrutiny. Our client asks that the 23 x 22m tall Poplars which contain bird and bat nests be retained. The report needs to be carefully reviewed by the SDCC Biodiversity Officer as it reads as poorly put together and contains errors.

For the reasons set out above and in the remainder of this Planning Objection Report, our client does not support this scheme as submitted. The scheme needs to be revised and/or amended. Recommendations for revisions are set out in Section 9.2 of this Planning Objection Report.

6.2 Relevant planning history of the Applicant site

There have been multiple previous planning applications made for this site which forms part of The Priory protected structure. Our client wishes to note how they recently objected in respect of a planning application, reg. ref. SD21A/0136, for the development of a 5 storey nursing home on this site. The scheme proposed:

- (a) Construction of a 5 storey nursing home building consisting of (i) 112 bedroom (with en-suite); (ii) associated resident’s welfare facilities; (iii) administration areas and staff facilities; (iv) with day centre, and pharmacy proposed at ground floor level. (b) construction of a part 5/part 6 storey building consisting of (i) 108 one-bedroom/two-person independent living units for older people; (ii) social and activity areas; (iii) management office and (iv) 5 guest bedrooms, each unit will be provided with private open space in the form of a

balcony/terrace (ranging from 5sq.m to 12sq.m), (c) communal open space and landscaping (including new tree planting and tree retention), 30 car parking spaces and 86 bicycle parking spaces, (d) the development will be served by a new pedestrian and vehicular access from Old Greenhills Road through existing boundary wall, (e) landscaping, boundary treatments (including walls and railings to southern and western boundaries), an ESB Substation, SuDS drainage, road infrastructure and all ancillary site works necessary to facilitate the development.

The reasons for refusal issued by SDCC are set out in Section 1.3 of this Planning Objection Report. This decision made on 19/07/2021 was not appealed by the Applicant. Our client does not consider that the reasons for refusal have been addressed in this new planning application.

None of the remaining previous planning applications made within The Priory grounds are relevant to the current planning application's assessment.

What the planning history of the site confirms is that there has been no previous attempt to develop these lands and as such consultation with groups such as Tallaght Community Council regarding the appropriate development approach for this site should reasonably have been carried out.

Further, in the absence of any previous significant development proposal for these lands, it is not clear on what basis the Applicant has decided that a scheme of 4 and 5 storey buildings would be acceptable at this location within the boundary of an existing protected structure, adjoining Old Greenhills Road and within an area covered by an Architectural Conservation Area.

Our clients consider the starting point for this planning application to represent overdevelopment of these areas of the site on which buildings are proposed.

6.3 Refused planning application, reg. ref. SD21A/0139 for development on Old Greenhills Rd, etc.

Our client wishes to note how they objected in respect of a planning application, reg. ref. SD21A/0139, which has also been lodged in the close vicinity of the proposed nursing home. This planning application has been refused because, inter alia, it proposed a 4 storey building on Old Greenhills Road and 5 and 6 storey buildings on Greenhills Road. This planning application proposed the following development:

The demolition of three existing apartment units (c. 239sq.m) and bin store (c.18sq.m) and the construction of a residential development arranged in two building blocks (Block A & Block B) ranging from 3 to 6 storeys in height over basement level (c. 3,728sq.m, including basement). Block A comprises 11 residential apartments (c. 1256sq.m) in a 5 to 6 storey building and including a ground floor level cafe (c. 93sq.m) at the buildings south eastern corner. Block B comprises 15 residential apartments (c.1393sq.m) in a 3 to 5 storey building. The proposed development will comprise 26 new residential units (5 studio apartments, 6 1-bedroom apartments, 7 2-bedroom apartments & 8 3-bedroom apartments) with associated balconies and terraces. The proposed development will comprise a total of 40 apartment units derived from 26 new apartments and 14 existing apartments, relocation of existing basement access on Old Greenhills Road [etc].

The reasons for refusal issued by SDCC are set out in Section 1.3 of this Planning Objection Report. Our client considers this new nursing home planning application to raise many of the same planning concerns as those which resulted in the refusal by SDCC of planning application, reg. ref. SD21A/0139. Primarily, Block B on the Old Greenhills Road – at 4 storeys following Further Information stage – remained too tall. This decision has now been appealed to An Bord Pleanála and our client has responded to this appeal.

6.4 Precedent planning refusal at Greenhills Road, Tallaght, Dublin 24 under, reg. ref. SD20A/0250

Our client notes how they recently objected to planning application, reg. ref. SD20A/0250, which refers to a large-scale, mixed use 5 to 8 storey development at the Esso site on Main Street (it is not primarily on Old Greenhills Road). This was refused by SDCC on the 25/11/2020. This planning application was refused for similar reasons to those our client recommends be applied in the current case, including the following reason:

The proposed development, by reason of the excessive density, plot ratio and height proposed as well as the poor design, would fail to integrate and respond to the site, surrounding context, the Priory Protected Structure and the Architectural Conservation Area and would result in an incongruous feature that would significantly detract from the visual amenity and character of the area. Thus, the proposed development would contravene the Tallaght Town Centre LAP (2020-2026), the South Dublin County Development Plan (2016-2022), the VC zoning objective which seeks 'To protect, improve and provide for the future development of Village Centres' and the proper planning and sustainable development of the area. The proposed development, by virtue of its scale and layout, would represent overdevelopment of the site and would result in piecemeal development which would be out of keeping with the character and pattern of development in the area. It would also result in an overbearing form of development which would be injurious to residential amenities and would fail to respect the established building line in the area. The proposed development would therefore be contrary to Section 11.3.2 of the South Dublin County Development Plan 2016-2022 which relates to residential consolidation and would materially contravene the 'RES' zoning objective, as set out in the South Dublin County Development Plan 2016-2022, which seeks 'To protect and/or improve residential amenity'.

Our client considers that the same concerns arise in the current planning application and, as such, this planning application should be refused. Our clients note that the Applicant architect is the same and each of the submitted expert reports all argued that the scheme was acceptable on all grounds despite significant concerns arising. This

scheme is located across the road and some distance from The Priory protected structure yet was found to impact on the protected structure. It also impacted on the ACA.



Fig. 12: Site layout – landscaping plan – for refused planning application, reg. ref. SD20A/0250

7.0 Grounds for objection

BPS has been asked by our client to assess the planning application from its perspective and the perspective of the area into which it is proposed. BPS has identified the following concerns with the submitted planning application. We note that these points have been discussed in detail with our client.

7.1 Issue 1: The principle of development is conditionally supported

Our client accepts the principle of a nursing home at the proposed location. By nursing home our client means a nursing home for older persons. Nursing homes are a defined land use as understood by the HSE⁴ (public sector) and by Nursing Homes Ireland⁵ (private sector). Our client understands a nursing home to be: "a public or private residential facility providing a high level of long-term personal or nursing care for persons (such as the aged or the chronically ill) who are unable to care for themselves properly".

Our client asks that the use of the proposed building as a nursing home for older people and people unable to care for themselves properly due to age or chronic illness be made a condition of any planning decision made in this case and that exempted development rights regarding further and/or alternative uses of the building be removed.

If exempted development rights are retained then those defined by Class 9 of Part 4, Exempted development - Classes of Use of Article 10 of the Planning and Development Regulations 2001 (as amended) would apply and would include:

CLASS 9 Use— (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose) (b) as a hospital or nursing home, (c) as a residential school, residential college or residential training centre

Our client is therefore concerned that if exempted development rights are not removed then the building could be used to provide residential accommodation to people other than older persons or chronically ill persons.

In making this point, our client is asking that there be a community balance in accommodation provision in this area. There is a need for a nursing home for older people but there is no further need in our client's view, for private emergency accommodation, supported temporary accommodation, emergency accommodation, etc. for the wide range of groups who require homelessness supports, etc. Our client notes how Focus Ireland already leases all of Greenhills Court which offers services to those not in need of specific nursing home care designed here for older persons.

At pre-planning, SDCC's Planning Department asked the Applicant team for its "Definition of Elderly". The Applicant responded by stating "Older people over 65 who are registered on the Councils Housing List". Our client does not understand this definition and asks that this be clarified. This nursing home scheme should be for people over 65 who need nursing home care only. Whether an older person pays privately or is state funded should make no difference.

7.2 Issue 2: The submitted proposal is contrary to national, regional & local planning policy

7.2.1 Proposal's density, scale, height & massing is contrary to the NPF

National Policy Objective 33 of the National Planning Framework prioritises the provision of residential development at appropriate scales within sustainable locations. This site is located 2km from the LUAS and is served only by bus. This is not an unduly sustainable site location. It is a site comprising of windfall lands proposed to be excised from lands

⁴ <https://www.hse.ie/eng/services/list/4/olderpeople/residentialcare/>

⁵ <https://nhi.ie/>

owned by The Priory protected structure. Concerns arise given the sensitivity of this site which comprises of lands serving an existing protected structure, lands located within an Architectural Conservation Area and lands adjoining the historic Old Greenhills Road. The site cannot accommodate this super-sized scheme without causing the negative impacts as set out in this Planning Objection Report.

This scheme, as submitted, is not at an appropriate density, height, or scale – **the overall quantum of development is excessive for institutional lands whose open character is meant to be retained**. The scheme comprises overdevelopment of the site. Up to 5 storeys of over-scaled buildings extremely close to boundaries, including that shared with the Old Greenhills Road and in the layout proposed (especially on the eastern side and at the south end) would impact negatively on The Priory protected structure and on the Old Greenhills Road/Greenhills Road, would negatively impact on the established pattern of development, would cause the loss of the open character of these institutional protected structure lands, and would cause the loss of Poplar trees along the Old Greenhills Road whose protection is an objective of the LAP and the CDP.

The proposed building heights rise to 17.75m for Blocks B and C and the blocks are densely packed into this site such that, as viewed from Greenhills Road, Old Greenhills Road, The Priory protected structure and the entrance to Technological University Dublin, Tallaght Campus, this scheme would appear as an unrelenting mass of tall and over-scaled buildings whose cumulative negative impacts would be significant. This is exacerbated by the proposal to remove the existing 23 x 22m tall Poplar trees.

Our client has read the NPF and is unable to identify any reference therein to the need to disregard the existing LAPs and CDPs of planning authorities and existing building heights policies and to require overdevelopment of sites, to impose up to 5 storey and over-scaled buildings onto existing communities at densities which are extreme, in relative terms, to adjoining development.

The Applicant Planning Report lists National Policy Objectives 3a, 3b and 3c which seek additional housing via increased residential density on appropriate infill sites to achieve compact growth. There is no reason why a scheme of 3 and 4 storeys at a reduced scale and better sited to retain the open character of these lands could not achieve these objectives without causing each of the negative impacts set out in this Planning Objection Report. The current scheme speculates that SDCC and/or An Bord Pleanála may decide on this planning application which our client would find inexplicable.

Our client objects to how the Applicant Planning Statement refers to this scheme as though the alternative is an "undeveloped", "empty", "under-utilised" infill site – that this scheme represents the only development option for this site. This is not the case. The alternative is an appropriately scaled scheme which better respects its context and local planning policy pertaining to these lands.

This is a scheme which is at odds with this site's own constraints, with adjoining properties (ending The Priory protected structure) and with national, regional, and local planning policy. The NPF points to "Performance-Based Design Standards" and these are used by the Applicant to justify this scheme – that is, to justify taking the tallest building on the site up to 5 storeys. In fact, the NPF clearly wishes to avoid the mistakes of the past wherein ad hoc, unplanned, developments – especially residential schemes – were granted without their being fully in line with national, regional, and local planning policies.

The Applicant asks SDCC to disregard critical policies within the LAP and the CDP such that the proposal can be assessed without an overall masterplan for The Priory protected structure lands. Concerns arise over whether this scheme remains an ad hoc and piecemeal addition within the attendant grounds of the protected structure. A more carefully designed and scaled scheme could more respectfully be provided within this site.

The current scheme vastly exceeds what our client considers acceptable in density terms and its buildings are far larger in scale, height, massing, and bulk terms than what Tallaght Community Council could have anticipated might be proposed in The Priory protected structure lands.

This scheme needs to be reduced substantially in scale to ensure national planning policy is seen to be being implemented consistently. Our client understands that the allowable and appropriate building height for these lands would be 3 to 4 storeys.

The National Planning Framework (NPF) seeks 'Compact Growth'. The NPF states:

All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of re-use to provide housing, jobs, amenities and services, but which need a streamlined and co-ordinated approach to their development, with investment in enabling infrastructure and supporting amenities, to realise their potential. Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority (emphasis added).

Our client acknowledges that this site is suitable for a nursing home residential scheme for over 65s. Our client does not object to the principle of development, but to the scale and siting of this scheme. For this scheme to be credible – at the density, scale, height, and massing proposed – it would need to be located elsewhere in the LAP area such as appropriate parts of Cookstown or Broomhall, in an area specially designated for building height in the LAP and/or located on a LUAS stop or within 100m of one. Despite the Applicant's protestations that this site is suitably located, with respect, our client notes how the same arguments are being made for much better located sites which are suitable for higher densities and heights.

BPS notes how in recent years applicants have successfully argued that LAPs and CDPs are out of date arising from the publication of the NPF and statutory guidance on building heights, etc. In this case, the Tallaght Town Centre Plan was adopted in 2020. It post-dates the NPF, etc. and its policies for plot ratio and building heights applicable to this planning application do not support heights of 5 storeys. The LAP also seeks the retention of the open nature of these lands which is not achieved by no less than 3 blocks being sited within metres of Old Greenhills Road

It is reasonable to point out that this scheme, while it would provide nursing home housing (with negative impacts arising as set out in this Objection Report), fails to comply with planning policies that are not out of date, but whose implementation during planning assessments such as this one is critical to ensuring that the public finds the planning framework and planning process credible. The Applicant scheme is not credible when assessed against planning policies on any basis except the need for housing. This planning application does not "perform". Chapter 6 of the NPF entitled 'People, Homes and Communities' sets out that place is intrinsic to achieving good quality of life – our client submits that this scheme would impact negatively on the community into which it is proposed to be located. The scheme needs to be reduced to 3 and 4 storeys in height, the blocks broken up and the scheme's site layout re-considered (as recommended in Section 9.2 of this Planning Objection Report).

National Policy Objective 11 states: "In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages subject to development meeting appropriate planning standards and achieving targeted growth" (emphasis added). Our client is concerned at how the Applicant appears to have picked and chosen which planning policies to comply with and which not. There must be consistency in the application of planning standards

National Planning Objective 13 provides that:

... in urban areas, planning and related standards, including in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected (emphasis added).

Our client submits that the proposed scheme's density, scale, height, and massing fail when assessed against national and local planning policies in a consistent fashion. **This scheme fails to meet performance criteria that would offer a high-quality outcome for the area. The impact of the scheme on adjoining areas, including on The Priory protected structure, the ACA, the old Greenhills Road, etc., would compromise the local environment.**

National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location" (emphasis added). Our client considers that the Applicant scheme as submitted is not at an appropriate scale of provision relative to location. The scheme is, as submitted, excessively tall, over-scaled and inappropriately sited and designed for this location.

National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights". The Applicant site faces multiple acknowledged site constraints, including adjoining The Priory protected structure, being within an ACA, adjoining the historic Old Greenhills Road needing to retain the open character of institutional lands, etc. and the 2km distance to high quality public transport. The Applicant response has been to treat this site as just another site and to propose excessive scale and density.

There is an existing relationship between The Priory protected structure lands and the surrounding area which benefits the whole of Tallaght. The Applicant scheme seeks to alter this and to introduce a scheme whose density, scale, height, bulk, and massing would alter this relationship in a substantially negative manner (as set out in Sections 7.3 to 7.7 of this Planning Objection Report). Our client submits that this site is not suitable for the scale and height of the scheme proposed.

Our client notes how, having reviewed SDCC's pre-planning feedback, the Applicant was made fully aware that this scheme raised significant concerns regarding its scale, siting and the development of priory protected structure lands in an unplanned manner. **The Applicant has already received one refusal and needed to fully address these concerns in the submitted scheme. The Applicant has failed to reduce the scheme such that it offers heights, scales and a cumulative scale that can be considered acceptable. The Applicant has proven unwilling to cut this scheme back to an acceptable scale. The overall quantum of development proposed in this scheme – and the manner by which it has been sited – cannot be permitted.**

This proposal does not fully comply with the relevant guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended). It is also considered that the proposals are not, as submitted, in compliance with the relevant objectives of the SDCC County Development Plan 2016-2022.

Our client submits that SDCC should substantially revise and/or refuse planning permission on the basis that the Applicant scheme would set a poor precedent for similar schemes to be developed at excessive scales in institutional locations across the county where these would have significant impacts on surrounding areas. This planning application if permitted, would set a negative precedent for encouraging developers to submit ad hoc and piecemeal schemes for institutional lands which impact negatively on adjoining areas, on existing protected structures, on ACAs and on adjoining properties and public areas.

7.2.2 The principle of development under Project Ireland 2040 National Development Plan 2018-2027

Our client agrees that nursing home accommodation is required and is acceptable in principle. They do not agree however that it is required to be of the scale proposed in this planning application. Merely proposing a nursing home does not in itself justify causing negative impacts on the existing environment and/or significantly departing from the established character and pattern of development in this area.

7.2.3 The principle of development under Action Plan for Housing and Homelessness (July, 2016)

Our client agrees that nursing home accommodation is required and is acceptable in principle. They do not agree however that it is required to be of the scale proposed in this planning application. Merely proposing a nursing home does not in itself justify causing negative impacts on the existing environment and/or significantly departing from the established character and pattern of development in this area.

Any nursing home at this location should be restricted to those over 65 years who need nursing care.

7.2.4 Review under the Regional Spatial & Economic Strategy for The Eastern & Midlands Region

Our client has reviewed the Regional Spatial and Economic Strategy (or RSES) for the East and Midland Regional Assembly was adopted on 28th June 2019 and referred to in the Applicant's Planning Report. This strategy document like the SDCC CDP 2016-2022 and the Tallaght Town Centre LAP 2020, was subject to consultation with residents of the region.

Our client can identify no designation or policy therein which would indicate the Applicant site is of strategic or national importance. The RSES also supports high density development on high frequency public transport corridors - this scheme is located 2km walk from the LUAS. There is nothing pointing to this institutional parkland protected structure site as being a strategic priority site for development.

The guidelines do not propose that existing LAPs or Development Plan policies be over-ruled and/or materially contravened to allow increases in residential density, taller and over-scaled buildings, etc. to be developed at unsuitable locations. What the strategy seeks is for the local planning framework to identify where rejuvenation priorities should lie. Local authorities, through Development Plan and Local Area Plan policies, are meant to identify appropriate areas for focused development.

The guidelines require that all large developments be plan-led and infrastructure-led. The Applicant scheme - which vastly increases the quantum of development on a site which is currently a de facto institutional parkland setting - is developer-led and offers nothing new to this area except the addition of a massive volume of building which are packed into the scheme in a manner which impacts negatively on the area and on adjoining properties by way of its scale, height, and poor siting of buildings.

The overarching vision statement of the RSES is "to create a sustainable and competitive region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all". Our client submits that the siting, density, height, and scale of this scheme is incompatible with supporting the health and wellbeing of the people and places that adjoin this scheme. It is simply out of scale with its adjoining and surrounding environment to an extent that constitutes overdevelopment.

The current planning application seeks to circumvent the existing planning framework. The planning application is not in accordance with the LAP and or with regional planning policy. Revisions are required.

Our client note that the regional guidelines contain multiple policies which all refer to the need for infill development, increased density, appropriate building heights, consolidated growth, reducing commuting, building near public transport, etc. Each of the arguments made by the Applicant apply to - and more closely align with - a less tall, better designed, and sited scheme which properly integrates into the existing character and pattern of development in this area.

The Applicant argues that developments should be located at the right locations - the RSES agree with this. Our client submits that this sensitive site within institutional lands serving a protected structure and with an ACA designation is not appropriate for the density and scale of the scheme proposed.

7.2.5 Contrary to the Sustainable Residential Development in Urban Areas Guidelines

For the following reasons, the proposed development is contrary to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009):

1. Section 4.20 of the guidelines states:

In institutional lands and 'windfall' sites which are often characterised by a large private or institutional building set in substantial open lands and which in some cases may be accessible as an amenity to the wider community, any proposals for higher density residential development must take into account the objective of retaining the "open character" of these lands, while at the same time ensuring that an efficient use is made of the land. In these cases, a minimum requirement of 20% of site area should be specified; however, this should be assessed in the context of the quality and provision of existing or proposed open space in the wider area (emphasis added).

For the reasons given in Sections 7.3 to 7.9 of this Planning Objection Report, our client does not consider the proposed development to adequately retain the open character of these lands and they consider the provision of open space which appears to be privately accessible only not to be in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009)

2. Section 5.10 (e) 'Institutional Lands' of the guidelines states

A considerable amount of developable land in suburban locations is in institutional use and/or ownership. Such lands are often characterised by large buildings set in substantial open lands which in some cases may offer a necessary recreational or amenity open space opportunity required by the wider community. In the event that planning authorities permit the development of such lands for residential purposes, it should then be an objective to retain some of the open character of the lands, but this should be assessed in the context of the quality and provision of existing or proposed open space in the area generally. In the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph). The preparation of local area plans setting out targets for density yields, recreational uses and urban form should be considered in advance of development. In the absence of an LAP, any application for development of institutional lands should be accompanied by a masterplan outlining proposals for the entire landholding (emphasis added).

Our client submits that the LAP does not offer sufficient detail regarding the development of The Priory protected structure lands in a manner which would retain their open character and ensure coordinated development, etc. The proposal would appear to be premature pending the submission and/or agreement of a masterplan pertaining to the whole development of The Priory protected structure lands in a manner which is best for Tallaght, for The Priory protected structure and for the future of this area.

3. Section 2.1 states: **The scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy** (emphasis added). This planning application seeks to undermine the CDP and the LAP within the process of assessing the suitability of this scheme for this site. The Applicant is seeking to undermine the LAP planning policies set out in Section 7.2.9 of this Planning Objection Report and to decide for themselves that this site is suitable for an increase in building height and scale with up to 5 storey buildings at a density far above any adjoining development. This is not how the guidelines encourage planning to be undertaken. This is not a plan-led scheme and no masterplan for The Priory protected structure lands has been submitted. A plan-led scheme would be 3-4 storeys tall and better sited. Plot ratio is not the only consideration and achieving the maximum plot ratio is not meant to be a target (it is a maximum if all other planning criteria are achieved).
4. Section 2.2 requires "Adequate existing public transport capacity available or likely to be available within a reasonable development timescale". This site is served by the same transport infrastructure that has existed for years. At pre-planning, SDCC emphasised that this site is not located close to the LUAS. It is almost 2km away. The site is not located 'on' a public transport corridor.

The proposed development, being proposed in a manner non-compliant with the Local Area Plan and Development Plan, and causing significant, negative and permanent impacts on this area is not, when considered on balance, in compliance with the DEHLG's 'Sustainable Residential Development in Urban Areas' (2009).

7.2.5.1 Non-Compliance with the Urban Design Manual (2007)

The 'Urban Design Manual – a Best Practice Guide' (May 2009) is a companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'. Contrary to the Applicant's claims to comply with the Urban Design manual, numerous concerns arise. Several examples are provided below. The manual sets out 12 criteria with indicators for designers to follow.

1. The very first indicator is 'Context' and asks: "How does the development respond to its surroundings?" and provides guidance on how this can be achieved:

The starting point for the design of any (residential) development is an assessment of its surroundings. This covers existing landscape and buildings, as well as the social and economic needs of the existing communities. Widening out the assessment of the context in this way will help to ensure that the development is of its place and time - and informed by more than just its physical surroundings (p. 15).

Any departure in massing should be informed by a consideration of how the amenity of others will be affected, especially views, privacy and rights of light. Where there are existing buildings, newer ones should connect gracefully and if the massing is more intense, **show respect** for the existing by **graduating the change in steps** (p. 16) (emphasis added)

A new development has to make the most positive contribution possible to its neighbourhood or landscape. The aim of those planning for, designing or building schemes should be to ensure that the development in some way improves on or enhances the existing situation. (p. 18) (emphasis added)

The following points confirm that the proposed development does not comply with the above guidance:

- **The development seems to have evolved naturally as part of its surroundings:** The proposed development cannot reasonably be considered to have evolved naturally. Its 4 no. monolithic blocks are up to 5 storeys in height and extend extremely close to all shared boundaries. That the scheme contains area of open space to the northeast and northwest but it does not address its proposed negative relationship with adjoining areas and properties. It is a high-density residential scheme that would bear: (i) No positive visual relationship whatsoever to the surrounding urban design of the area as it adjoins all of its boundaries (it would cause an abrupt change in building heights, scale and massing as viewed from the Old Greenhills Road, from Greenhills Road, from The Priory protected structure, from Tallaght College, etc.); and (ii) Little visual relationship to single storey developments on the Old Greenhills Road, from Greenhills Road. Rather than appear a natural addition to the area, this scheme would, if built appear as excessively tall with excessive massing. It would be viewed as overdevelopment of the site. It would visually dominate the area.

Our client has reviewed the Applicant's building designs and Design Statement with regard to claims made that blocks are 'stepped' to minimise visual and other impacts. As Sections 7.3 to 7.9 of this Planning Objection Report confirms, these limited design elements fail to prevent negative impacts on the area. The blocks rise to 5 storeys. The elevations of the nursing home and Block B are too wide while Blocks A, C and the nursing home are sited too close to Old Greenhills Road.

The proposed blocks are too large and too close to adjoining site boundaries. The scheme has been designed as though the Applicant site is located in a wholly different context such as 100m from a LUAS Stop. The Applicant's proposals to mitigate the visual impact of this scheme are minimal and do not achieve any meaningful level of mitigation:

- **No stepping of the buildings to the eastern and southern boundaries:** A few metres of setback from the eastern or southern boundaries does not prevent the overall scale of up to 5 storey buildings from looming above adjoining properties and public areas. The blocks should stagger down in height to the boundaries and certainly to the eastern boundary with single storey St. Basil's sited opposite.
- **Excessive Buildings sited along the eastern boundary:** The Applicant's new design provides for 3 no. blocks to Old Greenhills Road (the east wing of the nursing home appears as a block attached to the wider building) with Block B sited above and between these blocks. Views of the scheme from along Old Greenhills Road in either direction or from St. Basil's would show a congested scheme of large scale and tightly clustered buildings that do not retain the open character of these institutional lands.
- **Angling Blocks A and C means two elevations impact on Old Greenhills Road.** Our client cannot understand why the Applicant has angled Blocks A and C to Old Greenhills Road. This has resulted in two and not one of the building's elevations impacting on the adjoining area, etc.
- **Appropriate increases in density respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users:** The proposed abrupt increase in height, scale and massing of built form relative to the Old Greenhills Road and Greenhills Road with their nearby 1 and 2 storey developments provides for no adequate visual integration of the scheme with adjoining development. This proposed density, as manifested through the Applicant's proposed design, fails to respect the form of adjoining public areas and private properties including the remainder of The Priory protected structure and the tight knit established community landscape around the site's edges. The proposal fails to respect the density and form of the adjoining area.

The proposal would cause all the negative impacts that are set out in Sections 7.3 to 7.9 of this Planning Objection Report. Our client does not expect this scheme to provide two storeys – and a nursing home scheme is not opposed – what is opposed is the sheer height, scale, and cumulative massing of this scheme as it would be viewed from the surrounding area. **The heights must be reduced to 3 and 4 storeys and blocks setback from Old Greenhills Road.**

- **Form, architecture and landscaping have been informed by the development's place and time:** This scheme's scale and height is out of keeping with the established character and pattern of development surrounding the full circumference of this site. The proposed bulky and over-scaled, blocks are not informed by the development's place and time. This scheme may appear appropriate in a city or major town centre, but within the parkland context of The Priory protected structure's institutional lands it is out of place. The scheme represents overdevelopment of the site. See Sections 7.3 to 7.9 of this Planning Objection Report for our client's detailed objections on the incompatibility of the scheme's proposed height, scale, and layout relative to the adjoining area.
- **The development positively contributes to the character and identity of the neighbourhood:** The proposed development would wholly dominate the character and identity of all public areas and the various properties surrounding the site; would visually dominate its Old Greenhills Road/Greenhills Road frontage with an abrupt increase in height and scale; and would visually dominate the setting of the protected structure and the adjoining Tallaght College. The proposals could also compromise the future development potential of adjoining lands. It would be highly visible to the surrounding area. A development of over-scaled buildings. The existing identity of this area would be compromised by overdevelopment and excessively and

poorly sited tall blocks that are too close to adjoining boundaries. The scheme aims to sacrifice the existing character of the area to provide a development whose scale and heights are far above those of any adjoining development. The Priory protected structure's buildings are extremely low density given their overall site area and are setback from any adjoining development and cannot be used as a justification for up to 5 storey buildings. The scheme, as submitted, would negatively alter the established residential and visual amenities of an entire residential community.

- **Appropriate responses are made to the nature of specific boundary conditions:** The proposed development has been designed as though it does not immediately adjoin and/or is not located very close to adjoining public areas, to 1 and 2 storey developments to the east and to other sensitive properties and areas. The Applicant refers to how efforts have been made to respect adjoining areas and The Priory protected structure. Our client cannot, however, identify much evidence of this. Our client objects to these proposals that are at odds with the site's sensitive location and context. Even the Poplar trees continue to be proposed for removal. The site's constraints mean that it has not been possible to adequately mitigate the proposed negative impacts on surrounding properties and areas.
2. The next indicator refers to "Connections". The following points such non-compliance:
- **Parking:** This scheme's parking proposals are inadequate and contrary to the SDCC CDP 2016-2022. The Applicant offers 30 parking spaces which is based on no objective evidence-based assessment of likely parking demand. The Applicant should be using Zone 1 parking requirements which apply to the entire county. This means providing 1 parking space per 4 residents for the nursing home, 0.75 spaces per apartments (many of the bedrooms are in older person apartments where cars may be owned and used), 1 space per 25sqm for day centre areas and 1 space per 25sqm for any retail. The scheme is at least 40 parking spaces short of meeting CDP requirements even if only the nursing home and apartments are considered. There are too few parking spaces proposed which will cause overflow parking and visitor parking on adjoining roads especially into the Old Greenhills Road. There is already to be a loss of on street parking arising from the proposed new entrance. The scheme proposes no measures to manage predictable internal parking. Our client notes that the Applicant scheme has carried out little credible parking demand analysis for the scheme but instead just hopes that residents and staff will not own and/or travel by cars and all visitors will walk, cycle, or take the bus. This scheme is located 2km from the LUAS. Overflow and nuisance parking into adjoining roads and streets and fly parking in the scheme is likely but the Applicant has singularly ignored these concerns. In the event of overflow parking there is nothing SDCC or the Applicant would do about it. This is "close your eyes and hope for the best" planning. It is not acceptable.
 - **Connections and proximity to services:** This site is not located adjoining a major public transport corridor. It is a site set within the lands of a historic institution located 2km from the nearest LUAS Stop. As it stands, this scheme would represent another experiment in which insufficient car parking is forced on residents, staff, and visitors – most of whom will never own bikes and cannot walk or take the bus. The response to this from the developer is that if a car space is not offered then only those without cars will access the scheme. This is not true. Those with cars would simply park in surrounding roads and streets.
3. The next indicator refers to "inclusivity". The following points indicate non-compliance:
- **Design and layout enable easy access by all:** The scheme's design effectively creates a gated community which is closed off to the public and offers no future pedestrian connections through The Priory protected structure lands, etc.
 - **New buildings present a positive aspect to passers-by:** The scheme's height, scale and positioning of blocks mean it will visually dominate this immediate area including the Old Greenhills Road/Greenhills Road frontage and also impact on views toward the site (see Sections 7.3 to 7.9 of this Planning Objection Report).
4. The next indicator refers to "Variety": "facilities and services that complement those already available in the neighbourhood" are meant to be provided. The scheme offers no facilities that would be used by existing residents of this area. The area of open space is not designed and/or accessible such that it would encourage surrounding residents to walk into the scheme. This is a scheme which is inward focused in terms of its facilities and services. The scheme offers nothing to the surrounding area.
5. The next indicator is "Efficiency": "How does the development make appropriate use of resources including land?" This point must be assessed in light of the LAP 2020 and the SDCC CDP 2016-2022 vision of "appropriate" development that protects existing areas and residents, while providing for new sustainable development.
- The proposed development fails to address this indicator as the scale and heights of the scheme exceed what a sustainable balanced development would include at this site. The scheme would result in significant and negative impacts on the surrounding area. The Applicant proposes to over-develop the site with building whose height and scale would be highly visible from surrounding properties and the wider area. This is contrary to the appropriate urban design of this area.
6. The next indicator is "Distinctiveness": "How do the proposals create a sense of place?" The proposed development would be distinctive but in an overly, and cumulatively, dominant, and visually obtrusive manner.

which is contrary to the Urban Design Guide. It would provide for excessive building heights and scales of blocks that would impact negatively on the site, the surrounding area and on adjoining properties (see also Sections 7.3 to 7.9 of this Planning Objection Report).

7. The next indicator is 'Privacy / Amenity': Our client is concerned that the scheme's scale is such that it would impact on the privacy and amenity of the surrounding area. Visual overbearing and overshadowing are not addressed. The solution is to reduce the scale and height of the scheme and to re-design its relationship(s) with the adjoining area and adjoining properties.
8. The next indicator is 'Parking': 'How will the parking be secure and attractive?' The Applicant scheme's parking proposals are, in our client's view, predicated on many residents, staff and visitors parking their vehicles within adjoining roads and streets. The Applicant is hoping that SDCC will turn a blind eye to the obvious overflow parking impacts that this scheme would have on the surrounding area, services for them to be able to function without a car.
9. The next indicator is 'Detailed Design': 'How well thought through is the building and landscape design?' The Applicant scheme seeks to massively over-develop all areas of the scheme excepting the northwest area of open space. The Applicant is unconcerned by the extent of negative impacts, especially visual impact impacts, arising for adjoining areas and properties arising from the tightly clustered up to 5 storey blocks. The result is a scheme in which the buildings would wholly dominate the visual environment in all directions and all views from the ground upwards. The landscape plan submitted with this scheme cannot address the wider shortcomings of the overall design. Overdevelopments cannot be hidden by some new "juvenile" boundary tree planting. This is not a scheme that has been designed to fit into its context but one that has been designed to present an entirely new context that bears no relationship to the existing area, as such, the detailed design cannot be comfortably absorbed into the site, but will appear visually obtrusive and injurious to the existing visual environment enjoyed by residents of the area.

The Applicant scheme – see the Design Report – picks and chooses those parts of the 'Urban Design Manual' to try to comply with. This is not appropriate. The scheme is, on balance, non-compliant, on the basis that it represents over-development of the site. This is an overdeveloped primarily apartment scheme. Adjoining areas are to be impacted on, but this area will receive no benefit at all from this scheme.

BPS notes how there are signs of overdevelopment throughout the scheme's urban design. The developer's brief appears to have been simply too much for this site. Despite the tactic of proposing an extremely high-density scheme at pre-planning expecting to walk this back, the actual brief of what the developer hopes to achieve here remains far more than what the site can take. The consequences of over development arising from the extreme density proposed are obvious from any detailed review of the submitted scheme. The building heights need to be reduced to 3 and 4 storeys (4th storeys setback from all boundaries).

7.2.6 National Standards for Residential Care Settings For Older People In Ireland (2016)

Our client agrees that nursing home accommodation is required and is acceptable in principle. They do not agree however that it is required to be of the scale proposed in this planning application. Merely proposing a nursing home does not in itself justify causing negative impacts on the existing environment and/or significantly departing from the established character and pattern of development in this area.

Any nursing home at this location should be restricted to those over 65 years who need nursing care.

7.2.7 Contrary to the Architectural Heritage Protection Guidelines

This planning application is located within the attendant grounds of St. Mary's priory protected structure which includes, inter alia, the original priory, the remains of Tallaght Castle (the Tower), a church, a library extension, administration buildings and a Retreat House. This is one of the most significant historic groupings of buildings in the county. Placing the Applicant scheme into its de facto front garden requires great care.

Our client considers that this scheme represents an unlikely and inappropriate addition to these historic lands. They do not consider the current scheme justifies developing this sensitive site with its significant heritage and conservation value. Fig. 13 shows how jarring this scheme will be alongside The Priory Institute, the Retreat House, the 18th Century Walled Garden. It is much like dropping an office building into Dublin Zoo.

The Department of the Environment's 'Architectural Heritage Protection Guidelines for Planning Authorities', which are a material consideration in the determination of planning applications, set out guidelines with respect to development in Architectural Conservation Areas (see: Chapter 3: The Development Plan, Architectural Conservation Areas).

The Guidelines note how the boundaries of an ACA should make physical, visual, and planning-control sense. The planning authority was very deliberate in including the application site within the ACA.

Section 3.7 'Development Control in Architectural Conservation Areas' of the Guidelines states: "The processes of change – development, dereliction or widespread replacement of original elements or finishes – that may pose a threat to the character of the area should be clearly analysed and documented. Indeed, the very elements that characterise the area may make it vulnerable".

The Applicant site – part of the lands of The Priory protected structure - due to its size, makes it vulnerable to development. A development on the site is inevitable; however, any development proposed should respect the site and its environs. The proposed development has failed to do this.



Fig. 13: The scheme would appear as an unlikely visual addition to The Priory protected structure

7.2.8 Contrary to SDCC Development Plan 2016-2022 policy

7.2.8.1 s. 2.1.2 'Housing for Older People' & the principle of a nursing home at this location

Section 2.1.2 of the SDCC CDP 2016-2022 sets out that the county needs nursing home accommodation. Our client agrees that nursing home accommodation is required and is acceptable in principle. They do not agree however that it is required to be of the scale proposed in this planning application. Merely proposing a nursing home does not in itself justify causing negative impacts on the existing environment and/or significantly departing from the established character and pattern of development in this area. Having reviewed Section 2.1.2, our client also offers the following comments:

1. To address the negative impacts arising for the surrounding area, the nursing home scheme should be reduced to 3 and 4 storeys.
2. Any nursing home at this location should be restricted to those over 65 years who need nursing care.
3. The site is not well located relative to public transport and car parking needs to be carefully reviewed to avoid overflow parking and/or fly parking into surrounding areas such as the Old Greenhills Road. As submitted, our client considers the parking provision to be inadequate.
4. Consideration should be given to ensuring that the site is publicly accessible including to its proposed open space area (pocket park).

7.2.8.2 Contrary to the zoning of the site

Under the South Dublin County Development Plan 2016-2022, the site is zoned Objective 'VC' with the objective, 'To protect, improve and provide for the future development of village centres'. Section 5.1.2 'Traditional Villages' of the CDP explains the Objective VC zoning and states:

South Dublin County has grown around the nine traditional villages of Clondalkin, Lucan, Newcastle, Palmerstown, Rathcoole, Rathfarnham, Saggart, Tallaght and Templeogue. Each of the villages has a unique character and offers a diverse range of professional and retail services. In recognition of the unique historic character of each village and the opportunities offered, particularly in relation to local and niche retailing, tourism and as a focal point for community events and festivals, a Village Centre zoning objective is applied to the nine traditional villages (emphasis added).

The Village Centre zoning will support the protection and conservation of the special character of the traditional villages and provide for enhanced retail and retail services, tourism, residential, commercial, cultural and other uses that are appropriate to the village context (emphasis added).

For the reasons given in Section 7.3 to 7.9 of this Planning Objection Report, our client does not consider the proposed development to provide for a scheme whose siting, density, scale, height, massing, and bulk relative to adjoining public and private lands is acceptable. Tallaght Community Council considers that the proposed development, as submitted, would impact negatively on the unique historic character of this site and Tallaght Village and would not protect and conserve the special character of the area and the village. The proposed development is not appropriate to the village context.

7.2.8.3 Proposal is contrary to s. 5.1.2 'Urban Centres (UC) Policy 3 Village Centres' of the CDP

The proposal is contrary to Section 5.1.2 'URBAN CENTRES (UC) Policy 3 Village Centres' of the CDP which states: 'It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value'. The following specific concerns arise regarding the proposal's compliance with the following CDP objectives

- UC3 Objective 1 of the CDP aims: **"To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs)"** (emphasis added).

For the reasons set out in Sections 7.3 to 7.9 of this Planning Objection Report, our client considers the proposed development does not provide for a scheme whose siting, scale, height, massing, and bulk relative to adjoining public and private lands is acceptable. The proposal would fail to protect and conserve the special character of the historic core of Tallaght Village because the proposal fails to respond appropriately to the architectural, urban design and landscape heritage setting of this site. The design approach proposed in this new development fails to respect the Architectural Conservation Area, the protected structure, and the surrounding areas of Tallaght Village.

- UC3 Objective 2 of the CDP aims: **"To promote design standards and densities in traditional village centres that are informed by the surrounding village and historic context and enhance the specific characteristics of each town or village in terms of design, scale and external finishes"** (emphasis added).

For the reasons set out in Sections 7.3 to 7.9 of this Planning Objection Report, our client considers the proposed development does not provide for a scheme whose siting, density, scale, height, massing and bulk relative to adjoining public and private lands is acceptable. The proposal is contrary to the design standards and densities set out in the Tallaght Village LAP in respect of the neighbourhood in which this site is located (see Section 7.2.9 of this Planning Objection Report). The proposal fails to properly address its village and historic context and enhance the specific characteristics of Tallaght Village in terms of design, scale, and external finishes.

For the reasons given in Sections 7.3, 7.4 and 7.5 of this Planning Objection Report, our client does not consider the proposed development to provide for a scheme whose siting, density, scale, height, massing, and bulk relative to adjoining public and private lands is acceptable. Tallaght Community Council considers that the proposed development, as submitted, would impact negatively on the unique historic character of this site and Tallaght Village and would not protect and conserve the special character of the area and the village. The proposed development is not appropriate to the village context. The proposal is contrary to Section 5.1.2 'URBAN CENTRES (UC) Policy 3 Village Centres' of the CDP.

7.2.8.4 Contrary to H8 Objective 3

H8 Objective 3 of the SDCC CDP 2016-2022 aims: **"To encourage the development of institutional lands subject to the retention of their open character and the provision of quality public open space in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009)"**.

For the reasons given in Sections 7.3 to 7.9 of this Planning Objection Report, our client does not consider the proposed development to adequately retain the open character of these lands and they consider the provision of open space which appears to be privately accessible only not to be in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009)

7.2.8.5 Concerns over non compliance with public open space Housing Policy 12 & H12 Objectives 1 & 2

Our client notes how the Applicant's Design Report and Planning Report claims that the scheme offers open space that is compliant with Sections 3.13 and 8.3 of the SDCC CDP 2016-2022. That is, the scheme is claimed to offer public open space. Concerns arise regarding the siting and design of the Applicant scheme as it addresses the issue of public open space.

Our client asks that SDCC consider whether – realistically – any person who is not a resident, visitor or member of staff would enter this site given how its entrance area is designed (see Figs. 14A and B). It is difficult to envisage a member of the public then walking as far as the proposed open space area at the northwest end of the site which would not even be visible from the Old Greenhills Road or from Greenhills Road. This area of open space would not enhance the identity and amenity of an area.

There is also no clear definition between public, communal and semi-private corporate private type space within this scheme which would allow any member of the community to understand that they could walk into the scheme and use the open space. Section 7.7.5 of the Applicant Planning Report states: **"A total of 5,019 has been provided through the scheme"** (emphasis added). **It is impossible to know what is public and what is communal.** The submitted Design Statement makes it clear that what is proposed is not public open space at all – it is communal, secure, semi-private, incidental, etc. The Applicant Planning Report has fudged this issue to make non-public open space sound like public open space.

Our client submits that the Applicant's public open space proposals are not therefore compliant with:

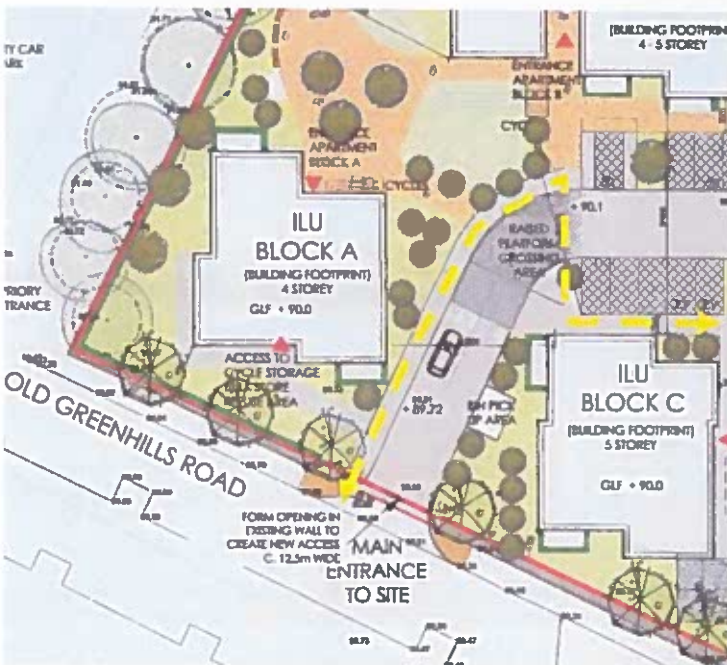
- Section 2.3.2 'Public Open Space' of the SDCC which states: **"The provision of public open space that is appropriately designed, properly located and well maintained is a key element of high-quality residential environments. Public open space should have active and passive recreational value and should enhance the identity and amenity of an area**. Refer to also policies and objectives set out under Section 3.13 and 8.3 of this Plan" (emphasis added).

- HOUSING (H) Policy 12 Public Open Space of the SDCC CDDP 2016-2022 which states: "It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation **and enhances the visual character, identity and amenity of the area**" (emphasis added)
- H12 Objective 1 which aims "To ensure that public open space in new residential developments complies with the quantitative standards set out in Chapter 11 Implementation and the qualitative standards set out in Chapter 11 and Chapter 4 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), together with the design criteria illustrated under the Urban Design Manual – A Best Practice Guide, DEHLG (2009)".
- H12 Objective 2 which aims "To ensure that there is a clear definition between public, semi-private and private open space at a local and district level and that all such open spaces benefit from passive surveillance from nearby residential development" (emphasis added).

For the reasons given above and within the remainder of this Planning Objection Report, our client does not consider the "public Open Space" provision to be clearly articulated, to be accessible to the public, to retain the open character of these lands and to represent a benefit to the area. The proposal is contrary to Sections 3.13 and 8.3 of the SDCC CDP 2016-2022 and the above listed objectives pertaining to these sections.



Fig. 14A: Appearance of the entrance area – would a member of the public walk to the open space area?



No member of the public is going to walk into the proposed entrance via a cluster of 3 no heavily developed blocks to access open spaces at the north end of the site

The pedestrian pathway is poorly designed within the site

Block A needs to be replaced with public open space which is accessible to and open to the public 'and' to residents of the scheme

Fig. 14B: Appearance of the entrance area – would a member of the public walk to the open space area?

7.2.8.6 Contrary to Objective UF4

Objective UF4 of the SDCC CDP 2016-2022 aims: "To ensure that development is laid out in a series of blocks and plots that are legible, permeable and appropriate in land use, scale, building height, street widths, urban grain and street frontages".

For the reasons given in Section 7.3 of this Planning Objection Report, our client does not consider the proposed development to be laid out in building heights that are acceptable at the Applicant site location adjoining the Old Greenhills Road.

7.2.8.7 Contrary to Objective UF6

Objective UF6 of the SDCC CDP 2016-2022 aims: "To provide attractive, interesting and well used public realm and open spaces using place making and urban design principles, creating a pedestrian centred environment with active, inviting public spaces and parks".

The Applicant proposal provides for the creation of a private park within the scheme. This is achieved by stacking two monolithic buildings with heights of up to 5 and 6 storeys close to boundaries, including to the eastern site boundary shared with the Old Greenhills Road. Our client considers that the scheme's layout should better respect the Old Greenhills Road and considerations should be given to making the proposed park available to the public as open space.

7.2.9 Contrary to the Tallaght Town Centre Local Area Plan 2020

7.2.9.1 The principle of a nursing home development and objectives RE 9 & RE 10 of the LAP

Our client agrees that nursing home accommodation is required and is acceptable in principle. Objectives RE 9 and RE 10 of the LAP merely also confirm that the principle of development is acceptable. Our client does not agree however that any nursing home development is required to be of the scale proposed in this planning application. Merely proposing a nursing home does not in itself justify causing negative impacts on the existing environment and/or significantly departing from the established character and pattern of development in this area.

Any nursing home at this location should be restricted to those over 65 years who need nursing care.

7.2.9.2 The scheme is out of line with s. 3.4 lap objectives for 'The Village':

Our client submits that the Applicant proposal is out of line with Section 3.4 'The Village' of the LAP which sets out how this 'Neighbourhood' of Tallaght Village, which includes the Applicant site, should be developed. Section 3.0 notes how: "This Chapter provides a vision and guidance for each of the neighbourhood areas; the change in character, if any, envisaged". The proposal is also wholly out of line with similar 'Neighbourhood' plans for adjoining lands at Greenhills and for Tallaght Campus. The following concerns arise:

1. **The plot ratio is slightly over the maximum permitted in The Village:** The Applicant scheme's plot ratio is slightly over the maximum allowed within The Village. The maximum plot ratio is now however a target. It is meant to be a range which varies depending on the context. The proposed development continues to overdevelop the site in qualitative terms and the maximum plot ratio allowable is not acceptable.
2. **Building Height is required "To respond to local context, particularly the Architectural Conservation Area (ACA)":** The proposed building heights of up to 5 storeys on lands adjoining The Priory protected structure and Old Greenhills Road are too high and insensitive to the ACA (see also Section 7.3 of this Planning Objection Report).
3. **Figure 3.10 'Overall Urban Structure (The Village)' of the LAP sets out clearly where increased building heights will be permitted.** The Applicant site is not indicated as being appropriate for any building heights. It is significant that every other site suitable for increased building height is indicated. Had SDCC anticipated these lands being developed for up to 5 storeys this would have been indicated. The Applicant argues that in the absence of a specific building height objective for The Priory protected structure lands then a default of 5 storeys should apply, but this makes no sense in light of every other planning policy for "The Village". The building heights should be 3 and 4 storeys in line with achieving the lower plot ratio, retaining the open nature of these lands, providing public open space, etc.
4. **Open Space is required to "Consolidate and enhance existing provision":** Despite offering future residents a large area of open space, this is inaccessible to the public and is not public open space. The scheme contributes nothing to existing provision of open space in this area despite the 'opening up' of The Priory protected structure lands to development allows an opportunity to do so. The open character of these lands as they adjoin Old Greenhills Road and Greenhills Road should be retained with a revised design of a lower density and scale.
5. **Figure 3.9 Mixed use frontage (The Village) requires mixed use frontage only on the lower part of Old Greenhills Road (see Fig. 16):** Our client reads Fig. 16 below as seeking a hard mixed-use edge to the southern section of Old Greenhills Road and that this does not apply and/or is not desired at the north end where it was anticipated that The Priory protected structure would retain its open parkland character, etc. The Applicant scheme seeks a hard edge at the upper end of Old Greenhills Road that would wholly alter the positive visual relationship between this historic road and the historic priory protected structure grounds.
6. **Objective VL5 requires the Applicant to: "Facilitate green infrastructure along public streets"** The Applicant Planning Report argues that this is achieved by cutting down all the mature Poplar trees that currently benefit the visual amenity of The Priory protected structure's shared boundary with the Old Greenhills Road/Greenhills Road and replacing them with young Oak trees that are fewer in number and will take decades to grow to any

reasonably large size comparable to the existing Poplars. The Applicant proposal is non-compliant with the LAP's aim to protect existing trees.

7. **Objective VL6 requires the Applicant to: "Protect and enhance setting of protected structures and qualities of the ACA":** Our client does not consider this up to 5 storey scheme of 4 no. monolithic scale buildings dropped into what are currently park land style institutional lands to represent a scheme which protects and/or enhances the setting of the protected structure and qualities of the ACA.
8. **Objective VL8 requires the Applicant to: "Protect the character and integrity of The Priory protected structure, including its parkland setting, and provide for greater public access and usage".** For the reasons given in Section 7.3 of this Planning Objection Report and due to the scale, siting, and design of the proposed development within these lands, our client does not consider that the proposed development would protect the character and integrity of The Priory protected structure, including its parkland setting.

The proposal does not provide for greater public access and usage. The scheme sites its open space far away from the site entrance and the scheme design would prevent any public access to the open space. This is not the way to develop these lands if the aim is for there to be public access and usage.
9. **Objective VL9 requires the Applicant to: "Protect and preserve Heronry located on Priory protected structure lands and extending into TUD lands".** Our client has reviewed the full planning application and the submitted ecological impact assessment. Concerns arise over this report which reads as cut and pasted from a report for a different scheme.
10. **Objective VL10 requires the Applicant to: "Provide for some residential or mixed-use development on lands to the east of The Priory protected structure, subject to the above key objectives".** The emphasis here is on "some" and on "subject to the above key objectives". There is little sense given in the LAP that it was anticipated that a scheme of the scale of the Applicant's was anticipated for these lands. Indeed, the scheme fails to address the key objectives as its plot ratio, building heights and open space provision are not in line with the requirements of the LAP.
11. **Objective VL11 states that "Any proposals for the future significant development of The Priory protected structure or St Maelruan's shall be accompanied by a detailed conservation plan which will assess the impact of any development and how it will contribute to the conservation of historically significant structures and landscape elements".** Our client has reviewed the submitted Applicant report which assesses the likely impact of the proposals on, inter alia, The Priory protected structure. They are not satisfied that this report offers the necessary reassurances that this scheme would not negatively impact on The Priory protected structure and its associated lands and on the ACA (see also Section 7.3 of this Planning Objection Report).
12. **The issue of access to public transport:** Section 3.4 acknowledges that despite being in 'The Village' The Priory protected structure lands are not especially well connected to public transport. They are served only by bus and the walking distances to services are considerable. It is not clear that this site could be primarily served by public transport, walking, or cycling as is claimed by the Applicant.

Our client submits that the Applicant proposal is wholly out of line with Section 3.4 'The Village' of the LAP which sets out how this 'Neighbourhood' of Tallaght Village, which includes the Applicant site, should be developed.

3.4 The Village

Consolidate existing mixed use residential neighbourhood within a high quality place of intimate scale and character.	
Land Use Mix/ Urban Function	Mix of uses in accordance with the County Development Plan zoning objective for 'VC - Village Centre', including residential, appropriate retail, walk to services, cultural, civic, recreational, community and other uses which support the evening economy.
Plot Ratio Range	0.75:1 (Low) 1:1 (High)
Building Height (See Figure 3.10)	To respond to local context, particularly the Architectural Conservation Area (ACA).
Open Space	Consolidate and enhance existing provision.

A 1:1 plot ratio is the maximum allowed if all other planning criteria are met. Our client considers these other criteria are not met and the plot ratio remains too high.

Building heights should respond to local context and this means 3 and 4 storeys and not 4 and 5 storeys. Building heights should stagger down to the eastern boundary.

Fig. 15: The key objectives for 'the village' – the scheme is mostly non-compliant (1)



Fig. 16: The key objectives for 'the village' – the scheme is mostly non-compliant (2)

7.2.9.3 Applicant Planning Report treats the maximum plot ratio as a target

The Applicant Planning Report states that Section 2.6.1 of the Tallaght LAP refers to plot ratio. It does. It states that the minimum to maximum plot ratio for the 'Village' is 0.75 to 1.0 (see Fig. 17). The scheme is described as being compliant with Section 2.6.1 of the LAP because it is slightly over the maximum plot ratio. This aside, our client's concern is that the Applicant treats the maximum plot ratio as a target rather than the upper end of a range.

The Applicant Planning Report argues in effect that the maximum plot ratio is assumed to be acceptable when, qualitatively, the scheme remains problematic and planning non-compliant on other areas. Our client does not consider that the current scheme justifies being permitted to develop at the maximum plot ratio.

Given that The Priory protected structure lands are not indicated as being developed at all within the LAP and as such there is no indication of predicted intensity of development, our client submits that a lower plot ratio should apply.

2.6.1 Plot Ratio

Plot ratio is determined by dividing the gross floor area of a building (GFA) by the site area. The gross floor area is the sum of all floor space within the external walls of the buildings, excluding plant, tank rooms and car parking areas. This Plan outlines a plot ratio range for each Neighbourhood, including a breakdown for the regeneration of Cookstown neighbourhood.

Neighbourhood	Min - Max Plot Ratio
Village	0.75 - 1.0

Fig. 17: Maximum plot ratio for sites within the village

7.2.9.4 Contrary to Section 2.6 'Intensity of Development'

Our client considers that, as submitted, the proposal is contrary to Section 2.6 'Intensity of Development' of the LAP 2020. The following concerns arise:

- Section 2.6 states regarding intensity of development: "Higher and medium intensity areas should be located primarily around the existing retail and administration centre, that is, The Centre and the Luas Stations on the Cookstown and Belgard Roads. Higher density of residential development in the form of mixed-use developments are desirable in these locations for reasons of their centrality, location proximate to transport nodes and/or the range of facilities currently available, subject to compliance with the concepts of this plan and the relevant Guidelines" [emphasis added].

The Applicant scheme is a higher density residential development which is not in an area designated as appropriate for high or medium intensity development. The site is not central, is not proximate to a transport node or to a range of facilities in the immediate vicinity.

- Section 2.6 states regarding height and built form: "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. The design and layout of each plot will need to take account of its context and be designed accordingly" [emphasis added].

For the reasons given in sections 7.3 to 7.9 of this Planning Objection Report, our client does not consider the design and layout of proposal to take adequate account of its context. The scheme has sited its densest part immediately adjoining the Old Greenhills Road which is characterised by single storey development.

- 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. 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' (emphasis added)

The Applicant site is not a key or landmark site, is not located adjacent to (within a 100m) a high-capacity public transport stops, is not located in any designated 'New Urban Square' or 'Urban Space' and is unsuitable for a scheme of up to 5 storeys in height (see Section 7.3 of this Planning Objection Report).

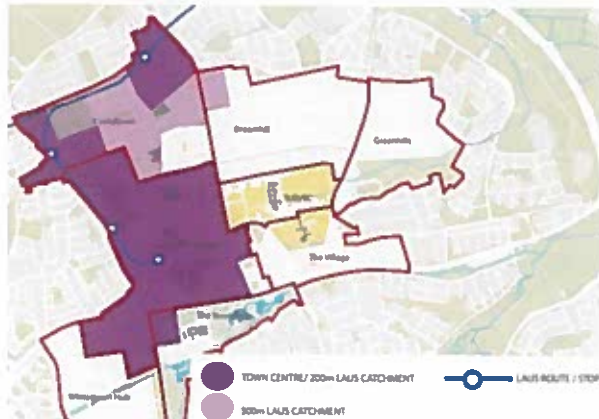


Fig. 18A: The site is located outside of the 200m and 500m Luas catchments

7.2.9.5 Contrary to Section 2.6.2 'Height and Built Form'

At pre-planning and in the submitted Planning Application Report, the Applicant argues that there is some way for the proposed up to 5 storey building heights to be considered compliant with the LAP's building height policy. Our client submits that, for the following reasons, this is not the case.

1. There is nothing specific in the LAP which suggests that the Applicant site is suitable for up to 5 storey buildings. Figure 3.10 'Overall Urban Structure (The Village)' of the LAP sets out clearly where increased building heights will be permitted. The Applicant site is not indicated as being appropriate for any building heights. It is significant that every other site suitable for increased building height is indicated. Had SDCC anticipated these lands being developed for up to 5 storeys this would have been indicated. The Applicant argues that in the absence of a specific building height objective for The Priory protected structure lands then a default of 5 storeys should apply, but this makes no sense in light of every other planning policy for "The Village". The building heights should be 3 and 4 storeys in line with achieving the lower plot ratio, retaining the open nature of these lands, providing public open space, etc.

Fig. 2.8 'Height Strategy' of the LAP is also quite specific as it pertains to where 3-4, 4-6 and 6-7 storey buildings should be located. The Applicant site is shown as a green field serving The Priory protected structure and that is all. It is a sensitive site context and should be treated as such.

Where the LAP considers 4-6 storeys acceptable at the southern end of the Old Greenhills Road this is specifically noted (see Fig. 18B). The Applicant Planning Report argues that their site should be treated the same as that located at the south end of the Old Greenhills Road, but this would make no sense and would not be plan-led. Our client considers that the lower range of 3-4 storeys adjoining the Greenhills Road is appropriate in this case (with the 4th storeys setback).



Figure 2.8 - Height Strategy
Fig. 18B: Excerpt from Fig. 2.8 of the LAP

- Section 2.6.2 Height and Built Form states: "Building heights will also be evaluated against topography, culture context, key landmarks and key views as required by Building Height Guidelines. **To ensure that building heights respect the surrounding context, new developments immediately adjoining existing one and two storey housing** in particular Colbert's Fort and at the edges of the Plan area, shall incorporate a gradual change in building height. In these instances, new development can be below the minimum range as specified in the Height Strategy" (emphasis added).

Our client submits that existing development on the Old Greenhills Road and Greenhills Road located opposite the Applicant site is single and two storeys in nature. As set out in Section 7.3 of this Planning Objection Report, the Applicant has not offered any gradual change in building height down to the Old Greenhills Road in particular. In fact, building heights in the scheme rise to 5 no. storeys adjoining the Old Greenhills Road. The building heights proposed should be in the minimum range specified.

- The proposed development should, in our client's view, be viewed, as adjoining the Old Greenhills Road secondary route (see Fig. 19). Part of the site adjoins the Greenhills Road, but this is not its primary focus. Section 2.6.2 states: "In general terms ... Building height and scale on secondary routes/frontages is lesser but still within an urban scale (4-6 storeys residential, 3-5 storeys non-residential)".

Our client submits that, as noted above, this site's context (opposite single storey dwellings on the Old Greenhills Road) is such that the maximum building height achievable on Old Greenhills Road should be a maximum of 4 storeys (which is the lower end of the range) and a lower height of 3 storeys could be justified opposite one and two storey houses. The Applicant has opted to argue for the maximum permissible building heights, and this has resulted in a scheme that is overdeveloped and overbearing as it adjoins the Old Greenhills Road.

It must also be noted that this is a mixed-use scheme and as such it may be appropriate, as our client has suggested in this Planning Objection Report, that parts of the buildings closest to the Old Greenhills Road should be reduced to 3 storeys.



Fig. 19: The location of the site opposite single storey development - gradual increase in heights

- The Applicant Planning Report argues that: "The proposed heights are ... Below the heights of the existing row of Poplar trees fronting Old Greenhills Road".

Our client is not clear what relevance this point has. A park has tall trees, but one would not argue that if the trees were replaced by buildings of the same height that the park would continue to provide positive visual amenity to adjoining areas. That the Applicant is comparing the heights of the proposed buildings to the existing very tall Poplar trees is especially concerning.

- 5 The Applicant Planning Report and Built Heritage Assessment argue that the buildings will be screened by trees from surrounding development, and this will mitigate building heights.

This is not the case, all the existing Poplar trees along Old Greenhills Road are proposed to be removed and will offer no screening. Young Oak trees proposed to be planted inside the eastern site boundary (which apparently will not undermine the stone wall, but the Poplars will?) will take decades to grow to any scale that could offer any effective screening. The Landscape Report refers to a mature height of 6m. In any case, as Fig. 20 illustrates, the number of proposed trees appears to be far below the 23 no. existing Poplar trees.



Tallaght Community Council is concerned to protect the established character and pattern of development of the Old Greenhills Road

In the previous and current planning application the Applicant referred/refers to how the proposed heights are below the heights of the existing row of Poplar trees fronting Old Greenhills Road. This approach continues in the current planning application

At 22m tall, the existing Poplar trees are very tall, but they contribute to a parkland appearance. Up to 5 storey buildings cannot be compared to trees. These trees are to be removed in full and all screening will be removed. Proposed tree planting will one day rise to a maximum of 6m (see Landscape Plan).

storey) and is commensurate with height of nearby existing Retreat House. The proposed heights are in keeping with heights of other buildings in the Priory campus and below the heights of the existing row of Poplar trees fronting Old Greenhills Road and do not interfere with views towards the existing buildings within the Priory lands. Heights are also compliant with the LAP requirements.

Fig. 20: Excerpt from Page 9 of the Applicant Planning Report for the current planning application

- 6 Section 2.6.2 'Height and Built Form' refer to the 'Urban Development and Building Height Guidelines for Planning Authorities' (2018) and note how urban design studies indicate that developments of between four and six floors are viable to build and that all proposals which involve building heights should be "evaluated against topography, culture context, key landmarks and key views as required by Building Height Guidelines". The context presented by this site is 4 storeys in The Priory protected structure and 1 and 2 storeys to the east.

Our client considers that there is no basis for this site to propose buildings above 4 storeys in height. Four storeys is viable under the guidelines and the appropriate height in the context presented by adjoining development.

7.2.9.6 Proposal is contrary to the lap's public access to institutional lands policy

Our client considers that if The Priory protected structure lands are to be 'opened up' to development, then this should be managed in a way that provides for public access, offers public pathways through the lands and retains the open character of those lands with publicly accessible parks/public open spaces. There is a need for public corridors through these lands which join up open spaces to provide green infrastructure in the Plan area.

This view is also that of the LAP which contains Objectives CC4 and CC5. It is an objective of the LAP to provide new areas of public space, so they provide highly amenable spaces for existing and future residents (Objective CC 4) It is an objective of the LAP to ensure access to all areas of public space and institutional lands is maximised, and major spaces are linked via amenable pedestrian routes. (Objective CC 5)

Our client cannot see how this standalone scheme offers any public access, any public open space and/or offers any public pedestrian route that could in the future link up to other pedestrian routes. This is contrary to LAP policy and contradicts the approach adopted throughout the Dublin Region for the past 30 years regarding the development of institutional lands.

7.2.9.6.1 Institutional lands should be consolidated while protecting their parkland settings

Our client's reading of the LAP is that institutional lands should gradually be allowed to consolidate so long as this development protects the parkland setting and provides for greater public access and usage. This approach is clearly set out in respect of the adjoining neighbourhood plan for Technological University Dublin/Tallaght Campus (TUD/TC) and references to The Priory protected structure echo this.

The Applicant scheme would not retain the parkland setting of these lands and would wholly alter how these lands would be viewed from Greenhills Road and Old Greenhills Road. The Applicant is trying to capitalise on the fact that SDCC clearly did not expect these lands to become available for development and is hoping to set the agenda. This is not acceptable. The scheme should provide for lower density buildings properly sited within the parkland setting with public access footpaths provided through the scheme and a public park also provided.

7.2.9.6.2 Proposal constitutes unplanned, ad hoc, and piecemeal overdevelopment of institutional land

The scheme's scale and height are out of keeping with the established character and pattern of development surrounding the full circumference of this site. The proposed monolithic, bulky, and over-scaled blocks are not informed by the development's place and time or by any agreed masterplan for these lands. This scheme may appear appropriate in a city or major town centre, but within the parkland context of The Priory protected structure's institutional lands it is out of place. The scheme represents overdevelopment of institutional lands. See Section 7.3 and 7.4 of this Planning Objection Report for our client's detailed objections on the incompatibility of the scheme's proposed height, scale, and layout relative to the adjoining area.

7.2.9.6.3 Proposal is premature pending a masterplan for the priory protected structure lands

The Applicant planning application reports are sprinkled with "just trust us" type comments. For example, the Applicant sets out how: (1) There will be no more need for new entrances off the Old Greenhills Road (if only the proposed new one is permitted); (2) Consideration has been given to how other priory protected structure lands will be developed and this scheme is compatible with those plans; and (3) Consideration has been given to pedestrian and vehicular circulation in The Priory protected structure lands and this is the best approach.

None of these claims – and others made in this planning application is based on any agreed masterplan for the development of The Priory protected structure lands.

While the LAP sets out general planning policies for 'The Village' and this area includes The Priory protected structure lands, the LAP does not provide specific targets for density yields, recreational uses, and urban form for these lands. Our client submits that these should be considered and agreed by SDCC in advance of any development of The Priory protected structure lands.

This planning application for development of one part of The Priory protected structure's institutional lands should have been accompanied by a masterplan outlining proposals for the entire landholding. In the absence of such a masterplan, this is an ad hoc and piecemeal planning application and could impact negatively on the eventual development of other parts of The Priory protected structure lands and/or on The Priory protected structure itself.

7.3 Issue 3: Siting, scale, height, bulk & massing is unacceptable relative to Old Greenhills Rd

7.3.1 Siting of buildings on the site is unbalanced and impacts heavily on the Old Greenhills Road

Tallaght Community Council is concerned to protect the established character and pattern of development of the Old Greenhills Road. It is now clear to our client as to why the Applicant has needed to propose such heavy development on the east side and in the southwest of the site. This is because there is a group of trees in the northwest area of the site which must be retained. The result of this is not for the scheme's density to be reduced, but instead this new scheme of 4 blocks sites 3 of them close to Old Greenhills Road with the 4th setback within the site but contributing to the overall massing of the scheme.

The scheme should be reconsidered to achieve a better balance and distribution of development across the site and to offer a public open space area which the entire community can benefit from. We can see no reason why a proposed area of open space could not be sited in a manner that gifts this area a small park. We can also see no reason why the buildings need to be pushed so close to the Old Greenhills Road when there is so much land available in which to push the building backwards into the site.

Our client asks that SDCC consider the following revisions to the scheme (see Fig. 22):

1. The layout of the scheme requires revision:

Tallaght Community Council considers that the site of Block A should be a publicly accessible area of open space. A pocket park for the community. The areas of open space to the north of the site are not publicly accessible. This requires the full removal of Block A which would, in any case, cause negative visual and visual overbearing impacts onto Old Greenhills Road.

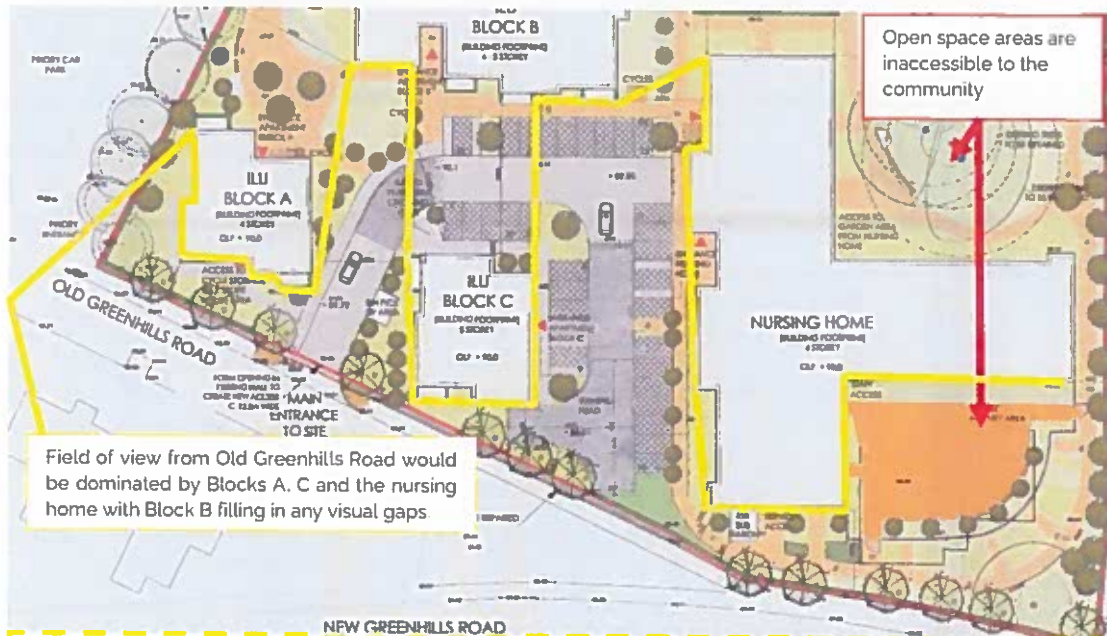
2. A building line is needed to Old Greenhills Road, the existing trees inside the site boundary and from the existing boundary wall:

Tallaght Community Council considers that a new building line shown in dashed blue line should be required. This would mean setting back Block C and re-designing the end of the nursing home. If Block A is retained, it should be setback.

3. The building heights of each block need to be reduced and/or amended:

Tallaght Community Council considers that Block A should be removed or reduced to 2-3 storeys (3rd setback). Block B should be 3-4 storeys. Block C 3-4 storeys (with the 4th setback from Old Greenhills Road) and the nursing home should be 3 and 4 storeys with the east wing dropping to 3 storeys.

This Planning Objection Report focuses on highlighting why these revisions to the scheme are required such that it respects The Priory, Old Greenhills Road, existing trees on the site and the area.



Tallaght Community Council is concerned to protect the established character and pattern of development of the Old Greenhills Road. It is not clear to them as to why the Applicant has needed to propose such heavy development on the east side and in the southwest of the site when this leaves a significant area of the site undeveloped. That is, all the negative impacts of the scheme are pushed up to boundaries without the adjoining community receiving any benefit such as the creation of a pocket public park. The scheme should be reconsidered to achieve a better balance and distribution of development across the site.

Fig. 21: The applicant's siting of 3 no. buildings along Old Greenhills Road with another block behind

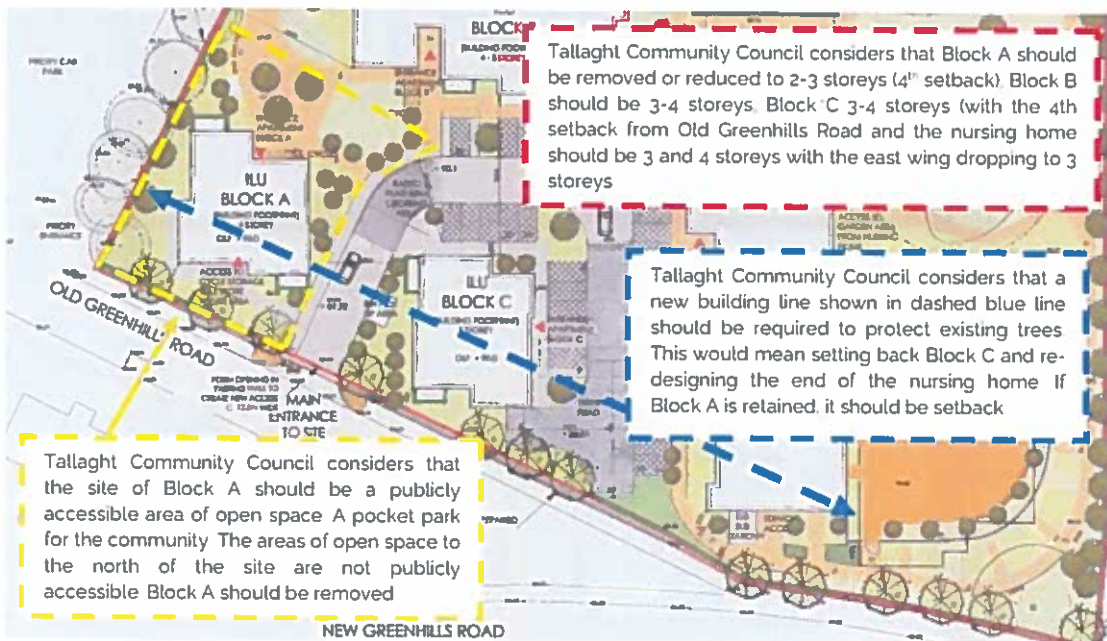


Fig. 22 Tallaght Community Council's requested revisions to the scheme

7.3.2 Siting & heights of the monolithic forms & scales of the buildings needs to be reconsidered

Our client has reviewed the submitted drawings (including contiguous elevations and the limited photomontage views offered and considers that these illustrate buildings which are sited too close to and are too tall relative to Old Greenhills Road and within The Priory. They are also concerned that existing trees will be lost in the areas between Block C and the nursing home and the west side boundary of the site.

The primary concern arising for our client is how the scheme would be viewed from Old Greenhills Road and whether the site is being overdeveloped in a manner which detracts from the character of the area (The Priory, existing trees, etc.)

7.3.2.1 Block A should be removed from the scheme & replaced with a publicly accessible open space

Our client has reviewed the Applicant's siting of Block A and its 4 storey height. They do not consider the Applicant scheme to contribute anything to this area while Block A is very close to Old Greenhills Road at a height which has recently been refused on Old Greenhills Road by SDCC under planning file, reg. ref. SD21A/0139.

Block A rises to 12.6m and 14.95m in height arising from its part flat and part pitched roof design. At its closest point, the building is setback just 4.5m from the site boundary.

Both the east elevation and the south elevation of the building would - due to how the building is sited at an angle to the road - be highly visible from Old Greenhills Road.

This building is sited between the existing historic Priory entrance and the proposed 'Main Entrance' to the site. Buildings along the east side of Old Greenhills Road sited opposite Block A are single storey only.

It is the informed opinion of Tallaght Community Council that Block A would have a negative and visually overbearing and visually obtrusive impact on a sensitive area of Old Greenhills Road and on The Priory's existing entrance. At minimum, the block needs to be reduced to 2 and 3 storeys, with the 3rd storey setback, and the entire building setback further from the Old Greenhills Road. As submitted, Block A is sited too close to Old Greenhills Road, to the existing site boundary and to existing trees sited within the Applicant site boundary.

However, in developing this site, the Applicant should be required to provide public open space. The open space provided within this scheme is not publicly accessible. Indeed, Block A is sited and designed such that it marks the entrance to what would appear as a very private development. Tallaght Community Council considers that Block A should be removed in its entirety and replaced with a public park accessed from Old Greenhills Road which can be used by both residents of the scheme and residents of the area.

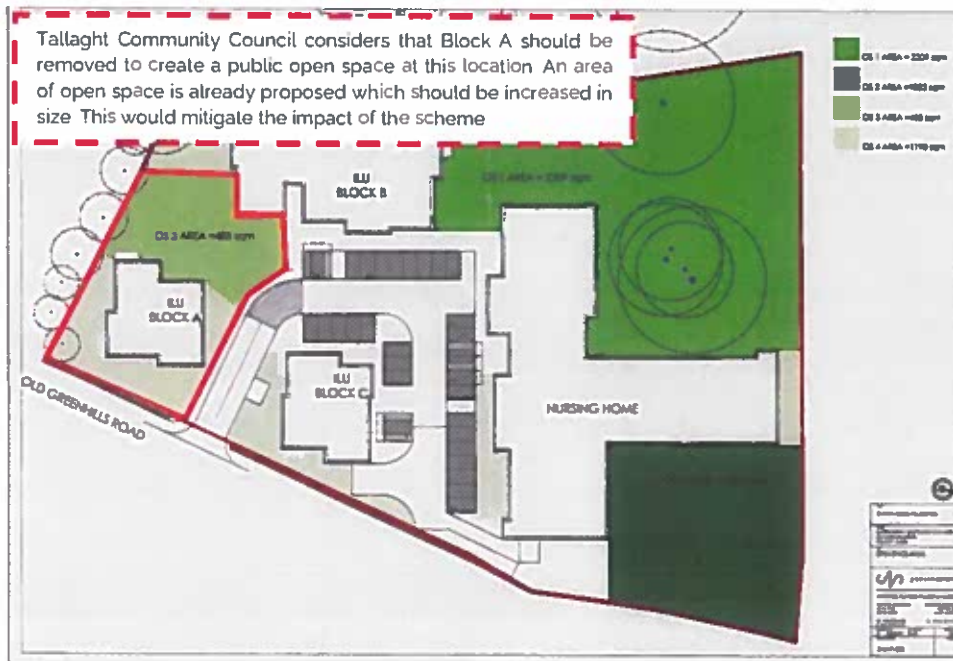


Fig. 23 The siting of Block A within an area of the site which should be a public open space

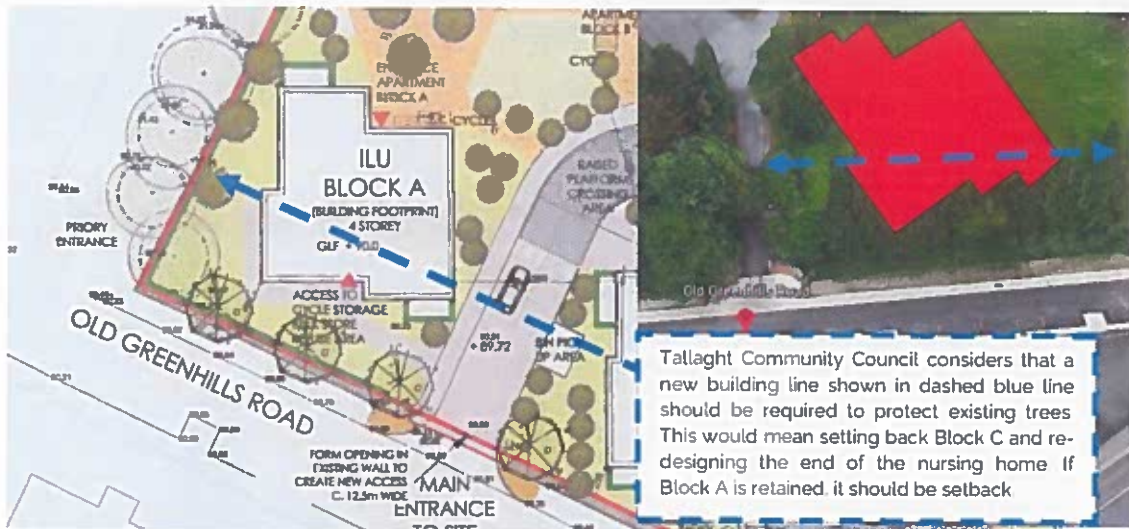


Fig. 24 The siting of Block A alongside Old Greenhills Road and The Priory's entrance/driveway

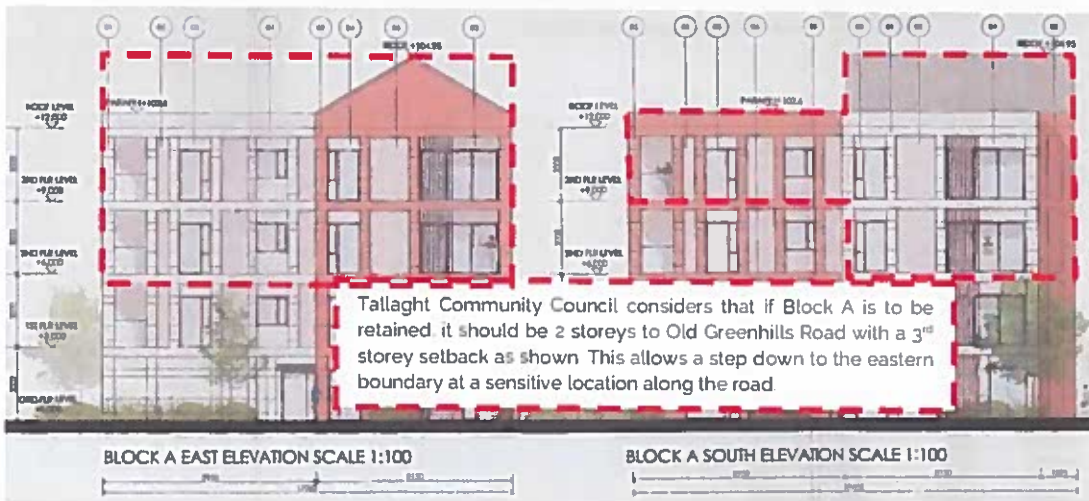


Fig. 25: Block A's south and east elevations to adjoin Old Greenhills Road and The Priory's entrance/driveway



Fig. 26: Approx. location of Block A alongside Old Greenhills Road and The Priory's entrance/driveway



Fig. 27: Approx. location of Block A alongside Old Greenhills Road and The Priory's entrance/driveway

7.3.2.1.1 Siting of Block A would impact on existing trees & no credible mitigating tree planting is proposed

The Applicant site maintains a line of Lombardy Poplar trees close to its boundary with Old Greenhills Road. These were obviously planted in some time past to protect The Priory from the visual impact of development taking place to the east. These trees should be able to screen much of Block A were Block A sensitively sited regarding their extents and Root Protection Areas.

This is not the case. The Applicant proposes the removal of this line of trees and the retention of only several low height trees. Excerpts from the Arborist's drawings are provided in Figs. 28 and 29. Block A's east and south elevations would not be screened by existing trees. The submitted Landscape Plan includes the small number of trees to be retained and proposed a small number of new trees be planted in the setback area from Block A to Old Greenhills Road and The Priority entrance. This minimal planting will offer no adequate screening of Block A.

The proposal for Block A's siting would convert the sylvan environment of the site of Block A with large scale trees to the southeast corner and east to an open elevation setback as little as 5.5m from the site boundary. The block would, without screening, be wholly unmitigated as to its negative visual impact on Old Greenhills Road.

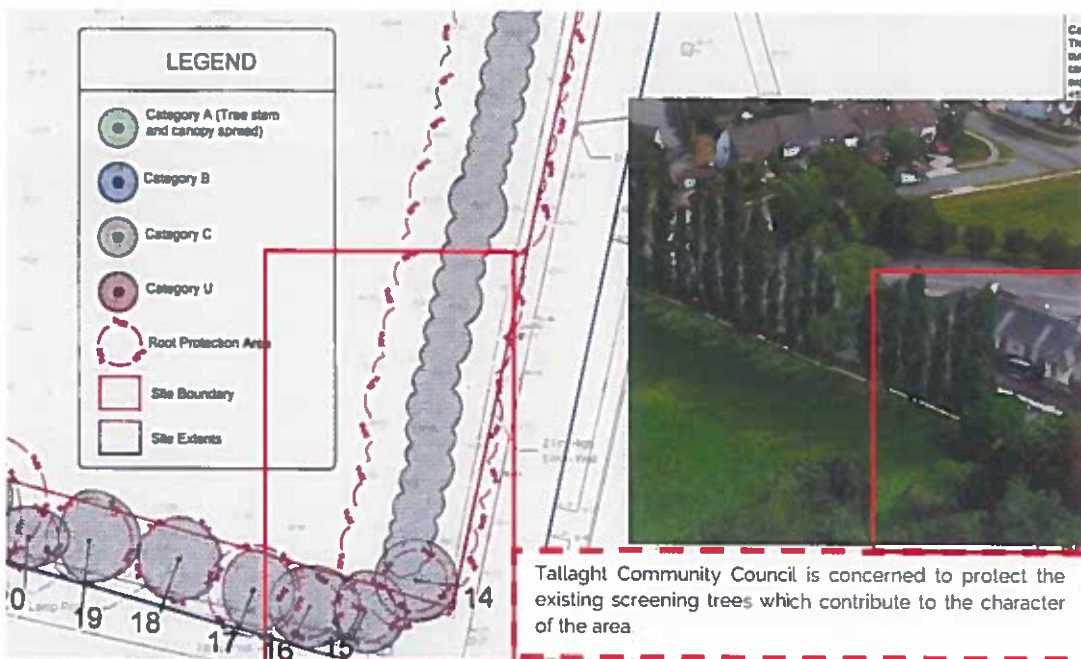


Fig. 28: Existing trees and RPAs adjoining the area in which Block A is proposed to be sited

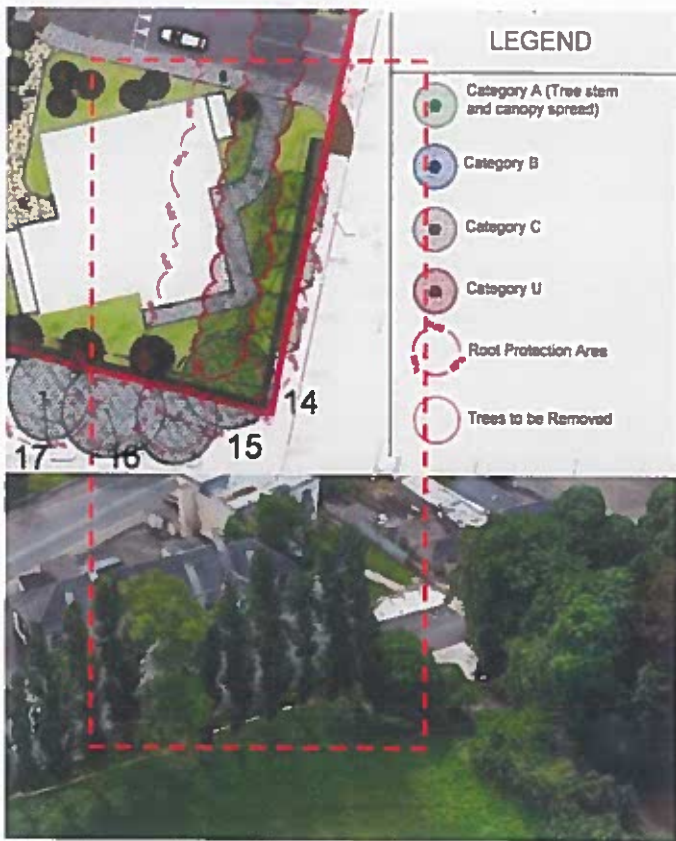


Fig. 29: Proposed areas of tree removal relative to Block A

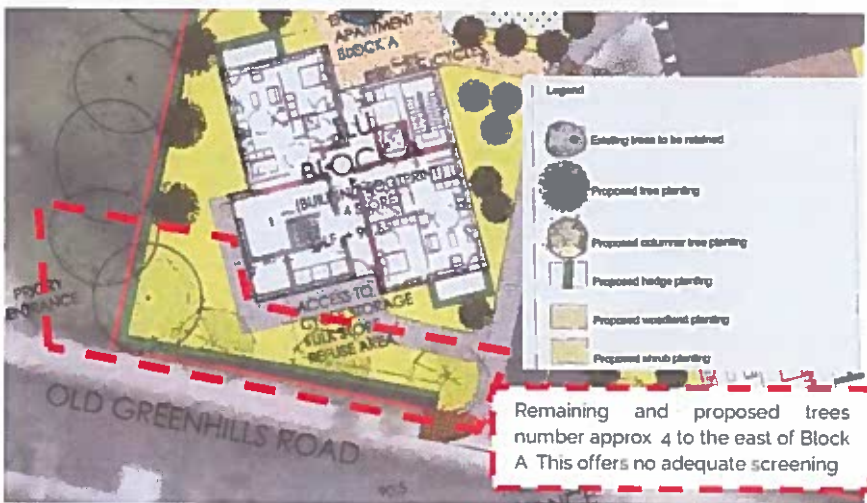


Fig. 30: Landscape Plan shows significant screening trees removed and minimal trees remaining/proposed

7.3.2.2 Block C should be setback & reduced to 3 and 4 storeys in height (with the 4th storey setback)

Our client has reviewed the Applicant's siting of Block C and its 5 storey height. They consider Block C to be very close to Old Greenhills Road at more than a storey above a building height which has recently been refused by SDCC on Old Greenhills Road under planning file reg. ref. SD21A/0139.

Block C rises to 15.6m and 17.75m in height arising from its part flat and part pitched roof design. At its closest point, the building is setback just 3.7m from the site boundary.

Both the east elevation and the south elevation of the building would - due to how the building is sited at an angle to the road - be highly visible from Old Greenhills Road.

This building is sited as close to the east site boundary as many of the existing Lombardy Poplar trees are and these trees tower above Old Greenhills Road while creating a sylvan parkland type appearance along the road.

The building on the east side of Old Greenhills Road sited opposite Block C is single storey only.

It is the informed opinion of Tallaght Community Council that Block C would have a negative and visually overbearing and visually obtrusive impact on both a sensitive area of Old Greenhills Road. At minimum, the block needs to be reduced to 3 and 4 storeys, with the 4th storey setback, and the entire building setback further from the Old Greenhills Road. As submitted, Block C is sited too close to Old Greenhills Road, to the existing site boundary and to existing trees sited within the Applicant site boundary (many of which need to be removed to facilitate this block).

Tallaght Community Council is not asking for the removal of this block as the group considers that it is not unreasonable for this site to be developed and the previous block sited at this location under the last planning application has been broken up. However, Block C is too tall and over-scaled relative to Old Greenhills Road and revisions are required. At minimum, the closest half of the building to Old Greenhills Road needs to be reduced to 3 storeys.

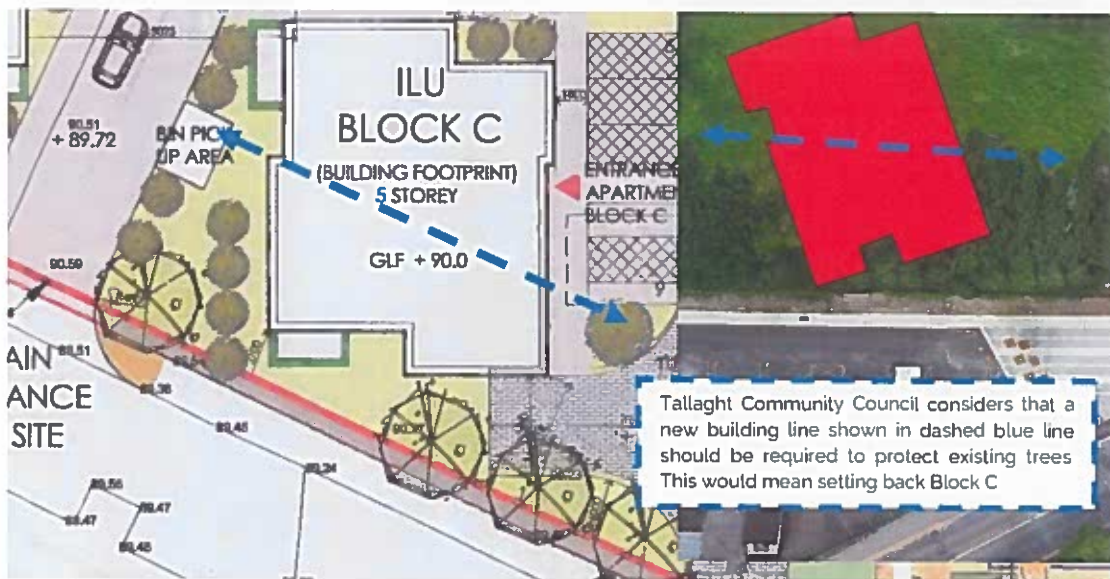


Fig. 31: The siting of Block C alongside Old Greenhills Road

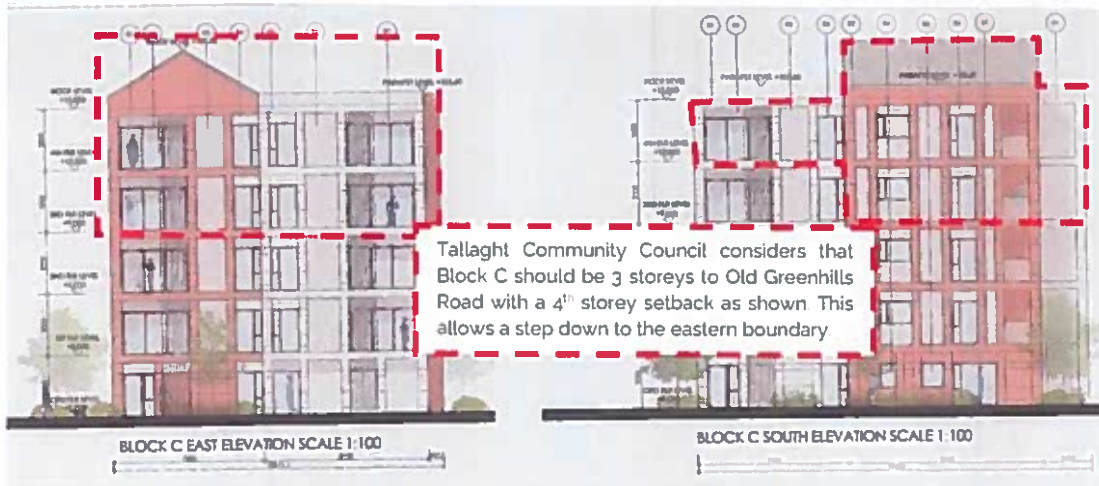


Fig. 32: Block C's south and east elevations to adjoin Old Greenhills Road

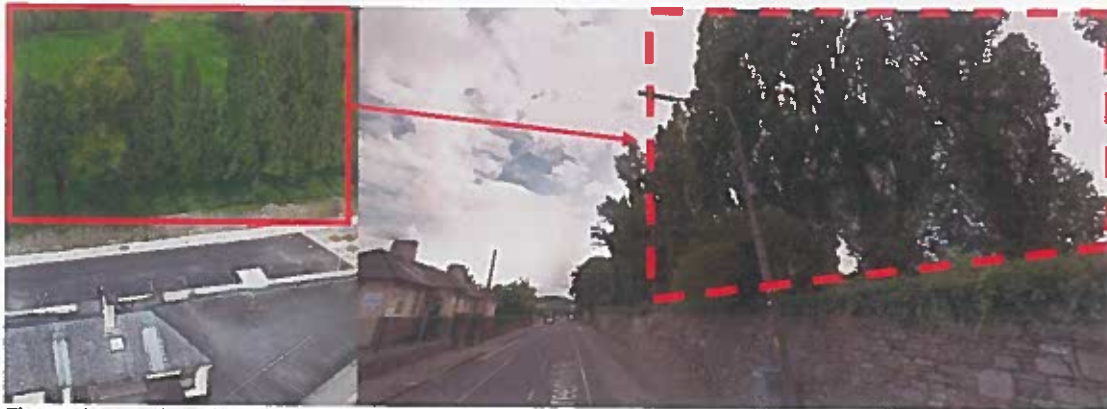


Fig. 33: Approx. location of Block C alongside Old Greenhills Road

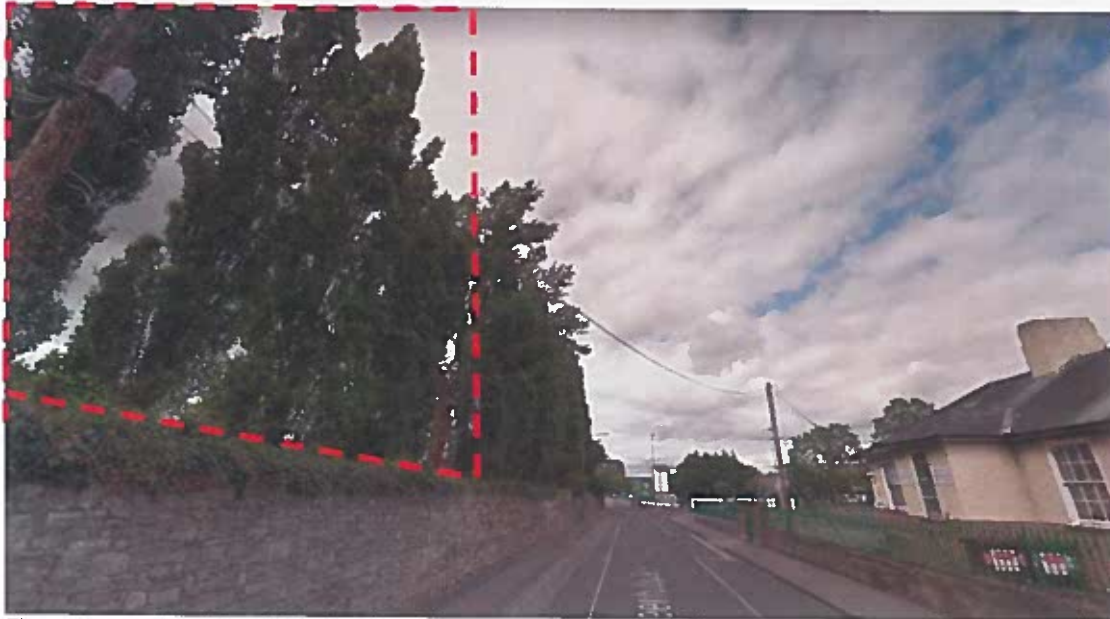


Fig. 34: Approx. location of Block C alongside Old Greenhills Road

7.3.2.2.1 Siting of Block C would impact on existing trees & no credible mitigating tree planting is proposed

The Applicant site maintains a line of Lombardy Poplar trees close to its boundary with Old Greenhills Road. These were obviously planted in some time past to protect The Priory from the visual impact of development taking place to the east. These trees should be able to screen much of Block C were Block C sensitively sited regarding their extents and Root Protection Areas.

This is not the case. The Applicant proposes the removal of this line of trees as Block C is to be built on top of the Root Protection Areas. Excerpts from the Arborist's drawings are provided in Figs. 35 and 36. Block C's east and south elevations would not be screened by existing trees.

The submitted Landscape Plan proposes a small number of new trees be planted in the setback area from Block C to Old Greenhills Road. This minimal planting will offer no adequate screening of Block C's up to 17.75m tall elevations.

The proposal for Block C's siting would convert the sylvan environment of the site of Block C with large scale trees to the east to an open elevation setback as little as 3.7m from the site boundary. The block would, without screening, be wholly unmitigated as to its negative visual impact on Old Greenhills Road.



Fig. 35: Existing trees and RPAs adjoining the area in which Block C is proposed to be sited

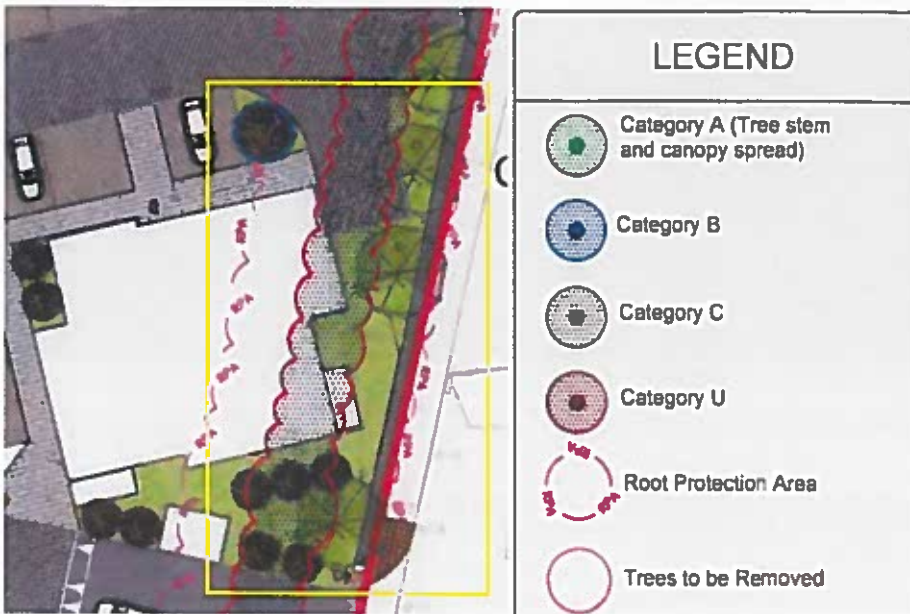


Fig. 36: Proposed areas of tree removal relative to Block C



Fig. 37: Landscape Plan shows significant screening trees removed and minimal trees remaining/proposed

7.3.2.3 Nursing home's siting is poor & the east wing should be setback & its height reduced to 3 storeys

Tallaght Community Council has no objection in principle to the nursing home or to the submitted building design, however, on a site wide review of the scheme, concerns arise that the main open space areas proposed to serve the scheme are sited to the east and west of the main nursing home building such that they are - in practical terms - not publicly accessible and visually cut off from the rest of the scheme. While BPS has discussed the siting of the nursing home with our client and explained the stated reasons for this design, our client is not convinced. The nursing home is sited such that it cuts off the rest of the scheme and the existing community from the proposed open space areas. The building could be broken up and/or re-sited to avoid this.

If the nursing home is to be sited as proposed and the large spaces to the northwest and northeast of the site are to remain publicly accessible, then our client considers this to provide even more reason why Block A should be removed and replaced with a small public park for use by the community. It could contain a playground, etc.

Our client understands that SDCC will make its own design; they merely ask that the proposed siting of the nursing home be reconsidered and reimagined by way of a Further Information request.

In terms of specific revisions needed to address the nursing home's proposed relationship to Old Greenhills Road and Greenhills Road, our client has reviewed the Applicant's siting of the proposed nursing home and they consider that the east wing of the building should be setback. As proposed, the building extends to within 5.15m of Old Greenhills Road and to a height of 13.2m.

It is the informed opinion of Tallaght Community Council that, as submitted, the east wing of the nursing home would have a negative and visually overbearing and visually obtrusive impact on a sensitive area of Old Greenhills Road. At minimum, the east wing of the nursing home should be setback 15m from the eastern boundary of the site and reduced to 3 storeys as shown in Figs. 41 and 42. This would step the building down towards Old Greenhills Road. At present, the nursing home is sited too close to Old Greenhills Road, to the existing site boundary and to existing trees sited within the Applicant site boundary (many of which need to be removed to facilitate this scheme).

Tallaght Community Council is not asking for unduly significant revisions to the nursing home. They consider the massing of the scheme to have been broken up at the north end (though the nursing home is a large building) and only the suggested revisions to the east wing are needed to provide for integration of the scheme with the area. Concerns remain however that the proposed siting of the nursing home would be a missed opportunity in terms of community integration with its open space areas, etc.

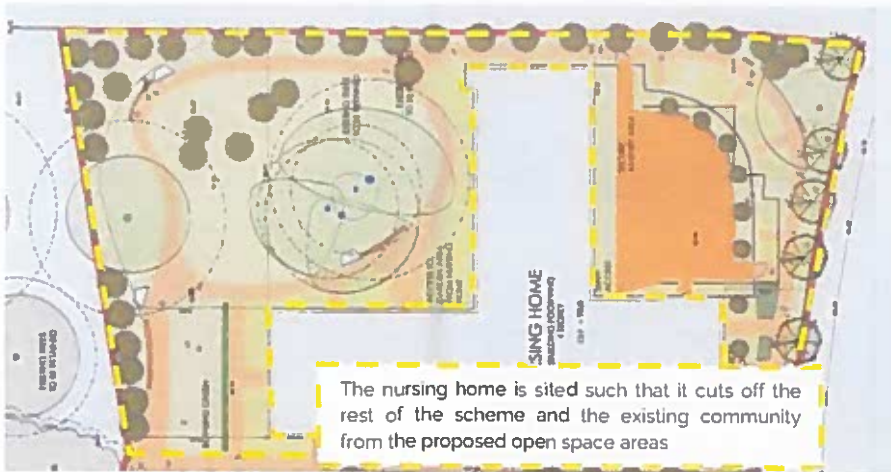


Fig. 38: The siting of open space areas to the northeast and northwest of the site behind the nursing home

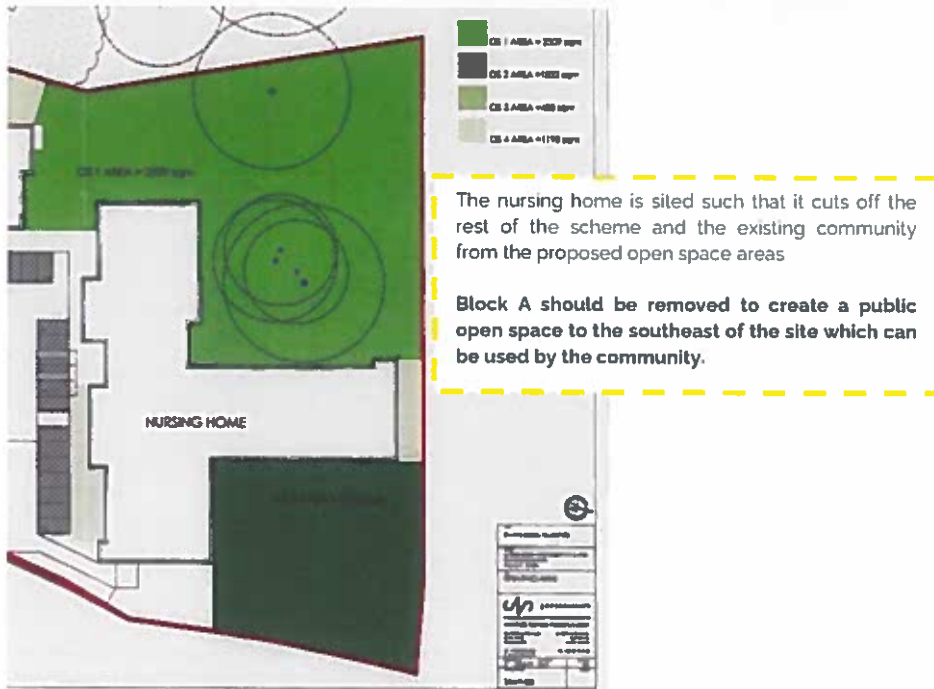


Fig. 39: The siting of open space areas to the northeast and northwest of the site behind the nursing home

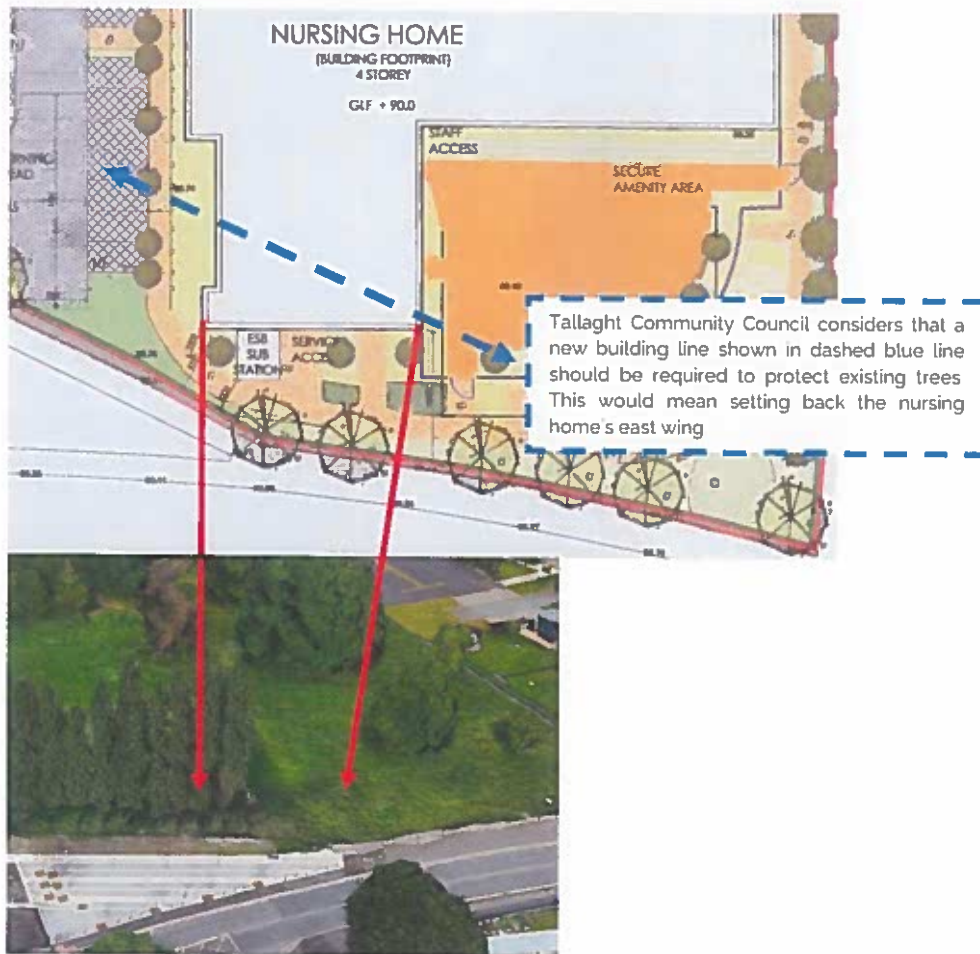


Fig. 40: The siting of the nursing home alongside Old Greenhills Road



Fig. 41: The height of the nursing home alongside Old Greenhills Road (1)

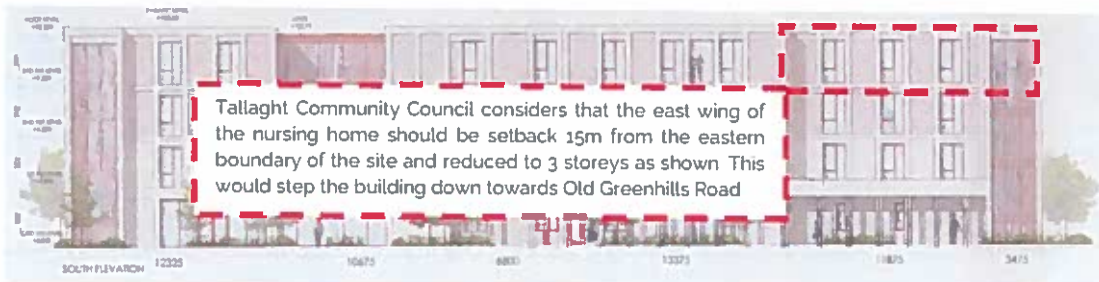


Fig. 42: The siting of the nursing home alongside Old Greenhills Road (2)

7.3.2.3.1 Siting of the east wing would impact on existing trees & no credible mitigating tree planting

The Applicant site maintains a line of Lombardy Poplar trees close to its boundary with Old Greenhills Road. These extend to where the southeast corner of the nursing home is proposed to be built. Setting back the nursing home would allow these trees to be retained. It is not entirely clear whether Tree Nos 9 to 12 to the northeast of the proposed nursing home are to be removed but the RPAs of at least two of these trees – Nos 9 and 10 – suggest they will not survive the build.

The submitted Landscape Plan proposes a small number of new trees be planted to the east of the nursing home. This minimal planting will offer no adequate screening of the east wing of the nursing home given its close proximity to the eastern site boundary.

The proposal for Block C's siting would convert the sylvan environment of the site of Block C with large scale trees to the east to an open elevation setback as little as 3.7m from the site boundary. The block would, without screening, be wholly unmitigated as to its negative visual impact on Old Greenhills Road.

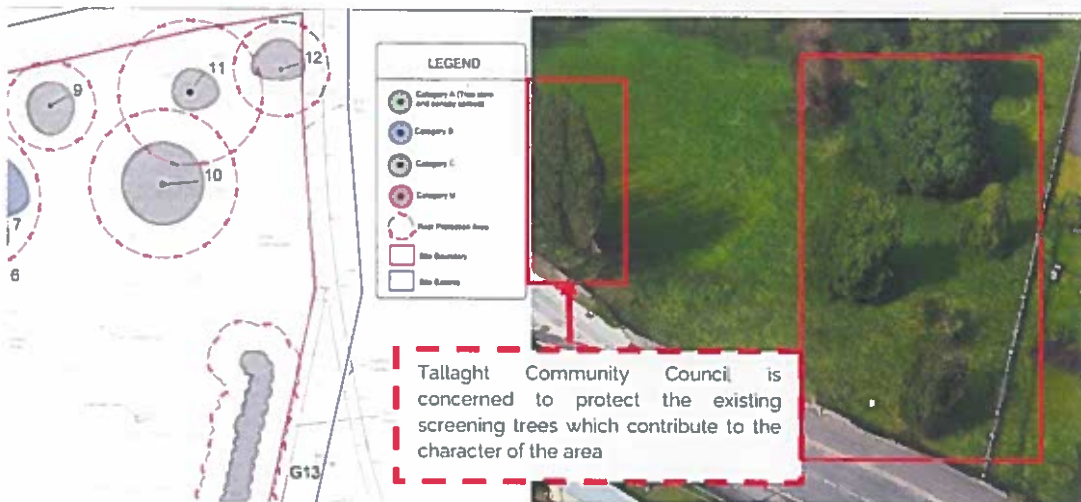


Fig. 43: Existing trees and RPAs adjoining the area in which the nursing home is proposed to be sited

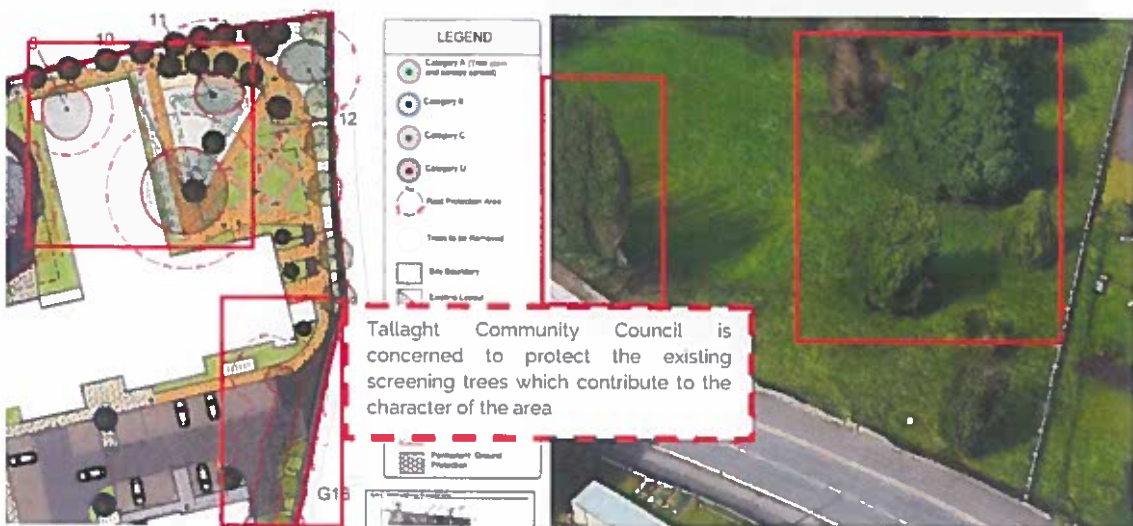


Fig. 44: Existing trees to be removed to facilitate the nursing home

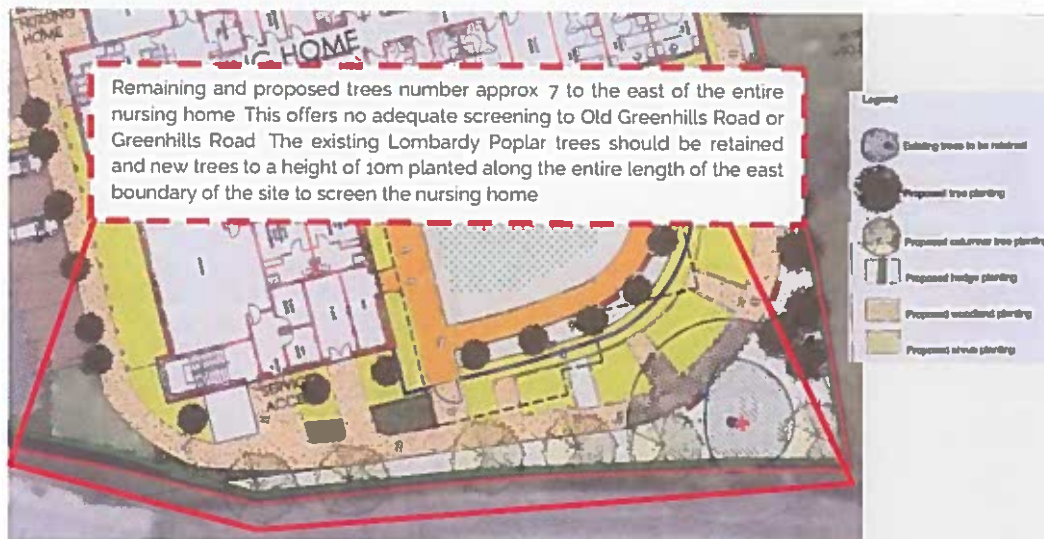


Fig. 45: Landscape Plan shows significant screening trees removed and minimal trees remaining/proposed

7.3.2.4 Block B is too tall, bulky, and over-scaled adjoining The Priory

Our client has reviewed the Applicant's siting of Block B and its 4 and 5 storey heights. They consider Block B to be very close to The Priory at 1 storey taller than the closest Priory building. There is a need to respect the protected structure and Block B continues to fail to achieve this as it did in the previously refused planning application.

Block B is a massively bulky and heavily scaled building relative to its context. Its east and west elevations extend to 36.8m wide and the south elevation is 28.405m wide. To put this into context, the recently refused (currently on appeal) Block B of SDCC planning application, reg. ref. SD21A/0139, was 25.95m as its primary front elevation faced Old Greenhills Road. The current Block B's side elevation is 2.5m wider and its east and west elevations are nearly 11m wider.

Block B is also very tall given its sensitive context. Its 4 storey sections rise to 12.6m while the 5 storey sections rise to 15.6m. This is partly because each storey is 3m tall. The closest Priory building is 4 storeys and less bulky and massive - its gable elevation addresses the Applicant site.

The Applicant offers little by way of setbacks to mitigate the scale of the building. The closest balcony to the site boundary is 3.5m while the closest elevation is 4.85m. These setbacks are inadequate to mitigate any visual impacts that would arise from Block B.

Block B's south elevation would be visually dominant relative to The Priory's driveway and areas to the south, while the west elevation is not compatible with those areas of The Priory sited in that direction. The Priory presents a sympathetic and sensitive edge to the Applicant site which is not returned in kind.

It is the informed opinion of Tallaght Community Council that Block B needs to be broken into two buildings and these should be 3 storeys relative to The Priory and its access driveway. The building should read as subservient to The Priory buildings. As submitted, Block B would have a negative visual impact on The Priory, would detract from the setting and driveway of The Priory and would set a poor precedent for development within these and other protected structure lands in the SDCC area.

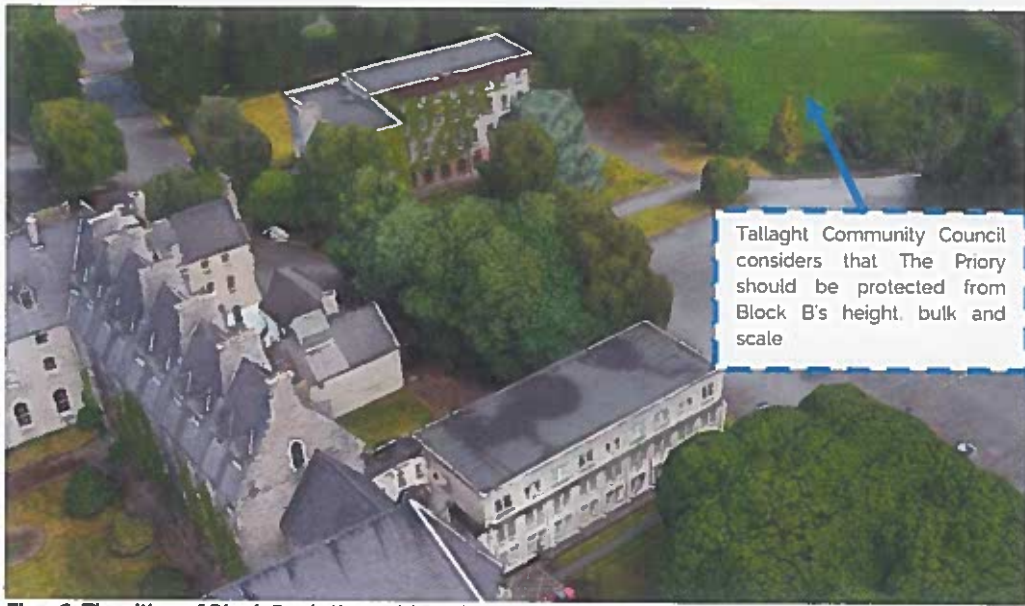


Fig. 46: The siting of Block B relative to The Priory protected structure



Fig. 47: The siting of Block B within the attendant grounds of the protected structure

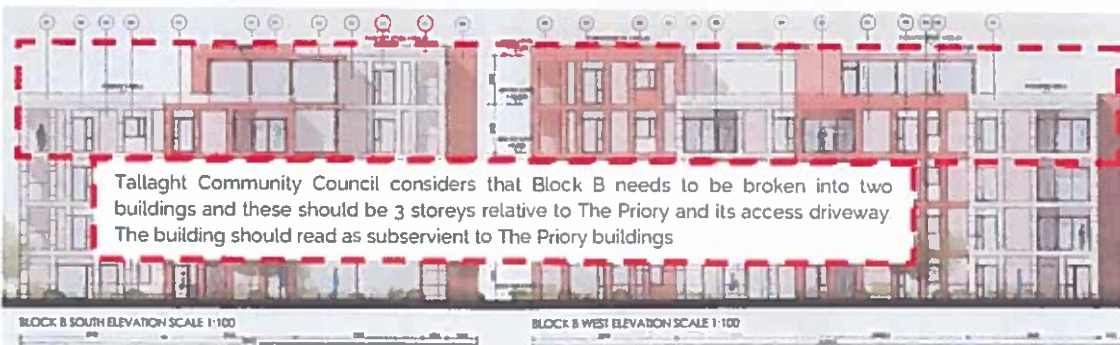


Fig. 48: Block B's south and west elevations to adjoin The Priory

7.3.2.4.1 Boundary treatments and tree retention cannot mitigate the top 2 storeys of Block B

Our client acknowledges how the Applicant proposes to retain existing trees to the south and west boundaries (where these arise as there are gaps) and that boundary walls are to be installed. However, they are concerned that the proposed visual relationship between The Priory and the scheme would be poor.

The Priory clearly wants to try to visually delineate itself from this proposal insofar as is possible. To the south a 1.05m tall with 1125m of railings on top is proposed. That's a boundary treatment of 2.3m in height which is substantial. To the west, The Priory wants a 2.44m high rendered block work wall and piers. Again, that's a massively substantial boundary treatment.

The proposal is therefore to wall off this scheme from The Priory such that the original relationship between the two is mostly removed.

Our client submits that this would not be their choice. They would prefer to see a more visually permeable relationship between the site and The Priory. This does not seem possible.

Notwithstanding, there is a need to ensure that the scheme at least appears as visually subservient to The Priory. This means reducing the height of the scheme such that trees and these tall boundary treatments can mitigate the visual impact of Block B. These trees and boundary treatments extend to under 1 storey and up to 3 storeys in height. The 4th and 5th storeys would be highly visible from The Priory and, as such, they should be removed.

7.4 Issue 4: The scheme is unacceptable when viewed in its entirety from Old Greenhills Road

7.4.1 The proposed design appears to have been reduced in quality

Our client is concerned that the Applicant's proposed building designs appear to have been reduced in quality. Blocks A, B and C appear somewhat outdated and not especially contemporary. The roof top cones are hard to understand. The blocks do not offer much in terms of high quality detailing to break up the scale of the elevations.

The nursing home block appears like something out of 1950s Ireland when large horizontal buildings were built by institutions. Again, the building does not appear unduly contemporary. It appears institutional and outdated. It would be a poor addition to the area.

Concerns arise that this scheme's design may have been rushed following the previous refusal on the site. Our client has discussed this with the local community, and they do not consider the proposals to be of an appropriate architectural quality for such a sensitive site location.

Notwithstanding its refusal for wholly correct reasons, our client considers the architectural quality (when viewed in isolation) to have been better in the previous scheme. The submitted drawings are not of the same high quality despite the same architect being responsible for them.

7.4.2 The scheme would not improve the Old Greenhills Road

The Applicant Design Statement repeatedly makes the claim that the scheme creates an enlivenment to Old Greenhills Road both day and night which enhances this particular location. Our client does not understand this claim at all. The Applicant is proposing no less than 3 no 4/5 storey buildings rising to as tall as 17.75m which are setback as little as 3.7m from the eastern site boundary shared with Old Greenhills Road (this is the setback to Block C which is the tallest building sited to the east of the site).

The scheme is also going to remove all the existing Poplar trees and punch a large hole in the existing Priory boundary wall. How is this "enlivening" the street?

The Old Greenhills Road currently adjoins a tree filled parkland setting and this is to be replaced by a massive monolithic perimeter block building that is in single use as older persons' accommodation. Again, how is this building and its adjoining nursing home building going to "enliven" the road?

The buildings' scales are such that in the afternoons and evenings throughout the year they will reduce sunlight to the Old Greenhills Road, they will overbear onto the road, they will cause night-time light spillage into the road, etc. Our client submits that the Applicant Design Statement's claims have no basis.

Roads adjoining green spaces and tree filled areas are not enlivened when those areas are developed into 4 and 5 storey buildings which visually overwhelm what were the previously attractive lands.

7.4.3 The scheme would impact on the setting of St. Basil's Training Centre (SDCC RPS, Ref. 268)

Our client considers that the development will give rise to significant impacts on the setting of St. Basil's Training Centre (SDCC RPS, Ref. 268). Blocks A and C and the new entrance to this scheme are all sited opposite this protected structure and will be highly visible from its front elevation and curtilage. These blocks are 4 and 5 storeys tall within minimal setbacks to the eastern boundary. St. Basil's would be overlooked, overshadowed and overborne upon by visually dominant structures while being impacted by the visual changes created by the new entrance and by all the traffic arising. St. Basil's would, in our client's view, be significantly impacted.

The proposed Zone of Visibility of the scheme from the front elevation and curtilage of St. Basil's would be wholly dominated by the scheme's blocks (see Figs 49, 50 and 51).

The blocks opposite St. Basil's need to be reduced to 3 and 4 storeys. The 4th storeys should be setback. The buildings themselves each need to be setback at least 15m from the eastern site boundary.

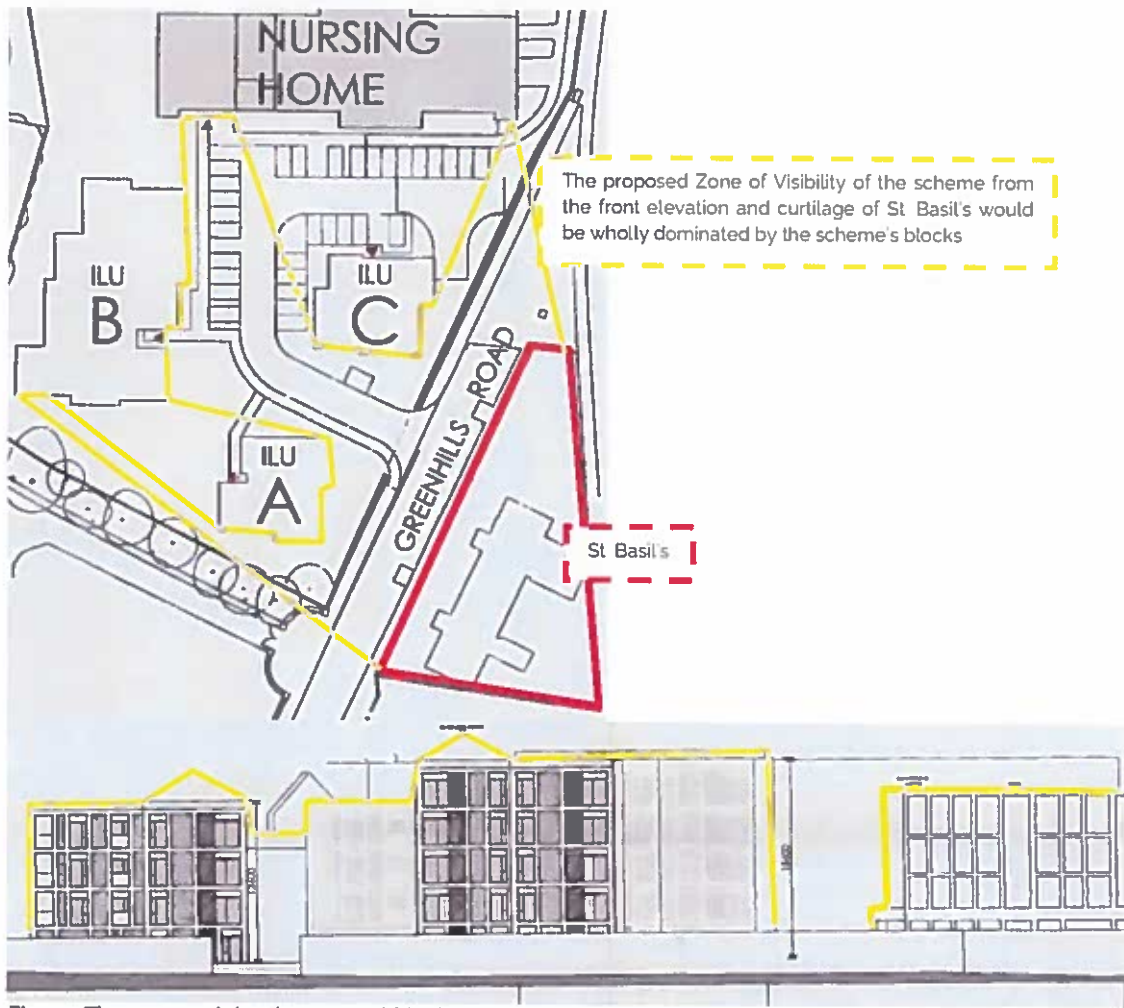


Fig. 49: The proposed development within the Zone of Visibility from St. Basil's protected structure



Fig. 50: The proposed development within the Zone of Visibility from St. Basil's protected structure



Fig. 51: The proposed view from St. Basil's

7.4.4 The maximum building heights adjoining Old Greenhills Road should be 3 and 4 storeys:

Our client is not opposed in principle to a nursing home development on this site, but this must respect its context and provide for reasonable building heights. **Our client does not agree with any proposal for building heights of above 3 and 4 storeys adjoining the Old Greenhills Road. The 4th storeys should be setback. The buildings themselves each need to be setback at least 15m from the eastern site boundary.**

Our client asks that it be borne in mind that the Applicant proposals are located on a site within the bounds of an existing protected structure and are also located within an Architectural Conservation Area. The proposed development must prove it can integrate into the existing context and should not itself damage that context.

7.4.5 Building heights should stagger downward from the rear of the site to the Old Greenhills Road

Our client is not opposed to building heights where those heights can be integrated and assimilated appropriately into a site without impacting on adjoining areas. In this case, a 4 storey building height is acceptable further into the site (if SDCC considers that these heights can be successfully integrated in with the adjoining Priority protected structure buildings which are 4 storeys).

Our client is concerned that the Applicant has taken the opposite approach and has staggered building heights upward toward the Old Greenhills Road especially at the site of Block C.

Our client submits that the proposed buildings on the east side of the site – those most visible from the Old Greenhills Road - should be reduced in height to 3 and 4 storeys to provide for a stagger downwards in height within the site down to the Old Greenhills Road.

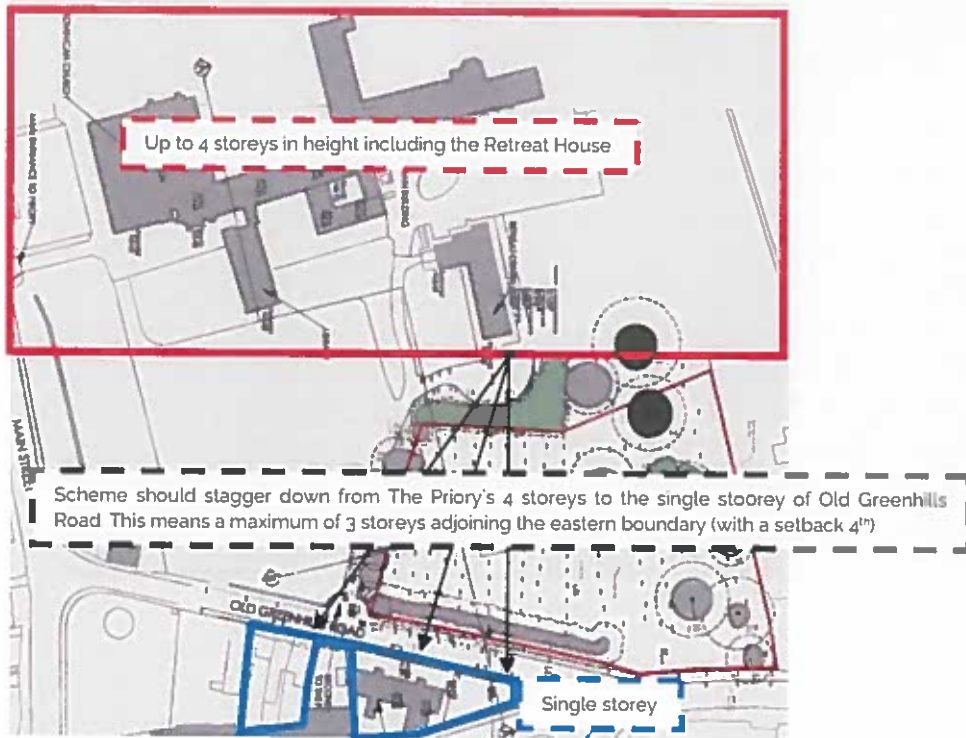


Fig. 52: Excerpt from submitted Topographical Survey

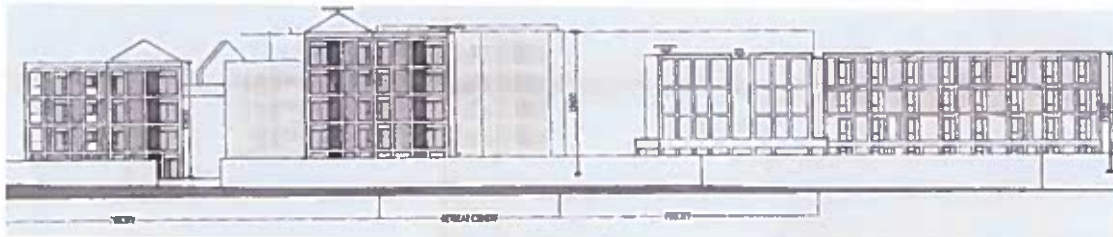


Fig. 53: Contiguous elevation showing the height and scale of the scheme along Old Greenhills Road

7.4.6 Submitted cross sections from the south include a non-existent building - this is not acceptable

Our client objects to how the cumulative massing and height of the scheme cannot be properly assessed as the Applicant has decided to include what they refer to as "LAP PROPOSED 5 STOREY BUILDING". Given that a 4 storey building was recently refused to the southeast of the site (see Section 13 of this report), it is not clear why the Applicant would choose to include this non-existent structure.

The Applicant should be required to provide a contiguous elevation taken from the south which only shows existing buildings and the proposed development.

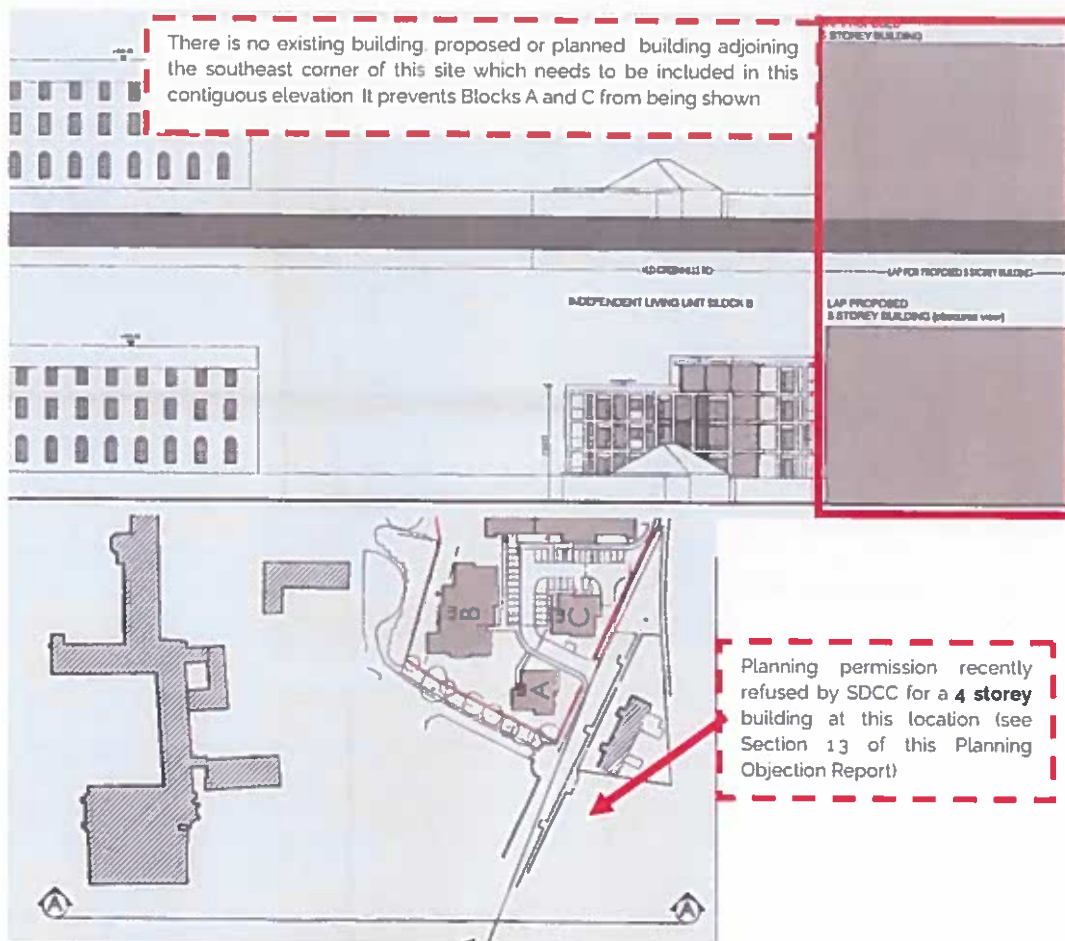


Fig. 54: Contiguous elevation showing a non-existent building

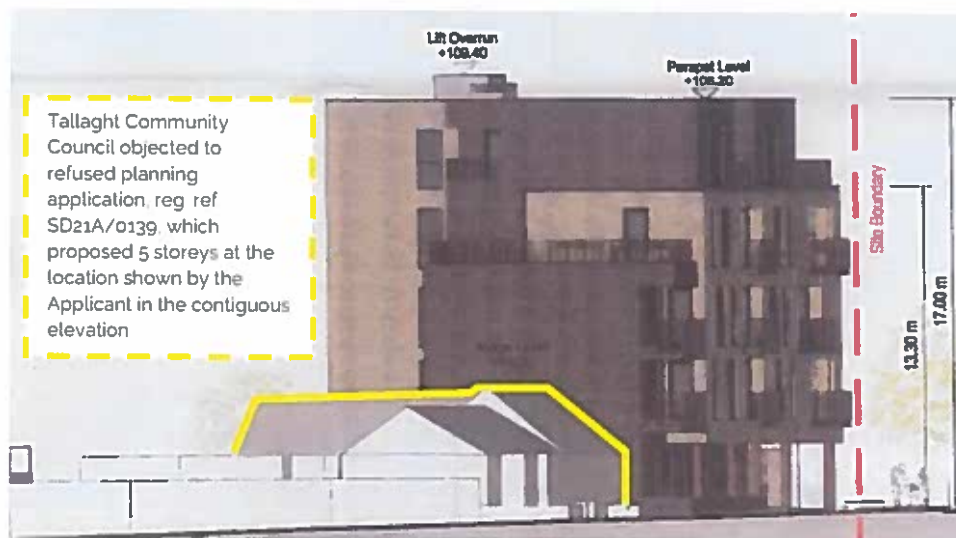


Fig. 55: Original scale of proposed Block B under refused planning application, reg. ref. SD21A/0139



Fig. 56: Scale of Block B at Further Information stage of refused application, reg. ref. SD21A/0139

7.4.7 The cumulative height, bulk and massing of the east elevation is excessive

Tallaght Community Council wants to ensure the cumulative height, massing, and bulk of this scheme, as viewed from The Priory, Old Greenhills Road and Greenhills Road is minimised. While the nursing home has been re-designed to maintain an excessively single height horizontal appearance and would represent an unbroken line of building as viewed from Old Greenhills Road, this pales into comparison when one considers standing inside the scheme's proposed new entrance and looking west or northwest. This area of the scheme is overdeveloped and needs to be revised.

Fig. 57 offers an excerpt from the Applicant Design Statement's arguments in favour of the massing of this scheme. Our client notes these the trees are not to be planted anywhere near the scale and height shown (see Section 7.6.1 of this report). The result is an over-sized cluster of buildings in too small an area.



Fig. 57: The cumulative massing of the scheme as it addresses Old Greenhills Road

7.4.7.1 The removal of the top 2 storeys of Block B would reduce the cumulative massing of the scheme

As it stands, Block B's height, scale and bulk rising up between and/or above the other proposed buildings serves to cause the overall cumulative massing of the scheme to be excessive.

This is not a business park, a town centre, or a docklands site where many new blocks can be inserted into a site with little cumulative visual change. Blocks A, B, C and the nursing home create a visually congested scheme whose negative impacts on the area need to be mitigated; however, the Applicant claims to have exhausted all mitigation options. All that is left is to reduce heights. Our client asks that Block B be reduced to 3 storeys in height.

7.4.8 Conclusion – buildings' heights and scales at the proposed location

The proposal includes 4 blocks with heights of four and five storeys respectively. The Tallaght LAP has been prepared in respect of and is consistent with the Building Height Guidelines (2018) as well as best practice urban design principles. The LAP includes a height strategy (Fig 2.8) that identifies the site as being on a secondary route/frontage, capable of accommodating heights of 4-6 storeys residential or 3-5 storeys commercial.

These are maximum heights and are not targets. The previous scheme was refused for being too tall and over-scaled and some of these concerns remain.

The site context and surrounding area is an important consideration in the assessment of the proposal. The west and south of the site is characterised by the open and historical nature of The Priory. To the east the site adjoins the Old Greenhills Road and Greenhills Road which contain 1 and 2 storey developments. There is no change in topography which lessens the impact of the height of these buildings.

Generally, the predominant character of the area in the immediate vicinity of the site in terms of height is one to three storeys with some limited four storey buildings. The tallest part of the building proposed would be five storeys which is significantly above the heights in the areas surrounding the application site to the east. Blocks A, C and the nursing home, would due to their siting at the front of the site, be highly visually prominent and dominant. This is particularly evident when viewing the CGIs provided by the Applicant which highlight the significant height differences between the proposal and the surrounding area. These structures would be highly visible on all approaches to the site and from the surrounding area.

The Application site is located within lands that are subject to VC zoning objective which seeks to 'protect, improve, and provide for the future development of Village Centres'. The height proposed is contrary to that objective, the objectives of the Tallaght LAP and would be visually harmful in the context of the site and surrounding area. The building height policy set out in the LAP is not a target and other planning considerations must be considered. Our client considers that the proposed buildings on the east side of the site – those most visible from the Old Greenhills Road - should be reduced in height to 3 and 4 storeys to provide for a stagger downwards in height within the site down to the Old Greenhills Road. The 4th storeys should be setback behind the 3rd storeys. The blocks should also be stepped back at least 15m from the eastern boundary to allow the retention of the Poplar trees.

7.5 Issue 5: No independent visual impact assessment of this scheme is provided

7.5.1 No independent CGI images or Landscape Visual Impact Assessment are submitted

Tallaght Community Council submits that a scheme of this size in such a sensitive location should be subject to a Landscape Visual Impact Assessment which is based on CGI/photomontages showing how the scheme would appear along Old Greenhills Road from the south and north (and not only from directly opposite the entrance and/or a long way away on Greenhills Road). It should not be left to the project architect to argue that the scheme would or would not negatively visually impact on Old Greenhills Road.

The lack of an adequate number of CGI/photomontages derived from locations agreed with SDCC is a significant shortcoming of this planning application. Most of the images are taken from within the scheme and do not show context. They are more like brochure advertisements for the scheme. BPS asks that the photomontages be checked for scale, etc.

This is emphasised and illustrated by how the Design Statement incorrectly uses images and CGI images of Greenhills Road and not Old Greenhills Road (see Fig. 5.8): The two roads are wholly different. Old Greenhills Road is mostly single storey at present and contains St. Basil's protected structure across the road from Blocks A and C and the scheme entrance. The clear cutting of the existing 23 Poplar trees which rise to 22m in height and screen Old Greenhills Road from the applicant site are not clear in the Applicant's base photo as they are so far away.

CGIs are required which show the actual visual impact of the scheme on Old Greenhills Road



Fig. 58: The Design Statement assesses the visual impact on Greenhills Road NOT Old Greenhills Rd

7.5.2 BPS opinion as to the likely Landscape Visual Impact Assessment of the scheme

BPS is a firm which carries out Townscape and Visual Impact Assessment and Landscape and Visual Impact Assessment and we have assessed the likely visual impact of the proposed scheme on Old Greenhills Road and St. Basil's protected structure

Beginning with the context for this assessment, we note the following points.

1. There is no existing planning permission within these lands which have formed part of The Priory for over 100 years. That the lands form part of The Priory's attendant grounds is taken as proven by how The Priory wall makes up the eastern boundary
2. There are no existing buildings within the Applicant lands which are being re-developed, etc. It is a greenfield site within what has historically been an institutional landholding
3. The primary building height on Old Greenhills Road at present is single storey. St. Basil's protected structure is single storey
4. Old Greenhills Road's visual sensitivity is emphasised by its siting within an Architectural Conservation Area, the fact that it contains St. Basil's and because it is sited opposite The Priory protected structure
5. The Applicant lands are mostly screened from Old Greenhills Road at present by The Priory boundary wall and by 23 x 22m tall Lombardy Poplar trees. It is not possible to obtain an unrestricted view into the lands from Old Greenhills Road.

6. There is no emerging pattern of development along Old Greenhills Road for tall blocks. A recent planning application to the south and on the other side of Old Greenhills Road was refused at four storeys adjoining an existing single storey dwelling.
7. There has been no new entrance created in The Priory boundary wall to Old Greenhills Road ever insofar as BPS can see from walking up and down the road. The wall is unbroken excepting the existing entrance to The Priory.

BPS offers the following Visual Impact Assessment of the proposed roof:

- We consider the townscape and landscape **Susceptibility to change** at this location to be **Medium**. That is, this is a developed area capable of accommodating tolerating degree of change.
- The townscape and landscape **Sensitivity** is **Medium** and is tolerant of some degree of change.
- The proposed magnitude of change is High because the removal of all 23 of the 22m tall Poplar trees, the breaking open of a section of The Priory Wall and the siting of 3 buildings rising to a maximum of 17.75m tall under 5m from the Old Greenhills Road boundary will result in a very intensive change over a limited area. St. Basil's a protected structure relies on Old Greenhills Road and The Priory as its primary landscape and townscape setting.
- The Architectural Conservation Area, St. Basil's and Old Greenhills Road have a **High** level of **susceptibility to visual change**. Views toward the Applicant site are of primary importance at this location and even a minor change would be noticed. St. Basil's is focused on the view west for its primary visual amenity. Visitors to and residents of Old Greenhills Road recognise The Priory Wall and the Poplar Trees as local landmarks.
- The **Magnitude of visual change** is **High** as all receptors on Old Greenhills Road including at St. Basil's protected structure experience a highly valued, impressive, and well composed sylvan parkland view toward the Applicant site which is comprised of a historic wall with 23 x 22m tall Poplar trees provided a tree lined avenue along the road.
- The **Duration of the visual impact** would be **Permanent**.
- The **Nature of the effect** will be **Negative (Adverse)** as the removal of a section of wall, the removal of the 23 x 22m tall line of Lombardy Poplar trees and the introduction of 4/5 storey buildings where none exist at present and sites very close to Old Greenhills Road and opposite St. Basil's would have an adverse effect on the existing landscape character and on views up and down Old Greenhills Road and from directly opposite.
- The **Significance of the effect** will be **Moderate-Major** and is deemed to be significant.
- The proposed development would have a **Moderate Adverse Effect** as the project would conflict with the character (including quality and value) of the landscape, have an adverse impact on characteristic features or elements, diminish a sense of place, and cause a noticeable deterioration in the existing view.

BPS submits that the proposed development cannot be permitted as submitted. Revisions are required to mitigate the Moderate Adverse Effect this scheme would have on the visual landscape at this location. The proposed tree planting which will grow one day to a maximum of 6m tall and offer approx. 14 trees along inside the eastern boundary of the site cannot mitigate these negative visual impacts. Revisions to the scheme are required as set out in Section 9.2 of this Planning Objection Report.

7.6 Issue 6: Tree removal to the east of the site is contrary to the area's character

Our client is concerned to protect the established character and pattern of development of the Old Greenhills Road is respectful and sympathetic to the road. This means retaining the mature trees that line the inside of the Applicant site boundary shared with the Old Greenhills Road. There have always been trees at this location historically – trees appear to feature at this location on the submitted 'Historic Site Location Map' (see Fig 59).

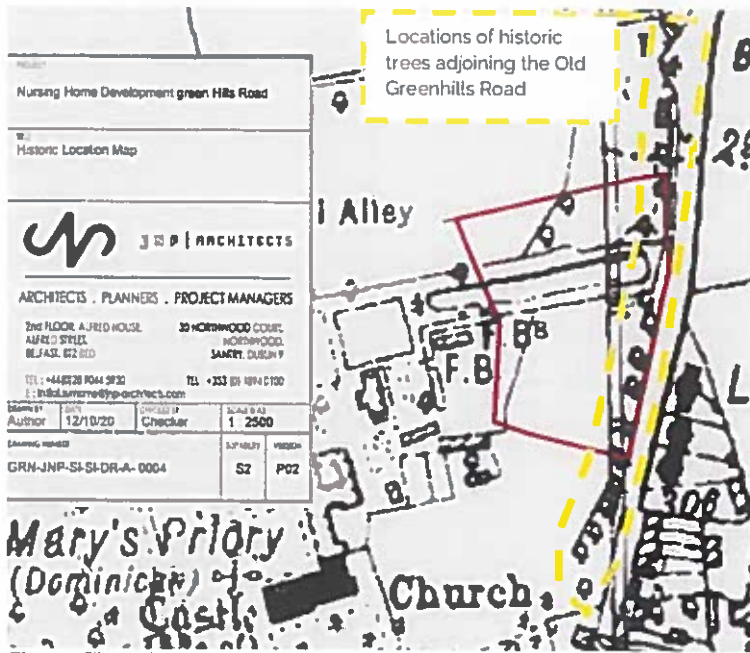


Fig. 59: The existing trees appear to be shown on the submitted 'Historic Site Location Map'

The current planning application has changed its position on the Poplar trees sited on the inside of the boundary to Old Greenhills Road.

Previous planning application's references to the Poplar trees:

The Applicant Design Statement acknowledges how: "The existing Poplar trees along the sites eastern boundary at Old Greenhills Road is a distinctive feature in the locality". The Appropriate Assessment Screening Report refers to how "Old Greenhills Road is characterised by a tall treeline - WL2 composed of non-native Lombardy Poplar *Populus nigra* var. *Italica*". Para 21 of the Arborist's Report states that these Poplar trees are: "**in fair condition and currently offer mature canopy cover and visual amenity from Greenhills Road**" (emphasis added) Our client agreed with these statements, i.e. that the trees are in fair condition, distinctive, and their canopy is defining in this area along Old Greenhills Road and that they offer visual amenity to the area.

In the previous planning application, the Applicant proposes to remove these trees and to replace them with a smaller number of slow growing young Columnar Oak trees, which will take decades to grow such that they provide any screening.



Fig. 60: The proposed siting of the east elevation would likely impact on the existing trees

2.15. The linear feature of Lombardy poplar along the eastern boundary were observed to be in fair condition and currently offer mature canopy cover and visual amenity from Greenhills Road. In an urban environment, Lombardy are generally regarded as a short lived species that is susceptible to windthrow and stem failure in older age and therefore, these trees have been identified as category C trees of low arboricultural quality with a minimum useful life expectancy of 10 years.

Fig. 61: Excerpt from the submitted Arborist report for the refused planning application

Trees and Development

3.1. Trees provide a multitude of economic, environmental and social benefits to individuals and communities including (but not limited) to visual amenity and landscape value, ecosystem services and habitats for local wildlife. Trees can also hold historic and cultural importance by providing links to the past that create a sense of place and belonging.

Fig. 62: Excerpt from the submitted Arborist report for the refused planning application

Current planning application's references to the Poplar trees.

The current Arborist Report's survey assesses the 23 Poplars which rise to 22m in height as being in a "Fair" physiological and structural condition. The trees are found to "provide canopy cover in local landscape and offer mature screening, shelter and enclosure to site". All of this would suggest these trees should be retained. One would expect the Arborist to make clear that these trees should be protected.

In fact, the recommendation and the Arborist report's narrative do not fit the assessment. The recommendation is "Fell to facilitate development proposal". The current Arborist Report states on page 17: "The group of trees (G13) have a short life expectancy in an urban environment with limited biodiversity value" (BPS is unclear on what this even means given these trees are currently sited within open parkland type grounds – if the biodiversity is bad here where on Tallaght village is it good?). The Arborist then states: "The replacement of these low quality trees will have a positive impact on the site" (again, what does this even mean? The very fact of cutting down mature trees will be of benefit? That the site being developed into this scheme is better for it than remaining under grass and trees?). Finally, the Arborist writes "A diverse mix of new trees will significantly improve species diversity ... and significantly increase future canopy cover in the local landscape". Our client has reviewed the proposed extent of tree planting to the eastern site boundary and it does not introduce a significant increase in new trees and so no new canopy will arise to protect Old Greenhills Road and certainly none that rises to 4 and 5 storeys in height.

In the current planning application, the Applicant proposes to remove these trees and claims to be replacing them with a mixture of trees that will grow in the "future".

Mitigation & Improvements

5.16. The aim has been to include those arboricultural features that are capable of providing a substantial future contribution in terms of their amenity, landscape and ecological value,

Fig. 63: Excerpt from the current submitted Arborist report despite all the Poplars being removed

Tree ID	Tag No.	Species	Botanical Name	H (m)	DBH (cm)	No. of Trunks	Green Spread (m)	U.L.E.	U.L.F.	Sub category	Physiological	Structural																								
G13	7345	Lombardy poplar	Populus nigra italica	22	780	1	1	1	1	1	1	1																								
<p>Category</p> <table border="1"> <thead> <tr> <th>Category</th> <th>High value and conservation</th> <th>Moderate value and conservation</th> <th>Low value and conservation</th> <th>Not suitable for retention</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>10+</td> <td>10+</td> <td>10+</td> <td>10+</td> </tr> <tr> <td>B</td> <td>10+</td> <td>10+</td> <td>10+</td> <td>10+</td> </tr> <tr> <td>C</td> <td>10+</td> <td>10+</td> <td>10+</td> <td>10+</td> </tr> <tr> <td>D</td> <td>10+</td> <td>10+</td> <td>10+</td> <td>10+</td> </tr> </tbody> </table>												Category	High value and conservation	Moderate value and conservation	Low value and conservation	Not suitable for retention	A	10+	10+	10+	10+	B	10+	10+	10+	10+	C	10+	10+	10+	10+	D	10+	10+	10+	10+
Category	High value and conservation	Moderate value and conservation	Low value and conservation	Not suitable for retention																																
A	10+	10+	10+	10+																																
B	10+	10+	10+	10+																																
C	10+	10+	10+	10+																																
D	10+	10+	10+	10+																																
<p>Geographical survey and therefore position remains indicative. # Tree is inaccessible (measurements estimated).</p>																																				
Structure	Comments	Recommendations	U.L.E.	Cat.	RPA (m2)	RPA Radial distance (m)																														
Fair	Linear group of 23 no. along site boundary at Greenhills Road that provide canopy cover in local landscape and offer mature screening, shelter and enclosure to site.	Fell to facilitate development proposal.	10+	C2	272	9																														

Fig. 64: Excerpt from the current submitted Arborist report – Poplars are in "Fair" condition

Despite no adequate justification for doing so, the Poplar trees are proposed for clear felling:

On viewing the submitted proposed site layout plan, our client could not envisage how these attractive existing trees could survive the construction of the Applicant buildings. The east elevations extend into the Root Protection Zones for these trees and project into where the branches of the existing trees currently exist.

Fig. 66 shows that the existing trees offer more screening than would the proposed trees (even if they are planted to the scale shown which BPS considers unlikely)

The Applicant reports each refer to the Poplars as of low ecological value, yet they are valued by local people and offer a parkland quality to the Old Greenhills Road. The Applicant Planning Report and Design Statement refers to their being replaced by "a more appropriate species" or "more appropriate planting" (as though mature trees can just be disregarded) and "reaching the end of their normal lifespan"; however, in the absence of this scheme or if the apartment block were re-sited, these trees could be retained and they would be in place for decades (the Arborist gives a standard lifespan of 10 years but this is typical of such reports). The Applicant reports argue that the Poplars are underlining the stone boundary wall. This appears disingenuous given that most of the new trees would need to be even closer to the boundary wall.

The Arborist assesses the Arboricultural impact of the loss of the Poplars which are a local landmark as medium:

The project Arborist finds that the total clear cut loss of the local landmark Poplars which can be seen from a long distance away and are a well-known feature of Old Greenhills Road as well as offering screening to The Priory, would only cause a "partial loss or alteration to the main Arboricultural features or characteristics of the site". With all due respect to Mr Morris, our client cannot understand how this assessment result was reached. Tallaght Community Council considers that the loss of the Poplar trees will be a "Major loss or alteration to the main Arboricultural features of this site that will result in a post-development situation which is significantly different."

One could not look at the significant group of trees to the south of The Priory's entrance and think that the loss of these trees would be anything except a "Major" loss so why would the total clear felling of the Poplars be only a partial loss?

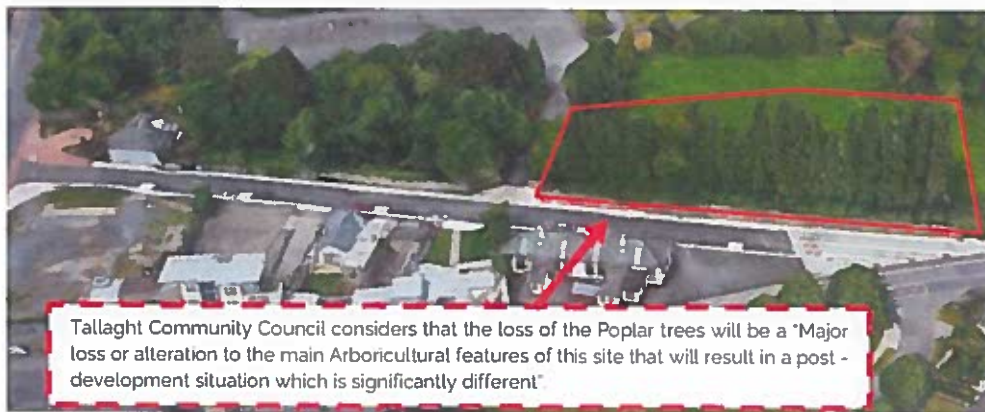
Table 4. Magnitude of arboricultural impact (John Morris Arboricultural Consultancy 2020).

Magnitude	Description of Impact	Mitigation
Major	Major loss or alteration to the main arboricultural features or characteristics of the site that will result in a post-development situation that is significantly different.	Realistic and feasible mitigation measures should be implemented that will reduce the magnitude of impact within a reasonable timeframe and/or create a post-development situation that improves on the pre-development baseline.
Medium	Partial loss or alteration to the main arboricultural features or characteristics of the site that will result in post-development situation that is partially different.	
Low	Minor loss or alteration to the main arboricultural features or characteristics of the site that will result in a post-development situation that is similar to before.	
Very low	Very minor loss or alteration to the main arboricultural features that will result in a post-development situation that is unchanged.	
None	No loss or alteration to arboricultural features.	

Tallaght Community Council considers that the loss of the Poplar trees will be a "Major loss or alteration to the main Arboricultural features of this site that will result in a post-development situation which is significantly different".

5.20. The proposed layout will require part removal of a main arboricultural features or characteristics of the site and as such the magnitude of impact will range within the category of medium.

Fig. 65: The removal of the existing Poplar trees would make a "significant" difference



Tallaght Community Council considers that the loss of the Poplar trees will be a "Major loss or alteration to the main Arboricultural features of this site that will result in a post-development situation which is significantly different".

Fig. 66: The removal of the existing Poplar trees would make a "significant" difference

Arborist accepts that mitigation measures are needed but minimal planting is proposed in place of the Poplars

Table 4 of the Arborist Report states that the purported "Medium" magnitude of Arboricultural impact would need to be mitigated by:

Realistic and feasible mitigation measures ... that will reduce the magnitude of impact within a reasonable time frame and/or create a post development situation that improves on the pre-development baseline (emphasis added).

Tallaght Community Council does not consider the loss of 23 no. 22m tall Poplar trees to be in any way mitigated by the 13 no columnar trees which are to be planted and which will take many years to reach maturity. The Poplar trees provide mature screening as recognised by the project Arborist. This will not improve the pre-development baseline.

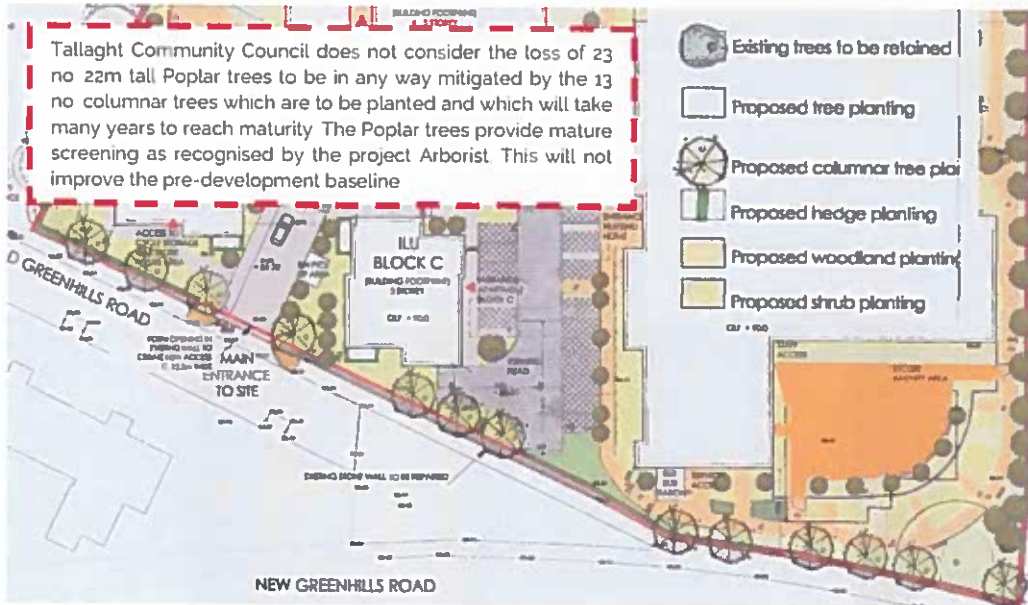


Fig. 67: The proposed mitigation for the loss of 23 x 20m tall Poplar trees is 13 young columnar trees

The building needs to be setback to protect the Poplar trees and the bird's nests:

If the Applicant could find a way to retain all the existing mature trees on the southern and western boundaries, then they can find a way to save the Poplar trees.

Table 5 of the submitted Ecological Impact Assessment finds that the loss of habitat and the mortality to animals during construction will be 'Minor Negative' and 'Moderate Negative'. This includes from the loss of the Poplar trees and the bird's nests that these mature trees contain.

Our client has reviewed the proposed mitigation measures. Fig 69 appears to confirm that a licence will be needed from the National Parks and Wildlife Service to remove the Poplar trees as they contain bird nest which are visible from Old Greenhills Road. The assessor assumes the clear felling of all 23 of these massive, 22m tall, trees will take place and that the trees will be inspected firstly by an ecologist. It is not clear how an ecologist can view a bird nest which may be 20m up in a tree?

The submitted mitigation text is wholly unacceptable. The mistaken reference to "water quality downstream" (emphasis added) when the impact on bird nests is being assessed suggests the project ecologist was not fully concentrated on this work and/or was cutting and pasting text that supported the scheme. Our client asks that the actual likely impact on bird nests from the removal of the Poplar trees – an impact which cannot in fact be mitigated be carefully assessed by SDCC's Biodiversity Officer. The trees should be retained to avoid impacting on what are mature bird nests.

The assessor accepts that there will be disturbance (impacts on) bats from the removal of trees including the Poplar trees. The mitigation is to clear fell these 23 trees at the right time of year and to then place 3 no. bat boxes on some trees that are to be retained. This is sufficient apparently to allow the loss of these trees and the consequent impacts on bats. Our client does not agree.

The result of the ecologist's assessment is to find that: "No long-term negative impacts to biodiversity are predicted to arise from this development". This is a carefully written sentence. It avoids referring to short or medium term impact arising from the loss of the Poplar trees and the consequent negative impacts on birds and bats. Based on a review of the submitted report, our client does not find it credible regarding the loss of the Poplars and the negative impacts on birds and bats.

Table 5. Significance level of likely impacts in the absence of mitigation

Impact		Significance
Construction phase		
1	Loss of habitat	Minor negative
2	Mortality to animals during construction	Moderate negative – permanent impacts to species of high local value/or species with legal protection

Fig. 68: The likely ecological impacts of the construction phase

6.2 Mitigation Measures Proposed

The following mitigation measures are proposed for the development

Construction Phase

1 Disturbance of birds' nests

**Overalls Road, Tallight
Ecological Impact Statement**

Deliberate disturbance of a bird's nest is prohibited unless under licence from the National Parks and Wildlife Service. If possible, site clearance works should proceed outside the nesting season, i.e. from September to February inclusive. If this is not possible, vegetation must first be inspected by a suitably qualified ecologist. If a nest is encountered then works must stop, until such time as nesting has ceased. Otherwise, a derogation licence must be sought from the NPWS to allow the destruction of the nest. With this mitigation in place no negative effects to water quality downstream are likely to occur.

2. Disturbance to bats

Tree felling should only occur during September, October, November or February. Alternatively, trees can be inspected for bat and bird nesting prior to felling by a suitably qualified ecologist.

A minimum of three bat boxes should be installed on trees to be retained as part of the development.

These measures will ensure that no negative effects to bats will arise during construction.

The mistaken reference to "water quality downstream" (emphasis added) when the impact on bird nests is being assessed suggests the project ecologist may not have been fully concentrated on this work.

Our client asks that the actual likely impact on bird nests from the removal of the Poplar trees - an impact which cannot in fact be mitigated be carefully assessed by SDCC's Biodiversity Officer.

Fig. 69: The likely ecological impacts of the construction phase – mitigation measures

Conclusion regarding the Poplar trees, birds, and bats:

Our client does not accept any proposal to remove the existing 23 mature Poplar trees and to replace these with saplings or semi-mature trees of little taller than the existing boundary wall shared with the Old Greenhills Road. The trees are a defining characteristic of The Priory protected structure's established visual relationship with the Old Greenhills Road. They are a local landmark. They contain bird and bat nests which should be protected.

7.6.1 Approx. 14 young trees to be planted which will grow to 3m to 6m tall – the 23 Poplars are 22m tall

The Applicant's Landscape Plan offers nowhere near the existing level of tree planting that exists inside the eastern boundary of the site. There are currently 23 x 22m tall Poplar trees which are mature and offer an unbroken line of screening trees to Old Greenhills Road. The Applicant proposes to plant approx. 14 trees inside the eastern boundary where these can be planted (the proposed entrance and other areas do not contain trees and there are gaps). These proposed trees are to be planted with girths of between 16cm and 30cm. They will be young trees and will take many years to grow to the claimed eventual heights of 3m to 6m.

After many years, the proposed trees could screen the bottom two storeys of the proposed scheme. The 3rd, 4th and 5th storeys would not be screened at all by these trees. The existing Poplar trees would screen the proposed buildings far better than the proposed trees would.



Fig. 70: Excerpt from the submitted landscape planting plan

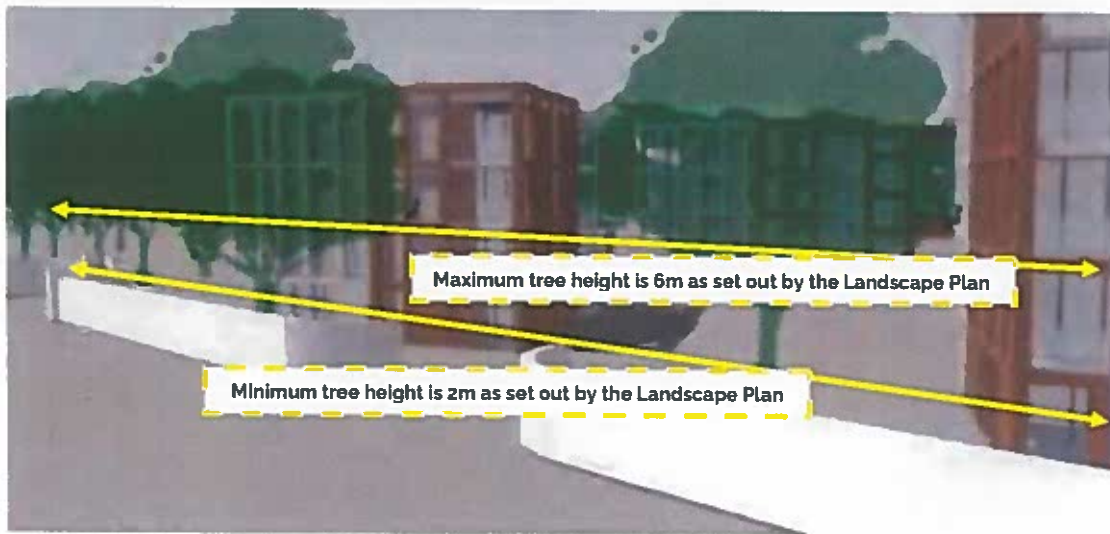


Fig. 71: Misleading illustration of trees taken from the Design Statement



Fig. 72: Misleading illustration of trees taken from the Design Statement



Fig. 73: Misleading illustration of trees taken from the Design Statement

7.6.2 The removal of the Poplar trees means the site can support only lower height buildings

Our client wishes to point out that Poplar trees offer year around screening – fastigate trees are deciduous & offer poor screening. The Applicant Design Report, Planning Report and photomontages rely on proposed fastigate trees to the front of the scheme along the Old Greenhills Road as the sole basis for their visual mitigation arguments. What the Applicant team misses, or deliberately avoids mentioning, is that the existing 23 no. 22m tall Poplar trees are conifers and offer year around screening. These trees would provide visual mitigation. The Applicant does not want these conifers retained as the building's footprint prevent this.

The Applicant proposes to remove these screening Poplar conifer trees and to replace them with a smaller number of slow growing young deciduous fastigate trees which will provide limited screening (and there are large gaps between trees) no screening at all when the trees have no leaves. **Please review all the proposed photomontages as though the trees have no leaves.**

The Applicant's arguments for the removal of the Poplar trees make no sense from our client's perspective as they fail to mitigate the visual impact of this scheme in any way and their removal would take away the last vestiges of the parkland appearance of these lands as viewed from the Old Greenhills Road.



Fig. 74: Examples of fastigate columnar trees

7.6.2.1 The existing 23 (22m tall) Poplar trees are also columnar trees:

The Poplar trees are Fastigate or columnar evergreens have a naturally tall and narrow habit of growing with erect branches that have the appearance of forming an erect column. This is what the Applicant claims the Oak trees will offer. Our client submits that the Applicant merely wants to remove the Poplar trees.

7.7 Issue 7: The scheme's entrance & related proposals are unacceptable

7.7.1 The proposed entrance should be refused, and an internal entrance provided

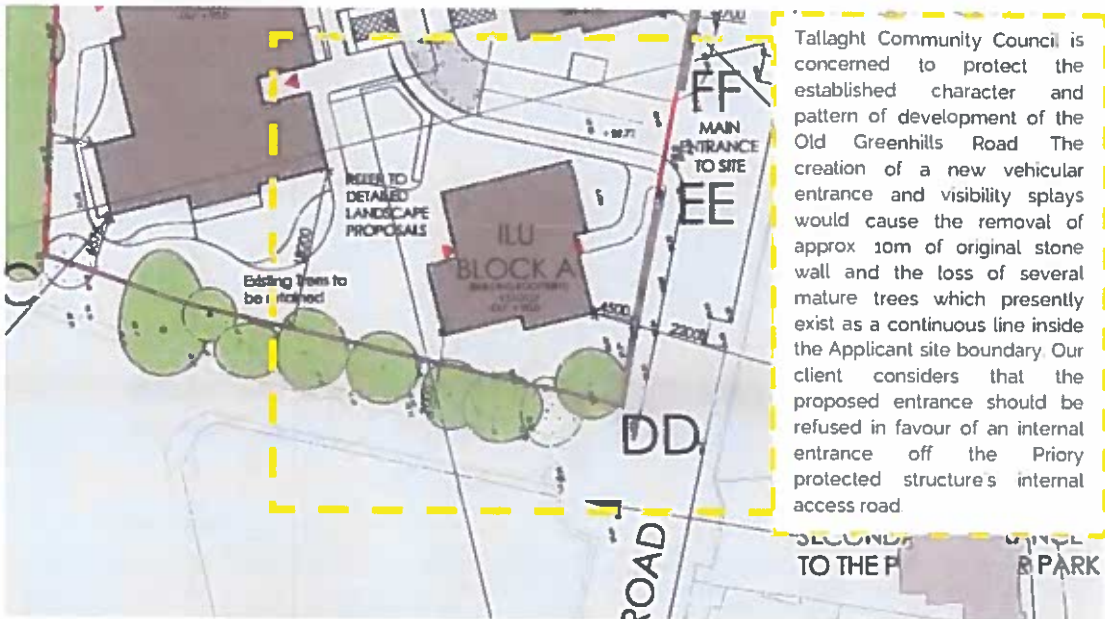
Our client is concerned to protect the established character and pattern of development of the Old Greenhills Road. The creation of a new vehicular entrance and visibility splays would cause the removal of approx. 10m of original stone wall and the loss of 23 x 22m tall mature Poplar trees which presently exist as a continuous line inside the Applicant site boundary (see Fig 72)

Our client considers that the proposed entrance should be refused in favour of an internal entrance off The Priory protected structure's internal access road. This would result in no existing wall (see Fig. 77). The Applicant has known about this concern since the last refused application and has not addressed it despite repeatedly arguing that this is a "campus style development" which will add buildings to the existing Priory. Why then can they not share an entrance and driveway?

It is acknowledged that this would require some scheme re-design, but our client considers this would be warranted. This issue could be addressed by way of a request for Further Information which would allow Substantial Further Information to be submitted.

Our client is fully aware that the Applicant is arguing that The Priory protected structure will not permit the existing priory protected structure access to be used as access for the proposed development. The Applicant repeatedly states that: "there is no alternative other than to create a new access". Our client finds this argument to be unacceptable. The Priory protected structure is content to sell these lands for a large-scale scheme which, as proposed, currently negatively impacts on the Old Greenhills Road, but they want to ensure the scheme does not impact on their own access road? The Applicant should be informed that the existing entrance is the only acceptable way forward and that if this cannot be achieved then the lands cannot be developed. It appears the Applicant is asking SDCC to agree to a less than ideal access because the party from whom this planning application has arisen would prefer this – this put the best interests of the area in second place.

Our client considers that the loss of 10m of the wall would create a terrible precedent. The Applicant Planning Report argues that this will be the only entrance punched through the historic wall and that there are no other lands The Priory protected structure could develop which might require other accesses in the future. A review of Google Earth suggests this may not be the case. Setting the precedent for a new entrance into what the Applicant calls The Priory protected structure campus is not satisfactory. There is no need for this entrance at all when there is a perfectly good existing entrance.



Tallaght Community Council is concerned to protect the established character and pattern of development of the Old Greenhills Road. The creation of a new vehicular entrance and visibility splays would cause the removal of approx 10m of original stone wall and the loss of several mature trees which presently exist as a continuous line inside the Applicant site boundary. Our client considers that the proposed entrance should be refused in favour of an internal entrance off the Priory protected structure's internal access road.

Fig. 75: The proposed vehicular entrance should be refused in favour of the use of The Priory entrance



Fig. 76: The proposed removal of approx. 10m of the existing protected structure wall to Old Greenhills Rd

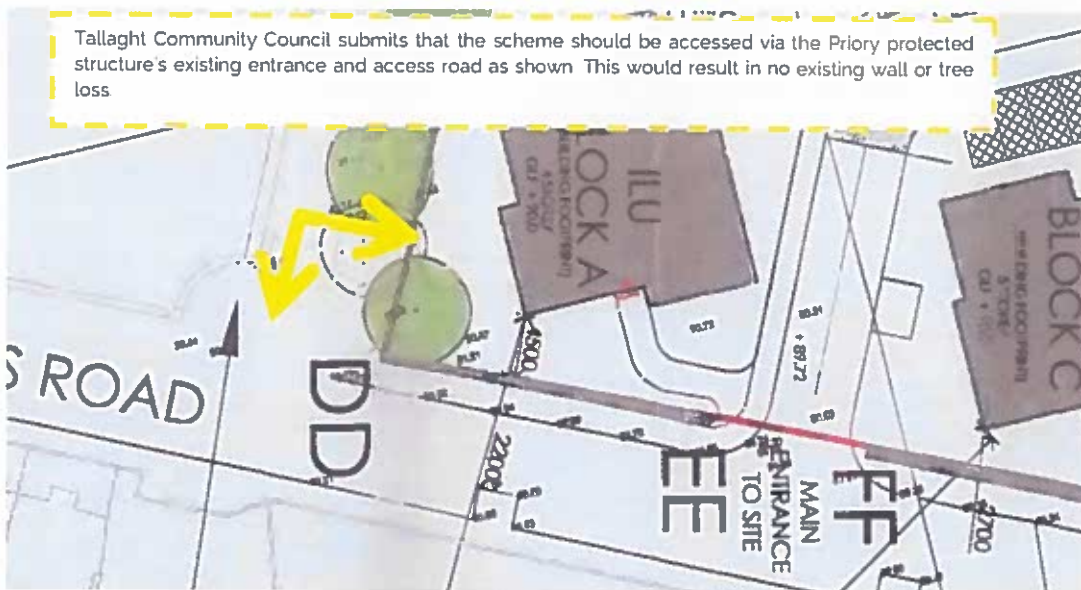


Fig. 77: The proposed vehicular entrance should be refused in favour of the use of The Priory entrance

7.7.1.1 The proposed entrance would cause the loss of on street car parking

Our client notes how the proposed entrance would cause the loss of on road car parking (see Fig. 78) As the scheme is offering minimal parking spaces at a rate well below CDP standards, our client submits that the result of this proposal will be overflow car parking but the loss of on road car parking will mean fewer places for these vehicles to park.

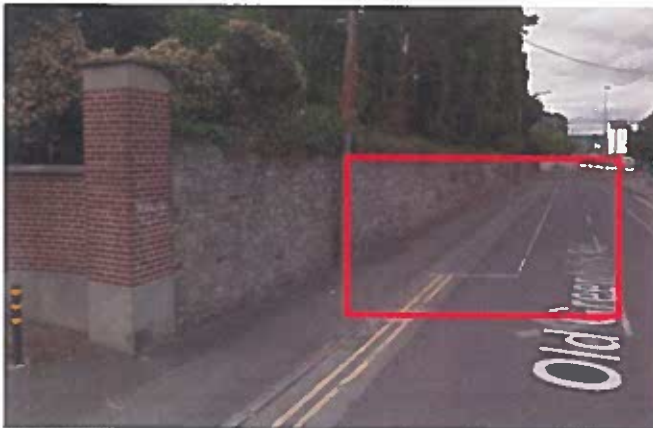


Fig. 78: The proposed vehicular entrance would cause the loss of on street car parking

7.7.2 Existing entrance is to be used during construction phase – why not the operational phase?

Our client notes Section 3.2 'Vehicular Access to Site' which states "It is anticipated that for the duration of works all access and egress for vehicles will be via the existing access point from Old Greenhills Road". Our client asks why it is that the Applicant scheme can be fully accessed by trucks, machinery, workers, etc. during the entire construction phase, but a new entrance is needed for the operational phase. They do not consider this to make any logical sense. The Priory may prefer that there be a new operational entrance, but this is for the Applicant to address with The Priory – it is not a planning matter. The best interests of the area lie in the existing entrance being used at all phases.

3.2 Vehicular Access to Site

The site is currently accessed from Old Greenhills Road. It is anticipated that for the duration of the works all access and egress for deliveries will be via the existing access point from Old Greenhills Road.

Fig. 79: The existing vehicular entrance is to be used during the construction phase

7.7.3 Knocking a large hole in the historic stone wall will remove screening, not create "good views"

The Applicant Design Statement argues that: "The new opening will provide good views to the development". Our client objects to this statement. The entrance would remove screening of the development from along Old Greenhills Road.

This new entrance would not have any positive effect. It results in the loss of the wall, the trees inside the wall and causes a reduction in the quality of views along this section of Old Greenhills Road. Despite this, the Design Statement refers to the proposed hole in the historic wall as providing for "a high quality and visually interesting view from the public footpath thereby increasing the quality of the public realm".

In fact, the proliferation of vehicular entranceways detracts from historic roads. This entrance will increase the visibility of the apartment building which our client considers to be currently unsuited in terms of its density, scale, massing and bulk to adjoin the Old Greenhills Road.

ii. **There is no other access available to the development site. The new opening has been kept to a minimum width and the design is a very simple opening thus being subservient to the existing curved access to the Priory carpark. The new opening will provide good views to the development and Priory beyond and with the designs for the Independent Living Units located near to the new entrance will provide a high quality and visually interesting view from the public footpath thus increasing the quality of the public realm. The creation of this new entrance will not lead to a proliferation of new openings in the eastern boundary wall as the circumstances for this opening are unique to this location.**

Fig. 80: Design Statement's defence of the proposed new entrance requiring the removal of protected wall

7.7.4 The bin collection area should be relocated out of view of the Old Greenhills Road

Our client can see no reason why the proposed 'Bin Collection Area' needs to be sited in a manner which would make it visible from the Old Greenhills Road. This area should be relocated. In the event of the scheme entrance being re-located - as proposed in this Planning Objection Report - then this area could be placed beside the ESB Substation where it is located behind a 2m tall wall and retained existing mature trees. The concurrent planning application across Old Greenhills Road also includes a bin store visible from the road - public realm issues need further consideration in both applications.

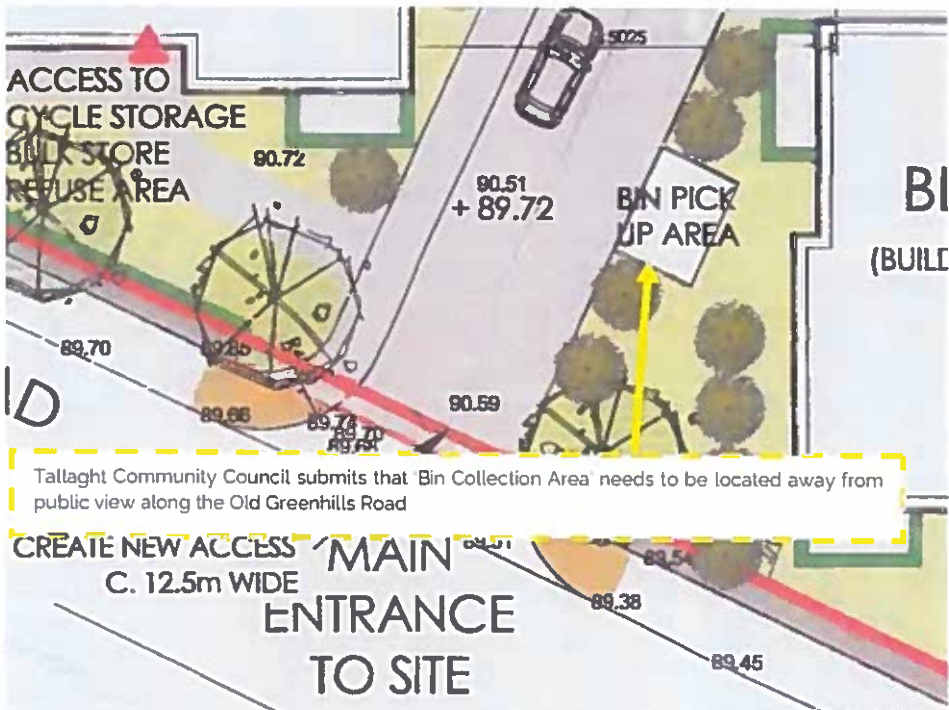


Fig. 81: The proposed bin collection area is unnecessarily visible from the Old Greenhills Rd

7.8 Issue 8: Conservation and heritage objections (read with Sections 7.3 to 7.7)

For the following reasons our client considers that the proposed development would impact negatively on the conservation of historically significant structures and landscape elements at The Priory protected structure. Our client is not satisfied that this report offers the necessary reassurances that this scheme would not negatively impact on The Priory protected structure and its associated lands and on the ACA (see also Sections 7.3 to 7.9 of this Planning Objection Report).

7.8.1 Proposed density, scale & height would not be visually subordinate to The Priory buildings

The updated 'Built Heritage Assessment' (following the previous refusal by SDCC on, inter alia, conservation grounds which disagreed with the assessor's opinion) argues that a 4 and 5 storey significantly scaled development as proposed, with a new entrance off Old Greenhills Road and removing the Poplar trees along same, would appear as subordinate to the 4 storey Priory protected structure buildings. Our client does not accept this. The proposed buildings are too tall and too monolithic relative to those of The Priory protected structure. The scheme should be more sympathetic to its context.

7.8.2 There is little evidence that this revised scheme is "conservation-led"

Our client notes pre-planning comments made by SDCC's Conservation Architects, now over two planning applications, regarding the need for this scheme to be conservation-led. Our client has reviewed the planning scheme, not even the pre-planning scheme, and their response has been that the scheme looks as though it has been dropped into the site with little consideration for the adjoining context set by The Priory protected structure, by the Old Greenhills Road and by the protected structure status of these lands and their location in an ACA.

Our client has reviewed the John Cronin & Associates' Built Heritage Assessment report that appears to have been written once again after the scheme was designed and sited, they continue to maintain the following conservation concerns:

1. The assessor refers to involvement in revising the refused planning scheme. The assessor's remarks in this regard are set out on Pages 20 and 21 and repeat almost verbatim what the Applicant Design Statement and Planning Reports have already said. The assessor's report reads as though it has been written to justify the original design and the revised design without any significant involvement in deciding what would be suitable for this site.
2. The assessor's assessment is unduly optimistic with statements such as the new development is wholly appropriate and has taken careful account appear to our client to be of a subjective project advocate nature rather than being reflective of the compromises this scheme would require of The Priory lands.
3. There are several claims about how this scheme contributes to the existing campus and existing uses:

"The proposed development .. is a continuation of the current usage within the wider lands".

The proposed function of the new development .. will reinforce the continuing use of the campus, particularly the use of the church by residents .."

The proposed development seeks to create a .. community campus in keeping with the campus style layout that already exists within the adjacent Priory lands".

The layout of the proposed new development continues the campus style arrangement of the Priory site .."

Our client objects to these statements as campus-like developments do not wall themselves off from the rest of the campus with permanent walls and railings to over 2m in height. Campus like developments do not create new entrances to avoid using the main entrance and driveway of the existing campus. The Applicant proposal is like developing the cricket pitch in Trinity College Dublin and smashing a new entrance through the perimeter wall of the campus from an adjoining road to achieve this and then building a wall around the perimeter to remove all connection to the existing adjoining campus. The Priory has asked for significant boundary treatments and this shows that rather than proposing a new development within the campus, which is welcomed, the proposal is to be walled off as a pariah like scheme. Our client has seen no evidence that residents of this scheme will be able to walk into and out of The Priory in any manner that is compatible with what should be a campus style shared area.

No previous development within the "campus" at The Priory has been required to have its own entrance, driveway and be walled off from the wider "campus". The assessor states: "there is no other access available to the development site that is now proposed". Well, this is not true. The Priory merely do not want their entrance and driveway used for a scheme they consider not to be part of their campus.

4. Section 3, 'Description of the subject site' effectively argues that despite its close proximity to and highly visible from The Priory buildings and despite being located alongside the main internal access route in and out of The Priory, the Applicant site should not be partly in the ACA. Our client does not understand this at all. The Applicant site is closer to The Priory buildings than are the Trinity College Dublin rugby and cricket pitches from the College Green Entrance. Do they contribute nothing to TCD because they can appear to be under used at times and when snow is on the ground (as it is in the assessor's photos)? This same argument was made in the last application, and it was refused.
5. The assessor's justification for the scheme partly within the ACA is that, "The wider lands and environs have been in continual state of building and rebuilding over a number of centuries .. The site has the capacity to

accommodate new development". Our client cannot understand why the assessor does not comment on the scale and height of the scheme. Yes, in principle, these lands could accommodate some reasonable development, however, the assessor's commentary appears as though it would be the same irrespective of the scale and height of any proposed development. Our client submits that a reduced version of this scheme would be far more sensitive to The Priory and to the ACA, but this is not noted or acknowledged to be the case by the assessor.

6. Section 3, 'Description of the subject site' again seeks to push the focus of the assessment onto whether the scheme impacts on Tallaght Village Main Street when our client's concerns are for The Priory itself and Old Greenhills Road. Old Greenhills Road, which is in the ACA, is not visually separate and distinct from the Applicant site. All that divides them is the boundary wall and the Poplar trees and the Applicant proposes to remove the trees.
7. Plate 8 shows clear views from The Priory's internal access road into the Applicant site despite there being a low metal fence. The fact that there are significant gaps between the trees goes unremarked by the assessor. The assessor notes the age of the Poplar trees at under 50 years but does not note how the metal fence seems very recent by comparison. Notwithstanding this, we are told in Section 4 'Assessment of Impact' that "The subject site is a self-contained land parcel quite separate from St. Marys Priory". Our clients have discussed this, and they wonder whether any objective person standing within the Applicant site with The Priory to the west and The Priory wall to the east, would really consider themselves to be in lands entirely removed from The Priory. It is doubtful. To again use the TCD analogy – of one is standing on the TCD rugby pitch one is not removed to another place where the surrounding context is removed, and you think yourself only on a piece of land with no historic or contextual relationship to the college.
8. Section 4 states, without preamble, "development within this discrete site will not directly impact on the built environment of the ACA or its setting". Again, SDCC disagreed regarding the previous planning application and our client agreed with that refusal. The same claim made again with Block B included in the current planning application cannot be considered credible. Page 20 effectively lists all the differences between the previously refused application and this new application, but offers little explanation as to why the same conclusions are reached despite the schemes now being quite different.
9. Page 20 of the report states: "The proposed buildings .. provide greater setback distances to and setbacks from the eastern boundary wall". Block A is setback 4.5m, Block C is setback 3.7m and the nursing home 5.15m (with an ESB substation setback just 3.2m). The assessor may wish to revisit the assessment as these are tiny setbacks from 4/5 storey buildings to the eastern boundary wall. Reference is made to how the nursing home design "increases the distance of the building from the eastern boundary wall", but the nursing home was previously sited a to the southwest corner of the site?
10. The assessor has removed previous references to the proposed buildings being "similar in height to the Retreat House". One assumes this is because several of the blocks are considerably taller than the Retreat House and the project team did not want to draw attention to this. The assessor still states that the new buildings' scale and massing are reflective of the scale and mass associated with the nearby Priory buildings. Our client cannot understand why this is considered acceptable. The proposed buildings should be visually subordinate to the nearby Priory buildings – they should not be of a scale, height, bulk, and massing that is actually denser than those buildings.
11. The height, scale, massing, bulk, and length of the proposed elevations of Block B and all the other blocks which would be visible to the north, northeast and east of this block are unsympathetic to the historic nature of these lands. The Applicant is treating them as though they are a high-density site within the very centre of Tallaght Village when they have acted as de facto private parklands serving this area for hundreds of years. Contrary to the Applicant's repeated claims made throughout his planning application, the proposed plot ratio density and building heights arising in this scheme are contrary to the standards set out in the Tallaght Town Centre LAP 2020.
12. The Applicant reports argue that some existing trees and a 15m tall railing fence and/or a wall will provide adequate demarcation between this scheme's 4 and 5 storey monolithic structures and the protected structure. This is despite the close proximity of the proposed nursing home building to the south and west site boundaries shared with what would remain of the protected structure's grounds. Our client notes that if the entire eastern boundary of The Priory protected structure and Old Greenhills Road could not adequately demarcate the site of planning application, reg. ref. SD20A/0250, then the current proposals are inadequate to mitigate visual impacts on the protected structure.
13. While the scheme has been significantly re-designed, the proposed blocks are each over-sized. Block B is especially over-sized relative to The Priory. Concerns arising from the previous planning application wherein the nursing home was sited where Block B is now proposed have not been addressed. Block B remains a monolithic sized building (see Section 7.3 of this Planning Objection Report). The building is too tall and its elevations are too wide. In the previous application, the Applicant argued that reducing building heights to 5 storeys on the site of what is now Block B meant pre-planning concerns had been reduced. That scheme was refused and, once again, the Applicant is back with a 5 storey block at the same location.
14. The proposed buildings do not adequately address the grounds of The Priory protected structure and/or respond and engage well with the wider campus. This is a standalone scheme which appears not to have been fully considered. The Applicant's Built Heritage Assessment and Planning Report argue that the scheme would not visually impact on The Priory protected structure or on the surrounding area impacted on by the loss of views

toward the historic priory protected structure buildings – they claim that existing trees, hedging and a 1.5m tall railing fence will screen this massive scheme's 5 and 6 storey buildings. This is not credible.

15. The proposal to punch an approx. 10m hole through the existing 2m tall stone wall along the eastern boundary of the site is wholly unacceptable given its historic nature. There is an existing vehicular entrance, and the site can be accessed from it. The Applicant should address this. That The Priory does not want its entrance or driveway used and wants a tall boundary wall (with railings on top to the south) around the shared site boundary suggests they share the visual concerns of our client. Our client asks that SDCC not facilitate the scheme as proposed which is contrary to the campus approach to development that has taken place in The Priory for 100s of years.
16. Without any analysis or basis for this claim, the assessor finds that "the development will not give rise to significant impacts on the setting of St. Basil's Training Centre (SDCC RPS, Ref 268)". Our client asks on what basis this opinion is issued. The comment is just dropped into the heritage report with no analysis provided. Blocks A and C and the new entrance to this scheme are all sited opposite this protected structure and will be highly visible from its front elevation and curtilage. These blocks are 4 and 5 storeys tall within minimal setbacks to the eastern boundary. St. Basil's would be overlooked, overshadowed and overborne upon by visually dominant structures while being impacted by the visual changes created by the new entrance and by all the traffic arising St. Basil's would, in our client's view, be significantly impacted.
17. Section 5 'Conclusions and recommendations' of the heritage report repeats the central argument made in the refused planning application. That is, the proposed development will "alter the character of the environment in a manner that is consistent with existing and emerging pattern of development in Tallaght". But this site is not in wider Tallaght, it is in The Priory's attendant grounds, and this argument was not accepted previously by SDCC. For this argument to hold up, one would have to assume that this area of land which clearly forms part of The Priory (being literally walled in) has been just waiting for 100s of years for this scheme to arise. That The Priory has been experiencing high density infill development in recent years and this proposal is the latest one of these projects. None of this is true. There is no emerging pattern of development in the vicinity for 4 and 5 storey buildings either within The Priory or along Old Greenhills Road. The assessor seeks to try to argue that this scheme should be viewed as part of wider Tallaght and the Main Street without having due regard to the actual context presented by this site. It is not clear why the assessor refers to "the town centre location". Many protected structures are sited in town centres including Trinity College Dublin. One does not see TCD agreeing to sell off their pitches for contemporary developments which will have their own new entrance, new driveway and be walled off from the rest of the campus.
18. The Impact on the ACA is given as "slight" because the proposal is claimed to be "consistent with existing and emerging patterns of development in Tallaght". This is an incredibly general sentence, and its generality removes its relevance and value. The assessor can remove any responsibility for properly and fully assessing the scheme's impact on the ACA at this specific location by just saying, in effect, that large buildings are being built elsewhere in Tallaght. Our client does not consider the Applicant assessor to have offered a credible basis for this conclusion.
19. BPS cannot understand the claim that the scheme is in line with the emerging patterns of development. There are no planning permissions granted in the vicinity which offer any "emerging" pattern of development to support this scheme. There is no existing permission on this site, etc. This statement has been cut and pasted from the previous report that tried to use the same "emerging pattern of development" argument to justify unacceptable impacts on an ACA. There is no emerging pattern of development within The Priory lands. This is a one-off scheme that needs to get it right in architectural heritage terms. Adjoining and nearby development are 1, 2, 3 storeys with one 4 storey building. Where is the emerging pattern? The proposed scale, height and massing of this scheme is at odds with this site's location in the ACA. Our client does not consider the Applicant assessor to have offered a credible basis for this conclusion.
20. The assessor refers to the proposal as "contemporary" and that this is a positive. What does this even mean? Just because something is built in contemporary times does not mean that it will have a positive impact (the word "contemporary" is repeatedly used). There are many contemporary buildings which have been granted planning permission in Ireland which have later been regretted and there are many that were refused planning permission before they could become a mistake.
21. Section 5 'Conclusions and recommendations' unsurprisingly again find the current scheme's scale, massing, heights and sitings of blocks to be acceptable, as the assessor did previously. The scheme is argued to be "reflective of the scale and mass associated with the nearby Priory buildings" but no mention is made of how the proposal should be visually subservient and/or subordinate (as raised by SDCC at pre-planning) to the protected structure. The assessor refers to how this scheme will "complement" The Priory buildings. If this is the case, why has The Priory asked that tall walls be erected around the site?
22. No conclusion is reached regarding demolishing a section of the boundary wall with the Old Greenhills Road to create a new entrance. The assessor merely recommends that these works should be supervised.
23. No comment is made in the conclusion as to whether a scheme of a reduced scale could reduce the impacts on the protected structure or the ACA. The assessor's position appears to be all or nothing which is somewhat difficult for our client to understand given this is meant to be an objective report. At the risk of sounding facetious, it is not clear what scale the development would need to be in the assessor's view to cause a moderate or even a significant impact on the protected structure or the ACA, but clearly it would have to be vastly larger.

Our client does not consider this proposal to be conservation-led at a location where such an approach is critical. The proposal is insensitive and over-scaled relative to The Priory buildings and to the ACA. Our client does not consider the Applicant assessor to have offered a credible basis for the conclusions of the Architectural Heritage Impact Assessment. The report's conclusions continue to read as though they have been cut and pasted from another report for a scheme which had a previous precedent permission and is located in a town centre. The Applicant scheme needs to be independently assessed regarding the impact it would have on the Architectural Heritage of this site and the area. Our client trusts that SDCC will carry out its own conservation and heritage assessment which considers the above points.

7.8.3 Proposal would impact negatively on the Tallaght Village Architectural Conservation Area

Our client is concerned about the overall design, scale, height, and mass within such a prominent site which is located adjoining an Architectural Conservation Area. The overall site context and the adjacent protected structures and existing architectural elements of the Village Core have not been adequately considered within the proposed development as the overall design and scale of the proposed apartment block and nursing home does not reflect or show any consideration for these elements.

There is a need for greater understanding and awareness of the Architectural Conservation Area and the impact that inappropriate development can have on the overall character of the area. This can be mitigated against by preparing a design rationale for new developments which can demonstrate how the existing historic buildings and groups of structures which make up the architectural character of an ACA has informed and steered the design process, including a site analysis in this case as the site context is an important issue due to its prominent location and close proximity to the historic core of the village. The overall design and height are important elements to recognise and highlight but the scale and mass of a development especially in sensitive areas of Main Street and adjacent to the cultural/historic core can also have a significant effect on the existing built environment.

The location of the proposed development close to the core area of the Architectural Conservation Area means that any development within this site will have an impact on the character of the ACA by virtue of its proximity to the historic building stock.

The proposed development's density plot ratio, scale, heights, bulk, and massing are excessive within the ACA adjoining The Priory protected structure. Concerns raised by SDCC at pre-planning stage regarding the proposed scale, mass and height of the blocks and overall visual impact on the historic built environment and have not been addressed. The proposed development fails to provide a sensitive overall development at this location.

The Tallaght Village Centre Local Area Plan 2020 provides guidance and requirements regarding new development within or in close proximity to the Architectural Conservation Area. There are several policies in the Tallaght LAP which relate significantly to the proposed development given its prominent location within The Priory grounds and adjoining Old Greenhills Road and Greenhills Road. The LAP makes it clear that:

- Overall design and height are important elements to recognise and highlight but the scale and mass of a development, especially in sensitive areas such as The Priory protected structure adjoining the Old Greenhills Road (part of the cultural/historic core, can also have a significant effect on the existing built environment)
- Scale and proportion of new buildings can have a varied affect upon the neighbouring buildings. If any new building dominates existing structures, the historic character might also be diminished, while a relatively indifferent design may heighten the historic qualities of the existing building
- New development should have cognisance of the height, scale and mass of the historic urban form but should also add architectural interest and varied design within the mix to provide different architectural styles
- Under the 'Urban Development and Building Height Guidelines (2018)' specific requirements and guidance for the design of new build are provided. In accordance with these Guidelines (particularly Section 2.10), when considering new developments within the ACA of Tallaght, or areas adjacent to the designated area near the village core, the design rationale and overall site context should act as the main driver for the overall scale, mass, height, and design in achieving the best possible new development in these sensitive areas.

Given the issues and concerns arising regarding negative impacts on the ACA and adjoining protected structures, our client considers that the proposed development cannot be permitted in the manner it has been submitted. The proposal which includes 4 and 5 storey buildings close to the Old Greenhill Road and to the shared boundary with The Priory should be refused for the following reasons:

Having assessed the details of the planning application and based on the above it is considered that the applicant has failed to address the initial concerns raised in relation to the overall visual impact of the scale and height that the proposed development will have within this prominent location and in such close proximity to Tallaght Architectural Conservation Area (ACA) and a significant Protected Structure Site, 'The Priory'. Concerns remain in that the character of the ACA will be significantly affected by the proposed blocks as the new build will completely dominate the site which is highly visible on approach from Old Greenhills Road, Greenhills Road and The Priory Demesne. The consequences of the proposed development may result in a diminished quality of character, which fails to address and adhere to existing policies for new development within or in close proximity to an ACA in line with SDCC County Development Plan (2016-2022) and the Tallaght Local Area Plan 2020.

If SDCC decides to request Further Information, our client asks that the revisions recommended in Section 9.2 of this Planning Objection Report be requested.

7.8.4 Applications, reg. refs. SD20A/0250 & SD21A/0139 refused due to impact on The Priory

Our client does not understand how the current scheme can propose 4 and 5 storey blocks sited so close to Old Greenhills Road and to The Priory's existing entrance, driveway and buildings.

Has the Applicant team, including John Cronin & Associates, not reviewed recent planning decisions in this area made by SDCC? For example

- The current planning application is located immediately adjacent to The Priory protected structure while refused planning application, reg. ref. SD20A/0250, was located some distance away and across Old Greenhills Road. 4 and 5 storeys are not acceptable on the other side of Old Greenhills Road, but the John Cronin & Associates argues that they are wholly appropriate actually within The Priory campus where they are extremely visible and do not appear as visually subservient to the original buildings.
- Our client objected in respect of a planning application, reg. ref. SD21A/0139, which has also been lodged in the close vicinity of the proposed nursing home. This planning application has been refused because, inter alia, it proposed a 4 storey building on Old Greenhills Road. The SDCC reasons for refusal included the following refusal reason which could be applied almost in full to the current scheme:

Due to the height and mass and treatment of Block B, the proposed development fails to respond to the specific local historic context of the block location. The submission from the applicant fails to demonstrate that the overall visual impact of Block B at the proposed scale and height will not adversely impact on the adjacent Protected Structure (St Basils Training Centre, RPS Ref. 268), the Tallaght Architectural Conservation Area (ACA) and a Protected Structure Site 'The Priory'. The proposed development due to its close proximity, scale and height will directly impact on the visual quality adjoining Protected Structure site, St Basils Training Centre Block A will be highly visible at a prominent and sensitive location and will have an overall negative impact on the character of Tallaght Village Architectural Conservation Area given its height and mass at this location. Block A will visual dominate and would be highly visible on approach from Main Street and The Priory Demesne. Overall, the proposed development would result in a diminished quality of character in Tallaght, which fails to address and adhere to existing policies for new development within or in close proximity to an Architectural Conservation Area in line with SDCC County Development Plan (2016-2022) and Chapter 6 of the Tallaght Local Area Plan 2020. As such, the proposed development is contrary to the proper planning and sustainable development of the area.

The proposed development has failed to take on board and to address the concerns arising in that case regarding avoiding negative impacts on the protected structure and on the Tallaght ACA. This is despite the projects having the same architect. The same overall reasons for refusal should apply to the current scheme as applied to the above refused schemes.

7.9 Issue 9: Environmental concerns

7.9.1 The loss of the poplar trees on the eastern boundary is contrary to planning policy

Our client cannot support the loss of the Poplar trees on the eastern boundary of the Applicant site adjoining the Old Greenhills Road. The Arborist Report states that their loss is required because they are located within the footprint of the new built environment. These trees are noted by the Arborist as being a "main arboriculture feature or characteristics of the site", yet they are characterised in the Arborist's Report as Category C. Our client does not agree that they are Category C trees because:

1. They are described as being in "fair" condition by the Arborist (in all respects). They are not "impaired".
2. The trees are remarkable in their context.
3. These trees have a collective landscape value which is greater than their individual value.
4. These trees have been in place for many years – decades – and have local cultural value.

The impact of removing these trees is described as "medium" however our client finds this impact unacceptable. They consider the proposed tree losses to be contrary to planning policy including:

1. The National Planning Framework focuses, inter alia, on "protecting natural heritage areas and green spaces".
2. SDCC has a statutory obligation to ensure that provision is made for the protection of trees, including under Chapter 8 'Green Infrastructure' of the CDP 2016-2022 which includes G2 Objective 9, G2 Objective 10, G6 Objective 1 which seek to: "preserve, protect and augment trees".
3. Chapter 9 'Heritage, Conservation and Landscapes' of the SDCC CDP includes Objective HCL10 Objective 3 which seems to protect "mature trees".
4. The South Dublin Tree Strategy 'Living with Trees' (2015-2020) which is set out in Chapter 7 of the SDCC CDP.

The poplar trees should be retained and the blocks re-sited westwards to ensure their protection and retention.

7.9.2 The updated appropriate assessment screening report continues to require review

BPS has scanned through the submitted Appropriate Assessment Screening Report and we note several irregularities

1. Page 6 states: "Current land use in the vicinity is predominantly commercial and light industrial in nature". It is not clear where this statement derives from. Possibly from another report for a different site?

2. Page 6 states: "The development site is itself within lands which are currently part of part of St. Joseph's Retreat House and Conference Centre". This limited description suggests the Assessor appears to be unclear as to the sensitivity of the wider adjoining priory lands and, in fact, not to be at all sure of the site's specific nature.

Our client asks that the submitted report be treated with caution.

7.10 **Issue 10:** Parking and trip figures provided raise planning and transport planning concerns

7.10.1 The scheme offers 30 car parking spaces for 106 unit nursing home & 60 apartments

The Applicant Traffic and Transport engineering firm when assessing the previous refused planning application accepted that they had no idea of what the true demand for car-based trips into and out of this scheme would be and therefore how much parking is required.

Referring to the refused planning application, note how Section 8.4 of the Mobility Management Plan stated: "Once the development is completed and occupied, the true initial modal split should be established by means of a travel survey" [emphasis added].

Our client asked how this statement could be acceptable. The engineer was stating that the parking demand and vehicular trip rates may be far higher than predicted, but SDCC should wait until opening week to see if traffic and parking problems arise.

The Applicant reports purport to have all these answers. That they know exactly how many of the 106 nursing home residents, how many of the residents of the 60 apartments, how many of the staff, etc. will drive cars. There are significant assumptions made within the Applicant's report which allow a final parking provision figure of 30 spaces to be provided. Assuming a minimum of 166 residents, this is 0.18 parking spaces per resident with no parking provision for the scheme's staff and visitors.

Without more parking, there would be overflow parking into the Old Greenhills Road and into the surrounding area which does not all have metered parking. The following concerns arise:

1. The site is served by buses only. It is 2km from the nearest LUAS stop which is a considerable distance to expect shift workers to walk in the early mornings or late at night. Staff will want to drive to and from work in many cases.
2. The site offers insufficient and below CDP requirements parking provision.
3. The trip generation figures are based on parking provision which is below CDP requirements (see Section 7.10 of this Planning Objection Report). Trip rates should be based on the number of residents and not on parking spaces.
4. The car ownership rates within 5 miles of this site are 11 cars per household, so why would older residents in the assisted living apartments not have cars? The Applicant proposal appears to force residents not to have cars.
5. The trip generation figures are based on the Assisted Living Apartment holders not owning and/or using cars, yet the same individuals are described as being able to use bicycles? 52 bike spaces are provided for very able older persons, but these persons cannot park their cars in the scheme?

Concerns arise that the demand for parking spaces within the scheme will be substantially above the number provided. This would result in under estimation of trip rates, under provision of parking spaces on the site and more of a traffic and parking impact on the surrounding area.

Tallaght Community Council does not consider adequate car parking to have been provided within this scheme. The result will be overflow car parking into Old Greenhills Road on a permanent basis. This is not acceptable. This is not a traditional nursing home scheme but one which includes 60 apartments. The parking provision needs to be increased to at least 70 spaces.

7.10.2 Refused planning application, reg. ref. SD21A/0139 provided insufficient car parking

Our client wishes to note how they objected in respect of a planning application, reg. ref. SD21A/0139, which has been refused because, inter alia, it proposed insufficient car parking. SDCC was concerned at likely overflow car parking into Old Greenhills Road and refused planning permission on this basis:

The provision of only 15 spaces to serve the existing and proposed development will result in increased parking along Old Greenhills Road, causing a traffic hazard. The Planning Authority does not agree with the assumptions made in relation to the level of private parking that can be offset with the provision of 2 'Go Car' spaces. A greater ratio of car parking spaces to units is required at this site. The proposed development is not in accordance with the proper planning and sustainable development of the area.

The current planning application should be revised to include additional car parking including car parking inside the proposed site entrance for visitors.

7.10.3 Scheme's parking provision is non-compliant with Tables 11.23 & 11.24 of the CDP 2016-2022

The scheme's proposed parking provision is substantially below that required by Tables 11.23 and 11.24 of the SDCC CDP 2016-2022. The Applicant states that the scheme should provide 30 parking spaces. This is stated by the project engineer and architect.

However, the Applicant is applying parking requirement rates which are applicable to Zone 2 (Non Residential) or (Residential) locations "within 400 metres of a high quality public transport service 5 (includes a train station, Luas station or bus stop with a high quality service)" or "within 400 metres of a high quality public transport service 5 (includes a train station, Luas station or bus stop with a high quality service)". The Applicant site is not located within 400m or 800m of a Luas Station or quality bus corridor and Bus Connects remains a long way away.

The Applicant should be using Zone 1 parking requirements which apply to the entire county. This means providing 1 parking space per 4 residents for the nursing home, 0.75 spaces per apartment (many of the bedrooms are in older person apartments where cars may be owned and used), 1 space per 25sq.m for the day centre and 1 space per 25sq.m for the retail. This means 26.5 spaces for the nursing home, 45 spaces for the apartments and spaces for residents' facilities for staff and for visitors. **This is more than 70 parking spaces** (the Applicant Traffic and Transport Assessment for the current scheme does not offer this calculation). **The scheme is over 40 parking spaces short of meeting CDP requirements even for the nursing home beds and apartments.**

Table 3 'Development Peak Hour Trip Generation' states that, even with incredibly low parking provision, the scheme will generate total trips in the AM peak of 27 and in the PM peak of 34 (these figures are lower than those set out for the refused scheme especially in the evening peak but not as low as one might expect given the reduction in apartments relative to the refused scheme) These figures provide for more vehicular trips into and out of the site than the proposed parking spaces can have accommodated prior to their departure or can accommodate on arrival. There will need to be fly parking and/or overflow parking just to cope with these optimistic trip figures. The report purports to show parking demand distributed over the entire day but there is no credible basis on which these figures could be derived.

Section 6.0 'Parking' of the Applicant Traffic and Transport Assessment again asks SDCC to trust them that this parking provision is sufficient, yet they offer no precedent examples of where, for example, where a similar scheme including over 60 older persons apartments has been provided with only a tiny percentage of units receiving a parking space

Our client submits that this site is outside of 2km of a Luas Station and is not well served or well-located proximate to public transport. The scheme also includes 108 independent living units for individuals who could have cars. This is not a standard nursing home. It is more of an overall nursing care home where some residents will require little care. Residents, families, and staff need cars, and the scheme provides insufficient car parking. Our client considers the scheme to be non-compliant with the parking requirements of the SDCC CDP 2016-2022. The scheme's parking provision is insufficient and would, for example, deprive up residents of the apartments from owning and using a car (yet bike parking is provided for these same residents).

7.10.3.1 scheme is 40 car parking spaces short & this will cause overflow parking into adjoining roads, etc:

This nursing home scheme is not located within 400m or 800m of a Luas Station It is 2km away. It is served by some buses. The scheme contains 106 bedroom and 60 apartments, would employ staff members with cars and will receive visitors each day who arrive by car. Section 13.0 of the Applicant Design Report states: "maximum (parking) provision should not be seen as a target".

This is all very well, but the Applicant team repeatedly asks that SDCC merely takes them on their word that:

- "... it is expected that the level of parking required overall will be low" **[no evidence provided for this statement]**
- "... the parking rate ... is likely to be sufficient for the Independent Living Units for Older People" **[no evidence provided for this statement]**
- "Visitors to nursing homes is generally low" **[no evidence provided for this statement]**
- "It is expected that staff will live nearby and travel via public transport" **[no evidence provided for this statement]**
- "Healthcare visitors to the development will likely travel by car however there will be the ability to share parking spaces" **[no specific details provided to evidence this statement]**
- "The cycle store within the Independent Living Units is exclusive to residents". If residents can ride bikes, they can drive cars. **The Applicant is in fact stating that residents are not to be permitted to have car parking spaces though they would be able to drive cars and ride bikes, including electric bikes for which charging points are proposed.**

Our client submits that the scheme is 40 car parking spaces short, and this will cause overflow parking into the surrounding area and fly parking on footpaths and communal areas within the scheme. Our client cannot support under provision of parking at this location given that this may cause the Old Greenhills Road to become used as a de facto overflow car park for this scheme.

If a minimum parking provision ratio is to be agreed, **at least 0.5 to 0.6 parking spaces should be provided per unit in line with recent ABP planning permissions for large apartment schemes. This would mean providing at least 30 car parking spaces for the apartments on their own and at least 45 spaces overall.**

Our client understands the Applicant has undertaken pre-planning with SDCC Roads Department which they say has agreed to the reduced level of car parking provision. Given possible concerns with car parking overflow at this location, would it be reasonable to ask the Applicant to provide details of another similar scheme of this size which is operational with a parking provision of 30 spaces.

7.10.3.2 Measures proposed to justify reduced car parking provision are not credible

Section 11 of the Applicant Design Report and the Planning Report, Mobility Management Plan and traffic engineer's report each refer to measures to try to reduce car trips to and from the proposed nursing home. These comments arise because the scheme is deficient in car parking provision at a location 2km from the Luas. The proposed measures to reduce car parking are not credible. They include:

- 1 **Walking:** Our client does not consider walking to represent a credible justification for the low car parking provision offered. That is walking at any time during day/night, in all weathers and in all seasons. This site is not so sustainably located that staff, residents and visitors will walk to and from the site to the extreme extent required to justify providing 40+ parking spaces less than CDP requirements. This is especially the case the proposed apartment residents, for staff and for visitors.
- 2 **Cycle parking:** It is not clear why it is that the scheme offers just 30 car parking spaces but 52 bike parking spaces. Who will use them? The Applicant reports state "The cycle store within the Independent Living Units is exclusive to residents". If residents can ride bikes, they can drive cars. Those in the apartments with minimal care needs may have cars. Resident car parking provision appears under provided for. **The Applicant is in fact stating that residents are not to be permitted to have car parking spaces though they would be able to drive cars and ride bikes.**

Most nursing home workers work shift that start early and end late and many work nights. They do so all year around in all weathers. They drive to and from work as this is the only sustainable form of transport available at this site given that few people would walk 2km to and from the LUAS. Staff parking in this scheme is under provided for.

Visitors are unlikely to travel to this site by bike. The bike parking spaces assume people have bikes and will use them and will not want to bring anything for the person they are visiting. It is not credible. The cycle distances could be very high, but no details are provided.

- 3 **Public transport:** The nearest Luas stop is 2km away. The only bus stops available are 5 to 10 minutes' walk away depending on where one starts within the site. These services offer fixed routes. Our client does not consider it credible that staff, residents, and visitors would take buses to the extent required to justify a car parking provision of 30 spaces.
- 4 **Future public transport:** The SDCC CDP makes it clear that future public transport cannot be used to justify reduced car parking provision.
- 5 **The submitted Mobility Management Plan:** This Applicant report argues that a travel survey of residents, visitors, and staff, listing the ways to reach the site without a car; encouraging people not to use a car (management commitment, marketing and communications, leaflets, travel information points, etc.); setting targets will reduce car parking demand and trip rates. Our client does not find this report credible. The same arguments were made by IKEA but the vast majority of trips to IKEA are by car and vans.
- 6 **Private car sharing is not a legitimate argument unless the scheme offers car sharing insurance:** Informal car sharing is not possible given that each individual driver has their own insurance. Only an actual car sharing scheme is a legitimate argument. Staff, residents, and visitors will not share cars. This has been accepted in multiple nursing home planning applications.
- 7 **There is no car sharing car platform proposed to operate within this scheme.** This argument is not valid as there is no car sharing online platform proposed to operate from this site.
- 8 **Census data on modes of travel in the area show high trip rates by car:** CSO 2016 Census Data sets out that even residents of this area (and not those travelling into the area to work at or visit the nursing home) use a car or van for 43%-50% of night-time trips and 49% to 64% of daytime trips. Table 4 of the Mobility Management Plan accepts that even based on these local area figures (which exclude those travelling in from outside the area) 48% of residents would use a car on opening and 58% of staff would. How then can the Applicant parking provision be considered in any way credible and/or justified? Tables 5 and 6 of the MMP sets a target to reduce the preferred car usage from 49% to 36% for residents and 56% to 40% for staff, which continues to result in parking demand figures far higher than the parking provision offered.

Our client does not find the Applicant's justifications for offering insufficient car parking within this scheme to be credible. The result would be overflow parking into adjoining and nearby roads. Parking provision needs to be increased in line with SDCC requirements.

7.11 Issue 11: Issues of concern over the Outline Construction Waste Management Plan

Our client has reviewed the submitted 'Outline Construction Waste Management Plan' which appears to be the only construction phase document provided by the Applicant. They ask that the following issues be considered by SDCC and that, in the event planning permission is granted, planning conditions be applied to the decision addressing their concerns pertaining to the construction phase.

The following comments should not be taken to suggest our client accepts the scheme as submitted. They consider the submitted scheme should be refused, but offer the following comments on the basis that it could be granted.

7.11.1 Working hours should be revised, fixed and not subject to revision for any reason

Our client objects to Section 3.9 'Site Working Hours' of the Outline Construction Waste Management Plan which sets out working hours of 7am to 7pm Monday to Friday and 8am to 2pm on Saturdays.

Given the sensitivity of this site and adjoining properties, 'all' work on this site should not be allowed to commence until 8am and should finish at 5pm Monday to Friday and 9am to 1pm on Saturdays and there should be no work on Sundays or Bank Holidays.

There should be no arrivals on site before 8am and no works should start before 8am. The site should be empty of workers by 5pm and no works of any kind should take place after 6pm.

Statements included by the Applicant suggest they see the working hours as a guide only, e.g. for deliveries. The concern here is that noise, vibration, and disturbance outside working hours would happen unless SDCC prevents it by way of strict conditions on working hours permitted. Our client asks that the Applicant not be allowed to vary any planning applied by the SDCC with respect to working hours and working days. Matters such as utility connections are undertaken during normal working hours by Irish Water, ESB, etc: there is no need to allow variation for this.

Given the quiet nature of the surrounding area, there is also a need to set times during which construction related vehicles can enter the area and must exit the area. **No construction site related vehicles - workers or delivery / pick-up vehicles - should enter the site prior to 8am and all should have left by 6pm.**

The construction phase would take years over 4 years and needs to consider the management of impacts on the area.

7.11.2 A complaints procedure & an independent complaints process is required

The Contractor should liaise with owners of the local properties in advance of works commencing onsite and put in place a complaints procedure that works and from which, if it does not work, referrals can be made to an independent complaints process. For example:

- If construction related activities are taking place outside of conditioned site working hours and hours during which deliveries and pick-ups from the site are permitted.
- If noise levels seem excessive and above those allowed

The contractor should appoint a community liaison person with a phone number that is available to residents and there should be an identified complaints officer within SDCC to whom the residents can refer complaints that are not addressed by the contractor.

7.10.3 Measures to reduce impacts on the adjoining Old Greenhills Road footpath should be agreed

Our clients ask that if SDCC is to consider granting planning permission for the proposed development, then careful consideration needs to be given - before any planning permission is granted and/or construction work begins on site - to minimising and mitigating impacts on the Old Greenhills Road footpath adjoining the site. All measures to ensure the ongoing safe access and use of the public footpaths adjoining the Applicant site should be put in place.

These measures should be included as a condition in the event planning permission is granted

7.10.4 Workers' vehicles should not be parked in adjoining roads such as Old Greenhills Road

Section 3.8 'Site Parking' of the Outline Construction Waste Management Plan states: "There will be limited on-site parking for staff and visitors. Nearby off-site car parking will also be identified to avoid congestion in the surrounding areas".

This scheme is to require many construction workers. No details are provided by the Applicant's Construction Management Plan as to where they will park. They may park in the site in the early stages of the scheme, but as work progresses, this will not be possible. They may decide to park in adjoining roads and street such as in Old Greenhills Road and Greenhills Road. Our client submits that measures need to be put in place to prevent overspill workers parking into surrounding roads and streets.

Construction workers' parking would negatively impact on adjoining roads and streets and could impact on visual amenities and on the safety of roads adjoining the site. Our client asks that SDCC address the following points:

1. That the Applicant set out actual predicted details - based on similar sized construction schemes in similar locations - of how many construction-related vehicles (vans and cars) are predicted to be parked in the area to serve the scheme
2. Claims that construction workers would take public transport car share or walk or cycle to this site are a fudge. In fact, large numbers of workers need to bring their tools and so will always park as near to a site as possible. Scaffolders, brick layers, carpenters, electricians, plumbers, etc all need their tools. A Construction Management Plan must be credible with respect to overspill workers' parking
3. That the Applicant agree arrangements for the parking of construction workers vehicles during the construction phase

A condition is required on any grant of planning permission that requires that parking arrangements for the scheme's construction workers be agreed with SDCC Transportation Planning Section prior to the commencement of development.

7.10.5 Queuing and convoying of HGVs on Old Greenhills Road should be avoided:

Our client has repeatedly noted construction projects where HGVs queue outside of sites with their engines running in the early mornings and/or arrive in convoys at the same time. This site's development has the potential to raise these concerns with HGVs queuing on the Old Greenhills Road. This issue needs to be addressed. Section 6.2 'Vehicle Movements During Construction' of the Outline Construction Waste Management Plan is not especially reassuring in this regard. It is not clear how any of the measures proposed can or will be enforced, especially once the scheme is significantly developed.

7.10.6 Construction phase noise management proposals need to be carefully reviewed

The Outline Construction Waste Management Plan confirms that no baseline noise measurements have been taken. There is no way therefore to know what the existing noise levels are and therefore what would constitute a significant increase in noise. The baseline noise environment is a low noise environment. It is possible to hear the Greenhills Road, but this noise is as expected. The level of noise currently experienced is about what one would expect in a suburban housing estate. There is not an undue difference between daytime and night-time noise.

The construction phase for this project would significantly increase the noise levels experienced by this area. The Old Greenhills Road footpath will be located less than 10m from the nearest significant site works. The noise levels that will be generated by construction phase machinery will range from 61 to 84 dB LAeq (1hour) for cumulative site preparation, cumulative general construction and cumulative general landscaping and road work. These noise levels would represent a significant increase in the measured baseline noise environment.

In the absence of noise mitigation a negative, significant, and short-term impact is likely. The Applicant offers no discernible noise mitigation relative to adjoining areas. The mitigation measures proposed in Section 4.1 'Noise' of the Outline Construction Waste Management Plan are inadequate and are standard. This site is more sensitive and acoustic barriers should be considered.

BPS considers that without improved mitigation measures to address construction noise impacts adjoining areas will be impacted negatively by excessive noise. It must be possible for our client to be able to report a noise infraction and to expect this to be addressed within minutes and not days.

7.10.7 Dust impacts on the area need to be controlled and managed

Adjoining areas maintain a relatively dust free environment. The proposed development will generate significant dust and measures are needed to ensure this project does not unduly impact on the area. While some dirt and dust would be expected on any site, the extent of dust from this site could be excessive. Our client asks that insofar as is possible a Dust Minimisation and mitigation strategy be put in place to minimise the transmission of dust into adjoining and surrounding areas. They ask for external measures, such as the operation of a road sweeper/sprayer to be undertaken.

Our client asks that in the event of a grant of planning permission that these measures be conditioned to be fully implemented by the contractor. Our client also asks that the external face of all scaffolding surrounding the scheme be covered to reduce dust.

A condition can be applied requiring dust deposition gauges, (either Bergerhoff beakers or similar), to be located and monitored at locations specified during the period when construction work is in progress in the vicinity of residential properties. The maximum permissible deposition rates at such sites should be specified in the contract documents. Dust deposition gauges should be located along all boundaries.

7.10.8 Proposed phasing of the construction works should be agreed at planning stage

Our client's area potentially faces years of disruption if planning permission is granted. They therefore need to understand what the construction works timetable will be. This schedule should set out: (i) When the construction works would take place and for how many months, (ii) When the excavations of the site and site preparation works will take place and for how many months, and (iii) How long the construction phase would take.

7.11 Issue 11: The proposed development would set poor precedents

For the reasons set out above and below, the proposed development, if granted, would set poor precedents for:

1. Over-ruling and/or disregarding the Tallaght Town Centre LAP especially on the issue of plot ratio.
2. A density of development within protected structure institutional lands within an Architectural, Conservation Area that is excessive and has resulted in buildings whose scale, height, massing, bulk, and length are excessive and monolithic.
3. The development of institutional lands without maintaining their 'open character'.

4. The scale and height of future development in this area being allowed to exceed any other development in the vicinity.

For the reasons set out above, the proposed development, if granted, would set a poor precedent for future development in The Priory land and in the vicinity of The Priory lands. Our client asks SDCC to protect this area by refusing planning permission thereby avoiding setting a negative precedent for future development in this area or to substantially revise the scheme by way of condition.

8.0 Conclusion

Tallaght Community Council is disappointed that these lands are to be developed. Their preference would be for their retention as part of a public park for Tallaght Village which is already experiencing high density development at a range of locations. It is accepted however that this site, part of the St. Mary's Priory lands will inevitably be developed at some point as is articulated in the Tallaght Town Centre Local Area Plan 2020 (the "LAP").

Tallaght Community Council acknowledges the previous refusal issued by SDCC for a similar development on this site under planning application, reg. ref. SD21A/0136, for the development of a 5 storey nursing home on this site. While this new scheme improves, generally, on the previously refused scheme, problems remain and without revisions to this scheme, many of the same reasons for refusal as previously applied would be appropriate.

Tallaght Community Councils' conclusions ask whether the current scheme addresses the previous reasons for refusal:

- **Reason 1:** It is considered that the proposed development continues to fail to be sensitive within its proposed location and does not reflect the most suitable layout or design for the intended use on the subject site as the new build will completely dominate this part of the site due to its proposed, height, scale and mass which will be visible within The Priory Demesne and along Old Greenhills Road. The proposed development would impact on the Protected Structures and result in a diminished quality of character at this sensitive location which would be contrary to the policies for development within the curtilage of a Protected Structure and New Development in ACA in the Tallaght Town Centre Local Area Plan, including Objective HC1 and VL8, which states 'Protect the character and integrity of the Priory, including its parkland setting, and provide for greater public access and usage'.

The Applicant proposal still removes a section of The Priory wall, still clear fells 23 x 22m tall Poplar trees inside the eastern boundary and still includes 4/5 storey buildings sited too close to the eastern boundary of the site. Block B remains too tall and bulky relative to The Priory.

- **Reason 2:** It is considered that the Applicant has focused on plot ratio as a quantitative target rather than a qualitative response to the site. There are large areas of the site which are undevelopable, and these are institutional lands whose character should remain open. The development would constitute overdevelopment and as such would, by itself and by the precedent it would create, be seriously injurious to the redevelopment of the village centre and the development of a site within the curtilage of a protected structure.
- **Reason 3:** The proposed building heights continue to be contrary to the Tallaght Town Centre Local Area Plan 2020 - 2026 and the South Dublin County Council Development Plan. The Tallaght LAP specifies heights of 3-4 storeys for 'other frontages' (the subject site is neither designated as a primary or secondary frontage). Under Section 3.4 'The Village' and particularly Objectives VL6 and VL8, the Tallaght LAP requires development to be responsive to the local context, and seek to protect and enhance the setting of protected structures and the ACA.

Our client considers that 3 and 4 storeys along Old Greenhills Road can be achieved, but 4/5 storeys cannot. They believe that a stepping down to Old Greenhills Road is required by way of blocks that are stepped back further from the eastern boundary of the site (at least 15m) and to 3 storeys first with a setback 4th storey. They also consider Block B to be too tall relative to The Priory - it should be 3 and 4 storeys and not 4 and 5.

- **Reason 4:** It is considered that all the buildings would be located in excessively close proximity to the boundary walls, particularly on the eastern side of the site, which coupled with the height proposed would result in a poor and cramped layout. There are also concerns from a heritage perspective regarding the proposed new entrance and the impact that this would have on the setting and character of the protected structure. The public open space is poorly located away from existing community and Old Greenhills Road and does not encourage public usage. The existing trees along the east boundary would be compromised by the proximity of the eastern block, and tall trees at this location would significantly impact on light to the apartments. For these reasons the proposed development would not be in accordance with the Tallaght Town Centre Local Area Plan and the proper planning and sustainable development of the area.

Our client cannot understand why Blocks A, C and the nursing home maintain elevations located as close as 3.7m from the eastern site boundary; they cannot understand why the 23 x 22m tall Poplar trees inside the eastern site boundary are still proposed for clear felling; they cannot understand why there continues to be a large new entrance cut into The Priory Wall (causing the loss of on road car parking and removing screening to Old Greenhills Road); and they cannot understand why there is still no easily accessible public open space sited close to the site entrance and Old Greenhills Road such that the public can use it. These issues should all have been addressed prior to re-submission of the planning application. Our client's recommendations for addressing these issues are set out in Section 9.2 of this Planning Objection Report.

- **Reason 4:** It is considered that the 30 car parking spaces would seriously under provide for the proposed development, which the SDCC Roads Department has recommended would require 43 car parking spaces inclusive of 7 spaces for complementary uses which would be better provided separately (50 spaces in total) The proposed provision would have knock on impacts in terms of illegal parking on the site and on the surrounding road network.

Our client acknowledges how there are now 60 apartments proposed and that the Applicant refers to the 30 parking spaces proposed as now being adequate for this new scheme. Concerns remain however that the 60 apartment owners should have the right to own and use a car and that the proposed scheme entrance will remove on road car parking from Old Greenhills Road. With all due respect to the pre-planning carried out, Tallaght Community Council believes that 45 parking spaces should be provided to ensure that the scheme can manage all its parking requirements internally including those of its apartment occupants (why is it assumed that people who can ride bikes will not drive? If one can afford to live in this scheme one can afford a car) and those of visitors especially at Christmas, Easter, and other holidays when large numbers of visitors descend on nursing homes.

- **Reason 5:** Our client considers that concerns remain over the re-issued Conservation Statement which is now called an Architectural Heritage Impact Assessment.

The re-written Conservation Statement has been re-named an Architectural Heritage Impact Assessment. It contains one and a half pages of assessment and makes statements and reaches conclusions for which there is no basis provided. The previous and current reports are almost identical in their content and approach to the assessment. It is difficult for Tallaght Community Council to accept that this document offers sufficient basis to address Section 6.2.1 of the Tallaght Town Centre Local Area Plan, which states that a detailed Conservation Plan must be prepared for the overall Priory site in advance of any significant development being considered. There is little in the submitted report which suggests that the proposal is "plan led". The 1.5 pages of actual assessment are made up primarily of paragraphs that read as paraphrased from the Design Statement. It refers repeatedly to the revision from the previous scheme rather than reviewing the current scheme on its own merits.

- **Reason 5:** Our client acknowledges that an Ecological Assessment is now submitted, however, they consider that concerns arise from the submitted Ecological Assessment.

The submitted report accepts that birds and bats nest in trees. There are 23 x 22m tall Poplar trees which the ecologist agrees should be felled to facilitate this scheme. This will cause the loss of nests, but claims are made that this can be overseen by an ecologist, and this makes it ok, etc. when in fact the impact cannot be mitigated. The trees and the nests would be lost. Then the assessment contains significant errors derived from what appears to be cutting and pasting from a previous report. Our client is not filled with confidence by this report and considers that the Poplar trees should be retained as they contain nests visible from Old Greenhills Road (one does not need a 22m tall ladder to see them).

Tallaght Community Council's position is that, if these lands are to be developed, then they should be developed properly and in line with SDCC CDP 2016-2022 and LAP planning policies. The problem is that this scheme does not, for the reason set out above and in the rest of this report, comply with critical planning policies as articulated in these plans. The following planning policies and objectives are not addressed:

- Public open space is required but not provided in an accessible manner. Despite offering future residents large areas of open space this is inaccessible to the public and is not public open space. The scheme contributes nothing to existing provision of open space in this area despite the opening up of The Priory protected structure lands to development allows an opportunity to do so. The open character of these lands as they adjoin Old Greenhills Road and Greenhills Road should be retained with a revised design of a lower density and scale and by removing Block A and replacing it with a small local park.
- Figure 3.9 Mixed use frontage (The Village) requires mixed use frontage and a hard edge only on the lower part of Old Greenhills Road. This does not apply and/or is not desired at the north end where it was anticipated that The Priory protected structure would retain its open parkland character, etc. The Applicant scheme seeks a hard edge at the upper end of Old Greenhills Road that would wholly alter the positive visual relationship between this historic road and the historic priory protected structure grounds.
- Objective VL5 requires the Applicant to "Facilitate green infrastructure along public streets". Section 6.7 of the Applicant Planning Report argues that this is achieved by cutting down all the mature Poplar trees that currently benefit the visual amenity of The Priory protected structure's shared boundary with the Old Greenhills Road/Greenhills Road and replacing them with young trees that are fewer in number and will take decades to grow to any reasonably large size comparable to the existing Poplars. The Applicant proposal is non-compliant with the LAP's aim to protect existing trees.
- Objective VL6 requires the Applicant to: "Protect and enhance setting of protected structures and qualities of the ACA". Our client does not consider this 4 and 5 storey scheme of commercial style buildings dropped into what are currently park land style institutional lands to represent a scheme which protects and/or enhances the setting of the protected structure and qualities of the ACA.
- Objective VL8 requires the Applicant to: "Protect the character and integrity of The Priory protected structure, including its parkland setting, and provide for greater public access and usage". For the reasons given in Section xx of this Planning Objection Report and due to the scale, siting, and design of the proposed development within

these lands, our client does not consider that the proposed development would protect the character and integrity of The Priory protected structure, including its parkland setting. The proposal does not provide for greater public access and usage. The scheme sites its open space far away from the site entrance and the scheme design would prevent any public access to the open space. This is not the way to develop these lands if the aim is for there to be public access and usage.

- Objective VL11 states that "Any proposals for the future significant development of The Priory protected structure or St Maelruan's shall be accompanied by a detailed conservation plan which will assess the impact of any development and how it will contribute to the conservation of historically significant structures and landscape elements". Our client has reviewed the submitted Applicant report which assesses the likely impact of the proposals on, inter alia, The Priory protected structure. They are not satisfied that this report offers the necessary reassurances that this scheme would not negatively impact on The Priory protected structure and its associated lands and on the ACA (see also Section 7.8 of this Planning Objection Report)
- Concerns arise regarding Objectives VL8 and VL11 that the proposal constitutes unplanned, ad hoc and piecemeal overdevelopment of institutional land and is premature pending a masterplan for The Priory protected structure lands.

The Applicant scheme presents a reduced density which is welcomed. However, density (plot ratio, site coverage, etc.) is only a quantitative measure of a development. It cannot determine the quality of a scheme and/or its appropriateness to context. This is clearly the position of SDCC, and it has been emphasised in its planning decisions under planning applications reg. refs. SD20A/0250 and SD21A/0139 for recent proposals adjoining Old Greenhills Road.

Tallaght Village, the ACA, Old Greenhills Road, and The Priory are under significant development pressures arising from various developers who are trying to maximise the quantum of floor area within their sites. It is clear that developments in wider Tallaght where tall and very heavily scaled buildings have been permitted are influencing how developers are proposing developments in this more sensitive area of Tallaght. There has been what could be called an overdevelopment 'creep' as what is appropriate in one area of Tallaght is assumed to be the same in another. The Applicant's Design Statement, Planning Report, Arborist Report, Landscape Report, Ecologist Report and especially the Conservation Report (re-named AHIA for this application) each try to apply a standard development approach to this site.

The current planning application, while improving on the refused planning application to some degree, continues to overdevelop the developable areas of the site. The blocks each present issues and revisions to the scheme are needed. The Applicant team argues that these lands present nothing beyond slight obstacles to development when this is not true.

This site may well be the most sensitive site in Tallaght Village. Claims that the 4 no. 4 and 5 storey blocks will not

- Be contrary to the context presented by the site and adjoining areas is made by the Design Statement. The Design Statement arises from the project architect's response to a brief which requires the scheme to just tip over the maximum allowable plot ratio with blocks that remain at odds with the site context and with local planning policy. The project architect chooses not to raise any concerns because they are merely responding to the developer's brief. **This scheme is not architecture-led.**
- Be contrary to local planning policy is made by the submitted Planning Report, but the proposal continues to present planning issues over which SDCC refused the last planning application, and which are contrary to local planning policy. The Planning Report diligently argues in favour of the scheme but is forced to try to play down problem after problem. **This is because the scheme is not plan-led.**
- Cause negative visual impacts on The Priory, Old Greenhills Road and St. Basil's are made without any photomontages provided of the scheme as it would be viewed north and south along Old Greenhills Road and without any Landscape Visual Impact Assessment being carried out which may have altered the design process. **The scheme is not context-led.**
- Cause negative impacts on the setting of The Priory are based on a report which includes approx. 15 pages of analysis of which most is a list of changes made from the previously refused application. **There is little to show the new scheme is conservation-led.**
- Cause the loss of locally significant trees are based on an Arborist Report which continues to accept the loss of the 23 x 22m tall Lombardy Poplar trees despite accepting that these are in a "fair" condition and offer mature screening of the site along the eastern boundary, etc. **The proposal is not Arborist-led – the Arborist has been told what to do.**
- Cause the loss of bird and bat nests in trees to be removed. The Ecologist's report accepts the trees are to be removed by accepting the Arborist's own acceptance that the trees must be removed to facilitate this scheme. Neither the Ecologist nor Arborist decided that any trees should be removed. The loss of nests is collateral damage not recommended by either. **The scheme is not ecology-led.**

The scheme is developer-led and the design team have tried faithfully to argue that clear negative impacts are not negatives at all. This is understandable. Everyone has a job to do. The problem is that our client represents local people and local businesses. They need the scheme to be context-led, they need the architecture to respond to the context, they need the Design Statement, Planning Report, Conservation Statement, the Arborist Report and the Ecologist Report to set out a scheme for this site which offers a fair compromise between protecting the area and allowing development. This has not yet been achieved. These reports all continue to read as though only the Applicant team knows the site and the area when this is not the case.

The Applicant's heavily congested, dense, tall and over-scaled nursing scheme is not yet a grantable scheme for this site. Our client submits that the Applicant has had their opportunity to substantially reduce the scale of this scheme and chose not to reduce the scale in a manner that Tallaght Community Council can find acceptable. The time has come to require significant changes to this scheme and to reach a fair compromise that benefits the area.

There is a need for any proposed scheme's density, scale, height, length of blocks, bulk and massing to represent a fair balance between the right of the Applicant to develop their site and the rights of those representing this area to expect their Tallaght Village and The Priory lands to be protected and/or improved by any new development. Our client does not think a fair balance is achieved here (or any balance at all). They consider that a scheme for this site at a lower density (an LAP compliant 0.75 plot ratio), lower height, less scale, less massing, less overbearing, less overshadowing, less noise, etc. would better respect the site, the area, and the rights of the existing community.

That nursing home development is permissible on a site does not mean nursing home development of any scale: without any constraints.

The 'VC' zoning of this site provides for development that should "protect, improve and provide for the future development" of Tallaght Village. This scheme does not achieve this. **It is our client's position that any development on this scheme must respect the site's zoning and not treat the property as a de facto "greenfield site" without any development constraints. The submitted scheme's density, scale, height, length of blocks, bulk, and massing – for this entire scheme – are clearly not compliant with the zoning of the site.**

What must be kept in mind is that what is proposed is not a critical piece of nationally required infrastructure or a single building of world class architectural design. What is proposed is simply an over-scaled and over-ambitious nursing home scheme. This scheme seeks to maximise density, scale, height, and massing across the scheme. **In our client's opinion, the proposed compromises regarding negative impacts of the scheme on the adjoining area required in respect of developing this entire scheme at the bulky heights and scales proposed cannot be tolerated.**

As much as the applicant has sought to argue that the compromises necessary would be outweighed by the provision of the subject development, this Planning Objection Report illustrates why this is not the case. **This proposal as it comes before SDCC on the subject site would, in our client's opinion, give rise to residual environmental effects of such significance in respect of their adverse impact that they cannot be reconciled with the need for the proposed development.**

What appears key, in the consideration of this proposal, is that once again the application before SDCC is the culmination of a process where the consideration of the impacts on the receiving environment have been second to the Applicant's own requirements and plans, particularly in respect of negative impacts on Old Greenhills Road, Greenhills Road, on The Priory and its lands, and the negative impacts on the Architectural Conservation Area.

The suitability of the site in principle and the ability of the receiving environment to absorb the proposed buildings are two very different considerations and this, in our client's opinion, is where the needs of the Applicant and the concerns of Tallaght Community Council diverge.

Where such divergence in vision exists and a large development proposal is made irrespective of its clear and apparent divergence from the established pattern and character of an area and its abrupt differences in height relative to adjoining areas, there is a need to identify appropriate assessment criteria by which to judge the proposal.

The critical development framework for this area, as noted above, is the SDCC CDP 2016-2022 and the Tallaght Town Centre LAP. It is our client's position that the Applicant scheme is non-compliant with both of these plans. The extent of non-compliance, especially on plot ratio, with the LAP is excessive. We note that the LAP was adopted long after the Building Height Guidelines introduced and is fully up to date. **That the Applicant seeks to rely on the SPPR 3 of the 'Urban Development and Building Heights Guidelines' (2018) and to by-pass the LAP despite the LAP being adopted in 2020 confirms that this scheme is poorly considered and planning non-compliant.**

To any objective independent observer seeing even the limited photomontage view from the front of St. Basil's toward the scheme (even without views south and north along Old Greenhills Road showing the scheme), it would be clear that the Applicant scheme is too tall, too dense, too congested, too close to Old Greenhills Road and The Priory, that the open character of these lands would be lost and that there is no recreational benefit provided by this scheme to this area.

The bottom line is that this scheme shows insufficient respect. Insufficient respect for planning policies. Insufficient respect for established development parameters in this area (densities, building heights, setbacks from boundaries, etc.). No respect for adjoining and surrounding properties. Insufficient respect for The Priory. And, based on the BPS review of the pre-planning process, it is not clear that the submitted scheme shows much respect for SDCC's or feedback regarding the need to revise the scheme to an appropriate scale, etc.

The proposed development would significantly and adversely alter the visual environment by the provision of visually prominent and visually dominant structures. A very significant and adverse visual change would occur within and outside the environs of the site.

Our client considers that the visual and other impacts of this scheme could be mitigated by reducing the scale and heights of the proposed blocks and setting back the blocks from Old Greenhills Road, but re-design is also required in order to reduce the significant and negative impacts that the proposed development as currently designed would have on The Priory.

Regarding proposed car parking provision, The Priory protected structure lands are not especially well connected to public transport. They are served only by bus and the walking distances to services are considerable. It is not clear that this site could be primarily served by public transport, walking, or cycling as is claimed by the Applicant. This is concerning regarding the extremely low parking provision provided, 30 spaces are not sufficient to avoid parking overflow into the Old Greenhills Road Main Street, Main Rd and Bancroft and fly parking within and outside the scheme.

Our client has a range of other concerns with respect to this project, its construction and operation. These are set out in Section 7.11 of this Planning Objection Report.

Cumulatively, the negative impacts of the proposed development on the environment of the site and the surrounding area are such that this scheme cannot be granted in its current form. The Applicant scheme is non-compliant with the LAP. This scheme's blocks are too tall and too close to the site's eastern and southern boundaries and it fails to retain the open character of these lands.

8.1 Performance-based planning risk assessment conclusions

In this era of 'performance-based' standards in respect of the assessment of a proposed scheme's siting, density, scale, height, massing, bulk, length of elevations and car parking, it is necessary to carry out a planning risk assessment in light of the likely performance of this scheme. BPS has carried out this assessment by assessing the scheme considering its locational and planning context. The conclusions of this exercise are

- There is a **substantial planning risk** that this scheme's proposed density, which is non-compliant with the Tallaght Town Centre LAP 2020, would be incompatible with the established character and pattern of development of adjoining areas which are of a substantially lower density. The abrupt increase in density has resulted in equally abrupt increases in scale, height, length of elevations, bulk, and massing of the proposed blocks.
- There is a **substantial planning risk** that this planning application proposes the excessive overdevelopment and over-scaling of a site suitable to accommodate only 3 and 4 storey buildings at a lower scale and height and setback further from the eastern and southern site boundaries.
- There is a **substantial planning risk** that this planning application proposes the excessive overdevelopment and over-scaling of the site that would significantly, negatively, and permanently impact on the visual amenities and visual environment of areas adjoining this site, especially on the Old Greenhills Road and Greenhills Road arising from the extremely close siting of the blocks to the shared eastern boundary and the removal of existing mature screening Poplar trees.
- There is a **substantial planning risk** that this planning application will create a congested residential scheme that fails to retain the open character of these institutional lands which is contrary to SDCC CDP 2016-2022 and LAP 2020 planning policies with respect to the proper development of institutional lands. The congested nature of the scheme will make it inward and not outward looking creating a private and not a public environment.
- There is a **significant planning risk** that the proposed development will cause substantial and negative impacts on the setting of and the attendant grounds and curtilage of The Priory's protected structures.
- There is also a **significant planning risk** that the proposal constitutes unplanned, ad hoc, and piecemeal overdevelopment of institutional land and be premature pending a masterplan for The Priory protected structure lands. The removal of a section of The Priory's historic wall would set a poor precedent for the proliferation of such entrances.
- There is also a **significant planning risk** that the proposed development will cause substantial and negative impacts on St. Basil's protected structure.
- There is a **significant planning risk** that the proposed development will cause substantial and negative impacts on the Architectural Conservation Area.
- There is a **significant planning risk** that the height, scale, massing, and bulk of the proposed blocks will cause substantial and negative visual and visual overbearing impacts on surrounding properties and roads.
- When the CGI images are viewed objectively and other viewpoints into the scheme are included, there is a **substantial planning risk** that the adjoining and surrounding areas will experience a substantial negative and permanent reduction in their existing visual amenities.
- **Significant adverse impact and substantial risk** arises regarding the proposed insufficient car parking spaces provided while reducing on street car parking. This could have a significant adverse impact on adjoining roads arising from overflow parking from scheme residents, staff, and scheme visitors' cars. The scheme could also

experience internal fly parking issues arising from insufficient car parking within a site located 2km from any quality public transport corridor.

Our client submits that following their assessment, the Applicant planning application represents too high a risk of causing significant and negative impacts on the surrounding area for SDCC to consider granting planning permission for this scheme as submitted. A nursing home can be developed on this site, just not in the manner set out in this planning application.

9.0 Recommendation

It is recommended that, for the reasons set out above that this planning application be refused for the reasons set out in Section 9.1 below

However, if SDCC considers that Further Information should be requested, then Section 9.2 below sets out the recommendations of SDCC regarding how the scheme needs to be revised

Both options would provide for the scheme to be reduced in density, height, scale, massing, length of elevations, etc. and for car parking spaces to be increased such that it more appropriately responds to the environs of the site.

9.1 Recommended reasons for refusal

This planning application should be refused for the reasons set out below

1. The proposed development, by reason of the excessive density, plot ratio, scale, height and length of elevations proposed as well as the poor design, would fail to integrate and respond to the site, surrounding context, The Priory Protected Structure and the Architectural Conservation Area, and would result in an incongruous feature that would significantly detract from the visual amenity and character of the area. Thus, the proposed development would contravene the Tallaght Town Centre LAP (2020-2026), the South Dublin County Development Plan (2016-2022), the VC zoning objective which seeks 'To protect, improve and provide for the future development of Village Centres' and the proper planning and sustainable development of the area. The proposed development, by virtue of its scale and layout, would represent overdevelopment of the site and would result in piecemeal development which would be out of keeping with the character and pattern of development in the area. It would also result in an overbearing form of development which would be injurious to adjoining amenities and would fail to respect the established pattern of development in the area. The proposed development would therefore be contrary to Section 11.3.2 of the South Dublin County Development Plan 2016-2022 which relates to residential consolidation and would materially contravene the 'VC' zoning objective, as set out in the South Dublin County Development Plan 2016-2022, which seeks 'To protect, improve and provide for the future development of village centres'.
2. The proposed development, by reason of its siting, layout, height, design, scale, length of elevations and limited separation distances to site boundaries, would result in a loss of light and outlook to adjoining areas and cause visual obstruction and overbearing impacts and, as such, constitute an un-neighbourly form of development resulting in a material loss of adjoining amenity. The proposed development would therefore be contrary to the site's 'VC' zoning, to s. 5.1.2 'Urban Centres (UC) Policy 3 Village Centres', H8 Objective 3, Public Open Space Housing Policy 12 & H12 Objectives 1 & 2, Objective UF4, Objective UF4 of the South Dublin County Development Plan 2016-2022 and S. 3.4 LAP Objectives For 'The Village', Section 2.6 'Intensity of Development', Section 2.6.2 'Height And Built Form' of the Tallaght Town Centre Local Area Plan 2020. The development as proposed fails to incorporate design and layout elements which could help to absorb and mitigate the high landmark elements envisaged for this site, thereby militating against the successful integration of what are landmark high buildings. The development as proposed would, therefore, adversely impact on the amenity of the local area, the skylines enjoyed by adjoining areas, the setting of the protected structures and adjoining properties. As such, the proposal would militate against the successful achievement of the objectives for the site as outlined in the County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development when viewed cumulatively, by reason of their height, design, scale, bulk and massing, located beside a sensitive property – The Priory – containing protected structures and being located adjoining 1 and 2 storey buildings, would comprise a dominant and visually incongruous scheme which would have a profound negative effect on the appearance and visual amenity of the local and wider area. The development as proposed would be inconsistent with and would adversely impact on the existing scale and established character of the local area and the existing scale and established character of this area. The proposed development contravenes this the Tallaght Town Centre Local Area Plan 2016-2022 having regard to the adverse visual impact which would arise in respect of The Priory and the Architectural Conservation Area, impacts on adjoining roads and properties in the vicinity and the failure to comply with institutional objectives for these lands that requires that they retain their open character. Furthermore, the proposal of itself would have an adversely overbearing visual impact on neighbouring properties in the vicinity of the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. The scheme fails to address the overall visual impact of the scale and height that the proposed development will have within this prominent location and in such close proximity to Tallaght Architectural Conservation Area (ACA) and a significant Protected Structure Site 'The Priory'. Concerns remain in that the character of the ACA will be significantly affected by the proposed blocks as the new build will completely dominate the site which is highly visible on approach from Old Greenhills Road, Greenhills Road and The Priory Demesne. The consequences of the

proposed development may result in a diminished quality of character, which fails to address and adhere to existing policies for new development within or in close proximity to an ACA in line with SDCC County Development Plan (2016-2022) and the Tallaght Local Area Plan 2020. The proposal is contrary to the LAP's public access to institutional lands policy which confirms how institutional lands should be consolidated while protecting their parkland settings. The proposal constitutes unplanned, ad hoc and piecemeal overdevelopment of institutional land and is premature pending a masterplan for The Priory protected structure lands.

5. It is considered that the proposed development, by reason of the monolithic nature of its design, and by reason of its height orientation, scale, and massing on a constrained site, would constitute significant overdevelopment of a site of particular heritage sensitivity. The proposed development would, therefore, conflict with the provisions of the development plan, would adversely impact on residential amenity, would provide a poor quality of residential amenity for future residents, would seriously injure the residential and other amenity of the area. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.
6. Having regard to the nature and design of the proposed vehicular access, the Planning Authority is not satisfied that a new entrance should be constricted that would remove part of the existing historic wall on Old Greenhills Road. The proposed development would set a poor precedent for proliferation of entranceways. The existing priory entrance road is adequate to serve this scheme. In the absence of an acceptable entrance the proposal is contrary to the proper planning and sustainable development of the area.
7. Having regard to advice in the Sustainable Urban Housing Design Standards for New Apartments Guidelines and the car parking standards in the South Dublin County Development Plan 2016 - 2022, the proposal would fail to provide any adequate parking provision, would be sub-standard in terms of car-parking provision and be likely to lead to overspill car parking in the surrounding area. The proposed development would endanger public safety by reason of a traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.
8. The applicant proposals to manage parking spaces separate to the scheme's apartments would represent a haphazard and ill-considered approach to parking provision and management in this site and would provide a poor level of amenity for future residential occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
9. It is considered that, by reason of the layout proposed, particularly the location and design of the public open space, the proposed development would result in a substandard form of development and would provide a poor level of amenity for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
10. The mature Poplar trees on the eastern boundary of this site adjoining Old Greenhills Road are a significant ecological feature in the local landscape, and support a significant local wildlife. The proposed development, by reason of its form and layout, would result in the loss or removal of a significant number of mature trees from the site, which would be contrary to objectives set out in the South Dublin County Development Plan 2016-2022 and the Tallaght Town Centre Local Area Plan 2020, and which would seriously injure the visual amenities of the site, the area and property in its vicinity.

9.2 Revisions required in the event of a request for further information

In light of the above, BPS notes that the following revisions to the scheme would be needed to address our client's concerns:

In respect of the siting, height, scale, length of elevations, bulk and massing of the scheme: As submitted, the scheme would appear substantially over-developed in this site. The scheme needs to be reduced in height, scale, length of elevations, bulk and massing and setback from at least the eastern boundary shared with Old Greenhills Road. The maximum height on this site should be 3 and 4 storeys. The buildings need to be broken up as their length, bulk and massing is excessive. The siting of the buildings needs to be revised to protect the Old Greenhills Road.

The need for accessible public open space: The scheme continues to offer no publicly accessible open space. The Applicant needs to replace Block A with a public park which can be used by the community and by scheme residents. This would integrate the scheme and the scheme entrance into the community. This may reduce the plot ratio to under 11 but this is allowable under the LAP.

BPS notes how these are institutional lands and what our client is requesting is required under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009). Section 4.20 of the guidelines states "In institutional lands and 'windfall' sites which are often characterised by a large private or institutional building set in substantial open lands and **which in some cases may be accessible as an amenity to the wider community, any proposals for higher density residential development must take into account the objective of retaining the "open character" of these lands**" (emphasis added).

A pocket park visible to and accessible to the public from Old Greenhills Road offers an opportunity to retain the open nature of these lands as viewed from the Old Greenhills Road and to give something to the community to integrate this scheme into the area.

BPS understands that the Applicant will be reluctant to do this; however, we note how Section 5.10 (e) 'Institutional Lands' of the guidelines states:

A considerable amount of developable land in suburban locations is in institutional use and/or ownership. Such lands are often characterised by large buildings set in substantial open lands which in some cases may offer a necessary recreational or amenity open space opportunity required by the wider community. In the event that planning authorities permit the development of such lands for residential purposes, it should then be an objective to retain some of the open character of the lands ... recreational uses and urban form should be considered in advance of development [emphasis added].

BPS can find no evidence in the submitted planning application that the Applicant scheme proposes that the open spaces included in the design will be, or are designed to be, accessible to the wider community.

Specific recommendations for siting of the blocks:

Blocks A, C and the nursing home need to be setback 15m from the Old Greenhills Road boundary of the site. The minimum setbacks are unacceptable at present.

Block B is sited too close to The Priory boundary at one point.

Specific recommendations for reducing height and scale:

Block A: This block should be removed, and the area converted into a public pocket park accessible from Old Greenhills Road. Failing this, the block should be revised to 3 and 4 storeys - with the 4th setback. The entire block should be stepped back 15m from the eastern site boundary to allow the Poplar trees to be retained.

Block B: The building is too massive at present. It is too tall and its elevations too wide. Ideally it needs to be broken into two buildings. The block should be 4 storeys only which is acceptable adjoining the Retreat House.

Block C: The block should be revised to 3 and 4 storeys - with the 4th setback. The entire block should be stepped back 15m from the eastern site boundary to allow the Poplar trees to be retained.

Nursing home: The nursing home's east wing needs to be setback 15m from the eastern boundary and reduced to 3 storeys to step down to that boundary. The design of the nursing home which is excessively horizontal and massive needs to be reconsidered. The elevations are too long. It should comprise two buildings that better interact with the adjoining open spaces.

Cutting a hole in The Priory wall to create a vehicular entrance:

This should be refused. If the Applicant is to achieve a "campus" style development as purported in the AHIA and other reports, then it must be a campus development. This means a shared entrance with The Priory. The Priory wall is unbroken to the north of the existing entrance, and it should remain that way. The removal of the wall would have negative conservation and visual impacts while also causing the loss of on-street car parking, etc.

Retain the 23 x 22m tall Poplar trees:

These trees should be retained. There is no justification for their removal. They are in fair condition and are local landmarks. They provide mature screening of the site. The blocks need to be setback 15m from the eastern boundary to create a protection zone for these trees.

Car parking:

The scheme's parking provision is not acceptable as proposed. This is a massive development 2km from the Luas. The Applicant needs to offer actual evidence of a similar scheme where parking demand is as low as claimed and not wait to see if there will be overflow parking into surrounding areas and fly parking and parking issues in the scheme. This is not, after all, a standard nursing home - it includes an entire building of apartments for older people who may want to drive cars (the Applicant states that they will ride bikes so why would they not drive cars?). The parking provision appears to our client to be short by 15 to 40 parking spaces. This is not justified by the Applicant's reports.

Ends/

