

SOUTH DUBLIN COUNTY COUNCIL



INTERNAL MEMORANDUM

Public Realm Planning Report

Development: The extension and renovation of The Cuckoo's Nest public house but retaining the original front part of the building & re-establishing a public house/gastro pub use at ground & first floor level (c.464m²). The proposed development also consists of the construction of a 3 and 4 storey building to the side and rear of the existing building, which will accommodate public house use at ground floor, retail / shop local use (c. 283m²) also at ground floor, with 11 no. apartments overhead. The proposed residential accommodation is comprised of 5 no. 1 bed apartments and 6 no. 2 bed apartments. The proposed development will be a modification to a previously permitted development under Ref.s SD19A/0287 & ABP-30603019, with access to the development via an existing / permitted vehicular entrance off the Greenhills Road. The proposed development includes for all associated site development works, surface car parking, 6 bicycle parking, communal open space & landscaping, pedestrian access to the adjoining Temple Woods development, bin storage and the retention of an existing cellar (84.1m²) underneath the public house which will be used as storage associated with the proposed public house use, all on a site area of 0.24ha.

Location: The Cuckoo's Nest Public House, Greenhills Road, Tallaght, Dublin 24

Applicant: Brian Mulvaney

Reg. Ref: SD22A/0285 CFI

Report Date: **03/04/2023**

Planning Officer:

Recommendation: Clarification of Additional Information

Statutory Local Policy

South Dublin County Development Plan 2022-2028:

SECTION 3.3.6 PROTECTION OF TREES AND HEDGEROWS

Policy NCBH11

SECTION 3.4.3 LANDSCAPES

Policy NCBH14

SECTION 4.0.1 GI AND CLIMATE ACTION

Policy GI1: Overarching

SECTION 4.2.1. BIODIVERSITY

Policy GI2: Biodiversity

SECTION 4.2.2. SUSTAINABLE WATER MANAGEMENT

Policy GI3: Sustainable Water Management

Policy GI4: SUSTAINABLE DRAINAGE SYSTEMS

POLICY GI5: CLIMATE RESILIENCE

SECTION 4.2.4 RECREATION AND AMENITY (HUMAN HEALTH AND WELLBEING)

Policy GI6

SECTION 4.2.5 LANDSCAPE, NATURAL, CULTURAL AND BUILT HERITAGE

Policy GI7

SECTION 8.7.1 PRINCIPLES GUIDING PUBLIC OPEN SPACE PROVISION

Policy COS5: Parks and Public Open Space – Overarching

SECTION 8.7.4 DELIVERY OF PUBLIC OPEN SPACE AND CONTRIBUTIONS IN LIEU

SECTION 8.7.5 QUALITY OF PUBLIC OPEN SPACE

SECTION 8.7.6 PLAY FACILITIES

SECTION 12.4.3 RIPARIAN CORRIDORS

Comments:

In relation to the above proposed development, this section has reviewed the application and has the following comments.

The following CLARIFICATION OF ADDITIONAL INFORMATION was sought from the applicant:

Item 2. Public Open Space

The applicant is requested to provide greater detail about proposals to mitigate the absence of public open space provision on site. In this regard the applicant is requested to liaise with the Public Realm Department and agree suitable upgrades to Tymon Park that would benefit the future occupants of the proposed development

By way of a response the applicant has provided the following information:

The proposed development includes 10 no. apartments, which in accordance with the Development Plan, equates to 17 no. bedspaces / persons residing in the development. The proposal to pay €4,000.00 per unit, in addition to the standard S.48 Development Contributions, is considered appropriate, and is in line with comparable costs within Dublin, e.g. the Dublin City Council administrative area as their Development Contribution Scheme caters for the payment of a financial contribution in lieu of all or part of the public open space requirement for a particular development at a rate of €4,000 per unit, which is to be put towards the provision of or improvements to a park and/or enhancement of amenities in the area.

Having regard to (a) the context of the subject site which is occupied by an existing building and basement, that is required to be retained from a conservation point of view, (b) the size of the subject site (c.2,400sq.m), (c) the fact that the site forms part of the overall Temple Woods development which already accommodates 45 no. dwellings, public open space and a brand new Tallaght Theatre, and (d) the delivery of the proposed development will complete the overall Temple Woods / Cuckoo's Nest site in its entirety, as well as providing a sustainable mix of uses on site to serve the local community, we consider that the proposal to pay an additional financial contribution of €40,000.00 towards upgrades in the adjoining Tymon Park is appropriate. We trust that the Planning Authority will accept and acknowledge that this is a genuine offer. We confirm that the applicant has no objection in principle to the payment of such a financial contribution due to the lack of public open space within the subject red line of application having regard to and acknowledging the requirements of the Development Plan.

Public Realm Response:

There is no public open space provided as part of this development. As per SDCC's county development plan:

"The overall standard for public open space is 2.4 hectares per 1,000 population. This will be applied to all developments with a residential element. Within that standard, there are specified percentages as set out in Table 8.2 of the County Development Plan which must, as a minimum, be provided on site. Only in exceptional defined circumstances, as set out in the objectives below, will flexibility be provided for. The Council's general intent is to ensure a minimum provision of public open space on site, within the relevant zoning, as set out under Table 8.2 Public Open Space Standards of the County Development Plan. The Council may, in certain circumstances and at its sole discretion, allow for an element of open space to be located off-site where it exceeds the minimum on-site requirements. Alternatively, the Council may in certain circumstances and at its sole discretion, determine a financial contribution in lieu of all, or part of, the public open space requirement for a particular development. These circumstances may include (but are not limited to) situations where public open space requirements cannot be met on site in full or partially because:

- the provision of open space would be so small that it would not be viable due to the size, shape, configuration or context of the site;*
- an element of off-site provision would better facilitate the proposed development and allow for the improvement of existing open space or improvements to the GI Network located in the vicinity of the site."*

The relevant objectives in the case of SD22A/0285 are:

“COS5 Objective 7: To require at the sole discretion of the Planning Authority a pro rata contribution in lieu of provision of public open space where, due to the small size, configuration or location of a particular development or on sites with less than three units it is not possible to provide functional public open space on site.”

The characteristics of SD22A/0285 would indicate that the Planning Authority would be advised to exercise the discretion to implement Objective 7 of the County Development Plan and agree to forgo public open space on site in this instance. The characteristics of the site that facilitate this discretion include all of the following: its small size (less than 2000m²), its mixed use development; including a proposed public house, its location; surrounded by the largest of South Dublin’s regional parks, its proximity to that Regional Park (within 50m), its infill nature, its proposed regeneration of a brown field site which has been dis-used for quite some time and the difficulty envisaged in restoring the land within the site to being suitable as public open space and biodiversity enhancement and the benefits to both this development and others in the area in improving the amenity and the biodiversity within adjacent Tymon Regional Park.

As there is no public open space provided within the site SD22A/0285; Public Realm advise that mitigation is required; in lieu of the provision of Public Open Space the County Development Plan allows for the provision or upgrading of small parks, local parks and neighbourhood parks outside the development site area, subject to the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space type set out in Table 8.1 of the County Development Plan and as per COS5 Objective 4 set out above.

“COS5 Objective 4: To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Council has the discretion for the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, to allow for the provision or upgrading of small parks, local parks and neighbourhood parks outside the development site area, subject to the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space type set out in Table 8.1. In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the discretion for the remaining open space requirement to allow provision or upgrade of Regional Parks, to achieve the overall standard of 2.4 ha per 1,000 population, subject to the Regional Park meeting the open space ‘accessibility from homes’ standard set out in Table 8.1.”

It is therefore recommended to insert a condition to action the following:

There is no public open space provided within the site SD22A/0285. Due to the characteristics of SD22A/0285 the Planning Authority is exercising the discretion to implement Objective 7 of the County Development Plan and agree to forgo public open space on site in this instance. The characteristics of the development that facilitate this discretion include all of the following: its small size (less than 2000m²), its mixed use development; including a proposed public house, its location; surrounded by the largest of South Dublin's regional parks, its proximity to that Regional Park (within 50m), its infill nature, its proposed regeneration of a brown field site which has been dis-used for quite some time and the difficulty envisaged in restoring the land within the site to being suitable as public open space and biodiversity enhancement and the benefits to both this development and others in the area in improving the amenity and the biodiversity within adjacent Tymon Regional Park.

In lieu of Public Open Space requirement of 396m² to meet the required standard of the County Development Plan, the County Development Plan allows for provision or upgrading of parks elsewhere as per COS5 Objective 4 at the sole discretion of the Planning Authority. The developer shall pay a financial contribution to the planning authority towards the cost of amenity and biodiversity works in Tymon Park. This contribution shall be paid prior to the occupation of any units in the development or in such phased payments as the planning authority may facilitate. The financial contribution shall be calculated based on the cost of site assembly in the County and the development cost for parks at the time of the agreement.

In lieu of Public Open Space requirement of 396m² to meet the required standard of the County Development Plan, the County Development Plan allows for provision or upgrading of parks elsewhere as per COS5 Objective 4 at the sole discretion of the Planning Authority. The developer shall pay a financial contribution to the planning authority towards the cost of amenity and biodiversity works in Tymon Park.

Item 3. Sustainable Urban Drainage Systems, Surface Water Attenuation and Green Infrastructure

The applicant is requested to clarify the following:

A. The proposed attenuation of 127m³ (80m³ +47m³) is undersized by approximately 10%. A revised drawing is required showing increased surface water attenuation by 10%. The attenuation shall be provided by using additional SuDS (Sustainable Drainage Systems). Only in exceptional circumstance shall attenuation be provided by an underground system. For such an underground attenuation system it is preferable to use an arched type system instead of an aquacell system for ease of maintenance and durability reasons.

B. A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- i. Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
- ii. Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.
- iii. The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.
- iv. Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
- v. Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

C. In assessing the provision of SuDS at the site, the applicant shall consider the interrelationship of SuDS and green infrastructure. The applicant is required to show compliance with the quoted policies and sections of the South Dublin County Development Plan 2022 – 2028 and submit details demonstrating:

- i. How they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.
- ii. How the appropriate Green Space Factor (GSF) will be achieved for the relevant land use zoning objective.

By way of a response the applicant has provided the following information:

Prepared by CORA Consulting Engineers:

Drawing/Document No.	Title	Scale
N/A	Water Services and Flood Risk Assessment	A4 Report
101 Rev P05	Proposed Drainage Layout Plan	1:200@A1
102 Rev P02	Proposed Surface Water Management Schematic	NTS@ A1
105 Rev P02	Drainage Details Sheet 3	

Public Realm Response:

3A – The applicant shall incorporate additional natural SUDS features into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Removal of proposal for underground attenuation.

3B – The submitted SUDS Management Plan prepared by Davey-Smith Architects is acceptable to the Public Realm Section.

3B (i) - The applicant has not adequately demonstrated the treatment train, biodiversity value and amenity value of the SUDS proposals.

3B (ii) - For SUDS features provided this has been adequately demonstrated by the applicant, however additional SUDS features are required to eliminate the need for underground attenuation.

3B (iii) - as per 3B (iii) the applicant shall provide additional SUDS features as part of the surface water drainage scheme in order to eliminate the need for underground attenuation

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2022-2028 and with best practice guidelines and recommends the following CONDITIONS be applied:

1. Implementation of Landscape Plan

The landscaping scheme shown on drawing No. 2251_LP_C Landscape Plan shall be implemented in full, within the first planting season following completion of the development, in addition:

- a) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Plan (Dwg. No. 2251_LP_C).
- b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

- c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 “Trees in Relation to Design, Demolition and Construction – Recommendations”.
- d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- e) Removal of the need for underground attenuation and replacement with Natural Suds as per SDCC guidance.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022

2. Retention of Landscape Architect

- i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.
- ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.
- iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

3. Contribution in Lieu of Public Open Space

Prior to the occupation of any units in the development or in such phased payments as the planning authority may facilitate, a financial contribution in lieu of the public open space requirement of 396m² to meet the required standard of the County Development Plan shall be agreed in writing and paid to the Planning Authority. The financial contribution shall be calculated based on the cost of site assembly in the County and the development cost for parks at the time of the agreement.

REASON: In accordance with Policy COS5 of the County Development Plan and in accordance with the proper planning and sustainable development of the area

4. Removal of proposal for underground attenuation

The applicant shall incorporate additional natural SUDS features into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Removal of proposal for underground attenuation.

The applicant is requested to fill in the table below and provide clear explanations/rationale for selecting/not selecting additional natural SUDS measures:

SuDS Measures	Measures to be used on this site	Rationale for selecting/not selecting measure	Area of Feature (m2)	Attenuation volume of feature (m3)
Swales				
Integrated constructed Tree Pits				
Green/Blue Roofs (Intensive and Extensive Green Roofs)				
Filter Drain				
Permeable pavement (Grasscrete, Block paving, Porous Asphalt etc.)				
Green wall				
Filter strips				
Bio-retention systems/Raingardens				
Blue Roofs				
Detention Basins				
Retentions basins				
Ponds				
Wetlands				

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the

principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with policies under the CDP 2022-2028.

5. Green Infrastructure & Green Space Factor

The applicant shall submit the following information relation to Green Infrastructure in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

- (a)** To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.
- (b)** To demonstrate how the appropriate Green Space Factor (GSF) will be achieved for the relevant land use zoning objective.

REASON: In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.

Prepared By: Oisín Egan

Executive Parks Superintendent

Endorsed By: Laurence Colleran

Senior Executive Parks Superintendent