

Comhairle Chontae Atha Cliath Theas

PR/0536/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0361 **Application Date:** 16-Sep-2022
Submission Type: Clarification of Additional Information **Registration Date:** 28-Apr-2023

Correspondence Name and Address: Brock McClure Planning & Development
Consultants 63, York Road, Dun Laoghaire, Co. Dublin

Proposed Development: Demolition of all existing 1-3 storey industrial/commercial structures and small cafe on site totalling c.5, 500sq.m in area; Construction of a 1-5 storey Transitional Care Facility (step-up/step-down) providing 131 bedspaces over partial basement (total floor area c.6, 743sq.m) with central courtyard (c.519sq.m); The basement consists of a sprinkler tank and pump rooms, water tank room, plant room and workshop; Provision of dining and kitchen areas, siting/family rooms, activity rooms, coffee dock, hair salon, oratory, lobbies/reception areas, ancillary offices and staff areas, stores, toilets, shower/changing facilities, ESB substation, generator, switchroom, service yard and waste areas serving the facility; Lobbies, stair/lifts, photovoltaic panels and green roofs throughout; Partial provision of the pocket park identified in the Tallaght LAP (c.1, 286sqm); New vehicular access from First Avenue and egress onto Cookstown Road via a one-way system through the subject site; Entrance signage on the eastern elevation of the proposed facility; All associated site development works, services provision, connection to the water supply, foul and surface water networks on First A venue and Cookstown Road including partial diversion of the foul line to the north east of the site at First A venue, temporary foul pump station, attenuation/bioretention systems, vehicular and pedestrian access including internal road and footpaths, interim pedestrian facilities/public realm upgrade works, landscape and boundary treatment works, tree removal, bicycle storage (76 total spaces), car parking (32 total

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spaces), set-down parking spaces, 1 ambulance set-down space serving the facility and delivery/loading areas to First A venue.

Location: Unit 21, First Avenue, Cookstown Industrial Estate, Dublin 24

Applicant Name: Bartra Property Cookstown Limited

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 1.67 hectares.

Site Description:

The application site comprises vacant warehouse/industrial units at the corner of Cookstown Road and First Avenue. The site is hard surfaced with mature trees along the northern, eastern and part of the southern site boundary. The boundary of the site also includes parts of Cookstown Road to the south and east, connecting to Old Belgard Road. The surrounding area is industrial in nature.

Proposal:

Permission is sought for the following:

- Demolition of all existing structures on site
- Construction of a 1-5 storey transitional care facility, over partial basement, total floor area 6,743 sq.m
 - 131 no. bedspaces
 - Photovoltaic panels and green roofs throughout
- Partial provision of pocket park (1,286 sq.m)
- New vehicular access from First Avenue and egress onto Cookstown Road via one-way system through subject site
- Entrance signage on east elevation
- All associated site works including interim pedestrian facilities/public realm upgrade works, landscape and boundary treatment works, ESB substation, generator, switchroom, service year and waste areas, temporary foul pump station, services provision, connection to water supply and foul and wastewater networks including partial diversion of existing foul line to northeast of the site.
- 76 no. bicycle storage spaces
- 32 no. car parking spaces, set-down parking spaces
- 1 no. ambulance set-down space

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- Delivery/loading areas to First Avenue

Zoning:

The site is subject to zoning objective 'REGEN' – *'To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery.'*

Consultations:

Internal Consultees

Public Realm – **Additional information** recommended

Roads – **Additional information** recommended

Public Lighting – **Additional information** recommended

Water Services – No objection

Waste Management – **No objection**, conditions recommended

Housing Strategy Unit – No Part V condition required (commercial development)

External Consultees

Irish Water – No objection, **conditions** recommended

Environmental Health Officer – No objection, **conditions** recommended

Department of Defence – No response received

SEA Sensitivity Screening

No overlap with relevant environmental layers

Submissions/Observations /Representations

Submission expiry date – 22 September 2022

1 submission was received from the Tallaght Community Council (TCC), which raised points including:

- Reasons for refusal under SD21A/0196, including access to facilities and the Luas, not addressed. Distance to Luas still considered a major negative
- Density – removal of apartment block from this application but increase in density of original bed spaces per hectare
- Density should be in line with Tallaght Tymon North HSE application
- Future impact of the situation not accurate without details of adjacent proposal
- Welcome usage as a transitional care facility
- Clarification of terms of transitional care facility needed
- Distance to Luas incorrectly stated as 200m as the crow flies
- Application pack includes drawing showing a 7-storey structure and contradicts planning description
- Concern regarding water supply

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- Potential impact of covid/other pandemics on care homes
- Residential care standard for older people in Ireland potentially breached by excessive density
- No other Bartra facilities (on their website) are over four storeys in height
- Fire facilities
- The pocket park is small

Relevant Planning History

SD21A/0196: Demolition of all existing 1-3 storey industrial/commercial structures and small cafe on site totalling c.5,500sq.m in area; construction of a 1-5 storey nursing home/step-down facility (131 bedspaces) over partial basement (total floor area c.6,743sq.m) with central courtyard (c.519sqm); construction of a deck-access apartment development comprising 139 residential units arranged in 2 blocks (Block A - 8 storeys and Block B - 5 to 6 storeys) with a total floor area of c.10,556sq.m excluding deck access (c.1,141sq.m); 2 commercial units comprising a cafe and pharmacy located at ground floor level facing Cookstown Road in residential Block A (c.292sq.m in area); the residential development consists of 67 one bed/two person units, 12 two bed / three person units and 60 two bed/4 person units with north, south, east and west facing balconies throughout and residents amenity area at ground floor level; central communal open space (c.1,272sq.m); the basement serving the nursing home consists of a sprinkler tank and pump rooms, tank room, plant room and workshop; provision of dining and kitchen areas, sitting/family rooms, activity rooms, coffee dock, hair salon, oratory, lobbies/reception areas, ancillary offices and staff areas, stores, toilets, shower/changing facilities, ESB substation, generator, switch room, service yard and waste areas serving the nursing home; provision of an ESB substation, switchboards, waste areas, water tanks and generator serving Blocks A and B; lobbies, stair/lifts, photovoltaic panels and green roofs throughout; partial provision of the pocket park identified in the Tallaght LAP (c.1,165sq.m); new vehicular access from First Avenue and egress onto Cookstown Road via a one-way system through the subject site; entrance signage on the eastern elevation of the proposed nursing home; all associated site development works, services provision, connection to the water supply, foul and surface water networks on First Avenue and Cookstown Road including partial diversion of the foul line to the north east of the site at First Avenue, attenuation/bioretention systems, vehicular and pedestrian access including internal road and footpaths, public realm upgrade works, landscape and boundary treatment works, tree removal, bicycle storage (307 spaces), car parking (42 spaces), set-down parking spaces including 1 ambulance space serving the nursing home and delivery/loading areas to Cookstown Road and First Avenue. **Permission refused by SDCC and upheld by An Bord Pleánala on appeal (ABP-311568-21).**

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Relevant reasons for refusal:

- 1. The proposed development would in the current context where the environs of site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of confirmed adequate connections and linkages in terms of pedestrian and cycle links towards the town centre and the key public transport routes, would constitute a poor standard of residential amenity for prospective occupants and would give rise to residential and commercial uses which are disconnected from public transport and from the wider area. In this regard, the proposed development would be contrary to the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026, specifically Section 8 (implementation and sequencing). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development would materially contravene the policies and objectives of the Tallaght Town Centre Local Area Plan 2020 – 2026 in respect of building height and plot ratio. Having regard to the provisions of this plan, which are considered reasonable, and to the nature, extent, scale and layout of the proposed development, including the eight storey height of Block A along First Avenue and along the internal street within the proposed scheme, the poor provision of pedestrian movement within the site and the dominance of surface car parking, the Board is not satisfied that a material contravention of the plan would be justified and further, that such material contravention of the plan, by itself and by the precedent it would set, would compromise the coherent redevelopment and regeneration of this site and the wider area in a manner consistent with the overall provisions of the Local Area Plan. the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 3. On the basis of the information submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated that the proposed development can be accommodated within the existing public wastewater network. In the absence of confirmed evidence within the application and appeal documentation, that the existing network can accommodate wastewater arisings generated from this specific scheme at this site, or the identification of the nature and scope of any upgrades and works, including the timeframe for implementation of same, which would be necessary to facilitate the connection of the proposed development to the wastewater network, it is considered that the proposed development would be premature. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

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SHD3ABP-303911-19: The demolition of 5,500sq.m of existing 1 and 2 storey industrial buildings (including a small operating cafe) and associated site clearance works, and the construction of 150 'Build to Rent' apartments in 3 5-6 storey blocks and 222 Shared Living units in a fourth 6-8 storey (parapet level) block. The proposal provides a total of 725 bedspaces. The proposed development will include a retail/cafe unit of 92sq.m, 64 car parking spaces at grade, communal, public and private open space and communal resident facilities and services, a total of 488 sheltered bike parking spaces split into each block and an additional 98 visitor bike parking spaces at grade. An upgrade to the public realm, to include cycle paths and footpaths along First Avenue and Cookstown road adjoining the site is also proposed. **Refused by An Bord Pleánala (SHD application).**

Relevant Enforcement History

None recorded for subject development.

Pre-Planning Consultation

None recorded for subject development.

LRDPP010/22: preplanning meeting for residential development on eastern part of the site fronting Cookstown Road

Relevant Policy in South Dublin County Council Development Plan 2022-2028

Chapter 4 Green Infrastructure

Section 4.1 Methodology

GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Section 4.2.1 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Section 4.2.2 Sustainable Water Management

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

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Section 4.3 Defining the Spatial Framework

Chapter 5 Quality Design and Healthy Placemaking

Section 5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.

QDP2 Objective 1:

To ensure that applications for new development are accompanied by a statement from a suitably qualified person detailing how 'The Plan Approach' has been taken into consideration and incorporated into the design of the development including the materials and finishes proposed and demonstrating how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.

Section 5.2.2 Context

Policy QDP3: Neighbourhood Context

Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

Section 5.2.3 Healthy Placemaking

Policy QDP4: Healthy Placemaking

Promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in.

QDP4 Objective 1:

To deliver successful and sustainable neighbourhoods that are attractive, connected, vibrant and well-functioning through high quality design and healthy placemaking in a manner which reduces the need to travel, facilitates a mix of uses and the efficient use of land and infrastructure in line with the provisions of NPO 4 and 26 of the NPF and RPO's 6.12, 9.10 and 9.11 of the RSES.

QDP4 Objective 2:

To promote a high standard of building and urban design, creating public spaces that are distinctive, safe, universally accessible and facilitate social and cultural diversity and interaction.

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Section 5.2.4 Connected Neighbourhoods (Short Distance Neighbourhoods)

Policy QDP5: Connected Neighbourhoods

Promote short distance neighbourhoods and strive towards the achievement of 10-minute settlements over the lifetime of the Plan, promoting a more compact development form, sustainable movement, and ease of access to services, community facilities, jobs and amenities.

QDP5 Objective 1: To improve the accessibility of all identified centres (see Chapter 9 Table 9.2) from the surrounding catchment area through public transport provision, sustainable transport infrastructure including cycling and walking, incorporating high quality local linkages between public transport stops, cycle parking and car park facilities and the various attractions within each identified centre (see Chapter 7: Sustainable Movement and Appendix 12: Our Neighbourhoods for further details).

QDP5 Objective 2: To promote measures to improve pedestrian and cycle safety and convenience, including new or enhanced permeability links within all areas and pedestrianisation within identified centres.

Section 5.2.5 Public Realm

QDP6 Objective 1: To require that all development proposals, whether in established areas or in new growth nodes, contribute positively to the creation of new, and the enhancement of existing public realm. To demonstrate how the highest quality in public realm design is achieved and how it can be robustly maintained over time (see also Chapter 12: Implementation and Monitoring - Design Statements and Public Realm).

Section 5.2.6 High Quality and Inclusive Development

Policy QDP7: High Quality Design – Development General

Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

QDP7 Objective 1: To actively promote high quality design through the policies and objectives which form 'The Plan Approach' to creating sustainable and successful neighbourhoods and through the implementation of South Dublin County's Building Height and Density Guide.

QDP7 Objective 6:

To ensure that development provides an integrated and balanced approach to movement, healthy placemaking and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2019).

QDP7 Objective 7: To ensure that all proposals for development contribute positively to providing a coherent enclosure of streets and public spaces, taking into consideration the proportions and activities of buildings on both sides of a street or surrounding a public space, providing for good standards of daylight and sunlight, and micro climatic conditions and having regard to the guidance and principles set out in the South Dublin County's Building

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Height and Density Guide and the Design Manual for Urban Streets and Roads (DMURS) (2019).

QDP7 Objective 8: To promote and support a Universal Design Approach to residential and non-residential development – having regard in particular to the universal design principles and guidance in relation to Buildings for Everyone, Housing and Shared Space as promoted by the Centre for Excellence in Universal Design at the National Disability Authority – ensuring that all environments are inclusive and can be used to the fullest extent possible by all users regardless of age, ability or disability consistent with RPO 9.12 and 9.13 of the RSES. (See also Chapter 8: Community Infrastructure and Open Space).

QDP7 Objective 10: To promote and support the principles of universal design, ensuring that all environments are inclusive and can be used to the fullest extent possible by users regardless of age, ability or disability consistent with RPO 9.12 and 9.13 of the RSES.

QDP7 Objective 11: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive county.

Section 5.2.7 Density and Building Heights

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)

Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021.

Section 5.2.9 Materials, Colours and Textures

Policy QDP11: Materials, Colours and Textures

Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

QDP11 Objective 1:

To require the use of high quality and durable materials and finishes that make a positive contribution to placemaking.

QDP11 Objective 2:

To promote the use of structural materials that have low to zero embodied energy and CO2 emissions and ensure a wood-first policy on public buildings funded or part-funded by the Council.

QDP11 Objective 3:

To promote the reuse and recycling of materials to promote the circular economy and reduce construction and demolition waste.

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Section 6.3.2 Housing for Persons with Disabilities and/or Mental Health Issues

Policy H3: Housing for All

Support the provision of accommodation for older people and people with disabilities and / or mental health issues within established residential and mixed-use areas offering a choice and mix of accommodation types within their communities and at locations that are proximate to services and amenities.

H3 Objective 1:

To support housing that is designed for older persons and persons with disabilities and / or mental health issues in residential and mixed-use areas, at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.

H3 Objective 2:

To support housing options for older persons and persons with disabilities and / or mental health issues – consistent with NPO 30 in the NPF, RPO 9.1 and 9.12 of the RSES.

Chapter 7 Sustainable Movement

Policy SM1: Overarching – Transport and Movement

Promote ease of movement within, and access to South Dublin County, by integrating sustainable land-use planning with a high-quality sustainable transport and movement network for people and goods.

Policy SM2: Walking and Cycling

Re-balance movement priorities towards sustainable modes of travel by prioritising the development of walking and cycling facilities and encouraging a shift to active travel for people of all ages and abilities, in line with the County targets.

Section 7.10 Car Parking

Section 8.7 Parks and Public Open Space

Policy COS5: Parks and Public Open Space – Overarching

Provide a well-connected, inclusive and integrated public open space network through a multi-functional high-quality open space hierarchy that is accessible to all who live, work and visit the County.

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COS5 Objective 8: To ensure the design of parks and public open space areas is of high quality; to provide a pleasant setting, accommodate use by people of all ages and abilities, to support life-long activity and good health and well-being by the provision of a balanced mix of active and passive recreation and access to, or view of, nature, ensuring that the design considers:

- *provision of an appropriate mix of hard and soft surfaced areas;*
- *enhancement of biodiversity and existing trees and hedgerows;*
- *incorporation of water courses, other natural features and existing built heritage into the design of parks and open spaces as appropriate;*
- *provision of new planting, landscape features and appropriate site furniture including a variety of accessible, well located and designed seating*

COS5 Objective 9: To ensure that parks and public open space are appropriately located within the County and within development sites, to facilitate and support its multi-functional role.

COS5 Objective 10: To support and facilitate the key role of parks and open spaces in relation to green infrastructure including sustainable drainage systems (SuDS), flood management, biodiversity and carbon absorption and to promote connections between public open spaces and the wider GI network.

COS5 Objective 14: To ensure that public open space and associated recreational facilities are accessible by walking, cycling and public transport, as appropriate to their position within the open space hierarchy set out in Table 8.1 and include safe bicycle parking spaces at appropriate locations.

Section 8.8 Healthcare Facilities

Policy COS6: Healthcare Facilities

Support the Health Service Executive (HSE) in their aim to provide access to a range of quality health services, in line with Sláintecare and relative to the scale of each settlement and community, and facilitate other statutory and voluntary agencies, and the private sector in the provision of healthcare facilities and services, including the system of hospital care and the provision of community based primary care facilities appropriate to the size and scale of each settlement.

COS6 Objective 1:

To facilitate the development of community-based care including primary health care centres, hospitals, clinics, and facilities to cater for the specific needs of an ageing population in appropriate urban areas in accordance with the Development Plan core and settlement strategy, consistent with RPO 9.23 of the RSES.

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COS6 Objective 2:

To promote healthcare facilities of an appropriate scale to be provided in new communities on a phased basis in tandem with the delivery of housing, in accordance with the phasing requirements of Local Area Plans and approved Planning Schemes and in locations that are accessible by public transport, walking and cycling.

COS6 Objective 3:

To support the provision of appropriately scaled healthcare facilities within existing settlements, in locations that are accessible by public transport and safe walking and cycling infrastructure.

Section 9.2.1 Green and Innovative Economy

EDE3 Objective 5:

To promote, through good placemaking, the delivery of places and communities which encourage employers and workers alike to live in the County, closer to their workplaces, promoting more sustainable travel and a good quality of life.

Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Section 11.8.2 Casement Aerodrome

11.8.6 Airport and Aerodrome – Noise

11.8.7 Public Safety Zones

Chapter 12 Implementation and Monitoring

12.3.7 Protected Structures

12.4.2 Green Infrastructure and Development Management

12.5 Quality Design and Healthy Placemaking

Relevant Policy in the Tallaght Town Centre Local Area Plan 2020

Section 3.3 Cookstown

Key Objectives for Cookstown (CK):

- CK1: Emergence of a vibrant mixed use residential-led neighbourhood.*
- CK2: Create new urban block structure.*
- CK3: Deliver a mix of new open spaces, including provision of a new urban square or plaza at a central location at, or in close proximity to, the junction of Cookstown Road and Second Avenue. The exact location, design and delivery of this space to be progressed by SDCC in discussion with landowners in the area.*
- CK4: Improve legibility throughout the area and provision of new streets linking to nearby hubs and The Centre.*

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- *CK5: Delivery of a variety of building types around Luas stops.*
- *CK6: Support provision of a new primary school if deemed necessary by Department of Education and Science.*
- *CK7: Utilising location as source of River Poddle, incorporating it into public realm and open space and green/blue infrastructure asset strategies.*
- *CK8: Encourage and facilitate higher intensity employment uses and economic development.*
- *CK9: Encourage design proposals to provide appropriate space to accommodate non-residential uses, particularly for existing businesses in the Cookstown area which can be appropriately accommodated in a mixed-use development with a substantial residential component.*
- *CK10: Explore the feasibility of uplifting the River Poddle and incorporating into public realm, open space and green/blue infrastructure asset strategies as part of proposals for development.*

Area Specific Requirements within Cookstown Sub Neighbourhoods - CTC

Upgrade / enhancements required to Second Avenue in order to facilitate development within CT-F1, including public realm improvements, pedestrian, cyclist linkages and potential alternative routing for HGV traffic.

Lead - Developer

Scheduling - In tandem with development

Upgrade / enhancements required to Cookstown Road in order to facilitate development within CT-C, including public realm improvements, pedestrian, cyclist linkages and potential alternative routing for HGV traffic.

Lead - Developer

Scheduling - In tandem with development

Enhanced pedestrian and cyclist linkages to Belgard and/or Cookstown Luas Stop.

Lead - Developer

Scheduling - In tandem with development

Removal / undergrounding of 110kv overhead power lines at northern section of Cookstown, linked to proximity and set back required by ESBI on relevant sites.

Lead - Developer

Scheduling - In tandem with development

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Provision of Belgard Square North Link Road to facilitate direct link to Town Centre from Central Cookstown.

Lead – SDCC

2020-26

Upgrade and enhancement landscaping works to open space alongside Luas line as part of proposals for development along the northern boundary of CT-C, in consultation with TII and SDCC Parks Departments

Lead - Developer

Scheduling - In tandem with development

Pocket Park Minimum Area 5,200sqm centrally located in CT-C. To be delivered as part of proposals for residential development in CT-C and to be a condition of planning permission, unless otherwise agreed with the Planning Authority in regard to securing the provision of such open space(s)

Lead - Developer

Scheduling - In tandem with development

Second Pocket Park Minimum Area 3,000sqm located to the west of CT-F1 and east of CT-C. To be delivered as part of proposals for residential development in CT-F1 and CT-C and to be a condition of planning permission, unless otherwise agreed with the Planning Authority in regard to securing the provision of such open space(s).

Lead - Developer

Scheduling - In tandem with development

Proposals for residential development in this area to provide for the delivery of Cookstown Urban Square, as per the criteria set out in Section 8.4.2, in tandem with development, unless otherwise agreed with the Planning Authority in regard to securing the provision of this open space.

Lead - Developer

Scheduling - In tandem with development

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Chapter 8 Implementation and Sequencing

It is an objective of the Council that development within the plan area is undertaken in an orderly and sustainable manner. The development of the identified regeneration lands at Cookstown and Broomhill alongside the Town Centre lands should generally be phased in accordance with the sequential approach:

- *Development should extend outwards from the town centre and high-quality public transport with land closest to the centre and public transport nodes being given preference, i.e. 'leapfrogging' to stand alone or isolated areas should be avoided; and*
- *A strong emphasis will be placed on encouraging infill opportunities adjacent to compatible existing uses and ensuring better use of under-utilised lands (Objective IS 1).*

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy
- Use, Visual Amenity and Accessibility
- Overcoming Previous Reasons for Refusal
- Roads
- Green Infrastructure
- Water Supply and Wastewater
- Infrastructure and Environmental Services
- Appropriate Assessment
- Environmental Impact Assessment

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Zoning and Policy

South Dublin County Development Plan 2022 - 2028

Under the 2022 – 2028 Development Plan, the site is zoned 'REGEN' – *'To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery.'*

Under this zoning objective, Advertisements and Advertising Structures, Health Centre, Housing for Older People, Residential, Restaurant / Café, Residential Institution are all permitted in principle uses. Doctor / Dentist, Hospital, Nursing Home, Primary Health Care Centre, Retirement Home are open for consideration uses. All these uses would be subject to assessment of compliance with the relevant policies and objectives of the Development Plan.

Chapter 5 of the Development Plan relates to Quality Design and Healthy Placemaking. Section 5.2.1 addresses 'The Plan Approach' and provides eight key principles that all new development on zoned lands must comply with. The applicant has provided an 'Architectural Design Statement' that broadly addresses these criteria.

The proposals present no issues in relation consistency with the zoning of the site.

Tallaght Town Centre Local Area Plan 2020 (LAP)

The site is located within the Cookstown Neighbourhood as per Section 3.3 of the LAP. Key objectives of relevance to the subject site include:

- *CK1: Emergence of a vibrant mixed use residential-led neighbourhood.*
- *CK2: Create new urban block structure.*
- *CK3: Deliver a mix of new open spaces, including provision of a new urban square or plaza at a central location at, or in close proximity to, the junction of Cookstown Road and Second Avenue. The exact location, design and delivery of this space to be progressed by SDCC in discussion with landowners in the area.*
- *CK4: Improve legibility throughout the area and provision of new streets linking to nearby hubs and The Centre.*
- *CK7: Utilising location as source of River Poddle, incorporating it into public realm and open space and green/blue infrastructure asset strategies.*
- *CK8: Encourage and facilitate higher intensity employment uses and economic development.*
- *CK9: Encourage design proposals to provide appropriate space to accommodate non-residential uses, particularly for existing businesses in the Cookstown area which can be appropriately accommodated in a mixed-use development with a substantial residential component.*

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- *CK10: Explore the feasibility of uplifting the River Poddle and incorporating into public realm, open space and green/blue infrastructure asset strategies as part of proposals for development.*

The LAP includes infrastructural requirement for each sub-neighbourhood within Cookstown, the site is located within the CTC sub-neighbourhood. Phasing/sequencing requirements set out in the LAP are also especially relevant.

Use, Visual Amenity and Accessibility

All existing structures on the site would be demolished to facilitate the construction of a transitional care facility to the west of the site, and to clear the site for the future development of a mixed-use residential apartment block earmarked for the eastern part of the site. The demolition of the existing, vacant, buildings is considered acceptable. This section assesses the proposed transitional care facility use and design.

Use

While there is no issue in relation to the proposals in terms of the zoning of the site, the consideration of the proposed use is relevant in terms of the (i) phasing and sequencing provisions of the LAP, (ii) considerations around the compatibility of the proposed use with neighbouring uses, (iii) trip generation and (iv) the likely needs of residents.

The proposed transitional care facility would provide 131 no. bedspaces over 5-storeys. The facility would also have ancillary spaces including dining and kitchen areas, sitting/family rooms, activity rooms, coffee dock, hair salon, oratory and other office/reception/staff areas. The applicant has stated that the *'step-down nature of the facility allows patients to avail of convalescent and respite services bridging the gap between hospital and home care.'* The location of Tallaght University Hospital, to the southwest of the site, has influenced the scheme proposed.

The applicant states the proposed facility would assist Bartra Healthcare and the HSE meet the primary objective of *'enhancing primary and community services and reducing the need for people to attend hospitals.'* The facility would provide *'high quality nursing and transitional (Step down care) to the local population'*, as well as respite facilities for people requiring care but not acute hospital services. Mobile diagnostic services, such as ultrasounds, would also be provided, though are not clearly indicated on plans. The facility would also provide a specialised dementia care unit, though details of this are not clarified.

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The applicant has stated that the development would provide for all the needs of clients staying at the facility, reducing the need for trips usually associated with a similarly sized residential development. A minibus would be provided for residents to carry out day to day tasks.

It is envisaged that the wider area will undergo significant transformation in the years to come from an area used for light industry and warehousing to a high-density mixed use urban quarter. The LAP indicates a preference for the re-development of lands closest to the town centre and Luas stops first. It also indicates the development of isolated areas and leapfrogging is to be avoided as is piecemeal or premature development. The applicant has sought to overcome the isolated location of the development by providing interim enhanced pedestrian and cycle links to the town centre to the south and Belgard Luas stop to the north. The LAP encourages the amalgamation of landownerships and development that is compatible with adjacent existing uses. If a site is of sufficient scale to create its own distinct character and amenity (over 2ha), an exception to the sequencing requirements may be made.

Additional information is required in this regard to enable the planning authority to gain a full and complete understanding of the nature of the proposed development, the likely needs of residents/in-patients and visitors/outpatients in terms of amenities, the compatibility of the proposed land use with existing land uses nearby and the impacts this will have on the surrounding road network.

Plot Ratio, Height and Appearance

The area of the site where the current transitional care facility is proposed has a maximum building height of 3-4 storeys fronting the road. In the LAP there is a proposed tertiary route through the site, linking to the location proposed for a local pocket park. Part of this park is proposed to be delivered with this application, and these items are addressed later in this report.

In relation to plot ratio, the Tallaght LAP allows for a plot ratio range of 0.75 to 1.0. The proposed development would have a plot ratio of 1.78, based on a development site area of 0.3784ha, excluding the public open space area.

The applicant notes that a higher plot ratio of 1.8 was deemed acceptable under ABP Ref. 306705-20. This was a decision made by ABP, and the Council did raise concerns regarding height, density and plot ratio and recommended refusal on this basis. It is therefore not considered that this application sets a precedent for development at this site. Section 2.6.1 of the LAP states that *'The plot ratio and building height of any proposed development shall not normally exceed the maximum plot ratio or building height thresholds for any particular site, block or parcel of land, except where there is a compelling case of a significant public or economic benefit.'* In the planning report provided by the applicant, they state 5 no. justifications for increased density at the site.

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These are summarised below:

- Above 10% minimum requirement of public open space provided, including pocket park
- Permeability through the site
- Provision of a transitional health care facility
- Public realm improvements including reduction of curb heights, widening of footpaths and provision of on-street parking
- Significant interim upgrade works in relation to surrounding cycle/pedestrian infrastructure

These items are addressed in some detail later in this report however, it is noted that the Planning Authority is not satisfied with all of the public realm upgrades proposed for lands outside the ownership of the applicant and is unconvinced in relation to the benefit of the interim upgrade works. The applicant should be invited to provide a detailed justification of the plot ratio for the site, with specific regard to the LAP and Development Plan, and any relevant items arising from a request for **additional information**.

The transitional care facility would range in height from one to five storeys. The primary T-shaped building would be five storeys, with a single storey wing to the south, enclosing a central area of landscaped garden (499 sq.m).

The Tallaght LAP provides for a maximum height of 4 storeys at this section of the site, increasing to a maximum of 4-6 storeys along Cookstown Road (area subject to a future LRD application). The building would therefore contravene the height strategy for the site, as specified in Figure 3.7 of Section 3.3 of the LAP. The applicant should be requested to reduce the height of the building to no more than 4 storeys by **additional information**. Alternatively, the LAP allows for '*a 2-4 storey increase on the above typical levels of the LAP Heights Strategy may be considered for key or landmark sites.*' In lieu of removing the fifth storey of the building, the applicant could be invited to provide **additional information**, justifying the increased height at this location, with reference to the Tallaght LAP, the Development Plan and in particular Appendix 10 '*South Dublin County's Building Height and Density Guide*'.

The building would be a mixture of render and brick, with coloured feature panels. 44% of the roof would be sedum planting, with other areas of the roof having photovoltaic panels. The design of the building and the materials proposed are generally considered acceptable and would accord with Policy QDP11 of the Development Plan.

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Signage

Section 12.5.7 of the Development Plan provides criteria with which signage should comply. Table 13.9 specifies types of signage, restrictions on use and design criteria. The applicant has indicated that one sign would be provided over the main entrance to the building on the east elevation. This sign would be 2m wide and 0.45m in height, with wording indicated as 'Cookstown Residential Home'. The sign would be raised lettering on a powder-coated aluminium plate. It is not stated whether this sign would be illuminated. **Additional information** should be sought confirming illumination proposals for the sign, as well as providing elevations and sections, as it is not clear from drawings whether the sign would be flush with the main building line or perched on top of the projecting entrance element. The applicant should note that, per Table 13.9, signs above parapet are 'not permitted'.

Other Items for Consideration

The building would enclose a central landscaped courtyard, abutting the western site boundary. A significant number of existing mature trees would be removed from the site boundaries to facilitate the development. This would be mitigated by the planting of new trees and vegetation within the site, and the provision of a portion of the planned pocket park to the southwest of the site. All car parking would be surface level, serving the care facility and proposed future residential development to be delivered at the site subject to a separate planning application.

The Planning Authority would have a concern about the removal of such a significant amount of mature vegetation. It is notable that the existing Cookstown estate does not benefit from much green infrastructure in this regard. These items should be addressed by **additional information**.

It is noted that the applicant has relied on the delivery of a complementary residential development on the remainder of the site, which will be subject to a future planning application. No provisions have been made for landscaping or otherwise of the remainder of the site in the event the residential element is not brought forward for a number of years. This should be addressed by **additional information**.

It is noted that HeatNet district heating is currently being developed within South Dublin. The applicant should be requested to investigate opportunities to connect into this system, and also provide detail on futureproofing the development so that it can easily revert to conventional heating in the event that HeatNet, or similar, is no longer available. This should be provided by way of **additional information**.

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Overcoming Previous Reasons for Refusal

The most recent application on the site, SD21A/0196 (ABP-311568-22), was refused for 5 reasons by South Dublin County Council. ABP upheld the decision of SDCC, refusing for 3 reasons detailed below with an assessment of how the applicant has, or hasn't, overcome these reasons in this current application.

SDCC reasons for refusal:

- Sequencing and phasing – proposed development substantially diverges from LAP policy on sequencing and implementation and would be physically isolated if delivered prior to adjoining development and/or enhanced connections to either the town centre or Luas.
- Intensity of development – plot ratio of 1.49 represents overdevelopment. Proposed additional height and plot ratio not justified under Section 2.6 of the LAP.
- Infrastructure – no provision for cyclists on Cookstown Road, isolated nature of development exacerbated by low provision of car parking, no childcare facilities proposed, and the feasibility of the development has not been established by Irish Water in relation to water supply and wastewater.
- Residential layout and amenities – daylight/sunlight analysis not considered adequate, layout could be improved, design not appropriate, space provision could be improved
- Public realm and water – inadequate information supplied in relation to SuDS.

An Bord Pleánála reasons for refusal:

1. *The proposed development would in the current context where the environs of site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of confirmed adequate connections and linkages in terms of pedestrian and cycle links towards the town centre and the key public transport routes, would constitute a poor standard of residential amenity for prospective occupants and would give rise to residential and commercial uses which are disconnected from public transport and from the wider area. In this regard, the proposed development would be contrary to the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026, specifically Section 8 (implementation and sequencing). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

The applicant is proposing interim upgrade works to the northeast and south of the subject site, along First Avenue and Cookstown Road to provide improved pedestrian and cyclist facilities. The Planning Authority is unconvinced of the benefit of the interim works proposed and would have concerns about the alignment of these works with future upgrades that are currently the subject of a design study for the area. These concerns are addressed later in this report and the applicant should be requested to address them by **additional information**.

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More generally as stated earlier in the report, the Planning Authority remains concerned about the suitability of this or similar uses on the subject site having regard to (i) the compatibility of the use with uses in the surrounding area and consistency with the (ii) phasing and sequencing requirements as provided for in the LAP.

- 1. The proposed development would materially contravene the policies and objectives of the Tallaght Town Centre Local Area Plan 2020 – 2026 in respect of building height and plot ratio. Having regard to the provisions of this plan, which are considered reasonable, and to the nature, extent, scale and layout of the proposed development, including the eight storey height of Block A along First Avenue and along the internal street within the proposed scheme, the poor provision of pedestrian movement within the site and the dominance of surface car parking, the Board is not satisfied that a material contravention of the plan would be justified and further, that such material contravention of the plan, by itself and by the precedent it would set, would compromise the coherent redevelopment and regeneration of this site and the wider area in a manner consistent with the overall provisions of the Local Area Plan. the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

The site layout is largely the same in relation to the location of the transitional care facility (previously a nursing home/step down facility). There has been some reduction in car parking, but the layout is still dominated by above ground car parking spaces and the internal route has not been altered. The provision of 15 no. car parking spaces along the southern site boundary is not considered appropriate and would impact the provision of a tertiary route / homezone at this location, as per Figure 3.7 of the LAP. This should be addressed as **additional information**. The height of the transitional care facility is still in excess of that indicated under the LAP. As previously stated, a full justification for the height and density strategy of the scheme should be requested as **additional information**.

- 2. ...the applicant has demonstrated that the proposed development can be accommodated within the existing public wastewater network...it is considered that the proposed development would be premature.*

To address concerns regarding wastewater, the applicant is proposing to remove wastewater from the development via a gravity wastewater sewer. An existing 300mm diameter public wastewater pipe located at the northern boundary of the site would be diverted, subject to a Diversion Agreement with Irish Water prior to the commencement of development on site. A **condition** would be required to this effect. Water Services and Irish Water have reviewed the application and have stated no objection to the development. This is considered acceptable.

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Roads and Accessibility

The applicant is proposing interim pedestrian facilities and public realm upgrade works. It is noted that the improved pedestrian and cyclist proposals on the eastern side of Cookstown Road, heading south from the development, would result in the loss of all grass verge to provide for a footpath 1.8m in width, and two-way cycle lane upwards of 2m in width. This would provide improved connections to Tallaght town centre and the associated facilities. Pedestrian and cyclist upgrades proposed along First Avenue to the north, heading east from the development and connecting to Belgard Luas stop would involve similar interventions.

It is noted that the Planning Authority is currently working on implementing a design study to address the area from First Avenue to Belgard Road. It is noted that Section 3.3 of the LAP states *'Upgrade / enhancements required to Cookstown Road in order to facilitate development within CT-C, including public realm improvements, pedestrian, cyclist linkages and potential alternative routing for HGV traffic.'* Furthermore *'Enhanced pedestrian and cyclist linkages to Belgard and/or Cookstown Luas Stop'* are required. These items are to be delivered by developers in tandem with development. The design study will address these concerns and the applicant must ensure that any proposals align with the study, and to provide anything in advance of this may be considered premature.

There may be a case for providing one link fully designed and implemented, rather than the proposed interim measures to both the Luas and town centre and it is considered appropriate to request the applicant address this by way of **additional information**.

The applicant states that 32 no. car parking spaces would be provided, 17 no. for the transitional care facility and 15 no. for the future residential element of the site. The 17 no. spaces for the transitional care facility are indicated as serving staff requirements, with no provision for visitor car parking. 13 no. bicycle parking spaces would be provided for staff and 13 no. for residents. It is not indicated that any visitor bicycle parking would be provided. Set down / pick up bays would be provided on Cookstown Road and First Avenue, outside the ownership boundary of the site and indicated as being taken in charge by the Council upon completion. It is the opinion of the Planning Authority that all parking and associated bays associated with the proposals must be provided for within the applicant's landholding so that the enhancement of the public realm to facilitate the transformation of Cookstown will not be undermined, and in the interim would conflict with the active industrial nature of the surrounding road network.

It is not considered that the applicant has adequately addressed how parking would be utilised at the site, and the nature of traffic movements in their entirety, given the likely age and mobility of people accessing this facility, and the need for accommodating visitors.

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There is a particular concern about the impact of the future residential development which is earmarked for the remainder of the site to the east, should this be granted. No visitor parking is proposed, with a set down area for delivery and drop off located on First Avenue, outside the ownership boundary of the site. As stated previously, this is not considered appropriate. Notwithstanding the uncertainty regarding the anticipated duration of stay of residents, it is considered likely that visitor parking will be required. These items should be addressed by **additional information**.

The following **additional information** items are also recommended by the Roads Department:

- 1. The applicant should submit a revised layout of not less than 1:200 scale, showing Cycle/Pedestrian link upgrades designed to the standards set out in DMURS and The National Cycle Manual.*
- 2. The applicant shall submit a Road Safety Audit.*
- 3. The applicant shall submit a layout of not less than 1:200 scale showing a revised internal road layout with a two-way system along with a vehicular link road running along the Northern boundary of the Park.*
- 4. The applicant shall submit a layout of not less than 1:200 scale showing a Pedestrian Crossing with tactile paving and dropped kerb located between southern internal footpath and the Pocket Park.*
- 5. The applicant shall submit a revised layout of not less than 1:200 scale showing the location and number of parking spaces to be provided for staff, residents and visitors at the care facility. Please refer to Table 12.25: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2022-2028.*
- 6. The applicant shall submit details of discussions with Public Realm regarding the removal of grass verge to accommodate parallel parking on Cookstown Road.*

It is considered appropriate to request the recommended **additional information** to ensure that the traffic implications of the proposed development are fully understood prior to a final decision, and to ensure the delivery of a development that is safe with regards to vehicular and pedestrian movements.

Public Lighting have reviewed the application and have recommended additional information should be sought to address the following:

Clarity is required regarding which public realm areas are to be publicly maintained.

An agreed TIC drawings is required.

The "Site Lighting Design" drawing layout does not agree with the cycleway layout proposed in the Road Layout Drawings 1-6.

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If the Road Layout Drawings are correct, the existing street lighting along First Avenue and Cookstown Road will need to be fully re-designed. This has not been included for in the current submission. The Landscape drawings show street trees and parking areas where the road layout drawings show cycleways. The landscape drawing should be revised and should include the revised street lighting plan to ensure co-ordination between lamp posts and street trees.

Green Infrastructure

The subject site does not appear to be located within a Core Area, Primary GI Corridor and Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 of the County Development Plan 2022 – 2028). The site currently has mature trees along the northern, eastern and part of the southern boundary but is otherwise hardstanding and comprises vacant industrial/warehouse units.

It is noted that the site is located within the CT-C block of Cookstown, per Figure 3.4 of the LAP. Section 3.3 of the LAP states a *'Pocket Park Minimum Area 5,200sqm centrally located in CT-C. To be delivered as part of proposals for residential development in CT-C and to be a condition of planning permission, unless otherwise agreed with the Planning Authority in regard to securing the provision of such open space(s).'* The applicant has included proposals to provide part of this pocket park however, there are concerns about how this would connect with the remainder of the park and the public benefit that would be gained from providing 1,286 sq.m of this park in advance of a masterplan proposal for the entire space.

The Public Realm section have reviewed the application and have raised a number of concerns about the development and its adherence to objectives of the Development Plan. Specifically, the arboricultural impact of the development, insufficient details in the landscape plans submitted and issues regarding the level of public open space. Their report recommends the following **additional information**:

1. *Landscape Design Proposals*

The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:

- i. The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*
- ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant*

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- should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
- iii. *The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.*
 - iv. *Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site.*
 - v. *Demonstrate how natural SUDs features can be incorporated into the design of the proposed Development*
 - vi. *Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, SUDs measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.*
 - vii. *Proposed Pocket Park – The applicant is required to provide detailed information as to how the pocket park provided for within the Tallaght Town Centre Local Area Plan will be delivered as part of this development or in conjunction with other proposed development in the area. A masterplan is required for this proposed Pocket Park and a detailed schedule set out for its proposed delivery.*
 - viii. *The applicant shall provide play and recreation opportunities for children and teenagers as appropriate to the scale and character of proposed development. Proposals shall be submitted in the form of a Proposed Play Rationale and Layout Plan (separate to, but related to the Landscape Masterplan), using Nature-based Solutions. The Layout Plan shall comprise the following:*
 - *showing types of play and play area(s),*
 - *target age groups,*
 - *landform (included levels and contours) and boundaries,*
 - *gates and planting,*
 - *design and construction details of play opportunities and facilities in respect of landform, planting, boundaries, equipment and safety surface.*
 - *All play equipment and ancillaries shall conform to European Standards EN 1176 and EN 1177 Playground equipment and surfacing, and to BS/EN standards 2017/18 for Playground Installations for HIC (Head Injury Criterion) and CFH (Critical Fall Height).*

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2. Open Space Provision

Insufficient information has been submitted in relation to proposed open space provision with the Development. Under section 8.7.3 of the 2022-2028 CDP 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, such as the subject proposal. Within that standard, there are specified percentages as set out in Table 8.2 which must, as a minimum, be provided on site. Under Table 8.2 the specified percentage of open space for the proposed development is a minimum of 10% of the site area. The applicant is therefore requested to provide in tabular form a clear breakdown of the open space provision within the proposed development. If the applicant intends to provide the full public open space onsite, a significant redesign of the open space is required. This space should be of a higher quality, easily accessible from the public realm, pedestrian and cyclist permeable, contribute to biodiversity etc. A taking in charge drawing shall be provided showing proposed areas of public open space as part of the applicant's response.

3. SuDS

The applicant is requested to submit the following ADDITIONAL INFORMATION in terms of SuDS:

- *A drawing to show how surface water shall be attenuated to greenfield run off rates.*
- *Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drain, bio-retention tree pits, rains gardens, swales or other such SuDS.*
- *SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*
- *Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should provide the following:*
 - a. *Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*
 - b. *Tree pits incorporating SUDS features should include a deep cellular water storage/attenuation area below the surface which acts as a soak away allowing surface water to infiltrate into the ground*
 - c. *It is unclear how much attenuation in total is provided by the proposed bioretention tree pits for the development. The applicant shall submit a report*

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and drawing showing how much surface water attenuation in m³ is provided for the development.

- d. 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.*
- e. Underground attenuation tanks are only permitted in exceptional circumstances and where all other natural SUDS measures have been utilised. If all other methods have been utilised and it is demonstrated that underground attenuation is required, it cannot be proposed under public open space areas and such areas will not be taken in charge by Public Realm. SUDS measures are only accepted as an element of public opens space where they are natural in form and integrate well into the open space landscape supporting a wider amenity and biodiversity function.*

4. Green Infrastructure

The applicant is requested to submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

- Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.*
- Site survey and analysis, identifying existing GI Infrastructure and key assets within the site.*
- Indicate how the development proposals link to and enhance the wider GI Network of the County.*
- Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*
- Proposals for identification and control of invasive species where appropriate, for the site*

5. Bat Survey

The applicant is requested to submit a bat survey for bat usage carried out across the entire site and immediately adjoining sites to assess roosting and feeding/foraging activities and assessing potential impact on these species arising from the proposed development. This is to be undertaken by a qualified and experienced bat expert at the appropriate time of the year for the survey of species.

6. Invasive Species Report

The applicant is required to submit a detailed survey for the presence of invasive species within the subject site (as listed on the third schedule of the European Communities (Birds and Natural Habitats Regulations 2011). If invasive species are

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found to be present within the subject site that the applicant shall submit a site-specific Invasive Species Management Plan.

7. *Green Space Factor (GSF)*

A Green Space Factor (GSF) Worksheet shall be submitted by the applicant for the proposed development detailing how they have achieved the appropriate the minimum Green Space Factor (GSF) scoring established by their land use zoning. Minimum required scores for different land use zonings are included in Table 1 below.

Zoning	Minimum Score
Res	0.5
RES-N	0.5
SDZ	0.5
REGEN	0.5
TC	0.5
DC	0.5
VC	0.5
MRC	0.5
LC	0.5
EE	0.5
RW	0.5
HA-DM	0.7
HA-LV	0.7
HA-DV	0.7
OS	0.7
RU	0.7

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Developers can improve their green factor score by retaining existing landscape features and incorporating new landscape features and GI interventions. Completed Green Space Factor (GSF) worksheets should be submitted to SDCC with the Green Infrastructure Plan and Landscape Plan for a proposed development. See link to the Green Space Factor Worksheet Related Documents – SDCC

It is considered appropriate to request the **additional information** to ensure high quality public realm is provided and the impacts on existing green infrastructure are minimised. With regard to recommended item 2, in relation to public open space, it is considered that the location of the open space is acceptable and would be compliant with the vision for Cookstown and the delivery of a pocket park at the southwest of the site. This item should therefore not be requested however, it is not considered that sufficient information has been received in relation to the design of the pocket park and how this would stand alone, in advance of the remainder of the park being delivered, and how it would then be able to integrate into the pocket park, as developed at a later date. The provision of this pocket park is one of the infrastructural requirements for development in the Sub Neighbourhood CTC within which the site is located. The applicant should be requested to submit **additional information** addressing these concerns. In providing this **additional information**, the applicant is encouraged to consider additional opportunities for site assembly, with a view to exceeding 2ha and thereby providing greater opportunity to provide additional, in line with Chapter 8 'Implementation and Sequencing' of the LAP, which allows for contravention of the phasing of the Plan, on sites of 2ha or more where a barrier to development is involved.

Water Supply and Wastewater

Water Services have stated no objection to the development and have not recommended any **conditions**. Irish Water have reviewed the application and have stated no objection, recommending standard **conditions** that prior to the commencement of development the applicant shall enter in connection agreements with Irish Water, and that all works comply with Irish Water Standards codes and practices. It is considered appropriate to include these conditions in the event of a grant.

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Infrastructure and Environmental Services

The Environmental Health Officer has stated no objection to the development, recommending the following **conditions** in the event of a grant of permission:

1. *Noise Control*

To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that : The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

- *Before 07.00 hours on weekdays, Monday to Friday*
- *Before 09.00 hours on Saturdays.*
- *After 19.00 hours on weekdays, Monday to Friday.*
- *After 13.00 hours on Saturdays.*
- *Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*

2. *Air Quality*

During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. Reason: To contain dust arising from construction / demolition in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

These **conditions** are considered reasonable in the event of a grant of permission in the interests of public health. The EHO has also recommended a **condition** that the ESB substation should only be permitted for 5 years and refers to the removal of telecommunications after this date. This is not considered to be a relevant consideration or appropriate condition and therefore should not be included.

A response has not been received from the Department of Defence. It is noted that the applicant has provided correspondence with Casement Airbase stating that, given the height of the building (18.5m), the development would not impact flight operations at Casement. This correspondence states 'you could expect a crane observation at planning application stage.' This is interpreted to mean that a condition would be required in relation to crane operations at the site to be agreed with the Planning Authority and Casement Aerodrome prior to the commencement of development. In the event of a grant, such a **condition** should be included.

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Waste Management have reviewed the application and have recommended the following **condition** is included in the event of a grant:

The scale and complexity of the works proposed in this development is greater than the thresholds stipulated in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021). As a result, the development is classed as a Tier 2 Project as referred to in the Guidelines. Therefore, prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a bespoke Construction and Demolition Resource Waste Management Plan (RWMP) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall:

- *include specific proposals as to how the RWMP will be measured and monitored for effectiveness.*
- *follow the requirements set out in Sections 4 & 5 and meeting the minimum content requirements set out in Appendix C of Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021)*
- *be submitted to the planning authority for written agreement prior to the commencement of development.*

All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

This **condition** is considered appropriate to ensure the appropriate management of waste.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established industrial transition area and comprises of the demolition of existing buildings and construction of a transitional care facility, and associated site works.

Having regard to:

- the scale and nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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The applicant has provided an Appropriate Assessment Screening Report which states, *'it can be concluded, on the basis of the best scientific knowledge available, that the possibility of any significant effects on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded.'*

Environmental Impact Assessment

Having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the Tallaght Town Centre Local Area Plan 2020, and the land use zoning of the site, it is considered that the following additional information is required to ensure a full assessment of the development and its potential impacts:

- Details around the nature of uses that surround the subject site and consideration of site assembly.
- Detailed information in relation to the proposed use of the transitional care facility, including staff numbers and the anticipated duration of stays.
- Justification of the height and density of the development, or removal of the fifth storey of the building
- Detailed proposals of site signage
- Amend the scheme to provide all car parking and set down areas within the developable area of the site and protect the existing mature trees and grass verges around the boundary of the site.
- Plans for the remainder of the site earmarked for residential development, in advance of this development being delivered.
- Address previous reasons for refusal relating to car dominance and improved site layout.
- Ensure all pedestrian and cycling upgrade proposals are permanent measures and align with the outcome of a design study for the area.
- Detailed parking requirements and justify level of car parking and bicycle parking, without any provision for visitor spaces.
- Provide a Road Safety Audit
- Amend the internal road layout.
- Clarify details regarding public lighting and taken in charge.

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- Landscape design proposals to provide detailed design of the pocket park as well as planting schedules and details regarding green infrastructure and play provision.
- Sustainable Urban Drainage Systems (SuDS)
- Bat survey
- Invasive species report
- Green Space Factor (GSF)

Recommendation

Request Further Information.

Further Information

Further Information was requested on 10/11/22

Further Information was received on 10/02/23

Consultations

Internal Consultees

Public Realm	No objection, conditions recommended
Roads	Refusal recommended
Public Lighting	Clarification of A.I recommended
Water Services	No objection

External Consultees

Irish Water	No objection, conditions recommended
Transport Infrastructure Ireland (TII)	No observation to make

Submissions/Observations

No further submissions/observations received.

Assessment of Further Information

The Further Information requested was as follows:

1. *Notwithstanding the land-use zoning for the site, the Planning Authority has significant concerns in relation to the suitability of the proposed use having regard to the sequencing and phasing provisions set out in the Tallaght LAP. These provisions favour the development of lands closer to Luas Stops and the Town Centre first, unless sites are sufficiently large (over 2ha) to create their own distinct identity/character and amenity. The LAP clearly articulates the need to avoid piecemeal development and isolated sites. In addition, the LAP sets out infrastructure requirements and open space provision that are needed for the development of the CTC sub-neighbourhood within which the subject site is located. These infrastructure requirements have not been fully*

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delivered or designed and as such the Planning Authority is concerned the proposals may be premature. While the provision of temporary pedestrian and cycle linkages as part of these proposals is noted, the Planning Authority requests a more fulsome consideration of the foregoing. Additional information is requested in this regard. In particular, the applicant may wish to consider additional site assembly to increase the area of land under its control so that it exceeds 2ha. In addition the applicant is requested to provide details of the specific use of the sites that adjoin the subject site and of lands that lie directly across the public road from the subject site.

2. Transitional Care Facility Use

The Planning Authority is not satisfied with the information provided in relation to the use of the transitional care facility. The applicant is requested to provide detailed information in relation to the proposed use, including but not limited to, the number of staff, the likely profile of residents, the anticipated duration of stay for residents related to the number of bedspaces proposed, for example whether any long-term stays are intended and what proportion of bedspaces would be for same, anticipated visitor numbers connected with in-patient care, the connection between the care facility and local hospitals and how this would operate in practice, further details on the specialised dementia care unit, the number of people using the mobile diagnostic facilities as outpatients.

3. Height and Density Justification / Alteration

The applicant is proposing a 5-storey building, with a plot ratio of 1.78. The height and density of the development exceed the provisions of the Tallaght Town Centre Local Area Plan 2020. The applicant is requested to submit a justification for the height and density of the development, with particular regard to the LAP and South Dublin County Development Plan 2022 – 2028 and Appendix 10 of the Development Plan. The applicant should note that some flexibility can be applied to height and density of development where a case can be made for significant public or economic benefit. While a justification has been provided with the initial application, a revised justification is required on foot of issues raised in the planning assessment and additional information items. The applicant should note that the Planning Authority may look more favourably on a development site in excess of 2ha, where significant public benefit can be achieved. In lieu of providing a sufficient justification for the height of the development, the applicant should remove the fifth storey of the building, to comply with the height requirements of the LAP.

4. Car parking and set down areas

The applicant is proposing to remove a significant amount of existing green infrastructure around the immediate site boundaries, including trees and grass verges. The Planning Authority does not support the removal of such an excess of green infrastructure, in particular the removal of the grass verge to provide set down and drop off bays serving the development, outside the ownership boundary of the applicant,

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and without a suitable replacement/mitigation plan. The use of parts of South Dublin County Council lands on First Avenue and Cookstown Road for set down and drop off bays would undermine the future delivery of a quality public realm in this part of Cookstown, and there would be a concern about how these bays would be used in the interim while Cookstown functions as an industrial estate, with HGV traffic. Any parking and set-down areas connected with the proposals should be provided within the landholding and should not rely on the lands outside the control of the applicant.

5. *Car and Bicycle Parking*

The applicant has stated 17 no. car parking spaces would be provided to serve the facility, with 26 no. bicycle parking spaces. It is not considered that sufficient detail in relation to likely traffic movements and visitor requirements has been provided. In addition, the impact of the future residential development and the additional demands on parking at the site are not considered to have been fully considered. The applicant is requested to submit revised information addressing these concerns and updating the layout and parking proposals as necessary. The applicant shall submit a revised layout of not less than 1:200 scale showing the location and number of parking spaces to be provided for staff, residents and visitors at the care facility. Please refer to Table 12.25: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2022-2028. In addressing these concerns, the applicant should ensure that the developable site area accommodates all the requirements of the site in terms of parking and visitor drop off areas.

6. *Interim plans for residential area of the site*

The applicant indicates on plans the area to the east within the site boundary will be proposed as residential development. The delivery of this residential development cannot be guaranteed and in the interim the applicant is requested to provide details about landscaping proposals for this section of the site, to cater for a situation whereby the transitional care facility is operational, but the residential development is not forthcoming.

7. *Previous reasons for refusal*

The site layout does not address previous reasons for refusal relating to the dominance of surface car parking, and there is a concern about the location of car parking along the southern boundary of the site, potentially impacting the development potential of the site to the south, and the delivery of a tertiary route at this location. The applicant is requested to address these concerns with a revised layout, minimising the impact of surface level car parking and protecting the tertiary route through the development.

8. *Pedestrian, Cyclist and Public Realm Upgrades*

The Planning Authority is in the process of putting together a design study to assess the link along First Avenue to Belgard Luas, and along Belgard Road. This study will be looking at active travel, public realm, planting, SUDS and drainage as well as the management of HGV movement in advance of preparing a strategy for the area. The

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applicant is proposing interim measures to serve the development. The Planning Authority is concerned about the appropriateness of these interim measures for a development of this type and scale at this location. The applicant is therefore requested to progress road design proposals for the public road bounding the site and between the site and the Belgard Luas. The applicant should submit a revised layout of not less than 1:200 scale, showing Cycle/Pedestrian link upgrades designed to the standards set out in DMURS, and The National Cycle Manual, and meeting more general public realm aspirations set out in the LAP. These proposals must align with the outcome of the design study to ensure that all works are consistent and do not affect the future upgrade potential of First Avenue. In advance of the design study being complete, the Planning Authority has concerns that the works may be premature pending the outcome of the study and implementation of upgraded infrastructure. The identification of physical infrastructure requirements of the CTC sub-neighbourhood for its development and the more generalised phasing requirements set out in the Local Area Plan are relevant in this regard.

9. Road Safety Audit

The applicant is requested to submit a Road Safety Audit.

10. Internal Road Layout.

The applicant is requested to submit:

- a. a layout of not less than 1:200 scale showing a revised internal road layout with a two-way system along with a vehicular link road running along the Northern boundary of the Park.*
- b. a layout of not less than 1:200 scale showing a Pedestrian Crossing with tactile paving and dropped kerb located between southern internal footpath and the Pocket Park.*

11. Public Lighting

Clarity is required regarding which public realm areas are to publicly maintained. An agreed TIC drawings is required.

- a. The 'Site Lighting Design' drawing layout does not agree with the cycleway layout proposed in the Road Layout Drawings 1-6.*
- b. If the Road Layout Drawings are correct, the existing street lighting along First Avenue and Cookstown Road will need to be fully re-designed. This has not been included for in the current submission. The Landscape drawings show street trees and parking areas where the road layout drawings show cycleways. The landscape drawing should be revised and should included the revised street lighting plan to ensure co-ordination between lamp posts and street trees.*

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12. Landscape Design Proposals

It is not considered that sufficient information has been received in relation to the design of the pocket park. Page 50 of the LAP sets out specific Open Space requirements for the development of the CTC Sub-Neighbourhood. As such this matter is considered as part of the phasing requirements for the LAP. The applicant is requested to provide a masterplan for the entire pocket park that it partly located within the subject site. The masterplan should be designed to show how the pocket park would function as a whole and provide amenity for this sub-neighbourhood and how the section located within the landholding would function as a standalone area of open space that could be integrated later on into the wider pocket park. The applicant is again encouraged to consider additional opportunities for site assembly, with a view to exceeding 2ha and thereby providing greater opportunity to provide additional, in line with Chapter 8 'Implementation and Sequencing' of the LAP, which allows for contravention of the phasing of the Plan, on sites of 2ha or more where a barrier to development is involved. In providing the information, the applicant shall:

- a. Provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:*
 - i. Submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*
 - ii. Submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
 - iii. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.*
 - iv. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site.*
 - v. Demonstrate how natural SUDS features can be incorporated into the design of the proposed Development*
 - vi. Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.*

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- vii. *Proposed Pocket Park – The applicant is required to provide detailed information as to how the pocket park provided for within the Tallaght Town Centre Local Area Plan will be delivered as part of this development or in conjunction with other proposed development in the area. A masterplan is required for this proposed Pocket Park and a detailed schedule set out for its proposed delivery.*
- viii. *Green Infrastructure: The applicant is requested to submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:*
 - a. *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.*
 - b. *Site survey and analysis, identifying existing GI Infrastructure and key assets within the site.*
 - c. *Indicate how the development proposals link to and enhance the wider GI Network of the County.*
 - d. *Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*
 - e. *Proposals for identification and control of invasive species where appropriate, for the site*
- ix. *Provide play and recreation opportunities for children and teenagers as appropriate to the scale and character of proposed development. Proposals shall be submitted in the form of a Proposed Play Rationale and Layout Plan (separate to, but related to the Landscape Masterplan), using Nature-based Solutions. The Layout Plan shall comprise the following:*
 - 1. *showing types of play and play area(s),*
 - 2. *target age groups,*
 - 3. *landform (included levels and contours) and boundaries,*
 - 4. *gates and planting,*
 - 5. *design and construction details of play opportunities and facilities in respect of landform, planting, boundaries, equipment and safety surface.*
 - 6. *All play equipment and ancillaries shall conform to European Standards EN 1176 and EN 1177 Playground equipment and surfacing, and to BS/EN standards 2017/18 for Playground Installations for HIC (Head Injury Criterion) and CFH (Critical Fall Height).*

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13. Sustainable Urban Drainage Systems

The applicant is requested to submit the following in terms of SUDS:

- *A drawing to show how surface water shall be attenuated to greenfield run off rates.*
- *Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drain, bio-retention tree pits, rains gardens, swales or other such SuDS.*
- *SUDS Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*
- *Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should provide the following:*
 - a. *Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*
 - b. *Tree pits incorporating SUDS features should include a deep cellular water storage/attenuation area below the surface which acts as a soak away allowing surface water to infiltrate into the ground*
 - c. *It is unclear how much attenuation in total is provided by the proposed bioretention tree pits for the development. The applicant shall submit a report and drawing showing how much surface water attenuation in m³ is provided for the development.*
 - d. *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.*
 - e. *Underground attenuation tanks are only permitted in exceptional circumstances and where all other natural SUDS measures have been utilised. If all other methods have been utilised and it is demonstrated that underground attenuation is required, it cannot be proposed under public open space areas and such areas will not be taken in charge by Public Realm. SUDS measures are only accepted as an element of public open space where they are natural in form and integrate well into the open space landscape supporting a wider amenity and biodiversity function.*

14. Bat Survey

The applicant is requested to submit a bat survey for bat usage carried out across the entire site and immediately adjoining sites to assess roosting and feeding/foraging activities and assessing potential impact on these species arising from the proposed

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development. This is to be undertaken by a qualified and experienced bat expert at the appropriate time of the year for the survey of species.

15. Invasive Species Report

The applicant is requested to submit a detailed survey for the presence of invasive species within the subject site (as listed on the third schedule of the European Communities (Birds and Natural Habitats Regulations 2011). If invasive species are found to be present within the subject site that the applicant shall submit a site-specific Invasive Species Management Plan.

16. Green Space Factor (GSF)

A Green Space Factor (GSF) Worksheet shall be submitted by the applicant for the proposed development detailing how they have achieved the appropriate the minimum Green Space Factor (GSF) scoring established by their land use zoning. Minimum required scores for different land use zonings are included in Table 1 below.

Zoning Minimum Score

<i>Res</i>	<i>0.5</i>
<i>RES-N</i>	<i>0.5</i>
<i>SDZ</i>	<i>0.5</i>
<i>REGEN</i>	<i>0.5</i>
<i>TC</i>	<i>0.5</i>
<i>DC</i>	<i>0.5</i>
<i>VC</i>	<i>0.5</i>
<i>MRC</i>	<i>0.5</i>
<i>LC</i>	<i>0.5</i>
<i>EE</i>	<i>0.5</i>
<i>RW</i>	<i>0.5</i>
<i>HA-DM</i>	<i>0.7</i>
<i>HA-LV</i>	<i>0.7</i>
<i>HA-DV</i>	<i>0.7</i>
<i>OS</i>	<i>0.7</i>
<i>RU</i>	<i>0.7</i>

Developers can improve their green factor score by retaining existing landscape features and incorporating new landscape features and GI interventions. Completed Green Space Factor (GSF) worksheets should be submitted to SDCC with the Green Infrastructure Plan and Landscape Plan for a proposed development. See link to the Green Space Factor Worksheet Related Documents - SDCC

17. HeatNet

The applicant is requested to investigate the proposal to connect into HeatNet, and provide details on futureproofing the development so that it can easily revert to conventional heating in the event HeatNet is no longer available in the future.

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18. Signage

The applicant has not provided sufficient details in relation to the proposed signage over the main entrance doorway. The applicant is requested to submit plans, sections and elevations of all signage proposed for the development, along with proposals for any illumination. Where signage is fixed to the building, the applicant is requested to submit detailed contiguous elevations and sections, to allow for an assessment in full of how the sign will appear once the development is complete.

Assessment

Item 1 – Sequencing and Phasing

The applicant has provided an overlay of site uses within the area, shown below.



It is noted that the area is still predominantly comprised of commercial and light industrial units, with a number of vacant buildings located ad hoc throughout Cookstown.

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The applicant has highlighted one building in the area in residential use. This building is a former office block currently being used to house asylum seekers. This is not considered to set a precedent for residential development in the area as, by definition, the residential use at this location is emergency, temporary and for a specified purpose. It is also noted that this type of development is exempt from planning consideration and therefore has not gone through the process of assessment in relation to the proper planning and sustainable development of the area. It is not considered that the residential use of this building is a relevant consideration in the assessment of the current application.

While it is noted that the Cookstown area is zoned for regeneration, the LAP specifies clear parameters in relation to the sequencing and phasing of the area.

The applicant has included a reference from the Inspector's report in relation to SD21A/0196 (ABP-311568-21), which states '*Development within the LAP area needs to start somewhere. I don't consider it expedient to wait for sites in preferred locations to become available for development when fully serviced sites are available within 500m of a Luas stop and bus stops.*' This comment is noted however, does not set a precedent for how development should be assessed in the area and is at odds by Refusal Reason No. 1 of the ABP Direction which states:

The proposed development would in the current context where the environs of site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of confirmed adequate connections and linkages in terms of pedestrian and cycle links towards the town centre and to key public transport routes, would constitute a poor standard of residential amenity for prospective occupants and would give rise to residential and commercial uses which are disconnected from public transport and from the wider area.

The referenced development was found to be contrary to the LAP for the same reasons that have been raised in the additional information request issued to the applicant. For the reasons above, and addressed under other sections of this report, it is not considered that the applicant has adequately addressed and overcome these concerns.

Chapter 3 of the LAP states that developments should address 5 no. criteria. In relation to development at this site, addressing connectivity and linkages in the area is critical. As stated elsewhere in the report, the applicant has still not overcome the disconnect of the site from other appropriate uses and amenities. This should be addressed by **clarification of additional information** in relation to the delivery of upgraded pedestrian and cyclist facilities.

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Item 2 – Transitional Care Facility Use

The applicant has provided a limited response to the additional information requested in relation to the transitional care facility use, referring to a similar unit in Dublin 5.

It is noted that the applicant has engaged with Tallaght Hospital and St James Hospital in relation to the facility and that, in the event of a grant, more detailed patient pathways would be formed. The applicant states that this would reduce the length of stay in acute hospitals, thereby increasing capacity in emergency departments.

The applicant has stated there would be approximately 130 staff, broken into three main shifts. Other than stating a maximum of 20 staff on night shift during full occupancy, the applicant has not provided any further information in relation to staff numbers and movements. In response to Item 5, the applicant states there will be a maximum of 65 no. staff at any one time.

The applicant states that the duration of stay for patients would be approximately 30 days, depending on the length of Fair Deal process, though they have not provided information in relation to the likely profile of patients.

The Planning Authority is not satisfied that the concerns raised have been satisfactorily responded to with enough information to form a reasonable assessment of the likely impact of the facility. In particular, the number of people using the mobile diagnostic facility and further detail in relation to the dementia care unit have not been adequately provided. In addition, it is considered likely that the applicant would be able to anticipate visitor numbers based on the experience of the existing facility, referenced in their submission. Omission of these key details takes from the Planning Authority's ability to fully assess the impact of the development on the surrounding area.

With reference to the anticipated visitor numbers of 2 per patient mostly on weekends, this could equate to approximately 262 visitor movements over the course of a weekend. It is not clear how this would be accommodated within the scheme, based on concerns regarding car parking and safe access to the site via sustainable transport modes. This is not acceptable.

In relation to the dementia care, the applicant has simply stated that Bartra staff are specially trained to meet this specific care need. No information in relation to the service provided, the duration of stay of patients, likely visitor numbers or likely requirement for facilities outside the dementia care unit has been provided. It appears that this would be a distinct use more akin to a residential nursing home. The Planning Authority would have concerns about the appropriateness of this location for people with such specific requirements and ailments and whether this is an appropriate environment to provide the best care, given its location within an industrial estate.

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No clarity has been provided regarding outpatient numbers for the mobile diagnostic facilities, simply that it is anticipated local GPs may refer approximately 1 patient per week. This figure, without understanding of how many GPs are in the area or the experience of similar facilities lacks meaning. It is also noted the mobile diagnostic facilities can comprise mobile machines (for example x-ray) being used within a health-care premises, but these can also comprise machines located within trucks/trailers (for example MRI/CT) generally used to supplement radiology capacity within a health-care premises. It is unclear what is being proposed in this instance.

The Planning Authority remains concerned about the use of the site for a transitional care facility based on the lack of adequate connectivity to public transport and the unknown consequences of additional traffic movements to the site. The applicant has been afforded an opportunity to address these concerns and has not done so adequately. **Clarification of additional information** should be sought to address outstanding concerns.

Item 3 – Height and Density Justification / Alteration

The applicant has justified the height of the building against the criteria stated in Appendix 10 of the Development Plan in relation to context, setting, connections, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity and parking.

A key argument made by the applicant is that *'whilst the proposed building height of 5 no. storeys exceeds the envisaged height for this specific location of 4 no. storeys, consideration, must be given to the overall height strategy envisaged for the Cookstown area.'* This is a fact the applicant should be more focused on as the Cookstown area has a clear height strategy, as specified in the LAP, which the applicant is not proposing to conform with on this site, or adjacent lands. The LAP was adopted following statutory consultation, and approval of councillors. The strategy is clear. To break the strategy at an early point in the regeneration of the Cookstown area would not be conducive to ensuring compliance with the LAP as other sites come forward for development.

It is not considered that the applicant has provided sufficient justification for contravening the height strategy of the LAP. In this regard, if the development were to be permitted, a **condition** should be included reducing the height of the building by 1 storey.

The applicant also justifies the increased height and density on the basis of delivering a significant public gain. The LAP allows for exceptions on a case-by-case basis where the Planning Authority considers a significant public gain is achieved by not conforming with the plot ratio range, specified in Section 2.6.1.

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The provision of public open space, in excess of 10%, is given as an example of a significant public gain. Other gains include:

- *The creation of streets and links that provide access through and access to a site.*
- *Major upgrades to streets surrounding the site including works such as street widening, new enhanced junctions and crossing points and realignments.*
- *Provision of community and/or cultural amenities that will significantly contribute to the social infrastructure in the area; and/or*
- *Other public domain works or improvements to be agreed with the Council.*

Plot ratio may be relaxed by 20% in these circumstances. The applicant is proposing a plot ratio of 1.78. The min-max plot ratio for the site, per the LAP, is 0.71 – 1.0. A plot ratio of 1.78 would be in excess of the maximum plot ratio of 1.2, where it is agreed that significant public gain is being provided. On this basis, the applicant is not satisfying the requirements of the LAP in relation to height and density. **Clarification of additional information** should be sought to address these outstanding concerns.

The applicant states that the plot ratio concerns would be addressed by the development of the entire site, including residential development to the east, resulting in a plot ratio of 1.4. No permission exists for this residential development to the east. In any event this is still in excess of the 20% flexibility and it not acceptable and is not a valid consideration as each application must be assessed on their own merits, and future considerations cannot be accounted for in the absence of certainty.

It is noted that, in relation to adaptability, the applicant states the building has been designed specifically as a transitional care facility, with internal spaces flexibility designed to facilitate room amalgamations/reconfigurations if required. The applicant states that it is not considered that the building would change use in the near future. Given the type of development, the Planning Authority would have concerns that the scheme could easily be converted to a nursing home use, or similar, without alteration. If the development were to be granted, a **condition** should be included stating that no change of use shall occur without prior planning permission.

Item 4 – Car Parking and Set Down Areas

The applicant is still indicating set down areas outside the site ownership boundary, along Cookstown Road. A set down area is proposed on Cookstown Road and a loading bay on First Avenue. It has repeatedly been stated that this arrangement is not acceptable to the Planning Authority. While it is noted that the applicant claims ownership to the centre point of the public road, this road is taken in charge by the Planning Authority and therefore responsibility for its management is the responsibility of SDCC. The applicant confirms that the parking and delivery bays on First Avenue and Cookstown Road are intended to be taken in charge by SDCC on completion.

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Car parking along Cookstown Road and First Avenue is already constrained and without management. Adding additional facilities serving a single site, without proposals for the management and operation of these spaces, and with the responsibility for these spaces being SDCC's, is not acceptable to the Planning Authority.

As previously stated, green infrastructure and public realm improvements should be prioritised along the public footpaths and roads to enhance the setting of Cookstown and improve the experience of pedestrians and cyclists. Parking is not considered to contribute to achieving these aims.

This element of the additional information request has not been adequately addressed and presents a reason for **refusal** if the applicant is not willing to engage in appropriately addressing the Planning Authority's concerns in relation to this item. **Clarification of additional information** should be sought, allowing the applicant a chance to address these concerns prior to a final decision being made.

The Public Realm Section has stated that the response to Item 4 is acceptable in principle and should be implemented in full if granted.

Item 5 – Car and Bicycle Parking

The Roads Department have stated they are satisfied with the applicant's response and that the quantum of car and bicycle parking are within the relevant limits of Tables 12.23 and 12.25 of the Development Plan.

The applicant has not confirmed how parking would be managed if, and when, residential development is completed on the eastern portion of the wider land holding. Whilst car parking for the current proposal is within Development Plan limits there appears to be no room for other parking to serve the proposed residential development to the east. The car parking proposed for the current development could not be used for the proposed residential development to the east. There is still a concern that there would be a conflict of the two uses in relation to car parking and clarity on the management of such must be provided. This could be addressed by **condition**.

Item 6 – Interim Plans for Residential Area of the Site

The Public Realm Section have reviewed the additional information and have stated that it is acceptable in principle and should be implemented in full if granted.

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The applicant states that interim plans for the residential lands to the east will result in the existing structure being demolished with the land grassed and fenced until permission is granted for the future proposed LRD. The applicant invites a suitably worded **condition** in relation to the maintenance of this space prior to construction.

Item 7 – Previous Reasons for Refusal

The applicant has not amended the site layout. Car parking has not been reduced along the southern boundary and the tertiary route has not been facilitated, as indicated in the LAP, along the south.

While the Roads Department have stated that they are satisfied the parking layout complies with the Design Manual for Urban Roads and Streets, they raise concern about the lack of space for a future southern route along the edge of the pocket park. Their report states that the absence of this link would limit permeability around the park and between neighbouring developments. The Roads Department have stated that the applicant should allow for construction of this link in designing the park layout.

The tertiary route is clearly indicated in the LAP, linking Cookstown Road to the pocket park and onwards to the west. Future construction of this link must be considered in the scheme. The applicant has not engaged on this item, and not amended the car parking layout or roadway to allow for the future integration of this site with neighbouring developments to the west. **Clarification of additional information** should be sought, requiring the applicant to remove parking at the south eastern point of the pocket park to allow for improved future integration with neighbouring sites and to enhance pedestrian and cyclist permeability.

Item 8 – Pedestrian, Cyclist and Public Realm Upgrades

The applicant has stated that the costs associated with a full, cross-sectional upgrade along First Avenue would be disproportionate in relation to the scale of the development, rendering development at the site unviable. The applicant has provided designs for interim measures, stating that the design has been mindful not to impact the development potential of sites nearby, or the continued operation of sites prior to regeneration. While these comments are noted, the concerns remain regarding the prematurity of the development at the site, given the existing public realm and pedestrian/cycle facilities in the area, in advance of the completion of the design study for the area.

While development is desirable, it must not be done in a manner that creates neighbourhoods that are not safe, devoid of ongoing connection to essential amenities. The Roads Department have stated they are not satisfied with the interim measures proposed, stating all proposals must be DMURS compliant as the duration of operation cannot be known at this stage.

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The provision of temporary connections that may not be adequately maintained could result in pedestrians and cyclists having to make use of sub-standard connections indefinitely. The Roads Department have serious concerns regarding safety if this were to be the case given the high proportion of industrial traffic in the area. The Roads Department recommend **refusal** on this basis.

It is noted that the Planning Authority is in the process of engaging a design team to formulate a masterplan for the Cookstown area, with a focus on improved public realm and connectivity. The applicant should be afforded an opportunity to engage with this design team at an early stage to integrate the site with the masterplan. The applicant should note that temporary measures will not be accepted as part of this proposal and some level of permanent works must be confirmed if the scheme is to be granted. **Clarification of additional information** should be requested in this regard.

Item 9 – Road Safety Audit

The applicant has submitted a Stage 1 & 2 Road Safety Audit. The Roads Department are not satisfied that all items of concern raised in the Audit have been addressed by the applicant in the submitted additional information. They have stated this could be addressed by **clarification of additional information**.

Item 10 – Internal Road Layout

Figure 3.7 of the Tallaght LAP '*Overall Urban Structure (Cookstown)*' indicates a proposed tertiary route around the boundary of the pocket park, north, south, east and west. The applicant was requested to provide a two-way road along the northern boundary of the park, per the LAP layout. The applicant has not done this, and the Roads Department are not satisfied with this response, stating the scheme as proposed currently does not accord with the Tallaght LAP and would inhibit vehicular and cyclists' permeability. On this basis they recommend **refusal**.

The Tallaght LAP is clear in providing a tertiary route around the pocket park, providing access and connecting to secondary routes within the wider area to maximise permeability. The LAP defines this route as a homezone, so the provision of a two-way road is not considered necessary. The emphasis should be on providing maximum permeability and connectivity for pedestrians and cyclists. The applicant should be requested to provide **clarification of additional information**, including revised plans, to demonstrate how this can be achieved based on the current design proposals.

In relation to 10b, the Roads Department are satisfied with the provision of a pedestrian crossing between the internal footpath and pocket park.

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Item 11 – Public Lighting

The Public Lighting Section have reviewed the additional information and provided an email response stating that *'the further information does not address the issue of public lighting along the cycleway along first avenue down to the hospital.'* This could be addressed by **clarification of additional information**.

Item 12 – Landscape Design Proposals

The Public Realm Section have reviewed the additional information submitted and have stated it is in principle acceptable and should be implemented in full in the event of a grant.

In relation to the pocket park, the Public Realm Section have stated that they are not satisfied due to the lack of information provided with the masterplan. It is considered that this item can form part of a request for **clarification of additional information**.

Item 13 – Sustainable Urban Drainage Systems

The applicant has incorporated additional SuDS at the site, including green roofs, tree pits, swales, rain gardens and pervious paving. The Public Realm Section have reviewed the submission and stated it is acceptable in principle and should be implemented in full by the applicant in the event of a grant.

Water Services have reviewed the additional information and have stated no objection.

Item 14 – Bat Survey

The applicant has provided a 'Bat Activity Survey Report', prepared by Enviroguide Consulting. The report presents the findings of desk and field studies in relation to the site.

Daytime inspections were undertaken of all trees on site to confirm the presence of any bat roosts. The site was also assessed during the daytime, and at dusk (22nd September 2022), for potential bat foraging habitat and bat commuting routes. From these studies and surveys, it was determined that the buildings and trees on site have a low to negligible potential to provide bat roosting habitat. Low bat activity was surveyed at the site during the dusk study.

The Report recommends standard mitigation measures, including bat sensitive landscape and lighting design. All recommendations of the Report should be guaranteed by **condition** in the event of a grant.

It is considered that the applicant has adequately addressed this item.

Item 15 – Invasive Species Report

The applicant has provided an 'Invasive Alien Species Management Plan', prepared by Enviroguide Consulting.

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Site surveys were undertaken on 19th May 2021 and 1st November 2022. From these surveys, no Third Schedule species, including Japanese Knotweed, were recorded at the site. Buddleia and Sycamore, widespread 'Medium Impact' plant species were recorded.

The report recommends a number of general measures be implemented to prevent the spread of invasive species at the site. In the event of a grant, all of these measures should be required to be implemented by **condition**.

It is considered that the applicant has adequately addressed this item.

Item 16 – Green Space Factor (GSF)

The applicant has submitted a GSF worksheet indicating that the site achieves a score of 0.23. The required score for the site is 0.5. The Public Realm Section have reviewed the additional information and have stated that the use of the Natural England Biodiversity Metric Calculation Tool Scoring Methodology is not acceptable. Their report requests that the applicant engages with the Public Realm Section to address the shortfall of 0.27. They state that engagement should be required by **condition** in the event of a grant. It is considered that **clarification of additional information** should be sought in relation to the GSF as this is not something that can easily be addressed by condition once a scheme has been granted permission.

Item 17 – HeatNet

Under Phase 1 of the current HeatNet scheme, an extension up to the subject site is not proposed. The applicant has stated that the centralised heating system within the scheme has been designed so as to be replaced by a connection to HeatNet if, and when, the scheme might be extended to the subject site. In the event HeatNet ceases, the system could easily be replaced again. This response is considered acceptable.

Item 18 – Signage

Section 12.5.7 of the Development Plan specifies the general criteria against which signage proposals must comply. The applicant has provided additional information including a plan and elevations. The sign would be mounted on top of the entrance canopy. The sign would be a coated aluminium plate with raised lettering. No illumination is indicated. This is considered acceptable. A **condition** should be included in the event of a grant that permitted signage shall not be illuminated and any alterations to the sign as currently proposed would require future planning permission.

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Conclusion

The developer has not adequately addressed all items of the additional information requested. To ensure the scheme is acceptable, clarification of additional information should be sought in relation to the following:

- Compliance with the Tallaght LAP, specifically height, density and plot ratio
- Delivery of permanent pedestrian and cyclist infrastructure and improved landscaping for the pocket park
- Greater detail in relation to the Transitional Care Facility use
- Improved proposals and calculations in relation to the Green Space Factor (GSF)

Recommendation

Request Clarification of Further Information.

Clarification of Further Information

Further Information was requested on 10/11/22

Further Information was received on 10/02/23

Clarification of Further Information was requested on 09/03/23

Clarification of Further Information was received on 28/04/23

Consultations

Roads:

Refusal recommended

Public Realm:

Refusal recommended

Submissions/Observations

No further submissions/observations received.

Clarification of Further Information

The Clarification of Further Information requested was as follows:

1. Height and Density

The Planning Authority does not accept the applicant's justification for not complying with the provisions of the Tallaght Town Centre Local Area Plan 2020 in relation to height and plot ratio. This non-compliance is not acceptable to the Planning Authority and would set an undesirable precedent for the realisation of the clear vision of the LAP. To address these concerns, the applicant is required to submit revised details including as follows:

A. Removal of the fourth floor / fifth storey.

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- B. *Calculations showing compliance with the plot ratio for the site, considering the maximum range allowable per the LAP and providing a detailed justification, with figures, in the event of exceeding the plot ratio. The applicant should note that this application is being considered in isolation of any future scheme that may come forward within the ownership boundary of the applicant. The proposal in terms of car parking, open space, plot ratio and density must all be acceptable in isolation of future development. In this regard, the applicant cannot rely on any works potentially granted at the site in future to subsidise or meet the requirements of future development proposals.*

Timelines to respond to the request for Clarification of Further information.

The initial request for further information was made in november 2022. The applicant should be mindful of the 6 month deadline to reply to requests for further information and the option to extend this by a further 3 months if necessary.

2. *Pedestrian, Cyclist and Public Realm Upgrades*

- A. *The LAP has a clear objective in relation to phasing and sequencing of development to ensure that isolated piecemeal pockets of land are not developed without connectivity and linkages. The applicant has proposed temporary pedestrian and cyclist upgrades from the site to Belgard Luas. The Planning Authority is very clear that temporary/interim works are not acceptable to the Council.*

A design team is being appointed by South Dublin County Council to provide a masterplan for Cookstown, focused on the public realm and to include pedestrian, cyclist and urban design upgrades. The applicant is requested to engage directly with the team appointed and ensure that a scheme of permanent works is agreed and provided, in tandem with the Cookstown masterplan, ensuring full integration of the proposed scheme and public realm works. The applicant may wish to apply for an extension of time in responding to this clarification of additional information request to enable this engagement. The applicant should also note that set down and loading areas outside the current site boundary along Cookstown Road and First Avenue on lands within the public realm and indicated for taking in charge by SDCC, will not be accepted irrespective of the ownership of same. In preparing a proposal for permanent works to be delivered, the applicant should incorporate all relevant items of concern raised in the Stage 1 & 2 Road Safety Audit and ensure public lighting is provided to the satisfaction of the Public Lighting Section. In preparing this response, the applicant should engage with all relevant sections of the Local Authority, and other relevant bodies, to ensure the proposed works will be acceptable prior to submission.

- B. *The Planning Authority is not satisfied with the lack of permeability facilitated at the southern portion of the site, adjacent to the pocket park. 2 no. car parking spaces shall be omitted and additional plans shall be submitted clearly showing full permeability around the entire pocket park, including the opportunity for*

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connections at the south east corner of the pocket park into the southern adjoining lands. A more detailed masterplan for the pocket park shall be provided, clearly demonstrating connectivity and consideration of desire lines and ensuring that the first phase of the pocket park delivers an attractive, useable space, with the inclusion of biodiversity planting.

3. *Transitional Care Facility Use*

The applicant has not fully addressed all of the items previously requested. The applicant is requested to provide more detailed estimated figures and movements in relation to the following:

A. *The profile of patients.*

B. *Likely visitor numbers, based on known figures from similar facilities*

C. *The specific service requirements of the dementia care facility, including number of dedicated staff, estimated visitor numbers and the requirements of patients for access to amenities outside the immediate development.*

D. *Clear estimated figures for the number of patients utilising the mobile diagnostic facilities, the type of diagnostic facilities that will be provided (in-premises or parked outside) and hours of operation.*

4. *Green Space Factor*

The applicant has not achieved the required Green Space Factor (GSF) at the site of 0.5. The applicant shall engage directly with the Public Realm Section and provide a revised GSF calculation detailing how they have achieved the appropriate the minimum GSF scoring established by their land use zoning. Developers can improve their GSF score by retaining existing landscape features and incorporating new landscape features and GI interventions. Layering GI interventions increases the score. Completed GSF worksheets should be submitted to SDCC with the Green Infrastructure Plan and Landscape Plan for a proposed development. Additional/amendments SuDs measures may be included in response to this item.

Assessment of Clarification of Further Information

Item 1 – Height and Density

The applicant has justified the height of the scheme based on the South Dublin County Development Plan 2022 – 2028, with policies within the Plan based on the National Planning Framework and Urban Development and Building Height Guidelines. The applicant notes that *'building heights should generally be increased subject to an assessment of building performance criteria.'*

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In justifying the increased height above those specified in the Tallaght LAP, the applicant has relied on the site being well served by public transport and the temporary pedestrian and cycle infrastructure upgrades proposed. As discussed at preplanning meetings related to the site, and elsewhere in this report, the delivery of temporary infrastructure upgrades is not considered acceptable. These upgrades are required for users of this development to access the high-quality public transport referenced, and without them, the surrounding context is not safe or inviting for users of active travel modes. This isolation from public transport and other amenities, without consideration of permanent works to facilitate same, represents a reason for **refusal** of this development. Furthermore, the lack of access to public transport undermines the attempts of the applicant to justify increased height, which is acceptable proximate to such infrastructure, but only where this is accessible. The lack of safe access indicates that development of this scale, given the current context around the site, is premature and represents an additional reason for **refusal**.

The applicant argues that the Development Plan supersedes the LAP. This is incorrect. The LAP is a document to be read in conjunction with the Development Plan, providing guidance at a more micro level, compared with the Development Plan which provides guidance at a macro level for the county. The Development Plan only takes precedence over the LAP where a conflict arises, which is not the case in this instance, instead the Development Plan signposts and supports the LAP's implementation. As such, In this regard, the policies, objectives and guidelines of the LAP are considered of the utmost relevance in the assessment of the current application, in particular given the 'REGEN' zoning of the lands, indicating a greater level of forward planning is required to ensure the successful regeneration of Tallaght, and more specifically the Cookstown neighbourhood. This interpretation is supported by EDE4 Objective 11 of the Development Plan which states and objective to:

'support the regeneration of the Tallaght LAP lands in a co-ordinated and sustainable manner in accordance with the Tallaght Town Centre LAP 2020 or any superseding plan whilst ensuring the lands particularly Cookstown, remain a sustainable employment area to ensure environmentally short journeys to places of employment and to ensure the residential impact of the REGEN zoning does not instigate the decline in the employment capacity and sustainability of the area.'

Based on the above, the fact that plot ratio is not specifically mentioned in the Development Plan does not alleviate the requirement to consider and abide by the plot ratio standards of the LAP. Along with height and built form, plot ratio provides a means to assess the appropriateness of development for particular sites and is considered of relevance. As previously stated, there are exceptions whereby the plot ratios specified in the LAP can be relaxed however, as previously stated, the maximum plot ratio for the site, where it is agreed that a significant public gain is being provided, would be 1.2. In proposing development with a plot ratio of 1.78, the development far exceeds the provisions of the LAP, and the Planning Authority remains unsatisfied with the response of the applicant. A reduction in height of one storey would go a significant way to addressing these policies in the Local Area Plan.

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Car Parking

As stated previously, this application must function independently of any future development on the lands. In this regard, it is not considered appropriate to include infrastructure that is intended for future development with the current scheme. In the event of a grant, a condition should be included omitting any car parking spaces associated with the potential future residential scheme on the site. For clarity, this would mean only 17 no. car parking spaces would be allowable on site if the current proposal is granted permission.

It is noted that the applicant justifies the level of car parking on site on the basis of reduced rates being encouraged at national and local policy level, as well as parking standards within the Development Plan being maximum rates. This justification is given on the basis of the site being highly accessible. As stated previously, the Planning Authority does not agree with this rationale, given the known deficiencies in connections to public transport and other amenities. In this regard, requiring a minimum level of car parking is not considered contrary to broader objectives.

Open Space

The applicant notes that the public open space provided would account for 10% of the net site area of the proposed residential development application. They further note that there is no stipulation for open space within commercial development in the Development Plan. As discussed later in this report, Section 2.7.2 'Public Open Space' of the LAP states:

*A **minimum of 10% of the gross site area shall be dedicated for use as public open space within any proposal for development** which shall be of a high quality and integrated into an overall interconnected network of public open space and green routes.* [Emphasis added].

This would require 10% of the site to be open space associated with the Transitional Care Facility, with a further 10% required as part of any future residential scheme on the site. There is provision under Section 10 of the South Dublin County Council Development Contribution Scheme 2021 – 2025 for a contribution in lieu where open space will not be delivered on site. As this application is being brought forward first, the 10% may be considered as being delivered on site. The applicant should therefore note that a contribution in lieu may be considered and required for any future residential scheme, though it is the strong preference of the Planning Authority to have open space delivered on site without need for the contribution.

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Item 2 – Pedestrian, Cyclist and Public Realm Upgrades

The applicant has stated that, on discussions with the Active Travel section of the Local Authority, no project timeline for the active travel scheme could be given and therefore the interim solutions are still proposed. The applicant was advised that an extension could be sought in relation to the submission of clarification of additional information, to assist in aligning with the scheme, which is currently advancing, and a project timeline will be known shortly. The applicant has not availed of this option and therefore the same concerns regarding the prematurity of the development have not been addressed. In particular, the design study is being undertaken by the Local Authority that will develop an overall scheme for Cookstown, facilitating the combined use of the area for the existing industrial sites, and emerging regeneration sites. The Planning Authority is not satisfied that the interim works proposed by the applicant have due regard for the sensitive relationship between the existing and emerging character of Cookstown and therefore cannot be satisfied with the overall safety and adequacy of these works. At this point, this represents a reason for **refusal**.

Set down and loading bays are still indicated along the public road on both First Avenue and Cookstown Road. The Planning Authority has stated this is not acceptable and, if granted, a **condition** should be imposed omitting these from any permission.

The Roads Department have reviewed the application and have stated that the applicant has not addressed the concerns raised in the request for clarification of additional information, in particular the requirement to build pedestrian and cycle links to DMURS and National Cycle Manual Standards. This lack of engagement with the concerns of the Roads Department gives rise to concerns over the safety of pedestrians and cyclists using the interim connections.

Furthermore, the Roads Department are not satisfied with the lack of adherence to the Overall Urban Structure set out in Figure 3.7 of the LAP, inhibiting vehicular movement and permeability around the park. On this basis, their report recommends **refusal** for the following reasons:

- *The applicant has failed to provide a cycle and pedestrian link which is designed to DMURS and National Cycle Manual standards. This would result in sub-standard facilities for pedestrians and vulnerable road users which would endanger public safety by reason of a traffic hazard.*
- *The applicant has failed to provide a road layout which is in line with the Tallaght LAP. This would result in a development which inhibits vehicular and cyclist permeability.*

The concerns of the Roads team are noted, however, in relation to the pocket park, the intention of permeability around the full extent of the park is not to facilitate car movement, but to ensure maximum permeability for pedestrians and cyclists. As such, car parking adjoining the park should be omitted to facilitate future pedestrian and cycle linkages around the pocket park and into adjoining sites.

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It has already been stated that the inclusion of car parking along the southern boundary of the site is considered detrimental to further links with adjoining sites. As previously stated, a **condition** could be included that would omit any parking not associated with the transitional car facility. As such, the 15 no. spaces along the southern boundary could be omitted by **condition**.

Item 3 – Transitional Care Facility Use

The applicant has further clarified the profile of patients utilising the facility. This information is acceptable.

In relation to **visitor numbers**, the applicant has provided general figures, unlike the detailed age profile information in relation to Item 3(a). Further understanding of visitor numbers is still considered necessary as it is not accepted, given the noted deficiencies in connection to public transport, that this would necessarily be the primary transport method for visitors. In the event of a grant, a mobility management plan should be required by **condition**, and, within 6 months of opening, detailed information in relation to visitor numbers and transport methods should be requested.

The Planning Authority accepts the response to Item 3(c), noting the short-term requirements of the dementia patients utilising the facility. The Planning Authority also accepts the omission of the mobile diagnostic element of the scheme and a **condition** should be included in the event of a grant prohibiting such a use without a prior grant of permission.

Item 4 – Green Space Factor

The Public Realm Section have reviewed the clarification of additional information response and have recommended **refusal** as the application is still not meeting the required GSF of 0.5 for a site zoned 'REGEN'.

Additionally, the Public Realm Section again raise concerns about the joint consideration of public open space for both the current application and future LRD on the eastern part of the site. Furthermore, they are not satisfied at the inclusion of an underground attenuation tank as part of the surface water drainage scheme.

Conclusion

The applicant has not adequately addressed the concerns raised by the Planning Authority as part of the request for clarification of additional information. In particular, serious concerns remain regarding the prematurity of the development, pending a final active travel design scheme for Cookstown.

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Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the Tallaght Town Centre Local Area Plan 2020 and the overall design and scale of the development proposed it is considered that the proposed development would not be in accordance with the proper planning and sustainable development of the area. On this basis, the application should be **refused**.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The applicant has proposed temporary pedestrian and cyclist upgrades from the site to Belgard Luas. The Planning Authority is very clear that temporary/interim works are not acceptable. A design team has been appointed by SDCC to prepare a street design for Cookstown Road, providing a scheme that considers existing industrial traffic movements as well as the emerging uses that will come with the regeneration of the area, namely an increase in pedestrian and cycle movements. The applicants scheme does not consider the intricacies of providing a scheme to address the environment of Cookstown, and to provide interim measures as proposed presents a traffic hazard. The applicant has failed to provide a cycle and pedestrian link which is designed to DMURS and National Cycle Manual standards. This would result in sub-standard facilities for pedestrians and vulnerable road users which would endanger public safety by reason of traffic hazard. The Council cannot accept temporary measures that have not had cognisance of wider uses in the area and are not satisfied with permitting temporary measures that may impact the delivery of a cohesive, planned, scheme for the entire Cookstown area. On this basis, the development is considered premature pending the completion of the design study and would endanger public safety by reason of traffic hazard.
2. The proposed development would, in the current context where the environs of the site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of permanent connections and linkages in terms of pedestrian and cycle links towards the town centre and the key public transport routes, would constitute a poor standard of amenity for prospective occupants and would give rise to uses which are disconnected from public transport and from the wider area. In this regard, the proposed development would be contrary to the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026, specifically Section 8 (implementation and sequencing). Furthermore, the development does not accord entirely with the Overall Urban Structure, set out in Figure 3.7 of the LAP. Parking along the southern boundary impacts the permeability of the site and future connectivity into adjoining lands. The one-way system and lack of

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contra-flow cycle facilities would restrict access for cyclists through the site and to the pocket park. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. EDE4 Objective 11 of the South Dublin County Development Plan 2022 – 2028 supports the regeneration of the Tallaght LAP lands in accordance with the Tallaght LAP The scheme as currently proposed exceeds the height and plot ratio provisions of the Tallaght Town Centre Local Area Plan 2020.

As the site has currently been separated into 2 development parcels, the Planning Authority has been very clear that each application site must function independently of each other, and no overlap of car parking or public open space provision will be considered acceptable. In this regard, the potential overall plot ratio for the landholding cannot be considered where other development has not been permitted. Furthermore, the LAP provides a very clear vision for a height strategy in the Cookstown Neighbourhood. This strategy is informed by population targets and the level of services provided and proposed within the Tallaght area. Additional height is supported in areas where it can be demonstrated that there is frequent, high-capacity public transport. The Planning Authority does not consider that, given the existing environment within Cookstown, and the interim measures proposed, that the site is acceptably connected to the high-capacity public transport such that it would justify an increase in height at the site. In addition, it is not considered that a significant public gain would be achieved by permitting the scheme and therefore no relaxation in the implementation of the height or plot ratio strategy of the LAP is considered appropriate. In this regard, it is not considered that the applicant has complied with the requirements of the Development Plan or the LAP and to grant the development would be contrary to the interests of the proper planning and sustainable development of the area.

4. Through the additional SUDS interventions, the applicant has increased the Green Space Factor score for the site from 0.23 to 0.32, however this score falls short of the required 0.5 for a 'REGEN' zoned site, a shortfall of 0.18 still persists. The applicant has proposed measures including the installation of bat boxes, swift boxes and creating an area for solidarity bees at roof level however these measures are not deemed sufficient to make up this shortfall and additional measures would be required. It is noted that underground attenuation is still proposed as part of the surface drainage scheme and this is not acceptable. It is considered that there are further interventions that the applicant could have utilised to improve the GSF for the site, and also the level of natural SuDS utilised. The proposed development therefore does not comply with GI5 Objective 4 (which relates to implementation of the Green Space Factor) of the South Dublin County Development Plan 2022 - 2028 and to permit the scheme would be contrary to the proper planning and sustainable development of the area.

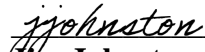
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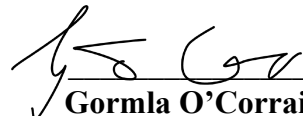
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REG. REF. SD22A/0361

LOCATION: Unit 21, First Avenue, Cookstown Industrial Estate, Dublin 24




Jim Johnston,
Senior Executive Planner



Gormla O'Corrain,
Senior Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 23 May 2023



Mick Mulhern, Director of Land Use,
Planning & Transportation