

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council and Dún Laoghaire-Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st day of March 2022 by BCDK Holdings Limited and Coill Avon Limited care of Simon Clear and Associated of 3 Terenure Road West, Terenure, Dublin.

Proposed Development comprises of the following:

1. Demolition of Kilmashogue House and outbuildings and demolition of Coill Avon House and outbuildings;
2. The refurbishment and re-use of two number stone outbuildings for community use, to be incorporated into an area of public open space on the southern lands;
3. The construction of a mixed-use development comprising neighbourhood centre and 178 number residential units comprising 72 number houses, 38 number apartments and 68 number duplex apartments;
4. The 72 number houses will comprise two, two and a half and three storey detached, semi-detached and terraced units to include:-
 - (a) Six number two-bed houses;
 - (b) 45 number three-bed houses;
 - (c) 21 number four-bed houses;

5. The 38 number apartments and 68 number duplex apartments are located across seven number buildings ranging in height from three to five storey consisting of one number Block A/B, one number Block C, one number Block E, one number Block S and three number Blocks T as follows: -
 - (a) **Block A/B:** Five storey over basement and podium accommodating 10 number one-bed apartments, 16 number two-bed duplex apartments and one number three-bed duplex apartment with associated balconies and terraces;
 - (b) **Block C:** Five storey over basement accommodating four number one-bed apartments and eight number two-bed duplex apartments with associated balconies and terraces;
 - (c) **Block E:** Four storey over basement accommodating eight number one-bed apartments and 16 number two-bed duplex apartments with associated balconies and terraces;
 - (d) **Block S:** Three storey accommodating two number two-bed duplex apartments and one number three-bed apartment and one number three-bed duplex apartments with associated balconies and terraces;
 - (e) **Block T:** Three number three storey buildings accommodating six number one-bed apartments, 18 number two-bed duplex apartments, nine number three-bed apartments and six number three-bed duplex apartments, all with associated balconies and terraces;
6. Block A/B and Block C are arranged around a landscaped podium. The neighbourhood centre is located below this podium and accommodates a two level creche (313 square metres) at lower ground and ground floor level, and three number retail and non-retail service and cafe units (470 square metres) at ground level;
7. The basement below Block A/B and Block C accommodates 50 number car parking spaces, bicycle parking, bin stores, plant and staff service area (80 square metres);
8. The basement below Block E accommodates 35 number car parking spaces, bicycle parking, bin store and plant;

9. A section of link street with footpath and bicycle path (approximately 438 linear metres) extending from the junction of Whitechurch Road and College Road on an alignment parallel to the M50 Motorway, to provide access to the southern development lands and incorporating a bus turning circle;
10. A new signalised crossroads junction to connect the proposed link street with Whitechurch Road and College Road;
11. Upgrade works to College Road including a new two-way bicycle track and relocated footpath from the Whitechurch Road junction to provide connectivity to the Slang River pedestrian and bicycle Greenway;
12. Upgrades to the existing vehicular access and bridge at the entrance to Coill Avon House on Whitechurch Road;
13. Foul sewer drainage works along Whitechurch Road from the southern lands to the existing junction at Glinbury housing estate;
14. All landscaping, surface car parking, boundary treatments, infrastructure works, Electricity Supply Board substation, signage and associated site works and services all located at Kilmashogue House and Coill Avon House, Whitechurch Road, Rathfarnham, Dublin 16.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Reasons and Considerations

1. The "Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May, 2009, recommends a sequential and co-ordinated approach to residential development, whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure and where undeveloped lands closest to the core and public transport routes be given preference. Notwithstanding the 'RES' - residential zoning objective that applies to this site, as set out in the South Dublin County Development Plan 2016-2022, it is considered that the site is located in an area which is remote and isolated from other areas of consolidated residential development and not in line with the orderly expansion of the settlement. Having regard to the scale and density proposed, the lack of suitable pedestrian linkage, the excessive walking distance to services such as retail, schools, social/ community services, and the absence of public transport serving the site, it is considered that the proposed development would be excessively car dependent and would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.

2. The site is located in an area zoned objective RES – zoned for residential use in the current South Dublin County Development Plan 2016-2022. The proposed development provides for a density of 41 number units per hectare which is contrary to Policy H3 SLO 1 which limits density to 12 number units per hectare. Considering the location of the subject site, the limited availability of services and the established character of the area, it is considered that this policy objective as applied to these lands is reasonable at this time. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.
 - (a) The development would be premature by reference to the prospective deficiency in the road network serving the area of the proposed development, which would arise because of the increases in road traffic likely to result from the development and the weight limitation on the use of Whitechurch road by public transport vehicles.
 - (b) The proposed development would endanger public safety by reason of traffic hazard arising from the increase in vehicular traffic using Whitechurch Road, the proposed upgrades to which do not sufficiently correct the alignment or capacity of the road nor the provision of safe space for vulnerable road users.
 - (c) The local road network cannot currently provide for suitable pedestrian and cyclist facilities to serve the increased demand generated by the proposed development. There is no public transport serving the site and the nearest bus routes, which are low frequency, are over 1.2 kilometres away, to the north of the site. Future residents would be required to walk or cycle along the substandard road network, which would lead to conflict between road users, that is, vehicular traffic, pedestrians, and cyclists. The proposed development would, therefore, endanger public safety by reason of traffic hazard.
 - (d) The applicant has contravened Condition Number 3 of the letter of consent from Dún Laoghaire-Rathdown County Council in relation to tree removal on College Road and has, therefore, no prospect of being able to carry out the proposed development and does not have sufficient legal basis for submitting the planning application.

4. Having regard to the following;
 - (a) The location of the proposed development on the southern side of Whitechurch, but remote from the established urban area,
 - (b) The proposed development area consists of two separate sites that are only connected by the public road and a relatively narrow footpath located on the western side of the Whitechurch Road,



- (c) The separated nature of the site layout results in a need for duplication through the proposed internal road layout and the need for two separate access points to the Whitechurch Road,
- (d) All proposed retail/childcare services are provided to the southern section of the site, and this is likely to result in increased car traffic as the northern section is lacking in retail provision and childcare,
- (e) The poor disposition and quantity of public and private and communal open space through location and lack of passive surveillance,
- (f) The proposed development is located to the south of the Whitechurch Road in an area that is rural in character and the piecemeal nature of the development would have a negative impact on the established character of the area,
- (g) The proposed Block A/B which addresses the Whitechurch Road is considered to be unacceptable in terms of façade treatment and design and would provide for a poor entrance and streetscape to the southern portion of the development,

It is, therefore, considered that the proposed development would constitute a substandard form of development which would seriously injure the amenities of the area, would provide for poor residential amenity, and would be contrary to the proper planning and sustainable development of the area.

5. The proposed development would, due to the lack of a natural Sustainable Urban Drainage Systems strategy and the provision of underground attenuation tanks under the public open spaces, restrict the potential for landscaping in public open spaces and would be contrary to Policies IE2, in IE2 Objective 5 and Policy GI5 of the South Dublin County Council Development Plan 2016-2022 and would undermine water quality and the efficient provision of surface water drainage services in the County.

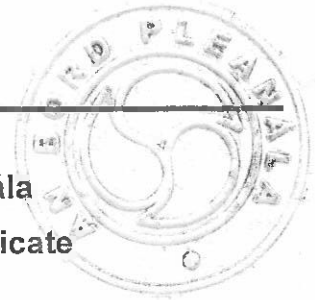


6. The proposed removal of boundary trees and vegetation on the northern site is not in keeping with Policies G11, G12 and G15 of the South County Council Development Plan 2016-2022.



Terry Ó Niadh

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 30th day of June, 2022