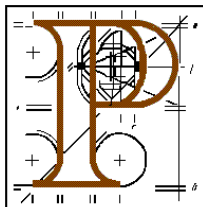


An Bord Pleanála



Inspector's Report

Development: Children's Playground, Associated Landscaping and Infrastructure Works at College Square, Off Wainsfort Drive, Dublin 6W

Planning Application

Planning Authority: South Dublin County Council
Planning Authority Ref.: SD15A/0373
Applicant: Ballymore Residential Ltd
Type of Application: Permission
Planning Authority Decision: Grant with Conditions

Planning Appeal

Appellant: Neville Caffrey & Others
Type of Appeal: 3rd vs Grant
Observers: None
Date of Site Inspection: 27 July 2016
Inspector: Juliet Ryan

1 THE SITE

- 1.1 The appeal site, with a stated area of c.0.07 ha, is located within the recently constructed College Square residential development of Wainsfort Drive. It comprises a regularly shaped parcel of open space within the development.
- 1.2 The site is located to the west (rear) of Nos. 83-91 Wainsfort Road; to the south (front gable side) of one of the newly developed three storey dwellings at College Square, and to the east (i.e. opposite side of road) of Nos. 50-53 College Square.
- 1.3 At present the site comprises a grassed area, with three mature pine trees located at its western boundary (i.e. adjacent to internal access road). A c.2m high blockwork wall delineates the communal boundary with the rear garden area of the residential dwelling to the north. This wall does not extend for the full communal boundary, however; and recently planted trees delineate the communal boundary to the front (south) of the dwelling. The communal boundary with the rear gardens of properties on Wainsfort Road is defined by c. 2m high fencing.
- 1.4 The College Square development is accessed from an internal road that runs north off College Drive. There is a pillared entrance to the estate with an occupied security building and CCTV. The internal access road is lightly trafficked and subject to traffic calming (speed ramps). At the time of site inspection a certain degree of construction activity was taking place towards the northern end of the College Square development. For the most part, however, the development is complete and occupied. It is finished to a high standard with well-maintained landscaping throughout.

2 THE PROPOSED DEVELOPMENT

- 2.1 The proposal comprises a children's playground at the recently constructed College Square residential development, off Wainsfort Drive in Terenure.
- 2.2 The playground will comprise a centralised play area with six separate pieces of play equipment; seating benches; and bins. Proposed equipment is specified as catering for ages 1-12 on the documentation submitted.
- 2.3 Boundary treatment will comprise 1.1m high railing with surrounding shrub planting. Some two pedestrian entrances are proposed.
- 2.4 Existing mature trees on site are to be retained, with uplighters to be incorporated. Separate bollard lighting will also be provided.

- 2.5 It is proposed that the playground will be maintained by an Estate Management Company.

3 THE DEVELOPMENT PLAN

- 3.1 The South Dublin County Development Plan 2016-2022 was adopted on 16th May 2016 and has been operative since June 12th 2016. The site is zoned Objective A - *to protect and / or improve residential amenities.*
- 3.2 The Development Plan states that children should have access to safe and secure outdoor play opportunities that are accessible from their homes (S.11.3.1).

4 PLANNING HISTORY

The overall College Square site was formerly occupied by an Eircom Training Centre prior to redevelopment by the applicants. The Board is referred to the Planner's Report, which sets out a summary of the planning history of the overall lands (including permissions for extension of duration). No planning application appears to pertain specifically to the instant playground site. Of the wider landholding, the following An Bord Pleanála decisions are noted:

- **PL 06S.244120 (SD14A/0181) - March 2015**
The Board upheld the Planning Authority's decision to grant permission for the replacement of 15 no. permitted duplex / townhouses with 11 no. detached / semi detached house types.
- **PL 06.208753 (SD04A/0242) – January 2005**
This was the parent permission granted in 2005 for 189 no. houses; 109 no. apartments; a crèche; parking, landscaping and all associated works. Condition No. 12 of the Board's decision required the following:

12. *Prior to commencement of development, the applicant shall submit detailed proposals for the provision of suitable facilities for children's play (including equipment in accordance with current E.U. Standards).*

Reason: *In the interest of amenity and the proper planning and sustainable development of the area.*

5 PLANNING AUTHORITY DECISION

5.1 Third Party Submissions

Some 21 no. submissions were received in objection to the proposal. The issues raised are generally reflected by the grounds of appeal.

5.2 Internal Reports

The subject application was referred to the following internal sections of the Planning Authority:

- Environmental Services
- Roads
- Parks
- Environmental Health

No report was submitted from Environmental Health, with all other sections expressing no objections subject to conditions. The Parks Department, in particular, sought certain specific design revisions. In addition, Irish Water had no objection.

5.3 Planner's Report

The Planner's report was satisfied with the proposal, commenting that its location in an existing residential area would facilitate passive supervision and self-policing of the space. The report did not concur with concerns of Third Parties regarding congregation of people etc. noting that the site was currently in use as public open space.

5.4 Decision

The Planning Authority decided to grant permission subject to 7 no. conditions (which incorporate the design revisions recommended by the Parks Department).

6 GROUNDS OF APPEAL

The appeal submitted by Molloy & Associates, Architects on behalf of Neville Caffrey and others may be summarised as follows:

- Proposal will adversely affect residential amenity due to noise, general disturbance and loss of privacy
- Location of proposal constitutes safety hazard due to position on main road through site

- Proposal is located close to estate entrance and will likely attract users from outside estate, with consequent adverse impacts arising from parked cars
- Location of proposal constitutes 'pocket park' per definitions in SDCC Development Plan 2010-2016, which are explicitly not considered appropriate for play equipment
- Policy SCR65 of Development Plan notes that location of play facilities should not cause unreasonable nuisance problems for residents, and that a 'buffer zone' should be incorporated into intervening areas
- Appendix B sets out 5m-15m recommended minimum standards for buffer zones between playgrounds and dwellings – the separation between the subject play area and the dwelling to the north is just 2.5 metres
- Adjacent dwelling to north was designed with large windows in gable and low boundary hedging to provide passive surveillance over landscaped area – location of play area adjacent will adversely affect privacy of this property
- Height of proposed climbing frame (3.35m) will facilitate overlooking of private gardens
- Design and layout does not meet appropriate standards
- Housing estate was originally part of Kimmage Manor, with an 'IN' zoning, whereby there was a policy to retain the open character of the lands. Use of subject site as play area conflicts with this objective.
- Retention of subject site as open space area does not render it inappropriate for play – rather it could become an extension of non-traditional play areas in the wider landscaped setting that are already enjoyed by children
- Proposal conflicts with established character of estate which is defined by a landscaped entrance and mature trees
- Multiple modifications to parent planning permission has resulted in play facility being located in unsuitable location
- Issues relating to operation and maintenance
- Proposal will attract anti-social behaviour

- Given intervening modifications made to proposal since original attachment of Condition No. 12 to parent permission, playground no longer considered necessary
- Originally the Planning Authority sought the playground to be enclosed within the apartment complexes, which are no longer part of the development
- Lack of consultation with local residents regarding design and palette of materials

7 PLANNING AUTHORITY RESPONSE

The Planning Authority confirms its decision and refers the Board to its Planner's Report.

8 FIRST PARTY RESPONSE TO APPEAL

None received.

9 ASSESSMENT

- 9.1 Given that the subject site is not either individually nor in combination with other plans and projects likely to affect a Natura 2000 site, an Appropriate Assessment was not considered necessary in the instant case.
- 9.2 It is noted that the parent permission for the overall development (PL 06S.208753) required the provision of suitable facilities for children's play in the interest of amenity and the proper planning and sustainable development of the area. Having regard to this, to the residential zoning of the site, and to S.11.3.1 of the Development Plan, which seeks that children should have access to safe and secure play facilities within easy reach of their homes, I consider the subject proposal to be acceptable in principle.
- 9.3 The Appellants have noted that the design and layout of the scheme has changed considerably since the parent permission, with apartment units no longer part of the proposal. Arising from this, they submit that play facilities as originally conditioned are no longer required. I would not concur with this, and would comment that communal active open spaces serve a very different purpose from private gardens and are an important part of fostering sustainable communities.
- 9.4 With specific regard to the design and layout of the proposal, I would have concerns that adequate separation distance from the adjacent dwelling to the north has not been provided (i.e. less than 5 metres

between play area and front façade of dwelling). In this regard I would recommend that the number of play equipment provided should be reduced, and concentrated towards the southern part of the site, such that a greater separation distance from the adjacent house to the north is achieved, in the interest of privacy and residential amenity. This could be achieved by way of condition.

- 9.5 Concerns regarding potential overlooking are understandable. However, I am satisfied that, subject to my recommendation above, all proposed play equipment will be adequately separated from nearby properties such that this will not arise. I would also comment that it is the responsibility of each householder to secure the privacy of her/his own dwelling via boundary treatment as appropriate.
- 9.6 I would not share the Appellants' concerns regarding noise and anti-social behaviour. In this regard I would note that the area is a designated public open space area already; I would also note that its modest size and relatively secluded location would constrain the number of potential users. I would also comment that the location enjoys passive surveillance from the houses opposite, as well as being part of a development that is privately managed with CCTV and security facilities.
- 9.7 With respect to concerns regarding safety, particularly having regard to the site's location along the estate's main road, I would note that this is a lightly trafficked road that is subject to traffic calming. Further, the play area will be gated. This is considered acceptable.
- 9.8 The proposed landscaping of the site is considered acceptable, and it is to be welcomed that the existing mature trees are to be retained, which will serve to preserve the established character of the area.
- 9.9 Concerns expressed regarding the design and finish of the proposal are noted. In this regard I consider the detailed design alterations recommended by the Parks Department of the Planning Authority to be appropriate, and recommend that they be attached in the event that the Board is so minded to grant permission.

10 CONCLUSION AND RECOMMENDATION

10.1 Conclusion

I have had regard to all other matters raised in the instant case, but do not consider them to be so material to the consideration of the merits of this proposal as to warrant a different conclusion from that set out below.

10.2 Recommendation

I recommend that planning permission be granted subject to the conditions set out below for the reasons set out below.

Reasons & Considerations

Having regard to the location of the site within an existing open space area that has benefit of passive surveillance from nearby dwellings, and having regard to Condition No. 12 of PL 06S.208753, and subject to compliance with the conditions set out below, it is considered that the proposal would not seriously injure the residential amenity of the area, would not adversely affect the established character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Revised drawings shall be submitted to, and agreed in writing, with the planning authority demonstrating a revised northern boundary of the railed play area, which shall be separated from the front façade of the adjacent dwelling to the north by 10 metres.

Reason: In the interest of privacy and residential amenity.

3. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
 - (a) final site layout plan for the playground which shall clearly identify specific areas for the age groups to be served,
 - (b) the surface treatment for the playground, and

- (c) the boundary treatments for the site, including the provision of an appropriately sized/designed pedestrian entrance gate.

Reason: In the interest of orderly development and the proper planning and sustainable development of the area.

4. All trees within and on the boundaries of the site shall be retained and maintained, and the landscaping plan submitted as part of the overall development shall be implemented within the first planting season following the commencement of works on the site.

Reason: In the interest of visual amenity.

**Juliet Ryan
Senior Planning Inspector**

27 July 2016