



An
Bord
Pleanála

Inspector's Report PL 06D.248537

Development	Pedestrian and cycle path
Location	Sefton, Rochestown Avenue, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0174
Applicant	Cosgrave Developments
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	1. Aoife and Donal Ewing 2. Sefton and Sefton Green Residents Association

Date of Site Inspection

2nd August, 2017

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The site comprises part of an existing public open space area within the Sefton residential estate, Rochestown Avenue, Dun Laoghaire, Co. Dublin. There is a c. 3m high boundary wall consisting of block with additional palisade fencing on top (c. 1m high) and shrub planting separating the open space in Sefton from Honeypark to the north east.

2.0 Proposed Development

- 2.1. The proposed development consists of a pedestrian and cycle path connecting Sefton to the Honeypark development and provides for the construction of a 3m wide shared tarmac pedestrian and cycle path, c. 56m in length, through the existing open space area within the Sefton housing estate, Rochestown Avenue. Permission is also sought for dishing of an existing public footpath and kerbing on the public road within the Sefton housing estate together with associated landscaping works and public lighting. Provision is made in the drawings submitted with the application for an optional pole for CCTV (by others).

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 7 No. conditions.

Noteworthy conditions include the following:

Condition 2 required the applicant to undertake an independent quality audit of the proposed development with particular emphasis on the safety of pedestrians and cyclists and to include the pathway's connection with existing pedestrian and cycle routes with Honeypark.

Condition 4 required the provision of a sign indicating: 'Shared Track for Pedal Cycles and Pedestrians'.

Condition 7 required the proposed three lights on the pathway to be ABACUS raising and lowering columns.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan policy, submissions and reports received. It was considered the proposal accords with the County Development Plan and would facilitate sustainable modes of transport such as walking and cycling.

Other Technical Reports

Drainage Planning had no objection to the proposal.

Public Lighting Section recommended the attachment of a condition requiring the 3 No. lights on the Sefton link laneway to be ABACUS raising and lowering columns.

Property Management Section confirms that a letter of consent was issued to the applicant's agent.

Transportation Planning recommended permission subject to conditions.

Parks and Landscape Services Section recommended permission subject to conditions.

3.3. Third Party Observations

A total of 31 No. submissions were received. The main concerns are summarised in the planner's report and reflect the concerns raised in the appeals.

4.0 Planning History

P.A. Ref. D06A/0927/ABP Ref. PL06D.225947/ PLD06A/0927E

Parent permission on site and extension of same. The drawings submitted with this application indicated a number of pedestrian linkages including a link to Rochestown Avenue via the open space in Sefton subject to the approval of Dun Laoghaire County Council. The parent permission did not include for a pedestrian/cycle path within the open space of the Sefton housing estate.

Condition 28 of the Board Order is as follows:

Pedestrian and cycle links to and from the proposed development, without provision for any vehicular access in the future, shall be provided to and from Glenageary Road Upper, Rollins Villas, O' Rourke Park and Sefton, as indicated on the submitted drawings, including cycle ways and pathways to the site boundary.

Reason: To ensure permeability through the site and the successful integration of the proposed development into the existing residential area and to improve access to public transport and new public open spaces for existing residents in the area.

The parent permission was granted by the Board in June 2008 for a 7 year period and was extended under D06A/0927/E for a further 5 years.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown Development Plan 2016-2022

The appeal site is zoned 'F' with a stated objective to 'preserve and provide for open space with ancillary active recreational amenities'. There is a Specific Local Objective on the adjoining lands at Honeypark, SLO 64, which states that it is an objective of the Council to improve pedestrian and cycle permeability to and from the former Dun Laoghaire golf course lands at Honeypark. Policy UD1 advises that permeability must be considered early in any planning and development process and that a successful place is easy to get to and move through.

6.0 The Appeal

6.1. Two third party appeal have been submitted by **Sefton and Sefton Green Residents Association** and **Aoife and Donald Ewing**.

The grounds of appeal can be summarised as follows:

- There is no need for the development - any suggestion that residents will enjoy better access to bus services via the proposed routes is a misnomer insofar as Sefton is already served by bus services and public transport upgrades (which appears to have been the driving force between the provision of the access link) along Rochestown Avenue never materialised.
- The creation of a link in order to comply with condition No. 28 of ABP Reg. Ref. 225947 should not trump condition No. 5 of Ref. Reg. RA433 (condition relating to open space in Sefton) as the proposed link will diminish the open space in Sefton.
- The proposed development conflicts with Development Plan policy UD1.
- Concern regarding safety due to differences between existing Sefton/ Sefton Green pathways and proposed development.
- Land is conditioned as open space and would result in a material contravention of original permission for Sefton and the Development Plan.
- The development will detract from the amenity of the open space and will split it into two pieces.
- The enjoyment of the open space in both Honeypark and Sefton will be diminished and the children will no longer be free to play in a safe and secluded environment.
- Concerns regarding anti-social behaviour including thefts and littering and increased traffic.
- In the event that the Board is minded to grant permission for the development, it is requested that the following conditions are attached:
 - (a) Installation of access gate which can be closed at night.
 - (b) Installation of CCTV cameras.

6.2 Planning Authority Response

The Planning Authority response can be summarised as follows:

- The Planning Authority highlights the importance to ABP of the proposed pathway which facilitates pedestrian and cycle access between the new

development at Honeypark and existing residential areas and promotes sustainable modes of travel such as walking and cycling for access to services, facilities and amenities and it is considered to be in accordance with the policies and objectives of the 2016- 2022 Dun Laoghaire Rathdown Development Plan.

- The proposed link is in accordance with condition 28 of D06A/0927/ PL06DA/0927E.
- The Planning Authority is satisfied that the proposed development would not unduly impact on the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

6.3 Applicant's Response to the Appeal

The response to the appeal may be summarised as follows:

- At the time of the parent application and planning permission, the planning authority had requested that the application include proposals for connectivity with adjoining residential areas to facilitate a high level of pedestrian and cyclist permeability to adjoining area.
- The proposed link will benefit existing residential areas and also users/ staff of facilities such as the nearby National Rehabilitation Hospital on Rochestown Avenue along with the existing and future residents of Honeypark.
- The proposed development is supported by planning policy.
- The provision of a pedestrian and cycle way is not contrary to its use as public open space.
- An option to provide CCTV has been provided for in the application drawings.
- The condition requiring an independent quality audit should address concerns such as gradient, surface, safety etc.

6.4 Further Responses

Donal and Aoife Ewing comment that they agree with the comments made by the Sefton and Sefton Green Residents Association and request that the Board refuse planning permission.

7.0 Assessment

7.1. I consider that the main issues in this case may be considered under the following headings:

- Planning History and Need for Development
- Impact on Residential amenity
- Design
- Other issues

7.2. Planning History and Need for Development

7.2.1. I refer at the outset to the two previous applications which are referenced – the initial parent permission granted on the site and the extension of same.

7.2.2. The original permission was granted on appeal to the Board and Condition No. 28 is as follows:

‘Pedestrian and cycle links to and from the proposed development, without provision for any vehicular access in the future, shall be provided to and from Glenageary Road Upper, Rollins Villas, O’ Rourke Park and Sefton, as indicated on the submitted drawings, including cycle ways and pathways to the site boundary.

Reason: To ensure permeability through the site and the successful integration of the proposed development into the existing residential area and to improve access to public transport and new public open spaces for existing residents in the area.’

The link proposed in this application together with other links had been indicated on the site plan however the link through the public open space of Sefton had not been included. At the time of the history application, the principle of these connections

were subject to some opposition from neighbouring residents. The Inspector stated in his report that:

‘it is considered that such linkages would benefit the adjacent existing residents including the existing residents at Sefton in combining the existing and adjoining proposed public open space areas and improving access towards Dun Laoghaire Town Centre to the north,.....and would facilitate future residents of the proposed development in accessing existing and proposed bus services along Rochestown Avenue to the South.’

It is clear from an examination of the history files that the principle of the proposed development has been accepted and that there would be a future application for this development and in my view a refusal of same would not be warranted.

- 7.2.3. In terms of the need for the development, the appeals question the need for the development in light of the non-improvement of bus services on Rochestown Avenue. I consider that the key issue associated with this development relates to the improvement of permeability and the creation of a high quality urban environment. At present, local services such as the National Rehabilitation Hospital, the Honeypark public park and playground, Park Pointe Neighbourhood Centres cannot currently be accessed without an extremely long circuitous walking route from residential areas at the opposite side of the existing wall along the northern side of the open space. The proposed path will facilitate a more direct route and will greatly benefit the area in my view.

7.3. Impact on Residential Amenity

- 7.3.1. The main concerns raised in relation to the impact on residential amenity relate to the splitting of the open space into two and anti-social behaviour including thefts and littering. Concern is also raised that the enjoyment of the open space in both Honeypark and Sefton will be diminished and the children will no longer be free to play in a safe and secluded environment.
- 7.3.2. The Honeypark estate is an example of excellent planning and development and rather than impacting negatively on existing residents, I consider that the proposed link will enhance the residential amenity of existing residents in both Sefton and

Honeypark. Whilst, I accept that there may be a perceived loss of amenity associated with the proposed link and increased access by pedestrians and cyclists, I consider that this may provide increased surveillance to existing residents together with an improvement of recreational amenities in the area.

- 7.3.3. I note that the link will be overlooked by houses in both Sefton and Honeypark at both ends of the link. Drawings submitted with the application indicate public lighting and an option for a pole to provide CCTV. It is stated in the appeal documentation that this is not intended as an acknowledgement of an increased risk of anti-social behaviour but rather a provision should it be deemed appropriate for any reason in due course by Dun Laoghaire Rathdown County Council which have responsibility for maintaining the space.
- 7.3.4. The third party appeal on behalf of Aoife and Donald Ewing asks that in the event that the Board is minded to grant permission, the Board attach conditions requiring the installation of a gate that can be closed at night and CCTV cameras.
- 7.3.5. I note the evidence submitted with the appeal in terms of existing anti-social behaviour and littering in Honeypark and I note the concerns raised regarding the potential risk that increased egress offers more scope for criminals to flee. I consider, however, that there is no evidence that there will be increased anti-social behaviour and security concerns as a result of the proposed development and as such I do not consider that there is a need for either CCTV cameras or a gate which can be closed at night. In my view, such elements should only be installed if there is a very good evidence backed reason for doing so. I conclude that the proposed development is acceptable in terms of the impact on the residential amenities of the area.

7.4. Design

- 7.4.1. A number of concerns have been raised in the appeals relating to compatibility of proposed path with existing paths, the gradient of the path, and suitability of the area for cyclists.
- 7.4.2. The appellants have stated that the existing footpaths within Sefton are 1.8m wide, while the footpath from Sefton to Rochestown Avenue is 0.9m wide. I note that the paths referred to in Sefton are footpaths adjacent to roadways whilst the path proposed is a dual cycle and footpath and as such a width of 1.8m is appropriate.

7.4.3. Concerns are expressed regarding the gradient of the path for wet or icy conditions or wheelchair users. The pathway is designed to slope from a level of 45.9 to 44.5 over a distance of 56m in total. The steepest gradient is 1:13 in an area of c.20m at the north east of the site where it approaches the boundary wall between Honeypark and Sefton. I note that the Transportation Section of the Council recommended permission subject to conditions. Condition 2 of the Council required an independent quality audit with particular emphasis on the safety of pedestrians and cyclists and to include the pathway's connection with existing pedestrian and cycle routes within Honeypark. I consider that a quality audit would be useful at this location and should the Board be minded to grant permission, I would recommend the inclusion of such a condition.

7.4.4. I note that there are particular concerns raised in the report from the Landscape Design Section of the Council in relation to the drop between the existing concrete break-through wall and the service road to Brickfield Way (Honeypark). The report states the following:

'Given this drop and the proposed gradient over a short distance (not specified in dwgs.) over the 0.7metre difference to Sefton, there's a risk of cyclists approaching Brickfield Way at speed and colliding or careering down the nearby slope, to or near the existing steps to the service road. Those steps (10 no.) does not have any side rails to assist users. This is not in accordance with the requirements of Part M of the Building Regulation, nor with universal design principles. This flaw could be effectively addressed by simple revision to the current application.'

7.4.5. I am satisfied that Condition 2 of the Council addresses the concerns raised in relation to the gradient at this location and the safety of cyclists and other users.

7.5. **Other issues**

7.5.1. In relation to the principle of the development I note that the proposed development is supported by planning policy and objectives of the Dun Laoghaire Rathdown County Development Plan 2016. Chapter 8 of the plan states that permeability is a key feature of good urban design. 'Specific Local Objective 64' in the County Development Plan provides for such linkages to and from the Honeypark site specifically: 'To improve pedestrian and cycle permeability to and from the former

Dun Laoghaire golf course lands at Honey Park. Permeability is considered integral to high quality public realm design in Section 8.2.3.1 of the Plan – Quality of linkage and permeability- to adjacent neighbourhoods and facilities and the nature of the public realm/ streets and spaces.’ In relation to public/ communal open space set out in Section 8.2.8.3 it is stated that permeability and accessibility will be encouraged as part of an integrated approach to the provision of linked open space. Policy UD1 is supportive of permeability and making successful places easy to get around. As such, I consider that the proposed development is compliant with Development Plan policies. In addition, I note that the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) 2009 and The Design Manual for Urban Roads and Streets (DMURS) support connectivity and the creation of environments whereby priority is given to the needs of walking, cycling and public transport so that the need for car borne trips is minimised.

- 7.5.2. I note that both appeals state that the site is conditioned for open space under Reg. Ref. RA433 as follows: ‘the green areas shown as open spaces on the said plan shall be reserved as public open spaces and shall be levelled, soiled, seeded and landscaped and shall be made available for use by residents on completion of the houses.’ Concern is expressed that the proposed development would be a material contravention of the planning permission and thus condition No. 28 of the original permission should be withdrawn and annulled.
- 7.5.3. I do not consider that the proposal conflicts with the existing and permitted use of the site or the zoning of the site as open space. Appendix 14 of the County Development Plan outlines a network of parks, green spaces and connections between these recreation and amenity spaces in order to provide a better quality of life for all residents in Dun Laoghaire. The proposed development is part of this network.
- 7.5.4. Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

8.0 Recommendation

- 8.1. I recommend that the Board uphold the decision of the planning authority to grant permission for the reasons and considerations and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the planning history of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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.

10.0 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

Reason: In the interest of visual amenity.

3. Prior to commencement of the development, the developer shall undertake at his own expense, an independent quality audit of the proposed development with particular emphasis on the safety of pedestrians and cyclists and to include for the pathway's connection with existing pedestrian and cycle routes

within Honeypark. The independent audit team shall be approved of in writing by the planning authority. The Auditor's report together with any measures recommended, including any revised drawings detailing these measures, shall be submitted for the written agreement of the Planning Authority prior to commencement of the development.

Reason: In the interest of orderly development and public safety.

4. Prior to commencement of development, the applicant shall submit for the written agreement of the Planning Authority, plan and elevation drawings showing the provision of a sign indicating: 'Shared Track for Pedal Cycles and Pedestrians'. The sign shall be located adjacent to the proposed dropped kerb and buff tactile paving at the proposed pathway's connection to the public road within Sefton.

Reason: In the interest of orderly planning and public safety.

5. The public lighting proposed shall be ABACUS raising and lowering columns.

Reason: In the interest of orderly planning and public safety.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenities, public health and safety.

Emer Doyle
Planning Inspector

29th August 2017