



An  
Bord  
Pleanála

## Inspector's Report ABP-303324-18

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<b>Development</b>	Construction of apartment block comprising of 57 residential units, gym and parking area.
<b>Location</b>	Site to South-East of Glenamuck Road South, Kiltiernan, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0940
<b>Applicant(s)</b>	Goodrock Project Management
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Goodrock Project Management
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> March 2019
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site of the proposed development is located on the southern side of the Glenamuck Road, Kiltiernan, Co. Dublin. It is located within the defined plan area of Kiltiernan Glenamuck Local Area Plan 2013-2019. The site has a stated area of 1.37 hectares and is part of agricultural land that is associated with Rockville House. A housing development is currently under construction on the Rockville House lands.
- 1.2. The site comprises of a greenfield site currently in agricultural use to the south east of the wall associated with Rockville House. The site is bound to the east by the proposed Glenamuck Distributor Road. A 220Kv powerline transverses the site and there is a restriction corridor associated with this. The site has an elevation of approximately 133.6m OD to the south western section of the site falling to the north west with an elevation of 123 OD.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
  - Construction of a four storey apartment block comprising of 57 No. residential units including 10 No. 1 beds, 41 No. 2 beds, and 6 No. 3 beds.
  - The apartment block includes a gym facility measuring 50m<sup>2</sup> at ground floor level.
  - Access road with car parking, waste management facilities, and car parking.
  - The application is an extension to the Phase 1 parent permission PA Reg. Ref. D17A/0793 (Phase 1) and Phase 2A permission granted under Reg. Ref. D18A/0566.
- 2.2. The application is accompanied by the following:
  - Planning Report
  - Archaeological Assessment
  - Conservation Assessment
  - Design Rationale - Landscape Architecture
  - Building Lifecycle Report for Operation of Development

- Arboricultural Assessment Report
- Engineering Report
- Quality Audit
- Outline Construction Environmental Management Plan
- Outline Construction and Demolition and Operational Waste Management Plan
- Flood Risk Assessment
- Design Process Traffic Management Plan
- Traffic and Transport Assessment
- Mobility Management Plan
- Storm Water Impact Assessment
- Construction Costs
- Photomontages.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for 3 No. reasons as follows:

1. The proposed development is premature pending the determination by the planning authority or road authority of the Glenamuck Link Distributor Road as per DLRCC Kiltiernan Glenamuck Local Area Plan (2013).
2. Having regard to the recent decisions for 54 units on the adjoining sites (Reg. Ref. D17A/0793 and D18A/0566) which is within the same landholding, and the number of childcare services within a 1km radius of the subject site it is considered that there is an under provision of childcare facilities in the immediate area and the proposed development would therefore be contrary to Policy SIC11: Childcare Facilities for the 2016-2022 County Development Plan and the Childcare Facilities Guidelines for Planning Authorities (DoEHLG

2001) and is contrary to the proper planning and sustainable development of the area.

3. Having regard to the car dominated layout of the proposed development, the provision of open space within the restriction corridor for the 220Kv electricity line and the lack of own door units onto the new proposed Glenamuck Link Distributor Road it is considered that the proposed development would fail to create an adequate sense of place and would be contrary to Objective BF01 of the Kiltiernan Glenamuck Local Area Plan, Policy UD1 Urban Design Principles of the Dun Laoghaire- Rathdown County Development Plan 2016-2022 and also fails to comply with the recommendations of both Sustainable Residential Development in Urban Areas (2009), and the Urban Design Manual – A Best Practice Guide (2009). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

## **4.0 Planning Authority Reports**

### **4.1. Planning Reports**

- 4.1.1. The Planning Authority considered that the principle and density proposed were acceptable. The Planning Authority would welcome some own door to ground floor apartments proximate to the proposed GLDR. Given that the road has not yet received final approval, the Planning Authority have a concern that final alignments and positioning of the road could change. Concerns were raised in relation to the dominance of surface car parking. It was considered that a creche should be provided when taken together with the recent decision on the adjoining site (PA Reg. Ref. D17A/0793) which did not provide for a creche within the overall development. Concern was raised regarding the location of the majority of open space provision within the exclusion zone for the overhead 220Kv powerline.

### **4.2. Other Technical Reports**

#### Transportation

- Consider that proposal is premature until approval is granted for the Glenamuck Link Distributor Road.

- The Dept. would not be in favour of a proposed reduction in car parking standards for the proposed residential development at this location – i.e. due to its proximity to a LUAS stop/ etc. A total of 84 spaces are required and 72 spaces have been provided with no car parking designated for visitor parking.

#### Drainage

- Further Information required.

#### Housing

- No objection subject to conditions.

### 4.3. **Prescribed Bodies**

#### Department of Culture Heritage and the Gaeltacht

- Permission recommended subject to conditions.

#### An Taisce

- Objections raised in relation to the absence of undercroft or basement car parking which diminishes the positive impact of the development and occupies space that could be used as open space.

### 4.4. **Third Party Observations**

4.4.1. None.

## 5.0 **Planning History**

### **PA D16A/0488/ PL06D.247300**

Permission refused by the Planning Authority and the Board on appeal for construction of 49 dwellings (Phase 1) and the retention of Rockville House and Gatelodge, both protected structures.

### **PA D17A/0793**

Permission granted at Rockville House and Gatelodge (both protected structures) for 49 No. dwellings (Phase 1).

### **PA D18A/0566**

Permission granted for 5 No. dwellings for residential development on a site to south of Rockville House (Phase 2(a)).

### **Other relevant applications:**

#### **ABP 300731**

Strategic Housing Development at Glenamuck- Refused by ABP for 98 houses for 4 No. reasons relating to density too low and inappropriate housing mix, impact on residential amenity, lack of detailed documentation in terms of storm water proposals, and substandard level of pedestrian/ cycle connection.

#### **ABP 303978**

Current Strategic Housing Development at Glenamuck Road South for 203 residential units.

#### **ABP 303945**

Current application for Glenamuck District Roads Scheme which will connect the existing R117 Enniskerry Road with the Glenamuck Road and new distributor road which will connect to the Ballychorus Road and the R117 Enniskerry Road.

## **6.0 Policy and Context**

### **6.1. Development Plan**

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- The land is subject to Specific Local Objective No. 40: "To develop the Kiltiernan/Glenamuck area in accordance with the policies and objectives of the adopted Local Area Plan."
- There is a six year Roads Objective for the Glenamuck District Distributor Road, Glenamuck Local Distributor Road (including Ballycorus Link) and Glenamuck Road South.
- RPS No: 1790 - Rockville House, Glenamuck Road, Carrickmines, Dublin 18, - House and Gate Lodge on adjacent lands (Phase 1 of development granted under PA D17A/0793).
- The site is located with the Section 49 Supplementary Development Contribution Scheme for the Glenamuck District Distributor Road and Surface Water Attenuation Ponds Scheme 2008.

## 6.2. **Kiltiernan/Glenamuck Local Area Plan 2013**

6.2.1. The site is located on lands designated for medium density housing.

## 6.3. **Natural Heritage Designations**

6.3.1. A Screening Report for Appropriate Assessment submitted with the application outlines details of all the Natura 2000 sites within 15km of the proposed site. The closest sites are Knocksink Wood SAC, Ballyman Glen SAC, and Wicklow Mountains SAC and Wicklow Mountains SPA.

## 6.4. **EIA Screening**

6.4.1. Having regard to nature of the development comprising of a residential development in a serviced urban area, 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.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The first party grounds of appeal can be summarised as follows:

- It is considered that the proposed apartment block can be delivered without impacting on the Glenamuck Distributor Road.
- It is considered that open space provision is sufficient and that it will benefit the permitted Phase 1 land and the permitted development of 5 No. houses under Phase 2A.
- A technical response in relation to drainage issues is attached to the appeal. It is respectfully submitted that details can be agreed as a condition of planning if the Board are minded to grant permission.
- It is considered that a creche is not viable on the site having regard to the number of other facilities in the area. However, should the Board not agree with this, an alternative option providing for a creche has been provided for in revised drawings.
- The proposed scheme is not car dominated and provides a high quality urban design which creates a sense of space.
- The appeal is accompanied by a number of Appendices including Traffic, Drainage, Landscaping, Costing report on basement carparking and a revised layout providing for a creche.

### 7.2. Planning Authority Response

The Planning Authority responded as follows:

- The final design for the proposed Glenamuck Link Distributor Road has not yet been approved to date. Final alignments and the positioning of the road could be changed and would affect the relationship between the new road and the proposed development. The proposed development is therefore considered premature until the final design of the GLDR is approved.



- It is considered that the proposal fails to comply with the DMURS guidelines. The Planning Authority refers to Section 4.2.3 which refers to active street edges which provide ‘passive surveillance of the street environment and promote pedestrian activity’ which should be a principle aim of the design team. The report recommends own door units at 5-8 intervals in residential areas in order to promote a high level of activity. It is considered that the applicant has not satisfactorily addressed this aspect in their appeal.
- The Planning Authority do not agree with the argument put forward by the applicant for not providing under croft/ underground car parking.
- In terms of the open space provision, the Board should have regard to the adjoining site (Strategic Housing Development- ABP- 302801-18) which is currently on pre-application stage with the Board. The Planning Authority requests that An Bord Pleanála have regard to the fact that the open space associated with the electricity corridor was discounted from the quantum of public open space provision.

### 7.3. Observations

7.3.1. None.

### 7.4. Further Responses

7.4.1. The applicant submitted the following comments in response to the Planning Authority response:

- A detailed response has already been submitted in relation to the proposed Glenamuck Link Distributor Road. However, in the context of the prematurity point, the Board should note the ongoing delays in the delivery of development in the Glenamuck Kiltiernan LAP area as a result of the failure to bring forward the Glenamuck District Road Scheme in a reasonable period of time.

- Section 1.3 of the Design Manual for Urban Roads and Streets states that the manual cannot be used for every scenario and the application of principles, approaches and standards contained herein requires a degree of flexibility.
- The building has been designed to provide for passive surveillance.
- The gradient of the site would make it difficult to achieve own door residential unit access.
- The open space provision massively exceeds Development Plan standards.

## 8.0 **Assessment**

8.1. I consider that the main planning issues in the assessment of the proposed development can be dealt with under the following headings:

- Principle of Development
- Density
- Design and Layout
- Childcare Provision
- Traffic Issues
- Appropriate Assessment

### 8.2. **Principle of Development**

8.2.1. The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned 'Objective A' with a stated objective 'to protect and or improve residential amenity'. This proposal is for residential use and is compliant with land use policy.

### 8.3. **Density**

8.3.1. The proposal is for a total of 57 No. apartments on a site of 1.37 hectare. This equates to a residential density of 42 units per hectare.

8.3.2. This is a serviced zoned site in a designated development area. The proposal seeks to widen the housing mix in the area and would improve the extent to which it meets the various housing needs of the community. There is a Specific Local Objective (SL040) in the area 'To implement and develop the lands at Kiltiernan Glenamuck in accordance with the Kiltiernan Glenamuck Local Area Plan.' The site is identified as land parcel 20A in the Kiltiernan Glenamuck as is shown as lands suitable for medium density residential of 40-45 dwellings per hectare. As such, the density proposed is considered to be appropriate for the site and in compliance with the relevant section 28 ministerial guidelines and the indicated density in the Local Area Plan.

#### 8.4. **Design and Layout**

8.4.1. The main issues raised regarding design and layout relate to the car dominated layout, the location of the public open space within the restriction corridor for the 220Kv electricity line and the lack of own door units onto the proposed Glenamuck Link Distributor Road.

8.4.2. The car parking area is separated into 3 No. areas with landscaping and footpaths leading out to the greenway link from the individual apartment core entrances. A submission made by An Taisce to the Planning Authority during the course of the application considered that 'in an otherwise good proposal, it is disappointing that the concept of undercroft or basement parking has been rejected.' The Planning Authority share the concerns of An Taisce and considered that the proposed development is overly dominated by the surface car parking and fails to ensure that the development is of a high quality design and creates an appropriate sense of place.

8.4.3. The appeal response to this issue puts forward similar arguments for not providing undercroft parking to those already submitted with the application. The main issues are in relation to the cost of undercroft car parking, the topography of the site and the high quality design and layout of landscaping proposed together with sunken homezones for car parking.

8.4.4. I note that the proposed car parking area is located in close proximity to the proposed Dingle Way greenway cycle and pedestrian route and there will be much

higher numbers of pedestrians and cyclists passing by the proposed surface parking than in a typical housing estate. As such, I consider that it is of critical importance that the design of the site is optimised and I would share the concerns of An Taisce and the Planning Authority in relation to the dominance of car parking at this location.

8.4.5. In terms of public open space provision, the proposed development provides for 6,600 square metres of public open space in three cohesive but distinct blocks. The Design Rationale submitted with the application states that the overall landscape plan has been revised to facilitate the new proposed apartment block, while retaining and enhancing several of the original landscape concepts from the consented landscape scheme. These include further extension of the swale to the north, new pedestrian connections through public open spaces and further spread of the 'Green finger' concept throughout the proposed development.' The lands to the north have a large oak tree which it is proposed to retain together with a proposed play area, a new 'green finger' and green way link which will be overlooked by apartment blocks. The 'green finger' effectively connects the Dingle Way greenway in the adjoining lands through Phase 2 and into the future park and provides an alternative un-trafficked route for pedestrian and cyclists in advance of the GLDR.

8.4.6. The Planning Authority report noted that the majority of open space and car parking is located within the restriction corridor for the 220Kv overhead line which required a clearance distance of 30m either side of the centre line in accordance with Section 8.2.9.10 of the Development Plan. The report raised concerns in relation to design and usability of the majority of the open space in the exclusion zone. The response to the appeal from the Planning Authority states that 'in terms of open space provision, the Board should have regard to the adjoining site (Strategic Housing Development – ABP-301801-18 which is currently on pre-application stage with An Bord Pleanála. The Planning Authority requests that An Bord Pleanála have regard to the fact that the open space associated with the electricity corridor was discounted from the quantum of public open space provision for the proposed development.' For the Boards information, I note that there is currently a Strategic Housing Development application to the Board on the site referred to by the Planning Authority under 303978.

8.4.7. I share the concerns of the Planning Authority in relation to the usability of open space both in terms of the piecemeal nature of the open space in small parcels

separated from each other by a potential link to the distributor road and by the greenway pedestrian/ cycle link, and the leftover nature of the space in an exclusion zone as designated by the Development Plan. As such, I am not satisfied that the proposed open space complies with the criteria set out in Section 8.2.8.3 of the Development Plan or with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

8.4.8. The DMURS Guidelines (Section 4.2.3) recommend own door units at 5-8m intervals in residential areas to promote on-street activity where individual dwellings or apartments are own door accessed. The proposed eastern elevation faces the proposed GLDR. The Planning Authority expressed concern that given that this road has not reached final approval, the final alignments and positioning of the road could change and stated that it would welcome the provision of more own door ground floor apartments. The response to the appeal states that there are 42 own door units proposed and 69 apartments within the overall development. This equates to ratio of 62% apartments and 38% own door units. This is in line with the Sustainable Urban Housing Guidelines and national trends. It is submitted that due to the deficit of apartments particularly for the 1-2 person household, there is simply no justification on the Council's part to seek to raise the percentage of own door units across the development. This is considered to be undue interference in the design process and contravenes stated national policy to increase the number of 1-2 person households. I consider that there are two separate issues at play here. What the council is trying to achieve is a design of better quality for the eastern elevation which will directly overlook the proposed Glenamuck Distributor Road. This is entirely in line with national policy as set out in Section 4.2.3 of the Design Manual for Urban Roads and Streets, and with both development plan and local area plan policies as set out in Policy UD1 of the Development Plan and Objective BF01 of the Kiltiernan Glenamuck Local Area Plan. Section 4.2.3 of DMURS advises that active street edges provide passive surveillance of the street environment and promotes pedestrian activity and is entirely appropriate for a proposed development adjacent to a planned distributor road. The response to the appeal appears to consider that the Council are interfering in the design process and seeking to increase units for larger households. This is not the case and the wider housing mix the proposed development would bring to the area would be welcomed. I note that the subsequent

response by the applicant to the comments of the Planning Authority make the case that it would be difficult to achieve own door units at this location due to the topography of the site and the levels of the proposed road. The response also considered that the balconies will provide for passive surveillance and that there is a degree of flexibility in the DMURS Guidelines. I am of the view that in a new development such as this, every effort should be made to comply with the DMURS guidelines and the scheme could be greatly enhanced by more own door units and a greater level of passive surveillance and pedestrian activity.

8.4.9. Overall, I consider that the proposal represents a car dominated suburban layout which is lacking in good quality public open space for future occupants. Furthermore, the design could be improved by complying with the requirements of the Design Manual for Urban Roads and Streets and Policy UD1 of the Development Plan in terms of using the opportunity of new development alongside a proposed distributor road to create a vibrant, active street frontage that is safe for future occupants and users.

## 8.5. **Childcare Provision**

8.5.1. The second reason for refusal by the Planning Authority is as follows:

*Having regard to the recent decisions for 54 units on the adjoining sites (Reg. Ref. D17A/0793 and D18A/0566) which is within the same landholding, and the number of childcare services within a 1km radius of the subject site it is considered that there is an under provision of childcare facilities in the immediate area and the proposed development would therefore be contrary to Policy SIC11: Childcare Facilities for the 2016-2022 County Development Plan and the Childcare Facilities Guidelines for Planning Authorities (DoEHLG 2001) and is contrary to the proper planning and sustainable development of the area.'*

8.5.2. The response submitted by the applicant makes the case that the Jackson family have already provided sufficient infrastructure in the area and there is already 5 facilities in the area as outlined on Figure 9 of the response. It is also noted that there are 2 No. creche facilities proposed for the SHD applications being prepared under ABP Ref. 303099 and ABP Ref. 302409 in close proximity to the site. However, if the Board is minded to grant permission and consider a creche to be

necessary, a condition could be attached requiring the ground floor layout to be implemented in accordance with the details submitted in Appendix 2. The revised drawing provides for a creche of 126m<sup>2</sup> in lieu of a two bed apartment of 84.5m<sup>2</sup> (No. 47C).

8.5.3. I consider that it is appropriate for developers to provide childcare facilities in new communities. As such, I consider that the revised layout providing for a creche is acceptable. Should the Board be minded to grant permission, I note that no dedicated parking has been provided for the creche however this matter could be conditioned to facilitate the orderly dropping off and collection of children.

## 8.6. Traffic Issues

8.6.1. The main traffic issues relate to prematurity pending the determination by the planning authority or road authority of the Glenamuck Link Distributor Road.

8.6.2. The Planning Authority expressed concern that given that Glenamuck Link Distributor Road has not reached final approval, the final alignments and positioning of the road could change and that as such, the proposed development was premature.

8.6.3. The Roads report advised that the site was constrained to the west by the 220Kv overhead lines but that it could be pushed to the east. The Roads Department considered that the proposed development was unlikely to be amended to the detriment of the proposed development, but that the proposal could be considered premature until the roads scheme gains statutory approval.

8.6.4. An Atkins Transport Report was submitted in the appeal response which considers that the existing road network has the capacity to cater for 57 No. apartments. It is stated that *'should the alignment of the proposed GLDR be altered the proposed boundary wall design allows for adjustment of the vertical alignment of the GLDR and an allowance has been built into the design for this. The boundary wall foundation will be set 0.3m above the upper adjustment level. Furthermore, the Jackson Family own lands to the east of the GLDR, which provide additional space should the width or alignment of the GLDR alter from the Part 10 design as part of the application process. It is respectfully submitted that the proposed apartment block can be delivered if the GLDR is moved further to the east.'*

8.6.5. I note that an application has recently been submitted to the Board for the Glenamuck District Roads Scheme under 303945-18. I consider that the proposed development is premature until such time as the design and layout of the distributor road has been approved notwithstanding the allowances made by the applicant should the alignment change.

## 8.7. **Appropriate Assessment**

8.7.1. The applicant has submitted a report for screening for Appropriate Assessment which identifies European sites within 15km of the site and concludes that there will be no negative impacts on the qualifying interests or species of any Natura 2000 sites within a 15km radius of the proposed development

8.7.2. Having regard to the nature and scale of the proposed development, an apartment development within an established urban area, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 **Recommendation**

I recommend a refusal of permission based on the following reasons.

### 9.1. **Reasons and Considerations**

1. Having regard to the Dun Laoghaire- Rathdown County Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013 and to the objective to provide a Glenamuck Link Distributor Road, it is considered that the provision of the said scheme, would be premature pending the determination of the road layout for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'
2. Having regard to the car dominated layout of the proposed development and the proximity of same to a proposed pedestrian and cycle link, the piecemeal nature of the public open space and the location of the majority of public open space within the restriction corridor for the 220Kv electricity line and the lack



of own door apartments, it is considered that the proposed development would be contrary to Objective BF01 of the Kiltiernan Glenamuck Local Area Plan, Policy UD1 of the Dun Laoghaire Rathdown County Council Development Plan, the Sustainable Residential Development in Urban Areas Guidelines (2009) and the Design Manual for Urban Roads and Streets. The proposed development would result in a poor level of residential amenity for future occupants of the development and would fail to achieve a high quality design that would assist in promoting a 'sense of place'. The proposed development would therefore, seriously injure the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

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Emer Doyle

Planning Inspector

29<sup>th</sup> of March 2019