



An
Bord
Pleanála

Inspector's Report ABP 303753-19.

Development	Construction of 16 no. houses, ancillary services, roads, landscaping and associated works.
Location	Rockhurst, Enniskerry Road, Kilternan, Dublin 18.
Planning Authority	Dún Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	D18A/0137
Applicant	Celsus MacDonnell.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party
Appellants	(1) Aishling O'Connor (2) Tony Byrne
Observers	None
Date of Site Inspection	2/7/19
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The proposed development site is located at Rockhurst, Enniskerry Road, Kiltarnan, Dublin 18, approximately 2.4km south-west of Junction 15 on the M50 Motorway. It is situated within Kiltarnan village on the eastern side of the Enniskerry Road the R117. Stepside village is situated circa 1.7km to the north-west.
- 1.2. The site itself has a stated site area of 0.545 hectares, is generally rectangular in shape. The surrounding area is characterised by residential development. The property 'Rockhurst', a detached single storey dwelling adjoins the site to the east.
- 1.3. The Bishops Gate housing estate adjoins the appeal site to the site to the south. Phase one of that scheme has been built and phase two is under construction. Kiltarnan Care Centre is situated on Glebe Road north of the appeal site. It comprises sheltered independent living units and Glebe House Nursing Home.
- 1.4. Enniskerry Road is served by the no. 44, no. 63 and no. 118 bus routes. The site is located 2.8km from Ballyogan Luas Station.

2.0 Proposed Development

- 2.1. Permission is sought for a residential scheme comprising the construction of 16 no. houses, ancillary services, roads, landscaping and associated works.
- 2.2. The proposed scheme was revised following the response to further information. The number of dwellings proposed increased to 18.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 29 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information sought in relation to the following;

1. Submit revised proposals for a development which increases the density to a minimum of 35 units per hectare, with an increase mix of unit types.
2. Submit revised site layout plan indicating minimum separation distance between the rear of the dwellings and the rear boundaries.
3. Submit proposals for an architectural feature which will eliminate any overlooking from House no's 13-14 to the private open space of adjacent houses in Bishops Gate.
4. Submit an updated letter of agreement/consent from the appropriate person to utilise the access roads constructed as part of Bishops Gate development.
5. Submit contiguous elevations of the proposed development in the context of Bishops Gate.
6. It is proposed to remove 7 no. existing trees from the open space area, the applicant is requested to provide rationale for their removal.
7. Submit a revised a house type for no. 12 to provide passive surveillance for the open space area.
8. Submit revised site layout plan which clearly illustrates the proposed boundary treatment. The applicant is requested to address the retention of existing hedgerows.
9. Submit revised floor plan drawings omitting the detached house floor plans.
10. Submit revised plans to address the differences in floor plans and site plans of house no. 9 and no. 10 vis a vis building lines.
11. Clarify the private rear open space area for each individual house.
12. Submit taking in charge layout plan.
13. Provide detailed plan showing the northern end of the proposed cul-de-sac extending to the boundary line of the site, including plans for future pedestrian access/permeability to the adjacent Kilternan Care Centre. Indicate 2m wide footpaths that tie in with existing footpaths in Bishops Gate.

14. Provide detailed plan showing no tree planting for a minimum distance of 2m from the internal roadway. Provide detailed plan showing each off-street car parking space with a minimum of 3m for clearance between cars parked and a minimum depth of 5.5m.
15. Provide details of proposed construction management.
16. Submit a site specific flood risk assessment.
17. Submit a plan showing overland flood routes within the site in the event that the surface water drainage system becomes blocked.
18. Submit calculations using the appropriate SAAR value and soil type for the specific site.
19. Submit details showing and describing the mechanisms of interception and/or treatment for the surface water run-off for the site.
20. Submit proposals for an alternative attenuation system which allows for infiltration.
21. Submit simulation analysis of the proposed drainage system.
22. Show the location of the proposed soakaways on the drainage drawings with no overflow to the sewer.
23. Provide an explanation why permeable paving has not been used for hardstanding areas in accordance with Section 8.2.4.9 of the Development Plan.
24. Applicant is requested to propose an alternative connection route that maintains the required wayleave for public surface water sewers and watermains.

Clarification of further information sought in relation to the following;

1. Address concerns in relation to overlooking impact from Houses 13-14 to private open space of adjacent houses in Bishops Gate.
2.
 - (i) Clarify how 2 no. early mature Lawson cypress trees would cause a potential hazard to children using the open space.

- (ii) Can the trees be cut back to improve visibility for traffic.
3. Submit revised documents that is consistent with the proposed boundary between rear gardens. Boundary with Rockhurst to comprise 1.8m-2m high block capped wall. Proposed northern and western site boundaries should comprise 1.8-2m block wall, capped and plastered.
 4. Clarify the private rear open space area for each individual house.
 5. Clarify why it is not proposed to take in charge the public open space and 2m wide footpaths.
 6. Submit revised plans indicating the northern end of the proposed cul-de-sac up to the northern end.
 7. Submit details in relation to the proposed wall cutting at Bishops Gate.
 8. Submit revised plans indicating connection to services.
 9. Submit revised plans indicating each off-street car parking space with a minimum width of 3m and a depth of 5.5m and car parking spaces within the curtilage of each individual house.
 10. Submit details for arrangement for phasing, construction management plan, traffic management plan, how to avoid conflict with construction activity and pedestrian movements, details of staff parking and measures to eliminate nuisance from noise and dust.
 11. The proposed surface water discharge rate is too high for the site, it should be approximately 2l/s/ha. The applicant is required to restrict their discharge to this lower rate and recalculate the required attenuation storage volume.
 12. Submit revised documents showing the proposed soakaways designed to BRE Digest 365, with a minimum setback of 5m from any buildings and 3m from adjoining property boundaries.
 13. Submit written confirmation that the wayleaves will be granted by the owner of the adjacent land, Rockhurst.

Planning Section: Report dated 24/1/19 – Following the submission of further information and clarification of further information, the Planning Authority were satisfied with the revised details and proposals and permission was recommended.

3.2.2. Other Technical Reports

Drainage Planning: Report dated 6/4/18 – Further information requested.

Drainage Planning: Report dated 15/2/18 – Clarification of further information requested.

Drainage Planning: Report dated 14/1/19 – No objection subject to condition.

Transportation Planning: Report dated 28/3/18 – Further information requested.

Transportation Planning: Report dated 31/8/19 – Clarification of further information requested.

Transportation Planning: Report dated 18/1/19 – No objection subject to condition.

Parks & Landscape Services Section: Report dated 15/1/19 – No objection subject to condition.

3.3. Prescribed Bodies

- 3.3.1. Department of Culture, Heritage & the Gaeltacht: Condition required in relation to archaeological monitoring, landscaping and trees and provision of a construction management plan.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 10 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the appeals.

4.0 Planning History

There is an extensive planning history referring to the subject site and surrounding lands which is detailed in the report of the Planning Officer. The relevant planning history is as follows;

PA Reg. Ref. D10A/0716 & PL06D.239662 – Permission was granted for residential development on circa 2.22 hectare site comprising 58 houses and 10 apartments, 134 parking spaces, ancillary site works. A first party appeal was lodged against a number of the conditions. The wording of condition no. 7 was amended by the Board as follows;

7. Future possible vehicle/footpath/cycle track links with the property to the north, 'Rockhurst' shall be facilitated within the application site from the internal roads terminating between residential units 14 and 15 and 32 and 33. These internal roads shall be constructed up to the site boundary with no 'ransom strip' remaining.

Reason: In the interests of clarity and to comply with the objectives of the Kiltiernan/Glenamuck Local Area Plan, 2007.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".
- 5.1.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".
- 5.1.3. National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

5.2. Section 28 Ministerial Guidelines

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Urban Development and Building Heights' Guidelines for Planning Authorities
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'

5.3. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

5.3.1. Land Use Zoning: The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective 'To protect and-or improve residential amenity'.

5.3.2. Chapter 8 – Principle of Development

5.3.3. Section 8.2.3 – refers to Residential Development

5.4. Kiltiernan/Glenamuck Local Area Plan 2013

5.4.1. The site forms part of a larger parcel of land designated Development Parcel 12. This Parcel is designated for lower density residential development comprising, terrace, duplex, courtyard and detached and providing an average density of 35-40 dwelling unit per hectare.

- Access to be off the proposed loop road. Additional access points directly off Enniskerry Road to access individual properties to be curtailed. Traffic management measures, including a possible cul de sac, will be introduced to the indicative loop road through Parcels 12 and 13a to actively discourage

potential 'rat-running' to and from Ballybetagh Road and Enniskerry Road in the village centre.

- Importance of creating a safe access point across Enniskerry Road linking the NC to developments and community uses on the western side of Enniskerry Road.
- Part of the parcel has existing planning permission – D10A/0716, the old Garden Centre Site for 68 no. residential units

5.5. Environmental Impact Assessment (EIA)

- 5.5.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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.

5.6. Natural Heritage Designations

- 5.6.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:
- The Wicklow Mountains Special Area of Conservation (Site Code: 002122), approximately 4.7km southwest of the site
 - The Wicklow Mountains Special Protection Area (Site Code: 004040), approximately 4.9km southwest of the site.
 - The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 6.8km north-east of the site.
 - The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 6.8km north-east of the site.
 - The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 7.3km east of the site.
 - The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 8km east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The Board received 2 no. third party appeals. The main issues raised are as follows;

(1) Aishling O'Connor

- The appellant raises matters concerning the erection of the site notice.
- The proposed scheme at Rockhurst comprises 18 houses on a 0.545 hectare site. The previous application on the site was refused due to not complying with the Kilternan Local Area Plan 2013. Policy RES3 of the Development Plan refers to a residential density requirement of 35 units per hectare. The proposal would have a density equivalent to 33.03 units per hectare which is inconsistent with the Development Plan policy.
- Under PA Reg. Ref. D10A/0290 permission was refused for 18 houses on a 0.72 hectare site due to inadequate public open space. The current proposal of 18 no. dwellings on the 0.545 hectare site would result in less open space than previously proposed.
- Section 8.2.8.2 of the Development Plan refers to Public/Communal Open Space with a minimum of 10% of the site area. The proposed scheme does not provide this.
- To address the lack of public open space in Rockhurst the Council attached a condition requiring a contribution to be provided towards public open space at Fernhill. Fernhill is not located within the plan area of the Kilternan Glenamuck Local Area Plan 2013. It is stated that Fernhill would be a 5.4km roundtrip distance from the site.
- The proposed development would involve the cutting away of existing boundary wall in two cul-de-sacs in Bishops Gate. The appellant queries the requirement to carry this out and states that the access was only agreed by Kilternan Property Ltd in 2018 and that the residents of Bishops Gate were not informed of this at the time of purchase.

- The existing western cul-de-sac in Bishops Gate features a shared surface and has a carriageway width of 5.5m. Drawing No: 171010/PGO3dd submitted as part of the clarification of further information has a junction between Rockhurst and Bishops Gate with 6m radius kerbs and 2m wide footway either side of the carriageway. There are no footways within this cul-de-sac in Bishops Gate. The appellant's primary concern refers to pedestrian and vehicular safety.
- The design of the vehicular access from Rockhurst at house no. 14 and no. 15 Bishops Gate is of concern. The appellant considers that there is limited visibility for an on-coming vehicle and that the cul-de-sac is not of adequate standard to accommodate additional traffic from 18 no. dwellings.
- The creation of the vehicular and pedestrian access from Rockhurst through Bishops Gate has security implications.
- It is submitted that house no. 13 and no. 14 in Rockhurst would cause overlooking of house no's 33 and 34 in Bishops Gate. This matter has not been addressed. It is considered that house no. 13 in Rockhurst would cause overshadowing of house no. 51 in Bishops Gate.
- The proposed development would result in increased traffic generation from Rockhurst which would travel through Bishops Gate and it is noted that phase 2 of Bishops Gate is not completed. This would lead to additional congestion at peak times.
- The lack of car parking in Rockhurst could result in additional on-street parking in Bishops Gate.
- The appellant requests that the Board refuse permission for the reasons set out in the appeal.

(2) Tony Byrne

- The appellant states that a detailed design of the proposed cut-outs in the boundary wall have not been provided. A detailed plan in relation to how

the works will be carried out without negative impact to the adjacent properties has not been provided.

- The appellant requests that there be no encroachment on the boundaries of properties 14,15, 32 & 33 Bishops Gate from the construction of roadways, walkways and wall piers from the proposed access routes.
- From viewing the submitted plans it would indicate that there is some encroachment on the proposed vehicular entrance. An opening width of 14.5m is indicated. It is considered that the proposed entrance infringes on the boundary of the rear garden of no. 14 and the boundary of the driveway at no. 13. It is considered that the footpath links and roadway as submitted are not achievable. Provision of 2m walkways and sufficient turning radius for fire tenders on the roadway is not possible.
- There are existing shrubs and a tree to the east of the proposed entrance adjacent to the garden of no. 14 which it is proposed to remove. The appellant strongly objects to their removal to facilitate the proposed entrance.
- Any narrowing of the proposed access including walkways would increase the safety risk on the corner with reduced visibility for traffic and pedestrians.
- The completed road will have 4 no. 90° turns along approximately 100m of carriageway with poor sightlines due to a hedgerow which surrounds Bishops Gate green space. The appellant considers that the proposed vehicular access would impact the relative safe and traffic free environment of the cul-de-sac and therefore negatively impact the residents of the cul-de-sac.
- It is submitted that there is insufficient parking to serve the proposed scheme which would generate on-street parking which would reduce the width of the carriageway and give rise to a traffic hazard.
- The creation of an inner loop road through the parcels of land 12 and 13 in the LAP area will increase risk to pedestrians and reduce the quality of life for residents.

- The application for the Glenamuck District Distributor Road is before the Board. This infrastructure is badly needed and should it be approved it would mean that the existing section of the R117 between the Golden Ball and De La Salle Palmerston FC would effectively become an inner loop road a local access road and therefore the need for a further loop road would be negated.
- The appellant raises concern in relation to construction traffic.
- The report of the Inspector in the appeal case PL06D.246224 outlined concerns regarding the layout of the proposed residential scheme and how it would integrate with the proposed scheme to the south, the permitted Bishops Gate. These concerns are still valid. The appellant considers that the two schemes are poorly integrated and that the proposed development would result in a poor standard of residential amenity for occupants of the Bishops Gate development.
- To address the lack of public open space in the Rockhurst development as set out in the conditions attached by the Council, contributions in respect of the Fernhill scheme were applied. Fernhill is not located close to Rockhurst and it has no car parking. Therefore, this is not considered an acceptable approach to the inadequate open space provision with the proposed scheme.
- The proposed pedestrian link is poorly designed. The cul-de-sac it would adjoin lacks footpaths. It is submitted that opening the cul-de-sac would negatively impact pedestrian safety and the safety of children at play.
- It is concluded that while residents of Bishops Gate are not opposed to the development of the site they consider that the proposed poor design would negatively impact them.

6.2. Applicant Response

A response to the third party appeals was submitted by Dr. Diarmuid O'Grada, Planning Consultant on behalf of the applicant Celsus MacDonnell. The main issues raised are as follows;

- The matters raised regarding the public notices are based on a misunderstanding of the regulations. The Council found that the public notices were acceptable.
- Regarding the issue of density, the Council sought a scheme of 18 no. dwellings. The density at 33 dwellings per hectare will be higher than that of Bishops Gate which is equivalent to 30.6 units per hectare. The first party also notes the constraints of the site configuration in respect of density provision.
- The Council in their assessment were satisfied with the open space provision. The Board should note that the form and shape of the site provides some constraints on the open space design and provision. Under condition no. 26 of the permission grant by the planning authority a contribution of €67,485.78 was applied towards the provision of recreation and amenity space.
- Condition no. 3(b) and no. 6 ensured the retention of trees and hedgerows. Condition no. 18 was a security bond. Condition no. 5 requires public open space be ready for use within Phase 1 of the scheme. The scheme provides in excess of 10% of the site area.
- Regarding the vehicular and pedestrian access/linkages to Bishops Gate the Transportation Planning Section were satisfied with the proposals. Condition no. 8 specified that footpath with a width of 2m to tie in smoothly with the Bishops Gate development. The permission granted under Reg. Ref. D10A/0716 made provision for footpath and road to the adjacent site.
- The appellant has offered to finalise road and pavement details to the approval of the Council's Roads Department prior to any development taking place.
- Regarding potential overlooking to no's 33 & 34 Bishops Gate and overshadowing of no. 51 Bishops Gate, condition no. 4 required the applicant to submit additional drawings to ensure no overlooking of the dwellings in Bishops Gate. Condition no. 12 would ensure no overlooking from bathrooms and en-suites.

- The applicant has confirmed that they are amenable to the erection of a 3m high timber screen adjacent to units 12 & 13.
- The permission granted under PA Reg. Ref. D10A/0716 included access points provided for footpaths and road links to the adjacent site.
- The appellant Mr. Byrne raised the matter of the creation of an inner loop road and that if planning permission were granted for the Glenamuck District Distributor Road Scheme that a section of the R117 would effectively become an inner loop road and therefore remove the need for the LAP loop road. In response to this the applicant's Planning Consultant notes that the existing situation regarding the cul-de-sacs in Bishops Gate is a temporary arrangement as the form and function of the area was clearly established in the LAP.
- It is argued that the proposed development is poorly laid out and that it would poorly integrate with Bishops Gate. The scheme at 'Rockhurst' was approved by the Council following much redesign in respect of further information and clarification of further information. The provisions of the Kilternan Local Area Plan 2013 set out that the sites would be linked via vehicular and pedestrian access.
- Regarding the access arrangements it was entered into in 2015 between the applicants and the adjacent developer at Bishops Gate details of the agreement;
- *"Following our meeting on site regarding shared access between the two sites at 'Rockhurst' and the Former Kilternan Garden Centre Lands adjacent to the south at Enniskerry Road, Kilternan, Co. Dublin. It is hereby agreed between Celsus MacDonald of 'Rockhurst', Enniskerry Road, Kilternan, Co. Dublin and Neil Durkan of Kilternan Property Ltd, that access through the lands at Kilternan Garden Centre will be afforded for vehicular traffic and pedestrian and cycle traffic at the first inner road and second inner road in accordance with Planning Permission D10A/0716 of 13-Sep-2011 and the Kilternan Local Area Plan."*
- It is contended that the proposed pedestrian link with Bishops Gate is poorly designed and that children playing would be at risk. In response it is reiterated

that an intrinsic part of the decision to grant permission for the 68 no. dwellings at Bishops Gate under Reg. Ref. D10A/0716 & PL06D.239662 was to make provision for the access to Rockhurst. This was set out in condition no. 7 of the permission issued by the Planning Authority and also by the Board where they determined that the amendment of condition no. 7 was necessary to identify the correct house number to facilitate the potential access to Rockhurst on the north.

- It is submitted that local children can avail of open space in both schemes. The developers of Bishops Gate have a responsibility to facilitate these linkages in accordance with PA Reg. Ref. D10A/0176. Permission was granted on the specific understanding that these two sites would be linked viz “future possible vehicle/footpath/cycletrack links with the property to the north, Rockhurst, shall be facilitated within the application site from the internal roads terminating between residential units 14 &15 and 32 & 33. These internal roads shall be constructed up to the site boundary with no ransom strip remaining.
- In conclusion the applicant requests that the Board grant permission subject to appropriate conditions.

6.3. Planning Authority Response

- Although not a matter for the Board the site notice was erected on the public road.
- Regarding density, further information was sought as the density was too low. In response the applicant proposed to increase the number of units from 16 to 18. It was noted in the report of the Planning Officer that 35 units per hectare was the general default minimum, however the current proposal was acceptable.
- The public open space proposed under D10A/0280 was located adjacent to the public road and overlooked by only 1 no. house. Therefore, it was considered to be inadequate. The current application differs to that proposal. A public open space area of 600sq m is proposed. This did not change in the

course of the application and it provides in excess of 10% of the site area. Therefore, there is not inadequate provision of open space.

- It is stated that contributions for Fernhill were applied to the permission. This is not correct.
- The adjacent development Bishop's Gate was permitted under D10A/0716 with an extension of duration permitted under D10A/0716/E. The Boards condition no. 7 specifically stated that provision of vehicle/footpath/cycle links between the permitted Houses 14 & 15 and Houses 32 & 33 to the Rockhurst site to be facilitated. The Planning Authority notes that informing purchasers of these type of issues is a matter between the purchasers and developer/vendor.
- The access was not agreed in June 2018. The Planning Authority sought by further information an updated access agreement not a 'new' agreement. The original agreement was dated 11.04.2015.
- It is not considered overlooking will occur. Condition no. 4 was attached to the grant of permission to ensure no undue adverse shadowing will occur.
- The Transportation Planning Section indicated no objection subject to conditions regarding the proposed linkages. Wider traffic issues were addressed in detail in the Planning Report regarding the number of housing units which can be provided in advance of the proposed Glenamuck District Distributor Road and the Link Distributor Road.
- The Planning Authority considers that the decision to grant permission for the proposed housing development was the appropriate decision.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Design and impact upon residential amenity

- Access and traffic
- Appropriate Assessment

7.1. Design and impact upon residential amenity

- 7.1.1. The lands in question are zoned 'Objective A' – to protect and/or improve residential amenity. The site has an area of 0.545 hectares. The scheme as originally proposed included a total of 16 no. dwellings. The Planning Authority as part of the further information sought that the density be increased. The scheme granted contains 18 no. dwellings and the density is equivalent to 33 units per hectare.
- 7.1.2. The matter of density is raised by one of the appellants and they refer to policy RES3 of the Development Plan. Policy RES3 refers to residential density and sets out that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. Section 2.1.3.3 of the Development Plan advises that as a general rule the minimum default density for new residential developments in the shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas. The appeal site at Rockhurst, Enniskerry Road, Kiltiernan lies within the plan area of Kiltiernan/Glenamuck Local Area Plan 2013 within Development Parcel 12. As set out in the LAP this Parcel is designated for lower density residential development comprising, terrace, duplex, courtyard and detached and providing an average density of 35-40 dwelling unit per hectare. The dwelling typology proposed is a mix of semi-detached and terraced houses, which is in accordance with the provisions of the LAP. In relation to the proposed density while it is marginally less than 35 dwelling unit per hectare, I would note the response of the first party on the matter. The Planning Authority in their assessment of the application were satisfied at the applicant's revised proposal for 18 no. dwellings at a density equivalent of 33 units per hectare. It is also highlighted in the first party response that the proposed density at 33 dwellings per hectare will be higher than that of Bishops Gate which is equivalent to 30.6 units per hectare. The first party also cite the constraints of the site configuration in respect of density provision.

- 7.1.3. Accordingly, having regard to the details set out above I consider that the proposed density of 33 dwellings units per hectare would be acceptable.
- 7.1.4. Both appeals refer to public open space provision within the scheme. Section 8.2.8.2 of the Development Plan refers to public open space and requires “for all developments with a residential component – 5+ units - the requirement of 15sq m - 20sq m of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms (1.5 persons for two bed or less)”. It is also noted that irrespective of the circumstances outlined under Section 8.2.8.2 including relaxed standards due proximity to existing park facilities and financial contributions in lieu of public open space “the default minimum 10% open space requirement must be provided on site”.
- 7.1.5. The total area of public open space proposed is 600sq m. It is proposed within one location to the west of the semi-detached dwellings and east of the terrace of two - bedroom dwellings. The open space area would be overlooked by dwellings no’s 13-18 and also no. 12. On the basis of the requirements of the Development Plan the proposal requires 765sq m based on 3.5 persons per three bed dwelling and 1.5 per two bed dwelling.
- 7.1.6. While, the public open space is 165sq m less than the requirement based on 15sq m of open space per person within the scheme, on the basis of a default minimum requirement of 10% of the site area provided for public open space this would equate to 545sq m which has been provided on site. The Parks and Landscape Services Department of the Council in their report dated 15th of January 2019 stated that they consider that the area of public open space in the development does not meet the Development Plan standards as the functional area appears to be for water retention and therefore cannot be accepted as useable open space. As indicated on Drawing No: 2017/101 Rev G – ‘Proposed Infrastructure Layout’ a storm water attenuation structure is proposed to be installed within the open space area, the design includes a finished pavement with catchpit manhole. Having regard to the location of the proposed surface water drainage system within the proposed open space area and also the location of a number of mature trees which it is proposed to retain, therefore the proposed public open space area on site would not constitute a fully usable and

active open space area. The Parks and Landscape Services Department considered that given the proximity of Fernhill Park and gardens circa 2.4km from the site that a contribution in lieu of the full quantum of open space on the site should be required. They therefore sought a levy per residential unit of €2,000 as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 and the total would be €36,000.00. Therefore, should the Board decide to grant permission for the proposed development I would recommended that attachment of a condition requiring the payment of a special contribution of €36,000.00 for the shortfall of public open space.

7.1.7. The issue of overlooking of house no's 33, 34 and 51 in Bishops Gate was raised in the appeal. These three dwellings are located to the immediately to the south of the appeal site. In term of potential overlooking of these properties and their rear gardens, I note that the front of dwelling no. 13 would face towards the rear gardens of no. 33 and no. 34, while the side of dwelling no. 13 would address the rear garden of no. 51. I note that front of no. 13 is circa 18m from the rear of no. 33 Bishops Gate. In order to prevent any undue overlooking of these properties from the proposed dwelling no. 13, a timber siding screen 3m in height is proposed along a section of the shared boundary from the rear garden of no. 13 to extend for 37m. This is indicated on Drawing no: 171010/PG03dd – 'Site Plan' submitted with the response to the clarification of further information. Subject to the provision of this proposed screen fencing along this section of the boundary, I am satisfied that the proposed development would not result in any undue overlooking of the closest adjacent dwelling.

7.1.8. The matter of potential overshadowing of no. 51 Bishops Gate from the proposed dwelling no. 13 is referred to in an appeal. No. 51 Bishops Gate is situated circa 5.5m to the south of the side of the proposed dwelling no. 13. Accordingly, giving the orientation of no. 51 to the south of no. 13, the separation distance between the properties and the two-storey nature of the proposed dwelling no. 13, I do not consider that the it would cause any significant undue overshadowing will occur.

7.2. Access and traffic

7.2.1. As highlighted in the original report of the Planning Officer the site at 'Rockhurst' is effectively landlocked. The proposed vehicular access is to be achieved by opening

the first cul-de-sac road within Bishops Gate to the front of no's 15 and 16. A pedestrian/cycle access is proposed from the second cul-de-sac in Bishops Gate adjacent to no's 32 & 33. The appeals contend that the proposed vehicular access arrangements to serve the scheme are not appropriate as it would impact the relative safe and traffic free environment of the cul-de-sac and therefore negatively impact the residents of the cul-de-sac.

7.2.2. Design Manual for Urban Roads and Streets' (DMURS) published by the Department of Environment, Community and Local Government provides guidance in relation to street design and design of residential areas. The four key design principles are connected networks, multi-functional streets, a pedestrian focus and a multi-disciplinary approach. In this regard it is required that residential areas be accessible from multiple points, that pedestrian barriers be avoided in layouts and that there will be no frontage free distributor roads, with long uninterrupted straights and high boundary walls. These design principles are also set out in the 'Urban Design Manual – A best Practice Guide' which is a companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'.

7.2.3. The site forms part of a larger parcel of land designated development parcel 12 in the Kiltiernan/Glenamuck Local Area Plan 2013. As detailed in the LAP access to the lands is to be off the proposed loop road. And additional access points directly off Enniskerry Road to access individual properties should be curtailed. Furthermore, as set out under condition no. 7 attached to the permission granted under PA Reg. Ref. D10A/0716 & PL06D.239662,

7. Future possible vehicle/footpath/cycle track links with the property to the north, 'Rockhurst' shall be facilitated within the application site from the internal roads terminating between residential units 14 and 15 and 32 and 33. These internal roads shall be constructed up to the site boundary with no 'ransom strip' remaining.

Reason: In the interests of clarity and to comply with the objectives of the Kiltiernan/Glenamuck Local Area Plan, 2007.

7.2.4. Accordingly, the principle of providing vehicular and pedestrian access to the site at 'Rockhurst' via the two cul-de-sacs within Bishops Gate has already been accepted by the Board. Contrary to the appellant's assertions I would consider that design and

layout of the scheme would successfully integrate with the adjoining residential estate Bishops Gate with the provision of good pedestrian and vehicular permeability in accordance with DMURS.

- 7.2.5. The appellants raised concerns in relation to the specific design details of the proposed vehicular and pedestrian accesses. I note that the Transportation Planning Section of the Council in their report dated 18/1/19 had no objections to the proposals subject to condition. The proposed connection of the two existing cul-de-sacs is indicated on Drawing no: 171010/PG03dd – ‘Site Plan’ submitted with the response to the clarification of further information. As detailed on the plan the subject sections of the existing boundary walls will be cut and new piers erected. Regarding the proposed surfacing it is proposed to continue the pavement where it exists. I consider that the matter of roads/footpath design details can be satisfactorily addressed with the attachment of a condition requiring that such details be agreed in writing with the Planning Authority prior to development commencing.
- 7.2.6. In relation to the proposed design of the scheme, I note that the north-western section of the development would facilitate future connections to adjoining lands. Accordingly, should the Board decide to grant permission, I would recommend that the attachment of a condition specifying that the northern end of the proposed cul-de-sac extend up to the boundary line of the site with no ransom strip remaining in order to allow for potential future permeability to the lands at Kilternan Care Centre.
- 7.2.7. Regarding the matter of traffic generation, in terms of overall scale and intensity the proposed development it is relatively modest in scale. The nature of the traffic associated is residential which is not out of character with the existing type of traffic that frequents the road network in the vicinity of the site. Having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.
- 7.2.8. Car parking standards are set out under Table 8.2.3 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022. Generally, 1 no. car parking space is required for all one bed and two – bedroom dwellings and 2 spaces are required per three bed dwelling or larger. The proposed revised scheme comprises a total of no. 18 dwellings with 12 no. three- bed dwellings and 6no. two bed units. As indicated on Drawing no: 171010/PG03dd – ‘Site Plan’ each three-bedroom dwelling is served by

2 no. off-street car parking space and 6 no. car parking spaces are proposed to serve the 6 no. two-bedroom dwellings. Therefore, the car parking provision is in accordance with Table 8.2.3 of the Development Plan.

- 7.2.9. Accordingly, I am satisfied with the proposed car parking provision and vehicular and pedestrian access arrangements.

7.3. Appropriate Assessment

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

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

- 9.1. Having regard zoning objective for the site as set out in the Dún Laoghaire Rathdown County Council, 2016 – 2022, the National Planning Framework, 2018 – 2040, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, and the overall scale and design proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential 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, as amended by the further plans and particulars submitted on the 10th day of August, 2018 and the 21st day of December 2018, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 4.

(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety.

5. The northern end of the proposed cul-de-sac shall extend up to the boundary line of the site with no ransom strip remaining, including provision for turning vehicles, with no private or public open space strips between the end of the proposed cul-de-sac and the site boundary wall.

Reason: To allow for potential future permeability and in the interest of the proper planning and sustainable development of the area.

6. Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

7. Proposals an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

Reason: To ensure full and verifiable implementation of the approved landscape design.

9. The developer shall ensure provision of electric vehicle charging points for minimum number of car parking spaces in accordance with Section 8.2.4.12 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022.

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

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. 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. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. Prior to the commencement of development the applicant shall submit full details of the proposed public lighting, including the lighting levels within open areas of the development for written agreement prior to the commencement of development.

Reason: In the interests of public safety and residential amenity.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice

Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning

authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of watermains, drains and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. The developer shall pay the sum of € 36,000.00 (thirty six thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of the shortfall in public open space. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

19. The developer shall pay to the planning authority a financial contribution in respect of the cost of the Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may

facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Siobhan Carroll
Planning Inspector

2nd of August 2019