



An
Bord
Pleanála

Inspector's Report

ABP-303984-19

Development	Amendments to Housing Development
Location	Lands at & adjoining the Golden Ball Public House, Enniskerry Road, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1239
Applicant(s)	Crosswaithe Developments Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Crosswaithe Developments Limited
Observer(s)	None

Date of Site Inspection

2nd July 2019

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.52 hectares, is located on the western side of the Enniskerry Road in the village of Kiltiernan village, Co. Dublin.
- 1.2. The site is rectangular in shape and comprises of a public house 'Farmer Browns' to the front of the site with an associated car park, together with a fenced off area which is currently a construction site. Immediately south of the site is a laneway which is a wayleave that provides access to a water reservoir. The laneway is accessed via a set of gates which previously formed part of the curtilage of the former Kiltiernan Abbey and are listed on the Record of Protected Structures (RPS No. 1793), in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

2.0 Proposed Development

2.1. Permission is sought for the following:

- Alterations to approved planning permission under ABP Ref. PL 06D246537 and D17A/1022 to replace 20 No. permitted dwelling units towards the rear of the site with 25 No. 2 storey, 3 bed dwellings, and the provision of an apartment block comprising of 4 No. 1 bed units and 4 No. 2 bed units.
- Works to include the provision of an ESB substation, the re-alignment of the internal access road, alterations to all hard and soft landscaping associated with the new dwellings and all associated site works.

Revised drawings submitted with the appeal dated the 20th day of March 2019 provided for the following:

- Omission of units Nos. 13-16.
- Removal of road through public open space area.
- Extension of public open space area from 895m² to 1840m².
- Provision of Apartment Block A in lieu of Units 1- 4. Apartment Block A consists of 4 No. 1 bedroom ground floor apartments and 4 No. 2 bedroom duplex apartments on first and second floors.
- Provision of permeability through site by the removal of a 2m gap with adjoining site.
- The No. of units remains the same as originally proposed (39).

3.0 Planning Authority Decision

3.1. Decision

Permission refused for 2 No. reasons as follows:

1. The proposed development falls short of the required quantum and quality of public open space, and lacks permeability to the neighbouring zoned lands to the west, and hence fails to create an appropriate sense of place. It is considered that the proposed development materially contravenes 8.2.8.2 Residential/ Housing Development and Policy UD1 Urban Design Principles of the 2016-2022 Dun Laoghaire Rathdown Development Plan. Therefore the proposed development would be seriously injurious to the residential amenities of the future occupiers of the proposed development. As such, it would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would contravene materially Condition 2 of the parent permission D16A/0090 PL06D.246537 that sought to protect the area of open space within the development and omit a road through it. The proposal is therefore considered to be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority considered that the proposal represented a poor layout with no links to future zoned lands and expressed concern in relation to the significant loss of public open space. It also noted that the internal road proposed contravened Condition 2 of the parent permission.

3.2.2. Other Technical Reports

Transportation: Further Information requested.

Surface Water Drainage: Further Information requested.

Parks Department: Further Information requested.

Housing Department: No objection.

3.3. **Prescribed Bodies**

Irish Water: Required the applicant to discuss and agree the watermain layout with Irish Water.

3.4. **Third Party Observations**

Three third party objections were submitted to the application. The main issues related to confusion caused by the number of applications on the site and concerns in relation to the increase in the number of units and decrease in the public open space.

4.0 **Planning History**

4.1. Relevant planning history includes the following:

PA D15A/0268/ ABP PL06D.245117

Permission refused by the Planning Authority and by the Board on appeal for partial demolition of public house, two storey extension to the retained building and the use of such as public house/offices. Permission also sought for construction of 44 No. residential units and associated site works.

PA D16A/0090/ ABP Ref. PL06D.246537

Permission refused by the Planning Authority for partial demolition of Golden Tavern Public House together with 39 No. residential units. Permission granted by the Board on appeal for an amended scheme consisting of 46 No. units.

PA D17A/1022

Permission granted for alterations to approved development PA D16A/0090/ ABP Ref. PL06D.246537. Alterations include the retention of the existing public house to be incorporated into the development to include the part demolition of the North and West face of the existing public house, removal of 1 No. 2 bed ground floor unit and 1 No. 3 bed duplex unit from previously granted permission, all with proposed alterations to landscaped area/ car parking area. This application resulted in the loss of 2 Units in the overall development.

PA D18A/1133

Permission granted for alterations to previously approved planning permission Ref. D16A/0090/ ABP Ref. PL06D.246537 and D17A/1022 for 4 additional units at permitted Block D.

PA D18A/0303

Permission refused for demolition of 106m² and construction of 2 No. residential blocks consisting of 97 No. units.

5.0 Policy Context

5.1. Development Plan

The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022. The subject site is zoned A: *“To protect and/or improve residential amenity.”*

Relevant policies and objectives include:

Policy RES 3: 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 8.2.3.2 of the Plan set out quantitative standards for residential development.

5.2. Kiltiernan Glenamuck Local Area Plan 2013

- In June 2018, this plan was extended for a further period up to and including September 2023.
- The site is located on parcels 12 and 13a of the plan.

The main guidelines for parcel 12 which is the part of the site where alterations are proposed are as follows:

- Low density residential – 35-40 units per hectare.

- Preferred 2-3 storeys, with 3 storey elements fronting onto internal access road and Enniskerry Road.
- Access to be via the internal access road.
- Granite features to be incorporated into design of any proposed residential.

5.3. Natural Heritage Designations

5.3.1 There are a number of Natura 2000 sites within 15km of the site including Rockabill to Dalkey Island SAC, Dalkey Islands SPA and Wicklow Mountains SAC.

5.4 EIA Screening

5.4.1 Having regard to nature of the development comprising of amendments to a permitted residential scheme and the urban location of the site 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.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal can be summarised as follows:

- The appellant considered the Planning Authority decision and provides for an amended scheme.

The main revisions are as follows:

- Omission of units Nos. 13-16.
- Omission of road through public open space area.
- Extension of public open space area from 895m² to 1840m².
- Provision of Apartment Block A in lieu of Units 1-4. Apartment Block A consists of 4 No. 1 bedroom ground floor apartments and 4 No. 2 bedroom duplex apartments on first and second floors.

- Amendment of error on original drawing which showed a 2m gap between the end of the internal road and the red boundary of the site to provide permeability to adjoining lands.
- The No. of units remains the same as originally proposed (39).
- The revised proposal has addressed the two reasons for refusal and represents a modern, high quality urban design for the Kiltarnan area.

6.2. Planning Authority Response

The response relates to the amended plans submitted with the appeal and can be summarised as follows:

- The Planning Authority welcomes the revised plans, in particular the removal of Units 13 to Units 16 and the roadway through the area of open space and the reintroduction of play equipment into the development.
- These revisions allow for an increase in the open space provision within the development. It is noted that this change allows for revisions to the mix, introducing a Duplex Block in the south east corner.
- With regards to the permeability through the site to the west of the site, this had been addressed, but it is noted that the location of a tree along the boundary that may present issues with connectivity to the west in the future.
- As stated within the assessment of D18A/1239, the increase in units on the site is welcomed.

6.3. Observations

- None.

7.0 Assessment

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Density and Layout
- Appropriate Assessment

7.1. Density and Layout

- 7.1.1. The subject site is within the identified boundary of the 2013 Kiltiernan Glenamuck Local Area Plan, and specifically within Land Parcels Nos. 12 and 13a. The Glenamuck LAP allows for a density of 35-40 units per hectare. The proposed density is c. 38 units per hectare taking the revised drawings submitted with the appeal and the previous history files for amendments into account.
- 7.1.2. I note that the initial drawings submitted with the application provided for 25 dwellings and 14 apartments. The revised drawings submitted with the appeal omit houses Nos. 1-4 and 13-16 and provide for open space in lieu of units No. 1-4 and an apartment block of 8 No. apartments in lieu of units 13-16. The mix of units now proposed is 22 No. apartments and 17 No. houses.
- 7.1.3. Table 1.0 of the appeal summarises the comparison between the original proposal submitted under D18A/1239 and the revised scheme submitted with the appeal. There is no change to the total No. of units proposed (39) and therefore no increase in density. I consider that the mix of units to include an increase to 11 No. one bedroom apartments and 11 No. two bed apartments is appropriate for the area and in accordance with planning policy.
- 7.1.4. I note that condition No. 2 of the parent permission under PA D16A/0090/ ABP 06D.246537 required the connecting road from unit 8 to 13 across the public open space to be omitted and re surfaced as open space.
- 7.1.5. The layout originally proposed under D18A/1239 provided for a roadway going through the open space at this location and 4 No. units in the area previously designated as public open space.
- 7.1.6. The amended drawings submitted with the appeal remove the units from the open space and omit the proposed road in the open space area.
- 7.1.7. I am satisfied that the revised layout complies with Condition No. 2 of PA D16A/0090/ ABP 06D.246537. I note that the Planning Authority in their response to the appeal *'welcome the revised plans, in particular the removal of Units 13 to Units 16 and the roadway through the area of open space and the reintroduction of play equipment into the development.'* I concur with this view and consider that the revised design provides for an improved sense of place and better quality public open space.

- 7.1.8. I note that the drawings submitted originally as part of D18A/1239 provided for a 2m gap between the roadways serving the site on both sides of the public open space. The planner's report stated that *'given the site is adjacent to undeveloped lands, it is important to ensure that any modifications to the parent permission, provide for future connections into the adjoining zoned lands, and avoid any restrictions to future vehicular, pedestrian, and cycle links that would create a development that excludes the wider community.'*
- 7.1.9. The first party response to the appeal states that *we 'have amended this error on the site layout plan which shows a 2 metre gap between the end of the internal roadway and the red line of the site boundary.'* I am satisfied that the revised layout is an improvement on that originally submitted and provides greater permeability with adjacent lands.
- 7.1.10. In my view, the amended drawings submitted with the appeal address the two reasons for refusal by the Planning Authority in terms of improving the quality of the public open space, providing a greater sense of place and achieving increased permeability to undeveloped lands.

7.2. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, comprising of alterations to a previously permitted development within an established urban area on zoned and serviced land, 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.

8.0 **Recommendation**

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the Dun Laoghaire Rathdown County Development Plan 2016-2022, the planning history of the site and 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 residential or visual amenities of the area, would not give rise to traffic hazard and would, otherwise, be in accordance with the provisions of the County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to An Bord Pleanála on the 20th day of March 2019, 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. The terms and conditions of the parent and amending permissions granted for the development under planning register reference numbers D16A/0090/ABP Ref. No. PL06D.246537, D17A/1022 and D18A/1133 shall be complied with, unless they are modified by the terms and conditions of this permission.

Reason: In the interest of clarity.

3. 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. 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission

4. The developer shall pay to the planning authority a financial contribution in respect of the extension of Glenamuck District Distributor Road 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.

Emer Doyle
Planning Inspector
24th July 2019