

4 Glinbury,
Whitchurch Road
Rathfarnham
Dublin 16

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.
D01 V902

22nd April 2022

Re: Observation in respect of SHD Application by BCDK Holdings Limited and Coill Avon Limited for 178 no. residential units (72 no. houses, 106 no. apartments) at Lands at Kilmashogue House and Coill Avon House, Whitechurch Road, Rathfarnham, Dublin 16.

**An Bord Pleanála Ref. 313059
Last day for Submission: 25th April 2022**

Dear Sir/Madam,

This Submission has been prepared by Nigel Tennant and Rolyen Long of 4 Glinbury, Rathfarnham, Dublin 16, Dermot O'Shea of 9 Glinbury, Rathfarnham, Dublin 16, Geoff and Shiela Sparling of 3 Glinbury, Rathfarnham, Dublin 16 and Robert and Anne Dixon of 2 Glinbury, Rathfarnham, Dublin 16 to object to the above proposed HD residential scheme at Kilmashogue House and Coill Avon House, Whitechurch Road, Rathfarnham.

We have prepared this submission in consultation with our neighbours and fellow residents on Whitechurch Road who share our grave concerns that the development will have on our area and residential amenity.

In preparing this submission we have discussed the SHD proposals with a planning consultant to help us understand what is being proposed and assist in how we structure our Objection to An Bord Pleanála.

We have reviewed the information contained on the applicant's website edmondstownshd.com and wish to strongly set out in this submission our objection to the development proposals submitted to An Bord Pleanála.

This scheme would be out of character with Whitechurch Road and have a considerable impact on the road network during construction and also when it opens. We find it difficult to understand the developers justification of such a dense and urban scheme in this location, when a lower density development could work very well. We appreciate that South Dublin County Council appear to be opposed to many aspects of the project in their submissions to date.

This submission shall elaborate on the following main **Grounds of Objection**:

- 1. Road Network - The proposal is premature pending determination of a road layout/increased accessibility for the area.**

2. The proposed development would give rise to extensive works and disturbance on College Road and Whitechurch Road particularly to accommodate a new 225mm public sewer
3. The proposed development at 41 units per hectare is over development in this location and would materially contravene Objective H3 SLO1 of the South Dublin County Council Development Plan
4. Without a Masterplan the proposed development would provide a fragmented and piecemeal approach to the planning and delivery of the wider zoned lands.
5. The proposed form and character of the 5 storey neighbourhood centre/ apartment blocks are entirely unsuited to this location and without precedent or justification
6. The provision of public open space appears to be substandard
7. There is no public transport available to service the development

DETAILED GROUNDS OF OBJECTION

This submission sets out the main grounds of this objection as follows.

1.1 Road Network - The proposal is premature pending determination of a road layout/increased accessibility for the area.

It has been stated (particularly by DLRC and SDCC Roads/Traffic officials) that the current nature and alignment of Whitechurch Road in particular represents an impediment or a barrier to the development of the subject lands. South Dublin County Council's submission to the Board at Pre-application stage noted the following:

2.The applicant was requested to propose a road link along the northern boundary of the M50 from the Whitechurch Road to the Edmonstown Road. (Similar to the existing College Road in Dún Laoghaire Rathdown LA area.) This road link is essential as the Whitechurch road is a substandard road with significant architectural and ecological protections. Therefore, any upgrades such as widening may be prohibited. Representatives from DLR Local Authority also raised concerns about increases in traffic along College Road and towards significant traffic congestion black spots on their road network. The road link offers another traffic route onto the Edmondstown road which currently is better standard of road and has more potential for upgrade.

SDCC Roads/Transportation Dept state that the completion of the road link from Whitechurch Road through to Edmondstown Road is critical to the development of the subject lands.

The applicant's have failed to deliver the Edmonstown link road in this application and in effect are creating 2 large cul-de-sacs off Whitechurch Road. The existing Whitechurch road is acknowledged by NRB consultants to be substandard in places, but any attempts to upgrade the road would potentially be curtailed by ecological and architectural protections.

In a previous decision An Bord Pleanála refused permission to Java Ltd. (Ref. PL06S.221017) on the following basis:

Considered that the road network in the area is not capable of safely accommodating the pedestrian and vehicular traffic which would generated by the development due to the restricted width of the footpath and carriageway and the substandard horizontal alignment

of the Whitechurch Road. The development would, therefore, give rise to traffic hazard and the obstruction of road users and be contrary to the proper planning and sustainable development of the area.

The residents of Whitechurch Road are extremely concerned that the application does not address the problem of black spots on the local network with road improvements and which are not mitigated by public transport measures.

We fully agree with the previous Board decision at the site and nothing has changed in the intervening period to reassure us that Whitechurch has become *capable of safely accommodating the pedestrian and vehicular traffic which would generated by the development.*

1.2 The proposed development would give rise to extensive works on College Road and Whitechurch Road particularly to accommodate a new 225mm public sewer

The proposed development will cause an extraordinary level of disturbance to Whitechurch Road and College Road. In particular, the proposals will necessitate the laying of a new 225mm sewer in Whitechurch Road over a distance greater than 1km.

The CS Consulting Engineer Services Report states that there is no foul sewer adjacent to the subject site. The closest foul sewer is located at Glinbury Estate/Whitechurch Lodge, which is a 225mm diameter foul sewer previously granted under the planning application SD15A/0211.

It would appear from the CS report that the detailed design of this sewer has not been progressed:

The route to the existing foul sewer at Glinbury Estate is via Whitechurch Road. A detailed survey of existing services along this road shall be carried out by the applicant post planning to confirm the exact route of the proposed foul sewer.

CS Consulting Engineer further note *“It shall be necessary to carry out further detailed study and investigations to confirm feasibility of the extension, prior to agreeing to the proposed connection”.*

The Engineering Services Report does not actually state the size of sewer that needs to be constructed or length of this connection. Indeed, there is very little detail on its design.

Irish Water’s Pre-Connection Enquiry letter of 7th February 2019 states:

In the case of wastewater connections this assessment does not confirm that a gravity connection is achievable. Therefore a suitably sized pumping station may be required to be installed on your site.

The Engineering Services Report does not appear to refer to a pumping station.

Irish Water’s letter also notes the following:

C. In advance of submitting this development to An Bord Pleanala for full assessment, the Developer is required to have entered into a Project Works Services Agreement to deliver studies to confirm feasibility and to determine the full extent of any upgrades which may be required to be completed to Irish Water infrastructure.

D. In advance of submitting this development to An Bord Pleanála for full assessment, the Developer is required to have entered into a Project Works Services Agreement to deliver infrastructure upgrades to facilitate the connection of the development to Irish Water infrastructure

The application package does not appear to include a **Project Works Services Agreement**.

The **Construction Management Plan** is highly generic in nature and contains no information on works to Whitechurch Road or how they will be managed or mitigated. This is a significant oversight considering the level of disturbance and length and extent of excavation that will be required to install a sewer of this size. Whitechurch Road would be made impassable for months, but this is not addressed in the applicant's construction plan or traffic statement.

1.3 The proposed development at 41 units per hectare is over development in this location and would materially contravene Objective H3 SLO1 of the South Dublin County Council Development Plan

It is a significant concern for the residents of Whitechurch Road that the proposed SHD development is overly dense and out of character for this location. 60% of the proposed units are apartments which is entirely out of keeping with low density housing in this area on the very edge of the city. The location of a 5 storey blocks over this traditional rural scale road will be highly visible, incongruous and spoil the feel of the area.

The subject lands have a specific objective H3 SLO 1, which is *'to facilitate the development of lands at Edmondstown (former Kilmashogue House) for the purpose of low density residential development at a net density of not more than 12 dwellings per hectare, and to promote housing for older people (nursing home, independent and semi-independent) as a fully integrated part of such development with an increased density of not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people.... Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner'*.

The proposed development is 41 units per hectare and therefore Materially Contravenes the Development Plan. The applicants have addressed this in the Statement of Material Contravention. However, the justification for this higher density approach is not justified in our opinion.

The policy clearly states that to allow higher density, the developer would need to resolve access issues. Access has not been resolved and there is no public transport existing or proposed that could justify higher density. Furthermore, there is no coherent overall plan for the Kilmashogue lands that is required under the policy.

We note that there are precedent decisions to Refuse permission at the site. In the Northern Character Area: SD19A/0105 Refusal of planning permission in 2019 to Coill Avon Ltd for 62 residential units (34 houses and 28 Apartments in 2 blocks). Southern Character Area: SD06SA/0826 and ABP Reference PL06S.221017 Refusal of permission in 2006 to Java Limited for a development of 42 no. dwelling houses.

The motivation for the developers to use the SHD process is clearly to by-pass this policy under the SDCC Development Plan.

We note the Precedent design examples in the JFOC Design Statement report (section 4) are for attractive suburban developments, not the apartment buildings proposed here. The residents on Whitechurch Road are not against an attractive new neighbourhood being developed here, but we are against inappropriate, city centre style apartment blocks.

The applicant's planning report refers to SPPR 1, noting it is Government policy to support increased building height and density in locations with good public transport accessibility. The subject site is located in a Peripheral and/or Less Accessible Urban Location, as defined in the Sustainable Urban Housing: Design Standards for New Apartments 2020. In other words, high density requires urban services and good infrastructure which is not applicable to this site.

1.4 Without a Masterplan the proposed development would provide a fragmented and piecemeal approach to the planning and delivery of the wider zoned lands.

The SDCC Development Plan specific objective H3 SLO 1 for the lands at Kilmashogue, includes the statement that *"All residential development, including housing for older people, shall be integrated within a sustainable residential neighbourhood that is served by shared public open space, community and local facilities. Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner."*

It is noted that SDCC comment in their pre-application submission:

At the preplanning meeting, the applicant was asked to produce a Masterplan of the entire zoned lands. This is required to assess the required road hierarchy not only to serve the lands in this application but to connect the neighbouring Masterplan lands in a coherent block plan. The applicant has submitted an indicative masterplan of road layouts with no block plans. It is impossible to assess if the proposed roads to serve the current two plots are positioned and aligned appropriately to link to the blocks of later phases of the Masterplan. A reasonably detailed block design of the remaining phases is required to ensure the road layout and hierarchy is optimal for the entire Masterplan

The applicant has completely failed to address this issue and has not prepared a Masterplan as directed. The applicants argue this because they do not have consent to provide indicative layouts or a Masterplan for lands outside of their control.

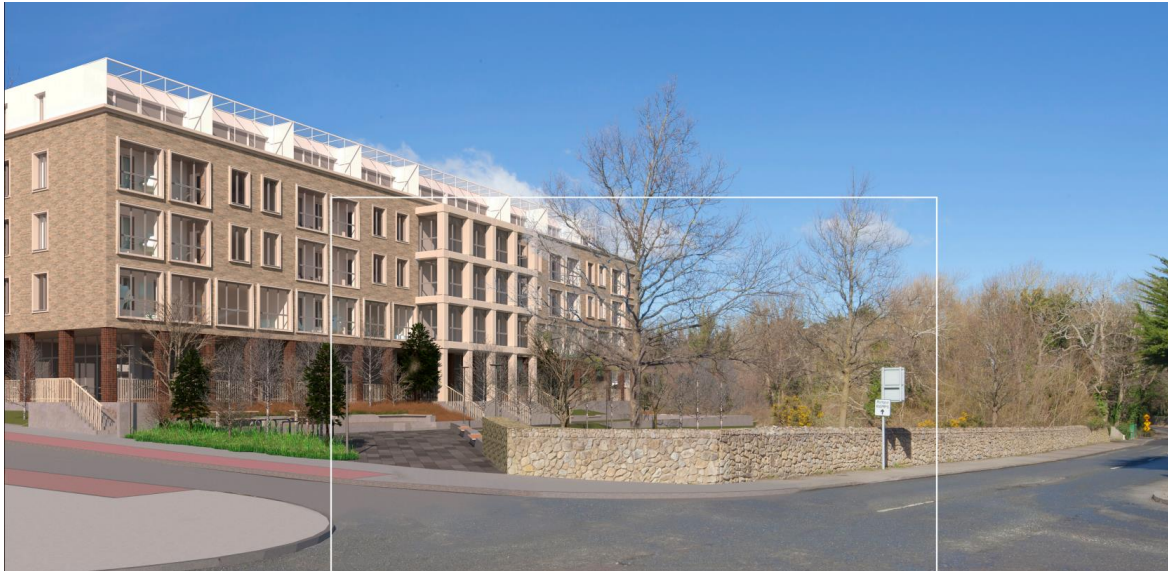
We have reviewed the Spatial Framework Study by JFOC Architects. It completely fails to address the basic fundamentals of a Masterplan document. There is no coherent plan and as a result the development proposal is a fragmented and piecemeal approach to planning and delivery.

The preparation of a masterplan is a material requirement of the County Development Plan. The applicant's have not addressed this in the Material Contravention statement. The application should be refused permission on this basis alone

1.5 The proposed form and character of the 5 storey neighbourhood centre/ apartment blocks are entirely unsuited to this location and without precedent or justification

As noted above the majority of units in the development are apartments, which are being provided. The ‘sheltered housing’ element for older people does not provide a village or neighbourhood feel, but a commercial nursing home.

The image below shows the scheme would completely alter the nature of the Whitechurch Road and change the character of the area. In our view this is an inappropriate scale and design of residential development.



1.6 The provision of public open space is substandard

The documentation and drawings do not appear to include quantitative information on the areas of Open Space provided. The applicant’s planning consistency report (p.74) states *the required minimum of 10% of the total site area as public open space is achieved.*

However, it is difficult to find any evidence that would confirm this. The public open space in the northern site appears particularly small.

1.7 No provision of Public Transport

It is of great concern to us that no proposals to improve public transport are included in the application that would justify the density proposed. Indeed, the applicants do not even appear to have consulted with Bus operators.

There is no bus route serving the site. The applicant’s Design Statement includes a diagram stating it is a 17 minute walk to the nearest bus stop. We noted above that the Board previously refused permission for development on the basis that this pedestrian route is not considered sufficient or safe. This cannot be considered an adequate position for the developers.



The Report by NRB consultants notes:

Whitechurch Road area Dublin Bus Services currently 'terminate' at Whitechurch Green. The design of the site provides a dedicated turning and set-down area for bus services, and it is expected that the development of the site will allow extension and connectivity of existing bus services in the area.

The NRB report provides no proposals to deal with this issue:

It is considered that it would be very straightforward to extend these routes and redesign these services through negotiation with the NTA/Dublin Bus so that they terminate and originate at the subject lands or at the roundabout immediately south of the M50 underpass

Alternatively, other routes such as the #16 could be extended from the east along College Road to link to the lands

Given the multiple references to the permitted Regional Sports Campus it would be of some consolation if proposals were actually provided. The applicant has done the opposite. It is clear that the Cumulative impact of the Sports Campus with the Kilmashogue development will make traffic much worse in the area and the developers have a responsibility to address this.

CONCLUSION

Overall, we invite An Bord Pleanála to find that the proposed application for development is an inappropriate form of development for the Whitechurch Road area. In our view, the design and scale of the scheme would transform this attractive road with its sylvan rural character to a non-descript, random and incoherent development. We feel that this is a very special character area and it deserves a much more place-specific approach that is sensitive to this context.

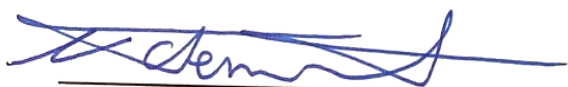
If permitted, the scheme would cause significant disruption during the construction phase, digging up Whitechurch Road; and consequent severe impact which is largely ignored in the applicants' planning documentation.

An Bord Pleanála previously decided to Refuse develop at the subject site(s) due to numerous reasons including traffic impact and the form of development proposed.

It is surprising that in the intervening years, the developer has not reached an acceptable solution with South Dublin County Council or even prepared a Masterplan for the area which would help us as residents have confidence in the shape of development to come in future. As it stands the development proposals appear half-finished, with substantial pieces of the jigsaw missing.

We invite An Bord Pleanála to Refuse Permission for this SHD development.

Yours faithfully



Signed by Nigel Tennant on behalf of:

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Nigel Tennant
Rolyen Long
Dermot O'Shea
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