

Planning observation on application SDZ 22A/0010 from Eoin Ó Broin TD

Dáil Éireann, Leinster House, Kildare Street, Dublin 2

A chara,

I would like to make the following observations to planning application SDZ 22A/0010. My observations relate to the interface and proposed road access between the proposed Kelland Homes development and Whitton Avenue, a 9-unit cul-de-sac housing development south of the proposed site of the planning application, Eir Code D22 K277

Background

Whitton is a small row of houses built by Green Light Developments Ltd. Residents started to occupy the properties four years ago. The developer miss-sold the properties as a gated cul-de-sac. The developer also failed to complete the external works and temporary access road as per the planning permission.

Consequently, the residents have had to deal with a range of problems including no street lights and inadequate temporary access road. Residents have had to pay for the tarmacking of the temporary access road.

My understanding is that both South Dublin County Council and Irish Water have ongoing enforcement actions against the Green Light.

The residents are keen to keep the cul-de-sac nature of the Whitton Avenue development as it currently stands. Considering the very significant difficulties they have had to ensure for the last four years, I am urging the Planning Authority to consider the following four observations.

Cul-de-sac

The proposed road access from the Kelland Homes development into Whitton Avenue adjacent to no's 8 and 9 creates several problems.

It would create an open access road from the new development, through Whitton Avenue and the temporary access Road onto the 9th Lock Road.

This would not be in keeping with the existing design of Whitton Avenue and involve safety and public realm issues.

As the temporary access road is a right of way for the residents of Cappaghmore House and the road access on Whitton Avenue is still technically in the ownership of Green Light it would not be possible to close this through way.

The consequence would be a high volume of traffic through Whitton Avenue from the Kelland Homes development and potentially onto the 9th Lock Road, contrary to the SDZ planning scheme.

A simple solution would be to have no road access from the proposed Kelland Homes development into Whitton Avenue, leaving the small development as a cul-de-sac and for the Planning Authority to regularise the road access for Whitton Avenue in conjunction with the residents and land owner via a separate planning application, consistent with the right of way for the residents of Cappaghmore House.

While this may appear to be outside the SDZ planning scheme it would be a pragmatic and equitable solution, particularly for the residents of Whitton Avenue. It would also prevent the more serious breach of the SDZ planning scheme that would arise by approving SDZ 22A/0010 and inadvertently allowing residents of the new Kelland Homes development have two access roads onto the 9th Local Road.

Alternative road access

If the above proposal is not acceptable to the Planning Authority, then it is proposed to move the access route from the Kelland Homes development into Whitton Avenue to the point adjacent to Cappaghmore House (ie at the current entrance to Whitton Avenue from the temporary access road).

This would be less disruptive to the residents of Whitton Avenue and reduce the potential volume of traffic travelling from the Kelland Homes development onto the Ninth Lock Road via the temporary access road past Cappaghmore House.

Height of adjacent buildings

The Kelland Homes proposal has three story duplex units at the boundary with Whitton Avenue. This is contrary to the understanding of elected members and residents that the SDZ scheme would respect the existing heights at the boundary with existing developments and tier upwards towards the higher density development at the SDZs core.

In light of this, I would ask that the Planning Authority attach as a planning condition to any grant of permission for SDZ 22A/0010 that the row of houses directly along the boundary with Whitton Avenue should be standard two story or two story with an attic conversion type property.

Visual screen

In order to ensure adequate privacy for both the residents of this row of houses along the boundary with Whitton Avenue and the residents in Whitton Avenue I would ask the Planning Authority to attach a planning condition to any grant of permission for SDZ 22A/0010 the provision of a visual screen of semi mature trees along the boundary inside the Kelland Homes land at the rear of the row of Kelland Homes houses in question.

Conclusion

The residents of Whitton Avenue have been badly let down by both the developer who built their homes and the estate agent who managed the sale. Unfortunately building control regulation does not extend to the external works and therefore provide no redress for the affected home owners.

Therefore, I am urging the planning authority to consider the practical and pragmatic observations above which would go a considerable way to resolving the issues affecting these residents for the last four years.

Is mise,

Eoin Ó Broin TD

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South Dublin County Council,
County Hall,
Tallaght,
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Dublin 22

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4th August 2022

Re: Planning Application SDZ22A/0010

A Chara,

Application SDZ22A/0010 seeks to construct 294 dwellings within the Clonburris SDZ on a site that is bordered by the Ninth Lock Road, Whitton Avenue and Cappaghmore, the railway line and the Fonthill Road. The scheme from Kelland Homes is a welcome development on a site that has been unused for two decades and I look forward to seeing it completed.

I have the following observations based on the documents I have read in this application:

1. Linking Whitton Avenue to new estate

The boundary treatment between Whitton Avenue and the development is ambiguous and is unsatisfactory from the perspective of existing residents there. There is currently no car parking on front of #5, #6, #7 or #8 Whitton Avenue. When both the new Kelland Homes development and Whitton Avenue are completed, there should be car parking spaces outside these four houses and the spur road linking the two estates should be moved south to accommodate this. Obviously, Kelland Homes cannot create the car parking spaces for the four houses as they do not own the land on front of the houses. However, they should not create a spur which limits the possibility for these parking spaces to be created in the future. In Figure 1 I have marked in yellow the area of land owned by Kelland Homes that should be reserved without development until such time as Whitton Avenue is taken in charge. I have marked parking spaces outside of the four aforementioned houses and shown an approximate location for the spur road. Kelland Homes and SDCC partnering to facilitate what the residents of Whitton Avenue want would be a nice gesture to the residents there, who have been badly let down, not by anyone in particular, but by the Irish Planning System. It would restore their faith that the Republic of Ireland is a country that treats its citizens equally. Given that it will take a number of years for the Kelland Homes development to be taken in charge by SDCC (TIC), agreement on final scheme for connecting the estates could be delayed until then.

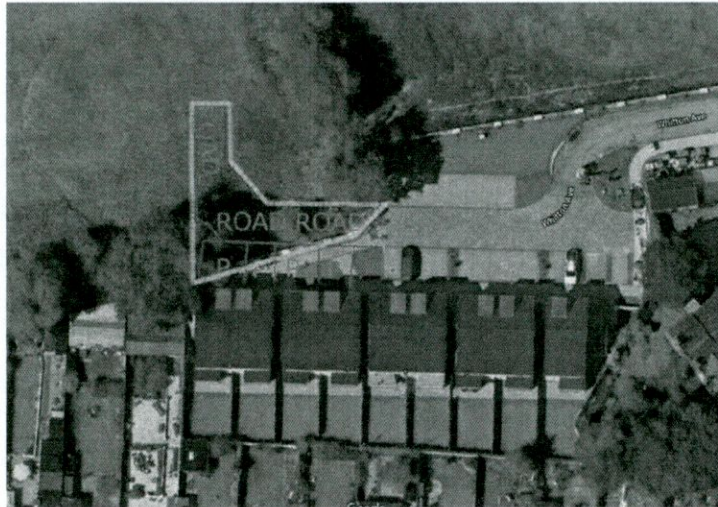


Figure 1 : Aerial view of junction between Whitton Avenue and new development desired by residents of Whitton Avenue. Aerial view taken from Google Maps. Area marked in yellow owned by Kelland Homes.

In Figure 2 I have marked in blue the locations of the four car parking spaces desired by #5, #6, #7 or #8 Whitton Avenue and how the link road to Whitton Avenue should subsequently be moved south to accommodate.

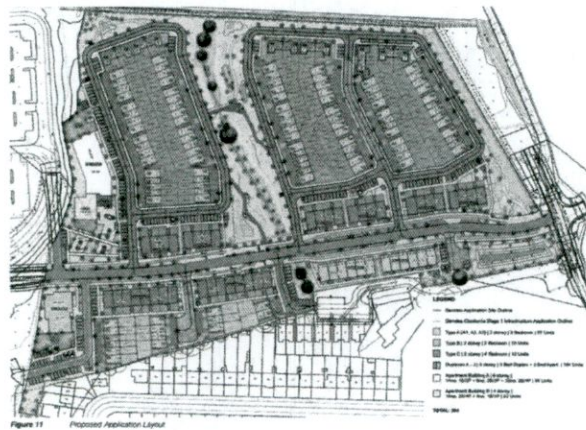


Figure 2 : Junction treatment between Whitton Avenue and new development desired by residents of Whitton Avenue. Plan taken from Architectural Assessment submitted by developer.

2. High Amenity Pond

In the SDZ scheme it is written that there will be, 'a high amenity retention pond/lake within a new strategic open space at Cappaghmore'. The pond shown in the right/east side of Figure 2 is way smaller than the two ponds shown in Figure 3 which is from Chapter 3 of the SDZ Planning Scheme. In addition, there are no dwellings at all south of the link road in Figure 3 whereas the block coloured in pink in Figure 2 is included in the submitted planning application. The planning authority should give serious consideration as to whether the pond in the submitted proposals from Kelland Homes can really be classed as 'high amenity'.

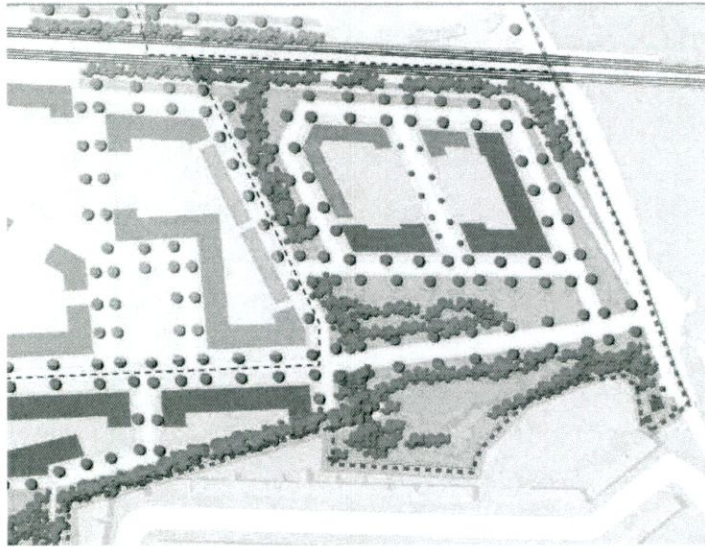


Figure 3 : Clonburris South East from clonburris.ie Note size of 'high amenity' ponds.

3. Land gap to Fonthill Road?

Comparing Figure 2 and Figure 3 shows that Kelland Homes do not own the land bank all the way to the Fonthill Road on the western side of the site which means that the area designated, CSE-S2, cannot be completed as shown in Figure 3. Does this create problems of a 'no-mans land'? Should provision be made to integrate what is being sought in this application to the plans the owners of the area between what Kelland Homes own and the Fonthill Road?



Figure 4 : Ruin of Cappagh House.

4. Cappagh House

The clearing of the growth around Cappagh House has revealed a large building. See Figure 4. Although permission has already been granted to demolish this house as part of the application for

the link road, if most of the house is actually on the Kelland Homes site, and not on the line of the road, it seems a pity to demolish it and not attempt to create some communal facility there. I urge reconsideration of the demolition of Cappagh House.

5. Home Heating

The energy statement describes how all homes and buildings in the scheme will have a BER of A2. This is very welcome in order to make the homes comply with NZEB regulations. While any heat needed will be provided by heat pumps, provision should be made for eventual use of district heating in commercial buildings on the site, if heat that emanates from the data centres located at Grange Castle Business Park or elsewhere becomes available.

6. Apartment Design

I am pleased that Build to Rent (BTR) spec apartments are not proposed. If they were, it would need to have been stated in the public notice. For a satisfactory quality of life in the apartment's the planning authority should confirm that there is sufficient ventilation to allow for clothes drying in apartments. In addition, secure bicycle parking should be provided so as that there is no need to store bicycles on balconies. It is welcome that the apartment brick finishes are not proposed to be in classic red brick but rather in beige and other colours. There has been far too much use of red brick in the Clondalkin area e.g., the Civic Offices, Mill Shopping Centre and Garda Station and the colour is too strong to be visually pleasing.



Figure 5 : Photo from a new social housing apartment block near Hauptbahnhof in Vienna, Austria, with both a covered indoor and outdoor play area – this can be seen in the left of the photo.

7. Recreational Facilities

While the application mentions open space and parkland, I see no mention of play spaces or areas of unstructured play for children. These are necessary. One suggestion would be to include a covered play space (both indoor and outdoor) such as in Figure 5, to allow for adverse weather conditions.

Another idea would be to have a single goal post in the larger of the play areas to allow 'unstructured' games of football or even to have one in the area called, 'kickabout area'.

8. Estate naming

Given the association Clondalkin has had with the Irish language for half a century through the Muintir Chrónáin organisation and the schools and clubs that have emanated from their work, it would be appropriate if consideration was given to giving the estate and its road Irish language names exclusively.

9. Pedestrian Access to Train Station

When I posted the plans on social media, transport planner, Kevin Cannon, commented on twitter that it was not clear from the plans how easy it was to access the train station from the development. He marked in purple in Figure 6 the 'desire lines' that should be in place to allow pedestrian access to the station. I assume that pedestrians will be able to access the already existing footpath from the Ninth Lock Road to the train station.

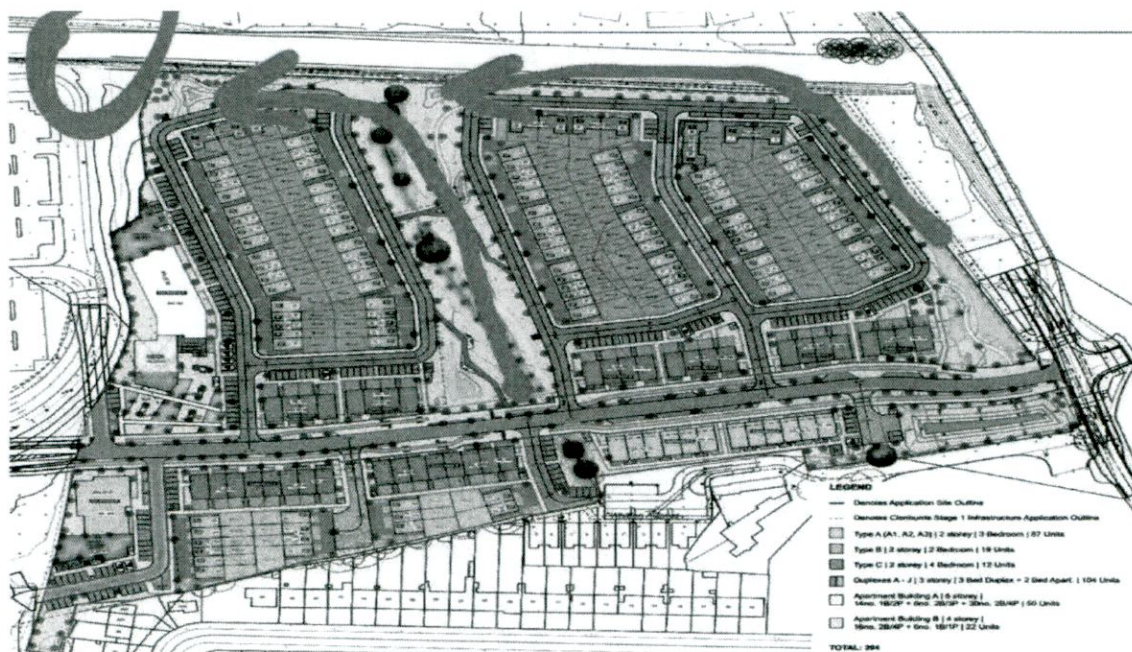


Figure 6 : Desire lines marked in purple for pedestrians to access train station. Plan taken from Architectural Assessment submitted by developer.

10. Access to parkland for pedestrians

When I posted the plans on social media, transport planner, Kevin Cannon, also remarked that, he would like to see plans like those presented to be a little more walkable, and less road focused. He emphasized that kids should be able to walk to green areas without crossing a road and that making a few cul-de-sacs would be a minor change and make it more accessible. Mr Cannon marked his ideas in Figure 7:

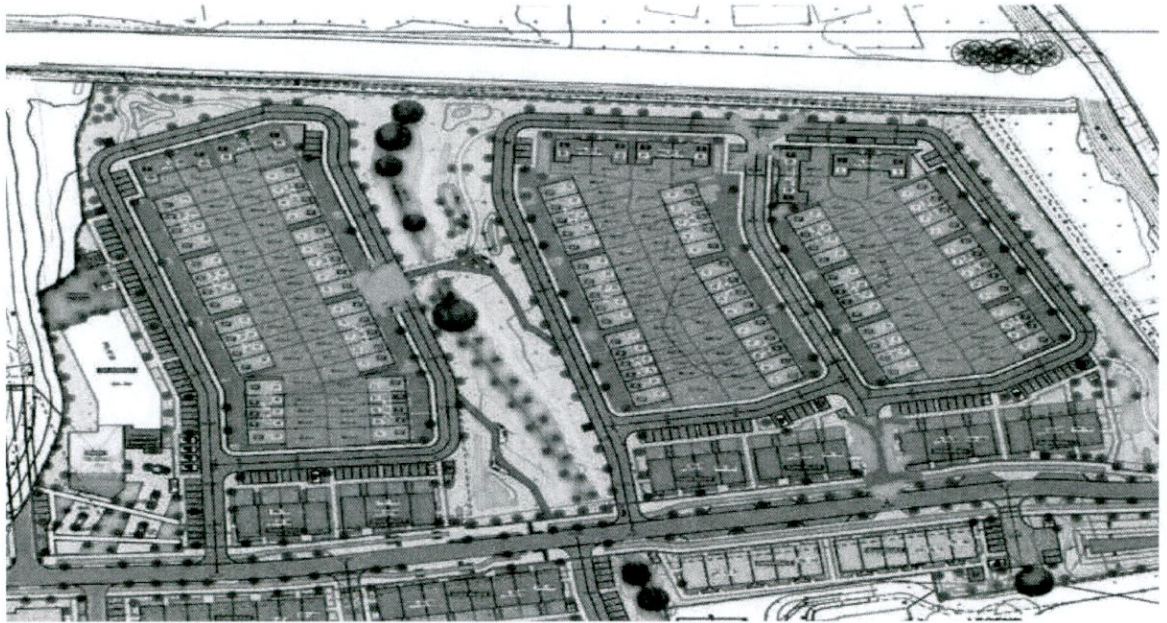


Figure 7 : Areas marked in green, and with one red X, where roads could be removed to allow unimpeded access to parkland for pedestrians. Plan taken from Architectural Assessment submitted by developer.

11. Height of dwellings on south side of link road.

The scheme for Clonburris agreed by An Bord Pleanála in 2008, dictated that all dwellings within 35 metres of houses in the Cappaghmore Estate would not be taller than Cappaghmore. See Figure 8. The 2019 An Bord Pleanála judgement, which happened to have been signed by Paul Hyde, has obviously superseded the 2008 decision, and dictated the densities for the CSE-S2 zone. Nonetheless if it is possible, consideration should be given to the views (both opinion and visual) for residents of Cappaghmore's whose back windows will directly face the new development.

4. Amend paragraph 1 in site sensitivities in Table in drg no. SDZ.01 – Cappagh, to state as follows:



"1. Development backing on to existing buildings in Cappamore estate to the south-east must respect existing context building heights. No development over two storeys in height shall be permitted within the height restriction zone if it is any closer than 35 metres to the rear building lines of existing houses in this estate."

Reason: In the interests of clarity, and in order to limit the impacts of the Scheme on the neighbouring lands in the interests of residential amenity.

5. Amend paragraph 4 in site sensitivities in Table in drg no. SDZ.02 – Clónburris Lock, to state as follows:

"4. Development backing on to existing buildings in Ashwood estate to the south-east must respect existing context building heights. No development over two storeys in height shall be permitted within the height restriction zone if it is any closer than 35 metres to the rear building lines of existing houses in this estate."

Reason: In the interests of clarity, and in order to limit the impacts of the Scheme on the neighbouring lands in the interests of residential amenity.

Figure 8 : An Bord Pleanála judgement from 2008 on Clonburris. Note point 4 on heights near Cappaghmore.

12. Summary

Thank you for taking my views and those who have made representations to me into consideration. I look forward to seeing a sustainable development on this site.

Is mise le meas,

Cllr Eoin Ó Broin
Social Democrats
Clondalkin LEA

facebook.com/cllreoinobroin
instagram.com/cllreoinobroin
twitter.com/cllreoinobroin
voteeoin.ie

Deputy Eoin O Broin,
Sinn Fein
Leinster House
Kildare Street
Dublin

Date: 08-Aug-2022

Dear Sir/Madam,

Register Ref:
Development:

SDZ22A/0010

Kelland Homes Ltd. intends to apply for permission for development on a site area of 6.3Ha, on lands within the townland of Cappagh, Dublin 22. The proposed development is located west of the Ninth Lock Road, south of the Dublin-Cork railway line, north of Cappaghmore housing estate and Whitton Avenue, and east of an existing carpark / park & ride facility at the Clondalkin Fonthill train station and the R113 (Fonthill Road). The proposed development is located within the Clonburris Strategic Development Zone (SDZ), within the development areas of (i) Clonburris South East (i.e. CSE-S1 & CSE-S2) and (ii) part of Clonburris Urban Centre (i.e. CUC-54), as identified in the Clonburris SDZ Planning Scheme 2019. The proposed development consists of the construction of 294 no. dwellings, creche and retail / commercial unit, which are comprised of: 118 no. 2, 3 & 4 bed, 2 storey semi-detached and terraced houses, 104 no. 2 & 3 bfd duplex units accommodated in 10 no. 3 storey buildings, 72 no. 1 & 2 bedroom apartments in 2 no. 4 & 6 storey buildings, 1 no. 2 storey creche (c.520.2m²), 1 no. 2 storey retail /commercial unit (c.152.1m²). Access to the development will be via the permitted road network (under Ref. SDZ20A/0021) which provides access from the Ninth Lock Road to the east and the R113 (Fonthill Road) to the west. The proposed development will connect into the permitted Infrastructural works as approved under the Clonburris Strategic Development Zone Planning Scheme (2019) and permitted under Ref. SDZ20A/0021, with the proposed development connecting into the permitted surface water drainage attenuation systems i.e. 1 no. pond, 3 no. modular underground storage systems and 1 no. detention basin combined with modular underground systems. The proposed wastewater infrastructure will connect into a permitted foul pumping station and pipe network within proposed road corridors to facilitate drainage connections to future wastewater drainage infrastructure within the adjoining SOZ lands (Including future Irish Water pumping station permitted under SDZ21A/0006). The proposed development also provides for all associated site development works above and below ground, public & communal open spaces, hard & soft landscaping and boundary treatments, surface car parking (401 no. spaces), bicycle parking (797 no. spaces), bin & bicycle storage, public lighting, plant (M&E), utility services & 4 no.

ESB sub-stations. This application is being made in accordance with the Clonburris Strategic Development Zone Planning Scheme 2019 and relates to a proposed development within the Clonburris Strategic Development Planning Scheme Area, as defined by Statutory Instrument No. 604 of 2015.

Location: The proposed development is located west of the Ninth Lock Road, south of the Dublin-Cork railway, line, north of Cappaghmore housing estate and whitton Avenue, and east of an existing carpark/park, & ride facility at the Clondalkin, Fonthill train ststio

Applicant: Kelland Homes Ltd

Application Type: Permission

Date Rec'd: 04-Jul-2022

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanala if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdublincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, www.sdublincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named "**Notify me of changes**" and click on "**Subscribe**". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for **Senior Planner**