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Principal Planning Officer
Planning Department
Dun Laoghaire Rathdown County Council
Marine Road
Dun Laoghaire
Co Dublin

5th January 2017

Re: Planning application by FWNH Ltd. for a development consisting of modification and extension to the permitted Nursing Home at Brighton Road, Foxrock, Dublin 18 to provide for a total of 140 bedrooms (143 bed spaces). (Reg. Ref. D16A/0873)

Dear Sir/madam

I have been instructed by my client, Foxrock Area Community & Enterprise Ltd. (FACE) c/o "Duncaitron", 34 Hainault Road, Foxrock, Dublin 18, to make a submission on their behalf in relation to the above proposal which is currently under consideration by your department. I attach the statutory €20 submission fee.

FACE is a company limited by guarantee, whose core mission is "**To Enhance Foxrock as an Environment for our Community**". One of the objectives of the organization is to influence planning so as to preserve the distinctive character of Foxrock.

My clients previously objected to the original proposal for a 121 bedroom nursing home on this site under Reg. Ref. D15A/0807, and were disappointed when your Planning Authority made a decision to grant planning permission for the development (reduced to 113 bedrooms as a result of Further Information). This decision was subsequently endorsed by An Bord Pleanála following a number of third party appeals, including one by my client.

1.0 REASONS FOR OBJECTION

My clients were opposed the original proposal under Reg. Ref. D15A/0807 because of their concerns that it would not be in accordance with the zoning objective, that it would be an inappropriate development in the area and that the vehicular traffic which it would generate would add to existing congestion and traffic hazard within an area which is listed as an Architectural Conservation Area (ACA) in the Dun Laoghaire Rathdown County Development Plan 2016-2022 (hereinafter referred to as the Development Plan). These arguments still hold good and even more so in the case of the current proposal for an extension of the facility to 140 bedrooms, an increase of almost **25%** over the permitted development of 113 bedrooms. The details of my clients' objections to the current proposal are set out below:

1.1 Zoning

The site is located in an area zoned Objective A '*to protect and/or improve residential amenity*' in the Development Plan. Nursing home development is permitted in principle under this zoning. My

clients have no objection to the principle of some limited redevelopment of the subject site but consider that what has been permitted to date is far in excess of what is acceptable under the zoning and in an ACA. It must also be emphasised that the principle aim of the zoning objective is the **protection and/or improvement of existing residential amenities** in the area. However for the reasons outlined below my clients are strongly of the opinion that the proposed extension of the subject development would result in a further diminution of the existing residential and visual amenities of the area and would therefore be contrary to the zoning objective.

1.2 Architectural Conservation Area

Foxrock is a garden suburb with a distinctive character which is recognised as part of our architectural and social heritage. As such it is deemed to be worthy of preservation and has been designated as an ACA in the Development Plan. This designation derives from the fact that the Planning Authority recognised that the unique qualities of the area require special protection under the planning system. These qualities derive from its being a low-density residential area dating from the 1860s onward, which is characterised by large single-family dwelling-houses on generous sites in a sylvan setting of mature trees and hedges. This type of suburban development is a recognised urban design type generally known as “Arcadian”. The essential feature of the Arcadian suburb is the use of landscape to enclose the buildings, creating the illusion of a rural environment in a residential area. However this fragile suburban landscape can be destroyed by excessive traffic and attendant development pressures.

The Development Plan Policy in relation to ACAs (Par. 6.1.4.1 : Policy AR12) is stated as follows:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area.
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Seek a high quality, sensitive design for any new development(s) that are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- iv. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

The Development Plan stresses that while the purpose of ACA designation is to protect and enhance the special character of an area, it should not be viewed as a means of preventing new development but rather to help guide and manage change to ensure developments are sympathetic to the special character of the ACA.

The planning authority’s character appraisal carried out prior to the designation of the Foxrock ACA describes Foxrock as *“important both architecturally and historically and provides a social commentary on the residential development of this part of Dun Laoghaire Rathdown over a 170-year period. Developed as a garden suburb in the mid-nineteenth century, the houses are principally residential dwellings of a higher socio-economic type. Having been developed in a number of phases, the area reflects a number of periods of historical development, which has resulted in a variety of character of house types. However, distinct characteristics are evident in dwellings from each phase of development.”*

The report goes on to state that *“The architectural character of the area is created not just by the design of the individual structures. A significant aspect of its character is informed by the layout of*

sites, the setting of buildings within the sites and the surrounding landscaping.....The overall visual character of the area is sylvan in nature characterized by low density residential development with well enclosed road corridors which are almost rural in character. The well-defined road edges are enclosed by mature planting and property boundaries which generally consist of a limited palette of natural materials including granite walls, timber and metal fencing and gates or hedging. In urban design terms this type of development is described as 'Arcadian' a concept given its clearest formulation in the Essex Design Guide first published in 1973."

Brighton Road is an essential component of the Foxrock ACA. The road, which forms the back-bone of the ACA encapsulates the intrinsic character of the area which the ACA seeks to preserve. The Character Appraisal Report stresses the spatial quality of the road and notes the mixture of soft and hard boundary treatments along the road. It praises the quality of the edge which is consistently good... *"with the exception of Hollybrook, a recent development where the loss of original soft roadside boundary allows unrestricted open views into the development, which is uncharacteristic with the prevailing secluded nature of Foxrock."*

The impact of any proposed development on Brighton Road is therefore an important consideration in determining the acceptability of a proposal. My clients consider that whatever its other merits, the overdevelopment of the subject site and the traffic which the proposal will generate are at odds with the underlying principles of the ACA and will create another Hollybrook, a development which was considered so out of character with the area, that its genesis galvanized the local community into seeking ACA status for the area.

Furthermore the site of the proposed development is flanked on either side by properties which are listed as Protected Structures in the Development Plan. The Planning Authority has a duty of care to protect the setting of Protected Structures, particularly where located in an Architectural Conservation Area, in accordance with the stated policy outlined above. The conservation principles of care and protection of the architectural heritage are enshrined in the Local Government (Planning and Development) Act 1999 and Part IV of the Planning and Development Act 2000. The legislation emphasizes that Planning Authorities have a clear obligation to preserve the character of places and townscapes which are of special architectural, historic, archaeological, artistic, cultural, scientific, social or technical interest or that contribute to the appreciation of protected structures, by designating them as ACAs in their development plan.

The proposed development will materially contravene the objective to preserve the established character of the Architectural Conservation Area. It would not therefore be in accordance with Development Plan Policies and Objectives and would be contrary to the proper planning and sustainable development of the area.

1.3 Density of development

The Development Plan cites the Government published guidelines for 'Sustainable Residential Development in Urban Areas' which state that *"In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill..... The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc."*

The site area is stated to be 0.667 ha and if permitted it will have a total building footprint of 2178 sq.m. The extended building will therefore have a plot ratio of 1.17 (currently 0.064) and a site coverage of 33% (currently 3.5%). The proposed floor area, plot ratio and site coverage are far in excess of the prevailing values in the surrounding area. Because of the amount of site to be taken over by new building, together with its attendant on-site car-parking and circulation spaces, and the consequential loss of tree cover, the proposed development will be extremely visually obtrusive in the context of the Foxrock ACA, whose raison d'être is dependent on the retention of its existing sylvan suburban character, characterised by large detached houses on substantial gardens, with many mature trees and hedgerows. It is a sensitive area with an established character and ambience. The proposed development comes nowhere near striking the balance referred to in the Guidelines; the physical and visual impact of the proposal will be completely at odds with the general character of the area and its amenities; and it will be visually incongruous in the context of the adjoining ACA and the neighbouring protected structures.

1.4 Inconvenient Location

The location for the proposed development would be most inconvenient for the use proposed. The Development Plan (Section 8.2.3.4 (xiii)) states that when dealing with planning applications for Nursing Homes for the Elderly/Assisted Living, a number of criteria will be taken into account including inter alia:

- *Such facilities will be resisted in remote locations at a remove from urban areas. They should be located into established neighbourhoods / residential areas well served by community infrastructure and amenities. Future residents should expect reasonable access to local services such as shops and community facilities.*
- *The potential impact on residential amenities of adjoining properties.*
- *Adequate provision of open space.*
- *Provision of adequate parking facilities.*
- *The design and proposed materials.*
- *The size and scale of the proposal must be appropriate to the area.*
- *Located within close proximity of high quality public transport links and the site should be well served by good footpath links.*

In their submission on the original application my clients pointed out that a 121 bedroom (124 bed-space) nursing home by its nature would be a particularly busy facility which would generate very considerable vehicular traffic at all hours of the night and day. The planning authority was asked to consider the comings and goings of residents, visitors, doctors, nurses, ambulances, service and supply vehicles, hearses and funeral cars, and a range of specialists including physiotherapists, chiropodists, hairdressers etc. Very few of these comings and goings will be by means of public transport. Elderly residents or their visitors are unlikely to avail of the nearest public transport routes because of the distance that has to be traversed along and across busy traffic routes, with narrow footpaths and steep hills. For similar reasons walking to local shopping centres such as Foxrock Village, Cornelscourt and The Park (each one of which is approximately 1.4 km from the subject site) will not be feasible for the residents. There is no public open space in the immediate area, the nearest such facility being Cabinteely Park, which is 1.5 km away, again by way of narrow footpaths and steep hills. The distances from and difficult pedestrian access to transportation links, shopping facilities and open space ensure that the proposed development will be car-based and car-dependent for staff, residents and visitors alike.

My client pointed out that in view of the above, the proposed nursing home would fail to comply with the requirements of the Development Plan in that it is not in a convenient location, it is not well served by footpath networks or local shops and the public transport infrastructure will not be readily accessible to the residents of the complex, resulting in a curtailment of their independence and consequential isolation. Given these constraints my clients contend that any further extension of the nursing home beyond that already approved should be refused planning permission as not being in compliance with the proper planning and development of the area.

1.5 Traffic Impact on the Local Road Network

The traffic generated by the proposal will be decanted directly into the ACA, thereby affecting its amenity and special character for the worse. In opposing the original application my clients expressed their grave concerns that the additional traffic generated by the proposed development would be forced on to the existing inadequate roads infrastructure of the area via an inadequate single access/egress point and would add to the existing serious traffic congestion in the area. Brighton Road and its continuation, Torquay Road, are intrinsic components of the ACA. Both roads were conceived as residential access roads to cater for limited suburban traffic in the Victorian era at a time when Foxrock and Carrickmines had their own railway stations. Neither road was designed to cater for the volumes of traffic they are now expected to carry. These traffic volumes have been generated and compounded by a number of factors, including the following:

- Carrickmines cross-roads will be within 50 metres of the main access point to the facility. The route from Junction 15 on the M50 to the N11 at Cornelscourt embraces Glenamuck Road North, Claremont Road, Cornelscourt Hill Road and Cornelscourt Village. Carrickmines cross-roads is a traffic-lights controlled four-way junction where Brighton Road, Claremont Road, Brennanstown Road and Glenamuck Road North meet. With the exception of the latter, all are sub-standard roads which were not designed to cater for the traffic now using them, including commuter and school traffic from the M50 and the Glenamuck development area, heavy commercial traffic linking between the N11 and the M50, as well as supply trucks servicing Dunnes Stores in Cornelscourt, commuters from the Cabinteely area heading to Sandyford Business Park, and horse-boxes coming and going to Leopardstown Race-course for each the many race-meetings held there per annum. The excessive volumes of traffic handled by this junction ensure that there are long queues of traffic idling on all of the approach roads while waiting for the lights to change, particularly at peak times.
- In terms of width and geometry Brighton Road is substandard for what is in fact a district distributor road. It is also a de facto parallel link road to the Sandyford-Carrickmines section of the M50 motorway, linking the wider Carrickmines/ Foxrock/Cabinteely area with the Sandyford and Stillorgan Business Parks, both areas which have seen massive development over the past decade. This generates considerable traffic whose origin and destination is outside the area.
- The lack of proximity to public transport already referred to forces local residents to use their cars to a greater extent than might otherwise be normal. This is compounded by the fact that Brighton Road, in common with Claremont Road and other roads in the ACA, has narrow footpaths (down to 1.3m wide in places) which are quite close to the vehicular traffic, making for an uncomfortable and potentially hazardous environment for pedestrians, in particular for disabled people and wheelchair users.

- A number of higher density infill residential developments have been developed in recent years with direct access to Brighton Road. As with the rest of the general area, these developments are car-dependent and have added to the traffic volumes on Brighton Road. Furthermore development has now started on a further 100 houses for which planning permission has recently been granted and whose sole access will be on to Brighton Road (Reg. refs: D13A/0285 and D15A/0501).
- There is all-day parking on the approaches to Foxrock Village, where Brighton Road, Torquay Road and Westminster Road meet in the heart of the ACA. This leads to congestion arising from necessary cautious manoeuvring to pass through the village.
- Another factor is the proximity of Tullow Church to the subject site, where regular services including weddings and funerals generate major parking problems and traffic hold-ups in the area.

To compound the above problems it is now proposed to increase the traffic accessing the proposed facility by a further 25%, while still dependent on the single access point on to Brighton Road. The proposed development together with that already granted planning permission will generate further traffic and turning movements and add to the existing traffic hazard and congestion in an area where the existing road network is already inadequate and beyond capacity.

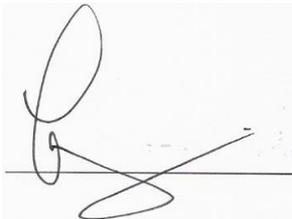
2.0 CONCLUSION

In its request dated 11/2/16 for additional information on the original application under Reg. Ref. D15A/0807 the Planning Authority noted inter alia that *“It is considered that the proposed three storey structure will have an undue overbearing impact on the amenity of the property to the north given the existing separation distances of c.5 metres to c.9 metres to the northern site boundary. The applicant is requested to submit a revised site layout plan, floor plans and elevation drawings showing an 11 metre separation distance from the northern building line to the northern boundary and the area ‘freed up’ shall be incorporated into the open space provision on site.”*

The applicant dealt with this request by setting the building back to 11m on the upper storeys to reduce the massing to the northern boundary, and by moving the building wings marginally to the south within the site to achieve the 11m from the North boundary, and this is the plan for which permission was ultimately granted, and which my clients accept is now a fait-accompli, subject to the result of judicial review proceedings instituted by some of the other objectors.

However for the reasons outlined above my clients are totally opposed to any further extension of the permission already granted. The subject application, if granted planning permission will further erode the ambience and amenities of the Foxrock ACA and set a precedent for further such developments. The Planning Authority is therefore urged to refuse planning permission for the proposal.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Feargall Kenny', written over a horizontal line. The signature is stylized and somewhat cursive.

Feargall Kenny