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

21st January 2016

Re: Planning application by FWNH Ltd. for a 121 bedroom nursing home development at “Four Winds”, Brighton Road, Foxrock, Dublin 18. (Reg. Ref. No.: D15A/0807)

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. 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.

FACE considers that the proposed development would be detrimental to the unique ambience and amenities of Foxrock and would not therefore be in accordance with the proper planning and sustainable development of the area. Accordingly they have instructed me to lodge an objection to the proposal on their behalf. I attach the statutory €20 submission fee.

1. REASONS FOR OBJECTION

My clients are opposed to the subject development because of their concerns that it is not in accordance with the zoning objective, that it would be an inappropriate development in the area and that the vehicular traffic which it will generate will 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 2011-2016, hereinafter called the Development Plan. The details of my clients’ objection 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 what is proposed is far in excess of what is acceptable under the zoning and in an ACA. It must also be emphasised that the principle objective 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 subject development would result in a 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 will be destroyed by excessive traffic and attendant development pressures.

The Development Plan policy regarding ACAs (Policy AR8; Section 11.3.10) is as follows: *“It is Council policy to protect the special character of places, areas, groups of structures or townscapes which have been designated as Architectural Conservation Areas”*.

Section 16.9.2 of the Development Plan in relation to development management in ACAs goes on to state that *“The overall principle in relation to ACAs is the promotion of positive enhancement of the unique qualities that make the ACA special because of its particular character and characteristics”*. This section also states that *“The onus will be on the applicant to demonstrate that the special character of the ACA will not be affected”*.

The roads radiating out from Foxrock Village, including Brighton Road, are essential to the ambience of the area and are therefore also an intrinsic part of the character which the ACA seeks to preserve. The impact of any proposed development on the roads is an important consideration in determining the acceptability of a proposal. My clients consider that the applicant has failed to demonstrate that the traffic which will be generated by the proposal will not affect the special character of the ACA. On the contrary they are seriously concerned that the proposed development whose main access is through a single access point onto a road in the middle of an ACA, which is inadequate for the volume of traffic it currently has to cater for, and whose secondary access is on to a heavily trafficked road immediately beside a controlled junction with constant traffic back-up, will materially contravene the objective to preserve the established character of 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 is 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.

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 0.55 ha. Therefore the proposed development has a plot ratio of 1.18 (currently 0.064) and a site coverage of 31.5% (currently 3.5%). The proposed plot ratio and site coverage are far in excess of the prevailing values in the surrounding area. The very status of the ACA 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

Policy RES9 (Section 5.4.3) of the Development Plan states that “*It is Council policy that proposals for accommodation for the elderly should be located in existing residential areas well served by infrastructure and amenities such as footpath networks, local shops and public transport in order not to isolate residents and allow for better care in the community, independence and access. This preference, and presumption towards convenient locations apply to any scheme whether provided by communal set-ups or similar, facilities providing higher levels of care, self-contained units or a mix of these.*”

A 124 bed-space nursing home by its nature will be a particularly busy facility which will generate very considerable vehicular traffic at all hours of the night and day. The planning authority is 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 development site) will not be feasible for the residents. The distances from and difficult pedestrian access to transportation links and shopping facilities ensure that the proposed development will be car-based and car-dependent for staff, residents and visitors alike. The proposed development therefore fails to comply with the requirements of Policy RES9 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.

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. My clients are very concerned that the additional traffic generated by the proposed development will be forced on to the existing inadequate roads infrastructure of the area via an inadequate single access/egress point and will 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 ensures 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 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 planning permission has recently been granted for a further 100 houses whose sole access will on to Brighton Road (Reg. refs: D13A/0285 and D15A/0501).

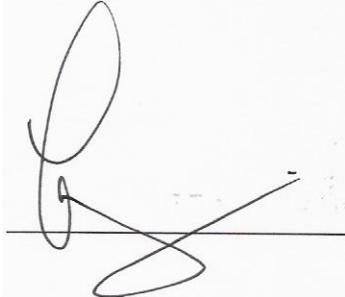
- There is day-long parking along the approaches to Foxrock Village, where Brighton Road, Torquay Road and Westminster Road meet in the heart of the ACA. This has led to congestion arising from necessary cautious manoeuvring to pass through the village.
- The proximity of Tullow Church to the subject site, where regular services including weddings and funerals generate major parking problems and traffic hold-ups in the area

It is considered therefore that the additional traffic and turning movements generated by the proposed development would create an additional traffic hazard in an area where the existing road network is inadequate and beyond capacity.

2.0 CONCLUSION

The proposed development will materially contravene the zoning objective and the objective to preserve the established character of the Architectural Conservation Area. Furthermore the additional traffic and turning movements to be generated by this proposal will exacerbate an already hazardous situation. The proposed development 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. The Planning Authority is therefore requested to refuse planning permission for this development on the above grounds

Yours faithfully

A handwritten signature in black ink, appearing to read 'Feargall Kenny', is written over a horizontal line. The signature is stylized and somewhat abstract, with a large loop at the top and a long, sweeping stroke extending to the right.

Feargall Kenny