

Agenda Item 16

MEETING OF DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

9TH SEPTEMBER 2013

REPORT SUBMITTED IN ACCORDANCE WITH PART 8, ARTICLE 81 OF THE PLANNING AND DEVELOPMENT REGULATIONS, 2001, AS AMENDED, THE PLANNING AND DEVELOPMENT ACTS 2000, AS AMENDED, AND SECTION 138 OF THE LOCAL GOVERNMENT ACT, 2001.

TO CONSTRUCT A PUBLIC CARPARK FOR FOXROCK VILLAGE AT FOXROCK, DUBLIN 18.

PC.04/13

In accordance with Part 8, Article 81 of the Planning and Development Regulations 2001-2012, notice of the proposed development was given by the placement of a notice in the Irish Independent newspaper dated 10/05/13. Two site notices (in the prescribed format) were also erected one at the existing Foxrock entrances to the Leopardstown Racecourse and a second on the site. These notices were maintained in place for the prescribed period.

LOCATION

The subject site is located to the west of Foxrock Village and to the East of Leopardstown Racecourse and Golf Centre.

SITE DESCRIPTION AND CONTEXT

The site is circa 0.48 Ha in area and consists of open space, which is over-grown and fenced off at the northern end. It is in an area, which is part of the former Harcourt Street Railway line.

There is a random rubble wall located along the western boundary, which varies in height, with mature trees on the far side of the wall. There is a substantial level difference between the subject site and the adjoining racecourse lands. A lane runs to the East of the subject site leading down to dwellings at Brighton Lodge. This lane bounds both residential and commercial properties. This boundary varies from block wall, to random rubble and hedge/trees to a ditch and railings.

PROPOSED DEVELOPMENT

The construction of a car park for Foxrock Village within Horse Racing Ireland (Leopardstown Racecourse) lands. The car park will allow for a total of 51 car parking spaces comprising 2 disabled car parking spaces, 2 electric recharging bays and 47 standard bays, a covered cycle stand for 14 cycles. New walls, height barriers, fences, screening, gates, public lighting, relocated vehicular entrance gates within the site and the widening of any existing pedestrian entrance, extensive natural and planted landscaping and ancillary works.

The proposed car park is to be constructed as an open graded asphalt surface with boundary treatment of varying types including reinforced concrete walls, low walls with railings, palisade fencing and upvc coated chain link fencing with energy efficient public lighting. A goal post type gate will be provided to control access to the car park.

The substantial random rubble stonewall on the western boundary will be restored where necessary. The existing vehicular and pedestrian gates will be moved from their current position and reused at the new entrance location to the race course/golf club. The existing

archway and piers are to remain insitu and the pedestrian entrance widened. New footpaths will be provided. The area adjoining the new entrance will be improved by continuing the existing wall and railings (marked wall type A on the site layout) to the new entrance a similar wall and railings will also be constructed on the far side of the entrance.

Zoning Objectives and Policies of the 2010-2016 Dún Laoghaire-Rathdown County Development Plan

There is a Specific Local Objective 87 - (Map 6) on the site "To provide a car park to link in with Foxrock village".

In terms of the Dun Laoghaire-Rathdown County Development Plan, 2010-2016, the subject site is zoned 'Objective F', 'To preserve and provide for open space and amenities with ancillary active recreational amenities'.

'Car parking' is 'Open for Consideration' within this land use zoning. A car park is defined in Section 18.8 of the Dun Laoghaire Rathdown County Development Plan 2010-2016 as 'A building or part thereof or land (not being part of a public road) used for the parking of mechanically propelled vehicles, excluding commercial vehicles'.

Where lands zoned F are to be developed then:

Not more than 40% of the land in terms of the built form and surface car parking combined shall be developed upon. Any built form to be developed shall be of a high standard of design including quality finishes and materials. The owner shall enter into agreement with the Planning Authority pursuant to Section 47 of the Planning and Development Act 2000, as amended, or some alternately legally binding agreement restricting the further development of the remaining area (i.e. 60% of the site) which shall be set aside for publicly accessible passive open space or playing fields. Said space provided and laid out in a manner designed to optimise public patronage of the residual open space and/or to protect existing sporting and recreational facilities which may be available for community use.

There is also an objective "To protect and preserve trees and woodlands', which is located on the south-western end of the site.

The above site is located outside the boundary of Foxrock Architectural Conservation Area (ACA).

The zoning to the east of the site is NC "to protect provide for and/or improve mixed-use neighbourhood centre facilities" and A "to protect and/or improve residential amenity".

The NC and A zoning of the adjoining sites to the East also are relevant.

Departmental Reports:

Transport Department- Report (5/4/13) justifies the number of car parking spaces required. Report indicates that there is a deficiency in car parking in Foxrock Village, and that a new off-street car park with up to 60 spaces is consistent with the County Development Plan 2010-2016 car parking standards subject to the removal of 15 spaces on the northern side of Westminster Road which are considered to be hazardous. A covered cycle shelter is acceptable. The issue of the footpath between the proposed car park and the village is not part of this Part 8. The report states, "An effort will also be made to address the missing section of footpath fronting Westminster Court".

A further drawing was received on the 22/7/13 demonstrating the ability to accommodate the cycle track (part of the Harcourt Street Greenway) if and when this route is designed – this would be subject to a separate approval process.

Parks Department Report – Report (7/5/13) states no objection to the proposed development. Further report received 10/7/13 states no objection to the installation of a 3m fence.

Conservation Officer- Report received. No objections are raised subject to the following comments,

"Repair to the wall should be carried out re-using the original material and any repairs should employ traditional techniques and materials such as lime mortar. It is suggested that a low wall and piers dashed, and with a smooth render capping and painted simple railing would be more in keeping with the existing environment than the more engineered version proposed given the sites location adjacent to the Foxrock ACA".

Biodiversity Officer- Report received dated 31st January 2013, which states that ecological report was considered and that there will be no significant impact on flora and fauna. The Biodiversity Officer also confirms that a full Appropriate Assessment is not required for this project.

Drainage Section – Report received dated 13th January 2013 stating that the Drainage Section of the Water Services Section has no objections to the proposal. However, it is advised that we consult the Water Design Section of Water Services in relation to the watermain protection proposals.

Dublin City Council Water Services Report dated 8th March: no objection subject to 6 no conditions relating to the protection of the water main.

Housing Department- Report received dated 28 January 2013. No objections are raised.

Property management Section- Report received dated 24th January 2013. No comments are made. It is noted that the site is in the ownership of Horse Racing Ireland. A letter dated 22nd January 2013 stating that HRI have no objections to the project.

Waste Management Section – Report received dated 18th January 2013. No objections are raised.

Library's – Report received dated 18th January 2013. No. Objections raised

Assessment of the proposed development:

Specific Local Objective 87 is "To provide a car park to link in with Foxrock village". The proposed development would achieve this objective. New footpaths will be provided internally within the scheme and the Transport Department report states "An effort will also be made to address the missing section of footpath fronting Westminster Court".

Car parking is open for consideration in lands zoned F in the Dún Laoghaire-Rathdown County Development Plan provided that not more than 40% of the land in terms of the built form and surface car parking combined shall be developed upon. In this instance 35 % of the subject site is to be developed as car parking, paths etc. The Parks and Landscaping Services Department has no objection to the proposed development. Therefore, it is considered that the proposed development would not harm the objective of the site to 'preserve and provide for open space and amenities with ancillary active recreational amenities'. It is considered that the works proposed accord with this land use zoning and therefore are acceptable in principle.

The objective to protect and preserve woodland is also present on this site. In this regard a tree survey dated April 2013 and subsequently a tree impact assessment has been carried out by 'The Tree File', Consulting Arborists. The arborist's report, describes the extent of the tree cover on the site as being a naturally regenerative population typical of lands left fallow for 30 to 40 years and has a population dominated by sycamore, ash and goat willow, species commonly encountered throughout Ireland (page 4). It further states that "The site itself supports no notable mature trees" (page 2) it also notes that there is a "substantial woodland belt" associated with the racecourse/golf club to the west of the subject site (page 3). The tree survey recommended that the most appropriate approach to trees on the site was to remove those, which would not survive the more intensive use of the site and recommends the planting of more appropriate species. It particularly singled out the trees adjoining the eastern boundary as unsuited to retention. The layout of the car park, landscaping and boundary treatment has been influenced by the findings of the arborist studies. Notwithstanding this the layout has been designed to maximise the retention of trees on site.

The adjoining zoning to the East of the subject site are NC and A. The provision of a car park will improve the facilities of Foxrock Village. With regard to the residential properties adjoining the north-east end of the site the amenities of these properties have been protected by the layout with no carparking proposed immediately adjoining this boundary. The proposed public lighting has been designed to minimise light spill. Additional planting has been provided for in the ditch and the open space on the car park side for privacy and screening purposes to protect the amenity of these dwellings.

It is considered that the development will improve residential amenity in the area by reducing on-street parking along Westminster Road and providing parking in a managed facility.

Appropriate Assessment – Screening Report

The proposed development is subject to the Guidance for Planning Authorities on Appropriate Assessment of Plans and Projects in Ireland (Department of Environment, Heritage and Local Government, November 2009) and the 2011 Planning and Development Regulations. This requires that screening is carried out for all projects to examine if any impacts are likely on Natura 2000 Sites, that is, Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's). A screening Report was prepared by Punch Consulting Engineers (January 2013) and finds that a full Habitats Directive Appropriate Assessment is not required.

The County Council's Biodiversity Officer has concurred with the conclusions of the Screening Report.

Therefore in accordance with SI 476, 2011, Section 250, Planning and Development (Amendment) No. 3 Regulations 2011, Dún Laoghaire-Rathdown County Council has determined that an Appropriate Assessment is not required.

List of those who made Submissions

9 submissions were received details withheld

In total nine submissions were received in respect to the proposed Foxrock Car Park. Two of these submissions are identical. Of the nine submissions six both welcome and support the scheme as is. A further submission while supporting the scheme recommends additional spaces are accommodated within the car park (due to a current short fall in the village) and it recommends that some spaces accommodate long term parking. A submission from adjoining residential properties, which back onto the proposed car park, raised concern in respect to the impact of the proposal on the residential amenities of their homes. These concerns included;

proximity, level differences and orientation, the submission requests a number of alterations and clarifications.

Issues raised and Manager's response:

Issue

- Brighton Lodge properties request the provision of a drain to manage run off from the car park.

Response

The surface water management of the car park has been included in the design.

Issue

- A 3m high fence is requested.

Response

The car park layout has been designed so as to take cognisance of the amenity of adjoining residential properties. The Manager does not have an issue with providing the fencing as requested but considers that this fencing should be limited to the rear of the Brighton Lodge properties that back onto the site. The properties adjoining Brighton Lodge, which have a different relationship with the site, have not requested any alterations to the proposed property boundaries.

It is recommended that the following condition be attached to the permission:

1. A 3m high wire mesh fence shall be provided adjacent to the boundary of the Brighton Lodge properties.

REASON: In the interest of visual amenity.

Issue

- A specific planting scheme has been requested as has the planting of semi mature trees.

Response

The precise detail of the planting scheme shall be the subject of a landscape plan. This plan will have regard to the request for planting to be used to screen the boundary with Brighton Lodge.

Issue

- Requests that 25 proposed car parking spaces be moved as close to the western boundary as possible so as to increase the separation distance from the rear of homes, and reduce the noise impact.

Response

In the layout of the car park consideration was taken of the residential amenity of adjacent properties in particular the properties that have a limited rear garden depth. It was for this reason that parking was limited to one side of the road and that a circa 7 metre buffer is provided between the adjoining property boundaries and the car park road. The layout provides for circa a 20 metres distance between the rear façade of the houses and the car parking spaces. It is not feasible to move the parking spaces further west as this would impact on trees on site. The County Development Plan has identified that trees in this area should be protected and preserved; this scheme has had regard to this in its layout.

Issue

- The submission requests greater detail in regard to the impact of lighting of the proposed car park on the adjoining properties.

Response

In the preparation of the design of the car park this issue was assessed. On foot of the submission received the design consultants were asked to comment specifically on the impact of the proposed development on Brighton Lodge. They state in their response that: "The lighting level 1 lux (very low) highlights the minimum light spill towards the Brighton Lodge properties as the head will be adjusted to a 5 degree inclination towards the car park, thus decreasing the amount of glare from the lighting system. We consider that this is an acceptable solution".

Issue

- CCTV is this to be provided?

Response

Provision will be made for CCTV.

Issue

- Concern that the bike shed will be vandalised.

Response

The provision of bike parking accords with the Council Sustainable Transport policies.

Issue

- Signs requesting noise be kept to a minimum

Response

If found to be required signage can be provided.

Issue

- Hours of opening and will the charge be on departure

Response

In the construction of the car park provision will be made for ticketing machines. The car park will be managed by the Council.

Issue

- No bottle bank or clothes bank.

Response

There is no bottle bank or clothes bank proposed as part of this development.

Issue

- Who will maintain the car park?

Response

The car park will be maintained by Dún Laoghaire-Rathdown County Council.

Issue

- Request that the hours of construction of the car park are limited.

Response

Hours of construction will accord with the Council Policy for Standard Hours of Construction in Dún Laoghaire-Rathdown:

The standard times for construction works in Dún Laoghaire/Rathdown are:

Monday to Friday: 8 a.m. to 7 p.m.

Saturdays: 8 a.m. to 1 p.m.

Sundays & Bank Holidays: Works normally not permitted.

Issue

- The National Transport Authority request the proposed Harcourt Street line cycle path is included in the project.

Response

It is not proposed to include the cycle path at this time as this is part of a larger network but the proposed layout has been assessed by Transport and Water Services to ensure that the existing design can accommodate the route of the cycle path at a later stage.

Issue

- The NTA request that the existing car parking in Foxrock is revised in response to the extra parking proposed and that pedestrian accessibility be improved.

Response

It is the Council's intent to rationalise the car parking situation in Foxrock by replacing nose to curb parking into parallel parking so as to improve both pedestrian and cycle safety.

Issue

- The Council is requested to increase the number of proposed car parking spaces to meet the full parking needs of the village.

Response

A review was done by Dún Laoghaire-Rathdown County Council, Transport and Water Services, of the parking needs of the village and the Dún Laoghaire-Rathdown County Development Plan Car Parking Policy. This review in tandem with the site constraints informed the design and layout of the proposed site. The site constraints included; an existing watermain that traverses the site, existing trees which are subject to a County Development Plan objective "to protect and preserve trees and woodland", significant level differences across the site, the desire to retain a buffer area to protect the residential amenities of Brighton Lodge and the need to retain the existing stone wall that is an established boundary between the Old Harcourt Street Line and the Race Course.

The proposed car park is to complement car parking provision in the village and to facilitate the removal of nose to curb parking. The 51 spaces proposed is considered to greatly improve the existing parking situation in Foxrock while respecting both the setting and the site constraints.

Conclusion and Recommendation

The proposed development is considered to be in accordance with the provisions of the 2010-2016 Dún Laoghaire-Rathdown County Development Plan, and with the proper planning and sustainable development of the area. It is recommended that a decision be made by the Elected Members of the Council to **proceed** with the proposed development in accordance with the drawings, which were on display and to any such minor and immaterial alterations to the plans and particulars of the development, subject to the following amendment:

1. A 3m high wire mesh fence shall be provided adjacent to the boundary of the Brighton Lodge properties.
REASON: In the interest of visual amenity.

Subject to the above approval, members are hereby notified in accordance with Section 138 of the Local Government Act, 2001, of the intention to proceed with the proposed development.

Accordingly, it is recommended that the following resolution be passed by the Council:

"The foregoing report of the Manager is **APPROVED and it is AGREED** to proceed with the construction of a car park for Foxrock Village within lands of Horse Racing Ireland (Leopardstown Racecourse). The car park will allow for a total 51 car parking spaces

comprising 2 disabled car parking spaces, 2 electric recharging bays and 47 standard bays, a covered cycle stand for 14 cycles. New walls, height barriers, fences, screening, gates, public lighting, relocate vehicular entrance gates to within the site and widening of existing pedestrian entrance, extensive natural and planted landscaping and ancillary works in accordance with the drawings which were on display and to any such minor and immaterial alterations to the plans and particulars of the development, subject to the following amendment:

1. A 3m high wire mesh fence shall be provided adjacent to the boundary of the Brighton Lodge properties.

REASON: In the interest of visual amenity.

G. Hayden
Director of Services