



An
Bord
Pleanála

Inspector's Report PL06S.247507

Development	Modifications to development permitted by File Ref. No. SD15A/0095 from 12 dwellings to 24 no. apartments.
Location	Cooldown Commons, Fortunestown Lane, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD16A/0297
Applicant(s)	Greenacre Residential Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Decision
Type of Appeal	First Party
Appellant(s)	Greenacre Residential Ltd.
Observer(s)	None.
Date of Site Inspection	10 th February 2017
Inspector	Joanna Kelly

1.0 Site Location and Description

- 1.1. The appeal site, with a stated site area of 7.9ha, is located in the townland of Cooldown Commons and Fortunestown. The site is currently being developed for housing and is located north of the Red Luas line (connecting Tallaght to the Point) and south of City West Business Park. The site is bounded by Carrig Court, a residential development to the south, industrial/business units to the north and residentially zoned lands to the east.
- 1.2. The portion of the site subject to this appeal is located to the northern most extremity of the landholding which consists of a narrow tract of land that runs in a southerly direction opening into a wider section of the site. There is permission for 224 residential units on this landholding which are currently under construction. There are trees/hedges that bound the perimeter of this section of the site.
- 1.3. The generally area is currently under-development with existing extant permissions on some lands that will also provide for essential infrastructure that will help ensure a more coherent and legible layout in this general area.
- 1.4. Whilst the appeal site is currently somewhat inaccessible Fortunestown Luas stop is within walking distance and the stop will be accessible by a more direct route pursuant to the completion of various permissions in the general area. Garter Avenue (a new link road) is substantially complete and the remaining sections will provide a more direct link to the site. There are complimentary amenities such as the City west shopping centre, sports injury clinics, petrol station, local shops, schools within the immediate environs of the appeal site.

2.0 Proposed Development

- 2.1. The proposal provides for the replacement of 12 townhouses with 24 no. apartments. The composition of the apartments is 18 no. 1 bed units and 6 no. 2 bed units. The one bed units are approx. 55sq.m. and the two bed units are approx. 81sq.m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for the following reason and considerations:

*Having regard to the Fortunestown Local Area Plan 2012, with particular reference to **the requirement for apartment dwellings being limited to appropriate areas** or particular locations such as Luas stops and landmark junctions and the requirement for 85% of all dwellings to provide for own door access (deck access is not considered to meet this requirement), the proposed development would **contravene the Local Area Plan** as it does not satisfy these criteria and **would seriously injure the residential amenities** of future occupants of the proposed apartments and of the proposed dwelling houses. Based on the foregoing, the proposed development would **materially contravene an objective** indicated in a local area plan for the area and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report details relevant site history. It is noted that pre-planning took place where it was advised that the proposal should accord with the provisions of the LAP. Serious concerns were raised regarding the location of the proposed apartment block which contravenes the LAP. It is set out that such dwellings should be limited to appropriate areas or particular locations such as the Luas stops and landmark junctions. The proposal provides for deck access which was not considered an appropriate form of “own door access”. The planner recommended a refusal.

3.2.2. Other Technical Reports

Water Services Report

Further information required in respect of surface water attenuation, capacity of receiving waters to accept surface water discharge from the proposed development.

Environmental Services

Additional information recommended requiring the submission of a detailed project construction and demolition waste management plan.

Roads Department

No objection subject to a revised car parking layout being agreed.

Environment, Water and Climate Change

Proposal is acceptable subject to conditions

Landscape Architect

Conditions recommended if permission is granted.

3.3. Prescribed Bodies

Irish Water

No objections subject to conditions

4.0 Planning History

The more recent and relevant applications pertaining to the appeal site area as follows:

File Ref. No. SD14A/0121 Permission granted for 224 residential units including 397 car parking spaces, stand-alone crèche and neighbourhood park with children's playground.

File Ref. No. SD15A/0095 Permission granted for revisions/modifications to the permitted 224-unit residential development. This permission provided for alterations to permitted house types and a minor re-alignment of internal access roads and revised private gardens.

Adjoining sites:

It is noted that File Ref. No. **SD16A/0255** was recently granted permission for a two 2-storey primary school buildings on a site west of the TLC centre.

An application was withdrawn for 230 residential units on lands immediately east of the appeal site, **File ref. No. SD14A/0033**.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016-2022

Chapter 2 of the development plan deals with housing. The following objectives in particular are noted:

H1 Objective 1: To significantly increase the stock of social housing in the direct control of South Dublin County Council in order to meet the long term housing needs of those households on the local authority housing list.

H1 Objective 5: To ensure that those with specific housing needs, such as older persons, persons with disabilities, homeless persons and Travellers, are accommodated in a manner appropriate to their specific needs.

Housing Policy 7 Urban Design in Residential Developments provides:

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning and Development Act 2000 (as amended).

5.2. Fortunestown Local Area Plan 2012-2018

Section 5.4.6 dwelling mix

In the context of its outer suburban location, the provision of further apartments/duplexes on the Plan Lands will be restricted in order to improve the range and choice of residential units. Social housing will be dispersed throughout the Plan lands. It is therefore an objective of the Local Area Plan to:

- Restrict apartments/duplexes only to areas of the Plan lands that are generally located within 5 minutes walking distance of a Luas station or landmark junction and to require all applicants, at planning application stage, to demonstrate how such walking distances will or can be achieved. (Objective LUD7)
- Ensure that no more than 10% of dwellings in any residential scheme are of the one-bedroom type. (Objective LUD8)
- Disperse social housing throughout the area as facilitated by Applicant Sourced Housing and Rental Accommodation Schemes (Objective LUD9).
- Ensure that a minimum of 85% of all dwellings be provided as own door houses on their own site and that a maximum of 15% of all dwellings across the plan lands be provided as apartments/duplexes with such dwellings limited to appropriate areas or particular locations such as Luas stops and landmark junctions and sensitively designed to contribute to the broader aesthetics of the area including the nearby mountains. The minimum average floor area of all developments throughout the plan lands shall be 110sq.m. (Objective LUD10)
- To encourage a mix of dwelling types and quality design that will help aid legibility and way finding throughout the area (Objective LUD 11)

Section 6.5 of the LAP refers to Saggart-Cooldown Commons Neighbourhood where the site is located.

6.0 The Appeal

6.1. Grounds of Appeal

First Party Grounds of Appeal

The main points are summarised as follows:

- The current proposal comprises part of a wider residential development permitted under File Ref. No. 15A/0095 known as Cúil Dúin which is ongoing.
- The proposal has the support of South Dublin Housing department and Fold Ireland and was proposed to address the applicant's Part V obligations for the overall development by providing the required number of units on site.
- With regard to the reason for refusal it is set out that the current application site is a suitable location for independent living units that will be owned and managed by Fold Ireland and is within walking distance of a range of local services and amenities and public transport.
- Fortunestown LAP provides guidance in objective LUD7 for the location of apartments generally within five minutes walking distance of a Luas station or landmark junction.
- The proposed units are located between 400 and 500m directly to the north of the Fortunestown Luas stop. Access for pedestrians from the Luas stop to the site will be provided via the planned street network as detailed within the LAP. The current proposal therefore accords with Objective LUD7.
- Various pieces of LAP are coming together which will increase the connectivity and permeability in the general area.
- The proposed units will also be accessible to City West Shopping Centre located 600m to the south.
- The development will be transferred to Fold Ireland who will own and operate the units as independent dwellings for older people who wish to reside within their own home while having access to dedicated support services as the need arises.

- The overall development will comprise a dwelling mix of 10% apartment units within the Cúil Dúin development. The remaining 90% of units are 3 and 4 bed houses. Therefore, the dwelling mix is in accordance with the LAP and addresses a demand for 1 and 2 bed units as identified by Fold Ireland and SDCC Housing Department.
- The proposal is not an application for a standalone development but rather, a revision of a permitted development.
- The Housing Quality Assessment prepared by Darmody Architects and submitted with the current application demonstrates that the proposed 1 and 2 bed units exceed the standards for overall floor areas, minimum width and area of rooms, storage space (provided in addition to minimum aggregate bedroom floor area where relevant) and private and communal amenity space. All of the units are dual aspect.
- It is requested that permission be granted for the proposal as it complies with the objectives of the LAP.

6.2. Planning Authority Response

The Planning Authority confirms its decision and the issues raised have been covered in the planner's report.

7.0 Assessment

Having regard to national, regional and local policies, inspected the site and immediate environs, and following examination and consideration of all the submissions and documentation on the file, I consider that the substantive planning issues pertaining to this *de novo* assessment can be encapsulated under the following headings:

- Compliance with statutory plans
- Appropriate Assessment

7.1. Compliance with Statutory Plans

- 7.1.1. The appeal lands are appropriately zoned for residential use. Indeed, the proposal itself is for an amendment of a previously permitted development whereby permission is being sought to replace 12 permitted three-storey dwellings with 24 no. apartments on the northern narrow tract of land. The reason for refusal refers to the Fortunestown LAP with particular reference to the requirement for apartment dwellings being limited to appropriate areas or particular locations such as Luas stops and landmark junctions and the requirement for 85% of all dwellings to provide own door access.
- 7.1.2. Pursuant to site inspection, I would be satisfied that the proposal for apartments on the subject site is appropriate; would integrate well within the current environment; and would be such that is located within 10-minute walking distance of the Luas line. The immediate area is in transition with much development under way. The parent permission pertaining to this overall landholding is currently being implemented with dwellings constructed/hearing completion to the southern-most section of the landholding. The internal road network is not yet in place, however will be developed as the scheme progresses towards the rear of the site.
- 7.1.3. There is an extant permission for 224 houses on the appeal site. The permitted layout comprises of 3 and 4 bed units in a grid like pattern. The purpose of this application is to meet the Part V obligation under the parent permission. The Part V process has specifically identified a need for the units proposed and by locating them within a self-contained block, they can be managed independently by a housing agency – Fold Ireland. This agency provides housing for older and single people as well as families; a case which has been made by the applicant. A letter of support for the proposed units is contained on file whereby it is set out that the units proposed are suitable for their needs of their residents and it has been agreed to purchase these units from the developer. It is set out that the location of the block would provide a sense of security for residents while still providing them an opportunity to integrate with the wider community. Having regard to this letter of support I would be satisfied that the proposed mix type is acceptable at this location given the specific needs of the agency to meet their requirements. The apartment block will be managed independently from the remaining residential units.

- 7.1.4. The appeal site is identified as part of the lands forming the Saggart-Cooldown Commons Neighbourhood. With regard to the provisions of the Fortunestown LAP in general, I consider that the proposal complies with the provisions of the LAP. The proposal will not exceed the 10% threshold for 1 bed units having regard to the overall residential development permitted under File Ref. 14A/0121 (parent permission). The units whilst located to the northern most end of the site, will when the development is complete along with contiguous extant permissions be within 10 minutes walking distance of good public transport routes i.e. Luas and buses. There is a satisfactory level of other uses within the areas such as retail, commercial, etc. to support the apartments.
- 7.1.5. With regard to the overall design, it must be acknowledged that the location of the appeal site is proximate to permitted commercial/business units within the City West business park. The proposed three storey block will be consistent in terms of overall height with contiguous structures. It is considered that there are adequate private amenity spaces for the proposed units. The units themselves are dual aspect, with adequate storage space and the floor spaces of each exceed the minimum standards. With regard to own door access, whilst reference is made in the LAP to *“a minimum of 85% of all dwellings being provided as own door houses on their own site and that a maximum of 15% of all dwellings across the plan lands be provided as apartments/duplexes...”*. The proposal would result in approx. 10% of units in the overall development having *“deck access”* as referred to by the Planning Authority. There does not appear to be any specific policies contained in the development plan regarding *“deck access”* and the planner’s report does not substantiate why *“deck access”* is not an appropriate form of own door-access. The proposal will be required to comply with other statutory legislation such as Buildings Regulations particularly with regard to fire, however such is outside the remit of planning. Given the context in which the application is being sought, i.e. to comply with Part V obligation and the current needs of the Housing department as outlined in the documentation submitted I consider that the proposal is acceptable. The standards as provided for in the SDCC development plan and the Fortunestown Lap are generally complied with.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives.

8.0 **Recommendation**

- 8.1. I recommend that the proposed development should be **GRANTED** subject to the conditions hereunder.

9.0 **Reasons and Considerations**

Having regard to the residential zoning objective for the area, to the extant permission on the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would result in an acceptable standard of residential accommodation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The developer shall comply with all conditions attached to planning register reference number SD14A/0121 save where the proposal has been modified by this permission. This permission shall cease to have effect on the date which planning register reference number SD14A/0121 expires.

Reason: To clarify the scope of the permission.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) Contoured drawings to scale of not less than [1:500] showing –
 - (i) a survey of all existing trees and hedging plants on the site and to the perimeter, their variety, size, age and condition, together with proposals for their conservation or removal
 - (ii) a continuous hedge of indigenous species (e.g. holly, hawthorn, beech or field maple) planted for the full length of the western boundary
 - (iii) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials
 - (iv) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

- (v) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established
- (vi) A timescale for implementation including details of phasing, which shall provide for the planting to be completed before the building is first made available for occupation

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

Joanna Kelly
Senior Planning Inspector

14th February 2017