



An
Bord
Pleanála

Inspector's Report ABP-303748-19

Development	Modifications to development granted under planning register reference number SD15A/0027 to provide for 3 additional houses, site works and alterations to underground services.
Location	Limekiln Farm & St. Peters School, Limekiln Road, Greenhills, Dublin 12.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD18A/0317
Applicant(s)	Durkin (Limekiln) Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Durkin (Limekiln) Ltd.
Observer(s)	None
Date of Site Inspection	22 nd May 2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site 'Limekiln Farm' is located on the northern side of Limekiln Road and is currently a construction site with portacabins, containers, and a near completed residential development. The site is located to the rear of St. Peter's Primary School (Educate Together). It is accessed off Limekiln Road, with a service road entering the backland site to the west of the school.
- 1.2. The site is a large rectangular field, 5972sq.m. and is bounded to the north by a 2metre block wall alongside Temple Manor Avenue, an estate of semi-detached dwellings, and Temple Manor Court to the west. The school is located immediately to south of subject site.
- 1.3. The development on the site is near completion, and includes tall three storey units, and two small pockets of green area. Two of the units are complete and ready for occupation, the remainder of the site, is near completion.

2.0 Proposed Development

- 2.1. The proposed development consists modifications to a previously permitted residential development, permitted under reference SD15A/0027 for the construction of 3No.terraced dwellings, each four bedroomed units (3 storeys) with second floor front balconies and a ridge height of 9.33metres.

3.0 Planning Authority Decision

3.1. Decision

South Dublin Co. Co. refused the proposed development for 4No. reasons:

1. The proposal would materially contravene a condition attached to an existing permission for a development on the wider site incorporating and adjoining the subject site (Reg. Ref. SD15A/0027) This condition required the omission of 3No. residential units on the public open space.
2. The proposed development would reduce the quality, quantity and usability of the public open space, and would provide inadequate residential amenity for

future occupant. It would materially contravene the 'RES' zoning objective for the area.

3. It would result in a substandard urban form, with poorly configured open space, flanked by rear garden walls and lack of passive surveillance.
4. The proposed development would set an undesirable precedent for similar developments which would themselves and cumulatively be harmful to residential amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Residential development is permitted in principle
- The proposed density is stated as 23 houses per hectare
- The proposed dwellings would exceed the floor area and private amenity
- The rear garden area of No. 12 would back onto the proposed open space area
- The subject site is an area of open space granted under SD15A/0027 to serve 11No. dwellings. The residual open space area would become unusable
- There are two parking spaces per dwelling
- The development backs on to the open space area and this is not acceptable.

Further Information

The planning authority's concerns regarding the open space area were stated and a revised design was requested. Revised plans were submitted.

Following the submission of further information (19th of December 2018), a recommendation to Refuse was advised for the various reasons given in the decision.

3.2.2. Other Technical Reports

Park and Landscaping: Detailed conditions recommended for the various options, and a refusal recommended for option 2

Roads : No objection

Environmental Health Office: No Objection

Housing section: No objection subject to Part V condition

Irish Water: No objection

3.3. **Prescribed Bodies**

There were no referrals on this case apart from consultations with Irish Water.

3.4. **Third Party Observations**

There were no third party submissions.

4.0 **Planning History**

SD15A/0027

Planning application was lodged in 2015 for 14No. residential units. It was granted permission in August 2015 subject to 22No. conditions, with No. 2 condition requiring the omission of unit numbers 12,13 and 14, due to concerns regarding passive surveillance of the open space area.

The proposed 14No. dwellings on the 0.5972Ha site gave a density of 23units per Ha.

SD05A/0847 (PL06S.215659)

Demolition of existing three storey school building and the construction of 30No. dwellings. The Board saw the potential of the site to absorb a high density.

5.0 **Policy and Context**

5.1 **National Policy and Guidelines**

(i) National Planning Framework

National Policy 33- Prioritise the provision of new homes at locations that support sustainable development and at an appropriate scale of provisions relative to the location.

National Policy 35 -Increase residential densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, or site based regeneration or increase building heights.

(ii) Urban Development and Building Height Guidelines 2018

Seeks at least 3 to 4 storeys in suburban areas.

(iii) Sustainable Residential Development in Urban Areas 2009

(iv) Design Manual for Urban Roads and Streets

5.1. **Development Plan**

South County Dublin County development Plan 2016-2022 the subject site is zoned **RES** *'To protect and or improve Residential Amenity'*.

C9 SL02 is indicated on the development plan maps which is a specific objective *'to only permit development of educational, community facilities or older peoples housing at the site of St. Peter's BNS area'*.

5.2. **Natural Heritage Designations**

There are no designated European sites in the general area. This is a suburban area of Dublin inside the M50 motorway.

5.3. **EIA Screening**

Having regard to the nature and scale the development which consists of an additional 3No. dwellings within a small site and an existing built up area of the Dublin Metropolitan region, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The planning authority misled the applicant at the further information stage when asked to submit revised proposals, the applicant present a variety of alternatives, and the planning authority refused the principle of the development entirely. The Landscaping and Parks Department did not recommend a refusal out of hand and required several changes which have been presented to the Board for consideration. The Board is asked to consider all recent planning policies changes in relation to housing supply on serviced zone lands. There are two design options presented on appeal, in particular the option to retain 3No. houses on site and review the second option only if necessary. The favoured option is the 3No. dwellings rotated to address the open space.

6.1.2 A balanced Design Approach

The density and development scale requirements do not limit the amount of open space provided within the site and in excess of 10% open space is still provided when three additional units are added to the scheme.

6.1.3 Reason No. 1

The permission granted under SD15A/0027 should not preclude further development from taking place on the subject site if it is appropriately designed and sited. There are many circumstances where permissions are altered to suit situations on site or policy. There is no reason why the current proposal cannot be granted as residential amenity and open space provisions have been justified. The previous SD15A/0027 related to a separate design, the current revised option rotates the 3No. additional units to address the area of open space with lowered boundary treatments and dual frontages which allow for increased passive surveillance. As these are completely different schemes, dwellings and layout, Condition 1(b) does not prohibit the addition of 3No. units as long as the design and layout are appropriate.

6.1.4 Reason No. 2

The subject site provides more than adequate open space provision for this site with 13% of the site being set aside for open space in Option 1 and 16% set aside in Option

2. The open space includes a play area, appropriate footpaths, space for an informal kickabout in the northern portion of the open space, and adequate passive surveillance from the surrounding units.

The Parks and Landscape section did not object to the granting of the permission of Option 1 and recommended a number of conditions be attached. The applicant is happy to accept the conditions recommended and a revised Landscape Proposal by RMDA attempts to include all of the conditions prescribed.

The side elevation of Unit 14 provides an active frontage with two separate bedroom windows at first floor and a dual frontage living room at ground floor all overlooking the open space.

6.1.5 Reason No. 3

There is a Landscape Plan attached prepared by Ronan MacDiarmada Landscape Architects, which has been altered to compliment the Parks Department Report. Refusing permission for all 3No. houses is a missed opportunity to make the best of the zoned and serviced land. It is proposed to provide suitably scaled open space areas with opportunities to connect to wider existing open space areas the Parks Department were not happy with option 2 as the units backed onto the open space area. It did recommend conditions be attached for Option . This would suggest that option 1 was an acceptable solution. There is passive surveillance with the dual frontage windows.

6.1.6 Reason No. 4

The proposal complies with a number of development standards and policies, particularly the residential amenity of each unit.

6.2. Planning Authority Response

The planning authority has nothing further to add on appeal.

7.0 Assessment

7.1. Having considered the appeal file and inspected the site, I consider the focus of this appeal are the following issues:

- Density
- Compliance with Housing Guidelines
- Design Criteria
- Appropriate Assessment

7.2 Planning permission was applied for under SD15A/0027, which originally included 14No. dwellings on the infill site located along Limekiln Road, within a mature residential area. The parent permission was granted in August of 2015. The subject dwellings are tall and narrow in profile, been a contemporary three storey residential unit (4No. bedroomed units) within a compact site. A condition of the parent permission 1(b) sated,

This permission relates to only dwelling units located on plots 1-11. Dwelling units located on plots 12,13 and 14 shall be omitted form the development’.

The condition was not appealed to the Board by the owner of the site at that time. The current applicant only acquired the site recently and wishes to include the 3No. dwellings within the overall scheme. The Board is asked to consider recent planning policy changes in terms of increased densities on zoned and serviced lands.

7.3 **Density**

The *Sustainable Residential Development in Urban Areas (2009)* and more recently, *Urban Development and Building Height Guidelines 2018*, require increased residential densities along public transport corridors on serviced infill sites such as the subject site. The Department Guidelines require densities greater than 35No. units per hectare, and the current permitted development on the site is 11No units which is a density of 18No. units per hectare. The subject site is 58metres from a bus stop, it is located opposite Tymon Park, a large public amenity area, and adjoins a National School.

The permitted and proposed 14No. dwellings on 0.5972Ha represents a density of 23units per hectare, which is more in keeping with national guidelines. The density is appropriate for the location and the prevailing residential pattern in the area.

7.4 Compliance with Housing Guidelines

The scale and layout of the proposed development still provides in excess of 10% open space when the 3No. additional units are added to the overall scheme. The 3No. dwellings were removed to allow an increase in the provision of public open space within the development. The following is the floor areas of each dwelling three storey, four bedroomed house:

House 12: 143.3sq.m.

House 13: 140.2sq.m.

House 14: 140.2sq.m.

Each dwelling has been allocated 2No. car parking spaces. House nos. 12 and 13 have a private open space area of 70sq.m., and house No. 14 has a private open space area of 79sq.m.

The overall scheme complies with national and development plan quantitative standards. The Board should note, Tymon Park is within walking distance of the site.

7.5 Design Criteria

The planning authority requested a revised design by way of further information. It did not accept the rear garden areas of the three dwellings backing onto the public open space area. The applicant responded by providing two design options:

Option 1: the 3No. houses maintained and re-orientated by 90 degrees.

Option 2: the original layout maintained with a reduction in the number of units to 2No. dwellings.

Having examined the site, and relationship of the subject public open space areas to the proposed dwellings, it is my opinion that Option 2 is not appropriate given the compact configuration of the site and the height of the existing and proposed dwellings. I believe the units backing onto the restricted open space area will reflect a poor layout. In terms of Option 1, it will result in less public open space for the entire scheme, but it represents a better layout in terms of legibility, visual and residential amenities. The front and side of the subject dwellings will face into the site and the existing dwellings, as opposed to dwellings backing onto the open space and entrance to the scheme. Option 1 will also provide greater passive surveillance of the residual

public open space area. The rear garden areas of the three dwellings will back onto an existing wall that adjoins the national school, and not the public open space area as per Option No. 2. The Landscape Masterplan submitted on appeal would appear to incorporate the recommendations of the planning authority's Parks and Landscape Report dated 14/01/2019.

7.6 Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend the planning authority's decision to refuse the proposed development be overturned by the Board and granted planning permission.

9.0 Reasons and Considerations

Having regard to:

- (a) the residential zoning objective for the subject site,
- (b) the objectives of the National Planning Framework - Project Ireland 2040 issued by the Government in February, 2018, which seeks to pursue a compact growth policy and to deliver a greater proportion of residential development within existing built up areas,
- (c) the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Department of Housing, Planning and Local Government in December, 2018, which outlines the need to provide more compact forms of urban development,
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May, 2009, which promotes higher residential densities on residential zoned land in suitable locations,

- (f) the location of the site within close proximity of public transport corridors,
- (g) the pattern of existing and permitted development in the area and wider area,
and
- (h) the planning history associated with the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of density and scale in this location, would not seriously injure the residential amenities of neighbouring property, would be acceptable in terms of pedestrian and traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and on appeal, 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 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. (a) All relevant conditions attached to previous grants of planning permission for the subject site, planning reference SD15A/0027, shall be strictly adhered to.
- (b) This planning permission shall expire on the 17th day of August, 2020.

Reason: In the interests of clarity

3. Water supply and drainage arrangements, including the disposal of surface water, which shall be adequately attenuated on site prior to discharge, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interest of public health and to reduce the potential for flooding.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

5. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Caryn Coogan
Planning Inspector

24 May 2019