



An
Bord
Pleanála

Inspector's Report ABP 307778-20.

Development	Two, three to four storey infill buildings, each containing ten one bed independent living units with associated balconies/winter gardens.
Location	Lands at rear of St Agnes Convent, Captains Place and St. Agnes Avenue, Crumlin, Dublin 12.
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	2572/20
Applicant	St Agnes Property Ltd.
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First Party X Refusal.
Appellant	St Agnes Property Ltd
Observer	FOLD Ireland.
Date of Inspection	10 th November, 2020.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application is within the former lands at St Agnes Convent at the rear of schools with access from Armagh Road on which a two phase integrated health care and residential care facility has been under development. The site of the current proposal is within the Phase 2 lands comprising a rectangular shaped area at the rear of the Phase One lands comprising St Agnes Convent now occupied by the HSE and a recently constructed Primary Care Centre Building. To the north east, east, and south there are two storey terraced dwellings along Cashel Road, Stanaway Road and Captains Road.
- 1.2. There are six blocks within the Phase 2 lands in which there are 103 one bed independent living units. One block, Block A, at the time of inspection was under the management of the FOLD Ireland which it is understood will manage the accommodation in all of the blocks post construction. Four of these blocks are located along the eastern side. A permitted residential care facility is to be constructed at the front, of the site. A linear shaped landscaping incorporating attenuation ponds are located along the centre of the site between the four blocks at the rear and the residential care facility.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for the construction of two additional three to four storey blocks within Phase 2 of the overall integrated health care and residential care facility providing for a total of twenty, one bed independent living units, (ILU's) ten units in each block. They are to be positioned between constructed blocks, at the eastern side of the site adjacent to the Stanaway Road properties. One of the blocks, (the Willow Building) is to be located between the two blocks at the northern end and the other block (the Rowan Building) is to located between the two blocks at the southern end.
- 2.2. Some additional landscaping is included adjacent to the boundary with the Stanway Road properties to the south east side.
- 2.3. The application is accompanied by a detailed written submission and suite services reports.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 23rd January, 2020, the planning authority decided to refuse permission based on the following reason:

“Having regard to the close proximity, height and scale of the proposed development to the previously approved blocks, and to the design and disposition of the proposed infill blocks, it is considered that the proposed development would represent poor design response where the resulting narrow circulation spaces would be of poor quality and overheating in nature. The proposed development would have an adverse impact on the amenities of future occupants of the development and would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.3. The report of the planning officer indicates a recommendation for refusal of permission, it being stated that the reasoning for the prior refusal of permission had not been overcome in the current proposal and that only a minor reduction in bulk, separation distances and total units are made.
- 3.4. The report of the Transportation Planning Division indicates no objection subject to conditions. It is noted that under Condition No 2 (c) of the prior grant of permission under P. A. Reg. Ref. 4135/17 a Parking Management Plan was to be prepared for agreement with the planning authority indicating segregation and assignment of the 102 parking spaces providing for the permitted residential care facility and ILSs. A condition is recommended if permission is granted along with an additional condition with conditions with requirements for preparation for a mobility management plan and additional cycle parking facilities.
- 3.5. The report of the Drainage Division indicates no objection subject to conditions of a standard nature.

3.6. Third Party Observations

- 3.6.1. An observation was submitted on behalf of Fold Ireland in which it is stated that hate reasoning for refusal of the prior proposal, which it supports, are not satisfactorily addressed and it is stated that the external space that would be replaced by the blocks is a valuable and important amenity space for the residents.

4.0 Planning History

- 4.1.1. P. A. Reg. Ref. 3544/19 / PL 205593-19: The planning authority decision to refuse Permission, for two infill blocks containing twenty two independent living units was upheld following appeal for reasons relating to overbearing impact close proximity to existing blocks, excessive height and scale and loss of communal open and circulation space. (The current application is a revised proposal for two infill blocks.)
- 4.1.2. Permission for the residential care facility, not yet constructed was granted under P. A. Reg. Ref. 2882/12 (PL 241890) Subsequent modifications were permitted under P. A. Reg. Refs. 3610/18 and 3611/18
- 4.1.3. There is a prior planning history for the primary care centre and renovation and change of use of the convent buildings to medical and health care and k now operation under P. A. Reg. Ref. 2881/12 (PL 241889).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective 'Z15': *to protect and provide for institutional and community uses*".
- 5.1.2. Policy QH14 provides for support for ILUs and supported living for older people and provision for purpose-built accommodation and section 5.5.4 provides for quality housing for all including the specific accommodation needs for older people. Policies QH03 and QH4 provide for the drawing up of design principles for good practice in providing for age friendly accommodation in connection with the appropriate housing bodies and agencies.

Indicative site coverage is 50% and plot ratio is 0.5-2.5.

The location is in Area 3 for Parking and according to Table 16.1 there is a requirement for one space per two dwellings and one space per two bed spaces for the residential care facility.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from McGill Deign on behalf of the applicant on 31st July, 2020 in which it is requested that permission be granted.

6.1.2. It includes a detailed account of the background and context to integrated health and residential care development and the current proposal and to national and local policy including that of the specific accommodation facilities and needs for older people.

6.1.3. According to the appeal:

- Only one observation/objection, from Fold Ireland was lodged, which is regrettable as consultations took place regarding the design for the prior, similar but slightly larger proposal lodged under P. A. Reg. Ref. 3544/19.
- The proposed development accords with the zoning and previously submitted masterplan. The applicant is fully committed to achievement of the full potential of the site, specifically for a new community for older people. There is a high demand for accommodation, and it is capable of providing the additional units without compromise.
- The reduction in open space involved is 500 square metres. It represents less than four per cent of the available area. There are abundant amenities and open space which can benefit more than 103 residents.
- The proposed infill blocks enhance the development and provide increased security and identity and better screening for the boundary with the Stanaway Road houses. The gaps between the other blocks seventeen metres and which are not paved access routes and not of high amenity value are wider than the primary access, a landscaped route between the two central blocks

to the amenity space to the rear of the existing four blocks benefiting residents.

- The two large open areas are not needed for older residents. The proposed separation distances provide for the hierarchy, (in the urban context) of walkways and access to the rear space and also allows for light and ventilation for bathrooms. The footprint respects sightlines and separation distances and are offset slightly to provide for enhanced routing to the rear.
- The heights which are reduced by 1.4 metres from the previous proposal are appropriate to the context and a lower height would be out of character and lace and contrary to national policy. The design and finishes replicate those of the completed blocks. The widths are reduced and, the narrow width unit is relocated to the front of the block so that landscaping opportunities are improved.
- It is not agreed that the paved access routes which are two metres' wide are in that they provide new connected high-quality walkway and amenity space, the end of the route being the focal point. However, the applicant is willing to accept a condition for minor adjustments if the 2.2 metres separation distance is considered inappropriate.
- The contention in the observer submission that the amenity space for future residents will be lost. New residents are pleased with the quality of their dwelling units and the overall development. There is ample green space to the front and rear of the blocks with paved accessible routes. Th current proposed development will have would have minimal impact on residents and will positive benefit those on housing lists.

6.2. Planning Authority Response

6.2.1. There is no submission from the planning authority on file.

6.3. Observations

6.3.1. A submission was received from David Mulcahy on behalf of Fold Ireland which will operate and manage the blocks permitted and under construction, on 27th August,

2020. It is submitted that the current proposal does not overcome the issues in the reasoning for refusal of permission for the prior proposal. (P. A. Reg. Ref. 3044/19/ PL 305593 refers.) According to the submission:

- Fold Ireland did not support the previous application and does not support the current proposal in which the modifications made are minimal.
- The circulation spaces between the proposed blocks and adjoining blocks are too narrow with no fundamental improvements to the amenities for the occupants who would lose valuable and important close amenity space. Given the need to protect amenities, the lack of a sunlight and daylight analysis and construction management plan are significant omissions.
- Visual relief between buildings irrespective of whether the space is landscaped contribute considerably to the amenity of the development and sense of space. The narrow routes between relatively tall buildings would have no amenity benefit in their own rights and for walking through the are not comfortable, inviting spaces.
- The 'gain' in increased separation at the north west side of each new block is neutralised by the decreased separation distance at their south east sides so there is no change. This is just a switching around with no material benefit or fundamental improvement to the amenities of the residents. No daylight and sunlight analysis has been provided.
- The thirteen metres pathway is enclosed by tall buildings and no passive surveillance. There is no evidence of support from residents or age-related accommodation agencies to the claim that there is ample open space and amenity.
- The tenant cohort of FOLD who are at higher risk of being hose bound are heavily reliant on external amenity on their doorstep and the loss of such space to the proposed blocks will adversely impact on residents. There is also no construction management plan which would be essential given the proximity to the existing blocks.

- There are no details of solar panels in the drawings which are referred to in the notices and some landscaping to the south side is not including in the notices.

7.0 **Assessment**

7.1. The issues central to the determination of the decision are considered below under the following subheadings:

Development in Principle.

Impact on amenities of open and communal open space and residential amenity.

Construction management.

Carparking

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

7.2. **Development in Principle.**

7.2.1. National policy as reflected in local policy there is emphasis on maximisation of development in density and intensity within built up and serviced areas to provide for the consolidation of the city and sustainable development. To this end, the need indicated in the appeal for supply of accommodation of the nature proposed in the Crumlin and Kimmage areas is appreciated and in principle the proposal is consistent with the CDP's 'Z15' zoning objective. However, in this regard, a balance must be achieved so as ensure appropriate qualitative needs and specificities of the tenant group of the subject existing development into which the infill blocks are proposed are not unduly compromised or disregarded.

7.3. **Impact on open and communal open space and residential amenities.**

7.3.1. Relative to the existing 'semi parkland' characteristics of open spaces between the blocks, the amenity potential and features would be seriously compromised by the infill developments between the blocks. The case made in the appeal as to the hierarchy of open space providing for the principle space linking the front and rear of

the blocks between the two existing central blocks is appreciated but the consequent build up of three closely positioned blocks (the two existing and proposed) to each side with an approximate two metres' separation distance between them would be unsatisfactory and unacceptable. It would result in significant diminution of the attainable residential and visual amenities within the overall development for the future occupants. The relatively minor modifications made in the current proposal in the form of building mass and height and alterations at the north east corner do not overcome the substantive deficiencies of the prior proposal in this regard.

- 7.3.2. It is agreed, as stated in that the appeal as to an overall relatively insignificant reduction of five hundred square metres (or 4 percent) in quantum of open space overall that would be attributable to the proposed development but the concerns of the planning officer and the observer party regarding qualitative considerations and impact on the amenities of the scheme and its occupants are supported. There is a particularly concern having regard to the nature of the accommodation in that it comprises single aspect independent living units to be occupied mainly by older people who, relative to the general population would be likely to be more home based during daytime hours. Older residents have greater dependency on the benefits and passive amenity potential through visual connectivity with quality green amenity space and communal and sitting out and circulation space within the immediate vicinity. Essentially the open space between the two existing blocks in the permitted development meets these needs for the residents. With the proposed infills in place, the narrow passageway widths between the blocks with the proposed development in place eliminates this amenity benefitting residents.
- 7.3.3. Although there is no daylight or sunlight analysis available to facilitate consideration of the permitted development and with the proposed development in place, there is no doubt that daylight and sunlight penetration along the pathways between the existing and proposed blocks would be somewhat limited.
- 7.3.4. The proposed development would not give rise to adverse impact on the residential amenities of the properties on Stanaway Road adjoining the site. The blocks are positioned at circa thirty metres separation distance which is sufficient for prevention of undue overlooking or overbearing impact by the three to four storey blocks.

7.4. Construction Management.

- 7.4.1. Given the position in which the proposed blocks are to be located, between and in close proximity to the footprints of existing blocks and, the nature of occupancy of the residential units within the existing blocks, it is fully agreed that the construction methodology and management should be clear and specifically designed to take into account and respond to these specific circumstances so as to ameliorate adverse impact on residential amenities in so far as is possible throughout the duration of the construction stage. A condition to this end is recommended should permission be granted.

7.5. Carparking provision.

- 7.5.1. Although not an issue of concern in connection with the decision to refuse permission it is recommended should permission be granted that the conditions recommended in the Transportation Planning Division's report for inclusion of conditions for Parking Allocation and management, cycle parking and mobility management be included along with standard conditions.

7.6. Environmental Impact Assessment – Screening.

- 7.6.1. Having regard to the minor nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment.

- 7.7.1. Having regard to the scale and nature of the proposed development and to the location, no Appropriate Assessment issues arise. 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.

8.0 Recommendation

- 8.1. It can be concluded that due to the serious adverse impact on the amenities of the existing development for its occupants cannot be justified by the achievement of an additional twenty units which could be provided within the scheme, cannot be

justified and it is recommended that permission be refused based on the reasoning attached to the planning authority decision which is similar to the reason for the prior refusal of permission.

- 8.2. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld. Draft Reasons and Considerations follow.

9.0 **Reasons and Considerations**

Having regard to the close proximity of the proposed infill blocks to the existing blocks, the narrow width between the footprints and the height, scale and mass and the design of the proposed blocks, and resultant substitution of narrow circulation space for the communal amenity space between blocks, the proposed development would seriously injure the residential amenities of occupants of and the visual and residential amenities of the integrated independent living units and residential care facility within the site and would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
16th November, 2020.