



An
Bord
Pleanála

Inspector's Report ABP311767-21

Development	20 housing units for older people
Location	The Little John Centre, 122-122A Cromwellsfort Road, Dublin 12.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0135
Applicant(s)	Number Four Red Limited
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party v Grant
Appellant(s)	Ann Sheridan
Observer(s)	None
Date of Site Inspection	24 th March 2022.
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.14ha and is located at the junction of Cromwellsfort Road (R818) and Cherry Grove in Walkinstown, Dublin 12. The site accommodates two 2 storey houses that face northwest onto the junction of Cromwellsfort Road (R818) and Cherry Grove with two single storey annex buildings, one of these faces onto Cromwellsfort Road and is in commercial health care use. Adjoining the application to the east on Cromwellsfort Road is a terrace of 4 two storey residential houses. Adjoining the site to the south on Cherry Grove is a terrace of 6 two storey houses. Opposite the site on a corner is a 'Centra' convenience store, further east along Cromwellsfort Road is a service station and car dealership. Further east at the junction of Cromwellsfort Road and Whitehall Road West is a significant neighbourhood centre with a large floor-plate Dunnes Stores, fast food restaurant, a public house, service station and additional commercial/retail uses. To the west along Cromwellsfort Road is the Walkinstown roundabout which also has a broad mix of entertainment/commercial and retail uses.

2.0 Proposed Development

- 2.1. The proposed development comprises demolition of the Little John Centre and erection of a three/four storey building on 0.14ha comprising 20 one-bed housing for older people units each with a balcony/terrace, with vehicular access from Cherry Grove, 8 car parking spaces, 20 bike spaces, bin storage, an ESB substation, boundary treatment, landscaping and site development works at 122-122A Cromwellsfort Road, Walkinstown, Dublin 12.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planner's report recommended requesting additional information.

1. Having regard to the site context, the applicant is advised that the Planning Authority has concerns in relation to the proposed height and design approach of the scheme and the associated impact on the visual and residential amenity of the area. The applicant is requested to address the following:

(a) Lower the height of the proposed development by one storey to provide for a greater transition in heights from the adjacent two storey housing and protection of amenity. The proposed height, alignment and access arrangements risk a loss of privacy to adjoining rear gardens to the south.

(b) The proposal provides no privacy strip behind the public footpath;

(c) The 4-storey block design provides for a blank façade onto Cromwellsfort Road. The Planning Authority considers that an opportunity for further dual aspect units and a more attractive streetscape to Cromwellsfort Road is available and requests the applicant to address same.

(d) It is proposed to use a material finish typical of the area. The Planning Authority has concerns in relation to the durability of a smooth render finish for this type of development.

(e) The applicant is requested to demonstrate that the proposed single aspect units will benefit from adequate levels of sunlight and daylight.

(f) Applicant has not shown that waste can be collected on-site; The applicant is requested to submit comprehensive CGIs of the revised scheme, including the relationship with the adjacent dwellings and the public realm.

2. (a) The applicant/developer is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.0m x 45m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).

(b) The applicant is requested to submit a revised layout showing the pedestrian routes within the development. i. The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users. ii. All external bicycle parking spaces shall be covered. iii. Footpath layout shall provide adequate connectivity around the development and footpaths on the main road.

(c) Revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e. Autotrack or similar) demonstrating that fire tenders and large refuse vehicles can access/egress the site.

(d) Footpath and kerb shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense along Cherry Grove, the extent to be agreed with the Roads Department of South Dublin County Council.

(e) The applicant/developer is requested to submit a layout of not less than 1:100 scale for the design and construction details of the vehicle access point on Cherry Grove.

3. The applicant is requested to submit a landscape design rationale and comprehensive and detailed proposals, prepared by a qualified Landscape Architect, for the written agreement of the Public Realm Section. Such proposals shall include a scaled landscape plan(s) with cross-sections, showing the layout and hard and soft treatment of all boundaries, features, external areas and green spaces. The proposals shall be accompanied by specifications for materials, workmanship and maintenance, together with proposed design details. Hard landscape details are to include, where applicable, those for any proposed lighting, seating, kerbing, boundaries, edging, surfacing and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause.

4. The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant should provide the following:
Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.

5. The applicant is advised that it is not in accordance with Policy IE1 of the County Development Plan to connect proposed surface water network to a combined sewer. Significant additional infrastructure is required for proposed surface water system to be connected to a public surface water sewer. The applicant is requested to submit a revised drawing showing the surface water layout such that it connects to a public surface water sewer and not a combined sewer.

- Submit a drawing showing the clear distance between proposed building balcony to existing 450mm surface water sewer North West of site.
- Submit a report to clarify what is meant by hardstanding and what is meant by soft standing areas. Describe the surface types of hardstanding and soft standing areas and their respective runoff coefficients and areas of each surface type in m².
- Where it is practical use a flow control device at the exit point of green roofs to allow green roofs to be used as an attenuation system also for proposed development.

3.3. Subsequent to the submission of the further information the planner's report recommend a grant of permission subject to 24 conditions as set out in the manager's order.

3.3.1. **Other Technical Reports**

- 3.4. **Irish Water** reported that there is no available water/wastewater infrastructure on the road fronting the site, that an extension of these services would be required and that such an extension was not in the current Irish Water Capital Investment Programme.
- 3.5. **Water Services** recommended further information in relation to the treatment of surface water arising within the site, amendments should be submitted showing connection to the surface water sewer closest to the site – not to the combined sewer. A second report after receipt of the further information recommended a grant subject to conditions.
- 3.6. The **Housing Department** reported that a Part V agreement should be required in any grant of planning permission.
- 3.7. **Roads Department** reported that the proposed development including closing of an existing access to Cromwellsfort Road and widening/relocation south of the existing access in Cherry Grove. Additional information should be requested in relation sightlines available at the amended entrance, footpaths and bike parking should be amended to the planning authority standards, details of accessibility of the development to fire tenders and ambulances should be submitted, the footpaths/kerb on Cherry Grove should be constructed by the applicant to the planning authority's standards, and details of the new access at Cherry Grove shall be submitted.
- 3.8. **The Environmental Health Officer** recommended conditions.

4.0 **Planning History**

No relevant history.

ABP311759, ABP311765 and ABP311704 were invalid appeals.

5.0 Policy and Context

- 5.1. The Sustainable Residential Development in Urban Areas Guidelines (DOEHLG 2009) encourage higher density residential development and infill development in existing urban areas where public services are available.
- 5.2. In relation to sustainable neighbourhoods the guidelines (chapter 4) comment that such “neighbourhoods require a range of community facilities, and each district/neighbourhood will need to be considered within its own wider locality, as some facilities may be available in the wider area while others will need to be provided locally. In this context, planning authorities should seek to ensure that facilities for social and cultural use, such as community centres, and personal and community development, such as resource centres, are available within the wider community” ... (and) “consideration should also be given to the variety of residential needs such as of the elderly and people with disabilities” and alternative forms of accommodation should be available to widen the choice available to older people.
- 5.3. **Development Plan**
- 5.4. The site is zoned LC ‘To protect, improve and provide for the future development of Local Centres’ in the South Dublin County Development Plan 2016-2022 with the objective ‘To protect, improve and provide for the future development of Local Centres’.
- 5.5. Advertisements and Advertising Structures, Bed & Breakfast, Betting Office, Car Park, Childcare Facilities, Community Centre, Cultural Use, Doctor/Dentist, Education, Enterprise Centre, Funeral Home, Garden Centre, Guest House, Health Centre, Home Based Economic Activities, Housing for Older People, Live-Work Units, Nursing Home, Offices less than 100 sq.m, Off-Licence, Open Space, Petrol Station, Place of Worship, Primary Health Care Centre, Public House, Public Services, Recreational Facility, Recycling Facility, Residential, Residential Institution, Restaurant/Café, Retirement Home, Shop-Local, Shop-Neighbourhood, Social Club, Veterinary Surgery are **permitted in principle** in this zone.
- 5.6. The planning authority’s housing strategy includes a **policy H1 objective 4**

5.7. To promote social integration and facilitate a diverse range of dwelling tenures within housing developments, including social housing in a balanced way in all Local Electoral Areas of the County.

5.8. Policy H1 objective 5

5.9. 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. The redevelopment of the Oldcastle Park Traveller Accommodation Site should be prioritised.

5.10. Natural Heritage Designations

Not relevant.

5.11. EIA Preliminary Examination

5.12. Having regard to residential nature and minor scale of the proposed development, its location on a brownfield site in a built-up urban area where public water supply and public sewerage are available and in light of the foreseeable emissions therefrom it is possible to exclude the requirement for submission of an EIAR at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development will become social housing and there is already an excessive concentration of social housing in the Walkinstown area. A more even distribution of social housing around the city is preferable.

6.2. Applicant Response

- No response.

6.3. Planning Authority Response

- Response was late and returned to the planning authority.

6.4. **Observations**

- None

6.5. **Further Responses**

- None

7.0 **Assessment**

7.1. I consider that the issues in this case are.

- Development Plan Zoning provisions.
- Concentration of social housing.
- Design.
- Access and Traffic safety.
- Landscaping
- Water and Sewerage.

7.2. **Development Plan Zoning.**

7.3. The site is zoned 'to protect, improve and provide for the future development of Local Centres' in the South Dublin County Development Plan 2016-2022. Housing for older people is permitted in principle in this zone and I conclude that the proposed development complies with county development plan policy in this respect.

7.4. **Grounds of appeal/Concentration of Social Housing**

7.5. The appeal is concerned that the proposed development will contribute to an excessive concentration of social housing in the immediate area and that a more even distribution of such housing would be desirable.

7.6. The Sustainable Residential Development Guidelines make the point that planning authorities should seek to provide a variety of housing unit types so as to provide choice to households at various stages of people's lives. The County Development Plan (policy H1 Objective 4) seeks to promote social integration and facilitate a

diverse range of dwelling tenures within housing development and (policy H1 objective 5) to meet the specific housing needs of older people.

- 7.7. Cromwellsfort Road is remarkably uniform in that it comprises two storey semi-detached or short terraces of mid-20th century houses. To the west at the Walkinstown roundabout there is an eclectic mixture of commercial uses, still to the west but closer there is a junction of Beechfield Avenue with Cromwellsfort Road and here there is another group of commercial premises. To the east along Cromwellsfort Road are the same conventional houses, a service station, motor factors, a fast-food restaurant and a supermarket. It is not evident that there is an excess of social housing in the area or housing dedicated to specific housing needs.
- 7.8. Having regard to the relatively minor nature of the proposed development at 20 units, the zoning of the site for several purposes, including housing for older people, and the other factors outlined above I conclude that the proposed development would not give rise to an excessive concentration of social housing in the area.
- 7.9. **Design**
- 7.10. The planning authority was initially concerned that concerned at the transition between the two-storey terrace at 124-130 Cromwellsfort Road and the 3-storey residential block and sought amendments to reduce the height of residential block. The applicant responded to the request stating that three storeys at the eastern end is appropriate and would not be detrimental to the amenity of adjoining property. The planning authority accepted this arrangement and I concur with the applicant that the proposed height is appropriate.
- 7.11. The applicant responded to the point (point 1 (b) in the FI request) in relation to a privacy strip with a landscaping plan from Gannon and Associates landscape architects showing planting along the Cromwellsfort Road elevation. The planning authority accepted this arrangement as reasonable, and I concur with this assessment. In response to point 1(c) and (d) the applicant makes the point that the apartments have been provided with additional windows to break up the Cromwellsfort Road facade and the original render has been replaced by a yellow/buff brick. The planning authority consider this acceptable, and I concur on the point.

- 7.12. FI point 1(e) requested a report in relation to the sunlight/daylight in the single aspect units. The applicant submitted a report on the impacts on neighbouring properties which found that there would be no unacceptable impacts on sunlight or daylight into neighbouring properties. The planning authority accepted the report's findings. Having regard to the applicant's submission, the planning authority's assessment of the issue, the height and orientation of the proposed development relative to nearby buildings to the south and east I conclude that no unacceptable impacts on sunlight/daylight will occur for these buildings. The planning authority was concerned that a number of apartments are accessed off the shared 'deck access' and are single aspect. This shared deck access faces south within the development and there are kitchen windows onto it. I consider that these deck access windows and the north-facing living room windows with attached balconies/private open space are adequate in terms of the provision of sufficient daylight into the units.
- 7.13. FI Point 1(f) sought detail on how waste would be collected on site. The applicant submitted a swept path analysis for refuse vehicles which the planning authority reported as acceptable and I concur with that view.
- 7.14. **Access**
- 7.15. At present there are two vehicular accesses to the site – one from Cherry Grove and another Cromwellsfort Road, there is also a pedestrian access from Cromwellsfort Road. The application seeks to reduce these to a single access from Cherry Grove moved slightly south from its current location. The planning authority's roads section requested details of the sightlines available at the redesigned entrance onto to Cherry Grove. The applicant submitted a drawing illustrating 45m sightlines in both directions along Cherry Grove. The planning authority was satisfied with this arrangement.
- 7.16. The removal of a vehicular access off the regional route (Cromwellsfort Road) which is close to a junction and set of pedestrian light is a positive in terms of traffic safety and having regard to the urban location and speed limit (50kph) applicable on Cherry Grove I concur with the planning authority that this arrangement is acceptable. I attach a condition in the draft order below (condition number 8) which requires the applicant to agree the specific finished details of the entrance, gates and walls/piers with the planning authority.

7.17. Landscape Design.

7.18. The planning authority at point 3 of the request for further information requested landscaping details for the proposed development. The applicant's agent (Gannon and Associates landscape architects submitted a landscape drawing setting out perimeter landscaping along the western (Cherry Grove) and northern boundaries (Cromwellsfort Road) and amenity open space along the southern boundary. The planning authority found these details acceptable. I concur with this view and attach a condition in the draft order below (condition number 12) to allow the planning authority to monitor this aspect of the proposed development.

7.19. Water and Sewerage.

7.20. Irish Water commented that there no water or wastewater infrastructure adjacent to the site. The planning authority did not address this issue in its request for further information. Nonetheless having regard to the built up/urban nature of the site and the existing use of the site as a healthcare facility I conclude that it is sufficient that the applicant be required to agree the detail of water and foul water services with Irish Water - the statutory body responsible for these services. I attach a condition number 2 in the draft order below in this regard.

7.21. The planning authority's water services section stated that the discharge of surface water to a combined sewer was unacceptable and that the application had not applied the SUDS principles adequately. The applicant replied that the limited size of the site and the required separation distances of soakaways from boundaries and buildings on site (3m and 5m respectively) limited the options for disposal of surface water within the application site. Nonetheless a green roof would absorb some rain fall, there is provision for on-site infiltration and surface water will discharge through an interceptor valve which will remove contaminants then to a public surface water sewer. The planning authority's Water Services Section reviewed these arrangements, accepted them as adequate and I concur with this decision.

7.22. Appropriate Assessment.

7.23. Having regard to minor scale and the foreseeable emissions from the proposed development 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 a grant of planning permission.

9.0 Reasons and Considerations

9.1. The application site is zoned for local centre development in the South Dublin County Development Plan 2016-2022 where housing for older people is permitted in principle, furthermore it is an objective of the planning authority to facilitate a diverse range of dwelling tenures, social housing and housing for older persons within its administrative area. Having regard these objectives and subject to the conditions set out below it is considered that the proposed development would not give rise to an over-concentration of social housing in the area, seriously injure the residential amenity of adjoining property or give rise to traffic hazard and would otherwise be in accordance with the current County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 2nd day of September 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>

3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to housing for older people (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
7.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority. This work shall be completed before any of the dwellings are made available for occupation.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
8.	<p>Details of the access at Cherry Grove (including dishing of the footpath, gates and boundary walls) shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of public safety.</p>

9.	<p>Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
11.	<p>Proposals for a name for the proposed development and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interests of urban legibility.</p>
12.	<p>a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>

13.	<p>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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
14.	<p>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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
15.	<p>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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p>

	<p>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.</p>
16.	<p>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. 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>

Hugh Mannion
Senior Planning Inspector

28th March 2022