



An
Bord
Pleanála

Inspector's Report

ABP-314812-22

Development	Construction of 4 Independent Living Units with associated site works.
Location	Lands to the rear of St Agnes Convent, Captains Place, St Agnes Avenue, Crumlin, Dublin 12, within the Primary Care and Sheltered Housing Development
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4537/22
Applicant(s)	St Agnes Property Limited.
Type of Application	Planning Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party Appeal
Appellant(s)	St Agnes Property Limited.
Observer(s)	None.
Date of Site Inspection	30 th September 2023.
Inspector	Susan Clarke

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1.0 Site Location and Description

- 1.1. The rectangular shaped appeal site, measuring 1.7455ha, is within the former lands at St Agnes Convent in Dublin 12. It is centrally located within an urban block bounded by Captain's Road to the south-west, Stannaway Road to the south-east and Cashel Road to the north-east, St. Agnes National Schools and Convent is located to the north west of the subject site and fronts onto Armagh Road.
- 1.2. The site, which at present is hoarded off, is situated within established residential and community facilities. Phase 1 and 2 of this development has been completed. Phase 3 comprises a nursing home (permitted, but not yet constructed) which would be located immediately north of the proposed Independent Living Units (ILUs). Phase 4 and Phase 5 (both permitted, but not yet constructed) would collectively provide for the further provision of 28 ILUs in two separate blocks to the south of the area proposed for the subject ILUs.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of four single storey (three in terrace format and one standalone) Independent Living Units along with associated site works and services. Each of the units will measure 52.4 sq m and will comprise a living/kitchen, bedroom, shower room, storage area, and terrace/garden. The main living windows of the units are south facing onto their respective private terraces and to the pedestrian street. The rear elevation backs directly onto the nursing home. The buildings will be finished in a palette of materials utilised to construct the surrounding completed buildings and will have sedum roofs.

3.0 Planning Authority Decision

3.1. Decision

The Local Authority issued a Notification of Decision to Refuse Permission for the proposed development on 16th September 2022 for the following reason:

Having regard to the quantum of development already permitted on this site, and to the location of the proposed development, adjacent to the main

pedestrian route between the residential care facility building and the blocks of independent living units it is considered that the proposed development would sever and would diminish the quality, quantum and amenity potential of the overall scheme. As a result, the proposed development would constitute substandard overdevelopment, would seriously injure the residential amenities of current and future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis of Planning Authority's decision.

Key points are noted from the Report include *inter alia*:

- Planning permission was previously refused for five single storey ILUs.
- Although the number of units at this location has been reduced by one, the footprint of the development is nearly the same as the previous refusal pertaining to the site, and takes up roughly the same amount of the communal open space. The reasoning behind the previous refusal on this site still stands.
- The proposed development would diminish the quality, quantum and amenity potential of the overall scheme, and would constitute substandard development.
- The proposed development would seriously injure the amenities of current and future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.
- Concludes by recommending permission is refused as per the reason outlined above.

Other Technical Reports

Drainage: No objection subject to condition.

Transportation Planning: No objection subject to condition.

Environmental Health: No objection subject to condition.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

P.A. Reg. Ref. 2126/21/PL 310004-21: Permission refused by the Local Authority and An Bord Pleanála for the construction of five single storey independent dwelling units (bungalows with terraces) and associated site development works. The Board refused permission for the following reason:

“Having regard to the quantum of development already permitted on this site, and to the location of the proposed development, adjacent to the main pedestrian route between the residential care facility building and the blocks of independent living units it is considered that the proposed development would sever and would diminish the quality, quantum and amenity potential of the overall scheme. As a result, the proposed development would constitute substandard overdevelopment, would seriously injure the residential amenities of current and future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.”

P.A. Reg. Ref.2125/21: - Permission was granted, subject to standard conditions for two infill builds of four storeys providing for a total of sixteen independent living units, (eight in each building) two garden rooms.

P. A. Reg. Ref. 3161/20: Permission was granted for modifications to the permitted Nursing Home comprising: - Reconfigured basement, decrease in floor plate of building, decrease in floor area of building; reconfiguration of floor plans to provide an additional 17 bedrooms bringing the total to 151 bedrooms and providing separate external access to common facilities within a 5 storey over basement structure. Modifications also include redesigned external gardens; an additional 8 car parking spaces and associated site works and services.

P. A. Reg. Ref 2572/20/PL 307778: The planning authority decision to refuse permission for construction of two infill residential buildings of 3-4 storeys in height each accommodating 10 no. 1 bedroom independent living units (total 20 units) with associated balconies/winter gardens and associated site works and services was upheld following appeal based on the following reason: -

“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, it is considered that 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.”

P. A. Reg. Ref 4456/19/ PL 308078: - Further to appeal permission was granted for the construction of a residential building of three storeys in height, accommodating twelve 1-bedroom Independent Living Units, with associated balconies, 6 on-site carpark spaces, associated site works and services.

P. A. Reg. Ref.3544/19/PL305593: The planning authority decision to refuse permission for a development consisting of construction of two. infill residential buildings of 3-4 storeys in height, each accommodating 11 no. 1-bedroom independent living units (total 22 units) with associated balconies and associated site works and services 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 a poor design response where the resulting narrow circulation spaces would be of poor quality and overbearing 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.”

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. The Dublin City Development Plan 2022-2028 is the operative City Development Plan. The subject site is zoned Z15 (Community and Social Infrastructure) in the Development Plan which is: “To protect and provide for community uses and social infrastructure.”

Policy QHSN23 (Independent Living) states:

To support the concept of independent living and assisted living for older people, to support and promote the provision of specific purpose built accommodation, including retirement villages, and to promote the opportunity for older people to avail of the option of ‘rightsizing’, that is the process of adjusting their housing to meet their current needs within their community.

Policy QHSN25 (Housing for People with Disabilities) states:

To support access, for people with disabilities, to the appropriate range of housing and related support services, delivered in an integrated and sustainable manner, which facilitates equality of outcome, individual choice and independent living. To support the provision of specific purpose-built accommodation, including assisted/supported living units, lifetime housing, and adaptation of existing properties.

Policy QHSN18 (Needs of an Ageing Population) states:

To support the needs of an ageing population in the community with reference to housing, mobility and the public realm having regard to Age Friendly Ireland's ‘Age Friendly Principles and Guidelines for the Planning Authority 2020’, the Draft Dublin City Age Friendly Strategy 2020-2025 and Housing Options for our Aging Population 2019.

5.2. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(Site Code: 000210) and the South Dublin Bay and

River Tolka Estuary SPA (Site Code: 004024) which is located approx. 6.5km to the east of the site. The Grand Canal pNHA, (Site Code 002104), is located approximately 1.9km to the north east of the site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, 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

A First-Party Appeal was lodged to An Bord Pleanála on 11th October 2022 opposing the Local Authority's decision. A Site Landscape Plan – Appeal Drawing (Dwg. No. 1503-LANND-00) was also submitted. The grounds of appeal are summarised as follows:

- ILU residents would not be looking for recreational open space, due to their age and condition. The most important issues facing elderly persons are loneliness and isolation, not open space and aspect. Communal engagement and animation of spaces is more important than open space for this segment of the population.
- Adequate provision has been made for communal engagement indoors and for appropriate services. The church in the existing Convent building is already made available to the residents of the ILUs on demand for community meetings and activities.
- Modifications permitted in 2020 (Ref. 3161/20) to the permitted nursing home resulted in the enclosing of the originally proposed gardens. These areas are now integrated into the building. An additional communal hall was added as a constructed amenity in place of open space.

- The proposed ILU units will include windows that will animate the rear wall of the nursing home instead of the blank wall of the modified building enclosed garden areas.
- The nursing home and area proposed for the ILUs is currently hoarded off as an intended construction site and has never been a communal amenity space for the already constructed ILUs. The final complex is replete with constructed amenities for elderly residents. In the modified nursing home, the café/shop, hair/beauty, physiotherapy facilities, etc. have all been externalised to be available to the ILU residents without going into the nursing home along with the communal hall, the church hall, PCC, pharmacy and café in the primary care centre.
- The planning authority has given no consideration to the value of built communal facilities and has incorrectly held onto a concept of communal open space that is more appropriate to apartment developments where a range of ages are accommodated, as opposed to the needs for meeting and supporting services to elderly individuals in an institutional setting.

6.2. Planning Authority Response

- 6.2.1. The Local Authority requested the Board on 7th November 2023 to uphold its decision, but requested that Section 48 financial contributions and a bond be conditioned if the refusal is overturned.

6.3. Observations

None

6.4. Further Responses

None.

7.0 Assessment

- 7.1. I have read all the documentation attached to this file including *inter alia*, the appeal, and the reports of the Planning Authority, in addition to having visited the site, and

consider the primary issue to be the lack of open space provided within the overall grounds. Having regard to the site's land use zoning policy (Z15) and policies in the Development Plan, in particular Policy QHSN18 and Policy QHSN23, I consider the principle of the proposed development to be acceptable. Furthermore, I have no concerns with respect to the design of the subject units in terms of overshadowing or overlooking impacts, building materials, or the standard of accommodation they would provide to future residents.

7.2. As outlined above, An Bord Pleanála refused permission in September 2021 for the development of five ILUs solely on the grounds that it would sever and would diminish the quality, quantum and amenity potential of the overall scheme. It was considered that the proposal would constitute substandard overdevelopment, would seriously injure the residential amenities of current and future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area. As illustrated on the Site Layout Plan B, Blocks and Landscaping (Dwg. No. 1899-PA4-022) (attached to this Report) the refused proposal largely occupied the same footprint as the subject development currently before the Board.

7.3. The Planning Inspector stated the following in respect of the previous refusal:

“The open aspect of the overall scheme has been significantly eroded by recent additions of independent living units by way of the blocks Cherry and Hawthorn between the Birch and Cedar Building and the Elm and Fir Buildings leading to a gradual increase in pedestrian corridor effect as opposed to a pedestrian route benefiting from adequately sized and well configured open passive recreational spaces with amenity potential relative to the buildings.

It is considered that there is no capacity within the overall development for further site coverage with buildings, at the cost of the diminution in amenity potential and quantum of communal or open space provision and open aspect benefitting the residents....

Diminution in quality of amenity potential for residents, to facilitate an increased density or quantum of units is of particular concern given that the nature of occupancy of the overall development whereby an outlook over or access to open aspects and outdoor amenity space is of particular importance to quality of life and residential amenity.”

- 7.4. As outlined above, the Applicant contends in the Appeal that the ILU residents would not need recreational open space, due to their age and condition. Notwithstanding this, the application includes a “POS landscape boules” area to the east of the proposed standalone ILU. I do not concur with the Applicant’s arguments that due to the age and condition of the residents, recreational open space is not required. The purpose of the development is to increase the number of ILUs on the grounds. As such, while sports facilities e.g. basketball courts etc. may not be desired, in my view, it is reasonable to assume that the existing and future occupants of the ILUs would have a reasonable level of mobility to live independently and therefore would have the ability to enjoy a landscaped open space area, if even only for wellbeing purposes.
- 7.5. As illustrated on the Site Layout Plan, with the exception of small silvers of leftover areas between the existing and permitted buildings, there is no landscaped open space area available to residents or staff on the grounds. The provision of other amenities on the campus as outlined by the Applicant, in my opinion, does not justify the lack of open space nor too does the fact that the site is currently hoarded off. On the contrary, in my opinion, having regard to the nature of the land uses and services provided on the campus, the provision of a purposeful landscape open space area would be important to the residents’ overall quality of life and enjoyment of the campus.
- 7.6. In summary, with the exception of reducing the total number of ILU units from five to four, I do not consider that there are any other significant alterations or attempts to address the Board’s previous reason for refusal relating to the site. As stated above, the proposal occupies the same space as the previous refusal and presents overdevelopment of the campus. Having regard to the foregoing, I consider the Board’s refusal reason still holds and as such recommend that permission is refused for the proposed development.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, 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.

9.0 Recommendation

- 9.1. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld.

10.0 Reasons and Considerations

Having regard to the quantum of development already permitted on this site, and to the location of the proposed development, adjacent to the main pedestrian route between the residential care facility building and the blocks of independent living units it is considered that the proposed development would sever and would diminish the quality, quantum and amenity potential of the overall scheme. As a result, the proposed development would constitute overdevelopment, would seriously injure the residential amenities of current and future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Susan Clarke
Senior Planning Inspector

2nd October 2023

Appendix A: Site Layout Plan B, Blocks and Landscaping (Dwg. No. 1899-PA4-022) submitted with P.A. Reg. Ref. 2126/21/PL 310004-21.

