



An
Bord
Pleanála

Inspector's Report

ABP-306269-19

Development	Construction of 13 affordable residential units.
Location	Site at Balbutcher Lane Lower to the North & East, Belcare Drive to the south, and existing house to the west, Ballymun, Dublin 11
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3623/19
Applicant(s)	O'Cualann Co-housing Alliance CLG
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Catherine Dolan
Date of Site Inspection	14 th March 2020
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.2182 hectares, is located on the western side of Balbutcher Lane in Ballymun. The appeal site is a grassed area in a residential area. The eastern boundary of the site is defined by the public road. To the west of the site are a number of two-storey dwellings along Balclare Drive and Balclare Green. The northern limit of the site is defined by an existing pedestrian pathway and beyond it to the north is larger green space.

2.0 Proposed Development

- 2.1. Permission is sought for 13 affordable residential units comprising of 11 no. two-storey three bedroom houses, 1 no. one bed apartment and 1 no. two bed apartment in a three-storey structure including one balcony at first floor level facing south east, all arranged in a single terrace. The proposal includes 15 no. car parking spaces (11 no. off-street and 4 no. on-street car parking spaces adjacent to units), ancillary site work (including individual refuse storage areas) and landscaping, all on lands totalling 0.2182 hectares.
- 2.2. The proposal was amended in response to further information with the change being the removal of the three-storey element and replacing it with a two-storey dwelling (Type A) meaning the total number of units proposed and approved being 12.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 13 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (20/09/19): Further information required including measures to deal with concerns regarding height and proximity of the development relative to an

adjoining dwelling, details to comply with the level of glazing required to habitable rooms under the City Development Plan, revisions to the quality and layout of private open space serving duplex unit Type D and proposals to address the requirement for 10% of the site area as open space.

Planning Report (04/12/19): The proposal and revision in response to further information was considered to be satisfactory in the context of the proper planning and sustainable development of area. A grant of permission was recommended as per the conditions outlined above.

3.2.2. Other Technical Reports

Drainage Division (19/08/19): No objection.

Waste Regulation Section (02/09/19) No objection subject to conditions.

City Archaeologist (04/09/19): No objection subject to condition.

Transportation Planning (09/09/19): No objection subject to conditions.

Drainage Division (27/11/19): No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1 Submission by Catherine Dolan, 2 Belclare Drive, Popintree, Ballymun. The issues raised include

- Changed outlook from the existing dwelling, physical impact of the new residential units, noise, disruption, vermin and health impact.

4.0 Planning History

4.1 2727/05: Permission granted for a residential development of 14 no. units. Permission was never implemented and has expired.

On a nearby site...

4.2 4348/18: Permission granted for modifications to an approved scheme of 39 no. affordable residential units.

4.3 3226/18: Permission granted for 39 no. affordable housing units.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City Council Development Plan 2016-2022. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'.

Section 16.4 Residential Density:

The Regional Planning Guidelines settlement hierarchy designates Dublin city centre and the immediate suburbs as a gateway core for international business, high density population, retail and cultural activities. The guidelines indicate that development within the existing urban footprint of the metropolitan area will be consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present.

The Department of Environment, Heritage and Local Government (DEHLG) Guidelines on Sustainable Residential Development in Urban Areas 2009 supercede the 1999 Guidelines for Planning Authorities on Residential Density. In this context, Dublin City Council will promote sustainable residential densities in accordance with the standards and guidance set out in the DEHLG Guidelines on Sustainable Residential Development in Urban Areas and having regard to the

policies and targets in the Regional Planning Guidelines 2010 – 2022 or any Regional Spatial and Economic Strategy that replaces the regional planning guidelines.

Sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.

An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

All proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

5.2. Natural Heritage Designations

None in the vicinity.

5.3. EIA Screening

Having regard to nature of the development comprising of the construction of 12 no. residential units and associated site works, 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 A third party appeal has been received from Catherine Dolan, 2 Belclare Drive, Popintree, Ballymun. The grounds of appeal are as follows...

- The appellant notes that existing house at no. 2 Belclare Drive adjoins an open space area and that the appellant's parents accepted the house on the basis it was a corner house with no other houses to be built on the green area.
- The appellant is concerned about the impact of the proposed development in relation to noise, disruption and the possibility of the infestation by rats.
- The proposed development would alter the outlook from the appellant's property significantly and negatively.
- The appellant raise concern about the impact of construction work on her parents due to existing medical conditions.

6.2. Applicant Response

6.2.1 Response by Smith & Kennedy Architects on behalf of the applicants, O'Cualann Co-housing Alliance CLG.

- It is noted that construction will have a disruptive impact but such is temporary and every effort will be made to manage and mitigate such impact.
- The proposal has been designed to avoid adverse impact on adjoining properties in particular overlooking.
- It is noted there is need for new affordable housing and the proposal will help deal with this demand.

6.3. Planning Authority Response

6.3.1 No response.

7.0 Assessment

- 7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan/national policy

Design, scale and visual impact, adjoining amenity

Appropriate Assessment

- 7.2. Principle of the proposed development/development plan/national policy:

- 7.2.1 The appeal site at present is a green space within an established residential area. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'. This zoning permits for new housing subject to an acceptable impact on existing dwellings in the area. The principle of the proposed development is acceptable subject to an acceptable design, scale and physical impact in the context of the proper planning and sustainable development of the area.

- 7.3. Design, scale, visual impact, adjoining amenity:

- 7.3.1 The approved proposal is for a terrace of 12 no. two-storey dwelling fronting onto the public road. The approved development has a density of 54 units per hectare, which would be acceptable at this location. The level of provision of private open space, car parking and separation distances is consistent with Development Plan standards for residential development. The design and visual impact of the proposal would be acceptable and it is notable that the design of the dwellings is similar to an approved housing scheme under construction to the north west (4348/18 and 3226/18). The proposal does not provide public open space. The sites shape does not lend itself to the provision of such and given the high level of public open space available in the area and accessible to the appeal site, I am satisfied that this arrangement would be satisfactory.

- 7.3.2 The approved proposal provides for a scale and type of development that is in keeping with prevailing pattern of development (two-storey suburban housing). The

appellant's dwelling is at no. 2 Belcalre Drive located to the south west of the site with the dwelling no.s 9, 10, 11 and 12 backing onto the side boundary of the existing dwelling. The proposal also adjoins a number of dwellings at Belclare Green. I would note that the relationship between the proposed and existing dwellings including the appellant's property is acceptable given the suburban context of the appeal site. There is sufficient separation between the approved dwellings and existing dwellings and I am satisfied that there would be no loss of residential amenity through overshadowing/loss of light or overlooking/loss of privacy. I would acknowledge that the appellant is unhappy that there is a change in outlook or the nature of development adjoining their dwelling. I would however note that the site is zoned for residential use and is an appropriate scale of development and nature of use on a zoned and serviced site in the city. I do not consider that the approved development would be detrimental to the appellant's residential amenities or those of any other residents in the area.

7.3.3 I would note that the construction impact is temporary and can be mitigated by adequate construction management including restriction of hours. I would recommend a condition requiring the submission of a construction management plan prior to the commencement of development and a restriction on construction hours.

7.4. Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its 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.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) The provision of the Dublin City Council Development Plan 2016-2022,
- (b) The existing pattern of development at this location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance with Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties, acceptable in the context of its location in an residential conservation area and be satisfactory in the context of traffic safety and convenience. The proposed development 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 as amended by the further plans submitted on the 07th day of November 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Details of materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity.

3. The streets and footpaths within the development shall comply with the requirement and specifications of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013.

Reason: In order to comply with the guidance give in the Design Manual for Urban Road and Streets.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

7. 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 traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of residential amenity and orderly development.

Colin McBride
Planning Inspector

18th March 2020