



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308284-20

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<b>Development</b>	Demolition of a house, revised vehicular entrance location and construction of an apartment development comprising 28 apartments.
<b>Location</b>	Hamlet Lodge, Hamlet Lane, Balbriggan, County Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0323
<b>Applicant(s)</b>	Carragoon Construction Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Carragoon Construction Ltd
<b>Observer(s)</b>	Bremore Castle Residents Group Elizabeth & Kevin Wall Michael Hughes Cllr Grainne Maguire Jennifer & Bernard Mahon Stephen & Jessica Kelleher & Others

**Date of Site Inspection**

25<sup>th</sup> of November 2020

**Inspector**

Angela Brereton

## 1.0 Site Location and Description

- 1.1. The application site is within an established residential area to the west of Balbriggan town centre. It has a stated area of 0.2773ha and is located on the southern side of Hamlet Lane, Balbriggan. The site is broadly rectangular in shape and contains the ruins of a former cottage. The main body of the site is very overgrown, with the north eastern section adjacent to the houses in Bremore Castle less so. The site is relatively flat and there are trees and shrubs within the site and along the site boundaries. There are trees along the road frontage and integrated into the stone wall, which forms an attractive feature.
- 1.2. The site is enclosed by c. 2m high walls and is self-contained and is not accessible to the public. It has two separate locked gated accesses to Hamlet Lane. This is a straight stretch of road and sight lines appear adequate in either direction relevant to reduced speed limits for the built-up urban area. There are footpaths along the site frontage and the opposite side of the road, however there are no cycle lanes. There is a 3 storey apartment development to the west (Bremore Meadows) tapering to 2 stories adjacent to the side boundaries on either end and 3 storey apartment blocks on the opposite side of the road. The frontage in this part of Hamlet Lane consists of primarily 3 storey apartment blocks and town houses. Also 2 and 3 storey dwelling houses are located in Bremore Castle and Meadows to the east and south (rear) of the site. The first floor rear and side elevations of these houses can be seen from the site. There is no pedestrian access to the site from the Bremore estate at the rear.
- 1.3. There is a Bus Eireann bus stop on the opposite side of the road. The area is primarily residential predominantly new build including mainly apartment development along this area of Hamlet Lane. There are no shops or services in close proximity to the site.

## 2.0 Proposed Development

- 2.1. Permission is sought on a site of approx. 0.2773ha located at Hamlet Lodge, Hamlet Lane, Balbriggan, County Dublin for the following:
  - Demolition of existing house;
  - Revised vehicular entrance location;

- Construction of an apartment development comprising 28no. residential apartments arranged in 2no. buildings ranging 4-5 stories in height (total 2,742sq.m gross floor area);
- The proposed development consists of: 1no. three -bedroom apartment, 20 no. 2 bedroom apartments and 6no. one bedroom apartments. *It is noted that as per the Description of Development this provides for 27no. apartments. However, the breakdown on development provides for 28 and is described as:*
  - Block A contains 13 apartments (1no. 3 bedroom apartment, 9 no. two bedroom apartments and 3no. one bedroom apartments).
  - Block B contains 15 apartments, (11no. two bed apartments and 4no. one bedroom apartments).
- 28no. vehicular parking spaces together with 44no. bicycle parking spaces are proposed.
- Private and common open spaces, hard and soft landscaping, roads and pedestrian walkways, services (incl. SUDS), site lighting, solar panel arrays, and all other ancillary and associated site development works above and below ground level.

2.2. Documentation submitted with the application includes the following:

- Planning Statement
- Design Statement
- A Schedule of Accommodation relative to the Apartment Development;
- Engineering Services Report
- Arboricultural Report – The Tree File
- Drawings including a Site Layout Plan, Floor Plans, Sections and Elevations and Services.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 31<sup>st</sup> of August, 2020, Fingal County Council refused permission for the proposed development for the following reasons:

- 1. The proposed development is considered to constitute over development of the site by reason of its proximity to the two storey houses located in the adjacent Bremore Castle housing estate, would be visually obtrusive and overbearing to the neighbouring properties owing to the limited separation from these properties and to the mass and bulk with first floor south facing balconies. The proposed level of overlooking of the rear gardens of the houses located to the west, east and south. The proposed development would seriously injure the residential amenities of adjoining property and would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The subject development would if permitted set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area, would seriously injure the amenities and depreciate the value of property in the vicinity.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planner's Report

The Planner had regard to the locational context of the site, planning history and policy, to the interdepartmental reports and submissions made. Their Assessment included regard to the following:

- They provide that all issues raised in the objections/submissions have been taken into full consideration in their assessment of this development.
- The principle of the proposed development complies with the 'RS' zoning objective.
- The resultant density is c.101 dpha (dwellings per hectare) in an area considered to be an 'Outer Suburban/Greenfield Site' where a net density of

35-50 dwellings per hectare is considered appropriate as per the *Sustainable Residential Development in Urban Area* (DoEHLG May 2009) Guidelines.

- They note that there is a shortfall in open space provision and recommend a development contribution in lieu of the shortfall.
- They provide that tree survey information, including a Tree Protection Plan and Arboricultural Method Statement is required. Also, that a tree bond should be applied.
- They consider that a Landscape Plan should be submitted showing details of replacement planting and outdoor seating.
- They have regard to issues raised by the Water Services Department.
- They note that the Transportation Planning Section had issues regarding the access and parking, including cycle parking.
- A Construction Management Plan and a Construction Traffic Management Plan is required.
- They do not consider that the proposal will have a significant impact on the environment or on Natura 2000 sites.
- They are concerned about overlooking of adjoining houses and consider that the proposed development has not had due regard to its surroundings and to existing adjacent residential development.
- The proposal would constitute an over development of the site to the detriment of the residential amenities of adjoining properties in Bremore Castle estate. They recommend that permission be refused.

### 3.3. Other Technical Reports

#### Transportation Planning Section

They recommend that F.I be submitted to include a revised sightline drawing in accordance with DMURS, swept path analysis, details of how the car parking deficit is to be accommodated, a revised entrance detail that provides priority for pedestrians and cyclists across the entrance.

### Parks and Green Infrastructure Division

They note that there is a shortfall in open space provision and provide the applicant is required to make a financial contribution in lieu. They are concerned that the Tree Survey submitted is unclear and that no drawings have been submitted. They recommend that a Landscape Plan be submitted.

### Water Service Department

They have some concerns about compliance with SUDS and surface water attenuation and recommend additional information be submitted on this and relative to flood risk assessment.

### Environmental Health

They recommend conditions including relative to noise, dust control, hours of operation and to demolition and construction works.

## 3.4. **Prescribed Bodies**

### Irish Water

They have no objections subject to recommended conditions.

## 3.5. **Third Party Observations**

A number of Submissions have been received from local residents. Their concerns have been considered in the context of the Planner's Report. The issues raised are considered further in the context of the Third Party Observations as noted below.

## 4.0 **Planning History**

The Planner's Report has regard to the extensive Planning History of the site, the most recent of which includes the following:

- Reg.Ref. F19A/0078 – Permission refused by the Council to Carragoon Developments Ltd. for the Demolition of existing derelict bungalow and the Construction of 12 houses (in two blocks contained 6 houses each, with floor areas of 134.45sq.m each); associated new vehicular and pedestrian access from Hamlet Lane and all associated works. This was refused for 3no.

reasons, in summary: overdevelopment of site, contrary to the 'RS' zoning objective, substandard private amenity open space, and provision of car parking, would be harmful to the character and visual amenities of the area, including the streetscape to Hamlet Lane, would set an undesirable precedent for other similar developments which cumulatively would be harmful to the residential amenities of the area and to the proper planning and development of the area.

- Reg.Ref. F17A/0484 – Permission granted subject to conditions by the Council (October 2017) to Carragoon Developments Ltd. for the Demolition of existing derelict bungalow & construction of 9 houses in three blocks containing 3 houses each, with floor areas of 127.7sq.m each with associated new vehicular and pedestrian access from Hamlet Lane, internal road with provision for turning, footpaths, landscaping, boundary treatments, lighting, SUDS drainage, piped and other services and all other ancillary development works necessary to facilitate the development. All on lands with a site area of 0.2773 hectares.

An Appeal to the Board was subsequently withdrawn. Therefore, the Council's permission is still current.

- Reg.Ref. F10A/0329 – Permission refused for a 10 year permission for the demolition of the existing single storey bungalow/garage and the construction of 14 duplex units, 2.5 storeys in height, 21 no. car parking spaces, and all associated site facilities and works.
- Reg.Ref. F08A/1154 & Ref. PL06F.232827 – Permission granted subject to conditions by the Council but refused by the Board for the removal of existing dwelling house and construction of 16no. apartments in 2.5 storey blocks and all associated site works. The Board's reason for refusal was in summary that the proposed development would be obtrusive and overbearing for neighbouring properties in the adjacent Bremore Castle housing estate owing to the limited separation from those properties and the mass and bulk with first floor south facing terraces and would cause overlooking.

Copies of these decisions are contained in the Planning History Appendix to this Report.



## 5.0 Policy Context

### 5.1. National Policy

It is submitted that the key policy and guidance documents of relevance to the proposed development are as follows:

- Project Ireland 2040 National Planning Framework (2018)
- Regional and Economic Spatial Strategy for the Eastern Region (2019)
- Regional Planning Guidelines for the Greater Dublin Area 2010-2022
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DECLG, 2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets 2019
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) 2009
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)

### 5.2. Fingal Development Plan 2017-2023

#### Land Use Zoning Objectives

The site is within the 'RS' Residential zoning where the Objective seeks to: *Provide for residential development and protect and improve residential amenity.* The Vision seeks to: *Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.*

Residential is permitted in principle within this zoning.

#### Placemaking

This includes Objective PM37 which seeks to: *Ensure a holistic approach, which incorporates the provision of essential and appropriate facilities, amenities and*

*services, is taken in the design and planning of new residential areas, so as to ensure that viable sustainable communities emerge and grow.*

Objective PM38: *Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.*

Objective PM41: *Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.*

Objective PM44: *Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.*

Objective PM65: *Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.*

#### Development Management Standards

Chapter 12 includes regard to Apartment Development being of high quality design and layout, having due regard to the character and amenities of an area. It is recommended that apartment units be dual aspect where possible, and to provide a mix of units to cater for different size households.

Objectives DMS20 to DMS23 refer to design criteria.

Objective DMS26: *For apartment schemes between 10 and 99 units, require that the majority of all apartments in a proposed scheme must exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. This may be redistributed throughout the scheme, i.e. to all proposed units.*

Details are included relevant to minimum standards of floor space.

Objective DMS28 provides minimum separation distances.

Objective DMS30 seeks to: *Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.*

Provision is also made for Management Companies and Facilities for Apartment Developments. Objectives DMS33 – 35 refers.

Objective DMS39 provides that: *New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.*

### Open Space

Section 12.7 and Table 12.5 refer to Public Open Space.

Objectives DMS57 and DMS57B refer to the provision of public open space – a minimum of 10% of the site area. Discretion can be allowed by the Council to accept a financial contribution in lieu of public open space provision.

Regard is also had to the protection and effective management of trees and provision of landscaping. DMS77 – DMS79 refer.

DMS89 – DMS92 refer to the provision of Private and Communal Open Space for Apartments/Duplexes. Table 12.6 notes Minimum Space Provision.

### Sustainable Transport

Objective DMS117: *Require new developments to be designed in accordance with DMURS. In particular they shall have layouts and designs which reflect the primacy of walking and cycling by providing safe, convenient and direct access to local services, employment and public transport.*

The promotion of cycling as a sustainable mode of transport is supported.

Table 12.8 provides the car parking standards including relative to apartment development.

Table 12.9 to Bicycle Parking Standards.

Objective DMS119 supports public transport improvements.

## **5.3. Variation No. 2**

The Fingal Development Plan 2017-2023 was varied in June 2020 to align with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).

Balbriggan is described as the largest Self-Sustaining Town of significant scale with a well-defined town centre, located in the Core Area and not in the Metropolitan Area. Table 2.5 provides the Fingal Settlement Hierarchy. It is noted that Balbriggan is served by a railway line, has access to a regional park and harbour and contains significant employment zoned lands, including a High Technology zoned landbank. Objectives Balbriggan 1 – 15 in the Development Plan set out the assets to be developed to aid sustainable growth in the settlement. *Having regard to the scale of the town and the ongoing strategies underway, it is considered that 8% growth is sustainable.*

Objective SS19: *Support and facilitate residential, commercial, industrial and community development to enable Balbriggan to fulfil its role as a Self- Sustaining Town in the Settlement Hierarchy recognising its important role as the largest town in the core area.*

Section 4.3 relates to the Core Area and provides changes to Chapter 4 *Urban Hinterland Area, Balbriggan* in the Fingal CDP 2017-2023. Regard is had to the rejuvenation of Balbriggan town centre.

Objective ED86: *Support economic growth within the Core area through strengthening and promoting the importance of Balbriggan as the major urban centre and directing appropriately scaled growth opportunities into the other urban centres in the area.*

Variations to Chapter 3 – Placemaking includes the deletion and insertion in Section 3.4 of Objective PM42: *Implement the policies and objectives of the Minister in respect of 'Urban Development and Building Heights Guidelines' (December, 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) issued under section 28 of the Planning and Development Act, as amended.*

#### **5.4. Natural Heritage Designations**

The site is not proximate to Natura 2000 sites, the closest being the River Nanny and Shore SPA, c.4kms to the north east of the site, Skerries Islands SPA c.7.7km to the south east, and Rogerstown Estuary SAC and SPA c.12.3km to the south east of the site.

## 5.5. EIA Screening

Having regard to the nature and scale of the proposed development on a fully serviced site and the nature of the receiving environment, 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

Corr & Associates Spatial Planning have submitted a First Party Appeal on behalf of the Applicants Carragoon Construction Ltd. They have regard to the locational context of the site, planning history and policy and to the Council's reasons for refusal and their Grounds of Appeal include the following:

#### Reason no.1

- The proposed development is considered to represent a strategic opportunity to redevelop this underutilised brownfield site by providing for a sustainable and compact form of urban development.
- They refer to the Urban Design Statement submitted with the application and provide it seeks to ensure that the proposed development represents the highest standards of sustainable development and energy efficiency.
- They submit that categorising this site as an *Outer Suburban Greenfield site* is incorrect rather it comprises an infill brownfield site, in an *Intermediate urban location* as per section 2.4 of the Apartment Guidelines 2018 and a key opportunity to provide an intensified form in housing in compliance with the proper planning and sustainable development of the area.
- The proposal will support the achievement of the regeneration of the subject site in accordance with National Policy Objectives of the National Planning Framework (NPF). Also, consolidation and re-intensification of development as per the Regional, Spatial and Economic Strategy (RSES) for the Eastern Region.

- They do not consider that overlooking would occur as the proposed development is appropriately sited and has afforded separation distances in accordance with the Development Plan requirements.
- The proposed design of the balconies is consistent with the design requirements of both the pertaining Development Plan and the *Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2018*.
- The height and massing of the proposed development is considered appropriate for the subject site and for the character of the surrounding area.
- It is also consistent with the *Urban Development and Building Height Guidelines 2018*, and is located, in an *Intermediate Urban Location*, serviced by high frequency public transport infrastructure.
- If the Board, consider that some redesign is still required they would welcome an opportunity to amend the building form by way of either providing a reduced floor to both Blocks A and B or by providing additional set backs to taper down the development towards adjoining boundaries.

#### Reason no.2

- The proposed development is consistent with National and Regional Policy Objectives, with the Fingal DP 2017-2023 together with the Section 28 Ministerial Guidelines, including the Apartment Guidelines 2018.
- They submit that the proposed development is in accordance with the proper planning and sustainable development of the area and therefore will not set an undesirable precedent for future development.
- They consider that this reason for refusal based on undesirable precedent has been wrongly applied by the Council and they request that it be omitted by the Board.

#### Conclusion

- They submit that the proposed development is in compliance with the proper planning and sustainable development of the area and request that the

decision of the Council be overturned and a decision to Grant Permission be issued by the Board.

- They request that the details required by the Council's Parks and Green Infrastructure Department, the Water Services Department and the Transportation Department be addressed by applying suitable conditions in respect of these items to ensure these considerations are fully complete.
- Appendix 1 includes a copy of the Urban Design Statement prepared by David Moran Architect as submitted with the application.

## 6.2. Planning Authority Response

They have regard to the First Party Grounds of Appeal and to the Planning Authority's reasons for refusal. They provide that the proposed development was assessed having regard to National and Regional planning policy and Guidelines; the 'RS' zoning objective for the site, relevant development plan objectives, the location of the site, the established pattern of development within the surrounding area, third party submissions, previous planning histories on the site and the scale and design of the proposal and its relationship with adjoining residential development.

- They consider that the proposed development did not have due regard to its surroundings and to existing adjacent residential development.
- It is considered an overdevelopment of the site due to its proximity to two storey development in the adjacent Bremore Castle estate.
- It would be visually obtrusive and overbearing as a result of the limited separation between properties and cause overlooking having regard to the mass and bulk of the first floor south facing balconies.
- The proposal does not respect the character of the area, does not respond to site context, would impact significantly on amenity and is therefore considered contrary to the 'RS' zoning objective, which seeks to 'provide for residential development and protect and improve residential amenity'.
- It would contravene Fingal DP objectives PM44 and DMS39 regarding appropriate infill development and protection of existing amenity.

- If the Board decide to grant, they request that provision be made for applying a financial contribution in accordance with the Council's Section 48 Development Contributions Scheme.

### 6.3. Observations

Observations have been submitted from the following:

- Bremore Castle Residents Group
- Elizabeth & Kevin Wall
- Michael Hughes
- Cllr Grainne Maguire
- Jennifer & Bernard Mahon
- Stephen & Jessica Kelleher & Michael & Oliver Coughlin (joint submission)

As these all raise concerns about the implications of the proposed development, the issues raised are grouped under headings and are summarised as follows:

#### Planning Policy

- Such high rise/high density development is unsuitable for the town of Balbriggan. There is significant catch-up investment required for Balbriggan before further large developments take place.
- It would be contrary to Project Ireland 2040 and the new Regional and Economic Strategy (RSES) relative to development in Balbriggan.
- No part of Dublin City and suburbs is located within the Core Region which is where Balbriggan is located. Balbriggan is a self-sustaining seaside town and is not suitable for high density apartment development.
- The residential density proposed is 101 dwellings per hectare and the recommended density for the area is 33 – 50 dwellings per hectare.
- It does not make sense to refer to the Apartment Guidelines written in 2018 when the NPF and RSES were written afterwards. It needs to be established if apartments are suitable for the site in principle before looking at the Apartment Guidelines.



- It would not comply with the Residential Zoning Objective in that it would not protect and improve residential amenity.

#### Design and Layout and Impact on Residential Amenity

- This 4/5 storey apartment development would impact adversely on the 2 and 3 storey houses in the adjoining Bremore Castle estate and will lead to overlooking and overshadowing.
- There is some discrepancy and lack of clarity in the number and type of apartment units proposed.
- The Urban Design Statement submitted does not address the overlooking issue which would need to be addressed.
- It does not comply with minimum separation distances to existing residential properties in Bremore Castle.
- The balconies at the rear will lead to serious overlooking and will cause privacy issues for local residents.
- There is inadequate green area/children's play area.

#### Impact on the Character of the Area

- The proposal takes no cognisance of the setting of the site. It will harm and appear incongruous in the streetscape of Hamlet Lane and detract from the visual amenity of the area.
- The proposal will set an undesirable precedent and will seriously injure the residential amenities of the area and will be detrimental for the future planning of Balbriggan.
- The proposed density is too high and would lead to a cramped form of development and an overdevelopment of the site.
- Regard is had to the planning history and it is provided that given 14 duplex units were unsuitable and refused by the Council in 2010, there is no logical reason as to how 28 units could be allowed in 2020.

- They believe that development on this site should be 2 storey to integrate with that in Bremore Castle. It would depreciate the value of other properties in the area.
- The Bremore Castle Residents Group provide that they have received over 200 signatures from people in the locality who also realise the damage to public amenity that the proposed overdevelopment of the site will cause.
- The Observers do not support this overdevelopment and it would be contrary to the proper planning and sustainable development of the area.

### Environmental Considerations

- Covid 19 and the pandemic has made people realise how important green space can be. The native trees and wildlife provide an important green space in an area where there is little green space.
- There is no protection for trees on the site and the loss of mature trees will have an adverse impact on birds and wildlife.
- Bremore Castle has no green space and these trees provide an important public amenity.

### Access and Parking

- The proposed entrance is located between the Bremore Castle/Clonuske junction and just between the Bremore Castle and Bremore Meadows exits.
- The crossing at Bremore Castle/Clonuske is currently very busy and there is a 'blind' junction coming from the Clonuske side. Hamlet Lane is already a busy thoroughfare.
- The development will compound traffic in the area, with the neighbouring estate Bremore Castle already being used as a 'rat-run' by motorists.
- The existing site had one bungalow, this proposed is for 28no. units so a considerable amount of traffic will ensue.
- The proposed on-site parking provision is deficient and will lead to overspill parking into Bremore Castle estate. No visitor parking has been provided.

## Infrastructure

- There is concern that the additional 28 units will put pressure on public utilities which are already heavily burdened.

## 7.0 **Assessment**

### 7.1. **Principle of Development and Planning Policy**

- 7.1.1. The appeal site and surrounding area is zoned 'RS, Residential', under the Fingal Development Plan 2017-2023. This zoning objective seeks to provide for residential development and to protect and improve residential amenity. The vision for the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. The Development Plan also includes specific Policies and Objectives to encourage consolidation of development in Balbriggan and regeneration as a self-sustaining town, as well as more general Objectives to support sustainable infill development and the provision of increased densities where appropriate. Therefore, the redevelopment of this brownfield/infill site complies with the residential zoning in principle, subject to it not being detrimental to residential amenity or the character of the area and being appropriate to the proper planning and sustainable development of the area.
- 7.1.2. Variation 2 of the Fingal DP 2017-2023 which was adopted in June 2020 seeks alignment with the National Planning Framework Plan and the Regional Spatial Economic Strategy. This notes that Balbriggan is one of the largest of the self sustaining towns in the Core Area and has linkages to rail and road networks. The NPF requires that land use plans target 50% of all new homes within or contiguous to the built area of Dublin City and Suburbs and at least 30% in other settlements.
- 7.1.3. National Policy Objective 35 of the National Planning Framework 2040 seeks to increase densities through a range of measures including '*increased building heights*'. Regard is also had to the *Regional Spatial and Economic Strategy (RSES) 2019-2031*. Balbriggan is to the north of and is not within the Dublin Metropolitan area. Table 4.2 refers to Self-Sustaining Growth Towns with a high level of population growth but a weak employment (commuter driven) base as requiring target 'catch up' investment to become more self-sustaining. Regard is also had to

the criteria relevant to the *Asset Test for the strategic location of new residential development*. These include regard to Scale, Functions, Services, Placemaking, Economic, Connectivity, Environment and Infrastructure.

- 7.1.4. Note is also had to Section 28 - *The Urban Development and Building Heights Guidelines 2018* relative to the provision of increased heights and densities in urban areas. Regard is had to site suitability issues and to current national and local policies and objectives which generally support the promotion of higher densities in a qualitative design and layout that integrates with the proper planning and sustainable development of the area. In addition, to the Section 28 - *Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018* and to the *Design Manual for Urban Roads and Streets (DMURS)*.
- 7.1.5. Since the proposed development seeks to provide infill residential development on residentially zoned lands, it is acceptable in principle. The First Party submit that the proposed development would not constitute an over development of the site but rather provides for the sensitive redevelopment of a strategic and underutilised infill site by creating a compact and consolidated form of sustainable urban development, that is supported by planning policy, objectives and guidelines.
- 7.1.6. However, the issue is and as has been raised in the Observations made, as to whether it would be considered that the proposed development would lead to an overdevelopment of the site, whether it would impact adversely on the residential amenities of the area, including dwellings proximate to the site, or detract from the pattern of development in the area or the streetscape of Hamlet Lane. Regard is also had to the planning issues raised including density, design and layout, access and parking, availability of public transport etc. The First Party Appeal against the reasons for refusal and the concerns raised in the Observations made are considered further in this Assessment below.

## 7.2. **Density and Building Heights**

- 7.2.1. The First Party provides that the proposed development supports the aspirations of the Regional, Spatial and Economic Strategy (RSES) for the Eastern & Midlands Regional Assembly where the intention of the Settlement Strategy for *Dublin City and Suburbs* jurisdiction is to *Support the consolidation and re-intensification of*

*infill/brownfield sites to provide high density and people intensive uses within the existing built up area and ensure that the development of future development areas is co-ordinated with the delivery of key water and public transport infrastructure.*

7.2.2. It is noted that Section 4.2 of this RSES document provides the Settlement Hierarchy. However, this quote refers to Dublin City and Suburbs. As noted in the Policy Section above and in Variation no. 2 (adopted June 2020) of the Fingal Development Plan 2017-2013, Balbriggan is considered as a large scale Self Sustaining Town in the Core Area of the Fingal Settlement Hierarchy (Table 2.5 of the latter refers). Therefore, it would be incorrect to consider Balbriggan as within Dublin City and Suburbs. Rather it is noted as a Self- Sustaining Growth Town (Sections 4.2 and 4.7 of the RSES refer). Increased density is supported where appropriate. Table 4.3 concerns the *Settlement Typologies and Policy Responses* and this includes: *Consolidation coupled with targeted investment where required to improve local employment, services and sustainable transport options and to become more self-sustaining towns.*

7.2.3. Reference is also had to Section 2.4 of the Apartment Guidelines 2018, which identifies types of location in cities and towns that may be suitable for apartment development. The First Party provides that the proposal proximate to the town centre of Balbriggan is within an *Intermediate Urban Location*. Such areas are described as being close to public transport networks and as being suitable for either high or medium-high density residential development of any scale that includes apartments to some extent (will vary, but broadly > 45 dwellings per hectare net). The Design Statement submitted notes that the site is located c.1.4km from Balbriggan town centre, and train station and approx. 500m to the nearest bus stop. It is served by Bus Eireann and is not serviced by frequent urban bus services. Section 2.4 also refers to *Peripheral and/or Less Accessible Urban Locations*. This includes: *Sites in suburban development areas that do not meet proximity or accessibility criteria*. For apartment development it recommends broadly, 45 units per hectare.

7.2.4. The proposed development for 28no. residential units on a site area of 0.2773 hectares and the resultant density is therefore c.101dpha (dwellings per hectare). This is considerably greater than the density of adjacent residential developments. The Planning Authority consider this too high and refer to the *Sustainable Residential Development in Urban Areas Guidelines (DoEHLG May 2009)* and to

Section 5.11 which refers to *Outer Suburban/'Greenfield' Sites*. This recommends in the interests of land efficiency 35-50 dwellings per hectare, which they consider more appropriate to the subject location. However, it could be considered under Section 5.9 that this site in view of its locational context to be more appropriately described as *Inner suburban/infill*. This includes: *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*

7.2.5. Regard is had to the Section 28 - *Urban Development and Building Heights Guidelines 2018*. Section 3.2 is concerned that the proposed development is at a scale of the relevant city/town, and this includes reference to larger urban redevelopment sites and making a positive contribution to placemaking. It refers to the need for a landscape and visual assessment. Section 3.4 of these Guidelines provides that urban developments, outside city and town centres and inner suburbs, i.e the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities in the range of 35-50 dwellings per hectare net). Section 3.6 refers to development which integrates well into existing neighbourhoods and provides that 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. Regard is also had to linkages and to compliance with DMURS.

7.2.6. I note that the area is characterised by 3 storey apartments and 2/3 storey dwellings. I would consider that in the context of other development in this suburban area outside the centre of the town of Balbriggan that the proposed density and height of the blocks is too high having regard to the locational context and streetscape.

### 7.3. **Design and Layout**

7.3.1. It is proposed to demolish the existing house to allow for the proposed redevelopment of the site. The application form provides the floor area of this is 155sq.m. On site I noted that the site is very overgrown and the house is in derelict and ruinous condition. I would have no objection to its demolition and to the

sustainable redevelopment of the site. Regard is had to the trees and shrubs in the Landscaping Section below.

- 7.3.2. It is proposed to construct two separate apartment blocks to provide a total no. of 28no. apartment units. These are to comprise, one, two and three bedrooms with an area of amenity open space to the rear. A total of 28no. on-site car parking spaces are to be provided with 23no.spaces to the front and 5no. spaces within Block B at under croft car park level. It is proposed to provide a single vehicular entrance from Hamlet Lane.
- 7.3.3. As shown on the plans the apartment blocks vary between 4 and 5 storeys in height. The Planning Statement provides details of the Unit Mix and Typology and Table 2 provided the Proposed Schedule of Accommodation. Block A is to the west and proposes a total no. of 13 apartments i.e 3no. 1 bed apartments, 9no. 2 bed apartments and 1no. 3 bed apartment. It is shown 4 stories in height with the 3 bedroom apartment at penthouse level. The elevations show that the overall height is c. 12.2m.
- 7.3.4. Block B is to the east and is to be 5 stories in height (including under croft carpark area), 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors i.e.15.2m to ridge height) and is to contain 15no. units. This comprises 4no. 1 bed apartments and11no. 2no. bed apartments. Apartment no.14 is shown on the lower level (Car Park Plan) adjacent to the cycle parking and additional car parking area.
- 7.3.5. It is submitted that 15 of the 28no. apartments which are to be provided in total are dual aspect, which is in excess of 50%. Private amenity open space is to comprise balconies with an area of shared communal open space at the rear. Bike and bin storage is to be provided in the car park area under Block B.
- 7.3.6. Apartment Developments should be of high-quality design and layout having due regard to the character and amenities of the area. Accordance should be had to the relevant Guidelines. In terms of quantitative standards, I consider that the proposed development, generally complies with all relevant requirements for unit size, room size, storage provision, unit mix, dual-aspect, private amenity space, floor-to-ceiling heights, and core arrangement as set out in the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*, 2018. However, I would have some concerns about the location of apartment no.14 in Block B

adjacent to the car park and would consider that if the Board decide to permit that in the interests of residential amenity it should be omitted.

#### **7.4. Landscaping and Open Space**

- 7.4.1. The Planning Statement submitted provides that there will shared open space throughout the site, in particular to the rear of the apartment buildings. This will provide a south facing rear amenity space for the apartments and would be considered as communal open space. There is also to be some grassed and landscaped area on the site frontage adjacent to the car parking areas. However, it is not considered that this could be considered as usable open space for future residents.
- 7.4.2. Regard is had to the Parks and Green Infrastructure Division's Report. They note that there is a shortfall in the quantum of public open space of 875sq.m. It is provided that the applicant is required to make up this shortfall by way of a financial contribution in lieu of open space in accordance with section 48 of the Planning and Development Act 2000 (as amended). Objectives DMS57 and Objective DMS57B of the current development plan refer. It is noted that this contribution will be applied towards the continued upgrade of local class 1 open space facilities in the Balbriggan area namely Bremore Regional Park.
- 7.4.3. The site is at present very overgrown and contains many trees and shrubs including along the site boundaries and at the rear of the site. An Arboricultural Report has been submitted. It is noted that the Tree Survey drawing referred to in the Report has not been submitted. It is submitted that the site supports a diverse tree population of varying condition, the majority of which are categorised as 'U'. Also, that species such as Beech, Sycamore, Ash and Grey Alder in view of their potential size are not suitable for retention within a high density urban scheme. It is of note that Appendix 1 of the Report includes a Tree Data Table where some Category B2 trees are referred to.
- 7.4.4. However, it is submitted that as the development will provide for a new residential complex and will encompass the retention of none of the existing site trees then no tree protection plan has been provided. In addition, note is made that the proposed development will require substantial amendments to current ground levels across



notable areas of the site. New landscaped works are to be provided, although it is noted that a Landscape Plan has not been submitted.

- 7.4.5. The Parks and Green Infrastructure Division's Report notes that the Tree Survey submitted by the applicant does not contain any drawings. It is not clear if any of the trees are being retained and tree protection information has not been submitted for the retained trees. Also, that a tree bond be calculated based on the submitted information. In addition, that a Landscape Plan had not been submitted. They requested that further information be submitted on these matters, including taking in charge. It is recommended that if the Board decide to grant permission that conditions be included relative to the submission of a Landscaping Scheme to be agreed with the planning authority prior to the commencement of development, and that a development contribution be applied in lieu of open space.

## 7.5. Impact on Residential Amenity

- 7.5.1. The Observations are concerned that the proposed development will impact adversely on their residential amenities. That the proposed bulk, height and massing would be visually obtrusive and overbearing for local residents, in particular the adjoining 2 and 3 storey dwelling houses in Bremore Castle. They are concerned about overlooking from the balconies at the rear. It is noted that Block B is only c. 12.7m (the balconies c.10m) from the side elevation of no.121 Bremore Castle. The side elevation is less than 10m away from the rear of nos. 150 and 151 Bremore Castle. It is considered that having regard to the height of these blocks that they will in addition to overlooking be overbearing for the proximate houses and their garden areas in Bremore Castle.
- 7.5.2. Objective DMS28 of the Fingal CDP 2017-2023 provides: *A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.*
- 7.5.3. Blocks A and B are shown sited proximate (c.1.4m) to the eastern and western side boundaries. This means that there is little circulation space around the side of the buildings. It is noted that the Site Layout Plan shows Block A as being within 4m

from the side of the two storey element of Bremore Meadows to the west. However, that apartment development has been designed to respect the site boundaries with 2 storey elements on either side of the 3 storey block and set back in excess of 2m from the site boundaries.

- 7.5.4. It is noted that while the proposed development is north of the houses to the rear, Shadow Projection drawings relative to the impact on adjacent development have not been submitted. Also, photomontages to include views and visualisations relative to the impact on the streetscape on Hamlet Lane and surrounding area have not been submitted.
- 7.5.5. It is of note that the First Party provide that in the event that the Board determine that the development is still required to respond more effectively to the surroundings of the subject site, they would welcome the opportunity to amend the building form of the development by way of Condition in terms of providing a reduced floor to both Block A and Block B or by providing setbacks to both blocks to taper down the development towards adjoining boundaries.
- 7.5.6. In the event the Board decide to permit they may decide to include a condition relative to the omission of the first or second floor of each of the blocks. This would result in the omission of 8no. apartments. As recommended above it is considered that apartment no. 14 should also be omitted. This would result in a total of 19no. apartments which would reduce the density to c. 69 dwellings per hectare.
- 7.5.7. However, I would consider that while apartments may be acceptable in principle on this site, there is an opportunity for a more attractive lower profile form of development, that would include retention of some of the trees. I remain concerned about the overall design concept, the height, scale and massing and the level of overlooking to the proximate houses in Bremore Castle. Also, the parking deficit and the under provision of open space and landscaping. I would therefore consider that a redesign would be preferable, and such would be best addressed by way of a new application.

## **7.6. Impact on the Character and Amenities of the Area**

- 7.6.1. Having regard to the proposed design and layout, I would have some concerns that as shown on the Contextual Elevations, that as an infill development the proposed

blocks will appear higher than other 2/3 storey developments in the area and that the design will appear cramped and will be detrimental to the character of the area. It will appear visually dominant and obtrusive in the streetscape and out of context with adjacent residential developments. As such I would be concerned that it would in the form submitted set an undesirable precedent for other such higher density apartment development in the area. As such it would be contrary to Objectives PM44 and DMS39 regarding appropriate infill development and protection of existing amenity of the Fingal DP 2017-2023 and to Section 5.9 of the *Sustainable Residential Development in Urban Areas 2019*, relative to infill residential development respecting the amenities and privacy of adjoining dwellings and the established character of the area.

## **7.7. Access and Parking**

- 7.7.1. It is noted that Hamlet Lane is a main artery road in Balbriggan and provides a direct link to the R132 (Drogheda Street) into the town centre to the south and Gormanstown to the north. The R122 provides a direct link to the M1 and onwards to the M50 and the wider national road network. It is a busy main road, and while there are footpaths on either side, there are currently no cycleways. A speed limit of 50kph applies to Hamlet Lane. As Hamlet Lane is a main artery route, on-site parking is provided for the existing residential developments. It would not be desirable in the interests of road safety to have overspill parking on the roads.
- 7.7.2. Relative to the subject site it is proposed to close the existing two vehicular accesses and to provide a relocated in/out access to Hamlet Lane. The Engineering Services Report submitted with the application, provides that the proposed access will take the form of a vehicle crossover rather than a junction as this is considered more pedestrian and cyclist friendly. It is provided that the internal road network has been designed in accordance with the requirements of DMURS. The internal road width is 6.0m and the footpath is 1.8m. A vehicle swept path analysis has been carried out on the scheme and is included in the drawings submitted.
- 7.7.3. The Site Layout Plan shows the provision of 23no. spaces within the site frontage area and 5no. spaces as under-croft parking beneath Block B as shown on the Car Park Plan. This would allow for 1no. space per unit which is considerably less than

that given in Table 12.8 of the Fingal DP 2017-2023 which provides the car parking standards i.e 1.5 spaces per 2 bed unit and 2 spaces per 3+ bedrooms (plus 1 visitor space per 5 units). Therefore, the proposal will result in an on-site parking deficit, in an area that is not well served by proximate frequent public transport links.

- 7.7.4. The Council's Transportation Planning Section notes the need for a revised drawing of sightlines in accordance with DMURS for 50m to the near side kerb should be submitted. They also provide that the access to the development should be designed as a crossover of the footpath so pedestrians and cyclists retain priority. They are concerned that swept path analysis should be provided for the under-croft car parking spaces and should demonstrate clearly, vehicle-pedestrian inter-visibility and safe pedestrian access route and footpath connectivity. While they do not consider that the additional traffic will have a significant negative impact in this area, they are concerned about the extent of the parking deficit (from 44 spaces required as per the Fingal DP standards to 28no. to be provided). Also, that there is no allowance for visitor parking.
- 7.7.5. The Car Park Plan for Block B shows that there are to be 2no. cycle stores to be provided within the under-croft area. Presumably one of these will be for Block A. The Transportation Planning Section also note that the applicant proposes to provide 44no. cycle spaces and provide that given the reduced parking provision the proposed development should make provision for the minimum of 64no. bicycle parking spaces. In addition, that the applicant should address how the cycle parking deficit and the provision of separate secure compartments for each unit would be provided.
- 7.7.6. It is noted that the Apartment Guidelines 2018 allow for a reduced quantum of car parking (Section 4.18 refers) having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria. This includes regard to public transport links. As noted, the subject site in view of its more peripheral location is not considered highly accessible to public transport links and this area of Hamlet Lane does not include cycle lanes. Potential of overspill parking into the adjoining residential estates is a concern in the Observations made. I would consider that additional on-site parking including visitor parking should be provided. This would be better addressed in a revised scheme that would include a reduction in the number of units to be provided.

## 7.8. Drainage and Flooding

- 7.8.1. The Engineering Services Report submitted with the application includes details of Surface Water drainage. It is proposed to connect to existing services. A comprehensive sustainable urban drainage system, SuDS is to be incorporated into the development. This includes attenuation storage (as shown in the Drainage Layout as being located in the green area at the rear), permeable paving and limiting discharges. Details are given of the infiltration and storage calculations including attenuation volume for the development in Appendix B of the Engineering Service Report.
- 7.8.2. Storm flows are to be attenuated to the requirements of GDSDS and are to comply with the criteria detailed in Table 1 of the Report. These include: Criterion 1 – *River Water Quality Protection*; Criterion 2 – *River Regime Protection*; Criterion 3 – *Level of Service (Flooding) for the site; River Flood Protection*. It is provided that all proposed buildings are designed to be at least 500mm above the design 100 year water level in the attenuation facility for the overall catchments, in accordance with requirements. In addition, that the analysis shows that no flooding is expected in the 100year return period storm event.
- 7.8.3. Having regard to Foul Water Drainage, it is provided that it will be necessary to construct a new sewer discharging from the site to the public network on Hamlet Lane. A number of Appendices are included relative to foul drainage and compliance with the Irish Water Code of Practice for Wastewater Supply. A copy of the Pre-connection Enquiry response from Irish Water in relation to supply for the proposed development is included in Appendix E.
- 7.8.4. It is noted that the site is currently serviced for potable water supply by a connection off the existing main in Hamlet Lane – Appendix C refers. The proposed development seeks to connect to this main in accordance with current best practice. Reference is had to the Irish Water response in Appendix E. It is noted that Irish Water did not object to the proposal subject to standard conditions.
- 7.8.5. The Engineering Services Report includes Section 7.0 on Flooding. This notes that the OPW report is included in Appendix F and confirms that there are no records of flooding in the immediate area of the site. Inspection of the FEM FRAMS Balbriggan North Stream Model Flood Extent Map detailing flooding for the OPW confirms that

Tidal Flooding does not extend to the site. It is provided that further to consulting the OPW flood database and the FEM FRAMS flood mapping, that it is confirmed that there are no records of any flood event which impact on the subject site.

- 7.8.6. It is noted that the Council's Water Services Department had some concerns relative to surface water drainage. This includes the need for a thorough SUDS evaluation sheet and to consider the substitution of green infrastructure in place of the underground attenuation tank. That regard be given to the various alternative measures available. They are also concerned about discharge from the site being excessive and that measures should be included to reduce flow. In addition, that no surface water/rainwater discharge to the foul water system, and compliance with current standards and Codes of Practice. They noted that the applicant has included some flood maps showing that the site is outside of known flood zones. However, given the highly vulnerable nature of the development, they considered that a commensurate flood risk assessment in line with the requirements of the *Planning System and Flood Risk Management Guidelines*, should be carried out and submitted as additional information.

## 7.9. Screening for Appropriate Assessment

- 7.9.1. The Planner's Report notes that the appeal site is not designated for any nature conservation purposes and lists a number of Natura 2000 sites all of which are in excess of 4kms from the site. These are as follows:
- River Nanny and Shore SPA (site code: 004158) – approx. 4kms to the north-east of the site.
  - Skerries Islands SPA (004122) – approx. 7.7kn to the south-east of the site.
  - Rogerstown Estuary SAC (208) and SPA (004015) – approx.12.3km to the south-east of the subject site.
- 7.9.2. The appeal site is a fully serviced and zoned suburban site, which is surrounded by existing residential development and which is not within or in close proximity to any Natura 2000 sites. The nearest such sites are at a considerable distance, and there are no watercourses within or proximate to the site. Subject to standard good practice construction methods and having regard to nature and scale of the

proposed development, the nature of the receiving environment and the distance to the nearest European sites, 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 that permission for the proposed development be refused.

## **9.0 Reasons and Considerations**

1. Having regard to the Sustainable Urban Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May, 2009 and the Design Manual for Urban Roads and Streets issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2019, the policies and objectives in the Fingal Development Plan 2017-2023 (as varied), it is considered that, by reason of the response to the site context, the proposed development and in particular the design, height, scale, massing and positioning of the apartment blocks would result in a poorly designed, overdevelopment and unsustainable form of urban development that would cause overlooking, result in a deficit of open space and car parking, would detract from the character and amenities of the area. The proposed development would, therefore, be contrary to objectives PM44 and DMS39 of the Fingal Development Plan 2017-2023 (as varied), would set an undesirable precedent for the Hamlet Lane area of Balbriggan and would seriously injure the amenities of the area including the residential amenity of nearby dwellings and of future occupants of the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

23<sup>rd</sup> of December 2020