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- (a) **Planning and Development Act 2000 (as amended) & Planning and Development Regulations 2001 (as amended) (Part 8)**
- (b) **Local Government Act 2001 ( as amended )**
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**In compliance with the provisions of Section 179 of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) and in compliance with the provisions of the Local Government Act 2001 and pursuant to the requirements of the above, notice is hereby given of Dublin City Council's intention to carry out the following works:**

**Application No:** 3557/21

**Proposal:** LAW: Planning and Development Act 2000 (as amended) Planning and Development Regulations 2001 (as amended) - Part VIII

**Applicant:** Executive Manager, Housing Department, Dublin City Council.

**Location:** Avila Park & Avila Close, Finglas West, Dublin 11

**Proposal:** Demolition of the existing Community Centre at Avila Park. On the resulting site, the proposed construction of a four bedroom house and a one bedroom house

On Avila Close it is proposed to demolish the existing 2 sheds and build a two bedroom house.

All 3 houses will be detached and single storey. Provision of car parking spaces to the front and private amenity spaces to the rear in each case. Amendments to the public pavements are to be made for vehicle access. Ancillary site services works, together with hard and soft landscaping works and amendments to boundary walls are proposed.

**Site Notices:** In place and in order on 20/10/2021

### **Zoning and designations**

The subject site is located within an area Z1 '*To protect provide and improve residential amenities*'.

### **Policy**

**QH13:** To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Residential Quality Standards and with regard to the Lifetime Homes Guidance contained in Section 5.2 of the Department of

Environment, Heritage and Local Government 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

**QH21:** To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.

**QH22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

**QH23:** To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwellings units is provided in order to promote sustainable development by making efficient use of scarce urban land

**QH27** To recognise the separate identity, culture, tradition and history of the Travelling people and to reduce the levels of disadvantage that Travellers experience

**QH28** To provide for a range of accommodation options for Travellers who normally reside in the Dublin city area and who wish to have such accommodation in accordance with the Dublin City Council Traveller Accommodation Programme 2014 – 2018 and as updated during the lifetime of the plan

**Section 5.5.10 Traveller Accommodation:** The City Council is committed to the provision of high-quality Traveller accommodation, where possible, in accordance with the aspirations and desires of the majority of Traveller families in the 'assessment of need'.

### **Standards for Development**

Internal Layout and Space provision' contained in the DoEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)".

### **Section 16.10.10 (Infill Housing)**

In general infill housing should comply with all relevant development plan standards for residential development: however in certain circumstances the planning authority may relax the normal planning standards in the interest of insuring that vacant, derelict and underutilised land in the inner and outer city is developed

Infill Housing should:

- Having regard to the existing character of the street by paying attention to the established building line proportion, heights, parapet levels and materials of surrounding buildings
- Comply with the appropriate minimum habitable room sizes
- Having safe means of access to and egress from the site which does not result in the creation of a traffic hazard

### **Section 16.10.2 (Residential Quality Standards – Houses)**

This section contains standards under the following headings that shall apply to the proposed development:

- Floor area.
- Aspect, Natural Lighting and Ventilation
- Private Open Space
- Safety and Security
- Acoustic privacy

### **Section 16.2.1 (Design Principles)**

This section of the Development Plan states that development will respond creatively to and respect and enhance its context, and have regard to *inter alia* :

- The character of adjacent buildings, the spaces around and between them and the character and appearance of the local area and the need to provide appropriate enclosure to streets.
- The character, scale and pattern of historic streets, squares, lanes, mews and passageways.
- Existing materials, detailing, building lines, scale, orientation, height and massing, plot width.

### **Site Description:**

The Avila estate is located to the north off the Cappagh Road close to the City Council boundary, and immediately adjacent to an extensive housing area. The subject sites are located in the Avila estate – one to the south of 3 Avila Park – referred to as ‘Avila Close site’ and the second the site of the existing vacant community centre in Avila Park. They form part of the residential enclave that is Avila estate, all single-storey dwellings.

The smaller site to the south of 3 Avila Park – the Avila Close site – is a triangular-shaped, vacant site at the end of a cul-de-sac while the larger site – the Avila Park site – is occupied by a single-storey community centre which is proposed to be demolished as part of this application. The community centre has been vacant since 2013 (unverified – as per documentation submitted). It is unkempt, dilapidated and detracts from the visual amenity of the area in its current state.

### **Planning History**

**2884/98 (Local Authority Works):** Application for development of 12 single-storey four bedroom houses, community building and landscaping

**3306/17 (Local Authority Works):** City Council approval to rebuild a single storey 3 bedroom house on the site of a former house at 8 Avila Park, Finglas, Dublin 11.

### **Departmental Reports:**

**Drainage Division:** Report dated 15/10/21 indicates no objections subject to conditions

**Roads and Traffic Planning Division:** Report dated 03/11/21 stating, inter alia, that the Proposing Department engaged in Pre-Part 8 consultation with this division (and the Environment and Transport Department) in relation to the proposed development in October 2020; that the proposed development has taken on board previous comments issued during the Pre-Part 8 consultation in relation to the proposed access points and extension of the existing footpath. The division has no objections to the proposed development.

### **Observations/ Objections**

The Planning Authority has not received any objections to the proposed development.

### **Assessment:**

It is proposed to provide 3 no. dwellings at Avila Park and Avila Close in Finglas; 2 no. dwellings are to be provided at the location of the former community centre which is to be demolished and 1 no. dwelling is proposed to be provided at the end of the existing cul-de-sac at Avila Close. Each detached dwelling will be served by a separate vehicular entrance. Changes are proposed to the existing road layout necessitating the relocation of the existing ramps away from the vehicular entrances for the dwelling.

The sites are zoned Z1 with the accompanying landuse objective ‘*To protect provide and improve residential amenities*’.

The proposal to demolish the existing community centre and to build 3 no. single-storey dwellings (detached) is permissible in principle under the zoning objective.

A permissible use in one which is generally acceptable in principle in the relevant zone, but which is subject normal planning consideration under the policies and objectives of the development plan.

The proposed development is on two sites. The first site is currently occupied by the vacant Community Centre at Avila Park. The second site is nearby at the southern end of Avila Close. The community centre has not been in use for some years and it is to be demolished.

A 4 bedroom house and a 1 bedroom house are to be built in its place while on Avila Close a 2 bedroom house is to be built on the available land. All 3 houses will be single storey. They are to have car parking spaces to the front and private amenity spaces to the rear. Amendments to the current paving are to be made together with hard and soft landscaping around the new houses.

### **Demolition of Community Centre:**

The existing detached community centre, built as part of the parent permission on the site, is proposed to be demolished as part of the application. According to information submitted with the application the community centre has not been in use for some years; the building is a source of anti-social behaviour and the site used as a dumping ground. The playground to the rear of the community centre is also identified as a source of anti-social behaviour.

The documentation submitted with this application states that there have been no activities in the centre since 2013 (unverified) and that the residents have requested that the building be demolished and the resulting ground be used to address overcrowding issues. A 4 bedroom house and a 1 bedroom house are to be built in its place

While the demolition of community facilities and their replacement with another use is not favoured by the planning authority in the majority of circumstances, in this instance, having regard to the rationale presented, the unsightly and dilapidated nature of the existing single-storey centre, its long period of inactive use, anti-social behaviour on the site and the need to provide for additional housing to address overcrowding issues experienced in the existing estate/development, there is no objection by the Planning and Development Department to the demolition of the community centre in order to provide for the erection of two dwellings on the site of same.

### **The Erection of 3 no. Dwellings**

The site containing the existing community centre (north-west of the entrance road into Avila Estate) is proposed to accommodate:

- 1 no. one-bedroom single-storey dwelling and 1 no. 4-bedroomed single-storey dwelling in Avila Park

And the second site located on Avila Close a

- 2 bedroom house is to be built on the available vacant site

The proposal must comply the Internal Layout and Space Provision standards set out Sections 5.3 and Table 5.1 of Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

### **House No. 1 (Single-storey, detached, 1-bedroom / 2-person dwelling):**

Floor area of 50 sq.m. provided while the minimum requirement is 44 sq.m.

The bedroom, aggregate living area; main living room all comply with the minimum floor area standards. Dedicated storage appears to have been provided at a rate of 2 sq.m. for a house of this size and type. A minimum of 3 sq.m. is required. Having regard to the surplus floor area provided in the dwelling additional storage should be provided. This requirement can be attached to the recommendation.

As per Section 16.10.2 of the Dublin City Development Plan private open space is normally required to the rear of a new dwelling at a rate of 10 sq.m. per bedspace. In this instance over 100 sq.m. is provided to the rear of the dwelling, well in excess of the minimum requirement of 20 sq.m.

1 no. car parking space is provide to the front of the dwelling.

**House No. 2: (single-storey, detached, 4-bedroomed/7 person dwelling)**

Floor area of 129.3 sq.m. provided while the minimum requirement is 100 sq.m.

The bedrooms, aggregate living area; main living room all comply with the minimum floor area standards. A minimum of 6 sq.m. of storage space is required. The schedule on the drawing indicates 6 sq.m. has been provided.

Having regard to the surplus floor area provided in the dwelling additional storage should be provided for. This requirement can be attached to the recommendation.

As per Section 16.10.2 of the Dublin City Development Plan private open space is normally required to the rear of a new dwelling at a rate of 10 sq.m. per bedspace. In this instance over 187 sq.m. is provided to the rear of the dwelling, well in excess of the minimum requirement of 70 sq.m.

1 no. car parking space is provided to the front of the dwelling.

**House No. 3 (single-storey, detached, 2-bedroomed/4 person dwelling)**

Floor area of 74.7 sq.m. provided while the minimum requirement is 70 sq.m.

The bedrooms, aggregate living area; main living room all comply with the minimum floor area standards. A minimum of 4 sq.m. of storage is required. The schedule on the drawing indicates 4 sq.m. of storage space has been provided.

As per Section 16.10.2 of the Dublin City Development Plan private open space is normally required to the rear of a new dwelling at a rate of 10 sq.m. per bedspace. In this instance over 150 sq.m. is provided to the rear of the dwelling, well in excess of the minimum requirement of 40 sq.m.

Comparing the proposal against the Internal Layout and Space Provision standards set out Sections 5.3 and Table 5.1 of Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) the proposal meets or exceeds all standards.

**Design**

The dwellings are single-storey, detached with rear and front gardens with car parking provided in the front garden/off street. The buildings ae to be built using traditional methods of construction including:

- Alu-clad timber framed triple glazed windows and doors
- External finishes of roughcast plaster with brick outer leaf / panels on selected walls

The existing low boundary walls, along the main public road (Cappagh Road) and within the estate where existing are to be retained and any damage existing to the render finish are to be made good. Railings are to be fixed to the top of the walls.

The buildings are to be designed and proposed to be constructed to meet the requirement of Part L TGD 2019 of the Building Regulations in respect of nZEB.

The design and character of the dwellings are in keeping with those existing in the Avila estate +and are considered acceptable. It is considered that by reason of the scale and layout of the house that the proposed development does not impinge on the residential or visual amenities

of the area and that it does not result in undue overshadowing of any neighbouring property. The development is considered acceptable.

### **EIA**

Having regard to the nature, size and location of the proposed development and the context of the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2019, it is concluded that there is no real likelihood of significant effects on the environment and as such an EIA is not required.

### **Appropriate Assessment:**

The development has been screened for AA. It has been found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

### **Conclusion**

The proposed development, involving the demolition of the community centre; and the proposed construction of 3no. dwellings is consistent with the requirements for new dwellings as set out under the Quality Housing for Sustainable Communities (DoEHLG 2007) guidelines and the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

### **Recommendation**

It is recommended that a decision be made by the elected members of Dublin City Council to proceed with the proposed development subject to the following requirements of the Technical Departments:

#### **1. Drainage:**

- (i) The applicant shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads)
- (ii) There is an existing public surface water sewer running through the site on Avila Close. The exact location of this pipeline must be accurately determined on site prior to construction work commencing. No additional loading shall be placed on this sewer. Any damage to it shall be rectified at the developer's expense. A proposed surface water layout shall be submitted to the Drainage Division indicating proposed **clearance/diversion**, following site investigations, for written agreement with DCC Drainage Division prior to commencement of the development.
- (iii) The developer shall carry out both a pre- and post-construction CCTV survey on the public surface water sewers affected by this development, as agreed with Drainage Division. The pre-construction survey is to be submitted to the Drainage Division prior to commencement of the development. The post-construction survey is to be submitted to the Drainage Division for written approval no later than on completion of the development. Any damage to the sewer shall be rectified at the developer's expense.
- (iv) Records of public surface water sewers are indicative and must be verified on site. The Developer must carry out a comprehensive site survey to establish all public surface water sewers that may be on the site. If surface water infrastructure is found that is not on public records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements

- (v) Connections from this development to the public surface water sewer network, notwithstanding whether the connection is discharging directly to the public sewer or into a private system discharging to the public sewer, will only be granted when the developer has obtained the written permission of the Drainage Division. All expense associated with carrying out connection works is the responsibility of the developer. Developers are not permitted to connect to the public surface water network system without written permission from the Drainage Division. Any unauthorised connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway.
- (vi) Detailed "as-constructed" surface water layouts for all diversions, extensions and abandonment of the public surface water sewer, in both hard and soft copy to an approved format, are to be submitted by the Developer to the Drainage Division, no later than on completion of the development
- (vii) The development is to be drained on completely separate foul and surface water systems with surface water discharging to the public surface water system
- (viii) The development shall incorporate Sustainable Drainage Systems in the management of surface water, as shown on Drawing no. C18/08/034-PP-002 Rev. M, "Site Layout Plan - General Arrangement".
- (ix) Demolition: The Developer shall take care to protect all public sewers that may be affected by demolition works, in particular no debris should be allowed to enter the public sewerage system. Where possible the Developer must disconnect and cap all drainage links from the private site in order to prevent any demolition debris entering the public network.

2. Transportation Planning Division:

- (i) No gates shall open outwards across the public footpath.
- (ii) Any changes to the public road and footpath, including the relocation of existing ramps, shall be in accordance with the Construction Standards for Roads and Street Works in Dublin City Council and to the requirements of the Area Engineer.
- (iii) Footpath and kerb to be dished and new entrances provided to the requirements of the Area Engineer, Roads Maintenance Division.
- (iv) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (v) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

3. Dedicated storage shall be provided for each dwelling at a minimum rate of 3sq.m. for the proposed 1-bedroom dwelling; 4 sq.m. for the 2-bedroom dwelling; and 6sq.m. for the 4-bedroom dwelling.

The Area Committee as appropriate were informed of the initiation of the Part 8 planning process for the proposed development and the recommendation of the Planning Department at its meetings on the 16<sup>th</sup> April 2019 and 14<sup>th</sup> December 2021 respectively.

The project is being funded the Department of Housing, Local Government and Heritage.

**Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development.**

This report is submitted to the City Council pursuant to Section 179 of the Planning and Development Act, 2000 (as amended).

**Resolution:**

“That Dublin City Council notes the contents of Report No 14/2022 and hereby approves the contents therein.”

**Owen P. Keegan**

Chief Executive

16<sup>th</sup> December 2021

**Appendix A**  
**Consultees and Third Party Submissions/Observations**

Consultees

Irish Water, Colvill House, 24 - 26, Talbot Street, Dublin 1

Third Party Submissions

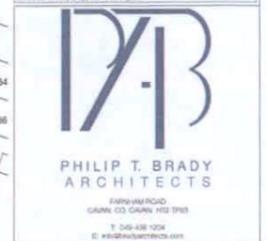
No third party submissions received



DCC PLAN NO 3557/21  
 RECEIVED: 24/09/2021

Sports Ground  
 Multiple Use

**GENERAL NOTE**  
 1. This plan is a site location map only.  
 2. It is not intended to be used as a title deed or as a basis for any other legal proceedings.  
 3. It is not intended to be used as a basis for any other legal proceedings.  
 4. It is not intended to be used as a basis for any other legal proceedings.  
 5. It is not intended to be used as a basis for any other legal proceedings.  
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 8. It is not intended to be used as a basis for any other legal proceedings.  
 9. It is not intended to be used as a basis for any other legal proceedings.  
 10. It is not intended to be used as a basis for any other legal proceedings.



App Title  
**3 no. Houses at Avila Park and Avila Close**  
 Finglas West  
 Dublin 11  
 for  
 Dublin City Council

Drawing Name  
 Site Location Map

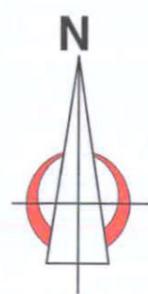
Drawing Status  
 Planning Permission

Drawn by  
 Deirdre Moagher  
 Date  
 July 2021

Checked by  
 Philip Brady

Drawing Scale  
 1:500 @ A1; 1:1,000 @ A3

Project No. Status No. Revision  
 C18/05/034 PP 000 Rev A



Site Location Map  
 Scale: 1:500 @ A1; 1:1,000 @ A3  
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