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## **Planning and Development Acts 2000 to 2019**

### **Planning Authority: Fingal County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 18th day of September 2019 by Bartra Property (Castleknock) Limited, care of Thornton O'Connor Town Planning, No. 1 Kilmacud Road Upper, Dundrum, Dublin 14.

#### **Proposed Development:**

A planning permission for a strategic housing development on a 0.317 hectare site at Brady's Public House, Old Navan Road, Dublin 15.

The proposed development will principally consist of:

The demolition of the existing part 1 to part 2 number storey over partial basement public house and restaurant building (1,243 square metres) and the construction of a part 1 to part 5 number storey over basement Build-to-Rent Shared Living Residential Development (6,549 square metres) comprising 210 number bedspaces (182 number single occupancy rooms, four number accessible rooms and 12 number double occupancy rooms).

The proposed development also consists of:

- the provision of communal living/kitchen/dining rooms at each floor level to serve the residents of each floor;
- communal resident amenity spaces for all residents including tv/cinema room at basement level, gymnasium and lounge/reception area at ground floor level, a library/study at third floor level and a private dining room at fourth floor level;
- external roof terrace at third floor level (78 square metres) facing north-east, north-west and south-west; external communal amenity courtyards at basement (170 square metres) and ground floor level (336 square metres);
- external amenity space at basement level accessed from the communal living/kitchen/dining room (30 square metres);
- balconies at third floor level facing north-east/north-west (14.35 square metres);
- resident facilities including launderette, linen store, accessible WC and bin store;
- two number accesses to the public park along the north-eastern boundary;
- two number car-share parking spaces; a lay-by and delivery bay; emergency gate access to the courtyard (north-west boundary); bicycle parking;
- boundary treatments; hard and soft landscaping; plant; PV panels; substation; switch room; generator; lighting; and all other associated site works above and below ground.

## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location close to the centre of Blanchardstown designated as a 'Consolidation Town' in the Metropolitan Area of the county where the overall settlement strategy is the continued promotion of sustainable development through positively encouraging consolidation and densification of the existing urban built form;
- (b) the site's close proximity to a range of services and facilities including Connolly Hospital, Blanchardstown Town Centre, Castleknock Train Station.
- (c) the provisions of the Fingal County Development Plan 2017-2023, including the zoning of the site for residential use under objective 'RS', 'Provide for residential development and protect and improve residential amenity'.
- (d) the objectives of the National Planning Framework in particular objectives 3b, 11, 27, 33 and 35;
- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) the provisions of the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Department of Housing, Planning and Local Government in December 2018;
- (g) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- (h) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (i) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (j) the nature, scale and design of the proposed development;
- (k) the availability in the area of a wide range of social and transport infrastructure;
- (l) the established and emerging pattern of development in the area;
- (m) the submissions and observations received, and
- (n) the report of the Inspector.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the lack of direct connections with regard to the source-pathway-receptor model, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

## Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

### Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would be acceptable in terms of pedestrian and traffic safety and convenience and would not give rise to flooding in the area and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the location of the site was in accordance with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and in particular having regard to Section 5.22 which states inter alia that "*proposals may be related to the*

*accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities*". The Board notes the core urban location Blanchardstown, a 'Consolidation Town' in the Metropolitan Area and the health campuses at Connolly Hospital and considers that the site meets the criteria set out in the Guidelines as demonstrated in the proposed development as submitted and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Furthermore the Board is satisfied that the proposed development meets the requirements for shared accommodation in terms of the the common living and kitchen facilities required in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and considered that the design and layout of the overall scheme having regard to its context was acceptable and therefore, in accordance with the proper planning and sustainable development of the area.

The Board, having regard to the location of the site and to the recent planning history on the site, considered that the proposed development would be acceptable in terms of its design, height, bulk and form, would constitute an appropriate level of development for the site and would not seriously injure the residential or visual amenities of the area or of adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Finally, the Board was satisfied that the proposed development in close proximity to a train station, a tertiary hospital and a town centre with all associated amenities, provided an acceptable level of provision for bicycle parking, car share parking and set down facilities and noted that the proposed development was in accordance with *"default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services"*, as set out in SPPR9 (iv) of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

All bedrooms shall be provided with functional kitchens to include cooking hobs.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of providing a satisfactory standard of residential amenity for occupants of the development.

3. The Shared Accommodation units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018).

**Reason:** In the interests of the proper planning and sustainable development of the area.

4. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first 'shared living units' within the scheme.

**Reason:** In the interests of proper planning and sustainable development of the area.

5. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Shared Accommodation scheme. Any proposed amendment or deviation from the Shared Accommodation model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

7. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health and to ensure a proper standard of development.



8. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:
- (a) The roads and traffic arrangements serving the site, including signage, shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
  - (b) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
  - (c) All bicycle parking shall be in accordance with the detailed requirements of the planning authority for such works.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

9. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless

authorised by a further grant of planning permission.

**Reason:** To protect the residential amenity of property in the vicinity and the visual amenity of the area.

11. Site development and building works shall be carried out only between 08.00 to 19.00 hours 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.

12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the plan.

**Reason:** To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to 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.

**Reason:** In the interest of sustainable waste management.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Paul Hyde**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this  day of  2020