

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City 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 5th day of March 2021 by Eastwise Construction Limited care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin.

Proposed Development comprises of the following:

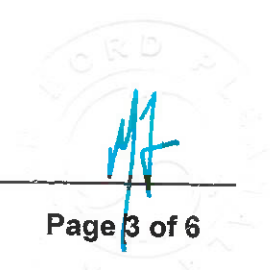
1. Construction of 475 number apartments and one number café unit arranged in seven blocks and a separate purpose built creche facility. The total gross floor space of the development is 42,195 square metres plus 10,460 square metres at basement level principally providing car and bicycle parking, plant and bin stores.
 - Block A is a part five number to part eight number storey over basement block containing 61 number apartments comprised of five number studio units, 19 number one-bedroom units, 30 number two-bedroom units and seven number three-bedroom units, one number café unit (99 square metres) and a communal amenity space including a reception area, meeting rooms and a lounge at ground floor level; the provision of a residents gym, yoga room and changing facilities at basement level; and the provision of a sun lounge and external garden terrace at sixth floor level.

- Block B is a part five number to part six number storey over basement block containing 78 number apartments comprised of 15 number studio units, 15 number one-bedroom units and 48 number two-bedroom units.
 - Block C is a part four number to part six number storey over basement block containing 54 number apartments comprised of 22 number one-bedroom units, 31 number two-bedroom units and one number three-bedroom unit.
 - Block D is a part seven number to part eight number storey over basement block containing 76 number apartments comprised of 36 number one-bedroom units, 39 number two-bedroom units and one number three-bedroom units.
 - Block E is a part four number to part eight number storey over basement block containing 58 number apartments comprised of 16 number one-bedroom units and 42 number two-bedroom units.
 - Block F is a six number storey block containing 76 number apartments comprised of 27 number one-bedroom units and 43 number two-bedroom units and six number three-bedroom units and a communal lounge at ground floor level.
 - Block G is a part four number to part six number storey block containing 72 number apartments comprised of six number studio units, 44 number one-bedroom units, 18 number two-bedroom units and four number three-bedroom units.
2. The subject scheme also includes a two number storey purpose built creche (circa 414 square metres) with an outdoor play area; 348 number car parking spaces comprised of 284 number spaces located at basement level and 64 number spaces located at surface level; 11 number motorcycle parking spaces; 527 number bicycle parking spaces comprised of 480 number secure cycle parking spaces and 47 number visitor cycle parking spaces; hard and soft landscaping; bin storage; Electricity Supply Board substations and switch rooms; and all other necessary associated site works above and below ground.

The proposed development principally replicates the layout and footprint of the scheme permitted under Dublin City Council Register Reference Number 3269/10 and An Bord Pleanála Reference Number PL29N.238685 (as extended under Dublin City Council Register Reference Number 3269/10/X1 and Dublin City Council Register Reference Number 3405/19) but proposes the slight relocation of the creche building to the west and additional height of up to one storey on some of the blocks and the rationalisation of the permitted floorplans, resulting in an increase in the overall quantum of residential units from 374 number apartments to 475 number apartments all located at Swords Road, Whitehall, Dublin 9 (to be known as Hartfield Place).

The site is bounded to the west by Swords Road, to the south by Highfield Hospital, to the north by vacant lands and Gaelic Athletic Association pitches and to the east by Beechlawn Nursing Home with residential development beyond. To facilitate the proposed development infrastructure works are also proposed to Swords Road including the installation of a 225 millimetre diameter watermain connecting to an existing watermain located on Collins Avenue, the installation of a foul and a surface water mains connection to High Park in the north eastern corner of the site and a connection to the existing surface water main on Swords Road at the south western corner of the site.

The proposed development also includes works to the adjacent road network including the introduction of a signalised fourth arm to the existing Swords Road and Iveragh Road junction with pedestrian crossings provided to all arms of the junction, to facilitate this one car parking space will be required to be removed along the western side of Swords Road and a new pedestrian refuge island will be provided on the southern arm of the junction. A right turn pocket is to be provided into the subject site on the northbound approach of Swords Road with a left turn filter lane provided on the southbound approach, shared with the bus lane.



The proposed development also includes the relocation of the existing footpath (along Swords Road) eastwards and the provision of a grass verge at the location of the existing path and a cycle path along the western boundary of the subject site. The proposed infrastructure works, and road network upgrade works are all on an area measuring circa 0.51 hectare, providing a total application site area of circa 3.25 hectare (32,461 square metres).

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

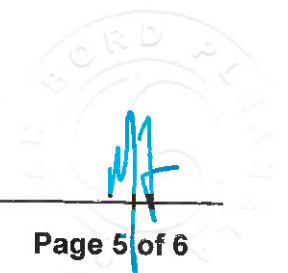
Matters Considered

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

The development site is zoned Z12 'Institutional Land (Future Development Potential)' as set out in the Dublin City Development Plan 2016-2022, with the objective 'To ensure that existing environmental amenities are protected in the predominantly residential future use of these lands'. Section 14.8.12 of the Dublin City Development Plan 2016-2022 requires that developments on lands with the Z12 zoning objective shall retain a minimum of 20% of the site as accessible public open space, incorporating landscape features and the essential open character of the site, which shall not be split up into sections and shall be comprised of soft landscape suitable for relaxation and children's play.

Having regard to the quantum, design and layout of the proposed public open space on the eastern side of the development, the Board is not satisfied that the development meets this requirement. In addition, having regard to the quantum, design and layout of the communal open space on the western side of the development, the Board is not satisfied that the development meets the quantitative standards set out in development plan section 16.10.1 in relation to the provision of communal open space for apartment developments. The development is, therefore, considered to materially contravene the Development Plan in relation to the provision of public and communal open space to serve the proposed apartments.



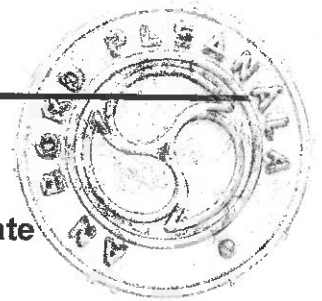
These issues have not been addressed in the applicant's Material Contravention Statement or mentioned in the site notices and the subject application, therefore, does not meet the requirements of section 8(1)(a)(iv)(I) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. The Board, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, in this instance and is precluded from granting permission.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 24th day of June 2021