



Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 14th day of April 2022 by J. Murphy (Developments) Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin.

Proposed Development comprises of the following:

645 number residential units (comprising 208 number one-bedroom units, 410 number two-bedroom units, and 27 number three-bedroom units), in 10 number apartment buildings, with heights ranging from four number storeys to 10 number storeys, including undercroft/basement levels (for six number of the buildings). The proposals include one number community facility in Block 1, one number childcare facility in Block 3, and five number commercial units (for Class 1 - Shop, or Class 2 – Office/ Professional Services or Class 11 - Gym or Restaurant/ Café use, including ancillary takeaway use) in Blocks 4 and 8.

The development will consist of the following:

- Block 1 comprises 29 number residential units, within a four storey building (with a pitched roof), including eight number one-bedroom units and 21 number two-bedroom units. A community facility (191.8 square metres) is provided at ground floor level.

- Block 2 comprises 23 number residential units, within a four storey building (with a pitched roof), including eight number one-bedroom units and 15 number two-bedroom units.
- Block 3 comprises 24 number residential units, within a four storey building (with a pitched roof), including six number one-bedroom units and 18 number two-bedroom units. A childcare facility (609.7 square metres) is provided at ground floor level.
- Block 4 comprises 93 number residential units, within a part seven, part eight, and part nine storey building, with an undercroft level, including 34 number one-bedroom units, 54 number two-bedroom units, and five number three-bedroom units. three number commercial units (with a gross floor area of 632.2 square metres) are provided at ground floor level.
- Block 5 comprises 91 number residential units, within a part six, part seven, and part eight storey building, with an undercroft level, including 34 number one-bedroom units, 55 number two-bedroom units, and two number three-bedroom units.
- Block 6 comprises 54 number units, within a part eight, part nine storey building, with an undercroft level, including 13 number one-bedroom units, 38 number two-bedroom units, and three number three-bedroom units.
- Block 7 comprises 117 number residential units, within a part seven, part eight, and part nine storey building height, over a basement level, including 40 number one-bedroom units, 76 number two-bedroom units, and one number three-bedroom unit.
- Block 8 comprises 94 number residential units, within a part six, part seven, part eight, and part nine storey building, over a basement level, including 33 number one-bedroom units, 58 number two-bedroom units, and three number three-bedroom units. A commercial unit (with a gross floor area of 698.2 square metres) is provided at ground floor level.
- Block 9 comprises 75 number residential units, within a part seven, part eight, part nine, and part ten storey building, over a basement level, including 23 number one-bedroom units, 48 number two-bedroom units, and four number three-bedroom units.

- Block 10 comprises 45 number residential units, within a part nine, part ten storey building, including nine number one-bedroom units, 27 number two-bedroom units, and nine number three-bedroom units.

The development includes a total of 363 number car parking spaces (63 number at surface level and 300 number at undercroft/ basement level). 1,519 number bicycle parking spaces are provided at surface level, undercroft/basement level, and at ground floor level within the blocks/ pavilions structures. Bin stores and plant rooms are located at ground floor level of the blocks and at undercroft/basement level. The proposal includes private amenity space in the form of balconies/ terraces for all apartments. The proposal includes hard and soft landscaping, lighting, boundary treatments, the provision of public and communal open space including two number playing pitches, children's play areas, and an ancillary play area for the childcare facility.

The proposed development includes road upgrades, alterations and improvements to the Dublin Road/R132, including construction of a new temporary vehicular access, with provision of a new left in, left out junction to the Dublin Road/ R132, and construction of a new signalised pedestrian crossing point, and associated works to facilitate same. The proposed temporary vehicular access will be closed upon the provision of permanent vehicular access as part of development on the lands to the north of the Gaybrook Stream. The proposal includes internal roads, bicycle paths, footpaths, vehicular access to the undercroft/ basement car park, with proposed infrastructure provided up to the application site boundary to facilitate potential future connections to adjoining lands.

The development includes foul and surface water drainage, green roofs and photovoltaic panels at roof Level, five number Electricity Supply Board substations and control rooms (one number at basement level and four number at ground floor level within Blocks 2, 4, 7 and 8), services and all associated and ancillary site works and development. The application site has an area of circa 4.635 hectares and is bound by the R132 to the east, the existing Boraimhe residential development to the south and west, and the Gaybrook Stream and a greenfield site to the north all located at Fosterstown North, Dublin Road and R132, Swords, County Dublin.

Decision

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

Reasons and Considerations

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

1. The proposed development fails to meet the criteria as set out in Section 3.2 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018) in that the proposed development would result in a visually dominant, monolithic and overbearing form of development when viewed from the public realm, from within the development, and from surrounding residential development, and fails to provide public spaces of sufficient scale and quality, relative to the quantum of development proposed. This has resulted in poor urban design and placemaking. The proposal would, therefore, be contrary to the provisions of the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018; be contrary to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024; and would be contrary to Policy SPQH35 Quality Residential Development, and Section 14.5.3 Building Heights of the Fingal Development Plan 2023-2029, which seek to implement these Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed 'left-in, left-out' access/egress arrangements would give rise to significant negative impacts on the operation of the R132, in terms of road safety, and may conflict with the future operation of the Bus Connects Swords Core Bus Corridor. As such, the proposal is premature pending the delivery of the Fosterstown Link Road, which is a stated roads objective of the Fingal Development Plan 2023-2029 (Table 6.3 and CM041), and which will facilitate an appropriate access route to this site. The development as proposed would,

therefore, endanger public safety by reason of traffic hazard and may prejudice the efficient operation of planned strategic infrastructure projects.

The Board considered the totality of the file and generally concurred with the Inspectors recommendation.

The Board noted that since this application was lodged the Fingal County Development Plan 2023 – 2030 has been made and the Residential Development and Compact Settlements Guidelines for Planning Authorities has replaced the 2009 Guidelines on Sustainable residential development. The Board considered both in the making of this decision.

The Inspectors recommendation included two reasons for refusal, the first being that the proposed development fails to meet the criteria as set out in Section 3.2 of the Urban Development and Building Heights, Guidelines for Planning Authorities, “that the proposed development would result in a visually dominant, monolithic and overbearing form of development when viewed from the public realm, from within the development, and from surrounding residential development, and fails to provide public spaces of sufficient scale and quality relative to the quantum of development proposed”.

The Board had regard to Section 14.5.3, Building Heights in the current Fingal County Development Plan, the requirement for applicants to demonstrate compliance with the 2018 Building Height Guidelines, as the Inspector had concluded that the development failed to meet the criteria set out in these Guidelines, the Board decided that notwithstanding any new policy since this application was lodged this does not impact on the basis for this decision as the substance, as it relates to the application, has not changed.

The second reason for refusal is traffic hazard. The movements generated by the proposed development would endanger public safety and would, therefore, negatively impact on the operation of the R132. The policy context regarding future

access to these lands has not changed since the application was lodged. The Fosterstown Link Road was an objective in the previous County Development Plan and is an objective in the current Plan; the proposed development would, therefore, be premature pending the construction of this road.



Mary Henchy

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

Dated this 17th day of April 2024