

Planning and Development Acts 2000 to 2021

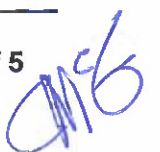
Planning Authority: Dublin City Council

Associated Reference Number: ABP-306721-20

WHEREAS by order dated the 21st day of September 2020 An Bord Pleanála, under application Reference Number ABP-306721-20, granted subject to conditions a permission to Linesight Limited for development comprising the removal of an existing surface car park and the construction of a 'Build to Rent' residential development comprising 124 number apartments as follows:

- (a) 124 number apartments (arranged as two chevron shaped blocks (five to six number storeys)) comprising 48 number one-bedroom units, and 76 number two-bedroom units, each with private amenity space (balcony or terrace). Communal residential facilities in the form of a management office, post room, children's room, games room, coffee dock, reading/media room, group/yoga room, DIY bicycle repair room and garden room are located on the lower ground floor, of the southern block, extending to circa 268 square metres
- (b) Additional external communal amenity space is located adjacent to the building's perimeter, providing a range of seating, a play area at the eastern elevation, bicycle parking, hard and soft landscaping and informal recreation, extending to circa 2,628 square metres along with a single storey refuse store (circa 38 square metres).

- (c) The northern block includes an under-croft car park accessed via a ramp adjacent to the site entrance and provides 54 number car-parking spaces including four number car club spaces and three number disabled spaces. 150 number bicycle spaces are provided at ground level, (with 80 number spaces within a single storey bicycle store (circa 55 square metres)), at the site's western perimeter.
- (d) Vehicular access is via the existing access road and car park located east of Swords Road (at the western perimeter) with an additional shared pedestrian and bicycle entrance (and fire tender access) provided at the southwest corner, with access improvements including a pedestrian crossing.
- (e) Reconfiguration of the junction at Seven Oaks is included in the application.
- (f) Plant room, Electricity Supply Board sub-station are included at lower ground floor level at the western elevation where the two buildings adjoin, with two areas of enclosed plant included at roof level with a sedum roof provided.
- (g) All associated site development and landscape works, with the proposed build to rent apartment site (circa 0.6 hectares) bounded generally by the Bonnington Hotel and Highfield Hospital to the west, Highfield Park to the north and Grace Park Manor and its access road to the east and south respectively, and the site for road upgrade works (circa 0.05 hectares) located on the access road adjacent to the 'Seven Oaks', all on an overall site of circa 0.65 hectares all located on two parcels of land adjacent to the Bonnington Hotel, Swords Road, Whitehall, Dublin.



AND WHEREAS Condition Number 25 attached to the said permission required the developer to 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 and the condition(s) required was to be agreed between the developer and the planning authority or, in default of agreement, the matter(s) were to be determined by An Bord Pleanála,

AND WHEREAS the developer and the planning authority failed to agree on the amount of development contribution to be paid in accordance with Condition Number 25,

AND WHEREAS the matter was referred by the developer to An Bord Pleanála on the 10th day of May 2022 for determination,

AND WHEREAS the Board is satisfied that the matter at issue is the amount of development contribution to be paid,

AND WHEREAS the Board had particular regard to the provisions of section 34(5) of the Planning and Development Act 2000, as amended, the Development Contributions Guidelines for Planning Authorities (2013), the Dublin City Council Development Contribution Scheme 2016-2022 and the Dublin City Development Plan 2021-2027,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the residential units under construction at lands adjacent to the Bonnington Hotel, Swords Road, Whitehall, Dublin 9, on foot of An Bord Pleanála Reference Number ABP-306721-20 do not constitute units for social housing use, by reason of the lack of a Lease Agreement between the developer and Dublin City Council, and that these units, therefore, cannot fall to be considered as social housing units which are exempt from the requirement to pay development contributions, for the purposes of the applicable Development Contribution Scheme 2020-2023 made under section 48 of the Planning and Development Act 2000, as amended. Consequently, the amount payable under Condition Number 25 of An Bord Pleanála Reference Number ABP-306721-20 is as determined by Dublin City Council in respect of public infrastructure benefiting the development 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.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) The provision of section 34(5) and section 48 of the Planning and Development Act 2000, as amended,
- (b) the parent planning permission An Bord Pleanála Reference Number ABP-306721-20,
- (c) the Dublin City Council Development Contribution Scheme 2020-2023,
- (d) the lack of an agreed lease between the developer and the planning authority to fulfil the specific provisions of the 'Enhanced Long-Term Social Housing Leasing Scheme' introduced by the Department of Housing, Planning and Local Government, under Pillar 2 of 'Rebuilding Ireland Action Plan for Housing and Homelessness 2016' aimed at private investment in order to deliver social housing at scale, and
- (e) the submissions on file and relevant precedent cases.

AMB

The Board considered that the residential units under An Bord Pleanála Reference Number ABP-306721-20 cannot be deemed social housing units, for the purposes of the respective Development Contribution Schemes described above, and that the applicable development contribution under Condition Number 25 falls to be determined on this basis.



Chris McGarry

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



Dated this 15th day of March

2023