

An
Bord
Pleanála

Board Order
ABP-314985-22

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW22A/0047

Appeal by Blanche Retail Nominee Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in relation to the application by Fingal County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 34 and 35 of its decision made on the 3rd day of October, 2022.

Proposed Development:

The proposed mixed use development consists of the construction of 352 number apartments (comprising 44 number studios, 132 number one-bed apartments, 155 number two-bed apartments, and 21 number three-bed apartments) and ancillary resident amenity floor space, 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), and one number community facility, in six number buildings (Blocks A,B,C,D,J, and K), ranging from five number to 13 number storeys in height. The development includes for an extension of the existing multi storey car park from four number levels to six number levels and associated alterations to the existing multi storey carpark to facilitate the development. Blocks J and K are proposed on the Library Car Park (site B) and Blocks A, B, C and D are

located on the Blue Car Park site (Site C).

The detailed description of the development is as follows:

Block A comprises 20 number residential units, including one number studio, four number one-bed, 10 number two-bed and five number three-bed units in a part five and part six storey building. Block A includes two number commercial units at ground floor level.

Block B comprises 44 number residential units, including two number studio, 15 number one-bed, 24 number two-bed and three number three-bed units in a part five, part seven and part ten storey building. Block B includes two number commercial units and one number community facility at ground floor level.

Block C comprises 32 number residential units, including two number studio, 15 number one-bed. and 15 number two-bed units in a part seven and part nine storey building.

Block D comprises 31 number residential units, including three number studio, 13 number one-bed, and 15 number two-bed units in a part seven and part eight storey building.

Block J comprises 104 number residential units, including 14 number studio, 44 number one-bed, 38 number two-bed, and eight number three-bed units in a part five, part seven and part nine storey building. Block J includes one number commercial unit at ground floor level.

Block K comprises 121 number residential units, including 22 number studio, 41 number one-bed, 53 number two-bed units and five number three-bed units in a part six, part eight, part ten and part thirteen storey building.

Resident amenity space and under-croft parking is provided at ground floor level of Block J and K. Two number communal courtyards are provided at first floor level of Blocks J and K and two number communal courtyards are provided at first floor level of Blocks C and D. One number external roof terrace is located on the fifth-floor level of Block J. One number external roof terrace and a resident amenity space is located on the eight floor level of Block K. Balconies / private terraces are provided for all apartments.

The construction of two number additional levels, with a total of 458 number

additional car parking spaces (increasing from four number levels to six number levels), is proposed on the existing multi storey car park (located in the Blue Car Park) to provide replacement car parking for the surface car parking to be removed from the application site and associated car parking provision for Blocks A, B, C, D, J and K. The proposals include a new entrance, reconfiguration of parking spaces and internal circulation routes, reconfiguration of cores and associated alterations to the existing multi storey car park. The proposal also includes new walls and elevations treatment to the south and east elevations of the existing multi storey car park to facilitate the adjacent residential blocks. Two number surface parking spaces are provided adjacent to Block A, four number surface parking spaces are provided adjacent to Block K and 109 number car parking spaces are also provided in an under-croft floor level within Blocks J and K to serve the residential units within those blocks.

Provision of telecommunications infrastructure at roof level comprising of six number 0.3 metre microwave link dishes enclosed within Gross Rating Point radio friendly shrouds, mounted on three number steel support poles (two metres in height above the lift shaft overrun) together with all associated equipment

The proposal includes road, pedestrian and cycle upgrades cycle upgrades and associated alterations to the road infrastructure within the application site boundary. The proposal includes vehicular accesses, a loading bay, and new road infrastructure he adjacent to Block J and K up to the site boundary.

The proposed development includes public open space, landscaping and public realm improvements, cycle parking, two number ESB Substations and associated switch rooms, bin stores and plant rooms, green roofs and PV panels at roof level. The associated site and infrastructural works include site clearance and excavation, provision of utilities and associated civil works, foul and sun drainage and public lighting, along with all ancillary works, all at site B (Library Car Park) and site C (Blue Car Park) at Road C and Road D, Blanchardstown Town Centre, Coolmine, Dublin. The application site

comprises the existing surface car park known as the Library Car Park to south-east of the Blanchardstown library and offices building. The existing surface car park a multi-story carpark site known as the blue car park located to the south-east of the Blanchardstown centre, a section of road C and road D including the associated roundabout junction a section of the road and roundabout junction to the West End retail park and associated verges and footpaths.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations (1) set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 33 and directs the said Council to AMEND condition number 33 so that it shall be as follows for the reason stated.

33. There is a shortfall of 3060 square metres (0.3 hectares) in the quantum of public open space which would be generated by the proposed development. The applicant is required to make up this shortfall by way of a financial contribution of one hundred and seventy-nine thousand five hundred and seventy-six euros (€179,576.00), in accordance with Section 48 of the Planning and Development Act 2000, as amended. The contribution will be applied to the continuing upgrade of recreational facilities in Millennium Park.

Reason: To ensure the delivery of infrastructure necessary to serve the proposed development and in the interests of orderly development.

Furthermore, the Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations (2) under, directs the said council, under section 48 (13) of the 2000 Act, to REMOVE condition number 34 and the reason therefor.


Reason and Consideration (1)

The proposed development contains a shortfall in public open space which is required at a rate of 12% of the site area under Objective DMSO52. Note 5 of the Fingal Development Contribution Scheme 2021-2025 allows for a financial contribution to be applied to any development that has a shortfall in public open space. The financial levy to be applied is based on the provisions of Note 5 which requires 75% of the shortfall to be calculated at a rate of Class I open space, based on €200,000 per acre, and 25% of the shortfall to be calculated at a rate of Class II open space based on €350,000 per acre. The amended amount to be applied under Condition number 33 has been calculated in accordance with Objective O52 of the Fingal County Development Plan 2022-2028 and in accordance with Note 5 of the Fingal Development Contribution Scheme 2021-2025.

The Board concurred with the Inspector's assessment but noted that the Inspector had calculated the contributions incorrectly, Class 1 open space should be calculated at a rate of €200,000 per acre and Class 2 open space should be calculated at rate of €350,000 per acre in accordance with Fingal County Council Development Contribution Scheme 2021-2025. The Board decided the applicant is required to make up this shortfall by way of a financial contribution of €179,576.

Reason and Consideration (2).

It is considered that condition number 34 is not in accordance with the requirements of Section 48(2)(c) of the Planning and Development Act 2000, as amended, as the development referenced in the condition is not exceptional or specific to the proposed development, the scope of the works listed in the condition are not identified and the works listed in condition number 34 are covered by the Fingal County Development Contribution Scheme 2021-2025, which was prepared in accordance with Section 48 of the Planning and Development Act 2000, (as amended).



Mary Henchy

Member of An Bord Pleanála.

**duly authorised to authenticate
the seal of the Board.**

Dated this *20th* day of

May

2024.