

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW22A/0228

APPEAL by AAI Baneshane Limited care of Hughes Planning and Development Consultants of 85 Merrion Square Dublin against the decision made on the 25th day of November, 2022 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The development will consist of: (i) construction of 99 number Build to Rent apartments (comprising 12 number one bed apartments and 87 number two-bed apartments) across two number blocks (A & B) ranging in height from six to eight storeys over lower ground floor car park. Each apartment is provided with its own private balcony and has access to a landscaped communal open space (4,399 square metres). Residents also have access to 467.4 square metres of communal amenity spaces, comprising a residential amenity area, parcel drop box, laundry and a 270 square metres creche at ground floor level in Block A; a residential amenity area, parcel drop box and laundry at ground floor level in Block B; (ii) provision of 98 number car parking spaces at lower ground floor level to serve the apartments in both Phase 1 and Phase 2 (including four number limited mobility spaces, two number Go-Car spaces (at grade level) and 10 number electric charging spaces) accessible from pedestrian entrances on northern facade and vehicular entrance off Old Navan Road; (iii) provision of seven

Handwritten signature

number at grade car parking spaces to serve the creche (including one number limited mobility space) accessible from the existing entrance off Old Navan Road on western boundary off the site; (iv) provision of 414 number bicycle parking spaces (406 number bicycle parking spaces at lower ground floor level and a covered bicycle stand catering for eight number bicycle parking spaces at grade level at the sites western boundary adjacent to the public open space and play area) and nine number cargo bicycle parking spaces at lower ground floor level to serve the apartments; (v) provision of a covered bicycle stand catering for eight number bicycle parking spaces at lower ground floor level of Block A to serve the creche; (vi) provision of a new vehicular and pedestrian access serving residents of the apartments off Old Navan Road to the east of the site and vehicular and pedestrian access serving the creche will be provided via existing entrance off Old Navan Road to the east of the site. A set down area for the creche will also be provided; (vii) provision of two number new pedestrian crossings on Old Navan Road linking the proposed development with the Tolka Valley Park and footpath network to the northwest; (viii) provision of 1120 square metres of public open space comprising landscaped areas and play areas; (ix) road, and streetscape upgrade works along Old Navan Road, Damastown Close, and Damastown Road, to facilitate the provision of a shared footpath/cycle lane and pedestrian crossings to improve links to public transport and local facilities in Mulhuddart and (x) all associated site, landscaping and infrastructural works, including tree planting, boundary treatments, street lighting, internal roadways, footpaths and shared surfaces, ESB substations, foul and surface water drainage, and potable water supply necessary to facilitate the development. This application represents Phase 1 (99 number units) of an overall development of 190 number units on the subject lands (Phase 1 and Phase 2). Phase 2 (91 number units) will be submitted to the planning authority as a separate application. All on lands at Canterbury Gate, Old Navan Road, Mulhuddart, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.


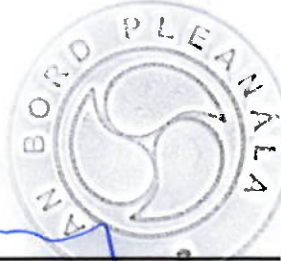
Reasons and Considerations

1. Having regard to the relevant provisions of the Fingal Development Plan 2023-2029 and to the density provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024, it is considered that the proposed development of itself constitutes a poor disposition of units on the overall site. This is compounded by the overall scheme, including the elements proposed under the concurrent planning application (ABP-315450-23/ planning register reference FW22A/0237), which would lead to a net density of 184 dwellings per hectare, significantly in excess of the range which would generally be considered for such a site under the Ministerial Guidelines. Having regard to the specific location of the site, which it is considered to be 'City-Suburban/Urban Extension' as set out in the Guidelines and in relative isolation from high frequency public transport, it is considered that the proposed development would not be in accordance with the density ranges which are open for consideration. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the Sustainable Urban Development Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024 (2023), which includes transitional arrangements for Build to Rent schemes, and Specific Planning Policy Requirement (SPPR) 7, which seeks to ensure such schemes include detailed proposals for resident support facilities, services and amenities, and noting the reliance on the provision of such facilities as part of a separate concurrent planning application (ABP 315450-23/planning authority reference FW22A/0237), it is considered that the proposed development would result in a substandard form of residential and recreational amenity for future occupants and would not be in accordance with the relevant design standards. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered it appropriate to consider the density of the overall scheme, taking account of the concurrent planning applications, (ABP-315425-22/ planning register reference FW22A/0228 and ABP-315450-23/ planning register reference FW22A/0237), on the subject site, which it is considered would meet the definition of a 'City-Suburban/Urban Extension' location as set out in Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024). In such suburban areas, densities in the range 40 dwellings per hectare to 80 dwellings per hectare (net) shall generally be applied. While the Board noted that densities of up to 150 dwellings per hectare (net) shall be open for consideration at 'accessible' suburban/urban locations, it is considered that the subject site fails to meet this test, given the distance to existing or planned high frequency public transport services. Furthermore, in relation to the provision of an appropriate level of residential and recreational amenities in accordance with design standards for Build to Rent schemes, the Board did not agree with the Inspector's view that it would be appropriate to attach a

condition to require the concurrent development of both phases of development, given Phases 1 and 2 are being pursued as separate planning applications. The Board, in agreement with the planning authority, considered that the proposals put forward by the applicant on appeal to provide 'temporary' residential and recreational facilities as part of Phase 1 would not be acceptable, given the lack of certainty regarding the duration of this 'temporary' period and timing for the delivery of the Phase 2 development. Given these matters, a refusal of planning permission is warranted.

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

Dated this 13th day of November 2024.