

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW22A/0237

APPEAL by AAI Baneshane Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 1st day of December, 2022 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The development will consist of: (i) construction of 91 number Build to Rent apartments (comprising 52 number one bed apartments and 39 number two bed apartments) across two number blocks (C & D) ranging in height from six to ten storeys over lower ground floor car park. The lower ground floor does not form part of this application. Each apartment is provided with its own private balcony and has access to a landscaped communal open space (4,399 square metres) which forms part of phase 1. Residents also have access to communal amenity spaces, comprising a concierge, parcel drop box, fitness suite, residential common rooms, laundry at ground and first floor level in Block D; a residential amenity area, a parcel drop box and laundry at ground floor level in Block C;

(ii) car and bicycle parking is being provided in Phase 1 of this development (98 number car spaces and 414 number bicycle spaces to serve both phases); (iii) access is provided via a new vehicular and pedestrian access serving residents of the apartments off Old Navan Road to the east of the site

off Old Navan Road. As proposed in Phase 1 planning application; (viii) provision of 1120 square metres of public open space comprising landscaped areas and play areas (included in Phase 1); 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 is accompanied by a Natura Impact Statement (NIS). This application represents Phase 2 (91 number units) of an overall development of 190 number units on the subject lands (Phase 1 and Phase 2). Phase 1 (99 number units) was submitted to the Planning Authority as a separate application under planning register reference number FW22A/0228; all 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

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 (An Bord Pleanála reference number ABP-315425-23/planning register reference number FW22A/0228), 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.

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, (An Bord Pleanála reference number ABP-315425-23/planning register reference number FW22A/0228 and An Bord Pleanála reference number ABP-315450-23/planning register reference number 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 the "Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities" issued by the Department of Housing, Local Government and Heritage in 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.



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



Dated this ^{13th} day of November 2024.