

An  
Bord  
Pleanála

**S. 4(1) of Planning and  
Development (Housing)  
and Residential  
Tenancies Act 2016**

**Inspector's Report  
ABP-307976-20**

**Strategic Housing Development**

Demolition of the existing part 1 to part 2 no. storey over partial basement public house and restaurant building and the construction of 210 no. bed space Build to Rent Shared Living accommodation and associated site works.

**Location**

Brady's Public House, Old Navan Road, Dublin 15.

**Planning Authority**

Fingal County Council

**Applicant**

Bartra Property (Castleknock Limited)

**Prescribed Bodies**

Irish Water

Transport Infrastructure Ireland

**Observers**

Alan Gray

Andrew and Lisa Penrose

Anne and Aodh O Murchu

Anne and Sean Henneberry

Barry and Karen Warde

Barry O Lone

Bernadette Weir and Eamonn Murphy

Billy Linehan and Mary Carroll

Brendan and Ann Garrigan

Brian Flanagan

Carmel O Donoghue

Carol Cassidy

Catherine Comerford

Charles and Anne O Connor

Charlotte O Toole

Chris and Claire Monke

Ciaran Martin

Claudio and Jackie Manzoni

Colin O Toole

Cora Maher

Darren Kane

Denis Maria and Cara Spillane

Derise Comerford

Dermot and Marie Mullen

Dominic and Carol Kane

Eadaoin and Neil Relihan  
Eamon O Donohoe  
Eamonn and Aileen Connelly  
Eamonn Byrne  
Eamonn Doyle  
Eamonn Henry  
Edmond Delany  
Edward MacManus  
Eileen O Loughlan  
Eilish McLoughlin  
Emer Currie  
Emily Manzoni  
Emma Carroll  
Emma Comerford  
Gerard Tobin  
Graham Liddy  
Harry Freeman  
Irene Shelley and Myles Meagher  
Jean and Ray Mac Donnell  
Jerry Reilly  
Joan Hussey  
John and Anne Reid  
John and Rosemary Brophy  
John Burtchaell and Ruth Coppinger  
John Michael McLoughlin  
John Walsh and Mary McCamley  
Joseph and Sheelagh Gartlan  
Karen Cumiskey  
Karl Craven and Sandra Zauers  
Kate McCarthy

Kathleen and Eduardo Athayde

Kevin Smith

Lana Hussey

Larry Pollard and Schira Reddy

Leo and Imelda Tracey

Louis O Reilly

Luca Manzoni

Maeve Farrelly

Marian and Paul Donohue

Martina Murphy and Patricia Ryan

Mary and Frank Barrett

Maura and Sean Kinnane

Michael Farrelly

Niamh Griffin

Oisín Farrelly

Patricia Conroy and Roderic O

Gorman

Patricia Magee

Patricia O Toole

Paul Donnelly

Paul Hussey

Penelope Wilson

Rachel Manzoni

Residents of Talbot Court and others

Ronan and Michelle Lynch

Rory O Donohoe

Sandra and James Brennan

Sean McGarrell

Shane Mulcahy

Sharon Daly

Siobhan and Lawrence Spencer

Stephen and Nikki Carroll

Stephen Brennan

Sylvester and Veronica Martin

Thomas and Carole Dempsey

Thomas and Margaret McCarthy

Tim and Ann Ryan

Tom and Anne O'Lone

Tomas and Mary Roche

Woodpark and Old Nahan Road

Residents Association

**Date of Site Inspection**

11<sup>th</sup> November 2020

**Inspector**

Rónán O'Connor

DECISION QUASHED

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DECISION QUASHED

## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1.1. The application site is located approximately 400m from the eastern extent of Blanchardstown Village. The site is bounded to the west and north-west by Talbot Downs, a residential housing estate comprised of two-storey dwellings. To the immediate north and north-east there is an area of open space, beyond which is the N3 (Navan Road). To the east and south-east are residential dwellings on Talbot Court. Also to the south-east is a two-storey residential dwelling and a single storey structure accessed from the Old Navan Road (Ashgrove). On the opposite side of the road to the site are two-storey residential dwellings. The interchange of the M50 and the N3 (Navan Road) is located approximately 190m to the east of the site.
- 2.1.2. The site has a stated area of 0.317 ha and is currently occupied by a 2 storey public house located at the northwest corner of the site known as Brady's, which is no longer in use and is boarded up. The pub building occupies part of the northwest and northeast boundaries of the site and the area to the southwest and southeast of the existing building is laid out as surface car parking. There is vehicular access to the site from the Old Navan Road which was fenced off at the time of my site visit. There are a number of mature trees on the boundaries of the site.
- 2.1.3. The site is located approximately 1km walking distance from Connolly Hospital, Blanchardstown and is approximately 600m walking distance from Castleknock railway station.

## 3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development will consist of:
- Demolition of the existing part 1 to part 2 No. storey over partial basement public house and restaurant building (1,243 sq m);

- Construction of a part 1 to part 5 No. storey over basement Build-to-Rent Shared Living Residential Development (6,549 sq m) comprising 210 No. bedspaces (182 No. single occupancy rooms, 4 No. accessible rooms and 12 No. double occupancy rooms);
- Provision of communal living/kitchen/dining rooms at each floor level to serve the residents of each floor; communal resident amenity spaces for all residents including tv/cinema room at basement level, gymnasium and lounge/reception area at ground floor level, a library/study at third floor level and a private dining room at fourth floor level; external roof terrace at third floor level (78 sq m) facing north-east, north-west and southwest; external communal amenity courtyards at basement (170 sq m) and ground floor level (336 sq m); external amenity space at basement level accessed from the communal living/kitchen/dining room (30 sq m); balconies at third floor level facing north-east/north-west (14.35 sq m); resident facilities including launderette, linen store, accessible WC and bin store;
- 2 No. accesses to the public park along the north-eastern boundary; 2 No. car-share parking spaces; a lay-by and delivery bay; emergency gate access to the courtyard (north-west boundary); bicycle parking; boundary treatments; hard and soft landscaping; plant; PV panels; substation; switch room; generator; lighting; and all other associated site works above and below ground.

#### 4.0 Planning History

##### Subject Site

ABP-305459-19

Address: Brady's Public House, Old Navan Road, Dublin 15

Proposal: Demolition of the existing part 1 to part 2 no. storey over partial basement public house and restaurant and construction of 198 no. Build to Rent shared living suites (210 bedspaces) and associated site works.

Decision: This application was granted permission by the Board on 6th January 2020. **The decision of the Board was subsequently quashed by the High Court.**

ABP Ref PL06F.248037 (PA Ref FW16A/0079)

Address: Brady's Public House, Old Navan Road, Dublin 15

Proposal: Permission sought for demolition of public house and construction of 41 no. apartments in 4 no. 4 storey blocks and all site development works.

Decision: Fingal County Council granted permission subject to 22 conditions including the omission of the second floor of Blocks A and C, reducing the total no. of residential units to 38. The Board granted permission subject to a condition omitting the second floors of Blocks A and C and the second floor of Block D, a total reduction of 5 no. apartment units leaving 36 no. units in total, for the stated reason of 'protecting the residential amenities of adjoining property from undue overshadowing, overlooking and visual intrusion'.

### **Other Relevant Shared Accommodation Proposals**

ABP Reference ABP 307608-20

Address: 348 Harold's Cross Road, Dublin 6W.

Proposal: 201 no. bedspace Build to Rent Shared Living Units and associated site works.

Decision: Refuse permission (02<sup>nd</sup> November 2020) for 2 no. reasons as follows:

1. Having regard to the location of the site, the Board is not satisfied that, given the lack of any major employer within the area, limited public transport provisions and its location away from the city centre, that sufficient justification has been provided to permit the proposed development and considers that city centre and town or major employment centre locations as outlined in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018, are the most appropriate locations for shared accommodation developments. These locations offer residents of such schemes a wide range of social and physical infrastructure, amenities, a range of public transport opportunities as well as concentrations of employment. The proposed development would not be consistent with the transport strategy of the Dublin Transport Authority. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area. The proposed development, by reason of its mass and scale and its positioning on the site significantly forward of the adjacent buildings, would constitute an obtrusive feature in views along Harold's Cross Road and would fail to integrate with the surrounding streetscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP Reference ABP 304249-19

Address: Old School House, Eblana Avenue, Dun Laoghaire, Co. Dublin

Proposal: shared living scheme at the comprising 204 no. shared living spaces.

Decision: Permission granted by An Bord Pleanála on the 26th of July 2019

A condition of note included Condition No. 2 which stated:

2. The proposed development shall be amended as follows:

(a) The living room / library area on the 1st, 2nd, 3rd and 4th floors shall be enlarged to also incorporate the immediately adjacent 'shared living suite'.

(b) All bedrooms shall be provided with functional kitchens to include cooking hobs.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of providing a satisfactory standard of residential amenity for occupants of the development.

ABP Ref 29S.306742 (PA Ref 4568/19)

Address: Rathmines House, 143-149, Rathmines Road Lower, Rathmines, Dublin 6

Proposal: Change of use from office use to Co-Living Shared Accommodation use and to construct an additional 3 setback floors to be part of the overall shared accommodation development so as to create a 7 storey building with roof top plant and all associated works.

Decision: Permission granted by An Bord Pleanála on the 26<sup>th</sup> August 2020, following a grant by Dublin City Council on 30<sup>th</sup> January 2020.

ABP Ref: ABP-303911-19

Address: Cookstown Industrial Estate, Tallaght, Co. Dublin

Proposal: 150 no. build to rent units and 222 no. shared bedspaces and associated site works.

Decision: Refuse permission for 2 no. reasons as follows:

1. Having regard to the location of the subject site within the existing Cookstown Industrial Estate, to the established build form, uses and character of the industrial estate surrounding the site, particularly along First Avenue and Cookstown Way, and having regard to the location of the subject site at a remove from the town centre of Tallaght, it is considered that the development of a residential use at this location, in the absence of an overall strategy for the re-development of the industrial estate, and in the absence of the realisation of planned direct vehicular, and convenient cyclist and pedestrian links, to the town centre and to public transportation, would represent an uncoordinated and haphazard form of development which would give rise to an isolated piecemeal pocket of residential development that is disconnected from shops, amenities and/or residential services, contrary to section 11.2.4 of the current South Dublin County Development Plan 2016 – 2022, and would not be in accordance with an appropriate sequential development of these Regeneration (REGEN) zoned lands as a whole. The proposal would, therefore, not represent a “plan-led” residential development, would be contrary to the provisions of the statutory Development Plan, and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the format proposed for the shared accommodation development, with significant numbers of individual units sharing a single common living/kitchen area on each floor, and with a notable shortfall in the quantitative and qualitative provision of sufficient communal facilities, would fail to provide an acceptable living environment for future residents of the development, contrary to the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, issued by the

Department of Housing, Planning and Local Government in March 2018, and particularly paragraphs 5.15, 5.22 and 5.23 of these Guidelines. The proposed shared accommodation development would, therefore, be contrary to these Ministerial Guidelines and would seriously injure the residential amenities of future occupants/residents, and accordingly would be contrary to the proper planning and sustainable development of the area.

## **5.0 Section 5 Pre Application Consultation**

5.1.1. The pre-application consultation related to the following proposal at the development site:

The demolition of the existing building on the site and the construction of a 1-5 storey over basement shared living residential development with 223 no. bedspaces (6,914 sq. m.). It also included the following:

- Provision of communal kitchen / dining rooms at each floor level to serve residents of each floor.
- Communal resident's amenity spaces including laundrette, cinema room, gym, café / lounge / reception room, library / study and private dining room.
- Vehicular access from Old Navan Road, 2 no. car share spaces, delivery bay, bicycle parking, bin storage.
- Boundary treatments and landscaping. Pedestrian access to the park adjoining the site.

5.1.2. A section 5 consultation meeting took place at the offices of An Bord Pleanála on the 4th December 2018. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the Planning Authority, ABP was of the opinion that the documentation submitted required further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The applicant was advised that the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of

2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Principle of Shared Accommodation provision at this location

Further consideration of the documents as they relate to the principle of Shared Accommodation at this location. This consideration and justification should have regard to, inter alia, (i) the vision for the development of Blanchardstown and the relevant housing and settlement policies set out in the Fingal County Development Plan 2017-2023; (ii) the Sustainable Urban Housing: Design Standards for New Apartments, specifically the guidance on Shared Accommodation Developments and in particular sections 5.18, 5.19 and 5.22 and SPPR 9 of same and (iii) the suitability of this location for Shared Accommodation with regard to accessibility and connections to employment centres and community facilities. Comprehensive information regarding the nature of the proposed use should be submitted to facilitate assessment of this issue including details of the occupation, operation and management of the scheme. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

2. Residential amenity of proposed Shared Accommodation units

Further consideration and / or justification of the documents as they relate to the residential amenity of the proposed development particularly in relation to the access, design and layout of the scheme and the provision of resident support facilities and amenities and their location within the overall development, having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments including SPPRs 7 and 9 of same. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

3. Impacts on the visual and residential amenities of the area

Further consideration of the documents as they relate to the design and height of the development and to potential impacts on visual and residential amenities. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site provides the optimal architectural solution for this location and that it is of sufficient quality to ensure that the proposed development makes a positive

contribution to the character of the area over the long term. The submitted documents should allow for further consideration of the overall height, elevational treatments and the proposed materials with regard to impacts on visual and residential amenities. The proposed development shall have regard to inter alia, national policy including the National Planning Framework, the Sustainable Urban Housing: Design Standards for New Apartments, the Urban Development and Building Heights Guidelines for Planning Authorities, the Fingal County Development Plan 2017-2023 and the site's context and locational attributes, in particular adjacent residential properties and the adjoining public open space. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

#### 4. Parking, traffic and transport

Further consideration of the documents as they relate to parking, traffic and transport, having regard to the proximity of the site to Castleknock Train Station and to the availability of other public transport services in the area. Further consideration of vehicular, cycle and pedestrian connections to the Old Navan Road and the pedestrian connection to the adjoining public open space. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

1. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build to Rent accommodation. There shall be a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residents units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018).
2. Design rationale for the scheme to demonstrate a high quality of residential amenity for residents, to address the requirements of sections 5.15, 5.16, 5.17, 5.23

and SPPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018.

3. Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on the visual and residential amenities of Talbot Downs, Talbot Court and Old Navan Road and on the wider area, to include 3D visualisation of the scheme.

4. Tree Survey, Arboricultural Assessment and landscaping proposals to address (i) impacts on existing trees at the site and in its vicinity; (ii) the quantity, type and location of all proposed hard and soft landscaping; (iii) boundary treatments, (iv) the provision of a high quality public realm for residents of the scheme and as a contribution to the amenities of the area and (v) the interaction with the adjoining public open space including clarification of any pedestrian connection to same. The proposed landscaping scheme shall be integrated with parking, roads and access proposals and detailed SUDS measures.

5. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development.

6. Rationale for the proposed car and cycle parking provision with regard to the standards set out in Chapter 12 of the Fingal County Development Plan 2017-2023 and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, to include (i) evidence based data from comparable developments in similar geographical locations to justify the proposed car and cycle parking provision; (ii) details of car and cycle parking management measures and the provision of visitor parking and (iii) a Mobility Management Plan.

7. A Site Specific Flood Risk Assessment to clarify the extent of the development located in any Flood Zone.

## **5.2. Applicant's Statement**

5.2.1. The application includes a statement of response to the pre-application consultation (Response to the Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

Item 1: Principle of Shared Accommodation provision at this location

- Proposed development is in accordance with the vision for the development of Blanchardstown as set out in the Fingal County Development Plan 2017 – 2023.
- Currently no timeframe in place for the preparation of the Blanchardstown Village Urban Framework Plan as confirmed by Fingal County Council on 23rd July 2020.
- Generally complies with the relevant housing and settlement policies set out in the Development Plan.
- Site is located within 15 No. minutes or 1,500 metres walking distance of Connolly Hospital, in addition to other significant employment locations.
- The proposed scheme which involves the redevelopment of an existing underutilised, brownfield, infill site.
- Development Plan refers to providing higher density development along higher capacity public transport corridors.
- The subject site is a highly accessible location which is well serviced by existing public transport routes
- Capacity figures of DART, Commuter Rail and InterCity services were published by the NTA in the National Heavy Rail Census Report 2018 (released July 2019) which indicates that capacity exists to cater for residents from the proposed development to utilise this service.
- Regional Planning Guidelines for the Greater Dublin Area 2010-2022 which clearly defines Blanchardstown as a Metropolitan Consolidated Town. These areas are described as 'strong active urban places within metropolitan areas with strong transport links'.
- Site is located c. 800 m from Blanchardstown Main Street.
- Large scale employment locations are also located in close proximity to the site (Connolly Hospital, Dublin Enterprise Zone and Blanchardstown Town Centre etc.).
- Subject site is considered to be located within a core urban area of the Greater Dublin Area.

- 4 No. storeys has previously been granted at the subject site/addition of a partial extra floor towards the centre of the site represents the proper planning and sustainable development of the area having regard to the newly introduced Building Height Guidelines and the ability of the subject site to absorb this additional height fronting onto a large area of open space.
- Will increase the residential population within Blanchardstown and thus support the existing commercial, social and leisure facilities throughout the town.
- A recent decision by An Bord Pleanála to grant permission for a Shared Living Scheme at the Old School House, Eblana Avenue, Dún Laoghaire, Co. Dublin [ABP Ref. ABP-304249-19] has informed the layout of the proposed Shared Living scheme at the subject site, particularly in relation to the provision of communal living/kitchen/dining spaces.
- Connolly Hospital, the Dublin Enterprise Zone and Blanchardstown Town Centre to the site comprise a significant employment base,
- Subject site is located within a central and accessible urban location as defined in the Apartment Guidelines, 2018 as the site is located within 15 No. minutes or 1,500 metres walking distance of Connolly Hospital, in addition to other significant employment locations.
- Single occupancy suites are 16 sq m – 4 sq m (or 33%) above the standard set out in Table 5a for single occupants.
- The applicants note that 12 No. double occupancy bedrooms are being provided at 18 sq m which is in line with prescribed standards.
- The minimum floorspace extent of the common shared area for common living and kitchen facilities has been calculated on a per bedspace basis in line with the recent An Bord Pleanála decision in relation to a Shared Living scheme at Old School House, Eblana Avenue, Dún Laoghaire, Co. Dublin [ABP Ref. ABP-304249-19].
- The size of the rooms containing a common kitchen facility were considered acceptable by An Bord Pleanála as no condition was attached regarding the increase of these room sizes.

- The average communal living/kitchen/dining space provided in the proposed development is 3.73 sq m per person whereas the granted scheme at Eblana Avenue provides an average of 2.8 sq m per bedspace.
- Proposed development provides 3 No. living/kitchen/dining rooms at first and second floor levels which will provide additional choice of space for residents on those individual floors.
- Provides additional communal amenity spaces at ground, basement, third and fourth floor levels to encourage social integration between residents in line with Section 5.17 of the Guidelines.
- Proposed development will provide 922.6 sq m of high quality amenity space which equates to 4.4 sq m per person (internal and external amenities) in addition to the living/kitchen/dining rooms provided at each level/provision of 4.4 sq m of amenity space per resident in addition to the communal living/kitchen/dining spaces will provide a high quality living environment for the Shared Living residents.
- In addition to communal living/kitchen/dining spaces and internal and external amenity spaces proposed, the scheme provides resident facilities listed below:
  - Launderette (33.7 sq m)
  - Linen Room (25.5 sq m)
  - Bin Store (40.7 sq m)
  - Bicycle Storage (23.4 No.)
  - Common WC/Stores (13.8 sq m)
- Regular cleaning and maintenance of the private suites and wider communal area is provided.
- Multitude of employment opportunities in close proximity of the application site, many of which would have employees that would greatly benefit from the option of Shared Living accommodation.
- The short-medium term accommodation is predominately targeted, *inter alia*, at graduates and young workers and employees on short-medium term contracts

- Demographical Analysis –Demonstrates Younger Age Profile in Local Area [38% of the population under the age of 24 in comparison to the national average of 35%].
- Site is located within easy cycling and walking distance of a wide range of employment locations, community facilities and services in the general area which will serve the needs of the future residents.
- Subject site is located within a central and accessible urban location as defined in the Apartment Guidelines, 2018 as the site is located within 15 No. minutes or 1,500 metres walking distance of Connolly Hospital, in addition to other significant employment locations.
- Note that Blanchardstown Town Centre and Blanchardstown Main Street are located c. 1.5-1.7 km and c. 800 m respectively from the subject site
- Close proximity to Castleknock Train Station (c. 550 metres/7 No. minutes walking distance to the south-west of the site)/adjacent to multiple bus routes that pass close to the subject site providing access to Blanchardstown Town Centre, Dublin Enterprise Zone and Dublin City Centre.

#### Item 2: Residential Amenity of Shared Accommodation Units

- Additional communal living/kitchen/dining room space has been provided at all floor levels which significantly increases the quantum of communal space available for residents to utilise;
- A communal /kitchen/dining room has been introduced at first and second floor levels overlooking the park providing passive surveillance;
- An additional external terrace has been provided at third floor level for residents to utilise;
- Cinema room has been increased from 50 sq m to 85 sq m; and
- The gymnasium has relocated to the rear of the scheme at ground floor and now overlooks the park to the north providing an active frontage.
- Resident support facilities have been provided as follows:
  - Launderette (33.7 sq m) • Bicycle Storage (254 No.)

- Linen Room (25.5 sq m) • Common WC/Stores (13.8 sq m)
- Bin Store (40.7 sq m)
- Cooking facilities provided in each suite, re considered to cover the basic needs of the future residents
- Future residents scheme will use the larger communal living/kitchen/dining rooms provided at each level to cook full meals
- The Apartment Guidelines, 2018 clearly sets out that a cluster-type format is just 'one format' of Shared Living.
- Bartra's research has confirmed that a cluster format is not a preferred solution for working adults who have indicated a preference for enhanced private amenity.
- Provides the optimum accommodation solution for the future occupants of the Shared Living accommodation providing (i) in-room social sharing, (ii) on-floor sharing and (iii) community wide sharing.
- Non-cluster format has been granted by An Bord Pleanála in the Eblana Avenue scheme in Dún Laoghaire [ABP Ref. ABP-304243-19] therefore this format has been accepted.

### Item 3: Impacts on the Visual and Residential Amenities of the Area:

- Have prepared a comprehensive Design Statement detailing changes to the elevational treatment of the development from that submitted at the consultation stage.
- Following principal key design changes have been incorporated into the design of the proposed scheme:
- The proposal submitted at pre-application stage comprised 223 No. single occupancy shared living suites/now proposed provides 198 No. suites but has incorporated 12 No. larger double occupancy suites to allow choice in tenure for future residents providing a total of 210 No. bedspaces (182 No. single occupancy rooms, 4 No. accessible rooms and 12 No. double occupancy rooms).
- The building has been set back at second floor level by an additional 6.63 m and at third and fourth floor levels by an additional 3.43 m from the rear of properties along Talbot Court to the south-east.

- An access has been provided from ground floor level of the building to the park at the rear of the site and an additional second access has been provided external to the building (both on the north-eastern boundary) providing residents with an additional opportunity to utilise existing amenity space in the area.
- Additional living/kitchen/dining room space has been provided at all floor levels which significantly increases the quantum of communal space available for residents to utilise;
- A living/kitchen/dining room has been introduced at first and second floor levels overlooking the park providing passive surveillance;
- An additional external terrace has been provided at third floor level for residents to utilise.
- The cinema room has been increased from 50 sq m to 85 sq m.
- The gymnasium has relocated to the rear of the scheme at ground floor and now overlooks the park to the north providing an active frontage (originally adjacent to the lounge/reception at ground floor).
- The changes have resulted in the number of bedspaces reducing from 223 No. bedspaces (223 No. single occupancy suites) to 210 No. bedspaces (182 No. single occupancy rooms, 4 No. accessible rooms and 12 No. double occupancy rooms). The provision of double occupancy rooms into the scheme will allow a choice in tenure for future residents.

#### Item No. 4: Parking, Traffic and Transport

- Castleknock Train Station is located c. 7 No. minutes walking distance to the south-west of the site and the site is located adjacent to multiple bus routes that pass close to the subject site providing access to Blanchardstown Town Centre and Dublin City Centre.
- Eblana Avenue, Dún Laoghaire provided no private car parking for residents beyond 1 No. car share space and 1 No. disabled parking space.
- The site in Dún Laoghaire is located in proximity to employment locations, rail and bus services in addition to other facilities and services similarly to the subject

site in Blanchardstown/The provision of zero private car parking spaces and 2 No. car share parking spaces is considered acceptable at the subject site.

- Existing pedestrian facilities in the vicinity of the development site are of good quality. Raised footpaths and public lighting are in place along the Old Navan Road and surrounding streets.
- Signalised pedestrian crossings are provided at the nearby Navan Road, providing a safe pedestrian route north from the development site across the N3 towards Connolly Hospital in approximately 11 minutes.
- Material Contravention Statement which sets out in detail a photographic survey of the two pedestrian routes to the Hospital.

#### Response to Specific Information

- The applicant has responded to each item of Specific Information as detailed in the Response to the Opinion.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

#### **Project Ireland 2040 - National Planning Framework**

The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

Pillar 4: Improve the Rental Sector. The key objective is addressing obstacles to greater private rented sector deliver and improving the supply of units at affordable rents.

Key actions include encouraging “build to rent”. Build-to-rent developments are designed with the occupants in mind – this might be equal sized bedrooms clustered around a central shared space, or the inclusion of amenities such as gyms and crèches and shared entertainment facilities.

### **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2019)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019) / DMURS Interim Advice Note – Covid 19 (2020)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)

- 6.1.1. Of the documents referred to above, Sustainable Urban Housing: Design Standards for New Apartments 2018 is of particular relevance to this shared accommodation proposal. Section 5.0 of the Apartment Guidelines specifically relates to the Build to Rent (BTR) and Shared Accommodation Sectors. BTR developments are defined as follows:

Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.

- 6.1.2. Specific Planning Policy Requirement (SPPR) 7 sets out the following requirements for BTR developments:

*(a) Described in the public notices associated with a planning application specifically as a ‘Build-To-Rent’ housing development that unambiguously categorises the*

*project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;*

*(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development.*

*These facilities to be categorised as:*

*(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.*

*(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.*

Shared accommodation is to be considered as a subset of BTR accommodation.

SPPR 9 provides as follows:

Shared Accommodation may be provided and shall be subject to the requirements of SPPRs 7 (as per BTR). In addition,

(i) No restrictions on dwelling mix shall apply;

(ii) The overall unit floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5a and 5b;

(iii) Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;

(iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or

proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.

Section 5.13 describes shared accommodation as follows:

... professionally managed rental accommodation, where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities.

Section 5.15 adds:

"One format of Shared Accommodation which is proposed by these guidelines is a residential unit comprising of 2-6 bedrooms, of single and/or double occupancy with a common shared area within the residential unit for living and kitchen facilities."

Section 5.22 also states:

"Shared accommodation formats may be proposed other than the format outlined in paragraph 5.15 above. For example, such proposals may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities. Innovative formats may also be proposed to provide shared accommodation within protected structures in order to ensure their long term rehabilitation and to address sensitive architectural constraints of the subject building."

Section 5.23 also states:

"The granting of planning permission for other shared accommodation formats from those outlined in paragraph 5.15 above will be at the discretion of the planning authority. In assessing such proposals, planning authorities should ensure that sufficient communal amenities are provided in accordance with the specified standards in Table 5b above and that the scale of the development is appropriate to the location/buildings involved and to the specific role that the development of the shared accommodation sector should play in the wider urban apartment market.

Section 5.16 provides quantitative standards for bedroom sizes and communal space floor areas. Section 5.17 states:

"A key feature of successful Shared Accommodation schemes internationally is the provision of wider recreation and leisure amenities as part of the overall development. Residents enjoy access to sports and recreation facilities that are dedicated for use by the residents only and have the opportunity to experience a shared community environment among residents of the scheme."

Sections 5.18 and 5.19 provide guidance on suitable locations for shared accommodation schemes. The prevailing context of the proposed site is to be considered, with city centres being the appropriate location for such developments. Section 5.18 states:

"In this regard the obligation will be on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly. Where there is a failure to satisfactorily provide such a basis permission should be refused by the planning authority."

### **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR)**

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.

RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

RPO 4.3 -Consolidation and Re-Intensification- seeks to support the consolidation and re-intensification of infill / brownfield sites to provide high density and people

intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

Section 9.2 Diverse and Inclusive Region, notes that changing household formation trends will require a range of housing typologies including student housing, smaller units, shared living schemes and flexible designs that are adaptive for people's full life cycle to meet their housing needs today and into the future.

## 6.2. Local Policy

### Fingal County Development Plan 2017-2023

The settlement strategy designates Blanchardstown as a 'Consolidation Town' in the Metropolitan Area of the county, with a capacity of 11,757 residential units. The key tenet of the overall settlement strategy is the continued promotion of sustainable development through positively encouraging consolidation and densification of the existing urban built form. Objective SS01 is to consolidate the vast majority of the county's future growth into the strong and dynamic centres of the Metropolitan Area while directing development in the hinterland to towns and villages. Objective SS12 is to promote the Metropolitan Consolidation Towns of Swords and Blanchardstown as Fingal's primary growth centres for residential development in line with the settlement hierarchy.

Development Plan section 2.8 notes that Blanchardstown is one of the largest and most important retail centres in the State and that there are several large public sector employers in the area including Fingal County Council, Connolly Hospital and the Institute of Technology, also a number of large ICT and pharmaceutical companies. Development Plan objective Blanchardstown 1 is to prepare an urban framework plan for Blanchardstown to guide future development including infill

development that would not exceed 3 storeys. The development site is identified on Sheet 13 of the Plan as located within the area to be the subject of this framework plan. However, no urban framework plan in accordance with this objective has, to date, been prepared.

The site has the standard residential zoning objective 'RS', 'Provide for residential development and protect and improve residential amenity'. Surrounding residentially developed lands are also zoned Objective RS. The lands to the north of the site are zoned Objective 'OS' (open space). There is an indicative alignment for a cycle route along the Old Navan Road in front of the site.

Chapter 2 relates to the Core Strategy and Settlement Strategy. Objectives of particular relevance include;

Objectives SS15 – consolidate urban areas through infill and brownfield redevelopment; Objective SS16 – Examine possibilities of higher densities in urban areas adjoining Dublin City.

Development Plan section 3.4 sets out design criteria for residential development. Chapter 12 Development Management Standards includes standards for residential developments and parking provision. There are no specific objectives relating to shared housing developments.

Chapter 3 relates to Placemaking. Objectives of particular relevance include;

Objective PM31 – Promotes high quality environments; Objective PM32 – have regard to DMURS; PM38 – Appropriate Mix; PM41 Encourage increased densities while protecting amenities; Objective PM44 – Development of underutilised sites; PM52 – minimum open space provision of 2.5ha per 1000 population;

Chapter 12 relates to Development Management Standards.

### **6.3. Applicant's Statement of Consistency**

- 6.3.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 Guidelines and the County Development Plan and I have had regard to same. The document outlines that the proposal broadly complies with national, regional and local planning policy.

### **6.4. Material Contravention Statement**

- 6.4.1. The applicant sets out that it is their opinion that the proposed development does not materially contravene the Fingal County Development Plan 2017-2023. However it is set out that the Fingal County Development Plan 2017-2023 does include an objective 'Blanchardstown 1' within the Development Plan, which states that it is an objective to prepare an Urban Framework Plan for Blanchardstown Village to guide future development including infill development that would not exceed 3 No. storeys. However, no Urban Framework Plan in accordance with this objective has been prepared to date and there is no current timeline to prepare this Urban Framework Plan.
- 6.4.2. The applicants state that, as there is reference to the preparation of an Urban Framework Plan where heights in Blanchardstown would not exceed 3 No. storeys, there is potentially an argument that the proposed development, which provides a maximum height of 5 No. storeys (ranging in height from part one to part five storeys), could be considered to materially contravene an objective of the Development Plan.
- 6.4.3. Thus, in the event that the Board consider the development materially contravenes the Plan, the applicant states the purpose of the Material Contravention Statement is to set out the justification for increased height (towards the centre of the subject site) as part of the proposed development to provide a Shared Living Residential Development at Brady's Public House, Old Navan Road, Dublin 15.
- 6.4.4. I have discussed the issue of Material Contravention in the relevant section of the assessment below.

## 7.0 Observer Submissions

- 7.1.1. 96 no. submissions on the application have been received from the parties as detailed in Appendix 1 of this report. The issues raised are summarised below.

### Principle

- Development more suited to a city centre location - this site is a suburban location.
- Previous Inspector's reports/FCC Planner reports/Consultant's reports have referred to the site as suburban.

- Was never envisaged that co-living developments would be permitted in suburban areas.
- Currently 3,328 co-living beds in the planning process /vast majority are in urban locations
- FCC's assessment agrees that this site is not suitable for a Shared Living Development as it is not an urban or city centre location.
- There is no justification for this location within a suburban housing estate
- Guidelines state that such shared living development should be located in the city centre that is well serviced by amenities, public transport, shops etc.
- No sustainable or appropriate development.
- The site is removed from Blanchardstown Town Centre/existing centres of employment.
- Contrary to Section 5.19 of the Sustainable Urban Housing: Design Standards for New Apartments.
- Applicant has not submitted research or evidence of shared living in a residential suburban environment.
- Will not add to the rich community life of an established residential area
- Will not meet local housing needs/demand is for family homes/will access to outside space suitable for children.
- Short-sighted that development would only be regulated for 15 years
- Not in compliance with the relevant objectives of the Fingal Development Plan 2017-2023.
- Is becoming the only solution for new housing which is contrary to any ministerial guidelines where co-living should only be a very small percentage.
- Public opinion is against co-living
- Gated community contrary to the objectives of the Development Plan.
- Site is not comparable to the London sites that the applicant has used as examples.

- Other examples cited in Dublin, Fitzwilliam Square and Fumbally Lane, are not comparable.
- Development fails to respond to earlier requests by An Bord Pleanála
- Request that the Board refuse permission for this development.
- Not opposed to development of this site.
- Fail to understand how young people would move from their family home/rental accommodation into this type of accommodation in the suburbs
- Object to the concept of shared living on this site.
- Proposed hostel development will be visible from the back of existing properties. Nearby lane will be in constant use from hostel dwellers
- Concerned about the anxiety in the community arising from the lengthy planning process.
- No high rise buildings in residential areas outside the M50 ring.
- Widely accepted that co-living accommodation should only be limited to urban areas.
- Working from home means that there is no need for this development at this location.
- Density is excessive/greater than permitted on other site.
- Previous permission on site only allowed for 41 units (PL06F.248037 and FW16/0079).
- Refer to other refusals in the area.
- Contexts of the Elblana Shared Living Permission/Old Oak Common London are entirely different to this location.
- Fingal County Council considers the proposal materially contravenes the zoning objective.
- Applicant has made an error in their justification for shared accommodation as they have been looking at guidelines for apartments which have entirely different need requirements.

- The need for shared accommodation has not been satisfied.
- Connolly Hospital is not a major level national health campus
- Does not amount to a significant concentration of employment within a city centre or core urban location.
- Development more suited to transient persons and will not gel with the community
- National and local policy does not support the current proposal.
- Solid planning reasons to grant this application could not be provided previously and this remains the case now.
- Rental levels would be higher than other properties in the area.
- Questions the viability of the development.
- Proposed development would not provide affordable accommodation for junior staff at Connolly Hospital having regard to salary levels and the proposed rental levels
- Letter of support from CEO of Connolly Hospital was written in a private capacity and email from CEO confirming this is attached as Appendix/Therefore there is no evidence of official support from Connolly Hospital, from the RCSI or from the HSE.
- A more appropriate development would be family homes.
- If this site is developed it would act as a disincentive to develop the range of housing needed
- Elected Members are unanimously against this proposal.
- No indication on what happens after the 15 year covenant/legal agreement ends, which requires the scheme be retained as co-living for 15 years.
- Lack of footfall within Blanchardstown Village
- More suited to a site in Dublin 1 or 2
- Applicants have not satisfied the need or location criteria established in the guidelines.

- Hospital is not considered to amount to a significant concentration of employment.
- Apartment Guidelines stated that significant concentrations of employment and not the application site itself that should be located in a city centre or core urban location.
- Both need and location must be considered when assessing shared accommodation proposals, and that city centres are the appropriate location.
- Such schemes are only appropriate when responding to an identified housing need.
- Vital that the Board set appropriate precedent for the locational suitability of shared accommodation schemes.
- The definition cited by the application defines accessible urban locations
- The term 'core urban locations' is not defined.
- Would not be that every site within 15 minute walking distance of any hospital should be considered a core urban location.
- Pedestrian route to hospital is not conducive to walking.
- Site does not fall within the core urban area of Blanchardstown.
- Site falls within the identified Blanchardstown Village Urban Framework Village Plan which includes Blanchardstown Village and surrounding suburban residential areas.
- Connolly Hospital is not a major national level health campus.
- Relying on the criteria for apartments to justify proposals for separate model is a clear misinterpretation of the guidelines.
- No evidentiary basis to conclude that the site is a core urban area.
- Fails to meet the locational criterion for shared accommodation proposals as set out in Chapter 5 of the Apartment Guidelines and should be refused on this basis.
- The 'need' case has not been adequately demonstrated.
- Paragraph 5.22 refers to a major national level health campus.

- Proposed density is 12.5 the upper end specified in the Building Height Guidelines (624.6 units per Ha).
- Connectivity of the subject site is incomparable to the Eblana Avenue site.
- No reference is made to Policy DMS 39 of the Development Plan/Materially contravenes Policy DMS 39/Should have been addressed in the Material Contravention Statement.
- Applicants have failed to provide comprehensive and credible information with respect to the scheme's likely occupants.
- Application does not include the KHSK Economic Consultants Report on Co-Living/This report does not appear to support the location of this current proposal.
- Applicant's research report should be disregarded as not providing a true representation of any given area's likely demand for co-living.
- Applicant does not refer to their refused scheme in Rathfrinnes.
- Economic case for shared living at this location has not been made.
- Little evidence provided that outlines the contribution to the rental market in the Blanchardstown Area/Prices for these developments are more unaffordable.
- Proposal presents an excessive planning risk for the Board to consider granting it at this location.
- Is not supported by the National Planning Framework.
- FCC has not indicated that its CDP needs to be revised to take account of the NPF.
- Proposal is not consistent with the relevant strategic policies set out in the Regional Planning Guidelines.
- There is no designation or policy with the Regional Spatial and Economic Strategy for the Eastern and Midlands Region that would indicate the site is of strategic or national importance.
- Scheme fails to comply with a number of Section 28 Guidelines including the Development Management Guidelines (2007), the Design Standards for New

Apartments Guidelines (2018) including SPPR 9, the Urban Design Manual (2007), Urban Building Height Guidelines

- Is contrary to the objectives of the CDP.
- Is contrary to the vision of the CDP
- There is no basis for materially contravening the Fingal County Development Plan 2017-2023.
- Does not meet the provisions of Section 37(2)(b).
- There is no other example of a car-free suburban co-living scheme.

#### Impact on Residential Amenity

- Does not show the full impact on residential and visual amenities.
- Photomontages and visual impact graphics do not demonstrate the impact on residential and visual amenities.
- Would be injurious to the residential amenity of existing neighbours and future occupants.
- Fail to create connections to the existing communities.
- Will impact on quality of life
- Will impact on light.
- Will encroach on surrounding properties and roadway.
- Will overshadow surrounding homes and will not provide the necessary living facilities for the targeted occupants.
- Open spaces to the rear will be overlooked.
- Roof top terrace will be a source of nuisance to local residents, especially in summer time.
- Noise reflection from adjacent motorways and roads.
- Location of the refuse area adjacent to the rear gardens of Talbot Court houses.
- Smell from the refuse area will be overwhelming in the summer making the gardens unusable.

- Overshadowing of adjacent property.
- Loss of amenity/Overlooking/Photographs taken with a drone included to show impact on amenity.
- Fingal County Council previously reduced the height of blocks on this site to reduce overshadowing.
- Existing pub on site is set back from problematic boundaries.
- Addresses are incorrect in the daylight and sunlight analysis
- Significant loss of sunlight to the property at 14 Talbot Court and other adjacent dwellings.
- Extra large windows will result in overlooking and the perception of overlooking.
- Will reduce the amenity of these properties and materially contravene the residential zoning of the area.
- Proposed building is only 1m from the boundary/will be a significant loss of daylight.
- Will result in serious visual intrusion.
- Submitted 3D visualisations do not depict views from adjoining properties.
- Existing building is set back c30m from the boundary.
- Previous Board Inspector recommended refusal/support reasons for refusal
- Will impact on daylight/sunlight of surrounding properties.
- Will impact on right to light/will impact on gardens.
- Extensive balconies and roof top areas will result in overlooking.
- Noise and fumes from cars accessing the car park.
- Impact on Woodpark.
- Would violate the UN Convention on the Rights of the Child/Children's right to play and privacy must be considered.
- Noise pollution and the impact on quality of life.

- Dublin City Council refused permission for a co-living development at Harold's Cross Road – 3592/19 – one of the reasons was overdevelopment and overbearing effect on the adjoining properties/failure to integrate with adjoining buildings/design and scale/impact on amenity.
- Almost no setback between proposal and No.'s 14, 15 and 16 Talbot Court.
- External terrace shown in elevation but not in plan.
- Condition should be imposed restricting access to roof terraces.
- Building needs to be setback from the park to prevent encroachment.
- No facilities management offices or living accommodation for scheme staff in the applicants plans.
- Insufficient management details provided.
- Previous permission was not so tall and was setback further from the boundaries.
- Height of the previous proposal was reduced by FCC and the Board.
- Proposed terraces/windows overlook surrounding properties.
- Impacts from construction stage including noise.
- Impacts on amenity as a result of extraction fans/plant.
- Impact from sunlight reflection.
- Impact from light.

#### Development Standards

- Would provide a poor standard of accommodation
- Internal configuration of the units
- Number of units that do not overlook a significant amenity
- Lack of natural light
- Fails to provide high quality open spaces
- Will have mental health implications for occupants
- Insufficient personal space provided, risk of isolation, no green areas,

- Open space at the back of the current pub is used as an amenity by current residents and their families
- Development includes access to this open space/attempt to offset the lack of open space in the development
- May be issues with rights of way.
- Provision of single aspect kitchen/living area
- Number of occupants per floor.
- Inclusion of facilities in the calculation of amenity floor space.
- The public park should not be treated as a private back garden/access from the development onto the public park should not be allowed.
- Ground floor and basement rooms offer minimal privacy for residents
- Scheme's communal open space will be overshadowed.
- Excessive number of spaces relative to the communal areas and kitchen facilities.
- Fails to provide high quality open spaces.
- Low levels of daylight being provided by the 14 rooms accessing the basement courtyard and the 8 rooms accessing the ground floor courtyard.
- Ground level courtyard falls short of what is required.
- Residents may end up spending lengthy amount of time in their rooms.
- Board must be conscious that they are not dealing with a typical one bed apartments where there would be at least two windows/rooms only have a single window.
- Lack of adjoining residential, social and recreational amenities would promote an insular type of development detached from the wider community
- Original occupiers of the Talbot Downs estate had to contribute financially towards the levelling of the open space to the rear of the site.
- Quality of accommodation is insufficient.
- Proposed scheme provides minimal communal open space, no sports facilities.

- Offers little beyond the minimal facilities that a scheme must provide.
- Would provide a poor level of residential amenity – internally and externally – for future residents.
- Obligation to demonstrate an enhanced overall standard of amenity.
- Quality of landscaping.

#### Design including height

- Style and nature of the development is contrary to the existing density and residential nature of the area.
- Fails to establish a sense of place.
- Substandard form of development lacking in variety and distinctiveness.
- 5 storey development is inconsistent with other recent developments locally.
- Is visually incompatible with surrounding properties.
- Scale mass and height/development would constitute overdevelopment of the site
- Would be visually obtrusive and overbearing form of development.
- Height of the development contravenes the relevant objectives of the Fingal Development Plan 2017-2023
- Height and density will adversely affect the residential nature of the area
- Design of development is too large and condensed for the area
- Does not fit into a quiet cul-de-sac of two-storey family homes
- Will present an incongruous and anomalous addition to the street scene
- Will detract from the character of the area
- 17m structure in the middle of a family housing estate
- Scale is much bigger than what was approved in previous planning permission/adds another storey
- Photomontages do not show the view of the houses near Talbot Court

- The density is 12.5 times the upper end of the density range specified in the Urban Development and Building Height Guidelines for such a location.
- Contravenes Objective PM44 of the Development Plan
- Style is not in keeping with the area.
- Design looks more like an office complex than housing units.
- Does not respect the existing palette of materials.
- Excessive building height cannot be justified solely by availability at a distance to public transport.
- Must be viewed in context of the receiving environment which is exclusively 2 storey residential dwellings.
- Is significantly higher than the apartment building previously permitted by ABP (PL06F.248037)
- Proposal does not conform to the building line
- Other higher developments in the area are on the periphery
- Previous development permitted was primarily a 3 storey building, with one element going to four storeys.
- Currently application is dramatically larger/both in terms of height and footprint.
- Is overdevelopment of the site
- Scale and massing is out of context
- Proposed height is excessive at this location
- Applicant seek to justify the material contravention of the Development Plan Policy Objective Blanchardstown 1 by invoking the overriding effect of SPPR 1 in the Building Height Guidelines.
- SPPR1 applies to locations with good public transport accessibility, particularly town/city cores – does not apply to this site.
- Applicant has not addressed any of the concerns raised by the Board's Senior Planning Inspector.

- Shared living schemes have resulted in the loss of badly needed apartment schemes.
- Minister now has concern in relation to shared housing.
- Request that the Board refuse the scheme in line with previous Inspector's recommendation.
- No consultation with surrounding residents.
- Scheme will not enhance connectivity and permeability.
- Site has planning permission for 36 no. apartments.
- Visual impact of the proposed scheme.
- Objectivity of the LVIUA must be considered questionable/Does not conform to guidelines.

#### Transport

- Traffic hazard as a result of increased traffic
  - 2 no. parking spaces for 210 persons is wholly inadequate.
  - Hazard to cyclists and pedestrians
  - Lack of cycle paths will endanger future residents
  - No visitor parking or private space to entertain visitors
  - Impact of deliveries and taxis on traffic
  - Uncovered bicycle storage/steps down to cycle storage
  - Does not provide any disabled parking for the development
  - Already a major parking issue in the area
  - Trains are already packed at peak times/standing room only from Castleknock Station
  - Occupants will depend entirely on public transport
  - Some occupiers will need to own a car
  - Access by bin lorries and emergency vehicles will be a problem
- Other residential developments in the area do not have sufficient car parking

- Hospital does not have sufficient car parking
- Considerable on-street parking
- Area has poor transport connections/no DART or LUAS
- Bus services are infrequent
- Existing traffic congestion.
- On street parking from existing commuters and from residents of the Mills Apartment Complex/from Pub
- Congestion from school.
- No Traffic Impact Assessment was submitted with this application.
- Previous refusal (extension to 12<sup>th</sup> Lock - PL06F.126725) refused on ground of off-street parking and traffic hazard.
- High number of cars in existing developments indicates that the occupants would own a car.
- No way to prevent occupiers purchasing cars and parking them on the road  
Information provided by Bartra should that car parking is considered important to residents
- No provision for electric vehicle charging
- Significant increase in traffic volumes in the area.
- Deliveries would occur mainly in the evenings
- Lack of cycle lanes to major employment areas.
- Bartra proposal shall not be permitted until the rail infrastructure is in place.
- Parents of children attending the hospital would use private cars.
- Impact of construction traffic
- Will result in a traffic hazard
- Less than 100m of the 1.7km route to Ebay is dedicated to a shared bus and cycle lane
- There will be no significant increase in capacity on the Maynooth Line until 2025

- Site more closely matches an Intermediate Urban Location where there is a requirement for at least some car parking
- Does not meet Section 4.23 of the Guidelines – there is no provision for visitor parking or mobility impaired parking.
- Suggest that the applicant's scheme could have over 105 residents who own cars.
- Train services are limited/Bus routes typically have a frequency of every 20 minutes.

#### Ecology/Trees

- Removal of trees
- Removal of trees, boundary wall and pillars on neighbouring estates and public open space
- Impact on the Royal Canal
- Public Park to the north will be overshadowed by this building.
- No justification for the removal of the trees
- Trees are proposed to be planted outside of the boundary.
- Trees, boundaries and entrance pillar not within the applicant's procession are proposed to be removed.

#### Flood Risk

- Area has hard bedrock within a meter of the surface/proposal for substantial basement area with amenities/potential adverse impacts as a result of removal of bedrock
- Bedrock has implications for drainage and flooding on the site
- Car parking is prone to significant flooding/Application form states that no flooding occurs on this site.

#### Other

- Covid-19 Pandemic makes high density accommodation with shared facilities dangerously inappropriate.

- Covid-19 Risk Assessment included in the application lacks scientific data and evidence to support the conclusions of same.
- Many of the occupants will work in healthcare/reinforces the unsuitability of the accommodation.
- Co-living provides the ideal environment in which the virus can spread.
- Complying with Covid-19 restrictions would mean that residents would be cooped up like battery hens for several weeks
- No data or simulation of the flow of people through the building or shared areas has been submitted.
- Disagree with the conclusions of the Covid-19 Risk Assessment
- Age bracket targeted for the development has proven to be the highest number of cases.
- Not enough is known about the transmission of the Covid 19 Guidelines
- Full HSE Risk Assessment should be carried out
- Will devalue property
- Existing boundary wall with Talbot Downs is not part of the Bartra site
- A smaller development would be viable.
- Housing will be devalued by a minimum of 10% - qualified auctioneer
- No houses have sold since the original development was put forward for planning permission.

## 8.0 Planning Authority Submission

- 8.1. Fingal County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows. The summary below also incorporates the comments of the FCC Internal Reports.

### General

- There are only limited changes compared to the previously submitted SHD application.
- Conclusions of the Chief Executive remain unchanged from those detailed in the report submitted for application APB-303956-19.

8.1.1. Section 1.6 of the Chief Executive's Report sets out the recommendation. The following is stated:

- Upon review of the submitted documentation and having particular regard to the location and characteristics of the site, it is the opinion of the Planning Authority that the proposal for co-living accommodation as submitted does not comply with Sustainable Urban Housing: Design Standards for New Apartments (March 2018) issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended) and should therefore be refused permission by An Bord Pleanála.
- The standard of accommodation proposed is considered sub-standard taking particular account of the level of amenity offered by the communal open spaces, and the number of north and east facing single aspect units, including a number at basement level and reliance on achieving primarily minimum standards. As a result, the design fails to meet a satisfactory standard, does not comply with Sustainable Urban Housing: Design Standards for New Apartments (March 2018) issued under Section 28 of the Planning and Development Act 2000 (as amended) and should therefore be refused permission by An Bord Pleanála.
- Taking account of the scale, bulk, mass, density and deficiencies in the provision for car parking, the proposal would seriously injure the amenities of the area by way of overshadowing, overbearing, overlooking and as a result of overflow car parking. It is therefore considered that the proposed development if permitted would contravene materially the RS Land Use zoning objective of the Fingal Development Plan 2017-2023 applicable to the site, which seeks to 'Provide for residential development and protect and improve residential amenity' and should therefore be refused by An Bord Pleanála.

8.1.2. Section 4 of the Chief Executive's Report sets out the Chief Executive's views on the effects of the proposal on the proper planning and sustainable development of the area. These are summarised below.

### Principle

- Proposal is not acceptable in principle at this suburban location.
- Does not comply with the RS – Residential Land use zoning objective which seeks to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.
- Does not comply with Objective DMS39 which seeks to ensure that new infill development respects the height and massing of existing development in the area.
- The proposal is not compliant with Section 5.19 and SPPR 9 as set out in the Sustainable Urban Housing – Design Standards for New Apartments by virtue of the absence of demonstrated need, the suburban location of the site, the lack of transport options and the failure of the applicant to demonstrate the quality of the facilities.

### Layout and Design

- Context of the Eblana Avenue shared living development is again different with particular reference to public transport accessibility and on street-parking.
- Applicant has failed to make a case that the subject site is a central location or has sufficient proximity to public transport to justify the car parking provision.
- Absence of car parking will impact negatively on neighbouring amenity as a result of overflow parking.

### Design

- Does not meet Development Plan standards in relation to public open space and play provision.
- No detail demonstrating compliance with communal open space standards.
- Proposals for tree planting includes areas outside of the application boundary/areas where tree planting may not be practical due to foundations and services.

### Residential Amenity

- Fails to integrate visually or functionally with the adjacent buildings and would seriously injure residential amenity in the area.
- Scale, mass and building is considered to be overbearing on adjacent property.
- Overshadowing of communal open spaces/of private open space of adjacent property
- Overdevelopment of the site
- Underprovision of cycle parking
- Noise impacts from the bikes and bin stores

#### Transport

- Has not demonstrated the provision 2 shared car parking spaces would be enough to accommodate the 210 bed development.
- Applicant's justification of the development is nearby Connolly Hospital – development would be more suited within the grounds of the hospital and not subject to severance by a National Primary Road.
- Eblana Avenue – surrounding streets are management by a pay and display scheme.
- Overspill parking would have potential safety issues/demand management does not work well in residential area, especially if parking on the street or in neighbouring housing estates is possible/parking provision would not mitigate against future potential changes of residential use/market within the development.
- Examples of other shared living accommodation in London, as cited by the applicant, bear no relationship to the location of this proposal – lack of car parking cannot be justified.
- Parking for the development should be in accordance with Development Plan Standards for residential apartments.
- Cycle parking should be provided in accordance with Design Standards for New Apartments/Sheltered parking should be provided.
- Proposed layout should provide for emergency vehicle access.

- Radius of Talbot Downs/Old Navan Road junction should be reduced to allow for footpath construction in the desire line.
- Revised crossover details at entrance and exits maintaining pedestrian priority.
- Setback of boundary to allow for future provision of footpath/cycle paths/tree planting can be achieved along the boundaries of the site.
- No method of controlling car ownership in the Mobility Management Plan.

#### Parks and Green Infrastructure

- Does not meet Development Plan standards in relation to public open space and play provision.
- No detail demonstrating compliance with communal open space standards.
- Proposals for tree planting includes areas outside of the application boundary/areas where tree planting may not be practical due to foundations and services.
- Lack of screen planting on the eastern boundary.

#### Site Services

- May be scope for a green roof system/application should consider this in the final design.

#### Other

- Absence of delivery of any social and affordable housing represents a loss of opportunity increase diversity in the housing stock in the area.
- Communal facilities will be greatly reduced in value where capacity is reduced in response to infection control measures.

#### Conclusion

- Have serious concerns in respect of the proposed development, the appropriateness of shared living accommodation for the site, the impact of the proposal on the amenity of the area and the standard of residential amenity which it will provide.
- Recommend a **Refusal** of permission.

- Conditions are set out in the event of a grant of permission. Conditions of note include:
  4. Revised details to address the monolithic nature of the design/acknowledgement of the existing scale and character of the area.
  5. Revised details to ensure no overlooking of private open space of adjacent houses from the proposed terraces.
  6. Revised details indicating parking provision in accordance with Development Plan standards.
  7. Financial contribution for the full quantum of public open space and play provision in accordance with Development Plan standards.
  8. Revised landscaping showing how tree planting can be achieved along the boundaries of the site.
  9. Cycle parking in accordance with Design Standards for New Apartments.
  10. Revised crossover details at entrance and exits maintaining pedestrian priority.
  11. Setback of substation to preserve sightlines.
  12. Works to Talbot Downs Road shall be omitted.
  13. Redesign of Talbot Downs/Old Navan Road junction to allow for footpath construction in the desire line.
  28. Provision of public art/sculpture.

#### **Elected Members**

- 8.1.3. A summary of the views of elected members as expressed at the meeting of the Blanchardstown-Mulhuddart/Castleknock/Ongar Area Committee held on 3<sup>rd</sup> September 2020 is included in Section 2 of the Chief Executive's Report and is reproduced below:

- Shared living is an inappropriate type of housing in general.
- Proposed development not in keeping with the area – Blanchardstown Village is not a city centre location.

- Emergence of Covid-19 and restrictions have highlighted the inappropriateness of shared living housing.
- Re-lodgement of the application is inappropriate given the outcome of the previous application.
- Covid-19 restrictions have prevented local residents from meeting to discuss the proposal.
- SHD process is by-passing the Development Plan and the role of the Elected Members.

## 9.0 Prescribed Bodies

### Irish Water

- Irish Water previously noted at pre consultation stage that a confirmation of feasibility was issued to the applicant for 217 bed spaces for connection(s) to the Irish Water network(s)
- Irish Water has issued the applicant a Statement of Design Acceptance for the development as proposed.
- Respectfully requests the board conditions any grant as follows; The applicant is required to sign a connection agreement with Irish Water prior to any works commencing and connecting to our network. All development is to be carried out in compliance with Irish Water Standards codes and practices.

### Transport Infrastructure Ireland

- Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:
  - The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

## 10.0 Environmental Impact Assessment Screening

10.1.1. The application is accompanied by an EIA Screening report which has regard to Schedule 7A of the regulations. I have completed a screening assessment as set out in Appendix A, and recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. The conclusion of this is assessment is as follows:

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to 'provide for residential development and protect and improve residential amenity' in the Fingal County Development Plan 2017-2023, and the results of the Strategic Environmental Assessment of the plan,
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (f) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Stage 1 Construction Management Plan, the Stage 1 Method Statement for Demolition of Existing Building, the Demolition and Construction Waste Management Plan, Construction and Demolition Management

Plan, the Engineering Services Report, the Site Specific Flood Risk Assessment, and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

## 11.0 Appropriate Assessment Screening

11.1.1. An Appropriate Assessment Screening Report (dated 22<sup>nd</sup> July 2020) was submitted with the application. This Screening Report identifies 8 no. sites as follows within a 15km radius of the site:

- Rye Water Valley/Carton SAC (001398) – 8.3km from site
- South Dublin Bay and River Tolka Estuary SPA (004024) – 9.57km from site
- South Dublin Bay SAC (000210) – 11.56km from site
- North Bull Island SPA (004006) – 12.56km from site
- North Dublin Bay SAC (000206) – 12.57km from site
- Glenasmole Valley SAC (001209) – 13.86km from site
- Malahide Estuary SAC (000205) – 14.05km from site
- Broadmeadow/Swords Estuary SPA (004025) – 14.08km from site

11.1.2. The Screening Report notes that the closest European site is Rye Water Valley/Carton SAC (Site Code 001398). However, it is stated that this site is hydrologically upstream of the Project and therefore has no relevant connectivity. It is further noted within the Screening Report that the closest sites with potential connectivity are located in Dublin Bay and the nearest of these is the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), which is located approximately 9.5 km to the east of the Project. The report notes that there is no hydrological connectivity between the Project site and the River Tolka. In relation to the Dublin Bay sites, the Screening Report states that, considering the scale of the proposed Project, and the distance to the Dublin Bay European sites, it is evident that there is no relevant hydrological or meaningful biological connectivity. Potential

in-combination or cumulative effects are considered in Section 5.2 of the Screening Report and no effects are identified.

- 11.1.3. The Screening Report concludes that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on a European Site.

## 11.2. The Project and Its Characteristics

- 11.2.1. See the detailed description of the proposed development in section 2.0 above.

### The European Sites Likely to be Affected - Stage I Screening

- 11.2.2. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity are predominantly residential and commercial in nature along with transport arteries. There are no watercourses either within or immediately adjacent to the site.
- 11.2.3. In determining the Natura 2000 sites that have the potential to be impacted by the proposal, I have had regard to the contents of the screening report, the nature of the proposed development and I have been aided by the EPA Mapping Tool<sup>1</sup>.
- 11.2.4. The closest Natura 2000 site is the Rye Water Valley/Cartron SAC (site code 001398) which is approximately 8.3km from the site at its closest point. Given the distance of the Rye Water Valley/Cartron SAC from the application site, and the lack of any apparent connection to same, hydrological or otherwise, potential likely significant effects on this site can be ruled out. Likely significant effects on non-coastal Natura 2000 sites at a greater distance than the Rye Water Valley/Cartron SAC from the site can be ruled out for the same reasons.
- 11.2.5. The closest coastal Natura 2000 sites are those SACs/SPAs located within Dublin Bay which are as follows:
- (i) South Dublin Bay and River Tolka Estuary SPA (004024); 9.6km
  - (ii) South Dublin Bay SAC (000210) 11.6km
  - (iii) North Bull Island SPA (004006) 12.6km
  - (iv) North Dublin Bay SAC (000206) 12.6km

<sup>1</sup> <https://gis.epa.ie/EPAMaps/AAGeoTool>

(v) Malahide Estuary SAC (000205) – 14.05km from site

(vi) Broadmeadow/Swords Estuary SPA (004025) – 14.08km from site

11.2.6. There are no apparent hydrological connections between the application site and Malahide Estuary SAC or the Broadmeadow/Swords Estuary SPA and as such the likely significant effects on these Natura 2000 sites can be ruled out.

11.2.7. There are hydrological connections between the application site and the remaining 4 no. sites listed above, arise as a result of surface water discharge from the development, which ultimately lead to Dublin Bay via the surface water network and as a result of wastewater pathways ultimately leading to Dublin Bay via the Ringsend WWTP, with potential impacts on these sites. The qualifying interests of these sites are listed below:

Site (site code)	Distance from site	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (004024)	9.6km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162]

		<p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Water birds [A999]</p>
South Dublin Bay SAC (000210)	11.6km	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
North Bull Island SPA (004006)	12.6km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p>

		<p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	12.6km	Mudflats and sandflats not covered by seawater at low tide [1140]

		<p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritima) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>
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#### Potential Effects on Designated Sites

11.2.13. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'. Specific conservation objectives have been set for all of these areas.

11.2.14. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. For the North Dublin Bay SAC, specific conservation objectives have been set for the

habitats of qualifying interest and they relate to habitat area, community extent, community structure, community distribution, physical structure, vegetation structure and vegetation composition within the qualifying interest (NPWS, 2013).

11.2.15. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space (NPWS, 2015a & b).

11.2.16. At its closest point the site is over 9.6km away (as the crow flies) from the boundary of the Natura 2000 areas within Dublin Bay. In reality however, this distance is greater as hydrological pathways follow the course of the drainage network to Dublin Bay. There is no direct pathway to the Tolka estuary from this development as it lies to the north of the River Liffey. Because of the distance separating the site and the SPAs and SACs noted above, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of these SPAs and SACs.

11.2.17. In relation to the construction phases, potential pollutants include silt and hydrocarbons/chemicals, given that construction works typically generate fine sediments and could also generate result in accidental spills of oils and other toxic chemicals. Standard construction measures, including those set out in the Construction Management Plan, are designed to prevent such occurrences. These are not measures to avoid or reduce an effect on any Natura 2000 site.

11.2.18. However, should these pollutants enter the surface water network, before finally discharging into Dublin Bay, it is likely that such pollutants would be significantly diluted by the point of discharge into Dublin Bay, given the distance involved and the volume of water relative to the volume of likely pollutants, and therefore likely significant effects on the coastal sites listed above can be ruled out.

11.2.19. During the operational phase of the development, the main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, attenuation and SuDS are incorporated into the scheme to ensure no negative impact to the quality or quantity of run off to the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any Natura 2000 site. In terms of pollution arising from wastewater discharge, it is

considered that the additional loading to the Ringsend Wastewater Treatment Plant arising from the development is not considered to be significant, having regard to the fact that there is no evidence that pollution through nutrient input is affecting the conservation objectives of the Dublin Bay Natura 2000 sites, and furthermore, that the upgrading works at the plant will address future capacity.

#### **In Combination or Cumulative Effects**

11.2.20. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the Fingal County Development Plan 2017-2023. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

11.2.21. In relation to the cumulative impacts of foul water discharge, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and that the facility is subject to EPA licencing and associated Appropriate Assessment Screening. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

#### **AA Screening Conclusion**

11.2.22. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area and the distances to the nearest European sites, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites'

Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 12.0 Assessment

12.1. The main planning issues arising from the proposed development can be addressed under the following headings:

- Principle of Development
- Standard of Accommodation
- Surrounding Residential Amenity
- Urban Design including Height
- Material Contravention
- Transport Issues/DMURS
- Trees
- Site Services and Flood Risk
- Covid-19
- Planning Authority's Submission

### 12.2. Principle of Development

#### Principle

12.2.1. Under the Fingal County Development Plan, the subject site is zoned Objective 'RS': 'provide for residential development and protect and improve residential amenity'. I note the definition of Strategic Housing contained in S.3 of the Planning and Development (Housing) and Residential Tenancies Act, 2016, as amended, which provides specifically for shared accommodation developments of more than 200 no. bedspaces. I note that the lands are zoned for residential purposes and accordingly, it is considered that shared living accommodation is permissible, in principle, on Objective 'RS' lands.

12.2.2. The Planning Authority and the majority of observer submissions state that the proposal is a material contravention of the zoning objective, given that the proposal does not protect surrounding residential amenity. I have considered this issue in

other sections of this report (Section 12.4 'Surrounding Residential Amenity' and Section 12.6 'Material Contravention').

12.2.3. The appropriateness of shared living accommodation at this location is raised by the Planning Authority and by the vast majority of observer submissions on the application, as well as by Elected Members. Elected Members consider that this type of housing is inappropriate. The Planning Authority state that the site is a suburban location and recommend refusal having regard to *inter alia* the location and characteristics of the site. One of the main contentions of observer submissions is that the site is clearly suburban, and has been previously referred to as such in the previous Inspectors reports on the previous application for shared accommodation (ABP Ref -305459-19) on this site, and on the permitted apartment development on this site (PA Ref FW16A/0079 & ABP Ref PL06F.248037) as well as in numerous other planning reports produced by Fingal County Council and by private planning consultants. It is contended that the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities do not allow for such shared accommodation developments within suburban areas such as this one, and said Guidelines are unambiguous in relation to where developments of this type should be situated i.e. within urban areas or within city centre areas.

12.2.4. The applicants contend that the site is located within walking distance of Connolly Hospital, a major employer, in addition to other significant employment locations, and that the subject site is in a highly accessible location, which is well serviced by existing public transport routes. The applicants consider that this site falls within the definition of a 'central and/or accessible urban location' as defined in the Apartment Guidelines. It is further stated that the site is located approximately 800m from Blanchardstown Main Street which contains various shops and services. Essentially it is the applicants' argument that the subject site is located within a core urban area of the Greater Dublin Area.

12.2.5. In terms of assessing the appropriateness, or otherwise, of the site for shared-living accommodation, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) (hereafter referred to as the Apartment Guidelines) provide guidance in respect of such development.

- 12.2.6. Section 5.18 of the Apartment Guidelines notes that state that due to the distinct nature and features of Shared Accommodation type development, it is only appropriate where responding to an identified urban housing need at particular locations. There is an obligation on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly.
- 12.2.7. Section 5.19 states that the prevailing context of the proposed site shall also be considered, with city centres identified as the appropriate location for such development. Section 5.22 states that shared accommodation proposals may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities.
- 12.2.8. In relation to same it is my view that the guidelines therefore allow such accommodation in both city centres and certain core urban locations as outlined above. In relation to same, the Board have not restricted previous shared accommodation proposals to city centres only, with shared accommodation permissions granted in non-city centre locations including Rathmines (ABP Ref 306742-20 and Dun-Laoghaire town centre (ABP Ref 304249-19). Furthermore, in their stated reason for Refusal No. 1, in relation to a shared accommodation scheme in Harold's Cross (ABP Ref 307608-20), the Board state that city centre and town or major employment centre locations are the most appropriate locations for shared accommodation developments.
- 12.2.9. As such, it is clear that only particular locations that are considered appropriate for such developments, with the context of the site being of importance. The Apartment Guidelines also require the need for such accommodation to be identified by the applicant. I shall address the issue of location and context in the first instance, and I shall address the issue of need in the relevant section below.

#### Location and Prevailing Context

- 12.2.10. Having regard to the accessibility criteria as set out in the Apartment Guidelines, I am of the view that the site is located within a 'central and/or accessible urban location', suitable for higher density developments such as that proposed here. Such locations include:

- Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800- 1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

12.2.11. The site is located within 500m (as the crow flies) of Connolly Hospital. There are two walking routes to same, via the Navan Road, which is a 1km walk/13min walk, or via the Old Navan Road, which is a 1.2km/14min walk. As such the site fulfils the first criteria above. I acknowledge the route via Navan Road does involve the crossing of multiple junctions and busy roads. However, I am of the opinion that that the walking distance to the site is not excessive and is not such a poor pedestrian environment so as to make the option of walking unviable. The latter route via the Old Navan Road, is slightly longer, but does not involve the crossing of so many roads, and provides an alternative route to the hospital from the site.

12.2.12. The site is with 550m or a 7 minute walking distance of Castleknock Train Station. This is not a Dart or Luas but it is considered a high capacity service. Castleknock Station is served by the Maynooth to City Centre (Connolly/Docklands/Pearse) commuter service. There is a frequent train service at this station with a frequency of up to 4 to 6 services per hour each way during peak times. The applicant has stated that there is sufficient capacity exists on this route and cite information from the National Heavy Rail Census report 2018 (published July 2019) which indicates that this route is operating within its designed capacity. However a large number of submissions have cited concerns in relation to available capacity on the commuter rail service to/from Castleknock Station.

12.2.13. Information on the Irish Rail website details a number of investment programmes designed to increase capacity in the rail network. Of relevance to this line is the Dart+ West project which will provide an electrified and more frequent rail service, improving capacity on Maynooth and M3 Parkway to city centre rail corridor, with capacity increases from the current 7 trains per hour per direction up to 15 trains per hour per direction subject to demand. Passenger capacity will increase from 4,500 in

2019 to 13,750 passengers in 2025. This project is currently at public consultation stage and it is expected that a Railway Order application will be made to An Bord Pleanála in mid-2021.

12.2.14. As such, while the observer submissions indicate that there may be an issue with capacity at peak times, there are definitive plans in place to deliver additional capacity on the public transport network, which the proposed development, and the surrounding residential development, will ultimately benefit from.

12.2.15. In relation to the third criteria, there are a total of 8 bus routes located within 10 minute walk of the proposed development, (17a, 37, 38a, 39, 39a, 70, 70d, 76a and 220), although it is acknowledged that those services within 5 minute walk do not operate a 10 minute peak hour frequency.

12.2.16. Notwithstanding, the site can be defined as an accessible urban location, having regard to the criteria in the Apartment Guidelines. However, this alone does not justify a shared accommodation proposal on the site, with the surrounding context also being of importance. In this regard, the immediate surroundings of the site is two-storey housing. However larger scale development is also nearby with the Mill Apartment development, a three storey apartment development consisting of 4 no. 3 storey apartment blocks, located approximately 100m to the south-east of the site. While various documents, including the applicant's own documentation, refer to Blanchardstown Village lying 800m from the site, I note that the site, in fact, lies an approximately 400m (a 5 minute walk) from eastern extent of Blanchardstown Village, which offers a wide range of shops and services. I refer the Board to Section 3.3. of the applicant's Statement of Consistency which sets out the various services and facilities available in Blanchardstown Village. While referred to as Blanchardstown Village, this area is in fact zoned 'Town and District Centre' within the Fingal County Development Plan 2017-2023. As noted above, the site is within walking distance of Connolly Hospital, which is recognised in Section 2.8 of the Fingal County Development Plan 2017-2023 as one of a number of large public sector employers in Blanchardstown, and as such the hospital can be defined as a major employment location.

12.2.17. The site also lies within the boundary of the Blanchardstown Urban Framework Plan (as identified on Sheet 13 – Blanchardstown South). It is of note that The Fingal

County Development Plan 2017-2023 refers to Blanchardstown as the largest commercial and residential centre within the Metropolitan Area of Fingal.

12.2.18. It is located approximately 2.2km (30 min walk) from Blanchardstown Centre, which is referred in the Fingal Development Plan as one of largest and most important retail centres in the State. The Blanchardstown Centre is also served by bus route 39a (from the Navan Road) or 39 (from Blanchardstown Village) with the nearest bus stops being 450m from the site within Blanchardstown Village (approx 6 minute walk) or 650m from the site, on the Navan Road (10 minute walk).

12.2.19. As such to my mind, the prevailing context of the site is that of an urban location, located in close proximity to a major employer, Connolly Hospital, and within relatively short commuting distance to other major employment locations, including the Blanchardstown Centre. The site is well served by public transport, with access to a wide variety of services within Blanchardstown Village, a 5 minute walk from the site. As such, I consider the location of the site is, in principle, suitable for shared accommodation, subject to the need for same being identified. I have considered the issue of need below.

#### Identified Need

12.2.20. As noted above the Apartment Guidelines note that that Shared Accommodation is only appropriate where responding to an identified urban housing need at particular location. In this regard, the obligation will be on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly. Of particular relevance is Section 5.22 of the Apartment Guidelines which notes such proposals may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities.

12.2.21. In response to same, the applicants have sought to identify this need in a number of documents, including, but not limited to, the Justification Report. The main points raised in these documents, as relates to need, are as follows:

- Widely reported that there is an acute housing shortage prevailing with a significant demand existing in the Blanchardstown area.

- Lack of rental accommodation in the area/Unaffordable rental accommodation.
- Proposal will play a significant role in addressing the current housing shortage by providing an alternative affordable living accommodation for employees in Dublin, recognised as a requirement of the Apartment Guidelines.
- The more affordable housing solution that a 'Shared Living' facility presents relative to standard residential development and the role that the subject scheme could play in relieving pressure on the private rented sector in the local area.
- Younger accommodation profile in the local area, many of whom do not require a typical family home in a house or apartment.
- Lack of available accommodation options for the very substantial permanent local workforce (Connolly Hospital, Dublin Enterprise Zone, Intel and Blanchardstown Town Centre).
- 1km walking distance to the south of Connolly Hospital Blanchardstown, which is a significant employer in Blanchardstown currently employing in excess of 1,100 No. staff.
- Letter from the General Manager of Connolly Hospital supporting the concept of Shared Living/Letter of Support from Kate Cowhig (International Healthcare Recruitment).
- Dublin Enterprise Zone – a 21 minute walk from the development/Consists of approximately 790 No. businesses, 16,920 No. employees and 1.18 million sq. m. of building floor area. Only half of the Dublin Enterprise Zone has been developed thus far/Potential to create an additional 20,000No. jobs on the 716 No. hectares of undeveloped, zoned and serviced land available in the Zone.
- Demand from employees of Blanchardstown Centre – employs approximately 5,500 people.
- Demand from National Aquatic Centre and National Sports Campus/ Demand from parents of children at Connolly Hospital/Intel in Lexlip. – employs 11,000 people

12.2.22. In terms of employment, the site is located within 500 m (as the crow flies) to Connolly Hospital or a 1km walk/13min walk. Information on the HSE website

describes this hospital as a major teaching hospital providing a range of services to a population covering the communities of West Dublin, North Kildare and South County Meath. The applicants' Justification Report states that the hospital employs in excess of 1,100 staff. As noted above, the Fingal Development Plan recognises that Connolly Hospital is a major employer in the area. As such it is reasonable to expect that it would generate a significant need for accommodation in close proximity, including a need for shared accommodation such as that proposed here. As such I consider that the provisions of Section 5.22 of the Apartment Guidelines, as relates to identified accommodation needs, have been complied with in this instance. There is also a significant concentration of employment within the Blanchardstown Centre, as detailed within the applicants' Justification Report which would also would also generate significant housing need.

12.2.23. The applicant refers to Ebay as being within a 20 minute walk of the site, and states that this is within the Dublin Enterprise Zone. This does not appear to be the case, and the Dublin Enterprise Zone area appears to be mainly concentrated on lands between the N3 and the M50 (The Fingal County Development Plan refers to the Dublin 15 Enterprise Zone as being located in Blanchardstown, Mulhuddart, Damastown, Ballycoolin and Cherryhound). As such while this zone is a significant employment generator, the applicants have not demonstrated that the shared accommodation proposed here would serve the accommodation needs of same, and there is insufficient information as relates to walking and commuting times to the Enterprise Zone.

12.2.24. In reference to the applicant's contention that the accommodation would be suitable for families/parents visiting patients at Connolly Hospital, I do not consider that this is either suitable accommodation for same or likely to generate demand for same. Such a use would undermine the ethos of shared accommodation format where social interaction with others is a key component. Similarly demand stemming from the National Aquatic Centre and National Sports Campus is not considered feasible to my mind and such need is not what the Apartment Guidelines envisage. While it is possible that some demand would stem from Intel in Lexslip, which is a 13min train journey from Castleknock Station, there is little evidence put forward to support same. I would consider demand would be far more likely to stem from the employment locations that are located in closer proximity to the site.

Notwithstanding, I am satisfied that the applicant has established that there is an identified need for such accommodation in the area.

12.2.25. In terms of affordability, the applicants contend that the shared accommodation proposal is more affordable than the current rental market, and is more affordable than a house share. There is little evidence put forward to support same. However it is evident that there is a shortage of rental accommodation, and housing in general, and this is not contested by any parties. The provision of this format of accommodation, will provide additional accommodation and help will free up other rental accommodation for the wider housing market. As such I am satisfied that the proposal is in line with the overarching national aims to increase the housing stock, as set out in various policy documents, including, but not limited to, Rebuilding Ireland – Action Plan for Housing and Homelessness (2016).

### 12.3. Standard of Accommodation

12.3.1. The Planning Authority consider that the quality of accommodation proposed is substandard, taking into account the level of amenity offered by the communal open spaces, and the number of north and east facing single aspect units, including a number at basement level and reliance on achieving primarily minimum standards. The Planning Authority recommend refusal on this basis.

12.3.2. The majority of observer submissions also raised the issue of the level of amenity proposed for the future residents of the scheme and in general the comments raised reflect those of the Planning Authority.

12.3.3. Specific Planning Policy Requirement 9 of the Apartment Guidelines set out the requirements for Shared Accommodation. The guidelines primarily describe a clustered model of shared living accommodation, as described in Section 5.15, although they do note that other formats may be proposed, as set out in Section 5.22. The acceptance of such alternative formats will be at the discretion of the planning authority.

12.3.4. Table 5a of the Apartment Guidelines set out the minimum bedroom size for shared accommodation proposals. For a single room the minimum bedroom size is 12 sq. m. For a double/twin room, the minimum bedroom size is 18 sq. m.

12.3.5. The development comprises 198 no. rooms, including 182 no. single occupancy rooms, 4 no. accessible rooms and 12 no. double occupancy rooms. The Shared

Living Report states that the proposed rooms have an area of 16 sq. m. and include storage (6.15m<sup>3</sup>), lounge/sleeping area, closet, desk, toilet, shower, tea/ coffee making facilities, etc. Flexible fixtures are used to allow for a range of activities with a daytime 'living' arrangement and a night time 'sleeping' layout. The double occupancy rooms are stated to be 18 sq. metres and the accessible rooms are 23.5 sq. metres. The size of the individual units is in compliance with the guidance set out in Table 5a of the Guidelines.

- 12.3.6. The applicant has submitted a Daylight and Sunlight Analysis. This considers *inter alia* the Average Daylight Factor (ADF) to the proposed habitable rooms at basement level, which represent a 'worst-case scenario'. All of the rooms at basement level either meet or achieve BRE Guidelines.
- 12.3.7. Notwithstanding that the proposal exceeds the minimum standards for the single occupancy rooms, and meets the standards for the 12 no. double rooms, and that BRE targets are achieved, I share the concerns of the Planning Authority and of observers, in relation to the quality of accommodation of the basement units. The quality of the residential environment of same is highly questionable. The units would have a very poor aspect as a result of being located at basement level and would be directly adjacent to a communal courtyard. The likelihood is that the occupiers of these units would experience overlooking from the users of the courtyard, or at least the perception of overlooking, and would feel inclined to maximise their privacy by closing blinds or curtains, with the result of a very poor standard of accommodation. This is not an acceptable standard of accommodation, in my view, and is not in line with the requirement to provide an enhanced standard of amenity, as set out in the Apartment Guidelines. As such I consider that all 14 no. rooms at basement level should be omitted from the scheme and the floorspace gained by their omission be reverted to a mix of communal kitchen/living/dining and additional recreational/leisure amenities (see discussion of same below). At least 224 sq. m. of additional floorspace can be gained in this manner, with additional floorspace possible with a revised layout at basement level.
- 12.3.8. Shared accommodation proposals shall also provide for sufficient communal amenities in accordance with the specified standards in Table 5b of the Guidelines, and that the scale of the development is appropriate to the location/buildings

involved and to the specific role that the development of the shared accommodation sector should play in the wider urban apartment market.

12.3.9. In terms of common shared areas for living and kitchen facilities, the guidelines identify minimum floor space requirements on a per capita basis. The requirements are as follows.

- Bedrooms 1 – 3 8-sq.m. per person
- Bedrooms 4 – 8 additional 4-sq.m. per person.

12.3.10. In this instance, the cluster model as described in the guidelines has not been proposed, and instead the scheme proposes at least one Kitchen/Living/Dining area on each floor, to meet the needs of all residents of that floor.

12.3.11. The provision of shared kitchen/living/dining spaces is as follows:

Floor	No. of Bedspaces	K/L/D floor area (sq. m)	K/L/D floor area per bedspace (sq. m)
Basement	14	63.6	4.54
Ground	46	111 (over two separate areas)	2.4
First	59	184.6 (over three separate areas)	3.12
Second	48	184.6 (over three separate areas)	3.84
Third	25	130	5.2
Fourth	18	110	6.1
<b>Total</b>	<b>210</b>	<b>783.8</b>	<b>3.73</b>

12.3.12. This level of provision does not meet the minimum quantitative standards of section 5.16 of the guidelines, which can be interpreted as requiring a minimum of 6 sq. m per bedspace. Notwithstanding the overall floor areas provided, and while there may

be an argument to be made for larger clusters than described in section 5.15 of the Guidelines, in this instance, I regard the number of total floorspace allocated for the kitchen/living/dining areas to be insufficient.

12.3.13. The applicants state that the minimum floorspace extent for the shared common living and kitchen areas has been calculated on a per bedspace basis in line with the An Bord Pleanála decision to grant permission for a Shared Living Scheme at the Old School House, Eblana Avenue, Dun Laoghaire. (ABP Ref 304429-19). It is stated that the granted scheme at Eblana Avenue, provided an average of 2.8 sq. m per bedspace, less than that which has been provided here.

12.3.14. Notwithstanding same, each scheme must be considered on its individual merits, and on the overall quality of accommodation provided in the scheme. In this instance, there is scope however to provide additional communal living/kitchen/dining area floorspace at basement level, as per the discussion above. The omission of the 14 no. bedspaces at basement level would also result 196 bedspaces, with a subsequent lower demand for such floorspace. I would consider it reasonable to suggest that approximately 50% of the area at basement level that is gained from the omission of the units be given over to additional shared common living and kitchen area, with the remainder given over to additional recreational amenity floorspace (see discussion on same below). This would provide at least 4.6 sq. m of shared common living and kitchen area per bedspace, which, while below the 6 sq. m required for the clustered format as described in the Apartment Guidelines, would be acceptable having regard to previous the Board decision at Eblana Avenue, and having regard to the particular characteristics of this scheme, including the overall quality of accommodation provided within this scheme.

12.3.15. Section 5.17 of the Apartment Guidelines notes that a key feature of successful Shared Accommodation schemes internationally is the provision of wider recreation and leisure amenities as part of the overall development. Residents enjoy access to sports and recreation facilities that are dedicated for use by the residents only and have the opportunity to experience a shared community environment among residents of the scheme.

12.3.16. SPPR7 (b) refers to supporting communal and recreational amenities and states that these facilities are to be categorised as:

- (i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
- (ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces function rooms for use as private dining and kitchen facilities, etc.

12.3.17. In relation to communal and recreational amenities, these are provided at basement, ground and third floors. These are set out in the table below:

Communal/recreational amenity	Quantum Sq. m.
<b>Basement</b>	
TV/Cinema Room	85
Residents Courtyard (External)	170
<b>Ground</b>	
Gymnasium/Studio Space	99.1
Lounge/Reception	101
Residents Courtyard (External)	336
<b>Third Floor</b>	
Library/Study Area	30
External Amenity Area	78
<b>Fourth Floor</b>	
Private Dining Area	23.5
<b>Total</b>	<b>922.6</b>

12.3.18. The proposed resident support facilities are provided as follows:

- Launderette (33.7 sq m)

- Linen Room (25.5 sq m)
- Bin Store (40.7 sq m)
- Bicycle Storage (254 No.)
- Common WC/Stores (13.8 sq m)

12.3.19. The applicants' note that based on the provision of 210 bedspaces, the total communal amenity provision equates to a total of 4.4 sq. m. per bedspace.

12.3.20. In terms the communal spaces proposed, I consider that there is scope to provide additional communal amenity provision at basement level, as per the discussion above. In relation to same, I note that the applicants have stated that the gym area is proposed to be a fully fitted out gym and also function as a studio space. I consider the floorspace of same to be insufficient to allow for this. However, additional recreational amenity at basement level, either a fully fitted out gym or studio space which would improve the overall level of communal amenity space provision. As per the discussion above, I would consider it reasonable to suggest that approximately 50% of the area at basement level that is gained from the omission of the units be over to additional recreational amenity floorspace, resulting in at least an additional 112 sq. m. of floorspace for recreational amenity use.

12.3.21. Communal amenity is also provided in the form of a courtyard at basement level and this provides a relatively large quantum of space in the form of an internal courtyard. I do not consider that the location of the bike storage would have a material impact on the amenity of this area. Planting proposed in this area, as detailed in the Landscape Plan, will further enhance the amenity of this space.

12.3.22. In relation to the larger ground floor courtyard area I note that this does not achieve BRE Targets in relation to daylight, and on March 21<sup>st</sup> only 11.1% of the area receives above 2 hours of daylight (the BRE Target is 50%). This is due to the orientation of the courtyard and the built form proximate to same. However, the proposed built form allows for greater sunlight provision during the summer months, as the building directly south of the courtyard is lower than the building to the east, and the courtyard is completely open to the west. The shadow diagrams indicate that the courtyard receives adequate daylight during the summer months. I note the provisions of 6.7 of the Apartment Guidelines which note that, where an applicant

cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. In this regard, the applicants have stated that the inclusion of an accessible roof terrace is proposed as a compensatory measure, and this area will achieve extremely high levels of sunlight through the year. The Apartment Guidelines also note that any assessment be balanced against achieving wider planning objectives.

12.3.23. I consider on balance the quality of the amenity space at ground floor level is acceptable, having regard to the sunlight levels received during the summer months, the additional amenity space provided at roof level, and having regard to the need to ensure the efficient use of an accessible site.

12.3.24. In relation to the communal rooms, where the BRE have set out applicable targets, the rooms achieves the relevant standards. In relation to the gym and the lounge reception area, the applicants state that they have set a standard that is relevant to the function of the room i.e. for the gym and lounge/reception area the applicants have set a standard of 1.5. I consider that this is a reasonable approach and one would expect some level of supplementary lighting in these areas.

#### Conclusion

12.3.25. On balance, and subject to a condition requiring the omission of the 14 no. basement level bedspace, and the provision of additional floorspace dedicated to communal living/kitchen/dining areas, and to recreational amenities, being provided at basement level, I consider that the overall standard of accommodation provided for the units is acceptable, having regard to minimum floor areas, the daylight levels received, the overall quantum of communal kitchen/living/dining space provided and having regard to the overall quantum of recreational amenities provided.

#### **12.4. Surrounding Residential Amenity**

12.4.1. The Planning Authority state that the proposal fails to integrate visually or functionally with the adjacent buildings and would seriously injure residential amenity in the area and building will be overbearing on adjacent property. It is further stated that the proposal will overshadow the private open space of adjacent property. Concern is also raised in relation to noise impacts from the bikes and bin stores. The Planning Authority consider that the proposal should be refused taking account of

the scale, bulk, mass, density and deficiencies in the provision for car parking and it is stated that the proposal would seriously injure the amenities of the area by way of overshadowing, overbearing, overlooking and as a result of overflow car parking.

12.4.2. The vast majority of observer submissions have raised concerns in relation to the impacts on surrounding residential amenity and it is stated that the proposal would result in loss of daylight and sunlight, overshadowing, overlooking and loss of privacy, would result in noise impacts, and would be visually overbearing and would have a negative impact on visual amenity. A number of submissions have included photographs of surrounding properties, including drone photographs taken from a high level, and I refer the Board to same. In addition concern is raised in relation to the location of the bin stores adjacent to the neighbouring residential property and impacts as a result of the extraction fans and plant, as well as the impact of noise and fumes from cars accessing the car park. Impacts from noise and sunlight reflection is also raised as a concern. It is also stated that the Daylight & Sunlight Analysis refers to the incorrect addresses.

12.4.3. The nearest residential dwellings to the west and north-west of the site at Talbot Downs, to the east and south-east of the site at 'Ashgrove' and Talbot Court and to the south and south-west on the opposite side of the Old Navan Road.

Daylight/Sunlight & Overshadowing

12.4.4. The submitted Daylight and Sunlight Analysis considers the impacts on 7-12A Talbot Downs, on 'Ashgrove' and 14-16 Talbot Court and on 3-11 Navan Road. Having regard to the submitted OS Site Location plan, the addresses indicated in the Daylight and Sunlight Analysis appear to be correct.

12.4.5. In terms of impact on sunlighting in existing garden areas, the BRE guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st. As a result of a new development, an existing garden does not meet the above, and the area which can receive two hours of sun on March 21st is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

12.4.6. In relation to impact on existing gardens, the analysis shows that two properties experience a very minimal reduction in sunlight to the gardens of same (9 Talbot Downs and 14 Talbot Court both experiencing a loss of 1% of the garden area

receiving 2 hours of sunlight on March 21<sup>st</sup> – both properties are still well above the target of 50%) and 7 Talbot Downs experiencing very minimal improvements (an increase of 1% of the garden area receiving 2 hours of sunlight on March 21<sup>st</sup>). The remainder of the gardens considered are do not experience any impact, in terms of the percentage of the garden area receiving 2 hours of sunlight on March 21<sup>st</sup>.

12.4.7. The Shadow Analysis indicates that there will be some impacts in terms of overshadowing of the gardens to the east and south-east of the site, most notably in the evening during the summer months, and during the late afternoon in the spring. However, I note that the permitted development on this site is likely to have resulted in similar impacts, and notwithstanding same, the proposal complies with the BRE standards, as noted above.

12.4.8. In terms of Vertical Sky Component (VSC), all of the surrounding windows that have been assessed meet BRE Guidelines. I note that the Window No. 16a (16 Talbot Court) is experiences a reduction of 19.92% which is reported as 20% due to rounding up. This is the window that is most impacted as a result of the proposed development. However, it still meets the BRE target value.

#### Overlooking

12.4.9. Objective DMS28 of the Fingal Development Plan states that *'a separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs'*.

12.4.10. The proposed development is set back at least 18.7m from the nearest windows at Talbot Downs. At ground, first and second floor levels, on the west/north-western elevation, there are no habitable room windows on the boundary facing towards properties on Talbot Downs. The closest window to window distance is approximately 45m. This is sufficient to ensure no overlooking of properties on Talbot Downs will result from the proposed development. While there are landing windows at a closer distance, these are not windows serving habitable rooms, and I do not consider any material overlooking would result from same.

12.4.11. In relation to potential overlooking from the terrace area at third floor level, I note that a 1.8m high sand blasted screen is proposed to the western boundary of same. The

terrace area is also setback approximately 35m from the front boundaries of properties on Talbot Downs. As such no overlooking of adjacent properties will result from this terrace.

12.4.12. In relation to residential properties to the east and south-east of the site at 'Ashgrove' and Talbot Court, I note the two-storey dwelling house has its primary elevation facing towards the site. However, the closest window to window distance is 40.3m and as such I do not consider that overlooking of same would result. There is a single storey structure on the site. However there are no windows on the elevation that faces towards the development site, although there is a glazed door on this elevation. In relation to the properties at 14-16 Talbot Court Talbot Court, there are no directly opposing windows. Above ground floor level, there are indirect views to and from the proposed development, from these properties, but the separation distance is approximately 35m, which is sufficient to ensure no material overlooking results.

12.4.13. In relation to the properties on the opposite side of the Old Navan Road, to the south and south-east of the site, the closest window to window distance is 30m which is sufficient to ensure no material overlooking results.

12.4.14. A number of submissions state that external terraces/balconies are located on the elevations of the proposal, which face toward neighbouring residential properties. It is stated that overlooking would result from same. The proposal does not propose any above ground terrace or balconies, save for the terrace area provided at third floor level, which is clearly delineated on the plans. There are flat roof areas shown on the plans with planting although there is no resident access to same. There is some discrepancy between the plans and elevations in relation to the brick facades which are not reflected in the floorplans. If the Board is minded to grant permission, I consider that it is appropriate to request revised plans ensuring that there is consistency between the elevations and the floorplans. I do not consider that this discrepancy has a material impact on the acceptability of the proposal, having regard to surrounding residential amenity.

#### Noise

12.4.15. A larger number of submissions have raised concerns in relation to potential noise issues from the external terrace at third floor level. As noted above this is located

approximate 35m from the front boundaries of properties on Talbot Downs. However, there is some potential in my view for late night noise disturbance from same, given the elevated nature of same. It is my view that the external terrace should not be accessible in the later evening hours, when there would be most potential for noise disturbance. While I note that the submitted 'Niche Living Operation Plan' states that the Residential Relations Team will be responsible for preventing anti-social behaviour, I consider that it appropriate that the applicant should agree with the Planning Authority appropriate hours of access to the external roof terrace. This can be ensured by way of condition.

#### Visual Amenity

12.4.16. In relation to visual amenity a large number of submissions have raised concerns in relation to the scale of the proposal and the visual impact of same, and it is stated that the Landscape and Visual Appraisal is inadequate. I have considered the issue of visual amenity in Section 12. 5 below.

#### Impacts from the Bin Store and Car Parking

12.4.17. I note the bin store is adjacent to the boundary of the property to the south-east of the site. This is a covered area and as such I do not consider that odour will result from this area or excessive noise would result.

12.4.18. In relation to fumes and noise from the cars entering and exiting the site, I note the limited car parking in the site and I do not consider that impacts from noise and fumes from cars parking on the site would be significant.

#### Construction Impacts

12.4.19. While there will be short term impacts from the construction stage, as relates to noise, dust and vibration, these will be mitigated by the measures set out in the Construction Management Plan. Specifically in relation to vibration impacts, vibration limits are set out in the Stage 1 Construction Management Plan and vibration monitoring system is to be put in place prior to any works taking place. This system is to raise an alarm if an agreed limit is exceeded, at which time the working methods are to be adjusted so as to reduce the vibration generated.

#### Conclusion

12.4.20. While I note the concerns of the Planning Authority and of surrounding residents in relation to impacts on amenity, having regard to the assessment above, and subject to a condition in relation to the hours of access to the terrace area, I do not consider that the proposal would result in a material impact on the of amenity to surrounding properties, having regard to loss of daylight and sunlight, overshadowing, overlooking and loss of privacy, noise impact or impacts of odour.

## 12.5. Urban Design including Height

12.5.1. A large number of the submissions have raised concerns in relation to the height and it is stated that 5 storeys is out of character for the area and will have a negative visual impact dominate views. The removal of the boundary wall along Talbot Downs has also been raised as a concern by observers. A number of submissions have stated that the proposal materially contravenes Objective DMS39 of the Fingal County Development Plan which states that *'New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings'*.

12.5.2. As outlined in the applicant's Architectural Design Statement, the overall footprint of the development has sought to match as closely as possible the permitted scheme on this site. However, rather than being composed of 4 distinct buildings, as was the case with the permitted scheme, the current proposal is comprised of a single building, with east and west facing courtyards.

12.5.3. In terms of the height, it is of note that the permitted scheme was a maximum of 4 storeys in height with the height decreasing towards the boundaries, whereas this proposal is a maximum of five storeys. The five storey element is limited to the centre portion of the development, with the height increasing as one steps in from the boundary. On the western/north-western boundary the height is two-storeys. There is a single storey substation/bin store area to the south/south-eastern boundary of the site, with the main body of the building being 3 storeys at this location. To the east/north-east boundary of the site, the building is two-storeys in height, and steps up as it steps in from the boundary.

12.5.4. The immediate context of the site is one of two-storey properties, although there are examples of higher buildings in the area, including 3 storey buildings arranged in 4

no. blocks, with accommodation at roof level, at the Mill Development, located approximately 100m south-east of the site.

- 12.5.5. As referred to above there is permission for a development of 4 storeys on this site, with setbacks from the eastern and western boundaries. As such the principle of a building of scale has been established on the site.
- 12.5.6. In relation to the issue of height, there are a number of relevant guidelines, prepared by the Minister under Section 28 of the Act, which are relevance. Of particular relevance are the Urban Development and Building Height Guidelines (2018) (hereafter referred to as the Building Height Guidelines) which state that there is a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility.
- 12.5.7. The Building Heights Guidelines provide clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards, including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 12.5.8. SPPR 3 of the Building Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- 12.5.9. I have addressed the issue of a possible material contravention of the Fingal County Development Plan 2017-2023 in the relevant section below, and I will provide further assessment against the criteria in section 3.2 here.
- 12.5.10. At the scale of the city/town, the first criterion relates to the accessibility of the site by public transport. As outlined in detail in Section 12.2 of this report, the site is well

served by public transport and falls within the definition of a 'central and/or accessible site' as defined in the Apartment Guidelines.

- 12.5.11. The second criterion relates to the character of the area in which the development is located. The site is not located within a sensitive landscape or within a conservation area. There is an existing structure that occupies a portion of the site which is of no particular architectural merit and the remainder of the site is a surface car park which does not contribute to the character of the area. The site is bounded by residential development to the west, north-west, east and southeast, which is generally two-stories in scale. The height responds to this context and steps down in height at the boundaries. To the Old Navan Road elevation, the height rises to 4 storeys, with the fifth storey element setback from the boundary. This provides strong frontage to the site, without being overbearing in appearance, and it is of note that this elevation is at least 30m from the two-storey dwellings opposite. The creation of defined street edge along the Old Navan Road will make a positive contribution towards place-making, as required by the Building Height Guidelines.
- 12.5.12. At the scale of the district/neighbourhood/street, the proposal results in the removal of the existing building and car parking, resulting in a change of character of the site. However it is my view that the proposed development creates a distinctive development on the site and will form a positive addition and new landmark for the area. As a result, this will improve the legibility of the area. The proposal for shared accommodation will contribute towards housing choice in the area.
- 12.5.13. At the scale of site/building, the applicant has incorporated setbacks from the boundaries with the highest element away from surrounding sensitive receptors, and I consider that this approach is appropriate for the site. In relation to visual impact, a Landscape and Visual Appraisal has been submitted with the application. This considers the potential visual impact of the proposal on surrounding receptors from a number of viewpoints, including from Talbot Downs and from the Old Navan Road. The report concludes that the significance of the predicted visual impact is low and neutral. As noted above, a large number of submissions have raised concerns in relation to the scale of the proposal and the visual impact of same, and it is stated that the Landscape and Visual Appraisal is inadequate. I share some of the concerns in relation to the Landscape and Visual Appraisal, and I consider that it is limited in its selection of viewpoints. However, I note there is a permitted scheme on the site

for a building of up to 4 storeys in height and the principle of a building that is higher than its immediate context has been established. I acknowledge that the proposal will represent an increase in bulk and mass from the permitted apartment scheme, given that permitted scheme was a maximum of 4 storeys in height with the height decreasing towards the boundaries, whereas this proposal is a maximum of five storeys.

- 12.5.14. In the case of this current proposal, the five storey element is limited to the centre portion of the development, with a significant reduction in scale as one moves towards the boundaries. The top floor of the proposal is some 33m distant from the rear elevation of the closest property on Talbot Court.
- 12.5.15. Having regard to the above, the resultant visual impact of the proposal when viewed, from adjacent properties and from the surrounding streetscape, is acceptable in my view
- 12.5.16. I also consider that the proposed materials and architectural detailing will contribute to the creation of a positive addition to the streetscape. Elevations within the proposed development feature a variety of architectural detailing, including setbacks and a variation in materiality, which provide visual interest and help to break down the massing of the proposal.
- 12.5.17. The submitted Daylight/Sunlight Assessment concludes that there will be no significant impact on surrounding residential properties (see further discussion of same in Section 12.4 of this report). While the resident's courtyard at ground floor level does not meet the BRE standards for daylighting, compensatory measures are provided in the form of an additional external terrace, and overall the quality of this space was considered to be acceptable having regard to other wider planning objectives, such as the need to make efficient use of an accessible urban development site. Other relevant specific assessments have been submitted, as required by the Building Height Guidelines, including an Architectural Design Statement, Photomontages and CGIs, and a Landscape and Visual Appraisal.
- 12.5.18. Overall, I am content that the height and massing of the development will enhance the character of the area and I find that the proposed development satisfies the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines.

12.5.19. Specifically in relation to Objective DMS39 of the Fingal County Development Plan, I am satisfied that the height and massing is acceptable, in that it has regard to surrounding residential units, as required under Objective DMS39, as there is a substantial decrease in height towards the boundaries of the site, where the development is in closest proximity to surrounding residential units. In relation to the boundary walls and trees, there is limited scope to retain these features on the site and I am of the view that the proposed replacement boundary treatment will contribute to the overall character of the area. As such I do not consider that removal of same would materially contravene Objective DMS39.

## 12.6. Material Contravention

12.6.1. The Planning Authority state the proposal is a material contravention of the RS – Residential Land use zoning objective, which seeks to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity, as it is contended that the proposal will result a negative impact on residential amenity. The majority of observer submissions are also of this view. However I do not consider that the proposal contravenes, or materially contravenes, the zoning objective of the site. The proposal provides a residential development on lands zoned for residential use and, as per my assessment in Section 12.4 and 12.5 of this report, will not result in a negative impact on surrounding residential amenities. As such the proposal is in line with the zoning objective for the site.

12.6.2. As noted above, a number of submissions have stated that the proposal materially contravenes Objective DMS39 of the Fingal County Development Plan which states that 'New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping and fencing or railings'. I refer the Board to my assessment of same in Section 12.5 above.

12.6.3. The applicant sets out that it is their opinion that the proposed development does not materially contravene the Fingal County Development Plan 2017-2023. However it is set out that the Fingal County Development Plan 2017-2023 does include an objective 'Blanchardstown 1' within the Development Plan, which states that it is an objective to prepare an Urban Framework Plan for Blanchardstown Village to guide

future development including infill development that would not exceed 3 No. storeys. However, no Urban Framework Plan in accordance with this objective has been prepared to date and there is no current defined timeline to prepare this Urban Framework Plan. Thus, in the event that the Board consider the development materially contravenes the Plan, the purpose of the Material Contravention Statement is to set out the justification for increased height (towards the centre of the subject site) as part of the proposed development to provide a Shared Living Residential Development at Brady's Public House, Old Navan Road, Dublin 15.

- 12.6.4. The Planning Authority have not stated that the proposed development is a material contravention of Objective 'Blanchardstown 1' within the Development Plan. A small number of observer submissions have raised this as an issue.
- 12.6.5. I am of the opinion that proposal materially contravenes the Fingal County Development Plan 2017-2023 in relation to building height, specifically Objective 'Blanchardstown 1' which states that it is an objective to prepare an Urban Framework Plan for Blanchardstown Village to guide future development including infill development that would not exceed 3 No. storeys. I acknowledge that no Urban Framework Plan in accordance with this objective has been prepared to date. However, as there is reference to the preparation of an Urban Framework Plan where heights in Blanchardstown Village would not exceed 3 No. storeys, and the proposed site lies within the defined boundaries of the Blanchardstown Urban Framework Plan, the proposed development, which provides a maximum height of 5 No. storeys (ranging in height from part one to part five storeys), materially contravenes an objective of the Development Plan. However, I consider that the Board still may grant permission for the development having regard to the considerations below.
- 12.6.6. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

- 12.6.7. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'
- 12.6.8. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'
- 12.6.9. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:
- (i) the proposed development is of strategic or national importance,
  - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
  - (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
  - (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.
- 12.6.10. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.
- 12.6.11. In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding

Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site. In Particular Pillar 4: ‘Improve the Rental Sector of Rebuilding Ireland – Action Plan for Housing and Homelessness 2016’ states that an key objective is addressing obstacles to greater private rented sector deliver and improving the supply of units at affordable rents.

12.6.12. In relation to the matter of conflicting objectives in the development plan, there is no evidence put forward by the applicants, or by any other parties, that there are confliction objectives within the plan and as such I do not consider that this criteria has been met.

12.6.13. In relation regional planning guidelines for the area and Section 28 Guidelines, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs. In relation to Section 28 Guidelines of particular relevance are the Urban Development and Building Height Guidelines (2018) which state that *inter alia* that building heights must be generally increased in appropriate urban locations, subject to the criteria as set out in Section 3.2 of the Guidelines, and I have assessed the proposal against these criteria in detail above. The proposal also complies with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018), as relates to shared accommodation proposals, subject to conditions being imposed requiring the omission of the basement units and the provision of additional living/kitchen/dining floorspace and the provision of additional recreational amenity floorspace.

12.6.14. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, the Board has previously approved a 4 storey development on this site (ref ABP Ref PL06F.248037). As such precedent for higher buildings than currently exist has been established on this site.

12.6.15. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan policies pertaining to height, I consider that the provisions of Section 37(2)(b)(i),(iii) and (iv) have been met, and in this regard I consider that the Board can grant permission for the proposal.

## 12.7. Transport Issues

### Car Parking

- 12.7.1. The development is effectively a car free development with the exception of 2 no. car share spaces.
- 12.7.2. The majority of submissions have raised the issue of car parking and it is stated that insufficient car parking is proposed, with the result that the development will result in overspill car parking onto the surrounding residential streets, with subsequent impacts on amenity.
- 12.7.3. Justification for the level of car parking proposed is set out in the applicant's Mobility Management Plan. It is stated that limited car parking is justified due to the nature of the development, the characteristics and location of the site and its proximity to high intensity employment zones. It is envisaged that the majority of tenants of the development will be employees of Connolly Hospital which is within walking distance of the site.
- 12.7.4. SPPR 9 (iv) of the Apartment Guidelines notes that a default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.
- 12.7.5. As noted in Section 12.2 above, the site is within the urban location of Blanchardstown, is within walking distance of Connolly Hospital, and is well served by public transport, and is defined as a 'central and/or accessible' site as per the Apartment Guidelines. As such, given the site's suitability for shared accommodation, the default minimal policy is considered applicable as per SPPR 9 of the Guidelines, and the provision of the 2 no. car club spaces is considered appropriate.

### Cycle Parking

- 12.7.6. The applicant proposes to provide 12 bleeper bikes as well as 245 no spaces, located at basement and ground levels. 41 no. visitor spaces are provided, including the 12 no. bleeper bikes. I consider the overall provision acceptable.

12.7.7. The Apartment Guidelines note that high quality accessible cycle storage is of importance in new developments. In particular, planning authorities must ensure that new development proposals in central urban and public transport accessible locations and which otherwise feature appropriate reductions in car parking provision are at the same time comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors. In this regard I note that while some of the cycle spaces are located at basement level, with access via steps only, a bike rail runs alongside these steps, allowing for users to wheel their bike down rather than having to carry it. Examples of same are set out in the 'Cycling Score' document submitted with the application. I consider that this arrangement is acceptable. The cycle storage spaces are not covered however and revised plans should be requested indicating covered cycle parking spaces.

#### DMURS

- 12.7.8. The applicants have submitted a DMURS Statement of Consistency within which it is noted that the internal layout of the proposed development is designed in accordance with the guidance provided in the Design Manual for Urban Roads and Streets (DMURS). It is further stated *inter alia* that the development design ensures pedestrian permeability both to the south (along the Old Navan Road) and into the existing park to the north of the development.
- 12.7.9. I note that large number of submissions have raised concerns in relation to the access to the public park and note that there is *inter alia* potential rights of way issues, potential impacts for anti-social behaviour and potential negative impacts on the overall amenity of the area, as a result of future residents utilising the park. While the Planning Authority have not objected to same, I find the proposal to access the park directly, onto an area where there is no defined pedestrian path to facilitate same, rather unsatisfactory and I consider that this access should be limited to emergency use only. Should the Board be minded to grant permission, I recommend that a condition be imposed in relation to same.
- 12.7.10. Given the nature of the site, and having regard to the nature of surrounding land uses, there is limited provision to allow for any meaningful permeability through the site. In relation to same, a number of submissions have stated that the proposal is contrary to the Fingal Development Plan, as related to gated communities. I note that

Objective DMS32 of the Plan states that it is an objective to prohibit proposals that would create a gated community for any new residential developments. However, the Planning Authority have not raised this as an issue. The gate that is proposed to the Talbot Downs elevation is designed for emergency use only, to allow for fire brigade access, and is not designed in order to specifically excluding the wider public from accessing open space within the development, or from passing through the development. As such I do not consider the proposal is a gated community and would not contravene Objective DMS32 of the Development Plan.

12.7.11. The DMURS Statement of Compliance also sets out the objectives of the site layout are to minimise the intrusion of vehicle traffic, to ensure ease of access for emergency services, to encourage walking and cycling, to create short walking routes to *inter alia* shops and public transport, to create a safe, secure, and pleasant environment for people, particularly vulnerable road users. Insofar as the provisions of DMURS can be applied to the site, I am satisfied that the proposal generally complies with same.

#### 12.8. Trees

12.8.1. A significant number of observer submissions raise concerns in relation to the loss of trees both on the site and of adjacent street trees. The submitted Arboricultural Report notes that none of the trees within the red line boundary will be retained. It is further noted that a number of off-site trees and particularly, those on the entrance road to Talbot Downs are already severely constrained and would not be able to grow to maturity, with or without the development.

12.8.2. Given the nature of the site I accept that the loss of trees is justified in this instance. Replacement planting will serve to mitigate impacts and the details of the landscaping and planting scheme can be required by way of condition.

#### 12.9. Site Services and Flood Risk

12.9.1. The development is to connect to the public water supply and foul sewer. I note the correspondence on file from Irish Water who have raised no infrastructure or capacity issues.

12.9.2. SuDs proposals include permeable paving to all new parking areas, waterbutts for local irrigation and washing down and an attenuation tank with flow control device. No objection to the surface water management measures have been raised by

Fingal Co. Co. although it is noted that the potential for green roofs could be explored further.

12.9.3. I note that the Planning Authority have not raised an objection in relation to flooding. Observers have cited previous surface water flood events on the site. A Site Specific Flood Risk Assessment has been submitted. It is stated that having regard to the Fingal County Council flood maps, the subject site is located in Flood Zone C. There is no record of historical flooding on the site. There is considered to be a negligible risk from fluvial flooding. Given the proposed surface water drainage measures, including an attenuation system limiting storm water run-off to 2 l/s and on site storage provided for the 1 in 100 year extreme storm event increased by 10% for the predicted effects of climate change, it is considered that the development is acceptable with regard to flooding and drainage issues.

12.9.4. In conclusion, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions

#### Bats

12.9.5. The Bat Survey Report, dated July 11 2020 details the findings of bat surveys comprising a daylight and night time detector survey carried out on the 09<sup>th</sup> and 10<sup>th</sup> July. A thorough survey of the buildings was carried out as well as trees on/adjacent to the site.

12.9.6. The surveys revealed that there was no evidence of roosting bats nor any bats in the existing building on the site. Trees within and adjacent to the development have low potential for hosting bat roosts being immature and lacking roost potential features. The night time survey showed very low levels of bat activity. Two species of bat were positively identified during the various bat surveys.

12.9.7. It is stated in the report that works associated with the development are likely to lead to an increase in human presence at the site plus additional noise etc. However, given the lack of quality roost features in trees on site and within buildings in conjunction with the low level of bat activity during the night survey, it is unlikely that bats will utilise this site for roosting purposes in the future. It is concluded that the redevelopment of the site will not affect the roosting potential of the local bat population. I am satisfied that the surveys undertaken are robust and that the development will not result in any material adverse impacts to bats.

## 12.10. Covid-19

12.10.1. The vast majority of the observer submissions question the appropriateness of shared living accommodation in the context of the Covid-19 pandemic. In this regard, it is noted that An Bord Pleanála is not a public health authority and that there is currently no policy restriction on the development or operation of such shared accommodation. Notwithstanding, the applicants have submitted a 'Stay Safe Shield and CV-19 Pandemic Operation Plan' which sets out measures to minimise the risk of spread of Covid-19. The operator / provider will have responsibility to ensure that appropriate measures are put into place, as per overarching public health restrictions and guidelines.

## 12.11. Other Issues

12.11.1. Impact on Property Values – A number of observers have stated that the proposal will impact negatively on property values. However there is little evidence submitted to support same and having regard to the nature of the proposal I do not concur the proposal would in fact negatively impact on property values in the area.

12.11.2. Land Ownership/Boundary Ownership – In relation to same I note that the Board does not adjudicate in legal title issues.

### 12.11.3. Planning Authority's Submission

12.11.4. Section 1.6 of the Chief Executive's Report sets out the recommendation. The following is stated:

*Upon review of the submitted documentation and having particular regard to the location and characteristics of the site, it is the opinion of the Planning Authority that the proposal for co-living accommodation as submitted does not comply with Sustainable Urban Housing: Design Standards for New Apartments (March 2018) issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended) and should therefore be refused permission by An Bord Pleanála.*

12.11.5. In response to same, I have considered the location and characteristic of the site in detail in Section 12.2 of this report and I refer the Board to same.

*The standard of accommodation proposed is considered sub-standard taking particular account of the level of amenity offered by the communal open spaces, and the number of north and east facing single aspect units, including a number at*

*basement level and reliance on achieving primarily minimum standards. As a result, the design fails to meet a satisfactory standard, does not comply with Sustainable Urban Housing: Design Standards for New Apartments (March 2018) issued under Section 28 of the Planning and Development Act 2000 (as amended) and should therefore be refused permission by An Bord Pleanála.*

12.11.6. I have considered the issues raised in the above in Section 12.3 of this report and I refer the Board to same.

*Taking account of the scale, bulk, mass, density and deficiencies in the provision for car parking, the proposal would seriously injure the amenities of the area by way of overshadowing, overbearing, overlooking and as a result of overflow car parking. It is therefore considered that the proposed development if permitted would contravene materially the RS Land Use zoning objective of the Fingal Development Plan 2017-2023 applicable to the site, which seeks to 'Provide for residential development and protect and improve residential amenity' and should therefore be refused by An Bord Pleanála.*

12.12. I have considered the issues raised above in Sections 12.4, 12.5 and 12.6 of this report and I refer the Board to same.

12.13. Conditions are set out in the event of a grant of permission. Where appropriate, I have recommended that the Board impose same.

## **13.0 Conclusion and Recommendation**

13.1.1. The proposed Shared Living Residential Development is acceptable in principle at this site with regard to the relevant RS zoning objective to 'provide for residential development and protect and improve residential amenity' under the Fingal County Development Plan 2017-2023, and having regard to the location of the site within walking distance of a major employer, Connolly Hospital, and within close proximity to the amenities and services of Blanchardstown Village, which is zoned as a 'Town and District Centre' under the Fingal County Development Plan 2017-2023. In addition, the site is generally considered to be suitable for shared accommodation having regard to its proximity to public transport and its accessibility to other major employment locations, including the Blanchardstown Centre. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also

satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. Subject to a condition requiring the omission of the 14. no. basement units and the provision of additional living/kitchen/dining space and additional recreational amenity space, the future occupiers of the scheme will also benefit from a high standard of internal amenity. The overall level of provision for bicycle parking, car share parking and set down facilities to serve the proposed development is in accordance with SPPR9 (iv) of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 where it is stated that a *“default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services.”* I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

#### 14.0 Recommended Order

##### **Planning and Development Acts 2000 to 2019**

##### **Planning Authority: Fingal County Council**

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 19<sup>th</sup> August 2020 by Bartra Property (Castleknock Limited) care Thornton O'Connor Town Planning, 1 Kilmacud Road Upper, Dundrum, Dublin 14, D14 EA89

##### **Proposed Development:**

The development will principally consist of: the demolition of the existing part 1 to part 2 No. storey over partial basement public house and restaurant building (1,243 sq m) and the construction of a part 1 to part 5 No. storey over basement Build-to-Rent Shared Living Residential Development (6,549 sq m) comprising 210 No.

bedspaces (182 No. single occupancy rooms, 4 No. accessible rooms and 12 No. double occupancy rooms).

The development also consists of the provision of communal living/kitchen/dining rooms at each floor level to serve the residents of each floor; communal resident amenity spaces for all residents including tv/cinema room at basement level, gymnasium and lounge/reception area at ground floor level, a library/study at third floor level and a private dining room at fourth floor level; external roof terrace at third floor level (78 sq m) facing north-east, north-west and south-west; external communal amenity courtyards at basement (170 sq m) and ground floor level (336 sq m); external amenity space at basement level accessed from the communal living/kitchen/dining room (30 sq m); balconies at third floor level facing north-east/north-west (14.35 sq m); resident facilities including launderette, linen store, accessible WC and bin store; 2 No. accesses to the public park along the north-eastern boundary; 2 No. carshare parking spaces; a lay-by and delivery bay; emergency gate access to the courtyard (north-west boundary); bicycle parking; boundary treatments; hard and soft landscaping; plant PV panels; substation; switch room; generator; lighting; and all other associated site works above and below ground.

### **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

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

(a) the location of the site in an established urban area, in an area zoned for residential;

- (b) the policies and objectives of the Fingal County Development Plan 2017-2023;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) the National Planning Framework;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (j) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;
- (k) The nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure;
- (k) The pattern of existing and permitted development in the area;
- (l) The planning history of the site;
- (l) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (m) The submissions and observations received;
- (n) The Chief Executive's Report from the Planning Authority; and
- (o) The report of the inspector.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to 'provide for residential development and protect and improve residential amenity' in the Fingal County Development Plan 2017-2023, and the results of the Strategic Environmental Assessment of the plan,
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development;
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (f) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Stage 1 Construction Management Plan, the Stage 1 Method Statement for Demolition of Existing Building, the Demolition and Construction Waste Management Plan, Construction and Demolition Management Plan, the Engineering Services Report, the Site Specific Flood Risk Assessment, and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposal would not give rise to flooding in the area and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Fingal County Development Plan 2017-2023 in relation to building height, specifically Objective 'Blanchardstown 1' which states that it is an objective to prepare an Urban Framework Plan for Blanchardstown Village to guide future development including infill development that would not exceed 3 No. storeys. The Board notes that no Urban Framework Plan in accordance with this objective has been prepared to date. However, as there is reference to the preparation of an Urban Framework Plan, where heights in Blanchardstown Village would not exceed 3 No. storeys, and the

proposed site lies within the defined boundaries of the Blanchardstown Urban Framework Plan, the proposed development, which provides a maximum height of 5 No. storeys (ranging in height from part one to part five storeys), the proposed development materially contravenes an objective of the Development Plan.

The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the South Dublin County Development Plan 2016-2022 would be justified for the following reasons and considerations.

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site. In Particular Pillar 4: 'Improve the Rental Sector of Rebuilding Ireland – Action Plan for Housing and Homelessness 2016' states that an key objective is addressing obstacles to greater private rented sector deliver and improving the supply of units at affordable rents.

In relation to section 37(2)(b) (ii) of the Planning and Development Act 2000 (as amended):

The Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy 2019-2031, seeks to increase densities on appropriate sites within Dublin City and Suburbs. In relation to Section 28 Guidelines of particular relevance are the Urban Development and Building Height Guidelines for planning authorities issued in December 2018 which states that *inter alia* that building heights must be generally increased in appropriate urban locations, subject to the criteria as set out in Section 3.2 of the Guidelines. The proposal has been assessed against the criteria therein. The proposal also complies with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018), as relates to shared accommodation proposals, subject to conditions being imposed requiring the omission of the basement units and the provision of additional

living/kitchen/dining floorspace, and the provision of additional recreational amenity floorspace.

In relation to section 37(2)(b) (iv) of the Planning and Development Act 2000 (as amended):

In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, the Board has previously approved a 4 storey development on this site (ABP Ref PL06F.248037). As such precedent for higher buildings than currently exist has been established on this site.

## 15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The 14 no. units at basement level (Units 01 to 14) shall be omitted from the scheme
  - (b) Additional communal living/kitchen/dining facilities and additional recreational amenity floorspace shall be provided at basement level.
  - (c) The cycle parking provided within the scheme shall be covered and weatherproof.
  - (d) The pedestrian access to the area of open space from the north-east elevation shall be omitted from the scheme and this access utilised for emergency purposes only.

(e) A total of 184 shared living rooms are permitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of providing a satisfactory standard of residential amenity for occupants of the development.

3. Revised drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development which detail the following:

(a) Correlation between the proposed floorplans and the proposed elevations.

In this regard, it is reiterated that no above ground external terrace or balcony is permitted save for the single external amenity area at third floor level as indicated on drawing no. 18038-30-200-161.

(b) Details of the proposed emergency access gate to the ground floor courtyard, including elevations of same.

**Reason:** In the interests of clarity and in the interests of proper planning and development.

4. The Shared Accommodation units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018).

**Reason:** In the interests of the proper planning and sustainable development of the area.

5. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first 'shared living units' within the scheme.

**Reason:** In the interests of proper planning and sustainable development of the area.

6. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Shared Accommodation scheme. Any proposed amendment or deviation from the Shared Accommodation model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

7. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the management company, established to manage the operation of the development together with a detailed and comprehensive Shared Accommodation Management Plan which demonstrates clearly how the proposed Shared Accommodation scheme will operate. This Shared Accommodation Management Plan shall also include proposed access times for the external terrace area at Third Floor level with a view to limiting such access after an appropriate hour in the evening and before an appropriate hour in the morning.

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area, and in the interests of residential amenity.

8. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, and

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

10. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

11. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health and to ensure a satisfactory standard of development.

12. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- a) The roads and traffic arrangements serving the site, including signage, shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- b) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

- c) All bicycle parking shall be in accordance with the detailed requirements of the planning authority for such works.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

13. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

14. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

15. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays, and not at all on Sundays and public holidays. Deviation from

these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

17. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

18. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

20. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details of proposals as relates to soil importation and exportation to and from the site;

details and location of proposed construction compounds, details of intended construction practice for the development, including noise and vibration management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

**Reason:** In the interests of public safety and residential amenity.

21. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

22. Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning

authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

24. The developer shall 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 for Dublin City Council of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

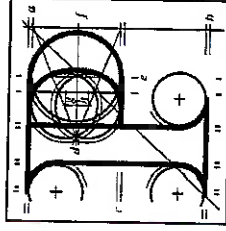


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Ronán O'Conno  
Senior Planning Inspector

20<sup>th</sup> November 2020

## 16.0 Appendix A: EIA Screening Form



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

#### A. CASE DETAILS

An Bord Pleanála Case Reference

ABP-307976-20

#### Development Summary

Construction of 210 no. bed space Build to Rent Shared Living accommodation and associated site works.

Yes / No /  
N/A

1. Has an AA screening report or NIS been submitted?

An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application

No

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2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?		
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Fingal County Development Plan 2017-2023

B. EXAMINATION			
	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	

1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The residential use proposed and the size and design of the proposed development would not be unusual in the context of a residential area.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding city area.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p>No</p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health or example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

1.10 Will the project affect the social environment (population, employment)	Yes	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	<p>This is a stand-alone development, comprising renewal of a site and is not part of a wider large scale change. There are no permitted / proposed development on immediately adjoining lands.</p> <p>Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>
2. Location of proposed development		
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> </ol>	No	<p>No conservation sites located on the site. An AA Screening Assessment accompanying the application which concluded no significant adverse impact on any European Sites. The application site is located 35m north of the Royal Canal proposed Natural Heritage Area (pNHA). I am satisfied that the distance</p>

<p>4. Designated refuge for flora or fauna</p> <p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	No
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	No
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	No	No

from this pNHA is sufficient to ensure that there will be no significant impact on same

No such uses on the site and no impacts on such species are anticipated.

There are no features in the vicinity of the site likely to be affected by the proposed development.

No such features arise in this urban location.

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater, which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p>No</p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p>No</p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p>Yes</p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project. Connolly Hospital is located approximately 500m from the site and I consider that this is sufficiently distant from the site so as not to be affected by the project.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

#### C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

## D. MAIN REASONS AND CONSIDERATIONS

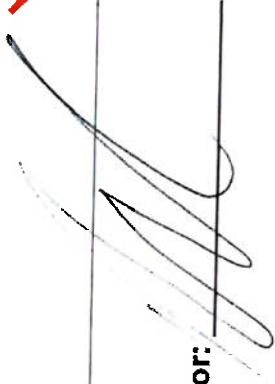
Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to provide for residential development and protect and improve residential amenity in the Fingal County Development Plan 2011-2023, and the results of the Strategic Environmental Assessment of the plan,
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (f) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Stage 1 Construction Management Plan, the Operational Waste Management Plan, the Stage 1 Method Statement for Demolition of Existing Buildings, the Demolition and Construction

Waste Management Plan, Construction and Demolition Management Plan, the Engineering Services Report, the Site Specific Flood Risk Assessment, and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector:



Ronan O'Connor

Date:

20/11/2020

DECISION QUASHED

DECISION QUASHED