



An
Bord
Pleanála

Inspector's Addendum Report

ABP-315425A-22

Development	The construction of 99 no. Build to Rent apartments and associated site works. Natura Impact Statement (NIS) lodged with application.
Location	Canterbury Gate, Old Navan Road, Mulhuddart, Dublin 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW22A/0237
Applicant(s)	AAI Baneshane Limited.
Type of Application	Permission.
Planning Authority Decision	Refusal of Planning Permission.
Type of Appeal	First Party v Refusal of Planning Permission.
Appellant(s)	AAI Baneshane Limited.
Observer(s)	None.
Date of Site Inspection	30/01/2024.
Inspector	Enda Duignan.

1.0 Introduction

- 1.1.** This report should be read in conjunction with the original Inspector's Report in respect of ABP-315425-22 dated 28th February 2024. This report recommended that planning permission be granted for the proposed development subject to compliance with conditions.

2.0 Background

- 2.1.** On 15th May 2024, the Board decided to defer consideration of this case and to issue a notice under Section 137 of the Planning and Development Act, 2000 (as amended). All parties were invited to make a submission in relation to the matters raised below on or before the 18th June 2024. The matters raised by the Board is detailed as follows:
- a. That since the receipt of the appeal and responses to same, that the Fingal County Development Plan 2023-2029 has come into effect. You are invited to comment on all matter of relevance to the proposed development, by reference to policies and objectives within the Development Plan which relate to Build to Rent proposals, specifically Objective DMSO25.
 - b. That the "Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities" came into effect in January 2024. You are invited to comment on all matters of relevance to the proposed development by reference to policies and objectives within the guidelines, specifically recommended density ranges as set out in Section 3.3, criteria for their refinement as set out in Section 3.4 and considerations regarding provision of public open space in new residential development as set out in Policy and Objective 5.1.
- 2.2.** In correspondence dated 20th August 2024, parties were then invited to submit any submission or observation that they may have in relation to the following matters on or before 16th September 2024:
- a. The Board noted that since the receipt of the appeal and responses to same, that the Fingal County Development Plan 2023-2029 has come into effect. You are therefore invited to provide a commentary on all matters of relevance to the proposed development, by reference to policies and objectives within the Development Plan which relate to Build to Rent proposals, specifically Objective DMSO25.

- b. The Board also noted the “Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities” came into effect in January 2024. You are therefore invited to provide a commentary on all matters of relevance to the proposed development by reference to policies and objectives within the guidelines, specifically recommended density ranges as set out in Section 3.3, criteria for their refinement as set out in Section 3.4 and considerations regarding provision of public open space in new residential developments as set out in Policy and Objective 5.1.
- c. You are also invited to provide commentary in relation to how residential amenities could be incorporated into Phase 1, in the absence of Phase 2 being implemented.

2.3. It is stated within the correspondence that this notice supersedes the Board’s notice dated 22nd May 2024, which had omitted point (c) in error. It is stated within this notice that all previous correspondence received will be taken into consideration by the Board. This report considers the submissions made on foot of the request.

3.0 Response to Board’s Correspondence

3.1. Planning Authority

3.2. A response has been received from the Planning Authority dated 6th June 2024 which has indicated that they have no further comments to make and requests the Board to uphold the decision to refuse permission.

3.3. First Party Response

3.3.1. The Applicant’s agent submitted a response to the Board’s request on 17th June 2024. The matters raised within the response are discussed in detail in Section 4 of this report.

3.4. Further Planning Authority Response

3.4.1. A further response has been received from the Planning Authority dated 20th June 2024 which has indicated that they have no further comments to make and requests the Board to uphold the decision to refuse permission.

3.5. Further Planning Authority Response

3.5.1. Following the circulation of the correspondence from the Board dated 20th August

2024, a response has been received from the Planning Authority dated 4th September 2024 which has indicated that they have no further comments to make with respect to the application.

3.6. Further First Party Response

- 3.6.1. Following the circulation of the correspondence from the Board dated 20th August 2024, The Applicant's agent submitted a response to the Board's request on 13th September 2024. The matters raised within the response are discussed in detail in Section 4 of this report.

3.7. Further Planning Authority Response

- 3.7.1. A further response has been received from the Planning Authority dated 16th September 2024. The submission queries where the amenity (residential) will be located for Phase 1 when the temporary period is over? The Board is requested to uphold the decision to refuse permission.

4.0 Assessment

4.1. Build-to-Rent

- 4.1.1. Within the Applicant's initial response (17th June 2024), reference is made to Policy SPQHP32 of the current Plan which notes that 'The Council will facilitate the provision of Build-to-Rent Accommodation in suitable locations within Fingal in accordance with the provisions of Sustainable Urban Housing: Design Standards for New Apartments 2020 (referred to herein as the Apartment Guidelines). The current proposal seek permission to construct a residential development across 2 no. blocks (C and D) ranging in heights from 6 to 10 no. storeys and comprising a total of 91 no. apartments (Phase 2). It is stated by the Applicant that all apartments within the scheme have been designed in line with the requirements of the Apartment Guidelines and an assessment is provided within Section 4.0 of their response. I have assessed the proposed development against the relevant SPPRs and policies of the Apartment Guidelines within original Inspector's Report in respect of ABP-315425-22 dated 28th February 2024 and I am satisfied that the Applicant has demonstrated compliance with same.
- 4.1.2. Within the Board's Direction, Parties have been afforded an opportunity to provide

commentary on Objective DMSO25 (Applications for Build to Rent Schemes) of the current Plan which is detailed as follows:

- Applications for BTR schemes shall be required to be accompanied by an assessment of other permitted BTR developments in the vicinity (3km) of the site including a map showing all such facilities to demonstrate that the development would not result in the overconcentration of one housing tenure in a particular area. In assessing the matter of overconcentration, the Planning Authority will have regard to factors such as:
 - o The number and scale of other permitted BTR development in the vicinity (3km) of the site,
 - o The household tenure and housing type of existing housing stock in the approximate vicinity (3km) of the site and
 - o The proximity of the proposal to high-capacity public transport stops and interchange (such as DART, MetroLink, LUAS and BusConnects).

As part of their response, the Applicant has undertaken a search of both the Fingal and ABP Planning Registers which revealed that no BTR developments have been approved within 3km of the appeal site. It is stated that the nearest permitted BTR Development can be found at Brady's Public House, Old Navan Road, Dublin 15, which is located at c. 3.5 km from the appeal site (ABP-307976-20). Imagery has been provided within the response to show this development relative to the location of the appeal site. Upon further review, it would now appear that the Board's decision to grant permission has been quashed by Order of the High Court. Having examined the relevant planning application registers, I would therefore agree with the Applicant that there is not an overconcentration of BTR developments within the surrounding area.

- 4.1.3. In terms of existing household tenure and types, the Applicant notes that the predominant housing type is 2-storey suburban type dwellings, when reviewing aerial and street view images within 3km of the site. Apartment blocks can also be found in more central locations near public transport and amenities. The Applicant has also undertaken a review of Census 2022 data in all electoral districts within 3km of the site. It is stated that the data shows that there are a total of 21,103 dwellings comprising 18,539 houses and 2,564 apartments, with apartments equating to 12.14% of the overall housing stock in the area. The number of 1-2-bedroom dwellings in the area was assessed and it was found that 19.5% of all housing units comprise 1 or 2

bedrooms, with the remainder comprising predominantly 3-bedroom dwellings. In terms of housing tenure, it was found that 21% of the overall housing tenure was under private rental by landlords. It is therefore the Applicant's view that there is a need for further privately rented accommodation and the proposed development could provide further rental units in an area which is home to significant employment hubs and companies such as Facebook, IBM, and West Pharma.

- 4.1.4. On the point of public transport accessibility, the Applicant notes that the appeal site is located 650m from a bus stop on Huntstown Way and 350m from a bus stop on Damastown Road which are serviced by Dublin Bus routes 39, 39a and 38, 38a and 38b respectively which operate at 10-minute frequencies. These routes access the city via a Quality Bus Corridor running along the N3, providing access to the city centre within one hour. It is stated that an express route between IBM Damastown and O'Connell Street runs frequently and Dublin Bus Routes 220 and 238 operate from the bus stop located on the Old Navan Road in Mulhuddart village and provide access to the city. Express Bus Service runs a direct service into the city from the N3 bus stops which is located c. 650m from the site. The Applicant notes that the stops would be easily accessed via the proposed upgraded footpaths which this application seeks to develop. Furthermore, it is stated that the Clonsilla train station is located c. 3.7km from the subject site (46-minute walk, 15-minute cycle) and provides services into Dublin. The Applicant also refers to the proposed Blanchardstown to City Centre Core Bus Corridor Scheme which they note is under review by the Board. It is stated that this will drastically improve bus services in the area and under the Bus Connects plans for the area, the bus network will be expanded and improved, offering a wider range of routes and a higher frequency of services. I note that in the intervening period, the proposed road development has been approved by the Board.
- 4.1.5. Based on the foregoing, I am satisfied that the proposed development is fully in compliance with the current Plan's policies and objectives that relate to BTR developments, namely Policy SPQHP33 and Objective DMSO25. It has been adequately demonstrated that there is not an overconcentration of BTR developments within the surrounding area, that the proposed development will provide a positive contribution to the area in terms of housing tenure and mix and the site is adequately served by existing and proposed high frequency public transport infrastructure.

- 4.1.6. In terms of the Planning Authority's response with respect to this matter, it is indicated that they have no further comment to make and request the Board to uphold their decision to refuse permission.

4.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

- 4.2.1. The second point (b) included within the Board's Direction invites the parties to comment on all matters of relevance within the "Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities" (referred to herein as the Compact Settlement Guidelines) which came into effect in January 2024. Specifically, parties were requested to comment on the recommended density ranges as set out in Section 3.3, criteria for their refinement as set out in Section 3.4 and considerations regarding provision of public open space in new residential development as set out in Policy and Objective 5.1.
- 4.2.2. Having reviewed the relevant provisions of the Compact Settlement Guidelines that relate to density, the Applicant notes that the subject site is considered to fall under the heading Metropolitan Towns (>1,500 population) - Suburban/Urban Extension (Table 3.3). It is stated that the proposed development provides for a net residential density of c. 74 dwellings per hectare, across Phase 1 and 2, which they note falls within the upper-density range above. It is the appellant's view that the site is considered an Accessible Location as defined in Table 3.8 of the Compact Settlement Guidelines as it is located within 500m from Bus Stop 7382 on Damastown Road which provides bus routes operating at 10-minute frequencies under Route Nos. 38, 38a, and 38b. It is contended that appropriate site densities must be determined on a case-by-case basis, having regard to the receiving environment and the character of the area and it is their view that the proposed density is appropriate in this location. Given the appeal site has a net developable area which equates to c. 1.033ha., it is unclear how the Applicant arrived at a density of c. 74 dwellings per ha. across the 2 no. phases of development. Notwithstanding this, I have discussed the matter of density in the context of the Compact Settlement Guidelines in the original Inspector's Report in respect of ABP-315425-22 dated 28th February 2024. Within the Compact Settlement Guidelines, the appeal site could be described as an accessible suburban

location (Table 3.8: Accessibility). This is due to its location relative to existing high frequency bus services, with the 38, 38A and 38B bus services located within 500m of the appeal site on Damastown Road. Further to this, the site is accessible to large centres of employment and educational centres, with the Damastown Industrial Park c. 600m to the north, TU Dublin Blanchardstown c. 1.6km to the north-east, Blanchardstown Shopping Centre c. 2km to the south-east, Blanchardstown Corporate Park c. 2.5km to the north-east and Connolly Hospital Blanchardstown c. 3km to the south-east. Table 3.1 of the Compact Settlement Guidelines notes that densities of up to 150 dph (net) shall be open for consideration within these areas. Whilst I acknowledge that the proposal exceeds this range (i.e. c. 184 units per ha. based on the net developable site area for Phase 1 and 2), I am satisfied that the site can absorb a higher density of development due to its robust interface to the south and its location relative to the Tolka Valley Park to its north. Further to this, I am cognisant of the BTR nature of the scheme, whereby 1 and 2 no. bedroom apartments are solely proposed in this scheme. In developments such as this, densities will typically be higher when there is no restriction on unit mix as allowable under the relevant SPPR (i.e. SPPR8(i)). On balance, I am satisfied that the proposed development would not result in the overdevelopment of the site and that the proposed density is appropriate in this instance having regard to local, regional and national policy, the characteristics of the site and surrounds and the site's access to public transport, employment and educational centres and its proximity to services and amenities.

- 4.2.3. In terms of public open space and relevant policies and objectives of the Compact Settlement Guidelines (Objective 5.1), it is confirmed that 1,120sq.m. of public open space is proposed for the western portion of the subject site including the Phase 1 lands which equates to 10.8%. It is stated that this provision is fully compliant with the requirements of the Compact Settlement Guidelines which states that not less than 10% of the site area be designated as public open space. It is therefore contended that the proposed development aligns well with the standards and requirements set out within the Compact Settlement Guidelines. As detailed, in the original Inspector's Report in respect of ABP-315425-22 dated 28th February 2024, I have considered the proposed development's open space provision in the context of the provisions of the Compact Settlement Guidelines, and I have recommended that the construction of

both phases of the overall development be carried out in tandem and a suitable condition should be attached in this regard.

- 4.2.4. In terms of the Planning Authority's responses, it is indicated that they have no further comment to make and request the Board to uphold their decision to refuse permission.

4.3. Residential Amenities

- 4.3.1. The third point (c) included within the Board's correspondence dated 20th August 2024 invites parties to provide commentary into how residential amenities could be incorporated into Phase 1, in the absence of Phase 2 being implemented. As part of the Applicant's response, revised ground floor plans for Blocks A and B have been submitted which provides for the temporary omission of one apartment from each block, which will be replaced with a fitness suite exclusively for the respective residents of these blocks. The Applicant wishes to emphasize that this would be a temporary arrangement, and the fitness suites will be converted back into apartments once Blocks C and D are completed. Block D, in particular, will feature a larger fitness suite designed to accommodate residents of all four blocks. Further to this, Additionally, the Applicant has submitted a revised Landscape Plan to ensure a comprehensive range of amenities for future Phase 1 residents. In this plan, the communal play areas originally situated in the western part of the site have been temporarily relocated to two new positions adjacent to Blocks A and B. The Applicant confirms that this adjustment will also revert to the original layout following the completion of Blocks C and D. Within their submission on file, the Planning Authority have noted that questions remain as to where the amenity (residential) will be located for Phase 1 when the temporary period is over. The Planning Authority have requested the Borad to uphold the decision to refuse permission.
- 4.3.2. Whilst I acknowledge the Applicant's temporary revisions to the proposed development, it is my view that the amendments are not necessary in this instance given I have recommended a suitable condition in the original Inspector's Report in respect of ABP-315425-22 dated 28th February 2024. This particular condition shall require the construction of Phase 1 and Phase 2 (i.e. Ref. FW22A/0237) to be carried out concurrently. In addition, the condition shall restrict apartments within Blocks A & B (Phase 1) from being occupied until the completion of Blocks C & D within Phase 2.

A similar occupancy restriction shall apply until the proposed creche is operational. Subject to compliance with this condition, I am satisfied that the proposed development is in accordance with policy requirements for BTR developments in the current Plan and the development will afford a good standard of amenity to its future occupants.

5.0 Recommendation

- 5.1.** I refer to the previous Inspector's Report and recommendation on this application dated 28th February 2024 to grant planning permission. I am satisfied that the commentary provided by the Applicant and the Planning Authority in their response to the Board's Direction dated 15th May 2024, and the further Board correspondence dated 20th August 2024, does not alter the conclusions reached in that of my initial report and I still recommend that permission should be granted, subject to conditions.
- 5.2.** I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

23/10/2024