



THORNTON O'CONNOR
TOWN PLANNING

Planning Report

Planning Application

In respect of a Shared Living Residential
Development at

Brady's Public House
Old Navan Road
Dublin 15
D15 W3FW

Submitted on Behalf of
Bartra Property (Castleknock) Limited

August 2020



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9.0 CONCLUSION

1.0 INTRODUCTION

1.1 Application for Development

Strategic Housing Development as set out in *Planning and Development (Housing) and Residential Tenancies Act 2016* (as amended) includes 'development consisting of shared accommodation units that, when combined, contain 200 or more bedspaces'. Therefore, the subject planning application falls within the remit of Strategic Housing Development as the scheme proposes 210 No. Shared Living bedspaces provided in 182 No. single occupancy rooms, 4 No. accessible rooms and 12 No. double occupancy rooms.

The subject planning application for a Shared Living development at Brady's Public House, Old Navan Road, Dublin 15 has been prepared by a multi-disciplinary team on behalf of Bartra Property (Castleknock) Limited (trading as "Niche Living") as set out in the Table below:

Company Name & Address	Documents Prepared
Thornton O'Connor Town Planning No. 1 Kilmacud Road Upper, Dundrum, Dublin 14.	→ Planning Report → Statement of Consistency → Justification Report → Environmental Report → Shared Living Report → Response to ABP Opinion → Material Contravention Statement
Bartra/Niche Living 3 rd Floor, Longphort House, Earlsfort Centre, Earlsfort Terrace, Dublin 2.	→ Niche Living Operational Plan → Niche Living Shared Living Presentation → Bartra Urban Living Study Quantitative Report
Todd Architects No. 11 Pembroke Lane, Dublin 2.	→ Architectural Drawings → Design Statement
Cronin Sutton Consulting Engineers Nos. 19 – 22 Dame Street, Dublin 2.	→ Drawings → Mobility Management Plan → DMURS Statement of Consistency → Traffic & Transport Design Statement → Infrastructure and Engineering Report → Flood Risk Assessment → Outline Construction Management Plan → Outline Demolition Management and Construction Waste Management Plan → CS Consulting Response to Item No. 6 of An Bord Pleanála's Opinion
JV Tierney & Co Consulting Engineers The Tannery, Nos. 53 – 56 Cork Street,	→ Sustainability/Energy Report → Utility Infrastructure Report

Dublin 8.	
The Tree File No. 6 Northbrook Road, Dublin 6.	→ Tree Constraints Plan → Tree Impacts Plan → Tree Protection Plan → Arboricultural Survey and Report
Moore Group Corporate House, Ballybrit Business Park, Galway.	→ Appropriate Assessment Screening Statement
The Big Space Creative Dock, Malahide Marina Village, Malahide, Co. Dublin.	→ Landscape Plan → Landscape Report → Landscape and Visual Appraisal
Eire Ecology Moyglass, Kylebrack, Co. Galway	→ Bat Survey
AWN Consulting Environmental and Acoustics Advisors The Tecpro Building, Clonshaugh Business and Technology Park, Dublin 17.	→ Operational Waste Management Plan
3D Design Bureau No. 65 Rock Road, Blackrock, Co. Dublin	→ Photomontages and CGIs → Daylight/Sunlight Analysis

1.2 Summary of the Proposed Development

Bartra Property (Castleknock) Limited intend to apply to An Bord Pleanála for permission for a strategic housing development at this 0.3,170 ha site at Brady's Public House, Old Navan Road, Dublin 15, D15 W3FW.

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. 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.

1.3 Grant of Permission for Shared Living Scheme in Dún Laoghaire

A decision by An Bord Pleanála to grant permission on 26th July 2019 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. Bartra were also the Applicant on this scheme in Dún Laoghaire.

In summary, the Applicant applied for a Shared Living scheme comprising 208 No. bedspaces. An Bord Pleanála granted permission for 204 No. shared living bedspaces (reduced from 208 No. bedspaces by condition) as a result of the following condition:

2(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'.

As noted above, the proposed scheme at Brady's Public House has been guided by the grant of permission at Eblana Avenue, particularly in relation to communal living/kitchen/dining spaces at each floor level which will be discussed throughout this report and other documents enclosed. The Eblana Avenue scheme is the first grant of permission for a Shared Living Development in Ireland which will therefore act as a precedent going forward for further Shared Living proposals.

2.0 RATIONALE FOR THE PROPOSED DEVELOPMENT

The subject site has been purchased by the Applicant with the intention of developing and operating a Shared Living scheme which will provide short-medium term accommodation, predominately for employees working in areas of substantial employment in Dublin City, particularly focusing on employment in the Blanchardstown area. Additionally, the site's proximity to James Connolly Memorial Hospital fulfils a criterion for Shared Living as set out in the *Apartment Guidelines, 2018* (discussed in detail in Section 7.2.3 of this Report).

2.1 What is Shared Living?

Shared Living is a way of living in urban areas that is focused on community and convenience, living in a combination of high quality communal spaces and a high function, high quality private suite with all aspects of day-to-day life taken care of within the monthly cost, including accommodation, all utilities and taxes, high speed internet access, full access to the gym, cinema room and all other communal spaces, a concierge with parcel storage facilities, an Events manager and access to social events, security, full cleaning and maintenance of the private suites and the wider communal area, and the provision of bed linen and regular changing thereof. The residents will also have access to Spike Global software which will support everything from access control, logging and tracking facilities issues, to clubs, events and building a cohesive community through engagement and social interaction.

Shared accommodation developments are typically targeted, but not exclusively, at younger employees who wish to live in a particular area, possibly for a defined period of time, who may wish to share with people at a similar stage of their lives or who work in a similar industry, or who have not yet developed either the wish or the resources to purchase a permanent home. Consequently, they are addressing a specific segment of the market that is not well served by more conventional types of residential development. With ongoing urbanisation, demographic trends, the need to counter the growth of commuting, and the emergence of the sharing economy, this form of housing is perceived to have a role to play in addressing the housing requirements of developed countries.

We note from an article by David McWilliam's article '*The rise of the singleton has transformed Ireland*', which documents the significant sociological evolution that has occurred in Ireland over the last 35 years that is driving the changes and demand in our housing stock:

'The 1981 census reveals that just 11.2% of women between the ages of 35 and 39 were single – i.e unmarried, so about 1 in 10. In 2016 this figure had jumped dramatically to 35%, a three-fold increase in the number of single women in their late 30s.

'When the last pope came to Ireland, 18.7% of all men between the age of 35 and 39 were single. Today 39.8% of men between these ages are single. That's nearly 4 in 10 men. In total 145,507 people between the ages of 35 and 39 are single'.

Therefore, Shared Living is intended to address the needs of a number of societal groups that are not catered for in standard accommodation models. Shared Living is generally utilised as a short-medium term non-permanent accommodation model, which suits a range of people at certain stages of their life who need to remain mobile. In this regard, its user market is generally recent and post-graduates, workers in Dublin on short-term contracts or on shift work, for example, employees of Connolly Hospital many of whom are shift workers and therefore will be commuting to and from work at irregular times when public transport is often unavailable or

subject to limited services, international employees of the Dublin Enterprise Zone who are required to locate in Dublin for a short period of weeks or months, those saving for a deposit to purchase a home, seasonal accommodation or those involved in a relationship breakdown.

2.2 Shared Living Fully Supported in *Apartment Guidelines, 2018*

The *Apartment Guidelines 2018* set out that 'a new format of residential accommodation described as 'Shared Accommodation has the potential to emerge as a distinct segment within the overall urban accommodation sector'. The basis underpinning the Shared Living concept is that the facility will be professionally managed and members will join a residential club with ensuite accommodation and access to shared communal amenities and facilities.

Due to the acute housing shortage prevailing and the significant demand that exists in the area, the Applicant has identified the subject lands as an appropriate location for 'Shared Accommodation' which can provide purpose-built accommodation to meet the housing needs of a greater number of persons. As permission has already been granted for an apartment block at the subject site, precedence has been established for a multi-dwelling building at this location.

In a speech to the Irish Planning Institute (November 2017), the then Housing Minister, Mr Eoghan Murphy addressed the paucity of rental properties available in Dublin and set out the Government's strategy to expand this sector as follows:

'The Government's Strategy for the Rental Sector calls for a major expansion of a properly funded and professionally managed rental accommodation sector. We need a mature build to rent market in our cities but we don't have any guidelines for the sector.

*So new statutory guidelines for planning authorities will be put in place for the build-to-rent sector, by December, and in the context of completion of the NPF, which will allow for a new type of apartment development, **including the shared accommodation models that we see in other cities.** If you go to cities in the UK like Manchester or London, and further afield, you will find new models of brilliantly designed, superbly executed, centrally located and affordable managed rental accommodation. Like the Collective www.thecollective.co.uk providing thousands of badly needed and innovative accommodation solutions for the needs of a modern city and modern communities.*

***We have to free ourselves from the mind-set that everyone should live in a 3 bedroomed house at every stage of their lives.** We know other models work, but we don't have them here. So, our job as policy makers and planners is to see how this can be done and to then make it happen.*

We're not so different from our European and Anglo-American cousins. We can design the provision of the wider range of accommodation our society needs, working back from what it can afford, and not the other way around. Those previous failed planning policies helped in some way to drive us to unsustainable debt, unsustainable development, and ultimately collapse – not just of the sector, but of the whole economy.

*From some initial work done in my Department, it would not be unreasonable to assume that in Dublin alone, at least 5,000 new homes could and should be unlocked over the next couple of years under new build-to-rent models. This new model will not be for everyone or everywhere but that's ok. **We have to move away from the one size fits all approach.'***

[Our Emphasis]

Therefore, the provision of 210 No. Shared Living bedspaces at the subject location will play a significant role in addressing the current housing shortage by providing an alternative affordable living accommodation for employees in Dublin.

2.3 Location is Eminently Suitable for 'Shared Living' Accommodation as the Site is Well Served by Public Transport

The subject site is well served by public transport with many bus stops located in close proximity to the subject site providing easy access to locations such as Blanchardstown Shopping Centre and employers such as eBay (No. 17a/No. 39a) and Ongar Village (39a) from the N3 Navan Road and Dublin City Centre (No. 38a and No. 39 from Navan Road, No. 179 from Connolly Hospital and No. 38 from the R806 Castleknock Road). Please see Figure 2.1 below which is extracted from the Mobility Management Plan enclosed with this planning application prepared by CS Consulting and demonstrates the wide range of bus routes within a 5 – 10 No. minute walk of the site.

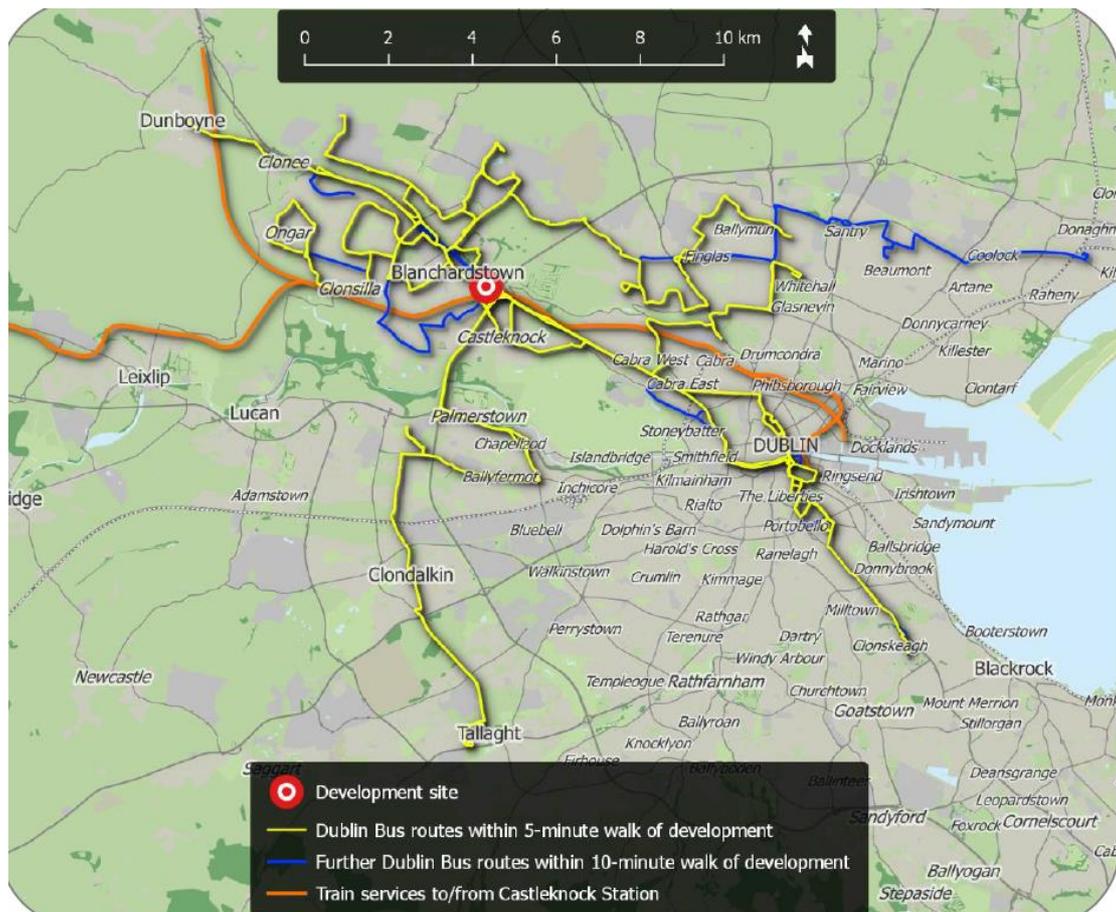


Figure 2.1: Map Denoting Extent of Adjacent Public Transportation

Source: CS Consulting Mobility Management Plan

The following table is an example of the available bus routes that stop within c. 5 – 10 minutes walking distance of the site along with their destinations and frequency:

Existing Bus Routes		
Bus Route	Destinations	Peak Interval
17A	Blanchardstown to Kilbarrack (Via Finglas, Ballymun, and Beaumont Hospital)	15 minutes

38/38A	Damastown Industrial Park to Burlington Road (Via Blanchardstown, Cabra, and the City Centre)	20 minutes
39A	Ongar to University College Dublin (Belfield Campus)	5 minutes
70	Dunboyne (<i>County Meath</i>) to Burlington Road Via Blanchardstown and the City Centre.	10 minutes

We also note that Castleknock Train Station is located within c. 550 metres / 7 No. minutes walking distance to the south-west of the site which facilitates easy access to locations such as Dublin Connolly Station, Pearse Station, Maynooth, Longford, Sligo and M3 Parkway.

Please see the Mobility Management Plan enclosed with this planning application which provides more detail on the accessibility of public transport in the area.

2.4 In Addition to the High Availability of Public Transport in Close Proximity to the Subject Site, the Site is also within Easy Cycling and Walking Distance of Major Employers – Cycling and Walking Catchments

In addition to the availability of public transport in proximity to the site, the scheme will encourage walking and cycling to and from the site. We enclose a detailed Justification Report as a separate document which sets out the town planning rationale to allow the use of the subject lands as a Shared Living residential development particularly having regard to the proximity of numerous significant employers to the site. There are numerous substantial employers located within easy walking and cycling distance from the subject site such as Connolly Hospital (c. 11 minute walk/ c. 4 minute cycle), Dublin Enterprise Zone (c. 21 minute walk/c. 6 minute cycle distance) and Blanchardstown Town Centre (c. 21 minute walk/c. 8 minute cycle distance).

In summary, Connolly Hospital is a major employer of healthcare workers and support staff currently employing in excess of 1,100 No. staff is located approximately 300 metres to the north of the subject lands. The Hospital have submitted a letter of support for the subject proposal in the context of providing much needed accommodation for their staff.

The Dublin Enterprise Zone is the location of many multinational IT firms including IBM, PayPal and eBay in addition to clusters of pharmaceutical companies such as Helsinn – Birex, Mallinckrodt and Bristol-Myers Squibb.

Blanchardstown Town Centre currently employs in the order of 5,500 No. people, many of whom would be paid minimum wage and would not be able to afford conventional housing in the area. Please refer to the Justification Report which demonstrates in further detail the position of the subject site relative to these major employment centres in the surrounding area.

As such, it is considered that the proposed development providing heights of part 1 to part 5 No. storeys and comprising 210 No. Shared Living bedspaces in a central accessible location represents the proper planning and sustainable development of the area in the context of the demonstrable need for this accommodation to serve the extensive proximate employment base.

2.5 The Site is also within Easy Cycling and Walking Distance of a Wide Range of Facilities and Services in the General Area Which Will Serve the Needs of the Future Residents

As demonstrated in Figure 2.2 below, the site is located in an area comprising a mix of uses. Blanchardstown Town Centre is located c. 1.5 – 1.7 km from the subject site which provides a wide range of shops, restaurants and other services for the residents of the scheme to utilise such as Lidl, Argos, Diesel, Penny’s, H&M, Debenhams, Nando’s, Subway, Eddie Rockets, AIB Bank and Blanchardstown Library.

Blanchardstown Main Street is located c. 800 metres from the site which contains a SuperValu, Bank of Ireland, bars and restaurants, a post office and medical centre for example.

In addition we note that Connolly Hospital is c. 300 No. metres to the north of the site as the crow flies (800 No. metres / 11 No. minutes walking distance) and Tesco Roselawn is c. 1 km to the west of the site therefore a range of uses are located in close proximity to the subject site.

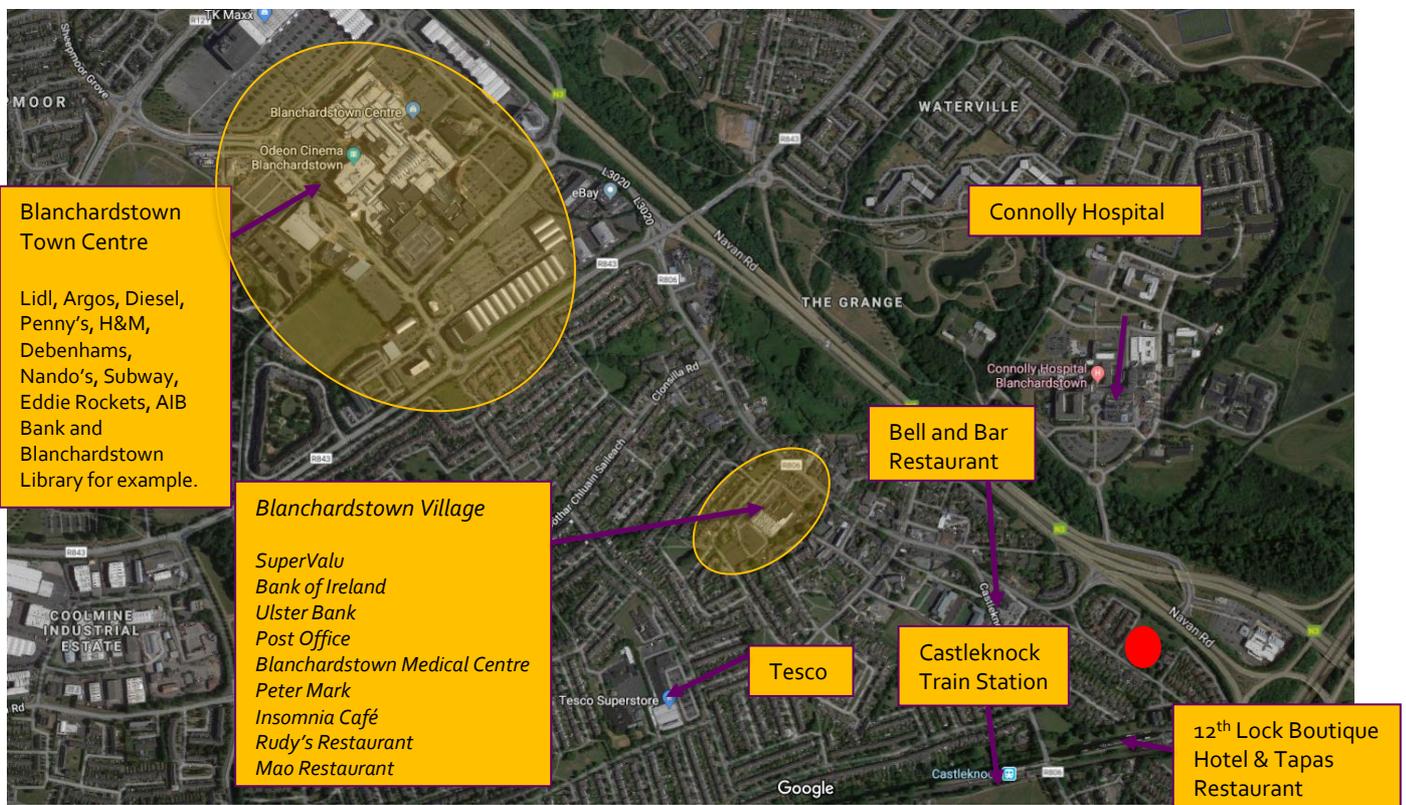


Figure 2.2: Map of the Subject Site and Receiving Context (Subject Site Annotated by Red Dot)

Source: Google Maps, Annotated by Thornton O’Connor Town Planning

The principal goal of the subject development, which seeks to provide 210 No. Shared Living bedspaces with ancillary facilities and amenities on this key underutilised brownfield site in Dublin is to contribute towards the alleviating the current housing crisis by providing housing choice in proximity to substantial employment generators. As such, it is considered that the proposed development represents the proper planning and sustainable development of the area due to the wide range of public transport services available in close proximity to the site in addition to the opportunities for residents to walk and cycle to many major employment locations and services and facilities.

2.6 Justification for the Provision of a Shared Living Development at the Subject Site

Section 5.18 of the Guidelines states that *'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'*. In response to this point, we enclose a detailed Justification Report as a separate document which sets out the town planning rationale to allow to the use of the subject lands as a Shared Living residential development having regard to:

- the locational characteristics of the site, including its prime position relative to major employment centres in the surrounding area including Connolly Hospital Blanchardstown, the Dublin Enterprise Zone and Blanchardstown Town Centre;
- the planning history of the site for a multi-dwelling building on the site;
- its proximity to public transport including Dublin Bus routes and Castleknock Train Station;
- external factors including the lack of available accommodation options for the very substantial permanent local workforce;
- the affordability of the Shared Living accommodation; and
- the role that the subject scheme could play in relieving pressure on the private rented sector in the local area.

3.0 SITE LOCATION AND DESCRIPTION

3.1 Site Location

The subject site which measures 3,170 sq m is located on the north-eastern side of the Old Navan Road close to the junction of the Old Navan Road with the N3 Navan Road. The M50 is located c. 350 m (as the crow flies) to the west of the site and the N3 merges with the M50 at this location. The subject lands are located approximately 300 No. metres (as the crow flies) to the south of the grounds of Connolly Hospital Blanchardstown (800 No. metres / 11 No. minutes walking distance), which is a significant employer in the area currently employing over 1,100 No. staff. Castleknock Train Station is located c. 350 No. metres to the south-west of the site (as the crow flies) and c. 550 No. metres / 7 No. minutes walking distance.

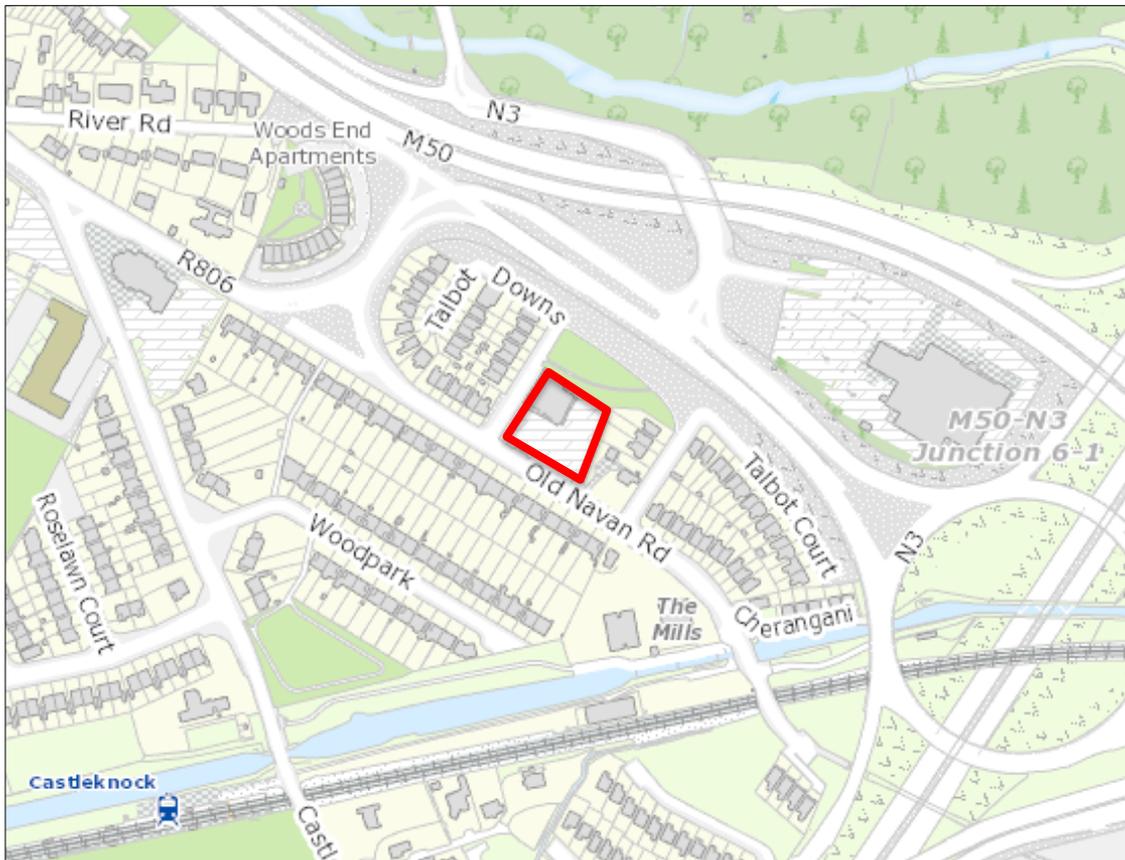


Figure 3.1: Map Identifying the Location of the Subject Site (Redline Boundary is Indicative Only)

Source: www.myplan.ie, Annotated by Thornton O'Connor Town Planning

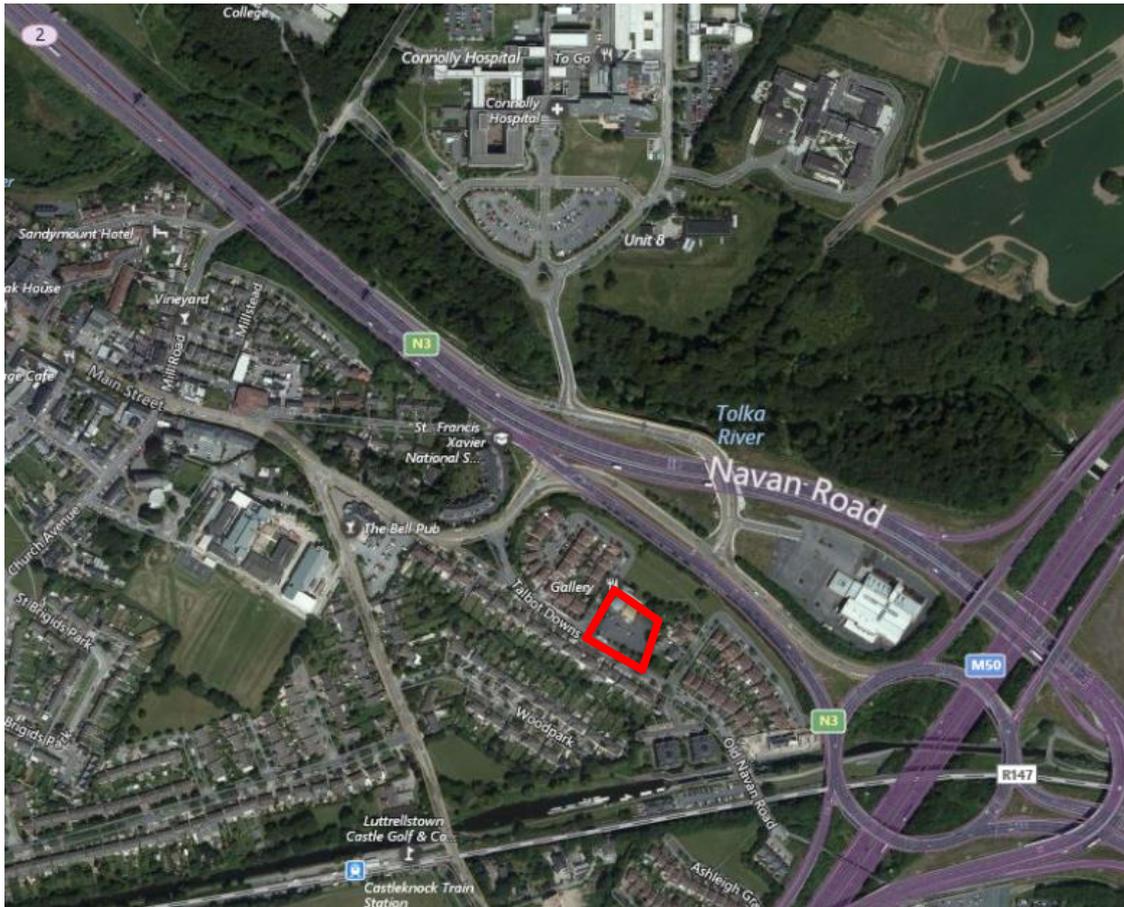


Figure 3.2: Aerial Map Showing the Location of the Subject Site (Redline Boundary is Indicative Only)

Source: Bing Maps, Annotated by Thornton O'Connor Town Planning

3.2 Site Description/Existing Use

The subject site is almost square in shape and currently comprises Brady's Public House and Restaurant with associated car parking. The pub building is located to the north-east corner of the site with car parking and internal roads occupying the remainder of the site. The site is bounded to the north-east by a public park, to the south-east by a residential property, to the south-west by the Old Navan Road and to the north-west by the entrance road to the Talbot Downs residential housing estate. The site can be accessed from the Old Navan Road to the south and the drop off / lay-by is also proposed to be located off the Old Navan Road as part of the subject planning application.



Figure 3.3: Brady's Pub and Restaurant at the Subject Site

Source: Thornton O'Connor Town Planning, 2018

Prior to closing at the outset of Covid 19, the public house and restaurant with a capacity of c. 300 No. people had long operating hours and was subject to constant traffic entering and exiting the site, particularly late into the evening. Therefore the existing pub use has significant potential to have an undesirable impact on the residential amenity of the surrounding area by reasons of noise and traffic, especially later into the evening. It is considered that this will be significantly reduced by the introduction of a Shared Living Residential Development which will be private, car free and will not generate high levels of noise.

Although the site contained a busy public house and restaurant, the site is underutilised as the footprint of the existing building is located in the north-eastern corner with the remainder of the site used for surface car parking. Therefore, it is clear that this brownfield site has the potential and capacity to provide a high quality Shared Living Residential Development which will contribute towards alleviating the housing crisis by providing accommodation in close proximity to centres of employment and public transport, representing the sustainable redevelopment of this underutilised site.

3.3 Site Context

We note that the area consists predominately of 2 No. storeys dwellings, however the previously granted permission at the subject site (FCC. Reg. Ref. FW16A/0079/ ABP Ref. PLo6F.248037) has introduced increased height and multi-dwelling units into the area. In addition, the 12th Lock Boutique Hotel is located in close proximity to the site (c. 150 metres from the site), therefore we submit that the concept of a Shared Living residential development is acceptable at this location.

4.0 PLANNING HISTORY

4.1 Planning History of the Subject Site

As detailed extensively in Section 8.0 of this Report, permission was sought and granted for 210 No. Shared Living bedspaces on the subject site under ABP Ref: 305459-19, however this decision was quashed further to a Judicial Review.

Prior to the set-aside application, according to the Fingal County Council online planning database and previous planning application documents, there have been numerous planning applications relating to the subject site, both historic and recent. The most recent valid planning application is the most relevant and relates to a residential development at the subject site which was lodged on 25th May 2016. This is detailed below:

Reg. Ref.:	FW16A/0079
Date:	25 th May 2016
Description:	The development will consist of demolition of existing two storey over partial basement public house and restaurant building (1,243 sq m) and construction of a residential development consisting 4 No. four storey (with setback 2 nd and 3 rd floor) over basement apartment blocks comprising 41 No. apartments (34 No. two bedroom and 7 No. three bedroom units); private balconies and communal open spaces; 69 No. underground car parking spaces, new vehicular entrance from Old Navan Road, 50 No. bicycle parking spaces, landscaping, SuDS drainage, ESB substation, boundary treatments, public lighting and all other associated site development works necessary to facilitate the development.
FCC Decision:	Grant permission with conditions
Decision Date:	23 rd January 2017
ABP Reference:	PL06F.248037
ABP Decision:	Grant permission with conditions
Final Grant Date:	5 th October 2017

4.1.1 Planning History Analysis

Under Planning Application Reg. Ref. FW16A/0079, permission was sought for the demolition of the existing Public House and the construction of 41 No. apartments in 4 No. blocks.

While this was granted by Fingal County Council in 2016, further information and design changes were requested by the Planning Authority during the assessment process which omitted part of the proposed second floors of Buildings A and C (and associated car parking) resulting in a total of 38 No. residential units.

This decision was appealed by numerous appellants with excessive height and density listed as one of the key matters. With regard to density, the Inspector stated:

'The Sustainable Residential Development Guidelines indicate that in the case of sites within 1km of rail stations minimum densities of 50 units per ha. should be sought subject to appropriate design and amenity standards with the highest densities being located at public transport hubs and decreasing with distance away from these nodes, (paragraph 5.8). In the case of the appeal site it is located within c. 600 metres of

Castleknock rail station¹ and so is a location where higher density development of 50 units per ha. plus are appropriate. [Our Emphasis]

The proposed development was later granted by An Bord Pleanála subject to 21 No. conditions, which included the omission of an additional 2 No. apartments (Apartments Nos. 11D and 12D located on the second floor of Block D) in the interests of visual and residential amenities. The omission of the 2 No. units located within Block D reduced the permitted number of units from 38 No. as conditioned by Fingal County Council to 36 No. units, resulting in a density of approximately 107 No. units per hectare.

The proposed development seeks to provide 210 No. shared living bedspaces with a plot ratio of 1.8 generally within the parameters of the residential scheme permitted under Reg. Ref. FW16A/0079 and ABP Ref. PLo6F.248037 (see Figure 4.1 below), although a different layout is proposed which links the blocks through the centre of the site.

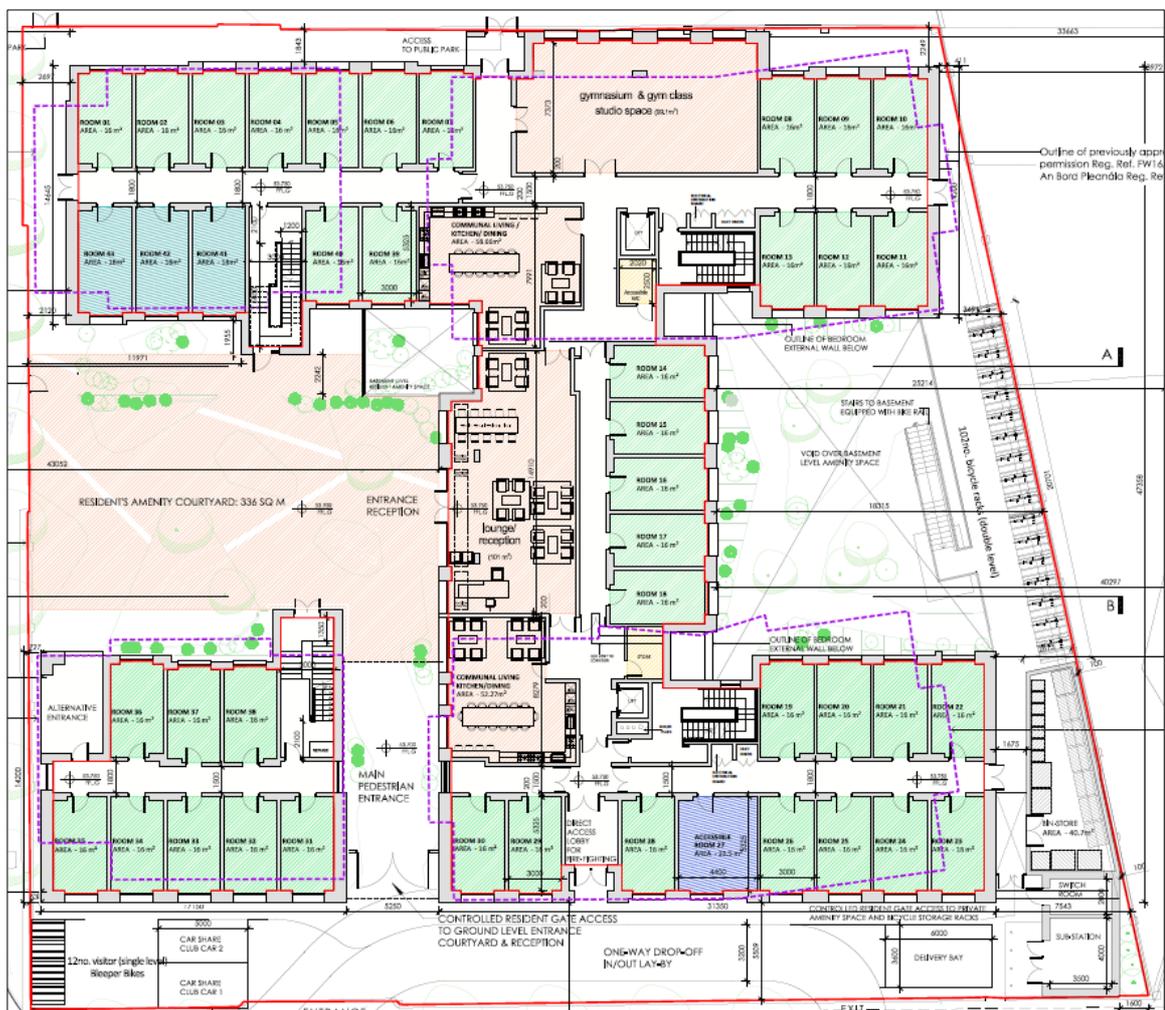


Figure 4.1: Site Plan/Ground Floor Plan Showing the Proposed Scheme Generally Within the Footprint of the Extant Permission [Purple Dashed Line]

Source: Todd Architects

¹ We note that Castleknock Train Station is c. 350 metres from the subject site (as the crow flies) and is c.600 metres walking distance.

National policy that has emerged since the granting of this permission expressly seeks the densification of suburban, brownfield, infill sites such as the subject site. In this regard, National Policy Objective 35 of *Project Ireland 2040*, the *National Planning Framework* states the following:

'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

We note that an partial additional floor level has been proposed at the subject site from that granted at the site in 2017. However, this additional floor level relates only to the centre of the site in the form of a narrow strip and therefore, it is our professional planning opinion that no adverse impact will occur as a result of this additional floor area. This is in accordance with the *Height Guidelines 2018* which states that the *'there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.'*

Therefore, the proposed development at the subject site is fully in accordance with National Policy as set out in more detail in Section 7.0 of this Report and the Statement of Consistency enclosed as part of this planning application.

4.1.2 Residential Capacity for Development at the Subject Site

While there is an existing planning permission for 36 No. apartments on this site, including a full basement car park, a redesign of this scheme under current Apartment Guidelines in the same footprint as proposed for the Shared Living scheme would typically contain 53 No. units with a possible tenure mix of c. 16 x 1 bed (2p), 4 x 2bed (3p), 21 x 2bed (4p), 12 x 3 bed (5p) together with 24 No. surface car spaces. There has been some commentary in the media of Shared Living delivering significant additional densities, including comments such as *'permitted 50 units are replaced by in excess of 200 units'*. Please see the table below which demonstrates the reality of the situation, which is that the increase in potential population represents an increase of only c.12%.

Option	Rooms/Apartments	Maximum Accommodation
Existing-Unviable Permission 36 No. Apartments	31 x 2 bed (81-86 sq m) 5 x 3 bed (92-112 sq m)	149 persons
Potential New Permission 53 No. Apartments	16 x 1 bed (2p), 4 x 2bed (3p), 21 x 2bed (4p), 2 x 3 bed (5p)	188 persons
Shared Accommodation	210 No. Bedspaces + communal areas	210 persons

The purpose of this alternative development proposal is to provide an alternative accommodation model not currently available in the core urban area of Blanchardstown.

4.2 Shared Living Applications

As noted in Section 1.3, our Client received a grant of permission from An Bord Pleanála for a Shared Living development at the Old School House, Eblana Avenue, Dún Laoghaire, Co. Dublin for 204 No. Shared Living bedspaces.

ABP Ref.:	PLo6D.304249
Application Date:	18 th April 2019
Location:	Old School House, Eblana Avenue, Dun Laoghaire, Co. Dublin
Applicant:	Bartra Property (Eblana) Limited
Description:	<p>The development will consist of the demolition all existing buildings on site (2,629 sq m) including a section of the northern boundary wall located to the western side of the site and the construction of a part-four to part-six storey over part basement/ part lower ground floor Build-to-Rent Shared Living Residential Development comprising 208 No. single occupancy bedspaces (including 4 No. accessible rooms) with circulation core (6,501 sq m); and a kiosk fronting Eblana Avenue for the sale of food and beverages to the public (16.7 sq m) with associated external seating area.</p> <p>The development also consists of the provision of communal kitchen/dining/living and library spaces at each floor level to serve the residents of each floor; communal resident amenity space for all residents at lower ground and ground floor levels including the provision of a lounge/games room, multi-purpose/dining space, gymnasium/fitness space and TV/cinema room; a roof garden at fifth floor level (348.8 sq m) facing north, east and west; landscaped amenity areas at lower ground/ ground floor level (206.7 sq m); resident facilities including launderette, linen room and concierge/administration management suite; bicycle parking spaces; car parking incorporating 4 No. visitor car parking spaces, 1 No. disabled car parking space, 1 No. car share parking space and a short-term set down area; bin storage; boundary treatments; green roofs; hard and soft landscaping; provision of a pedestrian link between Eblana Avenue and Croften Square; storage areas; plant; and photovoltaic panels at roof level switch room; substation; lighting; and all other associated site works and service connections above and below ground.</p>
Decision Date:	26 th July 2019
Note:	<p>The following condition was included which reduced the number of bedspaces from 208 No. to 204 No.:</p> <p><i>2(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'</i></p>

They have also subsequently received permission for a Part 5 No. to Part 7 No. storey Shared Living Development comprising 102 No. bedspaces at No. 3 Ardee Road, Rathmines (DCC Reg. Ref. 3567/19/ABP Ref: PL29S.305659). The Rathmines scheme provides the same internal layout and format as the Eblana scheme and the proposed subject scheme.

As noted previously, this grant of permission at Eblana Avenue has informed the layout of the proposed Shared Living scheme at the subject site particularly in relation to communal



living/kitchen/dining spaces at each individual floor level which is detailed further in Section 8.2.3. The Eblana Avenue scheme was the first grant of permission for a Shared Living Development in Ireland which will therefore act as a precedent going forward for further Shared Living proposals.

5.0 PRE-PLANNING CONSULTATION

5.1 Pre-planning Meeting with Fingal County Council

A Section 247 pre-planning meeting took place on Friday, 6th July 2018 at the offices of Fingal County Council and was attended by the following:

Fingal County Council	
Ms Hazel Craigie (HC)	Senior Planner
Mr Harry Mc Laughlan (HMCL)	Senior Executive Planner
Ms Louise Murphy (LM)	Executive Planner
Ms Niamh O'Connor (NOC)	Roads Department
Ms Gemma Carr (GC)	Parks Department
Applicant & Design Team	
Ms Hazel Jones (HJ)	Bartra Capital
Mr James Cormican (JC)	Bartra Capital
Mr John Keoghan (JK)	Todd Architects
Ms Patricia Thornton (PT)	Thornton O'Connor Town Planning

Introduction

At the outset, PT outlined the proposed use of the site for Shared Living, detailing the general suitability of the area for this format of residential accommodation principally having regard to its proximity to the Hospital and the Castleknock Train Station making it a highly accessible location.

HC advised that this was Fingal County Council's first pre-planning consultation on a Shared Living Scheme. JC proceeded to outline the room format in detail.

Planning Authority Comments	Response
<i>Principle of the Shared Living Use</i>	
HC advised that a very strong Justification Report would have to be provided to demonstrate the suitability of this site was Shared Living given its 'suburban' location.	<p>PT and HJ outlined that it was their opinion that the site was edge-of-town centre as opposed to suburban and that the site was unique in the context of its proximity to very significant employment generators, particularly the nearby Connolly Hospital, providing a new residential type that will suit the specific requirements of a hospital, providing affordable accommodation for those who need it for longer terms (generally one year) and for professionals seeking shorter term accommodation as they train for short periods in the hospital.</p> <p>JC advised that the shared living model is particularly attractive as all the costs are encompassed in the accommodation price and there is no requirement to register with utility companies etc.</p>

<p>HC advised that ideally the Justification would include feedback from the Hospital outlining a demand for this product.</p>	<p>HJ advised this would also include the fact that Hospital was growing, and demand would increase into the future.</p> <p>A Letter of Support from the Hospital is enclosed as an Appendix with the Justification Report submitted with this application.</p>
<p>Justification Report should also outline pedestrian routes to the Hospital and any other employment generators.</p>	<p>PT advised that a Mobility Management Plan would be prepared. We note that a Justification Report and MMP accompanies the Planning Application Documentation. The MMP notes that:</p> <p><i>'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 across the N3 towards Connolly Hospital, circa 11 minutes, and pedestrian/cyclist underpasses below the M50 motorway provide permeability to the east.'</i></p> <p>The Justification Report also extensively details other employment generators in the area.</p>
<p>Absence of Car-Parking</p>	
<p>The Planning and Roads Department advised that they are concerned about the absence of car-parking proposed.</p>	<p>HJ advised that the Bartra model does not provide parking and PT advised that Shared Living generally doesn't provide parking due to the shorter-term nature of its occupants.</p> <p>PT/HJ also raised Apartment Guidelines reference to eliminating or substantially reducing car-parking generally and that the potential for overspill parking was going to be relevant for every development site. Having regard to the nature of the user and the proximity of excellent high frequency public transport facilities, employment and general service and facilities, it was considered the site was eminently suitable for eliminating car-parking. We note that a</p>

	full justification for the elimination of car parking is provided in the CS Consulting Response to Item No. 6 of An Bord Pleanála's Opinion.
<i>Detail of the Development</i>	
The Planners advised that the planning application needs to demonstrate adequacy of light into basement bedrooms.	We note that the basement rooms will be afforded natural light due to the provision of outdoor basement amenity space adjacent to the windows. PT advised that a preliminary study had indicated that adequate light will be received. We note that a full Daylight/Sunlight Assessment has been submitted with the application which demonstrates that all habitable rooms will receive adequate levels of daylight.
HC queried residential amenity for residents at basement level beside plant room. JK advised he would review the basement layout in consideration of these comments.	We note that the basement level has been redesigned and the cinema room has been relocated away from the plant room.
LM advised that a link from the development to the public park to the rear would be required and could be provided through of the removal of floorspace at ground floor level. PT queried whether a pedestrian coded gate could be provided to exclude public access. HC agreed it could be provided.	We note that 2 No. accesses have been provided along the north-eastern boundary of the subject site providing residents with easy access to the public park to the rear.
GE advised that a new Tree Survey would be required if the previous tree survey was older than a year.	Please find enclosed updated Tree Survey prepared by The Tree File.
LM advised that a Shadow Study would be required given this was an issue in the last application.	A full daylight/sunlight assessment is submitted with the application and concludes that no material impacts will occur on neighbouring properties as per the BRE Guidelines.
LM and HC advised that a high-quality design was required as was provided on the permitted scheme.	We submit that the high quality designed scheme has been prepared by Todd Architects, which can be easily assimilated into the surrounding

	environment. Please refer to the Architect's Design Statement.
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5.2 Pre-planning Consultation with An Bord Pleanála

A Section 5 pre-planning meeting took place on 4th December 2018 with An Bord Pleanála, Fingal County Council and the Design Team in attendance. We note that An Bord Pleanála issued their Pre-Application Consultation Opinion on 19th December 2018 which stated that the Board *'is of the Opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development'*. We refer the Board to the accompanying report entitled 'Response to ABP Opinion' prepared by Thornton O'Connor Town Planning, which addresses all matters raised in full.

We highlight that the following principal key design changes have been incorporated into the design of the proposed scheme further to the feedback received:

- The proposal submitted at pre-application stage comprised 223 No. single occupancy shared living suites. The development 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; 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 (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.



Figure 5.1: CGI of the Proposed Scheme

Source: 3D Design Bureau

6.0 PROPOSED DEVELOPMENT IN DETAIL

6.1 Description of the Proposed Development

The proposed development includes:

The demolition of the existing part 1 to part 2 No. storey over partial basement public house and restaurant building (1,243 sq m). The building is not of any architectural or historical merit and its demolition was permitted under FCC. Reg. Ref. FW16A/0079 [ABP. Ref. PLo6F.248037] at the subject site (detailed in Section 4.0).



Figure 6.1: Photograph of the Structure to be Demolished at the Subject Site

Source: Thornton O'Connor Town Planning, 2018

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. 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.

Niche Living are set to develop and operate this proposed purpose-built Shared Living Scheme. Please see find enclosed with this planning application an *Operation Plan* prepared by Niche Living which sets out that a dedicated on-site management team will be present during core times of operation from 7am – 10pm Monday to Sunday in addition to Residential Relations on site in the morning to early afternoon and the General Manager from early afternoon to late night. Security personnel will be on-call outside of these core hours. Therefore, the scheme will be appropriately managed to ensure a safe living environment for the residents.

6.2 Shared Living Development

6.2.1 Shared Living Suites

The scheme provides 198 No. bedroom suites comprising 182 No. standard single occupancy rooms measuring 16 sq m, 4 No. accessible bedrooms measuring 23.5 sq m and 12 No. double occupancy rooms measuring 18 sq m. Each bedroom will be fitted with a double bed, built in storage, sink, counter space, kettle, shower, toilet, and a desk for example. The bedrooms will be provided as follows:

Floor Level	No. of Standard Rooms	No. of Accessible Rooms	No. of Double Occupancy Rooms
Basement	14	0	
Ground	39	1	3
First	52	1	3
Second	43	1	2
Third	20	1	2
Fourth	14	0	2
	182	4	12
Total	210 No. bedspaces		

The images provided below illustrate an example of the layout of the typical 16 sq m Shared Living bedrooms which are designed to a high-quality standard with high quality furniture sourced from Italian furniture makers that specialise in this market.





6.2.2 Living/Kitchen/Dining Spaces

Each of the shared living rooms have access to their own basic cooking facilities including a microwave and a two-ring hob.

Residents will be required to utilise the large living/kitchen/dining spaces at each level for cooking meals. These communal spaces allow residents to cook or bake as one could expect to do in any standard kitchen. Experience from the UK has demonstrated that residents of Shared Living facilities use the kitchen spaces sparingly as residents are often provided with subsidised food in the work place or they avail of take-away or food delivery companies and avail of ready meals etc. However, it is important to provide the option of this space for cooking at each level. The image below demonstrates an indicative layout for Shared Living communal living/kitchen/dining spaces demonstrating the high quality design intention for these spaces.



Figure 6.2: Sample Living/ Kitchen Area

Source: Niche Living, July 2020

We note that subsequent to the Section 5 pre-planning meeting, additional living/kitchen/dining room space has been provided (see table below) ensuring that a high quantum of this space is provided per floor level in the scheme. We also note that the proposed development provides 3 No. different living/kitchen/dining rooms at first and second floor levels which will provide additional choice of space for residents to utilise.

Floor Level	Living/Kitchen/Dining Areas (Proposed at Pre-Planning Stage with An Bord Pleanála)	Living/Kitchen/Dining Areas (Now Proposed)
Basement	36.95 sq m	63.6 sq m
Ground Floor	46.6 sq m + 48.8 sq m	52.3 sq m + 58.7 sq m
First Floor	54.4 sq m + 60.2 sq m	54.5 sq m + 60 sq m + 70.1 sq m
Second Floor	54 sq m + 60 sq m	54.5 sq m + 60 sq m + 70.1 sq m
Third Floor	60.2 sq m	130 sq m

Fourth Floor	40.6 sq m	110 sq m
Total	461.75 sq m	783.8 sq m

6.2.3 Communal Lounge/Reception

A communal lounge/reception area (101 sq m) will be provided at ground floor level. This will be a key hub for the residents' social and administration requirements. This is where the residents will principally interact with the each other and is the space where the Management Company will host social events for the residents. The image below demonstrates an indicative layout for Shared Living communal spaces.



Figure 6.3: Sample Communal Lounge Area

Source: Niche Living, July 2020



Figure 6.4: Sample Reception Area

Source: Niche Living, July 2020

6.2.4 Communal Amenity Areas

In addition to the lounge reception area and living/kitchen/dining spaces discussed above, the proposed scheme provides resident amenities at each level of the development as follows:

Amenities	Total sq m	Sq m per person
Basement		
Cinema Room	85	
Ground Floor		
Lounge/Reception	101	
Gymnasium/Fitness Space	99.1	
Third Floor		
Communal Library/Study Space	30	
Fourth Floor		
Communal Private Dining Space	23.5	
External Amenity Space		
Roof Terrace (Third Floor)	78	
Ground Level	336	
Basement Level	170	
Total Amenity	922.6	4.4

We note that in addition to the external amenity spaces at ground, basement and third floor levels, the living/kitchen/dining room and 2 No. bedrooms at third floor level have been provided

with balconies (total 14.35 sq m) and the living/kitchen/dining room at basement level has been provided with an additional area of external amenity space (30 sq m). However, we note that these spaces have been provided due to the architectural composition of the building only and are therefore not included in the overall amenity calculation figure.

We also note that the typical 16 sq m bedroom suites are 33% larger than the standards set out in the *Apartment Guidelines, 2018* i.e. 12 sq m (discussed in further detail in [Section 7.2.3](#)). We also note that 12 No. double occupancy bedrooms are being provided at 18 sq m which is in line with prescribed standards and will allow choice in tenure for future residents.

The rationale behind the larger room size for the typical single occupancy rooms beyond that prescribed in the *Apartment Guidelines* is the multifunctional capability of the room space which enhances the provision of in-room sharing for small scale socialising on a more intimate scale such as playing computer games and sharing a coffee or a meal etc



Figure 6.5: Sample Communal Dining Area

Source: Niche Living, July 2020



Figure 6.6: Sample Games Room and Lounge Area

Source: Niche Living, July 2020



Figure 6.7: Sample Cinema Room

Source: Niche Living, July 2020

6.2.5 Resident Support Facilities

The proposed scheme provides resident facilities at lower ground/ ground floor level as listed below:

- | | |
|--|--|
| <ul style="list-style-type: none"> ● Launderette (33.7 sq m) ● Linen Room (25.5 sq m) ● Bin Store (40.7 sq m) | <ul style="list-style-type: none"> ● Bicycle Storage (254 No.) ● Common WC/ Stores (13.8 sq m) |
|--|--|

At roof level, photovoltaic panels are provided. These are required in order to meet the requirements of the new Part L 2017 (NZEB) for the use of renewable technologies, with PV Panels being one of the most appropriate and effective technologies to use in this regard. They produce electricity, reduce the Primary Energy requirement, have a low maintenance requirement and are a reliable and proven technology.

6.3 Key Site Statistics

Total Site Area	3,170 sq m (0.317 ha)
Total Area of the Shared Living Building	6,549 sq m
Total Area of Shared Living Building above Ground	5,734 sq m
No. of Shared Living Bedroom Suites	198 No.
No. of Shared Living Bedspaces	210 No. (182 No. single occupancy rooms, 4 No. accessible rooms and 12 No. double occupancy rooms)
Proposed Site Coverage	59%
Proposed Plot Ratio	1.8
Maximum Building Height	17.575 m
No. of Cycle Parking Spaces	254 No.

The total area of the scheme is broken down as follows:

Floor Level	Proposed Net Internal Area	Proposed Gross Floor Area
Basement	563.7 sq m	815.5 sq m
Ground Floor	1023.5 sq m	1,497.9 sq m
First Floor	1094.1 sq m	1,552.4 sq m
Second Floor	932.1 sq m	1,341.6 sq m
Third Floor	539.5 sq m	763.9 sq m
Fourth Floor	393.5 sq m	577.9 sq m
Total GFA	4,546.4 sq m	6,549.2 sq m

Bin Store	40.7 sq m
Substation/Switch Room	21 sq m

External Amenity Space	
Ground Floor Courtyard	336 sq m
Basement Courtyard	170 sq m
Third Floor Terrace	78 sq m

6.4 Part V

It is noted that Shared Living Developments are not required to provide for Part V as set out in the Apartment Guidelines which states the following:

'as is the case with student accommodation projects, shared accommodation units will not normally be subject to Part V requirements in relation to the reservation of 10% of the units

as social housing because shared accommodation would not be suitable for social housing given that they are not provided as individual self-contained residential units.'

6.5 Design Rationale

This section of the Planning Report has been prepared by Todd Architects. A fully detailed Design Statement has also been prepared by Todd Architects and submitted with this planning application as a separate document.

6.5.1 Site Context Analysis

In reviewing the permission granted for residential development previously on this site, Todd Architects have concluded that any development must have due regard to the following:

- the proximity of the existing private residences located on three sides of the subject site.
- the scale of any proposed development should be considered when viewed from the Old Navan Road; Talbot Downs Housing Estate, as well as from the adjoining residences to the southeast.
- the “permeability” of the development to the linear public park located to the north-east.
- the “stepped” heights across the site to protect the surrounding residences from any overbearing visual impact.

6.5.2 Design Concept

Scheme Layout

Todd Architects considered various plan forms for the proposed Shared Living development throughout the initial design stage, but have mainly been significantly influenced by the form of the residential permission recently established on the site. A key feature of that permission was that the profile of the elevation and sections responded sensitively to surrounding residential development.

As a starting point, the footprint of the permitted development at each floor level was reviewed. In developing the scheme, Todd Architects have generally sought to have the outer limits of the plan footprint at each floor level match as closely as possible to the footprint of the permitted scheme. However the footprint has been varied in a manner which is considered to have the least impact on surrounding residences: i.e. rather than the development being comprised of 4 No. individual buildings, a single building is proposed which includes both east and west facing courtyards within its overall footprint. It is submitted that this plan footprint permits the building to appear more “horizontal” and “unified” in character.

There is one aspect of the proposed scheme which does however differ from the permitted scheme. A 5 No. storey element in the centre portion of the scheme has been incorporated, whereas the permitted development is a maximum of 4 No. storeys in height. The location of this element is removed at maximum distance from the site boundaries in a manner which minimises its visual impact.

Elevational Treatment

In considering the design of the elevations for this scheme, two contrasting external materials have been employed to articulate the different volumes; clay facing brick, and a dark self-coloured cementitious render. The use of the contrasting external finishes is a familiar feature of the surrounding area and renders the proposed scheme more comparable with its receiving environment.

Todd Architects note in their Design Statement enclosed that the front elevation of the building presents a 'stepped' façade to the Old Navan Road with the different volumes articulated by contrasting external finishes. The height of the proposed development reduces at its eastern and western ends. This reduction in scale is designed to eliminate any overshadowing or visual dominance when viewed from the adjoining private residences. One enters the building through an opening close to the centre of the façade into the western courtyard. From there, the front door of the building is apparent. This entry sequence is designed to ensure that people entering and leaving the building have an 'intermediate' external space through which to pass, rather than exiting directly onto the Old Navan Road frontage.



Figure 6.8: North-East Elevation Fronting the Public Park

Source: Todd Architects



Figure 6.9: South-West Elevation Fronting Old Navan Road

Source: Todd Architects

In designing the elevation in detail, it was ensured that there are no vent pipe terminals visible on the external façade and a louvred section has been incorporated as part of the composite

window assembly on the inside face of which the horizontal vent pipes are terminated for each room.

The windows on the Shared Living Building are large in scale relative to the dimensions of the rooms in order to ensure that natural daylight is optimised and that a feeling of “generosity” and “spaciousness” is evident in the rooms, which is further improved by very generous floor to ceiling heights of 2.85 No. metres.

6.6 Landscape Strategy

As set out in the Landscape Development Report prepared by The Big Space Landscape Architects, the primary design consideration within the landscape was to consider the requirements of the future residents, through the provision of high quality public spaces with a strong landscape character.

The proposed landscape strategy forms part of the overall green space network within the overall development. The network of public spaces proposed will provide for passive recreation within an attractive environment. New tree planting will be provided including smaller specimen tree/multi-stem shrubs within semi-private areas. As part of the proposed scheme, 2 No. courtyard spaces are proposed (1 No. at ground level and 1 No. at basement level – see Figures 6.10 and 6.11 below) and form the focus of the overall development. The spaces contain a number of elements including tree planting, seating, sculptural ground modelling, cycle parking and a sculptural element. In addition, a landscaped roof terrace at third floor level is also provided (see Figure 6.12 below).



Figure 6.10: Open Space at Ground Floor Level

Source: The Big Space Landscape Architects

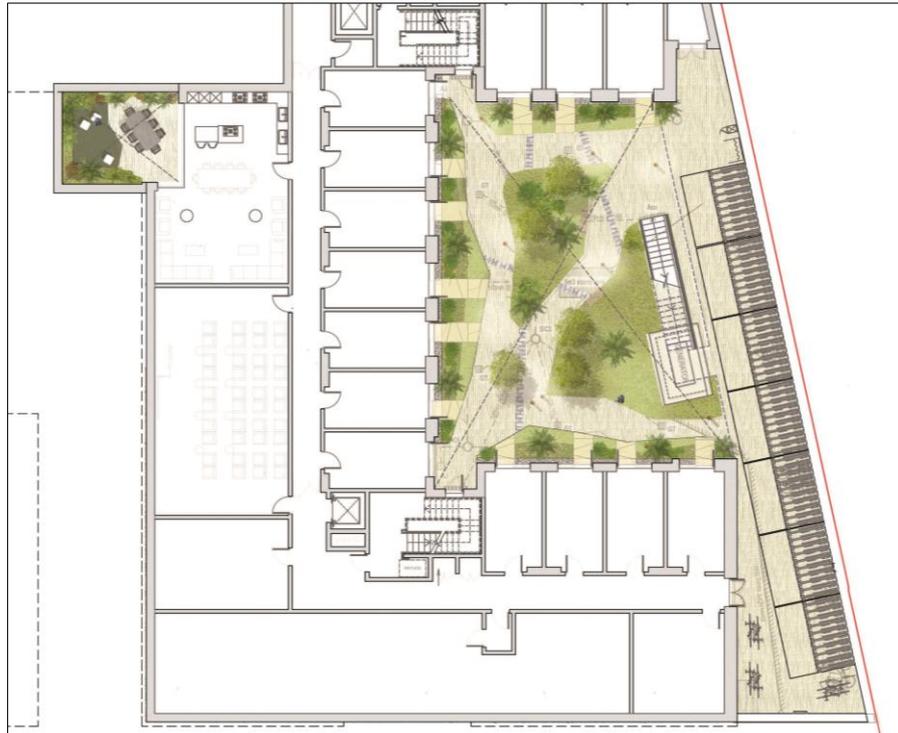


Figure 6.11: Open Space at Basement Level

Source: The Big Space Landscape Architects



Figure 6.12: Roof Terrace at Third Floor Level

Source: The Big Space Landscape Architect



Figure 6.13: CGI Towards the Ground Floor Courtyard

Source: 3D Design Bureau

It is proposed to provide an 1,800 mm high plinth wall and railing along the north-eastern boundary. Some 2 No. accesses are proposed along this boundary to provide access to the public park. An 1,800 mm high plinth wall and railing will also be provided along part the north-western boundary to Talbot Downs in addition to a high plinth wall with capping. A pedestrian access is proposed within the boundary for fire access. A low boundary wall is proposed along part of the north-west and south-west boundaries.

7.0 PLANNING POLICY

7.1 Relevant Development Management Standards

The purpose of this section is to detail the relevant current development policy and guidelines applicable in relation to the proposed Shared Living Residential Development at Brady's Public House, Old Navan Road, Dublin 15. The Statement of Consistency report submitted with this planning application sets out a full assessment of the proposed development and concludes that the development is in line with national, regional and local policy.

The key national documents in assessing the subject scheme are the *National Planning Framework – Project Ireland 2040*, the *Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)*, and the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018*. At a local level, the *Fingal Development Plan 2017 – 2023* is the statutory development plan for the area and guides development relating the subject site.

7.2 National Policy

7.2.1 National Planning Framework – Project Ireland 2040

The proposed development has been designed in accordance with the objectives of the *National Planning Framework* (NPF). The National Planning Framework (NPF) is the Government's high-level overarching strategic plan that aims to shape the future growth and development of the country. The NPF states that proposals should '*prioritise the location of new housing provision in existing settlements as a means to maximizing a better quality of life for people through accessing services; ensuring a more efficient use of land and allowing for greater integration of existing infrastructure*'. Section 2.2 of the NPF sets out an overview of the NPF Strategy which includes reference to 'Compact Growth' as follows:

- '*Targeting a greater proportion (40%) of future housing development to be **within and close to the existing 'footprint' of built-up areas.***
- '***Making better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.***' [Our Emphasis].

The NPF expressly seeks the densification of suburban, brownfield, infill sites close to public transport and services and facilities such as the subject site. National Policy Objective 35 states that it is an objective to:

'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.' [Our Emphasis]

The NPF also sets out that '***increased residential densities are required in our urban areas...to more effectively address the challenge of meeting the housing needs of a growing population in our key urban areas, it is clear that we need to build inwards and upwards, rather than outwards***'. [Our Emphasis]

In addition, the NPF acknowledges that Ireland's housing crisis has resulted in *'a time when many people, including those on average incomes, wish to live close to where they work and the services and amenities necessary to enjoy a good quality of life, they struggle to do so because the urban housing market has become constrained'*. [Our Emphasis]

Therefore, the proposed Shared Living development providing 210 Shared Living bedspaces (198 No. suites) provided through increased density and building height at the subject site is imminently suitable having regard to locational characteristics of the site including its position relative to major employment centres in the surrounding area including Connolly Hospital, the Dublin Enterprise Zone and Connolly Station and its proximity to Castleknock Train Station as well as a range of services and facilities to serve the future tenants.

7.2.2 **Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)**

The Guidelines set out that a key objective of the NPF is to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.

The Minister's foreword to the *Urban Development and Building Heights Guidelines, August 2018* acknowledges that Ireland's classic development models for city and town cores has tended to be dominated by employment and retail uses, surrounded by extensive and constantly expanding low-rise suburban residential areas which is an unsustainable model. There is an opportunity for our cities and towns to be developed differently. Urban centres could have much better use of land, facilitating well located and taller buildings, meeting the highest architectural and planning standards. The Guidelines are intended to set a new and more responsive policy and regulatory framework for planning the growth and development of cities and towns upwards rather than outwards.

The Guidelines note that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development and our planning process must actively address how this objective will be secured.

The Guidelines note the following:

*'In relation to the assessment of individual planning applications and appeals, it is Government policy that **building heights must be generally increased in appropriate urban locations**. There is therefore a presumption in favour of buildings of **increased height in our town/city cores and in other urban locations with good public transport accessibility**.'* [Our Emphasis].

The subject site is well served by public transport within an existing urban area with many bus stops located in close proximity to the subject site providing easy access to locations such as Blanchardstown Shopping Centre (No. 17a) and Ongar Village (39a) from the N3 Navan Road and Dublin City Centre (No. 38a and No. 39 from Navan Road, No. 179 from Connolly Hospital and No. 38 from the R806 Castleknock Road). Castleknock Train Station is located c. 350 metres to the south-west of the site (as the crow flies) and c. 550 No. metres / 7 No. minutes walking

distance which facilitates easy access to locations such as Dublin Connolly Station, Pearse Station, Sligo, Longford, Maynooth and M3 Parkway.

As such, it is considered that the proposed development providing heights of part 1 to part 5 No. storeys and comprising 210 No. Shared Living bedspaces at the subject site represents the proper planning and sustainable development of the area as heights have been increased in an appropriate urban location adjoining a large expanse of parkland that has excellent public transport access.

7.2.3 ***Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018***

The Department of Housing, Planning and Local Government published the updated *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018* in March 2018.

The purpose of the 2018 Apartment Guidelines is to reiterate ministerial guidance, setting out standards for apartment developments, mainly in response to circumstances that had arisen whereby some local authority standards were at odds with national guidance. These Guidelines build on the content of the 2015 Apartment Guidelines particularly in relation to design quality safeguards such as internal spaces standards for 1, 2 and 3 No. bedroom apartments, floor to ceiling height, internal storage and amenity space.

These Guidelines update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply and projected need for additional housing supply out to 2020, the Government's *Rebuilding Ireland – Action Plan for Homelessness, 2016* and the *National Planning Framework – Ireland 2040*, published since the 2015 Guidelines. We note that the Apartment Guidelines take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes.

The *Guidelines* set out that '*a new format of residential accommodation described as 'Shared Accommodation' has the potential to emerge as a distinct segment within the overall urban accommodation sector*'.

Therefore, we consider that the densification of this accessible, brownfield, infill site to provide a high-quality Shared Living scheme of 210 No. bedspaces will contribute towards allowing shared living to emerge as its own segment within Dublin.

It is considered that the subject site is located within a central accessible urban location as set out in the Apartment Guidelines, which states:

'Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- *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**.'* [Our Emphasis]

TOC Assessment:

The subject site is located in close proximity to numerous substantial employment locations including the following (full details provided in the Justification Report enclosed with this Application):

- Connolly Hospital*, which is a major employer of healthcare workers and support staff currently employing in excess of 1,100 No. staff is located approximately 300 metres (as the crow flies) to the north of the subject lands (1km / 11 No. minutes walking distance). The hospital has been expanding incrementally in recent years and a major development which provides a Satellite Centre to the National Children’s Hospital opened in July 2019. The subject lands are ideally positioned to cater for accommodation demands associated with the employees of the adjacent major healthcare facility. It is also anticipated that the subject Shared Living Development could play a role in addressing the need for parent/guardian accommodation associated with patients that are subject to medium/long term stays in the hospital. We note that the Children’s Satellite Centre will close at 10 pm, however accommodation may be required by families of persons over 16 No. years who have been admitted to the hospital and who have travelled long distances and need to return on multiple days. The proposed development will also provide an accommodation option to new employees of the Satellite Centre.

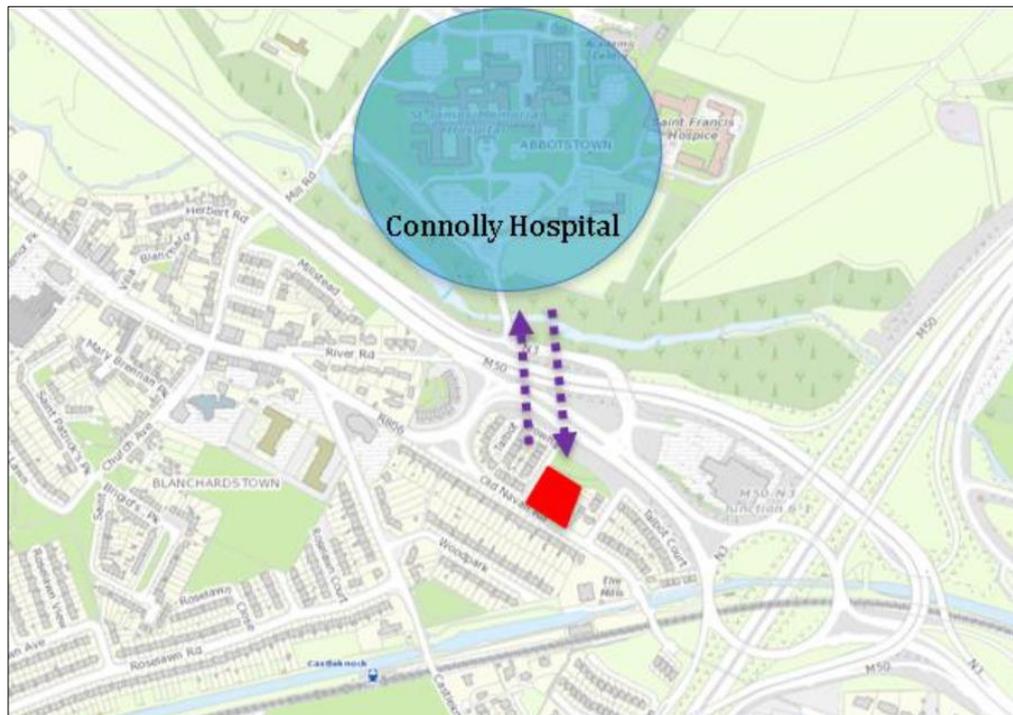


Figure 7.1: Map Identifying Location of Connolly Hospital in Relation to the Subject Site

Source: www.myplan.ie, Annotated by Thornton O’Connor Town Planning

- The *Dublin Enterprise Zone*, which is located in Blanchardstown is currently the location of many multinational IT firms including PayPal and eBay and clusters of pharmaceutical companies such as Helsinn – Birex and Mallinckrodt in addition to others. The Dublin Enterprise Zone is located within close proximity of the subject site – for example eBay is located within a 21 No. minute walk and a 6 No. minute cycle from the subject lands.

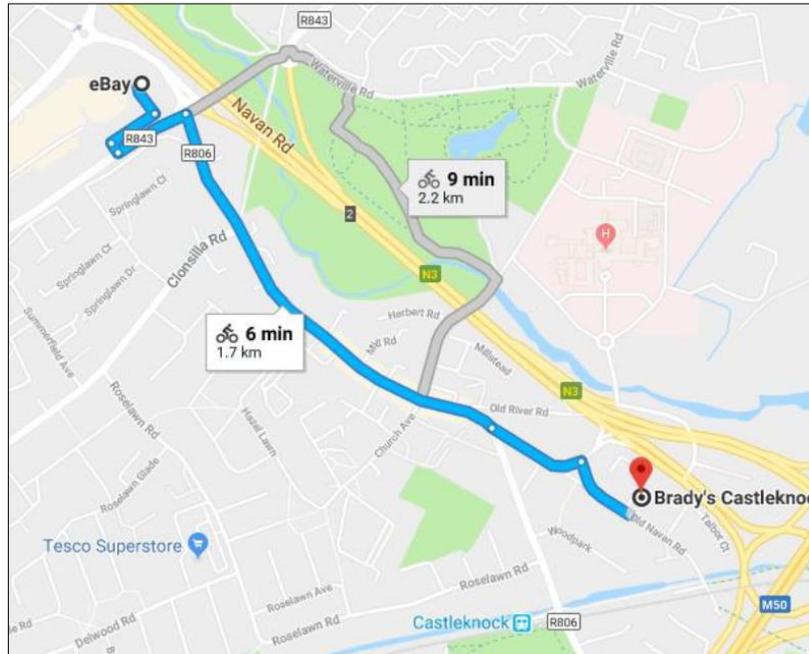


Figure 7.2: Map Identifying the Cycling Distance from the Subject Site to eBay which is Located within the Dublin Enterprise Zone

Source: www.myplan.ie, Annotated by Thornton O'Connor Town Planning

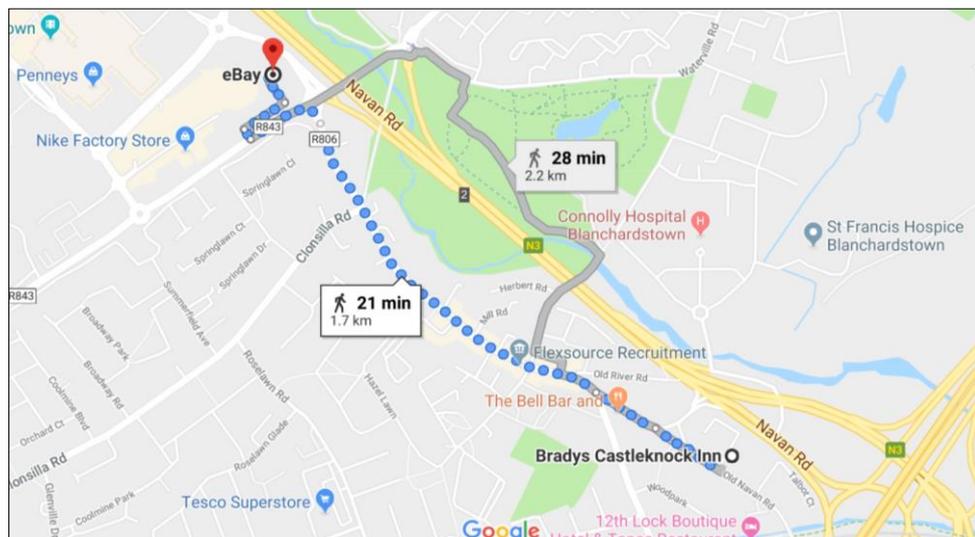


Figure 7.3: Map Identifying the Walking Distance from the Subject Site to eBay which is Located within the Dublin Enterprise Zone

Source: www.myplan.ie, Annotated by Thornton O'Connor Town Planning

- *Blanchardstown Town Centre* which is located c. 1.5 - 1.7 km (c. 21 minute walk/c. 8 minute cycle distance) from the subject site, has in excess of 170,000 sq m of retail floorspace and c. 20,000 sq m of leisure floorspace, currently employs in the order of 5,500 No. people, many of whom would be paid minimum wage and would not be able to afford conventional housing in the area. Therefore, the proposed Shared Living accommodation would be ideally suited to many of its employees.



Figure 7.4: Map Identifying Location of Blanchardstown Town Centre in Relation to the Subject Site (c. 1.5 – 1.7 km)

Source: Google Maps, Annotated by Thornton O’Connor Town Planning

Therefore, having regard to its proximity to significant employment locations as set out above and detailed in the Justification Report enclosed with the Planning Application as a separate document, it is clear that the subject site is a highly accessible location that can achieve higher density development as per the Apartment Guidelines (and the NPF and the Building Height Guidelines).

In terms of meeting future housing need the Guidelines set out that ‘demographic trends indicate that two-thirds of households added to those in Ireland since 1996 comprise 1-2- person, yet only 21% of dwellings completed in Ireland since then comprise apartments of any type’. Furthermore, the 2016 Census indicates that ‘if the number of 1-2-person dwellings is compared to the number of 1-2-person households, there is a deficit of approximately 150%, i.e. there are approximately two and half times as many 1-2- person households as there are 1-2- person homes.’

The Apartment Guidelines recognises the need for alternative types of accommodation to facilitate the societal and economic changes which would be better suited to reflect current and projected household formation and housing demand. The proposed application comprising 210 No. Shared Living bedspaces will therefore provide an alternative housing accommodation type for people seeking residential accommodation in Dublin.

Specific Planning Policy Requirement 9

The *Apartment Guidelines, 2018* set out under Specific Planning Policy Requirement 9 (SPPR9) that:

Shared Accommodation may be provided and shall be subject to the requirements of Special Planning Policy Requirement No. 7 (as per Build-to-Rent). 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.'

Specific Planning Policy Requirement 7

BTR development must be:

- (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.

Assessment of Compliance with SPPR 9

Table 5a (within SPPR9)

The Guidelines state that each of the bedrooms are required to be ensuite and provide minimum bedroom size standards, referred to in Table 5a which is set out below:

Table 5a: Shared Accommodation – minimum bedroom size (including ensuite)	
Single	12 sq m
Double	18 sq m

The scheme subject to this application comprises 210 No. bedspaces (182 No. single occupancy rooms [16 sq m], 4 No. accessible rooms [23.5 sq m] and 12 No. double occupancy rooms [18 sq m] therefore the scheme fully complies with Table 5a of the Apartment Guidelines as set out above.

As the typical Niche Living bedrooms are 16 sq m, they are 4 sq m above the standard set out in Table 5a for single occupants, i.e. 12 sq m and therefore exceed the Guidelines by 33%. We note that there are 12 No. double occupancy bedrooms provided measuring 18 sq m which meet the standard set out in the Guidelines. We note that 2 No. single occupancy accessible bedrooms are provided within the scheme.

The rationale behind the predominately larger room sizes beyond that prescribed in the Apartment Guidelines is the multifunctional capability of the room space which enhances the provision of in-room sharing for small scale socialising on a more intimate scale such as playing computer games and sharing a coffee or a meal etc.

We note that the typical room size of 16 sq m has been accepted in the granted scheme at Eblana Avenue (which provided slightly larger typical units of 16.25 sq m).

Table 5b (within SPPR9)

Table 5b of the Apartment Guidelines set outs that minimum common living and kitchen facilities floor area should be provided as follows:

Table 5b: Shared Accommodation minimum common living and kitchen facilities floor area	
Bedroom 1-3	8 sq m per person
Bedroom 4-6	Additional 4 sq m per person

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 An Bord Pleanála decision to grant permission for a Shared Living scheme at Old School House, Eblana Avenue, Dún Laoghaire, Co. Dublin [ABP Ref. ABP-304249-19].

The granted scheme reduced the number of bedspaces from 208 No. to 204 No. by including the following condition:

2(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'.

We note that 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 increase only related to the other specific living/library areas on the 1st, 2nd, 3rd and 4th floors. Having regard to this decision, the following living/kitchen/dining room sizes were granted at Eblana Avenue (which includes the increased size of the living/library rooms required by condition):

Eblana Avenue Scheme	No. of bedspaces granted	Sq m of Common Living/Kitchen/Dining Space Granted on Each Level	Sq m Per Person
Floor Level			
Lower Ground	10	34.5	3.45
Ground	26	60.75 + 24.1 [84.85]	3.26
First	39	60.75 + 41.1 [101.85]	2.61
Second	41	60.75 + 40.9 [101.65]	2.48
Third	39	60.75 + 39.7 [100.45]	2.58
Fourth	37	60.75 + 39.7 [100.45]	2.7
Fifth	12	48.25	4.02
Total	204	572	2.8

The following table sets out the quantum of communal kitchen/dining/living space provided as part of the proposed development:

Proposed Development	No. of bedspaces proposed	Sq m of Common Living/Kitchen/Dining Space Granted	Sq m Per Person
Floor Level			
Basement	14	63.6	4.54
Ground	46	58.7 + 52.3 [111]	2.4
First	59	60 + 54.5 + 70.1 [184.6]	3.12
Second	48	60 + 54.5 + 70.1 [184.6]	3.84
Third	25	130	5.2
Fourth	18	110	6.1
Total	210	783.8	3.73

As shown in the tables above, 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. Therefore, this demonstrates that the average quantum of common living/kitchen/dining room area per bedspace provided in the subject scheme is higher than granted in the Eblana Avenue development. We also note that the 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.

In summary, the quantum and quality of the communal living/kitchen/dining rooms proposed within the subject scheme will ensure a comfortable living environment for the future residents.



Figure 7.5: Indicative Internal Design of Communal Area

Source: Bartra/ Niche Living

Compliance with SPPR7 and Section 5.17

In addition, the scheme provides additional communal amenity spaces at ground and basement level to encourage social integration between residents in line with Section 5.17 of the Guidelines:

'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.'

SPPR7 defines resident amenities as:

'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.'

In essence, resident amenity spaces can be classed as any space that residents can carry out any recreational activity which includes external roof garden spaces or outdoor terraces.

These communal spaces define the unique characteristics of Shared Living and distinguish it from other more traditional residential accommodation formats. In addition, these communal resident amenity areas support this format of accommodation as being preferential to the more traditional cluster format of standardised kitchen and sitting/living rooms. The Niche Living format will provide an enhanced overall standard of amenity for residents, which is clearly demonstrated in the Niche Living documentation submitted with this application. The Table below sets out how the Niche Living format complies with Section 5.17/SPPR7 of the Apartment Guidelines:

Amenities	Total sq m	Sq m per person
Basement		
Cinema Room	85	
Ground Floor		
Lounge/Reception	101	
Gymnasium/Fitness Space	99.1	
Third Floor		
Communal Library/Study Space	30	
Fourth Floor		
Communal Private Dining Space	23.5	
External Amenity Space		
Roof Terrace (Third Floor)	78	
Ground Level	336	
Basement Level	170	
Total Amenity	922.6	4.4

As demonstrated in the table above, the 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.

Based on the provision of 210 No. bedspaces, this equates to the provision of 4.4 sq m of amenity space per Shared Living bedspace. It is considered that the provision of 4.4 sq m of amenity space per resident in addition to the communal living/kitchen/dining spaces outlined in Section 4.1 will provide a high quality living environment for the Shared Living residents.

Communal Support Facilities (SPPR 7)

In addition to communal living/kitchen/dining spaces and internal and external amenity spaces proposed, the scheme provides resident facilities listed below:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Launderette (33.7 sq m) • Linen Room (25.5 sq m) • Bin Store (40.7 sq m) | <ul style="list-style-type: none"> • Bicycle Storage (254 No.) • Common WC/Stores (13.8 sq m) |
|--|---|

Furthermore, intangible resident facilities in the form of Spike Global software will be provided to occupants of the development that will support everything from access control, logging and tracking facilities issues, to clubs, events and building a cohesive community through engagement and social interaction.

It is noted that regular cleaning and maintenance of the private suites and wider communal area is provided as detailed in the Niche Living Operational Plan prepared by Bartra and is submitted in support of this SHD application.

Bartra invite the Board to attach a condition, confirming that the Covenant now enclosed, as it relates to the Shared Living Block, is applicable in this instance.

The subject Shared Living scheme is fully in accordance and consistent with the standards set out in the recently updated and adopted Apartment Guidelines, March 2018.

7.3 Fingal Development Plan 2017 – 2023

7.3.1 Zoning

The subject site is zoned Objective 'RS' 'Residential' in the *Fingal Development Plan 2017 – 2023* where the stated aim is 'to provide for residential development and protect and improve residential amenity' (see Figure 7.6 below).

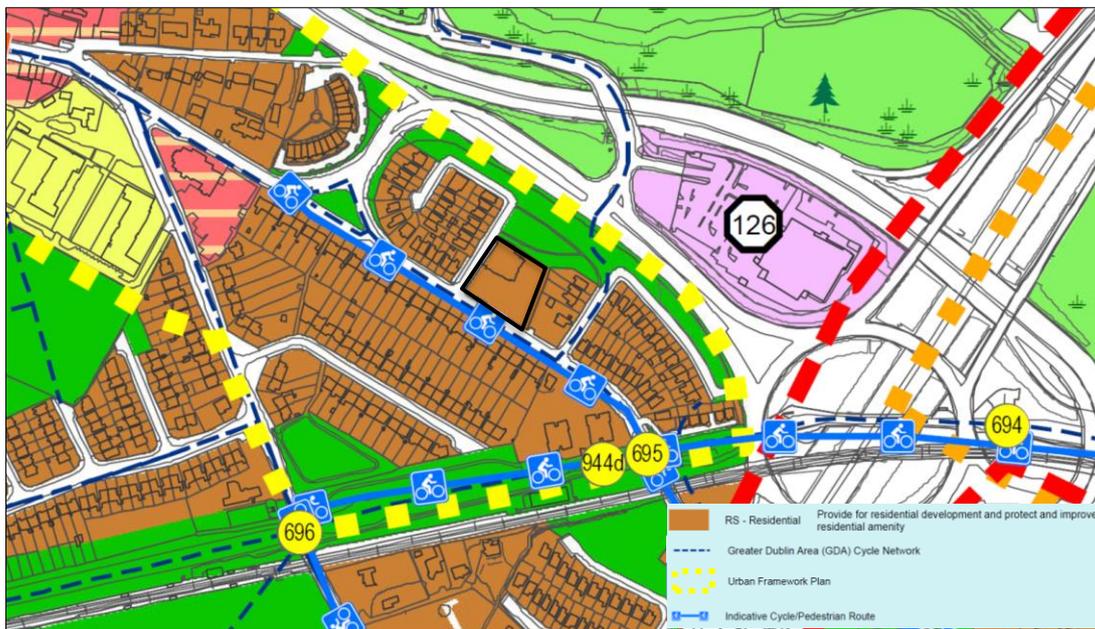


Figure 7.6: Zoning Map with Subject Site Outlined in Black

Source: Fingal Development Plan 2017 – 2023

Residential use is 'permitted in principle' on 'RS' zoned lands. As the subject scheme proposes a Shared Living residential development, the proposed development fully complies with the zoning objective of the site. The scheme provides 210 No. Shared Living bedspaces in lieu of the existing Brady's public house/restaurant (to be demolished) which has no architectural or historical merit. The principle of demolishing the existing public house has been established under the extant permission at the site (FCC. Reg. Ref. FW16A/0079 / ABP Ref: PL06F.248037).

The scheme has been designed taking into consideration the amenity of neighbouring residential units, by providing a sensitive contemporary design which is complementary to the surrounding context and scale.

7.3.2 Building Height

The proposed development proposes a maximum height of 17.575 No. metres and transitions in height from part 1 to part 5 No. storeys.

We note the provisions of 'Objective BLANCHARDSTOWN 1' of the *Fingal Development Plan 2017 – 2023* 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 three storeys. However, no urban framework plan in accordance with this objective has been prepared and there is currently no timeframe in place for the preparation of this Urban Framework Plan. We also note that in relation to the extant permission at the site (FCC. Reg. Ref. FW16A/0079 / ABP Ref. PLo6F.248037), the Board permitted part 3 – 4 No. storeys in height and since the Final Grant of Permission was issued on this Application, national policy has significantly progressed which now expressly seeks the densification and increase in height of suburban, brownfield, infill sites such as the subject site.

It is our opinion that in tandem with the progression of national policy, the presence of the public park to the rear (north-east) of the site provides the opportunity for additional height to be provided at the subject site. We note that a partial additional floor level has been proposed at the subject site from that granted at the site in 2017. However, this additional floor level relates only to the centre of the site in the form of a narrow strip at a distance from any sensitive residential receptors to the east and west and therefore no adverse impact will occur as a result of this additional floor area. In summary, the proposed maximum height of 17.575 No. metres is considered acceptable. This is fully in accordance with the *Building Height Guidelines 2018* which state the following:

*'in relation to the assessment of individual planning applications and appeals, it is Government policy that **building heights must be generally increased in appropriate urban locations**. There is therefore a presumption in favour of buildings of **increased height in our town/city cores and in other urban locations with good public transport accessibility**.'* [Our Emphasis].

We note that the subject site is located within an appropriate core urban location that is a Metropolitan Consolidation Town in close proximity to Castleknock Train Station and multiple bus routes and is in the centre of a substantial employment area that includes Connolly Hospital Blanchardstown, The Dublin Enterprise Zone and Blanchardstown Town Centre. The site is imminently suitable to provide a Shared Living accommodation scheme which is an accommodation typology that is lacking in the local area and specifically targets single workers that may be unable to afford the minimal rental options available in the local area and may prefer to be in an environment that provides social interaction spaces.

The scheme has been subject to a high-quality design by Todd Architects facilitating its easy assimilation into its surrounding context. Therefore, we consider it appropriate to increase building heights at this location in accordance with National Policy as set out in more detail in the Statement of Consistency and Justification Report enclosed as part of this planning application.

7-3-3 Plot Ratio

Plot ratio is a tool to help control the bulk and mass of buildings. It expresses the amount of floorspace in relation (proportionally) to the site area and is determined by the gross floor area of the buildings(s) divided by the site area.

Plot ratio standards need to be used in conjunction with other development control measures including site coverage, building height, public and private open space, the standards applied to residential roads, and parking provisions.

The plot ratio of the proposed development is 1.8 (6,549 sq m – 815.5 (basement) = 5,733.5 sq m + 40.7 (bin store) + 21 (substation/switch room) = 5,795.2 / 3,170 = 1.8), which cannot be considered excessive in the context of national policy that seeks to densify urban sites close to excellent public transport, employment, services and facilities.

7.3.4 Site Coverage

Site coverage is a control for the purpose of preventing the adverse effects of overdevelopment, thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings.

Site coverage is the percentage of the site covered by building structures, excluding the public roads and footpaths.

The site coverage of the subject site is 58 %, demonstrating the extent of open spaces on the site, which will contribute to the openness provided by the park to the north of the site.

7.3.5 Car Parking

Having regard to the nature of the use proposed, the typical residents who are in-situ short-medium term and the location of the site within walking/cycle distance to a number of significant employment locations, it is not intended to provide on-site car-parking.

This is consistent with policy prescribed in the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2018*, which state the following:

'In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity'.

As detailed in Section of 7.2.3 of this Report, the subject site is defined as a central accessible location in the Apartment Guidelines and thus is appropriate for eliminated car parking, having regard to its location and tenant profile.

We further note that there are 2 No. Go-Car parking facilities in the vicinity of the subject site. In this regard, the Applicant have engaged with Go-Car who note in a letter (see attached in Appendix A) that they '*confirm that GoCar are willing to provide 2 shared car club vehicles in the proposed Shared Living development, with final terms to be agreed*'. We note that 2 No. car share spaces are provided within the scheme.

Please refer to Mobility Management Plan and CS Consulting Response to Item No. 6 of the An Bord Pleanála Opinion both prepared by CS Consulting and enclosed with this application for further details.

The 'Response to Item No. 6 document' notes that An Bord Pleanála have recently granted permission for a Shared Living scheme on Eblana Avenue, Dun Laoghaire which did not provide

private parking for residents beyond the 1 No. disabled parking space and 1 No. car share parking space provided. Therefore, the provision of 2 No. car share spaces as part of the subject scheme is considered acceptable given the site’s proximity to high frequency and high capacity public transport and the quantum of cycling facilities provided in addition to the proximity of significant employment locations.

7.3.6 Cycle Parking

The subject scheme provides 254 No. cycle-parking spaces (212 No. for residents and 42 No. visitor ([including 12 No. Bleeper Bike spaces]) to serve the 210 No. bedspaces. As demonstrated in Figure 5 of the Mobility Management Plan set out below, there are a wide range of employment locations, services and facilities easily accessible by bicycle from the development. For example, Connolly Hospital – c. 4 minute cycle, the Dublin Enterprise Zone – c. 6 minute cycle and Blanchardstown Town Centre – c. 8 minute cycle.

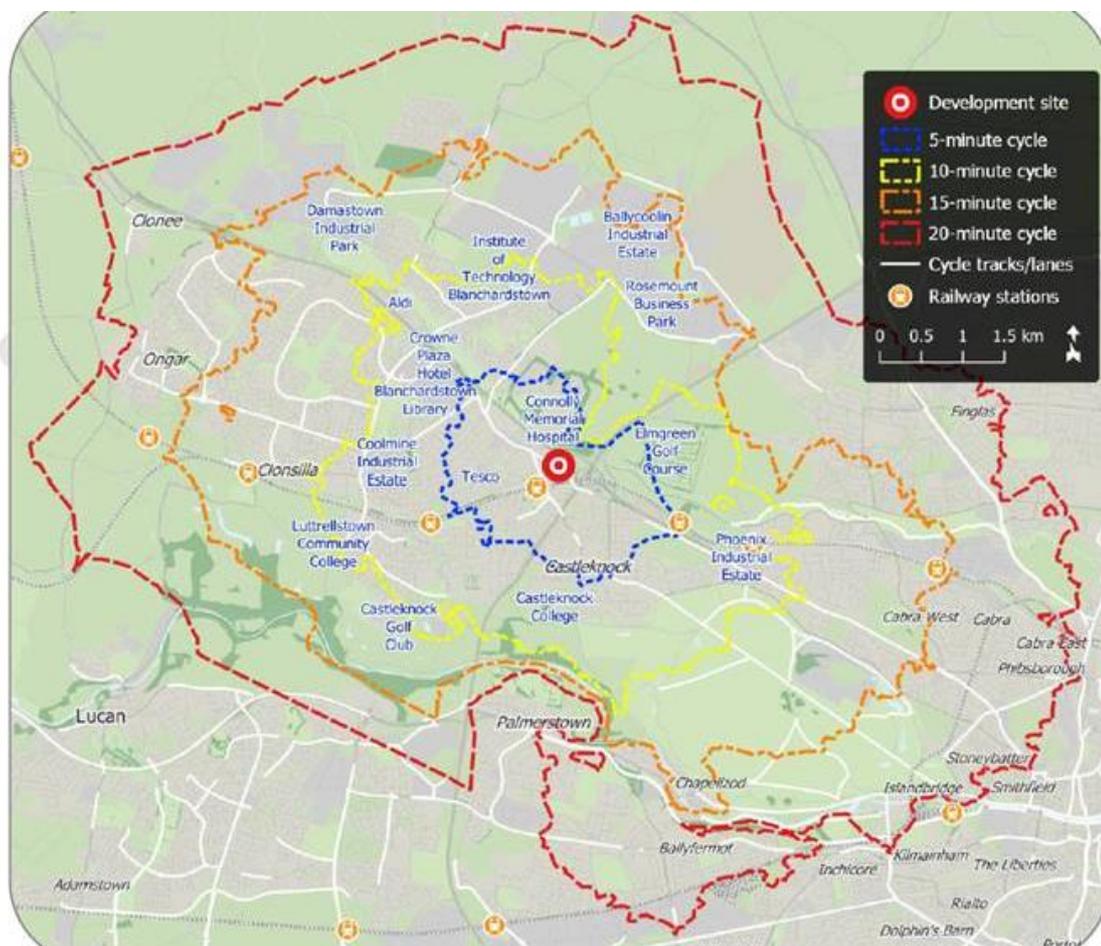


Figure 7.7: Cycling Isochrones from the Subject Site

Source: CS Consulting – Mobility Management Plan

Beyond the provision of cycle parking on the subject site, the Applicant has engaged with Bleeper Bikes to ensure a cycling option is provide for residents that don’t own bicycles. As per the letter attached in Appendix B, Bleeper Bikes are committed to ensuring the sustainable cycle needs of the residents are met, either on site or close by to the site in conjunction with Fingal County Council and An Bord Pleanála. We note that 12 No. Bleeper Bikes stands have been provided on site. Thus, all residents will have the opportunity to utilise cycling as a mode of transport to and from this central urban location.

We also note that under the Greater Dublin Area Cycle Network Plan it is proposed to create a pedestrian/cyclist greenway along the Royal Canal which will ensure easy access to the city centre.

7.4 Summary of Planning and Development Context

The proposed development to provide a Shared Living development of 210 No. bedspaces fully accords with the zoning objective pertaining to the site and importantly national planning policy. The design of the proposed development fully complies with National and Local policies and objectives as set out above. It is considered that the design schematic provides a contemporary architectural solution that maximises the development potential of the subject lands (in the interests of sustainable development and having regard to the location of the lands in close proximity to a wide range of employment opportunities and excellent public transport services and facilities) whilst utilising innovative design tools to ensure that the scheme can be assimilated into its surrounding environment.

8.0 RECENTLY SET-ASIDE PLANNING PERMISSION

8.1 Statutory Process for Lodging Current Application

For this proposed strategic housing development, the consultations with the Planning Authority were held on 6th July 2018. The request for consultation with the Board was made on 26th October 2018 (Board Ref. No. PLo6F.302888). The Board gave its Opinion under Section 6(7) of the 2016 Act on 20th December 2018 and a Response to this Opinion is enclosed with the application.

An application for a strategic housing development permission was, in turn, made on 18th September 2019 (An Bord Pleanála Ref. No. PLo6F.305459). That application was granted permission by the Board on 6th January 2020. However, the validity of the decision made by the Board was questioned by way of judicial review (High Court Record No. 2020/175JR.) By Order of certiorari of the High Court made on 25th June 2020, the decision of the Board was quashed on the ground that the Board failed to give adequate reasons for its decision and in particular failed to give adequate reasons for disagreeing with the recommendations of the Board Inspector's Report dated 21st November 2019.

In substance and effect, the process has been unwound to a point immediately before the application was made on 18th September 2019.

The validity of the opinion given by the Board under Section 6(7) of the 2016 Act has never been questioned, is free from challenge and remains perfectly valid.

Thus, this application is lodged based on the pre-application consultation carried out to date with both Fingal County Council and An Bord Pleanála.

8.2 Addressing Issues Raised in the Set-Aside Planning Permission

In the set-aside application for permission, there were planning issues raised by different parties, which we will address in detail below. These issues were raised by the following:

- Fingal County Council Chief Executive in their Report to An Bord Pleanála (not dated);
- An Bord Pleanála's Inspector's Report dated 21st November 2019; and
- In legal proceedings on behalf of the Applicant, Mr Barry O'Lone.

8.3 Addressing Fingal County Council Chief Executive's Report

The Chief Executive's Report from Fingal County Council has stated that it is their opinion that the proposed development represents a Material Contravention of the site's zoning objective, which is Objective 'RS' 'Residential', where the stated policy objective is *'to provide for residential development and protect and improve residential amenity'*.

It is the Chief Executive's opinion that the development contravenes the zoning as it does not *'protect and improve residential amenity'*. In this regard, Section 1.6.3 of the Chief Executive's Report states the following:

'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 site, which seeks to Provide for residential development and protect and improve residential amenity and should therefore be refused permission by An Bord Pleanála’.

8.3.1 Zoning

Section 10(2)(a) of the *Planning and Development Act* dealing with the context of Development Plans states that *"a development plan shall include objectives for the zoning of land for the use, solely or primarily of particular areas for particular purposes (whether residential/ commercial/ open space etc or a mixture of such uses)."* The statutory land use zoning of this site is RS- Residential and shared living is a residential use. There is therefore no material contravention on zoning grounds, consistent with *Redmond vs. An Bord Pleanála [2020] IEHC151*. We do not believe that there is more to the zoning objective, which is a term of art introduced by Section 10(2)(2) that is constructed with other policies and objectives, spot zoning or other ways the use for residential is regulated under the Development Plan.

The qualitative and quantitative assessment of the objectives and policies associated with a zoning is a matter for the assessing authority as part of the adjudication process, including whether elements constitute a non-zoning Material Contravention, in this instance in relation to building height. In any event, the reference to residential amenity, in the Fingal County Development Plan is easily satisfied for reasons explained throughout this Report.

8.3.2 Scale, Mass, Bulk and Density

In response to the issue of scale, mass, bulk and density, as set out in detail in our supporting documentation including the Planning Report and Statement of Consistency, it is our opinion that the proposed development fully adheres to current national planning policy including National Policy Objective 35 of *Project Ireland 2040*, the *National Planning Framework*, which states the following:

'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

We note that a partial additional floor level has been proposed at the subject site from that granted on the apartment scheme in 2017 by both Fingal County Council and the Board. However, this additional floor level relates only to the centre of the site in the form of a narrow strip and therefore, it is our professional planning opinion that no adverse impact will occur as a result of this additional floor area as has been demonstrated in the detailed analysis submitted in the Daylight/Sunlight Report, which demonstrates that no adjacent or adjoining property falls below the BRE guidance when the impact of the proposed development was assessed and in the Landscape and Visual Impact Assessment, which concludes that the proposed development does not result in any material visual impact.

As well as according with the NPF as set out above, this additional partial floor also fully accords with the *Building Height Guidelines 2018* which states that the *'there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.'*

At a local level and as referenced by the Board in granting permission for the extant apartment scheme on the site (FW16A/0079/ABP Ref: PLo6F.248037), the *Fingal County Development Plan 2017-2023* specifically supports infill development and the sustainable use of urban land, in particular Strategic Policy 5 which seeks the consolidation of the growth of the major centres of Blanchardstown and Balbriggan through the encouragement of infill development, Objective SSo8 relating to infill development and urban consolidation, Objective SS15 relating to urban consolidation and the efficient use of infrastructure and services and Objective PM44 which encourages the development of underutilised infill, corner and backland sites in existing residential areas, all of which was recognised by the Board in granting the extant apartment scheme where they stated the following in their considerations in granting permission:

'The provisions of the Fingal County Development Plan 2017-2023 regarding infill development, and the sustainable use of urban land, in particular Strategic Policy 5 which seeks the consolidation of the growth of the major centres of Blanchardstown and Balbriggan through the encouragement of infill development, Objective SSo8 relating to infill development and urban consolidation, Objective SS15 relating to urban consolidation and the efficient use of infrastructure and services and Objective PM44 which encourages the development of underutilised infill, corner and backland sites in existing residential areas'.

8.3.3 Overshadowing

With regard to the reference to overshadowing, a full Daylight/Sunlight Report has been prepared assessing the scheme and submitted with this application. In terms of impact on surrounding properties, the assessment determines:

- The impact on VSC passes the BRE Guidelines in every surrounding property and thus there will be no noticeable impact on daylight into any neighbouring properties.
- Similarly, the Daylight/Sunlight analysis demonstrates that the sunlight achieved by every proximate garden passes the BRE Guidelines with a maximum 1% reduction in sunlight on two of the neighbouring properties.

We note that the shadow study that is included in the daylight and sunlight analysis report gives a visual representation of the additional shadows that will inevitably result from the proposed development at a particular time in isolation. The insertion of any new development in an urban area will inevitably lead to some element of additional overshadowing.

However, the technical BRE analysis that has been carried out on impact to sunlight in neighbouring gardens quantifies the impact to a space over the duration of a whole day (March 21st). This is deemed to be the appropriate study for impact to sunlight in gardens as per the BRE guidelines, with a clear indication of appropriate target values provided. As such, to reiterate there is no material diminution to the daylight or sunlight received by any neighbouring properties as a result of the proposed development.

8.3.4 Car-Parking

In terms of car-parking, SPPR 9 (iv) of the Apartment Guidelines states the following for clarity:

'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’.

SPPR 9 must be read in consult with Paragraph 5.22 of the Apartment Guidelines, which 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’. [Our emphasis added.]

The subject site is situated within a core urban location, 1 km walking distance from Connolly Hospital. Connolly Hospital (CHB) is a major teaching hospital providing a range of services – acute medical & surgical service, acute psychiatric services, long stay care, daycare, outpatient, diagnostic and support services to a population of 290,000 No. persons. The Hospital’s catchment area extends into West Dublin, Meath & Kildare. Emergency services are provided 365 days a year, 24 hours a day. It also provides satellite services for the National Children’s Hospital. As such, it can be classified as a major national level health campus.

It is further noted that there is an intention to expand the existing facility at Connolly to house the existing and expanding facilities of the Rotunda Hospital. This is detailed in the *Rotunda Strategic Plan 2017- 2021*:

*GOAL: The Rotunda will continue to develop our current physical infrastructure at Parnell Square to support the optimal patient experience, **in advance of our proposed move to Connolly.** (our emphasis.)*

The staff of Connolly Hospital are likely to be the scheme’s largest percentage of occupiers. Reference to ‘*core urban locations such as major national level health campuses or similar facilities’* is thus important as major national Hospitals are only going to be located in a core urban locations. Then, referring back to SPPR 9 (iv), the relevant policy, which explicitly refers to Shared Accommodation, states:

‘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’. [Our emphasis added.]

The proposed development located beside a ‘major national level health campus or similar facilities’ fully complies with this policy, given its location beside a Hospital, located in a core urban location. The subject site is located within 1 km of Connolly Hospital and is fully and safely accessible by footpath and traffic lighted pedestrian crossings.

It is worth noting that Connolly Hospital has in excess of 1,000 No. staff with restricted parking at the Hospital. Thus, the vast majority of staff are travelling by public transport or paying for limited car-parking spaces.

Many of the employees of the hospital are shift workers and therefore will be commuting to and from work at irregular times when public transport is often unavailable or subject to limited services. As use of a private car, where available, is largely ruled out by parking restrictions at the hospital, providing residential accommodation within walking distance of the hospital is optimum for a parking perspective and grounds the validity of the policy seeking a default policy of minimal parking. The proposal to locate residential accommodation in proximity to

this significant employment base also fully accords with Objective EDo4 of the *Fingal County Development Plan 2017-2023*, which states the following:

'Prioritise locating quality employment and residential developments in proximity to each other in order to reduce the need to travel, and ensure that suitable local accommodation is available to meet the needs of workers in the County'.

Finally, as Shared Living was only introduced in the *2018 Apartment Guidelines*, we note that there is no applicable standard in the *Fingal Development Plan* in relation to car-parking for this use. The *Fingal Development Plan 2017-2023* does note the following:

'Parking Control

No-one will travel by car if they know that there are no car parking spaces available at their destination. In particular, commuters will use more sustainable modes of transport if they do not have car parking at their place of work or education, and this is the most effective and most widely used form of demand management'. [Our emphasis added.]

It is noted that the document entitled *Development Plans, Guidelines for Planning Authorities, 2007* states the following in respect of sustainable travel and parking standards:

'Zoning should support the achievement of sustainable travel patterns, reducing reliance on private car usage and promoting public transport, as well as other sustainable modes (cycling, walking). Zoning objectives and other measures, such as the application of maximum parking standards, would also support sustainable modes of transport'.

This policy prepared some 13 No. years ago provides the framework for the *'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'*, prescribed in the *Apartment Guidelines, 2018*.

As the only relevant policy in respect of car-parking for Shared Living developments is SPPR 9 (iv), which explicitly states that a default policy of minimal car-parking applies, it is our opinion that the reduction in car-parking proposed can thus not be considered a Material Contravention of the *Fingal County Development Plan* as there is no policy to contravene.

Additionally, the pub/restaurant which has operated for many years on this site has extensive car-parking facilities generating substantial traffic. The demand management approach to parking proposed will reduce the traffic impact in the area. Car availability will continue to be provided through car-sharing arrangements.

8.3.5 Conclusion

Having regard to the fact that the proposed development provides a residential scheme on a residential zoning and having regard to the points set out above, which demonstrates that the proposed development does not materially affect surrounding residential amenity, it is the Applicant's strong opinion that the scheme cannot be considered to represent either a contravention or material contravention of the site's zoning objective.

As such, the Board would be entitled to consider that having regard to the location of the site in proximity to a substantial employment base and good quality public transport, and to the

recent planning history on the site, that the proposed development would be acceptable in terms of its design, height, bulk and form, would constitute an appropriate level of development for the site and would not seriously injure the residential or visual amenities of the area or of adjoining properties. The Board would be entitled to conclude that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board would further be entitled to determine that they are satisfied that the proposed development, which is in close proximity to a train station, a major hospital complex, a town centre with all associated amenities and other major employment generators including Dublin Enterprise Zone and Intel, provides an acceptable level of provision for bicycle parking, car share parking and set down facilities and would be entitled to note that the proposed development is in accordance with "*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*", as set out in SPPR9 (iv) of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018*. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

8.4 Addressing the An Bord Pleanála Inspector’s Recommend Reasons for Refusal

The following section will address the reasons for refusal recommended by the An Bord Pleanála Inspector in their Report.

8.4.1 Reason No. 1

‘Having regard to the location of the site within an established suburban housing estate, removed from Blanchardstown Town Centre and existing centres of employment and with poor pedestrian connectivity to Connolly Hospital, it is considered that the proposed shared accommodation residential development would be contrary to Section 5.19 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities which advise that this type of development is only appropriate where responding to an identified accommodation need at particular locations and that such development should be sited in city centre locations. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area’.

We will address the following key points raised in this recommended reason for refusal:

- Point 1. Reference to an established suburban housing estate;
- Point 2. Reference to the site’s removal from Blanchardstown Centre and existing centres of employment;
- Point 3. Reference to poor pedestrian connectivity to Connolly Hospital;
- Point 4. Reference to the appropriate location for Shared Living as City Centres.

Point 1 - Reference to a Suburban Housing Estate

In the first instance and as previously detailed, it is important to note that both Fingal County Council (FW16A/0079) and the Board (ABP Ref: PLo6F.248037) have permitted the development of an apartment scheme on the subject site, deeming an apartment scheme an appropriate insertion into the existing context, with the Board making particular reference to:

- The established pattern of development in the area, including the public park to the north of the subject site;
- The location of the site within circa 600 metres of Castleknock rail station, and proximate to other public transport facilities; and
- The provisions of the *Fingal County Development Plan 2017-2023* regarding infill development, and the sustainable use of urban land, in particular Strategic Policy 5 which seeks the consolidation of the growth of the major centres of Blanchardstown and Balbriggan through the encouragement of infill development, Objective SSo8 relating to infill development and urban consolidation, Objective SS15 relating to urban consolidation and the efficient use of infrastructure and services and Objective PM44 which encourages the development of underutilised infill, corner and backland sites in existing residential areas.

Secondly, as set out in the zoning map below in Figure 2.1, the subject site is in an area subject to an 'Urban Framework Plan' for 'Blanchardstown Village' and thus Fingal County Council consider the site is located within the urban Blanchardstown Village.

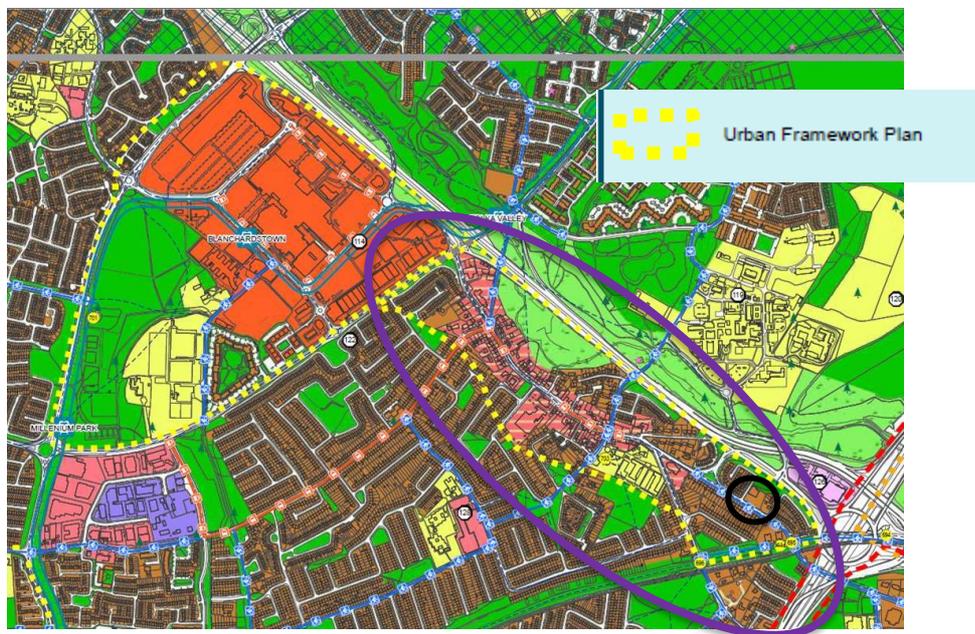


Figure 8.1: Zoning Map with Subject Site Circled in Black. Yellow Dashed Line up to Town Centre zoning (red colour) (circled in purple) represents boundary of Urban Framework Plan for Blanchardstown Village

Source: *Fingal County Development Plan 2017-2023*, annotated by Thornton O'Connor Town Planning

The urban and village centres within the administrative area of Fingal County Council are categorised in a hierarchy of locations as follows with Blanchardstown Village in the second tier:

Urban Place Designation	Function	Location
Major Town Centres (MC)	Main town centres of the County which offer a range of services and facilities to a large hinterland.	Swords, Blanchardstown and Balbriggan
Town and District Centres (TC)	These town and district centres offer a range of services, facilities and retail for their immediate hinterland.	Balrothery, Skerries, Rush, Lusk, Donabate, Malahide, Portmarnock, Grange Road (Baldoyle), Baldoyle, Sutton Cross, Howth, Charlestown, Clonsilla, Porterstown, <u>Blanchardstown Village</u> and Castleknock.
Village Centres (RV)	These villages vary in function but generally meet the day-to-day needs of the locality and usually offer a mix of commercial and community activity within the village core. Other enterprise, residential, retail, commercial, and community facilities may be provided.	Ballyboghil, Ballymadun, Balscadden, Coolquay, Garristown, Kinsaley, Naul, Oldtown, Rivermeade & Rowlestown.
Local Centres (LC)	These are usually small retail areas that serve a residential area within walking distance of these centres. Other services such as childcare and medical facilities may also be available with a limited amount of office space.	See Retail Strategy for locations, Chapter 6

With regard to the status of Blanchardstown Village, the *Fingal County Development Plan* (page 101) further states the following:

'Blanchardstown Town Centre and Blanchardstown Village

Blanchardstown is designated as a Metropolitan Consolidation Town under the RPGs, and a Level 2 'Major Town Centre' in the Retail Strategy for the Greater Dublin Area. The Town Centre is now one of the key retail locations within Fingal and the Greater Dublin Area with in excess of 170,000 sq m of retail floor space. There is a wide mix of uses within the Town Centre area. Blanchardstown Village is an attractive commercial centre which complements the town centre to the west. [Our emphasis.]

Thus, the subject site is located with the boundary of Blanchardstown Village as designated in the Development Plan, with the boundary of the Village directly adjoining Blanchardstown Town Centre. As such, the subject site is deemed by the Local Authority itself in the Development Plan as set out above to be an urban area, with access to a range of facilities and services including Blanchardstown Town Centre and Castleknock Train Station within 600 metres.

Further, Connolly Hospital in Blanchardstown is located some 300 metres as-the-crow-flies (1km walking distance) to the north of the subject site as detailed in Figure 8.2. As one of the largest hospitals in Ireland, by inference it is located within a core urban location and as the subject site is located only 1 km walking distance from the site, it can also be considered an urban location.

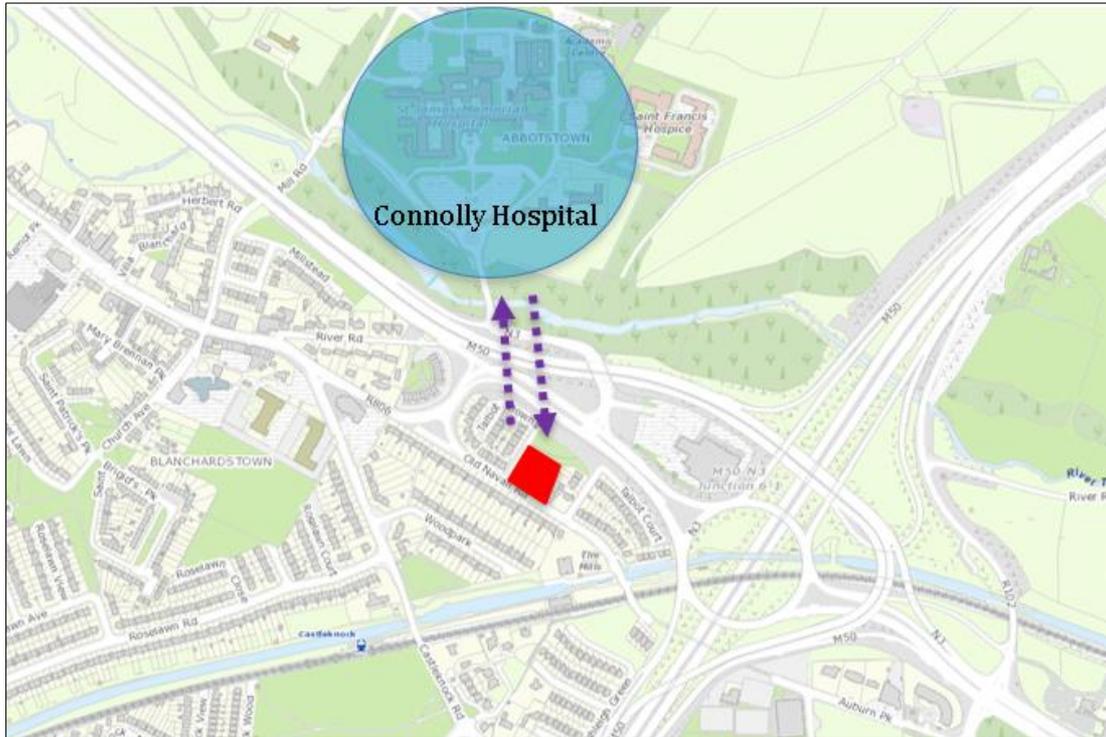


Figure 8.2: Map Identifying the Subject Site Outlined in Red (Indicative Only) with Connolly Hospital Blanchardstown Directly to the north

Source: Myplan.ie, Annotated by Thornton O'Connor Town Planning

Referring to the adopted *Eastern & Regional Midland Assembly Regional Spatial & Economic Strategy (ESMA RSES) 2019-2031* and particularly the *Dublin Metropolitan Area Strategic Plan (MASP)*, the subject site is located along the North-West Strategic Corridor as demonstrated in Figure 2.3, which is the Maynooth/Dunboync line and DART expansion. The associated text states:

'Strategic development areas along the Dunboync/M3 parkway line include the Dublin Enterprise Zone (linked to improved bus connections), Hansfield lands and the sequential development of lands in Dunboync served by the M3 Parkway station. The proposed electrification of the main Maynooth line, to be delivered by 2027, will support sequential growth in Leixlip and Maynooth.'



Figure 8.3 Dublin Metropolitan Area Strategic Development Corridors with Subject Site located in North-West Corridor, annotated by a black star

Source: ESMA RSES (MASP) annotated by Thornton O’Connor Town Planning

In the context of the points outlined above, in our opinion, the Board would be entitled to determine that:

- The location of the site is in accordance with the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* and in particular having regard to Section 5.22 which states inter alia that “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.
- That Blanchardstown is a core urban location, a ‘Consolidation Town’ in the Metropolitan Area, which contains a health campus at Connolly Hospital and therefore the site meets the criteria set out in the Guidelines as demonstrated in the proposed development as submitted and would, therefore, be in accordance with the proper planning and sustainable development of the area’.

Point 2 - Proximity to Blanchardstown Town Centre and Employment

As set out above, Page 101 of the *Fingal County Development Plan 2017-2023* states the following:

'Blanchardstown Town Centre and Blanchardstown Village

Blanchardstown is designated as a Metropolitan Consolidation Town under the RPGs, and a Level 2 'Major Town Centre' in the Retail Strategy for the Greater Dublin Area. The Town Centre is now one of the key retail locations within Fingal and the Greater Dublin Area with in excess of 170,000 sq m of retail floor space. There is a wide mix of uses within the Town Centre area. Blanchardstown Village is an attractive commercial centre which complements the town centre to the west'.

Thus, it is clear that Fingal County Council recognise a complementary role between Blanchardstown Town Centre and Blanchardstown Village, which the subject site is located in, as prescribed in the *Fingal County Development Plan 2017-2023*.

Blanchardstown Town Centre, which continues to increase in size currently contains in excess of 170,000 sq m of retail space and a further 19,000 sq m of leisure uses including cinemas, a theatre and arts centre and Ireland's largest public library. The Town Centre also comprises a number of large scale offices including Ebay, Liberty Insurance, PayPal and Fingal County Council. It currently employs in the order of 5,500 No. people, many of whom would be paid the minimum wage and would not be able to afford conventional housing in the area.

Blanchardstown Town centre is located c. 1.5 km from the subject site, a c. 8 No. minute cycle or a c. 21 No. minute walk. The travel-to-work time to these employment opportunities is very sustainable compared to car-based or public transport journeys of up to and exceeding an hour, which many employees routinely undertake every day. The proposed Shared Living accommodation would be ideally suited to many of its employees, particularly in the earliest stages of their careers. Blanchardstown Town Centre also offers a significant range of services and facilities for the future resident of the Shared Living development, necessary for higher density developments. As such, in our opinion the Board would be entitled to refer to the proximity of this facility in their determination of the appropriateness of the proposed Shared Living facility on the subject site.

Beyond Blanchardstown Town Centre and Connolly Hospital as detailed extensively in our application documentation, the subject site is also proximate to the Dublin Enterprise Zone (see Figures 8.4 and 8.5 below).

The Dublin Enterprise Zone is located in Blanchardstown and has grown rapidly in recent years to become 'a significant national economic asset'⁴. According to Fingal County Council, Dublin Enterprise Zone's success to date is due to the significant investment which has taken place in hard and soft infrastructure by Fingal County Council, IDA Ireland and the private sector over the last 20 years. The zone is described by Fingal County Council as:

*'...a pro-business environment that has attracted investments by some of the world's biggest companies over the past decade.'*⁵

⁴ Source: <http://www.fingal.ie/business-and-economy/dublinenterprisezone/>.

⁵ IBID

The Dublin Enterprise Zone consists of 1,571 No. hectares of land primarily zoned for Office, Research and Development, High Technology Manufacturing, Industrial, General Enterprise and Employment and is currently the location of many multinational IT firms including IBM, PayPal, eBay and Symantec in addition to clusters of pharmaceutical companies including world leaders like Helsinn-Birex, Mallinckrodt, Bristol-Myers Squibb, The Tech Group and Alexion Pharma.

The Dublin Enterprise Zone is located within close proximity of the subject site – for example eBay is located a 21 No. minute walk and 6 No. minute cycle from the subject lands as detailed in Figures 8.4 and 8.5 below. It consists of 779 No. businesses, 16,920 No. employees and 1.18 million sq m of building floor area. It is stated on www.dez.ie that only half of the Dublin Enterprise Zone has been developed so far and there is the potential to create an additional 20,000 No. jobs on the 716 hectares of undeveloped, zoned and serviced land available in the Zone.

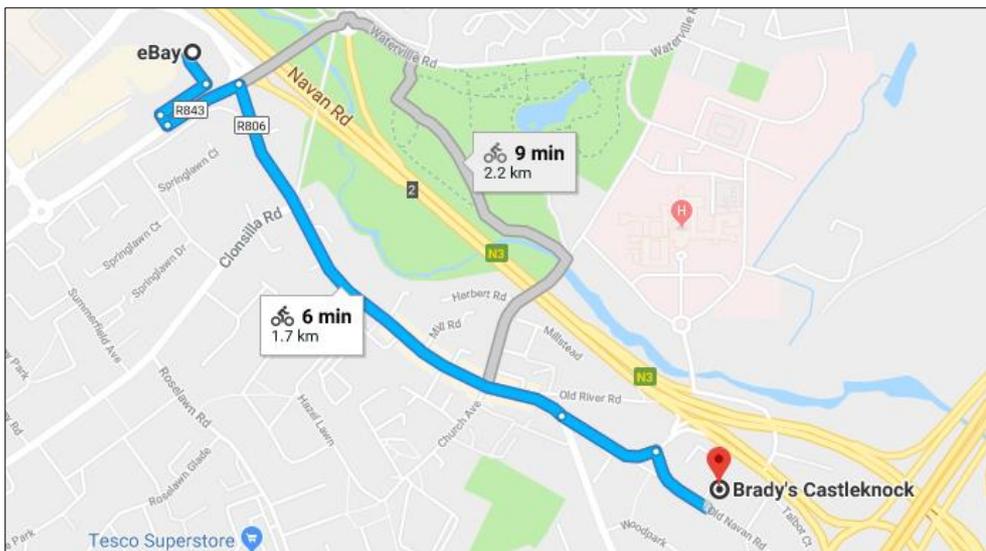


Figure 8.4: Map Identifying the Cycle Distance from the Subject Site to eBay which is located within the Dublin Enterprise Zone.

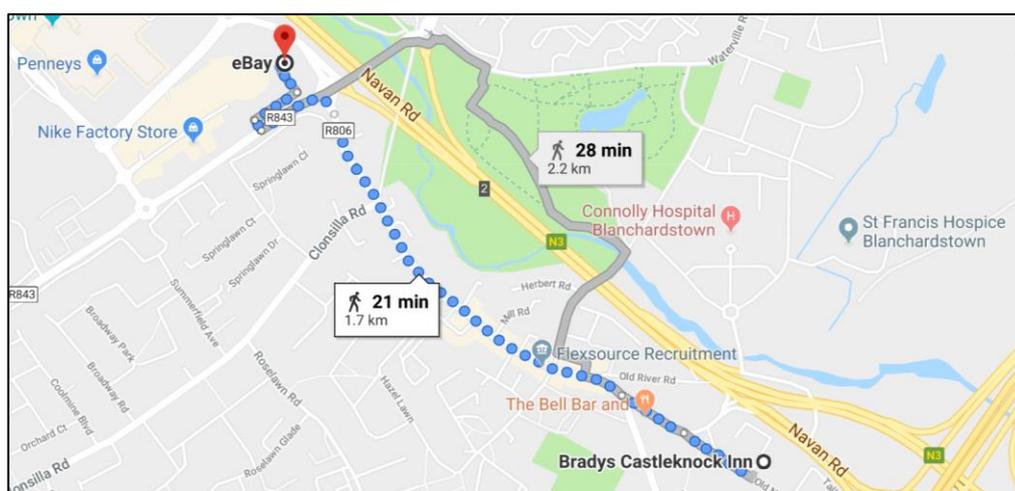


Figure 8.5: Map Identifying the Walking Distance from the Subject Site to eBay which is located within the Dublin Enterprise Zone

Source: Google Maps

The ESMA RSES further notes ‘outside the M50, the Dublin Enterprise Zone in Blanchardstown and Grangeacastle in south Dublin have significant capacity for high tech manufacturing, research and development in campus style settings’, thus acknowledging its capacity for expansion, which will have a resultant demand on flexible accommodation in the vicinity.

A further significant employer in the vicinity is Intel in Leixlip, which employs c. 11,000 No. people⁶. It is a 13 No. minute train ride from Leixlip (Louisa Bridge) train station to Castleknock Train station, with both Intel and the subject site within 600 metres of their proximate train stations.

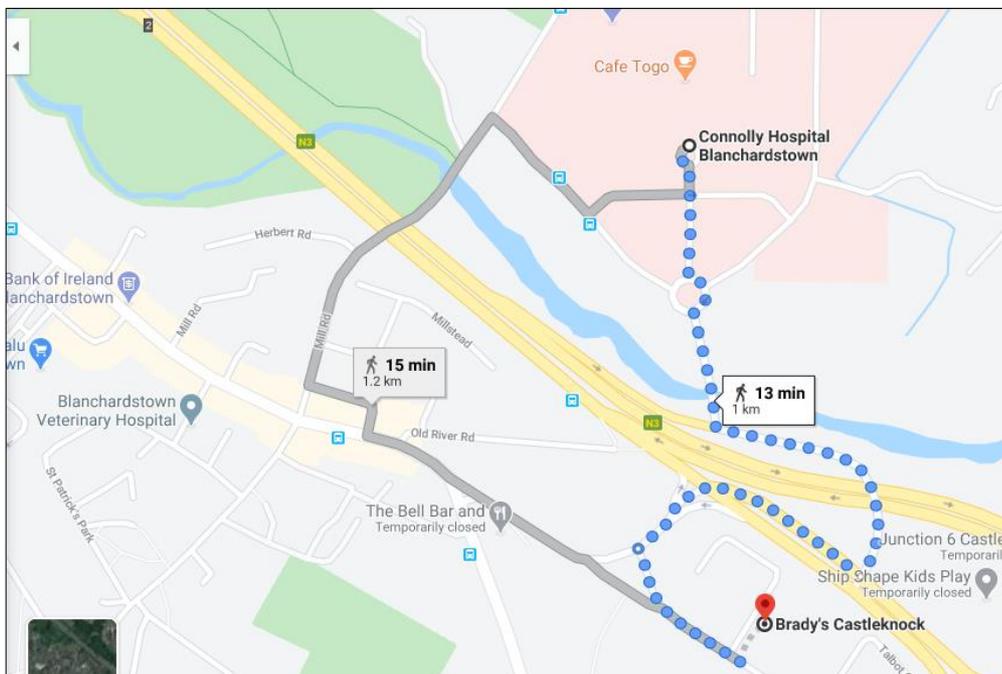
In conclusion, the location of the subject site fully accords with Section 5.22 of the *Apartment Guidelines* as the subject site provides accommodation in a ‘core urban location such as major national level health campuses or similar facilities and thus in our opinion, the Inspector’s first reason for refusal is not valid.

Point 3 - Connectivity to Connolly Hospital

In the first reason for refusal, the Inspector states that there is poor connectivity to Blanchardstown Hospital.

There are two walking routes from the subject site to Connolly Hospital as detailed below in Figure 8.6 below, which is a map from Google Maps detailing the two walking routes from the subject site to the Hospital.

Route No. 1 (blue dots) is a 1 km walking distance, whilst Route No. 2 (grey line) is a 1.2 km walking distance.



⁶ c. 4,500 No. directly in Intel with up to another c. 1,500 No. employed on contract and another c. 500 No. employed in construction during major upgrades.

Figure 8.6: Map Demonstrating Two Walking Route from Brady’s to Connolly Hospital

Source: Google Maps

These routes are fully accessible and both comprise pedestrian crossings/traffic crossings and footpath access the entire length of the 1 km – 1.2 km routes, with an underpass provided on the 1.2km route under the N₃. This accessibility of the route is confirmed by CS Consulting who state the following in a document entitled ‘*Response to Item No. 6 of An Bord Pleanála’s Opinion*’:

‘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.’

The series of photographs below demonstrates the pedestrian route of 1 km (Route No. 1) from the site to Connolly Hospital.









The series of photographs below demonstrates the pedestrian route of 1.2 km (Route No. 2) from the site to Connolly Hospital.









Therefore, the positioning of an accommodation option just an 11-15 No. minute walk from the employment node presents a practical and sustainable solution to address an identified urban housing need and as set out above, fully complies with Objective EDo4 of the Fingal county Development Plan, which seeks to prioritise locating quality employment and residential developments in proximity to each other in order to reduce the need to travel.

Based on the evidence outlined above, the Inspector's contention that there is poor pedestrian connectivity to the Hospital, which as demonstrated above is 1 km walking distance is in our opinion incorrect.

Point 4 - Reference to Appropriate Locations being City Centres

Paragraph 5.22 of the Apartment Guidelines 2018 states the following:

'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'.
 [Our emphasis added.]

As detailed extensively above, the subject site is 1 km walking distance from Connolly Hospital, the staff of which are likely to be the scheme's largest percentage of occupiers. Reference to 'core urban locations such as major national level health campuses or similar facilities' is thus important as major national Hospitals are only going to be located in a core urban locations and

thus demonstrates that the Inspector’s statement that the Apartment Guidelines state that ‘development should be sited in city centre locations’ only references one part of the Guidelines, with the Guidelines also clearly referring to appropriate locations being **core urban locations such as major national level health campuses or similar facilities**

As well as being located proximate to Connolly Hospital, we have also detailed above that the proposed development is located proximate to further significant employment generators including Dublin Enterprise Zone, Intel and Blanchardstown Town Centre.

8.4.2 Reason for Refusal No. 2

Reason for refusal No. 2 states:

‘The proposed development by reason of the shortfall in provision of common living and kitchen facilities for the shared accommodation contrary to the standards set out in Table 5b of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities coupled with poorly designed and inadequate leisure and recreational amenities would result in a substandard form of residential development to serve future occupants. The proposal would be contrary to national and local policies which seek to deliver attractive and desirable housing options in appropriate locations, would set an undesirable future precedent and as such would be contrary to the proper planning and sustainable development of the area’.

Aside from Brady’s, Bartra have been granted two other Shared Living schemes by the Board as follows:

1. Eblana Avenue, Dun Laoghaire, Co. Dublin – ABP- 3024249
2. No. 3 Ardee Road, Rathmines, Dublin 6 - PL29S.305659

The two tables below set out the communal space that has been granted on the Eblana and Rathmines schemes.

Eblana Avenue Scheme	No. of bedspaces granted	Sq m of Common Living/Kitchen/Dining Space Granted on Each Level	Sq m Per Person	K/L/D per Floor
Floor Level				
Lower Ground	10	34.5	3.45	1
Ground	26	60.75 + 24.1 [84.85]	3.26	2
First	39	60.75 + 41.1 [101.85]	2.61	2
Second	41	60.75 + 40.9 [101.65]	2.48	2
Third	39	60.75 + 39.7 [100.45]	2.58	2
Fourth	37	60.75 + 39.7 [100.45]	2.7	2
Fifth	12	48.25	4.02	1
Total	204	572	2.8	
Wider Communal Space for All Residents Internal and External		Total - 907 sq m 373 sq m(Int)/534 sq m(Ext)	4.5	
Total Shared Amenity Space per Resident			8.3 sq m	

Rathmines Scheme	No. of bedspaces proposed	Sq m of Common Living/Kitchen/Dining Space Provided	Sq m Per Person	K/L/D per Floor
Floor Level				
Ground	6	37.7	6.28	1
First	17	84.7	4.98	1
Second	18	84.7	4.7	1
Third	17	84.7	4.98	1
Fourth	18	84.7	4.7	1
Fifth	13	64	4.9	1
Sixth	13	64	4.9	1
Total	102	504.5	4.95	
Wider Communal Space for All Residents Internal and External		Total - 552 sq m 308 sq m (Int)/244 (Ext)	3.15	
Total Shared Amenity Space per Resident			8.1 sq m	

The Table below details the shared amenity space for the proposed Brady's scheme:

Brady's Scheme	No. of bedspaces proposed	Sq m of Common Living/Kitchen/Dining Space Granted	Sq m Per Person	K/L/D per Floor
Floor Level				
Basement	14	63.6	4.54	1
Ground	46	58.7 + 53.3 [112]	2.43	2
First	59	60 + 54.5 + 70.1 [184.6]	3.12	3
Second	48	60 + 54.5 + 70.1 [184.6]	3.84	3
Third	25	130	5.2	2
Fourth	18	110	6.1	1
Total	210	784.8	3.73	
Wider Communal Space for All Residents Internal and External		Total - 923 sq m 339 sq m (Int)/584 sq m (Ext)	4.4	
Total Shared Amenity Space per Resident			8.13 sq m	

With regard to Table 5b, the proposed scheme provides 3.73 sq m of proposed Kitchen/Living Dining (K/L/D) spaces are each level per person. This compares to 2.8 sq m per person granted in the Eblana scheme.

Beyond the K/L/D spaces, Brady's provides an additional 4.4 sq m wider communal spaces per person, which is similar to Eblana which provided 4.5 sq m per person.

Thus, in total, each resident in Brady's has access to 8.13 sq m per person outside of their suite, compared to 7.3 sq m per person in Eblana.

None of the Bartra schemes are provided in the 'cluster' model that the Apartment Guidelines use to prescribe amenity spaces, with the Apartment Guidelines recognising that the Cluster model is only one format of Shared Living accommodation that can be provided.

Thus, it is clear from the analysis above that Brady's provide a quantum of K//LD amenity space beyond that granted in Eblana, which was deemed by the Board to comply with Table 5b of the Apartment Guidelines.

8.4.3 Reason for Refusal No. 3

Reason for Refusal No. 3 states:

Having regard to the location of the site and to the established built form and character of the area, it is considered that the proposed development would be incongruous in terms of its design, height, bulk and form, would be out of character with the streetscape, would constitute overdevelopment of the site and would have a detrimental impact to the residential amenities of adjacent properties, particularly those located on Talbot Court. The proposed development provides an inadequate design response to this sensitive infill site, would be of insufficient architectural quality and would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

The reasons outlined in Refusal Reason No. 3 are subjective and we have outlined our alternative opinion in response to the Fingal County Council Chief Executive's Report in Section 8.3 of this Report.

Whilst the above was the Inspector's subjective Opinion, the Board could reasonably conclude that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, that the development would respect the existing character of the area, would be acceptable in terms of pedestrian and traffic safety and would provide an acceptable form of residential amenity for future occupants.

In particular, the Inspector failed to consider the height, bulk and scale of the proposed development in the context of the extant permission or the quality and choice of material proposed.

8.4.4 Reason for Refusal No. 4

Reason for Refusal No. 4 states:

'Having regard to the suburban location of the site and the absence of evidence based data to justify the limited car parking provision proposed, the Board is not satisfied that the development is served by sufficient car parking including that to serve future employees and disabled residents and may result in overspill car parking to the surrounding road network which would endanger public safety by reason of traffic hazard and obstruction of road users. Furthermore, the Board is not satisfied that the quantum and quality of bicycle parking is sufficient and it is considered that the proposed design of the bicycle parking is contrary to the guidance set out in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

Car Parking

We have set out above that the site is located in a core urban location as contemplated by the Apartment Guidelines.

We have also set out that SPPR 9 (iv) of the Apartment Guidelines states the following in respect of car-parking:

'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'.

The subject site is in a core urban location, within 600 metres of a train station, within 1km of Connolly Hospital and within 1.5km of a major Town Centre (Blanchardstown) and its associated amenities, facilities and employment opportunities and the significant employment located within the Dublin Enterprise Zone. Therefore, the Board would be reasonable entitled to conclude the following:

- The proposed development is in close proximity to a train station, a major national level health campus and a town centre with all associated amenities;
- Having regard to the proximity of these facilities, and the provision of an acceptable level of bicycle parking, car share parking and set down facilities, that the proposed development is in accordance with "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", as set out in SPPR9 (iv) of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018*.

Cycle Parking

A total of 212 No. bicycle parking spaces are provided for residents within the developments. A further 42 No. visitor bicycle parking spaces shall be provided externally within the development, in proximity to building entrances. A total of 254 No. cycle spaces are therefore provided within the confines of the development site for 210 No. bedspaces. Of the 42 No. visitor cycle spaces, 12 No. spaces shall be allocated to Bleeper Bikes and a letter of their support is included within the application documents.

The cycle parking at basement level is accessed behind two lockable gates and is covered, whilst the cycle parking at ground level is principally provided behind two secured gates. The bleeper bikes are located at the front of the site for access by residents and the wider community.

In summary, the cycle parking arrangements are as follows:

- 96 No. at ground level (comprising 70 No. two tier bike racks, 10 No. e-bike two tier stands, 12 No. folding bike lockers and 4 No. Sheffield stands). The 80 No. two tier stands are covered by a canopy.
- 146 No. at lower ground/basement level (comprising 130 No. two tier bike racks, 10 No. e-bike two tier stands and 6 No. Sheffield stands).
- The scheme also includes USB Charging Lockers, Skateboard/Scooter rack, a Bike Repair Stand and Lock store rails.

Please refer to the Cycle Score document for full details.

Thus, the scheme is very well served by safe and secure bicycle parking provision.

8.5 Responding to the Third Party Judicial Review

In the Judicial Review (JR) process for the set-aside planning permission, there were a number of issues raised by the Third-Party, which we will seek to address below, where they haven't been addressed earlier in this section.

8.5.1 An Bord Pleanála's Entitlement to Assess the Application

'The Respondent herein dealt with the application in reliance on the provisions of Section 4 of the Planning and Development (Planning) and Residential Tenancies Act, 2016. The Application on foot of which the planning permission issued was not however an application for either student accommodation or for 100 or more houses'.

'That the Respondent did not have jurisdiction to entertain the application under Section 4 of the Planning and Development (Planning) and Residential Tenancies Act 2016 ("the 2016 Act") in circumstances where the development in question did not compromise a development to which the Act and Section applied since it did not comprise strategic housing development as defined in Chapter 1 of Part 2 of the 2016 Act'.

Section 50(c) of the *Planning and Development Amendment Act 2018* amended Section 3 of the *Planning and Development (Planning) and Residential Tenancies Act 2016* by introducing *Shared Living* as a category that can be classified as a Strategic Housing Development, stating the following:

50. (1) Section 3 of the Act of 2016 is amended—

(c) in the definition of 'Strategic Housing Development'—

*(i) By inserting the following paragraph after paragraph (b):
"(ba) development—*

- (i) consisting of shared accommodation units that, when combined contain 200 or more bed spaces, and*
- (ii) on land the zoning of which facilitates the provision of shared accommodation or a mixture of shared accommodation thereon and its application for other uses,".*

It has been detailed above how the residential zoning facilities *Shared Living*, a residential use.

For clarity, Section 50(b) of the *Planning and Development Amendment Act 2018* defines *Shared Living* as follows:

" 'shared accommodation' means a building or part thereof used for the provision of residential accommodation consisting of—

(a) communal living and kitchen facilities and amenities shared by the residents, and

(b) bedrooms rented by the residents,

but does not include student accommodation or a building, or part thereof, used for the provision of accommodation to tourists or visitors;"

Therefore, having regard to this amendment to the primary legislation of the *Planning and Development (Planning) and Residential Tenancies Act 2016*, it is our opinion that An Bord Pleanála had full jurisdiction to adjudicate upon the application.

8.5.2 Location of Subject Site

'The site of the development being Brady's Castleknock Inn, situate on the Old Navan Road, Castleknock, County of Fingal, is situate in an area of Castleknock, which comprises a suburb and is situate on what is now a cul de sac in a quiet residential area and is and was as of the material time zoned under the current Fingal Development Plan 2017-2023 as:

'Provide for residential development and improve residential amenity'.

We have detailed extensively in Points 1 and 2 of Section 8.4.1 how the location of the subject site fully accords with Section 5.22 of the *Apartment Guidelines* as the subject site provides accommodation in a 'core urban location such as major national level health campuses or similar facilities' as well as the site proximate to Blanchardstown Town Centre, the Dublin Enterprise Zone and Castleknock Train Station and thus in our opinion, An Bord Pleanála is entitled to grant permission for the subject development.

In the context of residential amenity, we note that the existing pub/restaurant on the site is the anti-thesis of a quiet residential area.

8.5.3 Relevant Section of the Apartment Guidelines

'The Respondent appears to have based its decision on a determination that Chapter 2 of the Guidelines issued by the Minister for Housing, Planning and Local Government entitled Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, 2018 ("the Apartment Guidelines") applies whereas Chapter 5 applies'.

This appears to imply that Chapter 2 which relates to 'Apartments and Development Plans' should not be referred to in an assessment of a Shared Living Scheme.

As the scheme is a Shared Accommodation development, in our professional planning opinion, the Board is perfectly entitled to reference Chapter 5.

Paragraph 5 continues:

'The Board furthermore has based its decision on the development site being within an urban area despite no evidence whatsoever being before the Board to suggest that the site is within an urban area and indeed the only evidence in this regard (as accepted by the Inspector) being that the site is located within a suburban area. Furthermore, the guidelines make clear at Section 5.19 of same that shared accommodation is appropriate for city centre locations and /or a core urban location, neither of which apply to the present site which is removed from same as well as being removed from the example of a major national level health campus or any similar facility'.

We have set out above in Section 8.4.1 that the subject site is located in a core urban location, being within the boundary of Blanchardstown Urban Framework Plan. Further, while Section 5.19 refers to Shared Accommodation being appropriate for city centre locations and/or a core urban location, Section 5.22 states that '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".' [Our emphasis added.]

We set out in detail above with visual aids in Point 3 of Section 8.4.1 how the site is proximate to and easily accessible to Connolly Hospital, which is located in a core urban location and is located on a strategic development corridor as set out in the MASP map at Figure 8.3 above.

8.5.4 Application of SPPR 9 to Subject Development

'That the Respondent's decision was irrational and flew in the face of common sense in light of the suburban nature of the site, the absence of any basis for applying the policy SPPR9 to the development applied for and the fact that the same did not apply to the development site'.

It has already been outlined above in Section 8.4.4 why An Bord Pleanála is fully entitled to consider the application due to its location in a core urban location in close proximity to a 'major national level health campus' as detailed in Section 5.22 of the *Apartment Guidelines*.

We have further set out in Section 8.5.1.1 that the Board were entitled to consider the development as a 'Shared Living' scheme in accordance with Sections 50 (b) & (c) of the *Planning and Development Amendment Act 2018*, which amended Section 3 of the *Planning and Development (Planning) and Residential Tenancies Act 2016*. As the scheme is classified as a Shared Living scheme, SPPR 9, which specifically refers to 'Shared Accommodation' is set out below and fully applies to the subject site contrary to the Applicant's contention.

Specific Planning Policy Requirement 9
 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;

8.5.5 Entitlement of An Bord Pleanála to Consider Application

Paragraph 11

'That the person authorised under the Apartment Guidelines to exercise discretion as to whether to allow for a shared accommodation scheme of anything other than 2-6 bedrooms as referenced in paragraph 5-15 of the Apartment Guidelines was the Planning Authority being Fingal County Council and the Board has not been vested with such discretion and had wrongly sought to exercise same as a result of which its decision was ultra vires'.

It has been detailed above in Section 8.5.1.1 how the Board is authorised to make a decision in respect of the proposed development, having regard to the *Planning and Development*

Amendment Act, 2018, which introduced Shared Living as a category that constitutes a SHD development, once the number of bedspaces exceeds 200 No. and the zoning facilities use for that purpose.

With regard to Section 5.15 of the Apartment Guidelines, it is critical to quote the full paragraph which the Applicant did not do in their Affidavit :

*'**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'.*

[Our emphasis.]

Paragraph 5.23 further states the following:

'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'.

Bartra Property Limited have provided a different format to the cluster format in all their schemes as clearly facilitated by the Apartment Guidelines. This was ratified in a previous decision by An Bord Pleanála for a shared accommodation development at Eblana Avenue in Dun Laoghaire (ABP Ref: 304249-19) and No. 3 Ardee Road, Rathmines, Dublin 6 (ABP Ref: Pl29S.305659), where permission was granted for the exact same format as that proposed in Brady's.

8.5.6 Material Contravention

'That the Respondent acted in breach of Section 9(6) of the 2016 Act since the development would materially contravene the current Fingal Development Plan other than in relation to the zoning of land (the material contravention being Objective 1 Blanchardstown, by reason of excessive height (over three storeys) or other specific area within which the site is situate in circumstances where the Respondent has failed to meet the necessary precondition of any such consent , not having formed any opinion or consideration that if Section 37(2) (b) of the 2000 Act were to apply it would grant permission for the proposed development'.

In the Applicant's Material Contravention statement for the proposed planning application, the following is stated in respect of Objective 1 Blanchardstown in the Applicant's Material Contravention Statement:

'Although the Fingal Development Plan 2017 – 2023 does not set out specific maximum building heights for the subject location, the Development Plan does include an objective denoted as '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. However, no Urban Framework Plan in accordance with this objective has been prepared and there is currently no timeframe in place for the preparation of this Urban Framework Plan as confirmed by Fingal County Council on 23rd July 2020.

We note that this objective was included prior to the introduction of the Urban Development and Building Heights – Guidelines for Planning Authorities (December 2018), which were introduced under Section 28 of the Planning and Development Act, 2000 (as amended). An Bord Pleanála and Planning Authorities must have regard to these Guidelines and we note

with particular reference to the Specific Planning Policy Requirements (SPPRs) set out in the Building Height Guidelines, these elements are mandatory.

SPPR 1 of the Guidelines notes that blanket numerical limitations on building height shall not be provided for through statutory plans therefore the imposition of the 3 No. storey height restriction at the subject site would be contrary to SPPR 1 without detailed consideration of the Building Height Guidelines.

It is our professional planning opinion that as this Urban Framework Plan has not been prepared and given the progression of National Policy, there is significant potential for the subject site to provide increased heights, subject to appropriate consideration of issues arising at:

- At the scale of the City/Town
- At the scale of District/ Neighbourhood / Street
- At the scale of the Site/Building.

Although there is only **an objective** to prepare this Urban Framework Plan to include a height restriction, we note that as there is no timeframe to prepare such a Plan, the proposed development is not explicitly materially contravening the Development Plan, rather the development could be considered to materially contravene an objective to prepare a future Urban Framework Plan. However, in the interest of completeness, we have prepared this Material Contravention Statement to ensure that a robust assessment of the subject scheme is carried out'.

In this regard, as there is no policy in place limiting height to 3 No. storeys (or limiting height at all), the Board did not consider the application represented a Material Contravention of the Development Plan, hence they were not required to refer to Section 37(2)(b) of the 2000 Act.

8.5.7 Proximity of Blanchardstown Town Centre

'That the Respondent took irrelevant considerations into account including those matters relating to Blanchardstown Town Centre, which were removed from and remote from the site of the development'.

As set out above, Page 101 of the *Fingal County Development Plan 2017-2023* states the following:

'Blanchardstown Town Centre and Blanchardstown Village

Blanchardstown is designated as a Metropolitan Consolidation Town under the RPGs, and a Level 2 'Major Town Centre' in the Retail Strategy for the Greater Dublin Area. The Town Centre is now one of the key retail locations within Fingal and the Greater Dublin Area with in excess of 170,000 sq m of retail floor space. There is a wide mix of uses within the Town Centre area. Blanchardstown Village is an attractive commercial centre which complements the town centre to the west'.

Thus, it is clear that Fingal County Council recognise a complementary role between Blanchardstown Town Centre and Blanchardstown Village, which the subject site is located in, as prescribed in the *Fingal County Development Plan 2017-2023*.

Blanchardstown Town Centre, which continues to increase in size currently contains in excess of 170,000 sq m of retail floorspace and a further 19,000 sq m of leisure uses including cinemas, a theatre and arts centre and Ireland's largest public library. The Town Centre also comprises a number of large scale offices including Ebay, Liberty Insurance, PayPal and Fingal County Council. It currently employs in the order of 5,500 No. people, many of whom would be paid the minimum wage and would not be able to afford housing in the area.

Blanchardstown Town centre is located c. 1.5 km from the subject site, a c. 8 No. minute cycle or a c. 21 No. minute walk. The travel-to-work time to these employment opportunities is very sustainable compared to car-based or public transport journeys of up to an exceeding an hour, which many employees routinely undertake every day. The proposed Shared Living accommodation would be ideally suited to many of its employees, particularly in the earliest stages of their careers and as such, the Board were fully entitled to refer to the proximity of this facility in their assessment when they referenced '*the site's close proximity to a range of services and facilities including Connolly Hospital, Blanchardstown Town Centre, Castleknock Train Station*'. Blanchardstown Town Centre also offers a significant range of services and facilities for the future resident of the Shared Living development, necessary for higher density developments.

8.5.8 Access to Connolly Hospital

That the Respondent erred in holding that the existence of Connolly Hospital justified the grant of permission in circumstances where the hospital was remote from the site in question without any proper and/or safe means of accessing those premises from the development by bicycle and/or pedestrians in circumstances where only two car parking spaces were to be provided for a building in which 210 persons would be accommodated.

As previously detailed extensively, there are two walking routes from the subject site to Connolly Hospital, one within a 1 km walking distance, with the second within a 1.2 km walking distance.

These routes are fully accessible and both comprise pedestrian crossings/traffic crossings and footpath access the entire length of the 1 km – 1.2 km routes.

Therefore, the positioning of an accommodation option just an 11-15 No. minute walk from the employment node presents a practical and sustainable accommodation option to address an identified urban housing need.

As such, the contention in the JR that that Hospital is remote from the site (1 km walking distance) and does not have safe access is in our opinion factually incorrect as demonstrated above.

8.6 Covid 19 Considerations

The Third Party in the Judicial Review raised the issue of the suitability of Shared Living in the current Covid 19 pandemic.

Whilst the Applicant's do not consider the impacts of Covid 19 to comprise a material planning issue, rather as a fundamental operational and management issue if Covid 19 is still a consideration down the line when the subject site is constructed, the Applicant's have engaged best-practice advice on the matter and have submitted a report by Corporate Health Ireland who carried out a risk assessment of the Bartra Shared Living layout. The Report concludes that in general, the risk assessment determined a low risk of transmission between persons in the

shared development. Individuals would not be close contacts simply by living in the building even if another person living in the building was confirmed as having Covid 19.

The shared MasterChef type kitchens if required are not considered to increase the risk of transmission given all the controls that are in place.

Common areas such as the gym and cinema will need strict adherence to social distancing if required but are considered no higher risk than similar facilities that may be used outside of the building.

In many respects the risks of transmission would be less than for people living in a normal house or shared apartment as the self-contained nature of the private suites dramatically reduces the risk of transmission of the virus and indeed make suites ideal for self-isolation or quarantine if that were required with full support offered by the Management to anyone self-isolating.

8.7 Conclusion

We trust that we have addressed the issues raised by the Chief Executive of Fingal County Council, the An Bord Pleanála Inspector in the set-aside application and the planning issues raised in the Judicial Review of the set-aside application.

Having regard to the responses outlined above, it is our opinion that the Board can reasonable determine that the proposed development accords with local, regional and national policy and that the proposed development represents the proper planning and sustainable development of the area.

9.0 CONCLUSION

We submit that the proposal represents a significant investment in a strategically located underutilised brownfield site in an accessible location in Dublin. The subject scheme will positively contribute to the area as it is located in close proximity to numerous employment locations such as Connolly Hospital, the Dublin Enterprise Zone and Blanchardstown Town Centre. We note that full details in relation to the significant employment locations in proximity to the subject site are set out in the Justification Report submitted with this planning application.

The subject lands are ideally positioned to cater for the accommodation demands associated with the employees of the proximate employment locations which are within cycling and walking distance from the site. We also note that the scheme will specifically target workers who may be unable to afford the minimal rental options available in the local area and will have access to the various amenities and facilities provided within the scheme. Castleknock Train Station is located in close proximity to the south-west of the site in addition to the numerous bus routes that pass close to the subject site providing access to Blanchardstown Town Centre and Dublin City Centre for example.

The National Planning Framework expressly seeks the densification of brownfield sites such as the subject site through increased building heights. The Building Height Guidelines note that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development and our planning process must actively address how this objective will be secured.

The proposed scheme will provide a high-quality contemporary designed shared living scheme which will be easily assimilated into its surrounding context through its high-quality design.

The proposed development complies in full with planning policy and provides an innovative and creatively designed building generally within the external footprint of the extant permission on site, although it has introduced a block form in order to appropriately densify the site on foot of the introduction of the National Planning Framework and the Building Height Guidelines and having regard to the public park to the north-east which allows the site to absorb additional height. The proposed building will add interest to the streetscape and will be appropriately managed to ensure that the amenity of the local area is fully protected (see Operation Plan prepared by Niche Living).

Overall, it is considered that the proposed layout represents an appropriate and attractive design solution at the subject site. It is contended, therefore, that the proposal will ensure the proper planning and sustainable development of the area and will contribute positively to the urban fabric of this area of Dublin City.

We trust you will find this pre-application consultation in order. Please do not hesitate to contact the under signed should you require any further information or clarification on the proposal.

Yours Sincerely



Patricia Thornton
Director
Thornton O'Connor Town Planning

Appendix A: Letter of Support Received from GoCar



James Cormican,
Bartra Property Rathmines Limited
Longphort House
Earlsfort Centre
Dublin 2

Dear James,

Car Sharing Facilities to serve the proposed Shared Living Development at Bradys, Old Navan Road, Dublin 15

Carsharing is both convenient and cost effective. It allows individuals to have the benefits of a private car, without having the large costs and hassle associated with car ownership. With pay as you go pricing and no subscription charges, GoCar ideal for people who only need occasional access to a car but do not want to own one. Carsharing is also a sustainable service. By allowing multiple people to use the same vehicle at different times, car sharing reduces car ownership & car dependency, congestion, noise and air pollution, and frees up land traditionally used for parking spaces.

GoCar car club is ideal for Shared Living developments, as management companies can give residents access to a selection of vehicles with each driver being insured through GoCar, with similar terms to car rental insurance. GoCar can offer these vehicles to be open to the public or dedicated to residents. GoCar's bespoke software removes these issues and provides management companies and users with a simple solution to get them on the road.

The Department of Housing Planning & Local Government's design standards for new apartments - Guidelines for Planning Authorities 2018 outline: "For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure... provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles."

This letter is to confirm that GoCar are willing to provide 2 shared car club vehicles in the proposed Shared Living development at Bradys, Old Navan Road, Dublin 15, with final terms to be agreed.

Regards,

Darragh Genockey
Sales & Operations Manager,
GoCar Carsharing Limited

GoCar Car Sharing Ltd - 475845
Director: Sheila Struyck
35 Northwood Court, Northwood Business Park, Sandy, Dublin 9



BleeperBike
 Rear of 24
 South Richmond Street
 Portobello
 Dublin 2
 D02 HF29

23rd July 2020

Re: **Brady's, Old Navan Road, Dublin 15 - An Bord Pleanála**

To Whom It May Concern,

Thank you for registering an interest in integrating BleeperBike into the Mobility Plan for the proposed development at Brady's, Old Navan Road, Dublin 15. This location is within our existing operating zone therefore we would be delighted to work with Bartra Capital Property to ensure the sustainable cycle needs of the residents and others living nearby are met, with the provision of BleeperBike parking on site for our current pedal bikes and for electric bikes when they become available.

BleeperBike currently operates a fleet of 750 shared bicycles throughout the administrative areas of Dublin City, Fingal, and Dun Laoghaire-Rathdown. The bicycles are available to use 19hrs per day (5am-12am) and are used primarily for short journeys (1-5km distances), with a typical journey time averaging 10-15 minutes. The bicycles are equipped with a 'smart lock' system utilising GPS and 3/4G technology, which works in tandem with our bespoke App. To unlock a bike, a user simply downloads the app, selects a payment plan and provides basic personal information. Once this is complete they open the App and scan the unique QR code on the bicycle lock to unlock the bike.

BleeperBike offers residents easy access to a fleet of bicycles that can be used for short to middle distance trips, which can significantly reduce their dependency on car ownership.

Regards,

John Buckley

John Buckley
 Head of Operations
 BleeperBike Ireland Opco Limited

Directors: Hugh Cooney
 BleeperBike Ireland Opco Limited (company number 601088)
 Registered in Dublin, Ireland

