



An  
Bord  
Pleanála

**Board Direction**  
**BD-003009-19**  
**ABP-303477-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/05/2019.

The Board decided to refuse retention permission and permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. Having regard to, the planning history of the subject site (including a series of permissions granted solely on a temporary basis), the fact that these uses have now been in place for a significant period of time and have continued notwithstanding the expiration of the allowable time periods under their respective temporary permissions, and having regard to the material change in circumstances since temporary permission for these uses were first granted including, significant regeneration of lands immediately to the east of the subject site for mixed use development including residential use and to alterations in the statutory zoning objective of the Dublin City Development Plan 2016-2022, as it applies to the subject site, it is considered that to grant retention permission and permission for any further temporary continuation of use at the subject site, would be likely to delay or undermine the comprehensive regeneration of the subject site and adjoining lands, and would be inconsistent with the emerging pattern of development in the vicinity, would be contrary to the provisions of the Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the evidence submitted with the planning application and appeal, the Board is not satisfied that the development, for which retention permission and permission for temporary continuation of use is sought, would not seriously injure the residential amenity of properties in the vicinity, by reason of noise and disturbance. The development for which retention permission and permission for temporary continuation of use is sought would therefore be contrary to the proper planning and sustainable development of the area.

**Note:**

In deciding not to seek further information, as recommended by the Inspector, the Board noted that the uses, for which retention permission and permission for temporary continuation of use is sought have previously secured permissions for clearly stated temporary time periods, including in particular planning permission Reg. Ref: 3848/10 (An Bord Pleanála Ref: PL29S.238352) which stated by reference to the 3 year time limit set by condition no. 4 therein that, *'having regard to the derelict and undeveloped nature of the lands of which the subject site forms a part and the need to seek to obtain comprehensive redevelopment of these lands in the interest of proper planning and sustainable development of the area, and to the need to restrict the life of the permission in order not to undermine the redevelopment of these lands in the future, it is considered reasonable to limit the permission to a three year period in order to allow for a comprehensive monitoring and assessment of the impacts of the development'*. The Board further noted that the uses have continued at the subject site well beyond the allocated time consented under the previous permissions.

The Board also determined that on the basis of the material submitted on the application and appeal, full evidence has not been provided to demonstrate conclusively that the noise measures previously conditioned, have been fully applied and/or have been effective.

**Board Member**

**Date:** 10/05/2019

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Chris McGarry

