

An
Bord
Pleanála

Board Direction
BD-018840-25
ABP-314408-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/01/2025.

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

Reasons and Considerations

1. Objective CUO25 of the Dublin City Development Plan 2022-2028 requires that large scale developments over 10,000sqm must provide at a minimum for 5% community, arts, and culture spaces as part of the development. The proposed development does not provide for such floor area, even though it provides for an area in excess of 10,000sq m. The proposed development, therefore, would materially contravene objective CUO25 of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

Notes:

The Dublin City Development Plan encourages all proposed developments to meet or exceed 50% dual aspect units unless specific site characteristics dictate a lower percentage may be appropriate. The Board noted that the proposal included 39% dual aspect units and did not consider that the applicant had demonstrated that exceptional circumstances warranted this level of dual aspect units.

The Board noted that the proposed development exceeded the upper range of 250 units per hectare which is specified for the Strategic Development and Regeneration


Areas in Table 1 Density Ranges in Appendix 3 of the Development Plan and considered that the overall design and layout of the scheme fell short of demonstrating compliance with the performance criteria set out in Table 3 Appendix 3 the Development Plan where higher density could be considered.

Chapter 15 of the Dublin City Development Plan 2022-2028 requires that a demolition justification report is submitted to set out the rational for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. The Board are not satisfied that the documentation submitted fully addressed the requirements.

The Board shared the concerns of the planning authority that whilst the communal open spaces of themselves may be of an acceptable standard there would be an impact on the privacy/residential amenity of the units that face onto these spaces. In relation to the public open space the Board were concerned that there was an over reliance on the access to the public open space being provided by the adjacent proposed development to the north which is outside the control of the applicants.

The Board concurred with the planning authority that there was inadequate detail as regards the effective management and operation of the interface between the employment/office and the residential aspects of the proposed development particularly in relation to pedestrian access to/from the basement carpark, the location of the gym/cinema and storage areas associated with the office and residential units.

Board Member


Marie O'Connor

Date: 14/02/2025