

An
Bord
Pleanála

Board Direction
BD-014557-23
ABP-315716-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/11/2023.

The Board decided to make a split decision, to

- (1) **Grant** permission (subject to conditions) for the extension of the opening hours of Arnotts' multi-storey car park from 07.00 to 20.00 Monday to Wednesday, 07.00 to 21.00 on Thursday, 07.00 to 20.00 on Friday and Saturday, and 09.00 to 20.00 on Sunday, to 24 hours a day, seven days a week.

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

- **Refuse** permission for the demolition of the telecom building (c.2, 201sq.m) on William's Lane and the top three open-air levels of Arnotts' multi-storey car park and the construction of a Build-To-Rent residential development (c.12,766sq.m) comprising 155 no. apartments including associated communal residential support facilities, amenities and open spaces
- Permission is also refused for the demolition of part of the existing basement (c.16sq.m) and second and third floor rear extensions (c.11sq.m) of No. 97 Middle Abbey Street, and the change of use of the basement from retail storage to café storage, and the conversion of the first, second, third and fourth floors of the building to 4 no. Build-To-Rent studio apartments.

for the reasons and considerations marked (2) under.

1.Reasons and considerations:

In light of the existing car park use on the site and the complementary nature of parking outside of the hours of operation of the associated shopping centre, the proposed extension of the opening hours of the existing multi-storey car park would not of itself encourage unsustainable travel patterns to and from the city centre. The proposed development would, not therefore be materially contrary to Policy SMT26 of the Dublin City Development Plan 2022-2028 to discourage commuter parking and to ensure adequate but not excessive parking provision for short-term shopping, business and leisure uses.

Conditions:

1. Permission to extend the opening hours of Arnotts' multi-storey car park from 07.00 to 20.00 Monday to Wednesday, 07.00 to 21.00 on Thursday, 07.00 to 20.00 on Friday and Saturday, and 09.00 to 20.00 on Sunday, to 24 hours a day, seven days a week is hereby permitted for a temporary period of three years only.

Reason: In the interest of the proper planning and sustainable develop of the area, and in order that the effect of the development maybe reviewed having regard to the circumstances then prevailing.

2.Reasons and considerations:

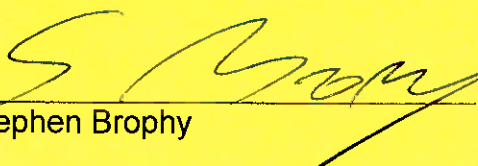
1.It is considered that the proposed development would, due to its excessive scale and height, appear visually incongruous on the skyline when viewed from D'Olier Street and visually obtrusive on the streetscape when viewed from the western end of Middle Abbey Street. As such, and notwithstanding the alternative design option presented to the Board at appeal, the proposed development would seriously injure the historic character of the city and would, therefore be contrary to policies SC22 and

BHA7 of the Dublin City Development Plan 2022-2028 which aim to facilitate new development which is in harmony with the city's historical spaces and structures, and to ensure that new development or alteration of a building immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board accepted the assessment that, notwithstanding the provisions of the Dublin City Development Plan 2022-2028, the development as proposed was open for consideration under the Apartment Guidelines 2020, in particular, SPPR 7 and SPPR 8, given the timing of the application. The Board also considered in relation to daylight and sunlight impact, that the relatively minor scale of non-compliance with standards, the overall quality of amenity for the prospective residents; and the city centre location of the site were such that the standards of the proposed development and its impacts on the availability of sunlight and daylight to existing properties would not result in any unacceptable impacts.

However the Board considered that the views of the development from Abbey Street provided indicated that the building would have an unacceptable dominating and overbearing impact on the character and setting of Middle Abbey Street. The Board also considered that, when compared to the existing development and development previously approved on the site, the proposed development when viewed from D'Olier Street would not be adequately scaled and distanced from protected structures and would not integrate with the scale of the adjoining conservation area by virtue of scale, bulk, massing, finishes and design. Neither would the proposed development integrate appropriately with the O'Connell Street Architectural Conservation Area which extends to within 10m of the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area

Board Member:



Stephen Brophy

Date: 13/11/2023