

An
Bord
Pleanála

Board Direction
BD-017088-24
ABP-319481-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/07/2024.

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

Reasons and Considerations

1. Having regard to the Dublin City Development Plan, 2022-2028, Z10 zoning for the site, which seeks to ensure that a mixed-use philosophy is adhered to with a requirement that a range of 30% to 70% of the area can be given to one particular use and the remaining portion of the lands to be given over to another use or uses, the Board is not satisfied that the Assisted Living component can be considered to be anything other than a residential use despite being commercially operated and managed. Taken in conjunction with the proposal for 330 apartments, this would provide for an overly dominant portion of a single type of use on site (residential) and would be contrary to the requirements for a mix of uses under the Z10 zoning. In this regard the Board considered that the proposal would constitute a material contravention of the Z10 zoning objective, and would set an undesirable precedent for deviation from the objectives of such zoning. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal, including the submitted Natura Impact Statement, there is reasonable scientific doubt regarding the robustness of the findings in the Screening stage and a lack of detailed analysis of a species of conservation interest in the Natura Impact Statement with particular reference to Light-Bellied Brent Geese to demonstrate that likely significant effects on ex-situ factors can be excluded for North Bull Island SPA (Site Code: 004006), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and Baldoyle Bay SPA (Site Code: 004016). In this regard the Board was not satisfied that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of European Sites North Bull Island SPA (Site Code: 004006), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and Baldoyle Bay SPA (Site Code: 004016) in view of the sites' conservation objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

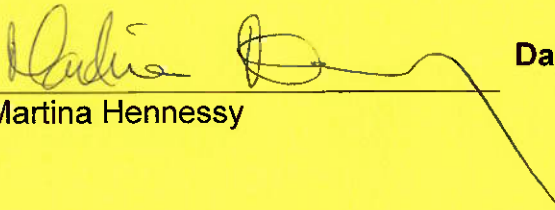
3. Having regard to the substandard level of amenity for a significant portion of the apartments and in particular for the shared kitchen and living spaces by reason of inadequate daylight and sunlight levels within Blocks D and E and the substandard outlook arrangements for some apartments in particular the apartments on the north-western elevation of Block D, the Board considered the proposed development would not provide a suitable level of amenity for the prospective residents. The proposed development would be contrary to Development Plan Policy Objectives in relation to daylight and sunlight as set out under Appendix 16 of the City Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

The Board also considered that the information provided with the application had not satisfactorily addressed Objective CUO25 of the Dublin City Development Plan, 2022-2028, which requires a minimum of 5% community, arts and cultural space to be provided where developments exceed 10,000 m².

The Board considered there was a lack of an evidence base/audit of the area by the applicant to support the nature and design of such space in the proposed development, that a significant portion is proposed externally whereas policy requires predominantly internal space, and a lack of detail as to how this external space would function as a cultural space, noting its fragmented form. While ordinarily this would warrant further consideration and a request for further information, in this instance, given the substantive reasons for refusal above, it was decided not to pursue this matter under the current appeal.

Board Member



A handwritten signature in black ink, appearing to read 'Martina Hennessy', is written over a horizontal line. The signature is cursive and extends to the right of the line, ending in a long, thin tail that curves downwards.

Martina Hennessy

Date: 24/07/2024