

---

## **Planning and Development Acts 2000 to 2020**

### **Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 23<sup>rd</sup> day of June 2021 by Bartra Property (Broombridge) Limited care of Thornton O'Connor Town Planning of No. 1 Kilmacud Road Upper, Dundrum, Dublin.

#### **Proposed Development comprises of the following:**

The demolition of the existing derelict warehouse structure (circa 1,084 square metres) and associated outbuildings (circa 417 square metres) and the construction of 142 number apartments (64 number one-bed units, 71 number two-bed units and seven number three-bed units) with ancillary residents' amenity and work hub (170 square metres) and a café and service unit (262 square metres).

The development is principally provided in two number blocks as follows: Block A to the north of the site will be eight number storeys in height and Block B to the south of the site will be part 8 to part 9 number storeys in height.

The development will also include the provision of 28 number car parking spaces (including two number disabled parking spaces); a vehicular access and a secondary emergency vehicular access to the east of the site; a pedestrian and bicycle connection along the eastern boundary of the site from the Royal Canal towpath to the south to the access road to the east; bicycle parking; one number motorcycle space; bin storage; balconies; external deck access; hard and soft landscaping; boundary treatments; green roofs; pv panels; plant (including at roof

level); Electricity Supply Board substation; generator; lighting; and all other associated site works above and below ground. The total gross floor space of the development is 10,587 square metre and the total gross floor area of the development is 10,967 square metres.

Works are also proposed to discharge wastewater and attenuated surface water via separate 225 millimetre diameter pipe networks of approximately 100 metre length each to the public wastewater and surface water sewer networks respectively, which are located at the junction with Ballyboggan Road, to the north of the development site. These works will be carried out on existing road carriageway, incorporating an area of circa 0.083 hectare. The development site area and drainage work areas will provide a total application site area of circa 0.72 hectares all located at Tolka Industrial Park, Ballyboggan Road, Dublin 11 (Vacant Site Register Ref. VS-0457).

## **Decision**

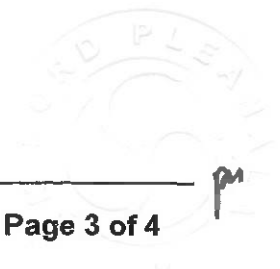
**Refuse permission for the above proposed development based on the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

1. The proposed development materially contravenes the policy considerations set out in Section 14.8.6 of the Dublin City Development Plan 2016-2022, in particular having regard to the context of the site and its environs, which are zoned and in use as Z6 "Employment/Enterprise", the primary objective of which is "to provide for the creation and protection of enterprise and facilitate opportunities for employment creation". The policy context for the area, requires that other uses, such as residential, will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land-use zoning objective. The proposed development fails to satisfy this policy requirement. The Board is not satisfied that the provisions of section 37(2)(b) of the Planning and Development Act 2000, as amended, apply, and in that context, consider that the proposed development would be contrary to the proper planning and sustainable development of the area, and to the Dublin City Development Plan 2016-2022 vision for this wider area as a place of enterprise and employment.



2. It is considered that the proposed development would be premature pending the completion of a review of Z6 zoning objective as part of the ongoing review of the Dublin City Development Plan 2016-2022 and that a grant of permission in this instance would set an undesirable precedent for the ad hoc and piecemeal development of Z6 'Employment/Enterprise' zoned lands that could prejudice the future regeneration of such lands in accordance with national and regional policy objectives to target significant future growth (housing and employment) into brownfield lands within the M50 corridor and along public transport corridors. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



---

Paul Hyde

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this <sup>6<sup>th</sup></sup> day of *October* 2021