



An
Bord
Pleanála

Board Order ABP-310910-21

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 22nd day of July 2021 by Dwyer Nolan Developments Limited care of Armstong Fenton Associates of 13 the Seapoint Building, 44 to 45 Clontarf Road, Dublin.

Proposed Development comprises of the following:

1. Demolition of the existing building on site, the existing Chadwicks Builders Merchants, circa 4,196.8 square metres.
2. Construction of 350 number one, two, and three-bed apartments, retail or commercial and community uses in four number buildings that are subdivided into Blocks A to G as follows:
 - Block A1 is a seven to fourteen storey block consisting of 59 number apartments comprised of 26 number one-bed and 33 number two-bed dwellings, with two number commercial or retail units located on the ground floor, circa 132.4 square metres and 173 square metres respectively. Adjoining same is Block B, which is a seven storey block consisting of 38 number apartments comprised of six number one-bed, 20 number two-bed, and 12 number three-bed dwellings, with two number commercial or retail units located on the ground floor, circa 162.3 square metres and 130.4 square metres respectively. Refuse storage areas are also provided for at ground floor level.

- Block C is a seven storey block consisting of 55 number apartments comprised of 13 number one-bed and 42 number two-bed dwellings. Refuse storage areas are provided for at ground floor level. Adjoining same is Block D which is a seven to ten storey block consisting of 51 number apartments comprised of 25 number one-bed, 19 number two-bed, and seven number three-bed dwellings, with one number commercial unit or café located on the ground floor, circa 163.3 square metres. A refuse storage area is also provided for at ground floor level.
 - Block E is a seven to ten storey block consisting of 58 number apartments comprised of 10 number one-bed and 48 number two-bed dwellings, with one number community use unit located on the ground floor, circa 188.1 square metres. A refuse storage area, substation, and switch room are also provided for at ground floor level. Adjoining same is Block F which is a seven storey block consisting of 55 number apartments comprised of 13 number one-bed and 42 number two-bed dwellings. A refuse storage area and bicycle storage area are also provided for at ground floor level. Block G is a seven storey block consisting of 34 number apartments comprised of 20 number one-bed and 14 number two-bed dwellings. A refuse storage area and bicycle storage area are also provided for at ground floor level.
3. Construction of a one storey residential amenity unit, circa 187.9 square metres located between Blocks A and D.
 4. Construction of basement level car parking, circa 5,470.8 square metres, accommodating 173 number car parking spaces and 719 number bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, and F. External vehicular access to the basement level is from the south, between Blocks B and C. 36 number car parking spaces and 58 number bicycle parking spaces are also provided for within the site at surface level.
 5. Public open space of circa 1,915 square metres is provided for between Blocks C, D, E, and F. Communal open space of circa 3,122 square metres provided for between:
 - (i) Blocks E, F, and G,

- (ii) Blocks A, B, C, and D, and
 - (iii) in the form of roof gardens located on Blocks A, C, and F and the proposed residential amenity use unit. The development includes for hard and soft landscaping and boundary treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.
6. Vehicular access to the development will be via two number existing or permitted access points:
- (i) on Santry Avenue in the north-west of the site;
 - (ii) off Swords Road in the south-east of the site, as permitted under the adjoining Santry Place development, Dublin City Council Register Reference: 2713/17.
7. The development includes for all associated site development works above and below ground, bin and bicycle storage, plant, mechanical and electrical, sub-stations, public lighting, servicing, signage, surface water attenuation facilities etc. all located at the junction of Santry Avenue and Swords Road, Santry, Dublin 9. The application site is bounded to the north by Santry Avenue, to the east by Swords Road, to the west by Santry Avenue Industrial Estate, and to the south by the Santry Place development, the site of the existing Chadwick Builders Merchants), Santry, Dublin 9.

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

Section 16.10.1 of the Dublin City Development Plan 2016-2022, which refers to Mix of Residential Units, states that each apartment development shall contain a maximum of 25 to 30% one-bedroom units and a minimum of 15% three or more bedroom units. Having regard to the range of dwelling units proposed within the development, it is considered that the proposed development would materially contravene this provision of the plan.

The statutory requirements relating to the submission of a material contravention statement have not been complied with by the applicant in respect of this matter. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.



Terry Ó Niadh

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



Dated this 4th day of November, 2021