



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 18th day of August 2021 by Balark Trading GP Limited care of Tom Phillips + Associates of 80 Harcourt Street, Dublin.

Proposed Development comprises of the following:

Construction of a Build to Rent residential development comprising 227 number apartment units consisting of 17 number studio units, 152 number one-bedroom units, and 58 number two-bedroom units. At ground floor level, one number retail unit (1,526 square metres) fronting onto Abbey Street Upper and one number retail or café unit (131 square metres) fronting onto Great Strand Street is proposed.

The development is principally provided in two number blocks separated by an internal landscaped courtyard at first floor level and connected at basement and ground floor levels.

1. Block A, located to the north of the site, extends to 12 storeys in total with setbacks provided at 9th, 10th and 11th floor levels.
2. Block B, located to the south of the site, extends to a maximum of 12 storeys at the south western corner of the site with setbacks at 8th, 10th and 11th floor levels.

The development also provides for hard and soft landscaping including the provision of a landscaped public plaza at the south western portion of the site facilitating future access to Byrne's Lane, a landscaped communal courtyard at first floor level, and landscaped communal roof terraces at the 11th floor roof level of Block A and at 8th, 10th and 11th floor roof levels of Block B.

Private open space in the form of balconies and winter gardens are also proposed. Pedestrian access to the development will be provided from Abbey Street Upper, Great Strand Street, the new public plaza and the laneway located at the east of the site, vehicular access will be provided from Great Strand Street to accommodate service and maintenance access.

Additional proposed works include the provision of two number Electricity Supply Board substations; residential amenity and support areas at basement and ground floor levels including building facility office, gym, laundry, co-working spaces, and social spaces; 400 number bicycle spaces (338 number located internally at basement and ground floor levels and 62 number provided externally); bin stores; public lighting; security gates; plant at basement, ground, first and roof levels including telecoms infrastructure at Block B roof level; site services; piped infrastructure and all other associated site excavation, infrastructural and site development works above and below ground all located at Nos. 31-34 Abbey Street Upper, 42-51 Great Strand Street and bounded by Byrne's Lane, Dublin 1.

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 residential units proposed within the development, it is considered that the proposed development would materially contravene this provision of the Dublin City Development Plan 2016-2022.

Notwithstanding Specific Planning Policy Requirement 8 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020 in relation to Build to Rent developments, 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, it is not open to the Board to grant permission in circumstances where the application is in material contravention of the Dublin City Development Plan 2016-2022 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 30th day of November, 2021