

An
Bord
Pleanála

Board Order ABP-313220-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County 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 5th day of April 2022 by Dundrum Retail GP DAC (acting for and on behalf of Dundrum Retail Limited Partnership) care of BMA Planning of Taney Hall, Eglinton Terrace, Dundrum, Dublin.

Proposed Development comprises of the following:

- (a) A total gross floor area of 88,442.0 square metres comprising 881 number apartments and ancillary accommodation totalling 83,983.3 square metres gross floor area and 4,458.7 square metres of non-residential uses.
- (b) The proposed development is laid out in 11 number blocks across four number zones as follows: Zone 1 (29,965.2 square metres gross floor area): This zone comprises Blocks 1A, 1B and 1C ranging from five storey to Main Street (Block 1C) to 10 to 16 storeys on Dundrum Bypass and establishing a landmark 16 storey building at the northernmost point of the site. This zone will comprise 292 number apartments with a total residential gross floor area of 27,565.3 square metres (comprising one number studio, 115 number one-bed, 19 number two-bed three number person, 134 number two-bed four number person and 23 number three-bed units) with ancillary accommodation and associated private balconies. The blocks are arranged around a landscaped courtyard communal amenity space above podium level and there

are four number communal roof garden terraces on Blocks 1A, 1B and 1C. Non-residential uses in Zone 1 (2399.9 square metres) comprises one number retail unit (330.3 square metres), a retail food store (2,028.1 square metres), and other ancillary accommodation (41.5 square metres). The area below podium includes 52 number car parking spaces, two number motorcycle spaces and 525 number bicycle spaces.

- (c) Zone 2 (23,127.8 square metres gross floor area): This zone comprises Blocks 2A, 2B and 2C ranging from five number storeys on Main Street (Block 2C) to 9 to 12 storeys to the rear on Dundrum Bypass. This zone will comprise 239 number apartments with a total residential gross floor area of 22,624.0 square metres (comprising 87 number one-bed, 40 number two-bed three number person, 85 number two-bed four number person and 27 number three-bed units) with ancillary accommodation and associated private balconies. The blocks are arranged around a landscaped courtyard communal amenity space traversed by a public street and there are three number communal roof garden terraces on Blocks 2A and 2B. Non-residential uses in Zone 2 (503.8 square metres) comprises four number retail units (482.8 square metres) on Main Street and other ancillary accommodation (21 square metres). The area below podium includes 144 number car parking spaces, seven number motorcycle spaces and 425 number bicycle spaces.

- (d) Zone 3 (22,152.8 square metres gross floor area): This zone comprises Blocks 3A, 3B and 2C ranging from five storeys on Main Street (Block 3C) to nine to eleven storeys to the rear on Dundrum Bypass. This zone will comprise 222 number apartments with a total residential gross floor area of 21,745.1 square metres (comprising 75 number one-bed, 25 number two-bed three number person, 103 number two-bed four number person and 19 number three-bed units) with ancillary accommodation and associated private balconies. Numbers 1 to 3 Glenville Terrace (585.2 square metres) are to be retained, refurbished and amalgamated and will be used for resident services and amenities and or resident support facilities for the overall development and the rear returns will be replaced like for like). The blocks are arranged around a landscaped courtyard communal amenity space traversed by a public street and there are three number communal roof garden terraces on

Blocks 3A and 3B. Non-residential uses in Zone 3 (407.8 square metres) comprises two number retail units (218.4 square metres) and a café or restaurant (167.2 square metres) fronting Main Street and other ancillary accommodation (22.2 square metres). The area below podium includes 112 number car parking spaces, five number motorcycle spaces and 389 number bicycle spaces.

- (e) Zone 4 (13,196.2 square metres gross floor area): This zone comprises Blocks 4B ranging from three to five storeys on Main Street (with six storeys to internal street) and Block 4A ranging from eight to ten storeys to the rear on Dundrum Bypass. This zone will comprise 128 number apartments with a total residential gross floor area of 12,049.0 square metres (comprising 58 number one-bed, 57 number two-bed four person and 13 number three-bed units) with ancillary accommodation and associated private balconies. The blocks are arranged around a landscaped courtyard communal amenity space traversed by a public street and there is a communal roof garden space on Block 4A. Non-residential uses in Zone 4 (1147.2 square metres) comprises three number retail and commercial units (365.1 square metres), three number café and restaurant units (236.3 square metres) and a creche (523.1 square metres) with associated enclosed outdoor play area addressing Main Street and Church Square and other ancillary accommodation (22.7 square metres). The area below podium includes 65 number car parking spaces, three number motorcycle spaces and 247 number bicycle spaces. A revised entrance arrangement to existing basement of Number 16/17 Main Street is provided as part of Block 4B. The development includes a new public street running on a north-south axis through the site and a series of new public spaces located between the four number zones and which facilitate new street connections to Main Street. In addition, a new public open space known as "Church Square" (circa 0.2 hectares) is proposed to the rear of Holy Cross Church and will integrate with the lower ground floor Parish Pastoral Centre. Church Square will be connected via a new stairs and lift to Ballinteer Road and via stairs to the Dundrum Bypass. A new east-west pedestrian and cycle linkage is proposed linking Main Street to Sweetmount Park located on the western side of Dundrum Bypass via a new pedestrian and cycle bridge. The proposed development involves closure of existing vehicular access to the old shopping

centre on Main Street and entrance to carpark at rear of former Mulvey's hardware immediately north of the Parochial House. Three number vehicular access or egress points will be provided on Dundrum Bypass which serve an internal access road, service and loading areas and basement parking areas. A total of 373 number car parking spaces, 17 number motorcycle parking spaces and 1,750 number bicycle parking spaces are proposed. The lower ground floor car parking area has a vehicular link under Ballinteer Road and Dom Marmion Bridge to connection to Dundrum Town Centre basement car parking area. New or upgraded pedestrian crossings are proposed on Main Street, at the entrance to Dundrum Luas station adjacent to Usher House and on Ballinteer Road connecting to Pembroke District. Permission is also sought for demolition of all existing buildings on site (excluding Numbers 1 to 3 Glenville Terrace), upgrading of footpaths, pedestrian crossings, foul and surface water drainage infrastructure, compensatory flood storage and flood mitigation measures, signage and all associated site and development works all located at the site incorporating the old Dundrum Shopping Centre known as Dundrum Village Centre and adjacent properties to the west of Main Street, Dundrum, Dublin.

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

1. Having regard to the Dún Laoghaire Rathdown County Development Plan 2022-2028, to the location of the proposed development within a wider area zoned as Major Town Centre, and to the predominantly residential nature of

the proposed development accounting for 95% of the proposed gross floor space, the Board was not satisfied that the proposed development would provide an appropriate range and mix of supporting uses at this location, that would be consistent with objectives of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 including CS7 – Strategic Employment Locations; PHP3 – Planning for Sustainable Communities; MFC1 – Multifunctional Centres; RET5 – Major Town Centres; and Specific Local Objective 8 – unit mix

The proposed development would be contrary to the overall aims for the Major Town Centre which seeks to provide an appropriate mix of uses and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the existing character and the prevailing pattern of development, the site location within and adjoining an Architectural Conservation Area and adjoining several Protected Structures, it is considered that the proposed development, would seriously detract from the architectural character of the area, and particularly the character of Main Street and Dundrum Architectural Conservation Area, and the setting of Holy Cross Church and the associated Parochial House, gates, and railings.

The Board considered that the proposal would materially contravene:

- Policy Objective HER14 of the adopted Dún Laoghaire-Rathdown County Development Plan 2022-2028, which prohibits the demolition of a structure that positively contributes to the character of Dundrum Architectural Conservation Area,
- HER8 Work to Protected Structures;
- HER13: Architectural Conservation Areas;
- Specific Local Objective 9: Cognisance of the character of Main Street.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the excessive density, height, and scale, together with its monolithic appearance, it is considered that the proposed development would result in unacceptable overbearing impacts for properties in the residential area to the west of the site. The proposed development would also result in excessive overlooking for existing adjoining properties along the west side of Main Street, and on the basis of information submitted, the Board is not satisfied that there would be acceptable impacts to existing open spaces/amenity areas in respect of overshadowing for existing residential properties to the west of the site.

Having regard to these impacts, it is considered that the proposed development would be contrary to Dún Laoghaire-Rathdown County Development Plan 2022-2028 Objectives PHP18: Residential Density and PHP20: Protection of Existing Residential Amenity and the proposed development would be seriously injurious to the amenities of properties in the vicinity of the site and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the nature, design, and layout of the proposed scheme, it is considered that the proposed scheme would represent a substandard form of development and residential amenity for future occupiers. The excessive proportion of smaller residential units would materially contravene the Dún Laoghaire-Rathdown County Development Plan 2022-2028 in respect of Policy Objective PHP27: Housing Mix and section 12.3.3.1 (Table 12.1) and is contrary to Specific Local Objective 123 – balanced mix of housing. The proposed communal open space would be substandard having regard to its overall quantity and quality, and the proposal to provide more than 30% of such space in the form of roof gardens would conflict with section 12.8.5.4 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The failure to provide external storage facilities would also be contrary to section 12.3.5.3 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

The proposed public open space is substandard having regard to its location, quantity, and quality, which would not comply with the requirements of the

Sections 12.8.3.1 and 12.8.5 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

Having regard to the provisions of 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2023), the proposed development would be substandard in respect of the level of privacy afforded to private amenity spaces; the number and nature of single-aspect units; the enclosed nature of internal corridors; and a lack of quality internal resident amenities/facilities. Furthermore, the separation distances between:

- Blocks 2A and 2C (circa 8.3 metres);
- Blocks 3A and 3C (circa 8.3 metres); and
- Blocks 4A and 4B (circa 10.8 metres),

would be inadequate, would give rise to overlooking and do not include appropriate privacy mitigation to comply with Section 12.3.5.2 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, which outlines that apartment developments should provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

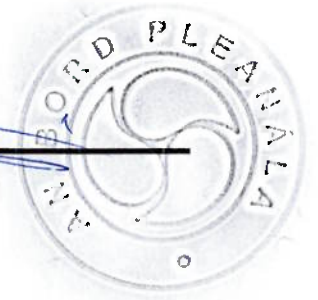
5. The proposed development is in an area which is deemed to be at risk of flooding, by reference to the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Notwithstanding the Site-Specific Flood Risk Assessment submitted with the application, the Board was not satisfied, on the basis of the information lodged with the planning application and the absence of detailed hydraulic modelling, that the proposed development would not give rise to an increased risk of flooding either on the proposed development site itself, or on other lands.

The proposed development would be contrary to section 12.9.6 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and would, be

prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.


Liam Bergin

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



Dated this 20th day of December 2024