



An
Bord
Pleanála

Board Order

ABP-313376-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3166/22

Appeal by Bartra Property (Broombridge) Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 24th day of March, 2022 by Dublin City Council to refuse permission.

Proposed Development: Demolition of the existing derelict warehouse structure and ancillary outbuildings and the construction of a mixed-use development on a Vacant Site (Vacant Site Register Ref. VS-0457). Works are also proposed to discharge wastewater and attenuated surface water via separate 225-millimetre diameter pipe networks of approximately 100 metres 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 the existing road carriageway, incorporating an area of circa 0.083 hectares. The development site area and drainage work areas will provide a total application site area of circa 0.72 hectares. The development will principally consist of: the demolition of the existing derelict warehouse structure (circa 1,084 square metres) and associated outbuildings (circa 417 square metres) and the construction of a mixed-use development (13,490 square metres) comprising office accommodation (7,353 square metres); a cafe/service unit (252 square metres); and 71 number apartments (24 number one-bed units, 40 number two-bed units and seven number three-bed units) with an ancillary residential amenity/work hub (170

square metres). The development is principally provided in two number blocks as follows: Block A (office) to the north of the site will be six number storeys (over part basement) in height; and Block B (residential) to the south of the site will be part eight-part nine number storeys in height with external deck access. The development will also include two number single storey bicycle stores; the provision of a vehicular access and a secondary emergency vehicular access to the east of the site; a pedestrian/bicycle connection along the eastern boundary of the site from the Royal Canal towpath to the south to the access road to the east; 40 number car parking spaces (including two number disabled parking spaces); two number motorcycle spaces; bicycle parking; bin storage; private balconies/terraces on the apartments predominantly facing south and west; public and communal open spaces; hard and soft landscaping; boundary treatments; green roof; PV panels; plant; plant enclosure, lift overrun and stair core at roof level; two number ESB substations and two number switch rooms; lighting; signage; and all other associated site and development works above and below ground, all on a circa 0.637-hectare site at Tolka Industrial Park, Ballyboggan Road, Dublin.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. It is considered that the proposed development would be premature pending the completion of the Local Statutory Plan for lands at Dublin Industrial Estate and Environs/Ballyboggan, the preparation of which is a specific objective (CS01) during the lifetime of the Dublin City Development Plan 2022-2028, 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.
2. The proposed development, by reason of its height, form, scale, proximity to boundaries and back land location, would constitute overdevelopment of the site, would have a significant detrimental impact on the visual amenity of the area, and would have significant implications for the successful future redevelopment of the wider industrial estate/landbank. Such redevelopment of this site would be inappropriate in the context of the surrounding industrial estate in the absence of a local statutory plan, the preparation of which is a specific objective of the Dublin City Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would materially contravene the 'Z6 - Employment/Enterprise' zoning objective and would be contrary to development principles set out in Section 14.7.6 of the Dublin City Development Plan 2022-2028, in particular having regard to the residential units proposed. The proposed development would be contrary to the development plan's vision for this wider area as a place of enterprise and employment, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Furthermore, the Board noted that since the adoption of the Dublin City Development Plan 2022-2028 residential development is no longer open for consideration at this location. This may have warranted a request by An Bord Pleanála for further information but given the other substantial reasons for refusal the Board did not consider it necessary or appropriate to do so.



Mary Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 22nd day of March 2024.