

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: LRD6040/24-S3

APPEAL by OTR Development Company Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 13th day of March, 2024 by Dublin City Council to refuse permission.

Proposed Development: The development, which is known as Traynor Gardens, with a total gross floor area of approximately circa 39,468 square metres (including two number podiums, the first in Block A of circa 1,252 square metres, the second in Block E of circa 1,985 square metres and including a basement in Block E of circa 2,307 square metres) will consist of the construction of a mixed-use development arranged in six number blocks. The proposed development includes the provision of 330 number residential units, totalling an area of circa 28,712 square metres; 60 number assisted living units, totalling an area of 5,042 square metres and five number retail units, totalling an area of 3,303 square metres, including a neighbourhood store totalling circa 2,538 square metres (with a circa 1,303 square metres net retail floor area), which will also provide for the sale of alcohol. In addition, the scheme provides a new community/cultural space (totalling circa 1,051 square metres, with associated external space circa 931 square metres); a childcare facility (circa 429 square metres), with associated staff and servicing areas,

with ancillary outdoor play areas to be provided and residential amenity facilities (circa 205 square metres). A new priority-controlled site access junction on Oscar Traynor Road is also proposed, including amendments to the Oscar Traynor Road carriageway, comprising the introduction of a right turn lane facility, signal controlled parallel pedestrian and cycle crossing and off-road cycle tracks and alterations to existing footpaths on both side of Oscar Traynor Road. It is proposed that Block A will be three number storeys in height, over podium and will comprise 36 number apartments (including 15 number one bed apartments, nine number two bed apartments and 12 number three bed apartments) and four number retail units at ground floor (Retail unit number 1 circa 209 square metres, Retail unit number 2- circa 134 square metres, Retail unit number 3 - circa 209 square metres and Retail unit number 4 - circa 213 square metres, inclusive of all staff and servicing areas); Block B will be six number storeys in height and will comprise 60 number assisted living units (circa 5,042 square metres), with associated communal, servicing and staff facilities; Block C will range in height from part four number storeys to part six number storeys and will comprise 51 number apartments (35 number one bed apartments, 16 number two bed apartments), a childcare facility (circa 429 square metres) and a community centre (circa 243 square metres); Block D will range in height from part five number storeys to part six number storeys and will comprise 69 number apartments (37 number one bed apartments, 32 number two bed apartments); Block E will range in height from four number storeys to nine number storeys over one number storey basement and will comprise 174 number apartments (71 number one bed apartments, 90 number two bed apartments and 13 number three bed apartments); the Neighbourhood Store block is comprised of one standalone retail unit, with a total area of circa 2,538 square metres over podium, with associated storage, access, servicing and staff facilities and 72 number dedicated car parking spaces and deposit return scheme units. The proposed development also includes open space associated with the cultural/community space circa 931 square metres; communal open space circa 2,475 square metres; public open space provision circa 3,270 square metres; private balconies and terraces to be provided on all elevations at all levels as

required; courtyards; roof and podium gardens; boulevards; urban plaza; amenity lawn and play areas; car parking (including basement and podium car parking facilities) totalling 264 number car parking spaces; car club spaces; cycle parking spaces (long and short stay spaces including secure stands); motorcycle parking; storage areas; internal roads and pathways; removal of partially surviving hedgerow to the centre of the site; pedestrian access points; hard and soft landscaping, street furniture and boundary treatments; changes in level; bin stores and waste management areas; services provision and related pipework including diversions; plant (including internal and external plant enclosures); sprinkler tanks and associated infrastructure; electric vehicle charging points; four number ESB substations and associated infrastructure and switchrooms; comms rooms and meter rooms; internal lobbies, lifts and stair cores; green roofs; SUDs; retaining walls; attenuation tank; tree removal on Oscar Traynor Road to facilitate this development and wider site, tree and vegetation clearance works; car park ventilation areas; set-down areas; signage; flagpoles; PV panels; public lighting and all site development and excavation works above and below ground. Vehicular, pedestrian and cycle access to the site will be from Oscar Traynor Road. Provision is made in the landscaping proposals for potential future pedestrian connections that would facilitate permeability through the site to adjoining developments to the west, north and eastern boundaries, subject to agreement with those parties and/or Dublin City Council, as appropriate. Development all on a site of circa 2.89 hectares at the former Cadbury's Pitch and Putt site, Oscar Traynor Road, Coolock, Dublin. The site is bounded to the south by the Oscar Traynor Road, to the east by the Cadbury's (Mondelez Europe) Factory, to the north by the former Chiver's Jam Factory and to the west by the Northside Retail Park.

Decision

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

Reasons and Considerations

1. Having regard to the Dublin City Development Plan, 2022-2028, Z10 zoning for the site, which seeks to ensure that a mixed-use philosophy is adhered to with a requirement that a range of 30% to 70% of the area can be given to one particular use and the remaining portion of the lands to be given over to another use or uses, the Board is not satisfied that the Assisted Living component can be considered to be anything other than a residential use despite being commercially operated and managed. Taken in conjunction with the proposal for 330 apartments, this would provide for an overly dominant portion of a single type of use on site (residential) and would be contrary to the requirements for a mix of uses under the Z10 zoning. In this regard the Board considered that the proposal would constitute a material contravention of the Z10 zoning objective and would set an undesirable precedent for deviation from the objectives of such zoning. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal, including the submitted Natura Impact Statement, there is reasonable scientific doubt regarding the robustness of the findings in the Screening stage and a lack of detailed analysis of a species of conservation interest in the Natura Impact Statement with particular reference to Light-Bellied Brent Geese to demonstrate that likely significant effects on ex-situ factors can be excluded for North Bull Island Special Protection Area (Site Code:004006), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code:004024) and Baldoyle Bay Special Protection Area (Site Code: 004016). In this regard the Board was not satisfied that the proposed development, individually or in-combination with other plans and projects, would not adversely affect the integrity of European Sites, North Bull Island Special Protection Area (Site Code:004006),

South Dublin Bay and River Tolka Special Protection Area (Site Code:004024), and Baldoyle Bay Special Protection Area (Site Code: 004016) in view of the sites' conservation objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

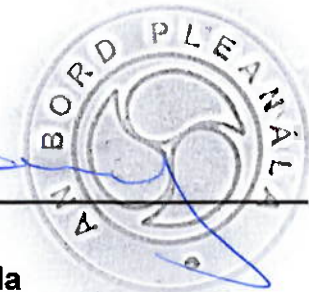
3. Having regard to the substandard level of amenity for a significant portion of the apartments and, in particular, for the shared kitchen and living spaces by reason of inadequate daylight and sunlight levels within Blocks D and E and the substandard outlook arrangements for some apartments in particular the apartments on the north-western elevation of Block D, the Board considered the proposed development would not provide a suitable level of amenity for the prospective residents. The proposed development would be contrary to Development Plan Policy Objectives in relation to daylight and sunlight as set out under Appendix 16 of the Dublin City Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.



Martina Hennessy

Member of An Bord Pleanála

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



Dated this  day of  2024.