

**An
Bord
Pleanála**

**Board Direction
BD-008568-21
ABP-309366-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/06/2021.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Remove condition number 6(a)

Reasons and Considerations

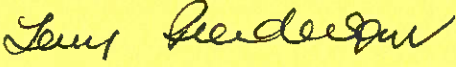
Having regard to the nature, scale and design of the proposed development and the location and characteristics of the site, it is considered that the limitations in the availability of sunlight to the relevant apartments and the central communal open space would be adequately compensated by the elevated levels of daylight available within the apartments and by the overall quantum and quality of communal open space proposed for the development. Accordingly, it is considered that the proposed development would provide an adequate standard of residential amenity for the prospective occupants of the apartments and that the planning authority's condition no.'s 6(a), requiring the omission of 10 apartments, is not warranted.

Attach condition number 6(b)

Reasons and Considerations

Having regard to the nature of the proposed racing pigeon club use, it is considered that this use would be incompatible with the proposed residential use of the site and would give rise to serious injury to the residential amenity of future occupants of the scheme. Accordingly, it is considered that the planning authority's condition no. 6(b), requiring the omission of the racing pigeon club and the omission of the resultant space, is warranted.

In deciding not to accept the Inspector's recommendation to remove condition number 6(b), the Board did not agree that any adverse impacts associated with the retention of the existing community facility on site would not seriously detract from the residential amenity of the proposed apartments.

Board Member:  **Date:** 18/06/2021

Terry Prendergast