

An
Bord
Pleanála

Board Direction
BD-008591-21
ABP-309608-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/06/2021.

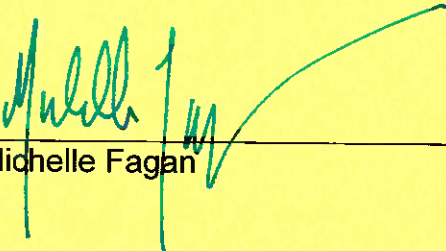
The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

The development site is zoned Z12 'Institutional Land (Future Development Potential)' under the Dublin City Development Plan 2016-2022, with the objective 'To ensure that existing environmental amenities are protected in the predominantly residential future use of these lands'. Development plan section 14.8.12 requires that developments on lands with the Z12 zoning objective shall retain a minimum of 20% of the site as accessible public open space, incorporating landscape features and the essential open character of the site, which shall not be split up into sections and shall be comprised of soft landscape suitable for relaxation and children's play. Having regard to the quantum, design and layout of the proposed public open space on the eastern side of the development, the Board is not satisfied that the development meets this requirement. In addition, having regard to the quantum, design and layout of the communal open space on the western side of the development, the Board is not satisfied that the development meets the quantitative standards set out in development plan section 16.10.1 in relation to the provision of communal open space for apartment developments. The development is therefore considered to materially contravene the development plan in relation to the provision of public and communal open space to serve the proposed apartments. These issues have not been addressed in the applicant's Material Contravention Statement

or mentioned in site notices and the subject application therefore does not meet the requirements of section 8(1)(a)(iv)(l) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board therefore cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) in this instance and is precluded from granting permission.

Board Member



Michelle Fagan

Date: 23/06/2021