



An
Bord
Pleanála

Board Direction
BD-013691-23
ABP-313820-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/09/2023.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for the erection of a sign related to the multi-occupancy unit at ground floor level at the 'Build to Rent' residential apartment development at number 3 Poplar Row with service access on Annesley Place, as required by condition number 9 attached to the grant of permission for planning register reference number 3900/18.

and

- (2) refuse permission for the removal of conditions numbers 2 and 3, which relate to the payment of development and special contributions under Section 48 (1) and Section 48 (2) (c) respectively, of the Planning and Development Act 2000, as amended,

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations (1)

It is considered that the proposed erection of a sign related to the multi-occupancy unit at ground floor level, subject to compliance with the conditions set out below,

would be in keeping with provisions of the current development plan for the area and with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission excludes the removal of conditions numbers 2 and 3, which relate to the payment of development and special contributions under Section 48(1) and Section 48 (2)(c) respectively, of the Planning and Development Act 2000, as amended, attached to the parent permission (planning register reference number 3900/18), for the reason set out in Reasons and Considerations (2) below.

Reason: To clarify the scope of the permission.

3. The development shall comply with all conditions attached to the parent permission (planning register reference number 3900/18) where applicable to this development.

Reason: To clarify the scope of the permission.

4. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise and Air Pollution Section of the planning authority.

Reason: To ensure a satisfactory standard of development.

5. The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

Reason: In the interest of orderly development.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Reasons and Considerations (2)

The permitted development, comprising a private Build-to-Rent development of 39 no. apartment units, does not comprise social housing as defined in Section 11 of the Dublin City Development Contribution Scheme 2020-2023, and as such, is not exempt from the requirement to pay Section 48 development contributions in respect of public infrastructure and facilities that is provided, or intended to be provided, on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act, 2000 (as amended). In addition, the permitted development, which does not provide any public open space within the site, is not exempt from the requirement to pay a development contribution in lieu of public open space as provided for under the development plan and Section 10 of the development contribution scheme. As such, the omission of condition numbers 2 and 3 of the parent permission (planning register reference number 3900/18) would be contrary to development plan standards, the terms of the Dublin City Development Contribution Scheme 2020-2023, and the proper planning and sustainable development of the area.

Note

The Board noted that the An Bord Pleanála decision referenced by the appellant as a precedent, Ref. ABP-306254-19, related to a point of detail where the developer

and the planning had failed to agree on the amount of contribution to be paid and did not involve an application for permission to remove a condition/s of a permission.

Board Member: Una Crosse Date: 12/09/2023
Una Crosse