

An
Bord
Pleanála

Board Direction
BD-015091-24
ABP-314220-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/01/2024.

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

Reasons and Considerations

Having regard to the zoning objectives applying to the site in the Dublin City Development Plan 2022–2028, the site's central and accessible location, existing/proposed public transport links serving the area, the pattern of development in the area and the layout of the scheme, it is considered that, subject to compliance with the conditions set out below, the proposed development, would represent an acceptable height, density and design for the site, would be acceptable in terms of the amenities of adjoining properties, would not seriously injure the visual amenities, built heritage or character of the area and would be acceptable in terms of traffic and road safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the commentary of the Inspector regarding the quantity of public open space provision on the overall residential site having regard to the extent of public open space previously permitted under ABP 309742-24 on the portion of the site zoned Z12 in addition to that proposed under the current scheme.

Having considered the totality of the documents on file, including the reports of the planning authority which concluded that the qualitative provision of public open space is fully in accordance with proper planning and sustainable development and to the commentary of the Inspector that revised public open space is appropriate having regard to its southerly aspect, generous dimensions and frontage to Sandymount Avenue, the Board determined on the basis of the facts on the file, that the quantum and quality of public open space is satisfactory.

The Board specifically considered that having regard to the planning history of the site, and the fact that the proposed residential development is located on the Z1 and Z2 zoned portion of the overall lands and not on the Z12 portion of the site, that no material contravention of the relevant provision of the current development plan arises; and that the shortfall in public open space provision arising from the requirement that 25% public open space be provided on Z12 zoned lands can be adequately addressed by the imposition of an in lieu financial contribution in accordance with the provisions of section 15.8.7 of the Dublin City Development Plan 2022-2028.

Conditions

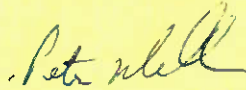
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 7th day of June 2022 and by the further plans and particulars received by An Bord Pleanála on 26th day of August 2022, 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.	<p>The terms and conditions of the permission for the original development, which was issued under An Boad Pleanála Ref. ABP-309742/21 shall be fully complied with, except where modified by this permission.</p> <p>Reason: To provide for an acceptable standard of development.</p>
3.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> a) The proposed set-down space / loading bay on Sandymount Avenue shall be omitted and the sycamore tree to the front of the site be retained, as per the parent permission Register Reference 2800/20/ABP Ref. ABP 309742/21. b) The boundary railings to the front of the site shall be entirely located to the south of Block A.01 and the area to the side (east) of Block A.01 incorporated into the communal open space for the development. c) The internal layouts of the proposed apartments shall be amended so that no individual storage room within an apartment exceed 3.5 square metres. d) The amount of storage provided to serve 1-bed apartments shall be increased to comply with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing Local Government and Heritage in 2022. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of pedestrian safety and residential amenity.</p>
4.	<p>Car parking spaces Number 35 and 37 shall be omitted. The permitted number of car parking spaces is 37.</p> <p>Reason: In the interest of traffic, cyclist and pedestrian safety, to promote sustainable transportation and to protect residential amenity.</p>

5.	The privacy screens, indicated on the drawings submitted by way of further information and accompanying the applicant's appeal response, shall be installed and permanently maintained in place thereafter. Reason: In the interest of residential amenity.
6.	Standard ABP Part V condition
7.	Standard ABP Bond condition
8.	Standard Section 48 condition
9.	Standard Section 48 (in-lieu provision) condition

Board Member



Date: 08/03/2024

Peter Mullan