An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 2414/16

An Bord Pleanála Reference Number: PL 29N.247441

APPEAL by Dwyer Nolan Developments Limited care of SBA Architects of A4 Nutgrove Office Park, Nutgrove Avenue, Rathfarnham, Dublin in relation to the inclusion of special contribution condition number 5 by Dublin City Council in its decision made on the 26th day of September, 2016.

PROPOSED DEVELOPMENT: 106 residential units comprising 60 number duplex units and 46 number houses. All duplex units are contained in three-storey blocks with set-back external terraces at first floor level and at second floor level. There are 25 number two-bedroom duplex units and 35 number three-bedroom duplex units. All houses are terraced houses. There are 16 number two-storey three-bedroom houses, 15 number three-storey three-bedroom houses and 15 number three-storey four-bedroom houses. The associated site works include roads, paths, drainage, landscaping works and boundary treatments. This site was subject of previously approved planning applications, planning register reference numbers 4387/03 and 1742/07. All to the north of Poppintree Industrial Estate bounded by Saint Margaret's Road to the north, Jamestown Road to the west, and Balbutcher Lane to the southeast at Poppintree, Dublin.

PL 29N.247441 An Bord Pleanála Page 1 of 2

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 5 and the reason therefor.

REASONS AND CONSIDERATIONS

The Board considered that in the absence of any evidence that specific and exceptional costs would be incurred by the planning authority in providing public open space to benefit the proposed development, condition number 5 would not come within the scope of section 48(2)(c) of the Planning and Development Act, 2000 and would, therefore, be inappropriate.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2017.

PL 29N.247441 An Bord Pleanála Page 2 of 2