



An
Bord
Pleanála

Board Order
ABP-313820-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3629/22

Appeal by Bartra Property (Poplar Row) Limited care of Jim Brogan Planning and Development Consultant of Unit B1, Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 23rd day of May, 2022 by Dublin City Council in relation to an application for permission 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 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, attached to the afore-mentioned grant of permission, all at 3 Poplar Row with service access on Annesley Place, Ballybough, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission 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 to refuse permission for the removal of conditions numbers 2 and 3, which relate to the

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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 afore-mentioned grant of permission.

Decision

GRANT permission 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 in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

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, attached to the aforementioned grant of permission based on the reasons and considerations marked (2) under.

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 Dublin City Development Plan 2022-2028 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 number 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.



Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 21st day of September 2023