



An
Bord
Pleanála

Board Order ABP-318742-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD23A/0255

Appeal by Clapton Ireland Limited care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 24th day of November, 2023 by South Dublin County Council to refuse permission.

Proposed Development: Remove a condition from a previously granted permission on the premises at Clondalkin Enterprise Centre, Watery Lane, Clondalkin, Dublin. The application (planning authority register reference number SD20A/0234) was to demolish the existing buildings on site and to construct 86 number apartments (48 number two-bedroom and 39 number one-bedroom units) in a five-storey and six-storey blocks with four commercial units at ground floor. Following a third-party appeal (appeal reference number ABP-309646-21) against South Dublin County Council's decision to grant permission An Bord Pleanála granted permission on the 16th day of November, 2021. This permission contained a condition number 12 relating to the provision of Part V housing but in addition contained a condition number 21 that stated, 'prior to the commencement of the development, as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to section 47 of the Planning and Development Act 2000, as amended, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity and/or

by those eligible for the occupation of social and/or affordable housing including cost rental house'. The reason given was to restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing including affordable housing in the common good. Permission is now sought to remove entirely this additional condition number 21 from the final grant of planning permission as issued by An Bord Pleanála.

Decision

GRANT permission for the above proposed development based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the location, nature, extent and scale of the development proposed, including type of residential units proposed, on a site within Clondalkin Village, the zoning of the site, wherein it is an objective to 'protect, improve and provide for the future development of village centres', and the provisions of the South Dublin County Development Plan, 2022-2028, it is considered that the provisions of the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (May 2021) and the Regulation of Commercial Institutional Investment in Housing (June 2023), including Circular Letter NRUP 03/2021 and Circular Letter: NRUP 01/2023 should not apply to the residential units to be provided as part of this development, which comprise of apartment units. Condition number 21 of ABP-309646-21 (planning register reference number SD20A/0234) is, therefore, not warranted. As such, the proposed development would be in accordance with the proper planning and sustainable development of the area.



Stephen Bohan

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

Dated this 12th day of August, 2024.