



An  
Bord  
Pleanála

**Board Direction  
PL29N.248873**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10<sup>th</sup> November 2017.

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 provisions of the Dublin City Development Plan 2016-2022, to the pattern of development in the area, to the existing planning permission and the planning history for the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with Development Plan policy, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 30<sup>th</sup> April 2013 under appeal reference number PL29N.241384, planning register reference number 2865/12, including those conditions relating to roads and parking (7), construction hours (8), archaeology (9), water and drainage (10) landscaping and boundary treatments (12) and lighting (14), and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The parent permission, An Bord Pleanála Ref. PL29N.241384 (DCC Plan No. 2865/12), shall be extended to 30<sup>th</sup> April 2021 at which time this planning permission and the parent permission shall expire.

**Reason:** To clarify the scope of the permission hereby granted.

4. The proposed development shall be amended as follows:
  - a) West-facing windows at the western end of the proposed development at first and second-floor levels associated with the Physiotherapy Treatment room (first floor) and the Staff Canteen (second floor), shall be fitted with either opaque glazing to at least 1.8 metres above finished-floor level or the cill levels to the said windows shall be raised to be at least 1.8 metres above their respective finished-floor levels;
  - b) The first and second floor windows on the eastern elevation of the southern wing of the proposed development, shall be fitted with either opaque glazing to be at least 1.8 metres above the finished floor level or the cill levels to the said windows shall be raised to

be at least 1.8 metres above their respective finished-floor levels.

Revised plans showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the residential amenities of the area

5. The proposed café shall operate the following days and hours:

Between 0800 to 2100 hours, Monday to Friday inclusive, and 0900 to 1800 hours on Saturdays and Sundays. Opening hours for the pharmacy and primary care centre shall be as per the parent permission (ABP Ref. PL29N.241384/DCC Ref. 2865/12).

**Reason:** In the interest of clarity and to protect residential amenity.

6. Details of the materials, colours and textures of all the external finishes to the proposed development, including samples, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

7. (a) The proposed café and pharmacy units shall not be subdivided and/or amalgamated or changed into any other retail or retail services unit, without a prior grant of planning permission.

(b) The café shall not be used as a hot-food takeaway, without a prior grant of planning permission.

**Reason:** In the interest of clarity, to limit the use and extent of retail and retail service development and in the interests of the residential amenities of the area.

8. No advertisement or advertisement structure, other than those shown on the drawings lodged with the application, shall be erected or displayed

on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of the visual amenities of the area.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or 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. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Note:** The Board notes the request for an extension to the parent permission for a period of three years to facilitate completion and considers it reasonable in the context of the current application.

**Board Member**

**Date:** 10<sup>th</sup> November 2017

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Eugene Nixon