

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3883/15

An Bord Pleanála Reference Number: PL 29S.246073

APPEAL by 61 Rock Street Management Consultants care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 17th day of December, 2015 by Dublin City Council to grant subject to conditions a permission to Ali Khalil care of John Henry of 83 Swords Road, Whitehall, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Proposed subdivision of existing two-storey commercial unit (ground and first floor commercial/retail space within six/seven storey apartment block) into three separate units with ground floor subdivided into two commercial retail units (Unit 1: clothes shop/grocer and Unit 2: video shop/photographer) and first floor level to “living above the shop” one bedroomed apartment dwelling flat with balcony to front façade, associated internal material alterations and external material alterations to front elevation of shop front and associated signage including all associated site development works and service connections at 61 Cork Street, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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.

REASONS AND CONSIDERATIONS

Having regard to the Zoning Objective “Z4” for the area and the pattern of mixed use development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the Dublin City Development Plan 2011-2017, would not seriously injure the amenities of the Cork Street neighbourhood or of property in the vicinity, would not be prejudicial to public health 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.

In deciding not to accept the Inspector’s recommendation to omit the residential unit and permit two number ground floor retail units, the Board considered that a single aspect apartment of the size proposed, with a reduced floor area balcony, would deliver an appropriate level of amenity to future residents. The Board further concurred with the planning authority and considered that the ground floor retail floorspace would better operate as a single unit.

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. The proposed development shall be amended as follows:
 - (a) The proposed balcony to the 1st floor apartment shall be reduced in size to match the balcony overhead in length, width and height.
 - (b) The ground floor retail area shall not be subdivided and shall be used as a single retail unit only.

Revised drawings 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 residential amenity.

3. Prior to operation of the retail unit, the exact use shall be agreed in writing with the planning authority, and the specific use thereby agreed shall be the permitted use for the purposes of this grant of planning permission. Use of the unit for purposes such as a betting shop, takeaway, motor sales showroom, laundrette, amusement arcade and off licence shall not be permitted.

Reason: To ensure clarity of the type of retail use in the development.

4. Details of all external shopfronts and signage 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.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

7. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. One car parking space shall be permanently allocated to the residential unit and numbered as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: In the interest of residential amenity and orderly development.

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

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

Dated this day of 2016.