

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2223/16

An Bord Pleanála Reference Number: PL 29S.246503

APPEAL by Sean Kiely care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 6th day of April, 2016 by Dublin City Council to grant subject to conditions a permission to Lean Pharmacy Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (i) Change of use of an existing building (former child psychology unit) to medical centre (154 square metres with three number consulting rooms) and pharmacy (69 square metres), (ii) internal and external alterations to the building including refurbishment of the front/southern façade to provide two separate shop fronts with new windows, door and stall risers, (iii) fascia level signage boards to front/south elevation, (iv) provision of seven number on-site car parking spaces with vehicular access to be provided from existing access points on Ballyfermot Road (entry only) and Drumfinn Road (alterations to vehicular entrances, internal circulation and car parking to be delivered in conjunction with development proposed under a concurrent planning application, planning register reference number 3676/15), (v) hard and soft landscaping, SUDS drainage and all associated site works at Former Health Centre Site, Ballyfermot Road, Ballyfermot, 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 designated status of the Ballyfermot District Centre as a Key District Centre (KCD 5) and the land use zoning of the site, District Centre Z4 'To provide for and improve mixed services facilities' under the Dublin City Development Plan 2011-2017, and having regard to the planning history of the site and the established uses on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic and pedestrian safety, and would be consistent with the uses permitted under the Development Plan zoning. 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.
 - (a) No more than seven number off-street car parking spaces shall be provided for the proposed development, as identified on proposed site layout plan drawing number 15146-PL-02.
 - (b) No car parking or service vehicle setdown or parking area shall be provided within that area between the front (south) of the building proposed as pharmacy and medical centre, the Ballyfermot Road site boundary and the proposed pedestrian access route.
 - (c) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority detailed proposals to prevent unauthorised car or service vehicle parking in the area referred to under point (b) of this condition.

Reason: In the interests of pedestrian and vehicular safety.

3. This development shall not be commenced until the proposed development of the adjoining (and connected) site, pursuant to planning permission, register reference number 3676/15 (An Bord Pleanála appeal reference number PL 29S.246470), shall have been commenced. The proposed development, when completed, shall not be opened for use until that development on the adjoining site, including all vehicular and pedestrian accesses and all car parking as authorised and regulated by the terms and conditions of that planning permission, shall have been completed.

Reason: In the interests of pedestrian and vehicular safety, and as the proposed development is dependent for access and parking on the adjoining proposed development.

4. The signage for the development shall be restricted to the front elevation. No signage shall be erected on the rear (northern) elevation nor on the side elevations of the building. In relation to the front elevation, the following requirements shall be complied with:
 - (a) All lettering and logos shall consist solely of individually mounted lettering/logos, which shall not be internally illuminated, and shall not exceed 400 millimetres in height.
 - (b) Any roller shutter and casing shall be recessed behind the glazing of any shopfront or other fenestration, and shall be painted. Any such shutters shall not be used for any form of advertising.
 - (c) One projecting green cross sign only may be provided to the front (south-facing) elevation to indicate the location of the pharmacy. The green cross sign shall not exceed 40 centimetres in height.

Reason: In the interest of visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements, other than the signage specified under condition number 4 of this permission, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any further signage or other structures through the statutory planning process.

6. Water supply and drainage arrangements, including the provision of separate foul and surface water systems up to a combined final connection discharging to the public combined sewer and the incorporation of Sustainable Drainage Systems in the management of stormwater, shall comply with the requirements of the planning authority for such works and services and shall be subject to the prior written agreement of the planning authority.

Reason: In the interest of public health.

7. 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 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.

8. During construction and demolition phases, the proposed development shall comply with British Standard 5228 “Noise Control on Construction and Open Sites Part 1. Code of practice for basic information and procedures on noise control.”

Reason: In order to ensure a satisfactory standard of development in the interest of residential amenity.

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.