

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## South Dublin County

**Planning Register Reference Number: SD16A/0047**

An Bord Pleanála Reference Number: PL 06S.246545

**APPEAL** by Ryan Wallcovering Limited and Hi Power Limited care of Mark O'Reilly and Associates of Greenmount House, Harold's Cross Road, Dublin against the decision made on the 8<sup>th</sup> day of April, 2016 by South Dublin County Council to grant subject to conditions permission to Guestford Limited care of McGill Planning Limited of Number 7 Fitzwilliam Street Upper, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of modifications to permission granted under planning register reference number SD15A/0138 in addition to concurrent application SD15A/0386. The modifications will comprise the following: Extension to existing hotel restaurant and provision of a new entrance and lobby at ground floor level. Total additional floor area circa 188 square metres. Change of use of permitted hotel gym to meeting rooms (circa 67 square metres) and of two number permitted hotel bedrooms to hotel gym (circa 59 square metres). All additional associated site development, service provision, landscaping and associated works in addition to those permitted under SD15A/0138, all on a site of circa 1.98 hectares at the Red Cow Complex, Naas Road, 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 pattern of development in the area and to the planning history of the area, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not injure traffic safety and convenience and 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 refuse permission, the Board notes the Inspector's concerns about over-spilling of hotel car parking onto the nearby business park but considered that this matter could be dealt with by the attachment of a condition including removal of the proposed entrance to the building at the rear of the hotel by condition.

## 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 development shall be amended as follows:
  - (a) The proposed entrance to the hotel from the eastern side shall not be provided. The door shown at this location shall be for emergency exit purposes only and shall be provided with panic bolts.
  - (b) An electronically controlled barrier to prevent unauthorised vehicular egress from the hotel premises to the Red Cow Business Park immediately to the west shall be erected at the entrance from the hotel premises to the business park, and this entrance shall be used for emergency and delivery purposes only.

Details of the above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety and traffic convenience.

3. Within three months of the date of this decision, the developer shall submit the following information to the planning authority for written agreement:
  - (a) A complete parking schedule for existing/proposed uses.
  - (b) A site layout with the following items:
    - (i) The two-way access route marked out with road markings and signage,
    - (ii) The two-way access route not less than five metres at any point,
    - (iii) Both entrances narrowed and the N7 entrance amended to allow for one-way traffic only,
    - (iv) The delivery area separate and the entrances from the Red Cow Business Park/Robinhood access road clearly marked.

- (c) Details of the usage of the delivery area and the traffic levels from Robinhood Road and the Red Cow Business Park accesses.

**Reason:** In the interest of traffic and pedestrian safety.

- 4.
  - (a) The ventilation system shall be adequately filtered and externally vented so as not to cause a nuisance to neighbouring properties.
  - (b) Any fumes emitted from the premises shall be minimised and if necessary treated using the best available technology and emitted to the outer air.
  - (c) The noise from the operation of the ventilation system shall be attenuated so as not to cause a noise nuisance to nearby residential properties.
  - (d) Details to demonstrate compliance with the above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and of protecting the established residential amenity of the surrounding 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. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

7. Subject to compliance with the conditions set out in this order, the proposed development shall comply with the relevant conditions of the previous planning permissions granted under planning register reference number SD15A/0138, An Bord Pleanála appeal reference PL 06S.245321 and planning register reference number SD15A0386.

**Reason:** To ensure that the development shall be in accordance with the permission and that effective control be maintained.

8. 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.

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

**Dated this                      day of                      2016.**