

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2504/16

An Bord Pleanála Reference Number: PL 29N.246697

APPEAL by Randalswood Construction Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 10th day of May, 2016 by Dublin City Council to refuse permission.

PROPOSED DEVELOPMENT: Development consisting of the change of use of the ground floor and basement level of this four storey over basement building (five storeys) as follows: change of use of three number retail units at ground floor over basement level (granted under planning register reference numbers 1032/01 and 4205/04) to now provide for five number duplex residential units [four number two bed duplex residential units and one number one bed duplex residential units] at ground floor and lower ground floor (former basement level), all with terraces and balconies, internal and external modifications and all associated site and engineering works necessary to facilitate the development at 80-83 Summerhill, Dublin (bounded by Simmon's Place to the rear).

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 provisions and objectives of the Dublin City Development Plan 2011-17, to the location, nature and scale and to the planning history of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed change of use from retail to residential would not seriously injure the residential amenities of future occupants, would not undermine the provisions of the zoning objective Z3 of the Dublin City Development Plan 2011-2017 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 noted the Inspector's concerns regarding the Z3 zoning objective, however considered that given the high retail vacancy rates and dereliction in the area, the proposed change of use would represent a planning gain and would improve the animation of the streetscape. The Board further considered that the quality of proposed private open space at this inner city location was acceptable and in compliance with national standards and that it represented an acceptable level of residential amenity for future occupants and would not set an undesirable precedent.

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 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

4. 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.