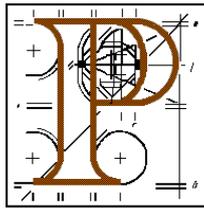


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 4211/15

An Bord Pleanála Reference Number: PL 29N.247121

APPEAL by Declan Myers care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 29th day of July, 2016 by Dublin City Council to grant subject to conditions a permission to Quaypoint Properties Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The demolition of the former Swiss Cottage Bar and Restaurant structure and the rear wall and part of derelict dwelling (Pinecroft) on Schoolhouse Lane, and the construction of a three-storey mixed use structure comprising one number retail/commercial unit and one number take-away unit at ground floor level, one number two-storey restaurant/café unit at ground and first floor level and one number retail/commercial unit at ground and first floor level, office accommodation (277 square metres) at first floor level and one number licensed retail convenience/discount foodstore (1,165 square metres net sales area) including off-licence and ancillary services (plant room, etc.) with terrace at second floor level. Permission is also sought for the relocation of the existing entrance off Swords Road to access the proposed surface level undercroft car park which provides for 80 number car parking spaces with nine number on street parking spaces on Swords Road and Schoolhouse Lane, 20 number bicycle spaces at surface level on Schoolhouse Lane, elevational signage, landscaping, ESB substation, switch room, etc, bin store, boundary treatments and all ancillary site and engineering works necessary to facilitate the development, all on lands at the former Swiss Cottage Bar and Restaurant, Junction of Swords Road and Schoolhouse Lane, Santry, 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 nature and scale of the proposed development, the pattern of development in the vicinity of the application site, the existing commercial use on the site, the planning history pertaining to the lands, and also having regard to the Z3 zoning objective for the area, as set out in the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact on the vitality and viability of existing neighbourhood or district centres in the wider area, would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to an unacceptable risk of flooding in the area, would be acceptable in terms of traffic safety and convenience and would 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 as amended by the further plans and particulars submitted on the 4th day of July, 2016, 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 layout of the vehicular entrance to the application site off the Swords Road, the car park layout, and all alterations proposed to the Swords Road adjacent the application site shall be to the written satisfaction of the planning authority. Detailed design proposals for these works shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development and shall include, inter alia, the following: exact details of the right-turning lane to the site off the Swords Road; realignment proposals for all lanes on the Swords Road; realignment proposals for public footpaths; signage proposals; car park layout; turning bays; junction layouts, and kerbs.

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

3. 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. The Construction Management Plan shall also include a Construction Traffic Management Plan.

Reason: In the interests of amenity and of traffic and pedestrian safety.

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

Reason: In the interest of visual amenity.

5. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a

period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

6. Delivery times to all proposed commercial / retail/ takeaway/ restaurant/ café/foodstore units shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect the residential amenities of adjacent properties.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. Water supply and drainage arrangements, including the attenuation and 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.

9. The flood risk management proposals and the mitigation measures specified in the 'Site Specific Flood Risk Assessment Report – November 2015' as prepared by DBFL Consulting Engineers and received by the planning authority with the application, shall be implemented in full to the written satisfaction of the planning authority. Detailed design proposals for the proposed works shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health and to mitigate flood risk.

10. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site 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 visual amenity.

11. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting

