

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 2882/16

An Bord Pleanála Reference Number: PL 29S.247296

APPEAL by Brendan and Lucia Brady care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin and by Anna Philomena Kelly of 62 Saint Agnes Road, Crumlin, Dublin against the decision made on the 30th day of August, 2016 by Dublin City Council to grant subject to conditions a permission to Joe Cully care of Architectural Construction Technology of An Tigh, Ballyogan Avenue, Carrickmines, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of the existing single storey pitched roofed statute barred Artists Studio to the rear with change of use to Pilates/Yoga. Permission is sought to demolish the existing toilet block and single storey rear extension and to extend to the rear on the ground floor the existing retail unit with a new shop front and entrance with disabled access ramp and to sub-divide the existing unit into two retail units, change the use at first floor from office to residential, to provide a first floor flat roofed kitchen extension above the extended ground floor and to reconfigure the first floor to provide a two bedroomed apartment, provide open space at first floor level above the extended ground floor with screen walls to provide privacy and edge protection and ancillary site works all at 64A Saint Agnes Road, Crumlin Cross, 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, design and scale of the proposed development, the Z3 zoning objective for the area as set out in the Dublin City Development Plan 2016–2022, which is to provide for and improve neighbourhood facilities, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would enhance neighbourhood facilities, would not seriously injure the amenities of the area or of property in the vicinity, 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.

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 3rd day of August, 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 proposed screen to the balcony shall be increased in height to 1.5 metres by the addition of obscure glazing.

Reason: To protect the residential amenity of neighbouring dwellings.

3. The proposed shopfronts shall be in accordance with the following requirements:
- (a) signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
 - (b) sign lighting shall be concealed or by rear illumination,
 - (c) external roller shutters shall not be erected; any internal shutter shall be only of the lattice type, coloured to match the shopfront colour, and
 - (d) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, awnings, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To prevent visual clutter and to protect the visual amenities of the area.

5. The noise level from the three commercial units shall not exceed 55 dB(A) L_{eq} (corrected by penalty for any tonal or impulsive components) at neighbouring dwellings or the proposed apartment between 08:00 and 20:00 on Monday to Friday, and shall not exceed 45 dB(A) L_{eq} at any other time. Procedures for determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of residential property.

6. The three commercial units shall not operate outside the hours of 09:00 – 21:00 on any day, including deliveries/collection, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of clarity, and to protect neighbouring residential amenity, including the proposed apartment.

7. (1) The two car park spaces to the rear shall be permanently allocated to the apartment and shall not be used in association with the three commercial units.
- (2) The four car park spaces to the front shall be permanently allocated to the commercial uses and shall not be used by staff.

The car park spaces shall not be sold, let or otherwise conveyed except together with their assigned uses.

Reason: To reserve the use of the car park spaces for their stated purposes, in the interest of residential amenity and orderly development.

8. Plans and particulars of the proposed bicycle parking shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. (1) The existing planting along the rear boundary with 64 Saint Agnes Road to the north east shall be retained and supplemented with semi-mature trees/shrubs of species and size appropriate to a residential setting.
- (2) Details of this planting, and of that proposed to the front of the car park spaces, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (3) Planting shall be completed within the next planting season following completion of construction. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To protect visual and residential amenity.

10. No external services shall be installed, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

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

11. All service cables associated with the proposed development (such as electrical, telecommunications and television cables) shall be located underground.

Reason: In the interest of visual and residential amenity.

12. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials, and for the ongoing operation of these facilities, for each commercial and residential unit, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity of the apartment and of neighbouring dwellings, and to ensure the provision of adequate refuse storage.

13. 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.

14. 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.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

17. 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 2017.