

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3246/16

An Bord Pleanála Reference Number: PL 29S. 247619

APPEAL by Thomas Kearney care of Reid Associates of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin and by Siobhan Kearney O'Malley care of Tyler Owens Architects of The Mash House, Distillery Road, Dublin against the decision made on the 26th day of October, 2016 by Dublin City Council to grant subject to conditions a permission to Tom Kavanagh (Receiver) care of ORS of Block A, Marlinstown Office Park, Marlinstown, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of a former bingo hall known as the Gala bingo hall into a retail store. The proposed works will consist of modifications to existing elevations, including replacing the existing signage with new signage, removal of existing signage to the side elevations, new delivery access at the rear of the site (Blackditch Road), modifications to internal layout to convert to a retail store with all associated works internally and externally at 363 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 nature and scale of the proposed development, the Z4 District Centre use land use zoning objective for the area as set out in the Dublin City Development Plan 2016 – 2022 where a shop is a permissible use, the pattern of development in the vicinity, and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Development Plan, would not seriously injure the character or amenities of the area or of property in the vicinity, would return a vacant building to active use, would support the vitality and viability of the village centre, 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the low number of HGV deliveries involved at two per week, and considered that this was not a matter sufficient to merit refusal of permission in an urban area, also noting the designation of Ballyfermot Village as a Key District Centre. Neither did the Board share the Inspector's view in relation to the matter of control over the access from Blackditch Road, in view of the folio details. The Board shared the planning authority's view on these matters, as well as on parking.

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 29th day of September, 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. Prior to commencement of development, details of landscaping and boundary treatment, including details of the proposed rear entrance and gates, and any modifications to the footpath.

Reason: In the interest of orderly development, visual amenity, and the safety and convenience of pedestrians and traffic.

3. The proposed shopfront shall be in accordance with the following requirements:
 - (a) No additional signage shall be provided other than that shown on the submitted drawings.
 - (b) Any lighting shall be concealed or otherwise by rear illumination.
 - (c) External roller shutters shall not be installed; any internal shutters shall be only of the perforated type, coloured to match the shopfront colour.
 - (d) No adhesive material shall be affixed to the windows or the shopfronts.

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 other than those specifically authorised by this permission, (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 protect the visual amenities of the area.

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

Reason: In the interest of the visual amenities of the area.

6. The proposed development shall not operate outside the hours of 09:00 to 20:00 unless authorised by a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

7. 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.

8. 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.

9. All service cables associated with the proposed development (such as electrical, telecommunications and lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

10. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

11. A plan containing details for the management of waste and recyclable materials 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: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

12. 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 interests of public safety and residential amenity.

13. 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 the 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.