

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3692/16

An Bord Pleanála Reference Number: PL 29S.247678

APPEAL by Harold's Cross Village Community Council care of Sheridan Woods of 14 Baggot Street Lower, Dublin against the decision made on the 4th day of November, 2016 by Dublin City Council to grant subject to conditions a permission to Canbe Limited care of Kenny Lyons and Associates of Unit 6 Central Business Park, Clonminch, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Partial demolition, alterations and extension of existing public house and ground floor retail units. The proposed extension will be to the rear and two floors above the existing ground floor retail units/public house (giving an overall three-storey building) and shall comprise a revised layout to the ground floor public house, ground floor access to 46 number short stay tourist accommodation units which contain studios and one bedroom units. Ancillary accommodation to be provided includes reception, laundry, plant rooms and storage. The development also includes alterations to shopfronts of existing retail units, provision of site services with car parking spaces and bicycle parking provided within the site via existing entrance and existing set-down area to front of development, all at 280-288 Harolds Cross Road, Harolds 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 policies and objectives of the Dublin City Development Plan 2016-2022, including the land use zoning objective for the site, and having regard to the established uses on the subject landholding, the pattern of development in the vicinity, and to the planning history for the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITONS

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 hereby permitted shall be used for short stay tourist accommodation only and, in that regard, the maximum occupancy period of the units shall be one month. The 46 units shall not be used for the purposes of permanent residential accommodation or student accommodation, or for any other purpose, without a prior and separate planning permission.

Reason: In the interests of clarity, the protection of residential amenities, and in order to delimit the nature and extent of the development hereby permitted.

3. A number of the short stay tourist accommodation units shall be provided with interconnecting doors, generally as indicated on drawings submitted to An Bord Pleanála on the 11th day of January, 2017 (Appendix D), in order to provide for a mix of units capable of being used by families or larger groups. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, amended floor plans indicating which units shall be provided with the required interconnecting doors.

Reason: To allow for the amalgamation of units, as required, to cater for the needs of visitors, especially families, and to provide for a range of unit sizes in compliance with appendix 16 - 'Guidance on Aparthotels' of the Dublin City Development Plan 2016-2022.

4. The shopfront design to the new building shall be generally as shown in drawing number 132-P200 "east elevation image", as submitted with the planning application on the 12th day of September, 2016, and not as shown on the artist's impression. Detailed drawings, providing full details of the shopfront, and of all signage proposed to the exterior of the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and architectural harmony.

5. Apart from the agreed signage referred to in condition number 4 of this order, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the existing or proposed buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and orderly development and to permit the planning authority to assess any such development through the statutory planning process.

6. Details of the design and layout of the vehicular entrance off the public street, the internal access road, and the layout of the car park including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. The on-site car parking spaces shall be increased to 12 (as stated in the applicant's response to the grounds of appeal received by An Bord Pleanála on the 11th day of January, 2017). Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, an amended site layout plan indicating the 12 number car parking spaces and shall also indicate the location and extent of bicycle parking to be provided on-site to serve the development.

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

7. The construction of the development shall be managed in accordance with a Construction Management Plan and a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These plans shall provide details of intended construction practice for the development, including hours of working, traffic routes, noise management measures and off-site disposal of construction/demolition waste.

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

8. Water supply, drainage arrangements and flood risk mitigation measures, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Adequate clearance, to the satisfaction of the planning authority, shall be provided to the existing storm water sewer located along the western end of the application site.

Reason: In the interest of public health.

9. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The pitched roof over the existing public house shall be finished in slates or flat-profile tiles only, which shall be blue-black or slate-grey in colour only. The ridge tiles shall be the same colour as the roof.

Reason: In the interest of visual amenity.

10. Prior to commencement of development the applicant shall submit to, and agree in writing with, the planning authority, a plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. 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 the Board 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.