

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 2023/17

An Bord Pleanála Reference Number: PL 29S.248267

APPEAL by Marie Boland of 14 Sydney Parade Avenue, Sandymount, Dublin against the decision made on the 2nd day of March, 2017 by Dublin City Council to grant subject to conditions a permission to Schwan Ebrahim care of Draftech Architectural Services of Unit 74, Hyde Court, Mark Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of existing refrigerated cold room to rear of 26 and 27 Lower Clanbrassil Street including construction of a single storey extension to house the cold room with a quieter motor and minor internal alterations, all at 26 and 27 Lower Clanbrassil Street, 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 provisions of the current Development Plan for the area and to the nature and scale of the development proposed to be retained and the proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The development proposed to be retained and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, 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. Prior to commencement of development, revised floor plans and elevation drawings shall be submitted to, and agreed in writing with, the planning authority which accurately describe the scale of the proposed extension relative to the existing refrigerated cold room. The dimensions of the proposed extension shall not exceed those of the existing cold room other than to allow for erection of the structure and the installation of the sound-proofing measures required in accordance with condition number 3 below.

Reason: In the interest of clarity.

3. Prior to commencement of development, details of sound-proofing measures for the proposed extension shall be submitted to, and agreed in writing with, the planning authority and these measures shall be implemented in full.

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

4. The external finishes of the proposed extension shall be the same as those of the existing building in respect of colour and texture.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the 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.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 amenities of property in the vicinity.

7. 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.