



An
Bord
Pleanála

Board Order

PL 29N.248718

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4252/16

Appeal by The Viscount House care of Michael J O'Donnell and Associates of Peacockstown House, Kilbride Road, Mulhuddart, Dublin against the decision made on the 23rd day of May, 2017 by Dublin City Council to grant subject to conditions a permission to The Layden Group care of Henry J Lyons Architects of 51-54 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use and extension of existing two storey terraced premises from commercial bank premises (previous Bank of Ireland Branch Office) to retail and ancillary uses comprising 437.8 square metres at ground floor level and ancillary retail uses including staff amenities, administration and storage at first floor level with a total floor area of 188.3 square metres. (Total Gross Development Floor area - 626.1 square metres). The proposal includes extension to the rear of the ground floor level accommodation and the remodelling of the first floor layout, with new external façade to the rear at first floor level. The existing façade to Swords Road will be retained and provided with a new stone shopfront surround. The proposal also includes a screened area for mechanical plant, on the extended flat roof to the rear of the premises, all at 85-87 Swords Road, Whitehall, 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 zoning Z3 which is “to provide for and improve neighbourhood facilities” set out in the current Dublin City Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed convenience retail outlet would contribute to the range of services available to the local population, would improve the amenities of adjoining residential areas, would facilitate walking in-lieu of car use, would not unduly impact on adjoining properties or cause traffic congestion and 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 27th day of April 2017, 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 the commencement of development, details of the location of the plant and details of the materials, colours and textures of the plant screen and steel sliding gate shall be submitted to, and agreed in writing with, the planning authority.

Reason: To protect the visual amenities of the area.

3. 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.

4. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

5. 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 noise management measures and off-site disposal of construction/demolition waste.

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

6. 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.

