

An  
Bord  
Pleanála

Board Order  
ABP-309044-20

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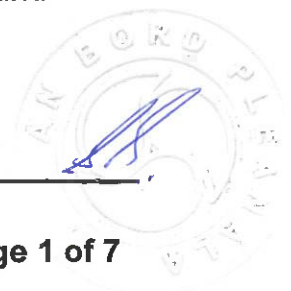
**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2759/20**

**Appeal** by Bo Vision Capital Limited care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 30<sup>th</sup> day of November, 2020 by Dublin City Council to refuse a permission the proposed development.

**Proposed Development:** The development will consist of the demolition of the existing structures on site and the construction of a new building consisting of seven number apartments comprising of one number studio unit, four number one bed apartments, one number one bed duplex unit and one number two bed duplex unit, across ground to second floor, all with associated private open space areas in the form of balconies and winter gardens, with pedestrian access to the development from Long Mile Road and Walkinstown Road. All with associated landscaped entrance at ground floor level via Walkinstown Road, sedum roof, bicycle parking, comms/mechanical plant room, bin storage, signage, associated drainage and site development works. All at lands and buildings adjoining, and formerly part of 'The Halfway House', Public House, located at the junction of the Long Mile Road and Walkinstown Road, Dublin.



Further plans and particulars were received by the planning authority on the 3<sup>rd</sup> day of November, 2020 with a revised proposed development consisting of four number residential units (three number two bed units and one number three bed unit) and two number commercial units.

## **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 history of the subject site, to the 'Z4' zoning objective relating to the site which seeks to provide for and improve mixed services facilities, to the small-scale nature of the proposed development, and to the site size and configuration, which is well served by public transport, it is considered that the proposed mixed use development, subject to compliance with conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and 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 considered that given the small-scale nature of the development, well served by public transport, the proposed development is acceptable with regard to traffic and parking impact and impact on residential amenities.

## 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 3<sup>rd</sup> day of November, 2020, 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. This grant of permission is for four number residential units (three number two bed units and one number three bed unit) and two number commercial units, as shown on the further plans and particulars received by the planning authority on the 3<sup>rd</sup> day of November, 2020.

**Reason:** In the interest of clarity.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

4. 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 and to ensure proper standard of development.

5. Details of the proposed materials, textures and colours of all the proposed external finishes including details of the durability and weathering capacity of such materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

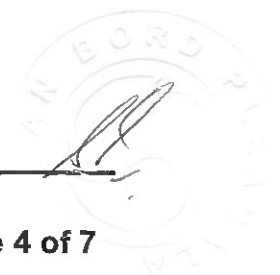
**Reason:** In the interest of visual amenity.

6. 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.

7. Details of demarcation between the public footpath and the adjoining ground floor recessed area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.



8. Details of the proposed modifications to the upper level abutting the Halfway House whereby the roof over the private space for the adjoining unit is omitted to provide for a gap and separation at the upper levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement.

**Reason:** In the interest of residential amenity.

9. 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 for Waste Management Plans for Construction and Demolition Projects" published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

10. The scheme shall be landscaped in accordance with a scheme of landscaping to be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and visual amenity.

11. No additional development shall take place above parapet level including lift motor enclosures, air handling equipment, storage tanks, ducts or any other external plant or telecommunication aerials 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.

12. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provisions amending or replacing them shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

**Reason:** In the interest of visual amenity.

13. 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 residential amenities of property in the vicinity.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

15. 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.

  
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**Stephen Bohan**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**



Dated this *9<sup>th</sup>* day of *September* 2021