



An
Coimisiún
Pleanála

Commission Order
ABP-322340-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2329/24

Appeal by Steve O'Connor of 167 Church Road, East Wall, Dublin against the decision made on the 27th day of March, 2025 by Dublin City Council to grant subject to conditions a permission to EWD3 Developments Limited care of Downey of 29 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of the existing single storey commercial premises and the construction of a mix-use development four-storey block (ranging from two-four storeys with the upper floors set back), with a medical centre at ground level, and nine number apartments on the upper floors (comprising of one number studio unit, four number one-bed/two-person apartments, one number two-bed/three-person apartment and three number two-bed/four-person apartments) with balconies to the west and south elevations and a communal open space at third floor level. The proposed development will also provide for pedestrian and cyclist access from Church Road, an emergency exit to the medical centre from Blythe Avenue, associated internal refuse storage and plant areas at ground floor level, 42 number bicycle parking spaces at ground floor level, associated signage to the northern elevation of the development along Church Road, plant, P.V.

solar panels at roof level and all associated site and engineering works necessary to facilitate the development at the existing commercial premises at Church Road, East Wall, Dublin (bounded by Church Road and Blythe Avenue).

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.

Reasons and Considerations

Having regard to the 'Z1' residential zoning objective as set out in the Dublin City Development Plan 2022-2028, national and local policy objectives which support compact redevelopment of sites, the non-residential 'less vulnerable' use at ground floor level within a Flood Zone A defended area and the design, layout and scale of the proposed mixed-use development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjacent residents or of property in the vicinity, would not be prejudicial to public health or the environment and would be acceptable in terms of traffic safety and convenience. The proposed development would be acceptable in terms of design, height, layout and scale and the apartments would provide a suitable level of accommodation and amenity for future occupants and would comply with the provisions of the Dublin City Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July, 2023. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on the 3rd day of March 2025, 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. 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.

Reason: In the interest of visual amenity.

3. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network and include any specific requirements if appropriate.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

4. All drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health and surface water management.

5. The developer shall comply with the detailed requirements of Transportation Planning Division of Dublin City Council. The developer shall clearly advertise, across all sale/renting/leasing platforms used, that the proposed development shall be zero-car parking prior to sale, renting or leasing of units.

Reason: To ensure a satisfactory standard of development and in the interests of pedestrian and traffic safety.

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 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

7. The site development and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense. During the demolition phase, the developer must protect all public sewers and ensure that no demolition debris or construction material enters the public sewers.

Reason: To ensure that the adjoining roadways are kept in a clean and safe conditions during construction works.

8. (a) A plan containing details for the management of waste 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 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.
- (b) The plan shall provide for screened communal bin stores, which shall be adequately ventilated, drained and illuminated. The design and location of same shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

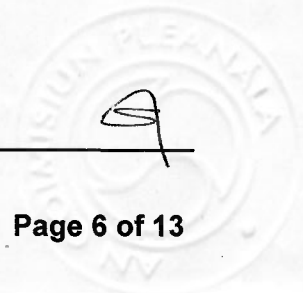
Reason: In the interest of urban legibility.

10. 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.

Reason: To protect the visual amenities of the area.

11. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall incorporate details for the following:

- (a) details and location of proposed construction compounds,
- (b) details of intended construction practice for the development, including dust control, noise and vibration abatement measures in compliance with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration management, and



- (c) a traffic management plan for the construction phase to include details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

- 12. 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 of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government (2006). The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

- 13. The development shall comply with the following requirements from Irish Rail:
 - (a) The Railway Safety Act 2005 places an obligation on any third party working near the railway to ensure no danger or hazard is posed to railway operations. Due to the proximity of this site to the railway corridor, the applicant must take due consideration of this obligation during the planning and construction of the development.

- (b) Should the development require the use of a crane that could swing over the railway property, then the developer must enter into an agreement with Iarnród Éireann/CIÉ regarding this issue.
- (c) No overhang of any part of the development over the railway property is to be allowed.
- (d) Lights from the proposed development, either during the construction phase or when the development is completed, should not cause glare or in any way impair the vision of train drivers or personnel operating on track machines.
- (e) At no point should the applicant or their representatives enter railway property, at track level, to undertake the construction of this development. It is imperative that the railway always remains inaccessible to prevent trespassing, both during the construction phase and in the future. This includes safeguarding against unauthorized access, especially through scaffolding or any other means.
- (f) The railway operates 24 hours a day with maintenance activity taking place at night and during shutdowns of passenger services. The development is in close proximity to the live railway and therefore must take account of the potential noise and vibration impact that an operational railway may have on sensitive receptors. Residential units should be designed, orientated and located to limit the impacts of noise and vibration from transportation traffic and maintenance activities. It is recommended that the applicant incorporates best practice principles in the design using BS8233 - Guidance on Sound Insulation and Noise Reduction for Buildings. The applicant must refer to the local authority's Noise Action Plan regarding development adjacent railways and where appropriate carry out a noise risk assessment to inform an Acoustic Design Statement (ADS). The detail of the Acoustic Design Statement should be commensurate with the level of risk identified in the noise

risk assessment. The applicant must take responsibility for specifying necessary mitigation measures where noise thresholds are expected to be exceeded. The noise assessment should consider a number of scenarios, including the following:

- (i) within the development with windows closed,
- (ii) within the development with windows open, and
- (iii) exterior of development within private or communal gardens.

Reason: In the interest of railway operational safety and ensure a satisfactory standard of development

14. No signage, advertisement or advertisement structure including that which is exempted development under the Planning and Development Regulations, 2001, as amended, other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

15. The proposed shopfront to the Medical Centre shall conform to the following requirements:
- (a) signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individual mounted lettering,
 - (b) lighting shall be by means of concealed neon tubing or by rear illumination,
 - (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission, and

- (d) external roller shutters shall not be erected and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.

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

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

17. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of any public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

19. 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 Coimisiún Pleanála for determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

20. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line C1 – Docklands, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Coimisiún 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 13th day of August 2025