



An
Bord
Pleanála

Board Direction
BD-005369-20
ABP-305827-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/03/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the zoning objective for the area as set out in the current Dún Laoghaire-Rathdown County Development Plan 2016-2022, and the Blackrock Local Area Plan 2015-2021, the location of the site within the defined core retail area under the Local Area Plan and to the nature, design and limited scale of the proposed development it is considered that, it would not unduly impact upon the character and setting of no. 38 Main Street, Blackrock which is a Protected Structure (RPS no. 192) and subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development 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 September 2019, 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 design of the façade onto Idrone Lane shall be in accordance with Drawing Reference Number 461-P-04-01 as submitted to the planning authority on 18th day of July 2019. The modification at further information stage comprising a minor stepped back profile at roof height shall be omitted.

Reason: In the interest of clarity and the residential amenity of future occupants.

3. The café/restaurant and takeaway facility shall only be operated between 0700 hours to 2300 hours Monday to Sunday (inclusive) and shall not be operated at any other time.

(a) The premises shall be used as a sit-down café/restaurant exclusively and there shall be no sale of hot food for consumption off the premises.

(b) The café/restaurant shall not serve food after 2200 hours.

(c)

Reason: In the interest of residential amenity and orderly development.

4. No additional advertising sign or structure shall be erected on site except those which are exempted development, without the prior written agreement of the Planning Authority.

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 and to ensure a proper standard of development.

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

Reason: In the interest of public health.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. Details of all air conditioning and extraction units associated with the proposed café/restaurant use shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interest of protecting architectural heritage and residential and visual amenity.

9. The site and building works required to implement the development shall be carried out only between the hours of 08.00 to 18.00 Monday to Fridays, 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 adjoining residential occupiers.

10. 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 and demolition waste.

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

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 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.

Board Member

Date: 12/03/2020

Maria FitzGerald