

An  
Bord  
Pleanála

**Board Direction**  
**BD-012141-23**  
**ABP-312319-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/05/2023.

The Board decided to make a split decision to

GRANT permission, for retention of the change of use of lands to the front of premises from car parking to an outdoor seating and dining area (37 square metres), the provision of a food & beverage kiosk with a maximum height of three metres to the front of the premises (18 square metres), the erection of a glazed windbreak around the outdoor seating and dining area to the front of the premises and the erection of a pergola type structure on the south-eastern side portion of the carpark adjacent to the entrance from Dundrum Road (16 square metres) in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the change of use of lands to the north and east of the premises from car parking to outdoor seating and dining area (67 square metres), the erection of a pergola type structure with tables and chairs to the west of the premises next to the car park (58 square metres), the provision of two modified shipping containers with a maximum height of 3.64 square metres for the preparation of food (34 square metres), the provision of an outdoor seating and dining area on lands to the south-east of the premises and next to the boundary wall between the public house and Advance Pitstop (77 square metres), the change of use of lands to the north of the site from car parking spaces to a garden centre (560 square metres)

and the erection of a garden centre office building (11 square metres) with a maximum height of 2.5 metres, and all ancillary site development works on a site of circa 2,786 square metres at Uncle Tom's Cabin, Dundrum Road, Dundrum, Dublin based on the reasons and considerations marked (2) below.

### **Reasons and Considerations (1)**

Having regard to the zoning objectives for the area in the Dun Laoghaire Rathdown County Development Plan 2022-2028, the established use on the site, and the nature and scale of the proposed 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 the wider area in terms of excessive noise and general disturbance or traffic congestion, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development in the area.

### **Conditions**

1. The development shall be retained 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. This planning permission excludes the change of use of lands to the north and east of the premises from car parking to outdoor seating and dining area; the erection of a pergola type structure with tables and chairs to the rear of the premises next to the car park; the provision of two shipping containers for the preparation of food and pizzas; the change of use of lands to the north of the site from car parking spaces to a garden centre; the provision of outdoor seating and dining area on lands to the southeast of the premises and next to the

boundary wall between the public house and Advance Pitstop; and the erection of a garden centre office building.

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

3. The outdoor seating areas and café kiosk fronting onto Dundrum Road to be retained shall not operate later than 11:30pm Monday to Thursday, 12:30am on Sundays and 11pm on Sundays.

**Reason:** In order to protect the amenities of residential property in the vicinity.

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.

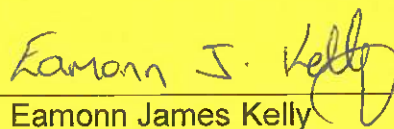
**Reason:** In the interest of public health.

### **Reasons and Considerations (2)**

On the basis of the information provided with the application and First-Party Appeal and in the absence of a commensurate risk assessment of the potential flooding impacts the development may have, the Board cannot be satisfied that the proposed development would not be prejudicial to public health and therefore would be contrary to the proper planning and sustainable development of the area.

The Board also noted the Inspector's comments in relation to potential noise impacts arising but decided not to pursue given the substantive reason for refusal (Board Direction to issue with Board Order).

**Board Member**

  
Eamonn James Kelly

**Date:** 12/05/2023

