

An  
Bord  
Pleanála

**Board Direction**  
**BD-014998-24**  
**ABP-314573-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/01/2024.

The Board decided to make a split decision, to

(1) grant permission (subject to conditions) for

- I. The permitted pizza kitchen (Fired Up Pizza)
- II. a single storey refrigerated storage unit between 'Après Ski' and the Taney Road site boundary (4 sq. m);
- III. a pitched roofed shed type structure (c. 4 sq. m) located to the rear of 'Fired Up Pizza';
- IV. a tarmacked surface (c. 184 sq. m);
- V. a beer garden structure currently referred to as 'Après Ski' (c.89m<sup>2</sup>) subject to 12 conditions.

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

(2) refuse permission for

- I. a repurposed shipping container (c. 15sq m) that operates as a cafe/coffee shop (Box'd Coffee);
- II. a marquee suspended on upright supports to the front of Box'd Coffee;
- III. a timber store (c. 1.5 sq.) and 1.1m high timber fence located adjacent to the previously identified Box'd Coffee shipping container;

- IV. a timber framed pergola type structure with Perspex roof material serving as a sheltered work area for 'Fired Up Pizza';
- V. a c. 1.4m high timber fence, located in front of the shipping containers and
- VI. c. 1.8m high timber fence to Taney Road to obscure service areas of 'Fired Up Pizza' and 'Après Ski'; and
- VII. an upright outdoor television screen facing Box'd Coffee from across the private road into the car park;
- VIII. outdoor seating;
- IX. 8 No. associated signs (including that on the roof of the Fired Up Pizza unit);
- X. Amendments to Condition No. 5 of Reg. Ref. D20A/0493 (regarding signage at the Taney Road entrance to the site as the two retained signs are not incorporated into the existing signage structures for 'The Goat Bar and Grill'.

for the reasons and considerations marked (2) under.

In deciding not to accept the Inspector's recommendation to grant permission for all elements of the development to be retained, the Board shared the view of the planning authority that the cumulative effects of the proposed development would create a disorderly streetscape and would have a negative impact on the amenity of the local area.

## **REASONS AND CONSIDERATIONS (1)**

Having regard to the zoning of the site in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the development proposed for retention will not detract from the amenity of the area and is consistent with the provisions of the current development plan. This element of the development is considered to be in accordance with the proper planning and sustainable development of the area.

1. The development proposed to be retained shall be carried out 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 permission shall be for a period of two years from the date of this order. The structures shall be removed on the expiration of this period and the site reinstated unless, prior to the end of the period, a further permission for its retention shall have been granted.

**Reason:** in the interests of orderly development.

3. No music or other amplified sound shall be emitted within the site in such a manner as to cause nuisance to the occupants of nearby property.

**Reason:** In the interest of amenity

4. The uses hereby permitted shall not be operated between 23.00 hours and 08.00 hours on any day.

**Reason:** In the interest of the residential amenities of property in the vicinity.

5. 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.

6. 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

7. Details of the layout and marking demarcation of long stay and visitor bicycle parking spaces, in addition to facilities for staff walkers and cyclists, shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

**Reason:** To ensure that adequate bicycle parking provision and associated facilities are available to serve the proposed development, in the interest of sustainable transportation.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) 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 within three months of the final grant of permission. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.



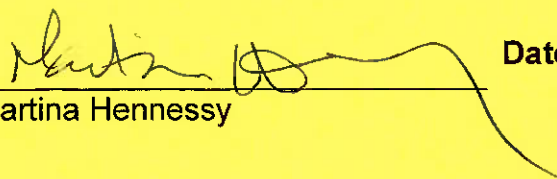
9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within one month of the final grant of permission 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.

## REASONS AND CONSIDERATIONS (2)

The visual impact of the additional restaurant/take-away structures, coffee shop container, marquee with outdoor seating, large TV and associated structures are considered to be out of keeping with the area. The combined visual impact of the development creates a disorderly streetscape with container structures of design forms not suited to the area that fail to integrate with the streetscape. The signage for retention creates unacceptable visual clutter in the streetscape. The development is thus contrary to the proper planning and sustainable development of the area.

**Board Member:**

  
Martina Hennessy

**Date:** 10/01/2024