



An  
Bord  
Pleanála

**Board Direction**

**BD-019164-25**

**ABP-321139-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/03/2025.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for the retention of planter boxes and pergola with retractable roof and timber screening to external seating area to the side of the public house

generally in accordance with the Inspector's recommendation, for the reasons and considerations marked (1) under and subject to the conditions set out below,

and

- (2) refuse permission for provision of loading bays to service the existing public house which will include modification of the existing service yard boundary wall and relocation of the existing service yard gates

generally in accordance with the Inspector's recommendation, for the reasons and considerations marked (2) set out below.

**(1) Reasons and Considerations:**

Having regard to the grounds of appeal, the existing public house use on site, the separation distance to adjacent properties and the provisions of the Dun Laoghaire Rathdown Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the conditions set out below, would not

negatively impact upon the residential amenity or traffic safety of pedestrian along the footpath. The development to be retained is therefore and the proposal is consistent with the proper planning and sustainable development for 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 received by the planning authority on the 19<sup>th</sup> day of January 2024, 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 applicant shall ensure that a minimum of 2.2 wide pedestrian pathway is maintained along Stonebridge Close adjacent to the planter boxes and pergola for which permission retention is sought.

**Reason: To maintain pedestrian safety.**

3. The applicant shall remove the additional planter boxes and seating area along the southern boundary of the site which are indicated as outside of the proposed outdoor area to be retained. Revised evidence showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority, within one month of this permission.

**Reason: In the interests of residential amenity and pedestrian safety.**

4. (a) During the operational phase of the retention development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours 1030 to 2100 Monday to Saturday and 1230 to 2100 on Sundays, and (b) 45 dB(A) 15min and 60 dB



LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) There shall be no piped music, live music or any electronic noise sources (for examples televisions) in the proposed retention area that would be likely to cause significant disturbances to local residents.

**Reason: To protect the residential amenities of property in the vicinity of the site.**

5. The operating hours for the outdoor seating area shall only open between the hours 1030 to 2100 Monday to Saturday and 1230 to 2100 on Sundays. No activity shall take place outside these hours.

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

6. 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.**

## **(2) Reason and Considerations**

It is considered that the scale and location of the proposed development of 2 no. loading bays along a residential cul-de-sac would be seriously deficient and would lead to an unacceptable increase in vehicular protrusion and activity onto the public footpath, thereby leading to conditions which would be prejudicial to public safety. It is considered that the proposal would endanger pedestrian and traffic safety and would contravene policy objective T28: Road Safety of the Dun Laoghaire Rathdown County Development Plan 2022-2028, and would therefore be contrary to the proper planning and sustainable development of the area.

**Board Member:**

  
Mick Long

**Date:** 11/03/2025