

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dun Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0466

An Bord Pleanála Reference Number: PL 06D.247262

APPEAL by Aicron Limited care of Green Design Build of 142 Upper Leeson Street, Dublin against the decision made on the 19th day of August, 2016 by Dun Laoghaire-Rathdown County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Change of use from storage use of Unit E-G23 to Retail and amalgamation with Spar Retail Unit D-01 to incorporate ancillary retail, retail (broader range of goods), new delicatessen food preparation area, new public wc, staff wc, disabled wc with baby changing area, staff wc, staff facilities and associated works, all at Spar Retail Unit D-01 and Storage Unit E-G23, The Former Montrose Hotel, Stillorgan, Road, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dun Laoghaire-Rathdown Development Plan 2016 – 2022, to the land-use zoning of the site ‘residential’, to the existing pattern of development on the site and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential amenities of the area, conflict with paragraph 3.2.2.7 Policy RET7: Convenience Shops, as set out in the Plan nor would it give rise to a traffic hazard. 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, 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. Prior to the commencement of development, the developer shall submit a revised internal layout drawing clearly demarcating the following for the written agreement of the planning authority:
 - (a) A well-defined net retail floor space, as per the glossary of terms provided in Annex 1 of the “Retail Planning Guidelines for Planning Authorities” issued by the Department of the

Environment, Community and Local Government in April 2012, which shall not exceed 100 square metres.

- (b) Omission of the interconnecting door between the office of Unit D-01 (Spar Retail Unit) and Unit E-G22 (store).

Reason: In the interest of clarity and to protect the residential amenity of the area.

3. The external finishes of the proposed development shall be as indicated on the plans and drawings submitted.

Reason: In the interest of the visual amenity.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 on Saturdays and not at all on Sundays, Bank or 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 residential amenities of property in the vicinity.

6. No additional advertising signs, symbols, flags, emblems or logos shall be erected externally on the buildings or anywhere on site whether or not such signs would constitute exempted development or not without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

7. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. 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 the Board 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.