



An
Bord
Pleanála

Board Order PL 06D.248316

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0050

Appeal by Michael Semple of 26 Booterstown Avenue, Booterstown, County Dublin against the decision made on the 16th day of March, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Eva Boyan Xu Wang care of Kelliher Miller Architects of 10 Blessington Court, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from retail use (previously granted permission under An Bord Pleanála appeal reference number PL 06D.236321, planning register reference number D09A/0364) to café use on ground floor unit of a three-storey mixed use terraced building at 28 Booterstown Avenue, Booterstown, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars 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 planning history of the site and to 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 be in accordance with zoning Objective A of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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 installation of the external shop signage, the developer shall submit a scheme for such signage to the planning authority for written agreement and, thereafter, only the agreed scheme shall be implemented.

Reason: In the interest of visual amenity.

3. The outdoor space allocated to the café unit at the eastern end of the site shall not be made available for the use of customers at any time.

Reason: In order to safeguard the residential amenities of the area.

4. The hours of opening to the public shall be between 07.00 hours and 19.00 hours Mondays to Saturdays inclusive (excluding public holidays), and between 09.00 hours and 19.00 hours on Sundays and public holidays.

Reason: In order to safeguard the residential amenities of the area.

5. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of on-street cycle parking to be placed on public roads/areas within the vicinity of the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Dated this day of 2017