



An
Bord
Pleanála

Board Order
PL 06D.248677

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0272

Appeal by Thomas O'Reilly of 8 Beechwood Lawn, Killiney, County Dublin against the decision made on the 22nd day of May, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to John Swords care of Deane Turner Associates of Suite 8A, Block 6, Broomhall Business Park, Rathnew, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use to existing retail premises from fruit shop to a food takeaway outlet along with planning permission for alterations to external facades including new signage and new shop front at 95D Sallynoggin Road Upper, Sallynoggin, 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 zoning of the site for 'Neighbourhood Centre' in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the mix of uses and pattern of development in the area, including the extent of similar facilities, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the provisions of the County Development Plan. 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. The takeaway 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.

3. The proposed shopfront shall be in accordance with the following requirements:-
- (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering.
 - (b) Lighting shall be by means of concealed neon tubing or by rear illumination.
 - (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
 - (d) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

4. 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.

5. 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.

6. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

7. The developer shall control odour emissions from the premises in accordance with measures, including ducting, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

