



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0469

Appeal by Sam and Ann-Marie Feeney care of Matt Barnes of Coolamber, Stocking Lane, Ballyboden, Dublin against the decision made on the 14th day of March, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Gerry Farrell care of Thomas J. Kelly of Tresillian Mews, Brighton Road, Foxrock, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development comprising retention of the following single-storey buildings and uses; (1) extension to original Barn (99.30 square metres) for use by the established craft and joinery workshop; (2) the use of stone farm Building 'A' as a cafe and craft shop (65.50 square metres); (3) the use of part of farm Building 'B' as cafe kitchen (11.50 square metres) and joinery/craft teaching area (34.80 square metres); (4) the continued use of external farm yard as outdoor seating and exhibition area (370.00 square metres); (5) car parking for 30 cars (0.08 hectares); and planning permission for the following; (6) cafe toilet and lobby (7.40 square metres), staff toilet (3 square metres) and stand-alone toilet block (7 square metres); (7) up-grading existing vehicular entrance and a new vehicular exit; (8) new wastewater treatment plant and sand based proprietary percolation area; and ancillary site

works all at Gerry Farrell Joinery, Mutton Lane, Rathfarnham, Dublin (as amended by the further public notice received by the planning authority on the 19th day of December, 2017).

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 scale and nature of the proposed development and the development proposed to be retained, the location of the development site and to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would comply with the land use zoning objective for the site, would not result in a traffic hazard, would not give rise to risk of water pollution or be detrimental to public health and would not detract from the amenities of the area. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received on the 19th day of December, 2017 and on the 16th day of February, 2018, 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 within three months of the date of this order, and the development shall be carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (1) The development to be retained refers only to the craft and joinery workshop, café, joinery/craft teaching area, craft shop, carpark and the retention of the extension to the joinery, and permission refers only to the ancillary structures referred to in the public notices and the new wastewater treatment plant and ancillary site works and the

opening of a new entrance and lowering of the boundary wall as per the details received by the planning authority on the 16th day of February, 2018.

- (2) This permission does not include the retention of the two timber sheds/cabins used as a staff canteen and seating area for parties, labelled on the drawings as 'temporary display model of timber log type garden building'.
- (3) Within three months from the date of this order the developer shall submit to, and agree in writing with, the planning authority revised floor plans that accurately reflect the layout and uses on site.

Reason: In the interest of clarity.

3. (1) All business and activities on site shall be operated by the applicant and shall be ancillary to each other. No unit or part of the development shall be sold or leased independently or otherwise disposed of independently of the main use on site.
- (2) The craft shop permitted shall be used solely for retailing associated with the craft centre and joinery workshop on site.

Reason: In the interest of orderly development.

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, shall be displayed or erected (on the building/within the curtilage of the site) without the agreement of the planning authority.

Reason: In the interest of visual amenity.

5. During the operational phase, the noise level from within the premises shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at noise sensitive locations in the vicinity between 0800 and 2200 hours, Monday to Sunday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order.

Reason: To protect the amenities of properties in the vicinity of the site.

6.
 - (1) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.
 - (2) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (1) above. The background noise levels shall be measured at LAeqT.
 - (3) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
 - (a) during a temporary shutdown of the specific noise source, or

- (b) during a period immediately before or after the specific noise source operates.
- (4) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.
- (5) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

- 7. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, within three months from the date of this order. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes, including samples of materials for paths and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. (1) Access proposals and parking for the development shall be provided in accordance with the plans and particulars submitted to the planning authority on the 19th Day of December, 2017 and the 16th day of February, 2018.
- (2) The existing vehicular entrances to the site shall not be used by visitors/customers to the development.
- (3) No vehicles shall be parked outside the designated carpark.
- (4) No deliveries shall be taken at or dispatched from the premises outside the hours of 0800 and 1700 hours, Monday to Saturdays, nor at any time on Sundays or public holidays.

Reason: In the interests of pedestrian and traffic safety and of visual amenity.

9. Within three months from the date of this order, the developer shall submit to, and agree in writing with the planning authority the following:
 - (a) A traffic management plan for the operations.
 - (b) The material, content, design and location of metal advance warning signs which shall be erected on both sides of the entrance along Mutton Lane. These signs shall be maintained in good and clean condition and removed on completion of the works.

Reason: In the interests of traffic safety and convenience.

10. (1) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" Environmental Protection Agency, 1999. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (2) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (3) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first use and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (4) Within three months from the date of this order, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health

11. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

12. The water supply to serve the development and the development proposed for retention, shall have sufficient yield to serve the development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order.

Reason: To ensure that adequate water is provided to serve the development, in the interest of public health.

13. Within three months from the date of this order, the developer shall submit to, and agree in writing with, the planning authority, 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.

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

14. 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 within three months from the date of this order. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

15. 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. 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 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.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.