



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0144

Appeal by Colm Kenny care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 21st day of June, 2018 by South Dublin County Council to grant subject to conditions permission to Towerbright Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: 180 square metre single storey coffee shop with three number car parking spaces within the existing car park along with a 64 square metre outdoor seating area and new pedestrian entrance onto the Old Bawn Road. The development will include all associated site works above and below ground including a reduction in the number of spaces in the existing car park from 110 number to 97 number in total all at Old Bawn Shopping Centre, Old Bawn Road, Tallaght, 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 pattern of development in the vicinity and the quantum of car-parking which exists within this shopping centre complex, it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of traffic safety and convenience and 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. (i) The development hereby permitted shall be used solely for the purpose applied for, and shall not be used for the sale of hot food for consumption off the premises.

(ii) The hours of operation shall be between 0700 hours and 2200 hours Sunday to Thursday and between 0700 hours and 22.30 hours on Friday and Saturday.

Reason: In the interest of clarity and of pedestrian and traffic safety.

3. Details, including samples of the materials, colours and textures of all external finishes, including external paving/hard landscaping, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. Details of signage for the proposed café shall be submitted to, and agreed in writing with, the planning authority prior to first occupation of the building apart from the agreed signage.

Reason: In the interest of visual amenity.

5. 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, as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 8 Bicycle parking spaces, in accordance with the current South Dublin County Council Development Plan standards (Table 11.22) shall be provided within the curtilage of this site for use of staff and patrons.

Reason: To encourage a modal shift from private motor car to bicycle, in the interest of orderly development.

9. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, and obtain such written agreement, in relation to vehicular access to proposed parking spaces 95-97.

Reason: In the interests of traffic safety and orderly development.

10. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste and, in particular, recyclable materials, within the development during the site-clearance, construction and operational phases; 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, the interest of protecting the environment.

11. 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. The application of any indexation required by this condition 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.

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.

Paul Hyde

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

Dated this day of 2018.

