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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D18A/0113**

**Appeal** by Chris Terry care of Diarmuid Herlihy of 1 Brighton Lodge, Foxrock, Dublin against the decision made on the 29<sup>th</sup> day of June, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions permission to Morabeza Limited care of Demesne Architects of Desmond House, Main Street, Maynooth, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use from existing 25.27 square metres ground floor retail unit to 25.27 square metres ground floor restaurant unit to allow for the sale of hot food for consumption off the premises and all associated works, including new external signage at Unit 1 Blackrock Shopping Centre, County Dublin, as revised by the further public notice received by the planning authority on the 8th day of June, 2018.

## **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 provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Blackrock Local Area Plan 2015-2021, the location of the site within the defined core retail area under the Local Area Plan and to the nature, design and limited scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or result in an over proliferation of takeaway units in this area. 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 as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of June, 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 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 opening hours of the restaurant shall be restricted to closing not later than 2400 hours Monday to Sunday. No ancillary food delivery or collection services shall operate from the premises after these closing times.

**Reason:** In the interest of orderly development.

3. (a) Details of signage on the proposed shopfront shall be as set out in the details submitted to the planning authority on the 8<sup>th</sup> day of June, 2018.  
  
(b) No roller shutters shall be erected on the exterior of the development.  
  
(c) No advertisements or signage of any kind shall be erected on the side elevation of the existing building.

**Reason:** To protect the visual amenities of the area.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess any such further signage or advertisements through the statutory planning process.

5. 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.

**Reason:** In the interest of visual amenity.

6. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials including waste oil and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and 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 amenities of property in the vicinity.

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

**Dated this            day of            2018.**