



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0781

Appeal by KW Investment Fund ICAV care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin and by Freshii and Others care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin and by Central Park GP Co. Prop. Co. Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 14th day of December, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Central Park GP Co. Prop. Co. Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Provision of a food market, including the placing of tents, vans or moveable structures or objects on the lands and associated seating area, in connection with the use including the provision of power, lighting and associated signage and works. The food market will operate for a maximum of three days a week, from March to October, and between 1200 hours and 1500 hours, unless otherwise agreed in advance with the planning authority. The application site is located adjacent to Block H, Central Park, Leopardstown Road, 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 proposed development, consisting of an outdoor food market on lands zoned under land use objective OE within the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning objective for the site, would not seriously injure the amenities of property in the vicinity and would 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 food market shall operate from March to October between the hours of 1200 and 1500, three days a week only.

Reason: In the interest of clarity and orderly development.

3. No music or amplified sound shall be audible outside of the site.

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

4. The stalls and seating area shall be removed from the site outside the operating hours of the food market. No permanent fixtures or fittings shall be erected or installed prior to a separate grant of planning permission.

Reason: In the interest of clarity.

5. No permanent signs, symbols or flags shall be erected on the site without a prior grant of planning permission.

Reason: To protect the visual amenities of the area.

6. Litter in the vicinity of the food market 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 temporary litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

7. 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 on-going 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.

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

Dated this day of 2019.