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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3914/18**

**Appeal** by Dominic and Angela Slater of 158 Howth Road, Clontarf, Dublin against the decision made on the 29<sup>th</sup> day of March, 2019 by Dublin City Council to grant subject to conditions a permission to Oxtron Limited care of Loscher Moran Design Practice of Unit 2, Block 4B Blanchardstown Corporate Park, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (i) Removal of existing hipped roof canopy and construction of new single storey coffee shop and covered trolley bay located at the south-west entrance to the Supervalu store. (ii) Alterations to existing brick facades and canopies, to include new acrylic monocouche render, new full height glazing, new entrance doors, new metal cladding finish to existing bay windows at first floor level, new metal clad canopies and all associated signage. (iii) Including all associated site development works. All at Killester Shopping Centre, 169 Howth Road, Killester, 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 provisions of the Dublin City Development Plan 2016-2022, the 'Z4' zoning objective, the existing pattern of development in the area, and the nature and 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 amenities of the area or of property in the vicinity, would not give rise to a traffic hazard 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, as amended by the further plans and particulars submitted on the 4<sup>th</sup> day of March, 2019, 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. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

3. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

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

4. Security shutters, if necessary, shall have their shutter box located entirely behind the fascia and no part of the shutters, their supports or fittings shall encroach on the public footpath. The shutters shall be of open mesh or see-through, shall be finished in a single colour and shall not be left unpainted or used for advertising.

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

5. A window display shall be maintained at all times and the glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

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

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours 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.

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. No food shall be prepared within the café area and the counter areas shall be for serving purposes only.

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

9. Any take-away use shall be fully and wholly ancillary to the primary use as a café.

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

10. All waste generated by the café shall be stored within the existing supermarket waste storage area and waste collection shall be as part of the waste collection for the supermarket.

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

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

**Reason:** In the interests of visual and residential amenity.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

13. 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. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.

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**Terry Ó Niadh**

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

**Dated this            day of            2019.**