



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0247

Appeal by Longford Terrace Residents Association care of ARC Architectural Consultants Limited of 30 Dalkey Park, Dalkey, County Dublin and by Geraldine Niland Roche care of RMA Architects of The Courtyard, 40 Main Street, Blackrock, County Dublin against the decision made on the 22nd day of August, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Brian Hartnett care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A development consisting of: (a) Change of use from motor car servicing garage to restaurant/café (including takeaway coffee) with storage and ancillary facilities at first floor level), (b) demolition of the existing single storey extension to the front and existing lean-to structure and single storey sheds to the rear, (c) construction of a new single storey restaurant extension to the front and rear and (d) reinstatement and modifications of the existing two-storey building including the exterior and interior including reinstatement of entrance gate piers, restaurant signage, bin storage and kitchen extractor to rear and all ancillary site development works.

All at 21 Monkstown Crescent, Monkstown, County Dublin (which lies within the attendant grounds of a Protected Structure, not within the applicant's ownership). Further public notices were received by the planning authority on the 26th day of July, 2019.

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 zoning objective for the site and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable use which would not injure the vitality and viability of the mixed-use area, would not lead to an overconcentration of restaurant uses in the area, would not seriously injure the amenities of the area or of property in the vicinity, would not adversely affect the character of the Architectural Conservation Area or of neighbouring protected structures, and would be acceptable in terms of pedestrian and traffic safety. 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 26th day of July, 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 of surface water, shall comply with the requirements of the planning authority for such works and services. A grease trap shall be fitted on the kitchen drain to the satisfaction of the planning authority.

Reason: In the interest of public health.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. The premises shall be used as a sit-down restaurant exclusively and there shall be no sale of hot food for consumption off the premises without a prior grant of planning permission.

Reason: To protect the amenity of the area.

5. The western elevation of the proposed rear extension shall be finished in brick along its entire length.

Reason: In the interest of visual amenity.

6. The yard area shall not be accessible to customers of the proposed restaurant.

Reason: In the interest of protecting the residential amenities of property in the vicinity.

7. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

8. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location or at any point along the boundary of the site shall not exceed: -
 - (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Sunday inclusive.
 - (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

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

9. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, (other than those shown on the drawings submitted with the application) shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. 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 noise management measures and off-site disposal of construction/demolition waste. In particular, the plan shall ensure that, during the construction phase, adequate off-carriageway parking facilities shall be provided for all traffic associated with the development, including delivery and service vehicles/trucks, and parking for all construction workers.

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

12. A plan containing details for the management of waste within the development, including the provision of facilities for its storage, separation and collection 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, in the interest of protecting the environment.

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 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 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.

Terry Ó Niadh

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

Dated this day of 2020.