



An
Bord
Pleanála

Board Order
ABP-310938-21

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0255

Appeal by Colm Wu care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 28th day of June, 2021 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: Change of use from laundrette to take-away use at ground floor level with associated minor internal removal works, removal of existing gable windows, and upgrading of existing shop front with associated site development works, bin storage, drainage and signage at 1 Ballymount Road Lower, 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 policies and objectives of the South Dublin County Development Plan, 2016-2022, including the LC zoning objective that applies to the site and policy R10 and section 11.3.6.(iii) regarding take-away outlets, as well as to the established commercial use on the site and the pattern of development in the area, it is considered that the proposed development would not give rise to an increased demand for parking in the area and so would not give rise to any greater degree of inconvenience or obstruction of road users compared to the prevailing situation, and so would not cause any traffic hazard. Furthermore, subject to compliance with the conditions set out below, it is not considered that the proposed take-away would give rise to an excessive concentration of such uses or that it would seriously injure the amenities of property in the vicinity of the site. 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, 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 permitted take-away shall operate only between 1200 hours and 2400 hours.

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

3. 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. This scheme shall include the provision of bins and refuse storage facilities.

Reason: In the interest of visual amenity.

4. The developer shall control odour emissions from the premises in accordance with measures including extract duct details 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.

5. 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.



Michelle Fagan

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

Dated this 11th day of April 2022.

