

An
Bord
Pleanála

Board Order
ABP-311633-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0668

Appeal by Craddock Retail Limited care of O'Neill Associates Architects of Domus, Kilpedder, County Wicklow against the decision made on the 13th day of September, 2021 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: New first floor and part second floor over existing shop, to comprise three number apartments – two number two-bedroom and one number three-bedroom - including new entrance door and stairs (internally), relocation of shopfront and fascia/signage, winter garden/balconies to first floor (north-east facing), terrace within front (south-east facing) roof slope to second floor apartment together with rooflights to front slope, and all ancillary site works, all at Unit 3 Loughlinstown Shopping Centre, Loughlinstown, County 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.

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Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the 'NC' zoning objective of the site, the existing pattern of development, the planning history at the site and in the vicinity, and the nature, design, 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 residential or visual amenities of property in the vicinity, would not be prejudicial to public health, 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 received by An Bord Pleanála on the 11th day of October 2021, 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 or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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2. Three apartments (one one bedroom unit and one two bedroom unit at first floor level, and one three bedroom unit at second floor level) are hereby permitted, which shall be carried out and completed in accordance with plans entitled 'Option B' as received by An Bord Pleanála on the 11th day of October 2021.

Reason: In the interest of clarity and residential amenity.

3. Proposals for a development name and numbering scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

4. Details of the external shopfront, finishes, lighting, and signage for the retail unit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of clarity and visual amenity.

5. Details of the materials, colours, and textures of all the external finishes to the proposed extension shall be as submitted with the appeal received by An Bord Pleanála on the 11th day of October 2021, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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Reason: In the interest of visual amenity.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. (i) Final details of the bicycle spaces (resident and visitor), including the quantum, type, location, and manner of installation, shall be agreed in writing with the planning authority prior to commencement of development; and

(ii) The entrance gates to the circulation/service area shall open inwards only towards the area.

Reason: To ensure the adequate provision of cycle spaces, and pedestrian, cyclist and traffic safety.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A scheme providing adequate measures for the future management and maintenance shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

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Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be agreed in writing with the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

11. The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water), prior to commencement of development.

Reason: In the interest of public health and orderly development.

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12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. Site development and building works shall be carried out only between the hours of 0700 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.

14. 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, dust, debris management measures, traffic management measures, and off-site disposal of construction waste.

Reason: In the interests of public safety and amenities of the area.

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15. 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.

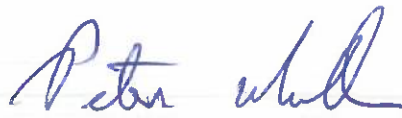
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

16. The developer shall pay to the planning authority a financial contribution in lieu of the provision of public open space within the site, as provided for under Sections 12.8.3 and 12.8.8 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index –



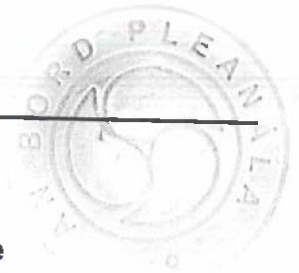
Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should pay a financial contribution in lieu of the provision of public open space within the site as a result of the infill nature and restricted size of site, and to comply with applicable development plan policy.



Peter Mullan

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



Dated this *10th* day of *May*, 2023.