

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D21A/0824**

**Appeal** by Frank Finnegan of 2 Balally Hill, Dundrum, Dublin against the decision made on the 5<sup>th</sup> day of November, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Five 6 Max Coffee Limited care of Little Black Box Collective Limited of 4 Georges Street Lower, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Temporary retention for a period of two years of development comprising a single storey take-away coffee kiosk (circa 11 square metres) and associated signage, located along the boundary fence to the Balally Parish Pastoral Centre and laneway between Cedar Road and Hawthorns Road, on lands at Church of the Ascension of our Lord, Hawthorns 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**

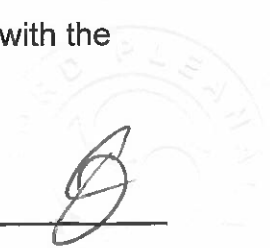
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the location of the site in a transitional zonal area, the design, scale and layout of the development to be retained, and the separation distance from the nearest dwelling, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the amenities of the area or of property in the vicinity. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained 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 within three months of the date of this Order and the development shall be retained and completed in accordance with the agreed particulars.



**Reason:** In the interest of clarity.

2. This permission is for a limited period of two years from the date of this Order, at which date the permission shall cease, the structures shall be removed, and the land returned to its former state, unless further permission has been granted before the expiry date of this permission.

**Reason:** Having regard to the temporary nature of the permission sought.

3. 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 shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste in the interests of public health and protecting the environment.

4. Within three months of the date of this Order, the developer shall submit to, and agree in writing with, the planning authority proposals for the provision of cycle parking.

**Reason:** In the interest of sustainable transport.



5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the structure or within the curtilage of the site, unless authorised by a further grant of planning permission.

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



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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 15<sup>th</sup> day of MARCH 2022.