



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312286-21

#### Development

Development consisting of an extension and refurbishment of the existing two-storey building and all other associated site layout alterations and site service works.

#### Location

14/15 Monkstown Crescent,  
Monkstown, Blackrock, Co. Dublin  
A94 VA49

#### Planning Authority

Dun Laoghaire Rathdown County  
Council

#### Planning Authority Reg. Ref.

D21A/0869

#### Applicant(s)

Better Value Unlimited Company.

#### Type of Application

Permission

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellant(s)

Better Value Unlimited Company.

#### Observer(s)

1. Maire and Tony Walsh
2. Eamonn Quirke

3. Robert Towers and Mary Fitzgerald
4. Mark and Joanne Munro
5. Brett and Ken Mackay
6. Barry and Cathy Quinn
7. Longford Terrace Residents Association
8. Ben Dalton

**Date of Site Inspection**

14.09.2022

**Inspector**

Fiona Fair

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## 1.0 Site Location and Description

- 1.1.1. The application site consists of a vacant and currently disused building until recently in use as a plant sales outlet/ garden centre, including front yard area, and ice-cream sales to rear of premises and prior to this as a car sales & storage outlet located in Monkstown Village.
- 1.1.2. The subject site occupies a relatively large corner site, on the junction of Monkstown Crescent roadway to the front (south), and Longford Terrace roadway ('Link Road') to the east side.
- 1.1.3. The site currently contains an end-terrace, part two-storey (older coach house type building), and part single-storey, flat-parapet roof building to its east side. This eastern elevation directly faces onto the east side public footpath, with two large, plate-glass windows.
- 1.1.4. The front yard, of just under 9m depth, is bounded to the front roadway, by a c. 1m high, timber picket type fence, backed by c.2m high, moveable metal fences/ screens, and with a pedestrian/ vehicular entrance.

## 2.0 Proposed Development

- 2.1. Permission sought for an extension and refurbishment of the existing two-storey building to provide:
  - c.400 sqm of retail floorspace at ground floor (including ancillary off-licence and café) with storage and ancillary facilities to be located at first floor level.

Development works include:

- (a) Demolition of the existing single storey extension to the side and existing lean-to structure to the rear (total area 80.4 sqm),
- (b) Construction of a new single storey flat roof extension to the front, two storey extension to the side and a single/two storey extension to the rear (total area of new floor space 573.4 sqm),
- (c) Provision of outdoor seating area at ground floor and a new outdoor terraced seating area with retractable canopy at first floor level,

- (d) Modification of existing two storey building (exterior and interior),
- (e) New shop signage and all other associate site layout alterations and site service works.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Refuse Planning permission for two number reasons, namely:

1. Having regard to the 'NC' zoning objective of the site, which indicates, 'To protect, provide for and-or improve mixed-use neighbourhood centre facilities', to Policy RET6: Neighbourhood Centres, and to Section 8.3 Land use Zoning Objectives, of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that the proposed development, by reason of the scale of retail floorspace and ancillary uses, would not represent a balanced approach to development in the neighbourhood centre, would impact unduly on surrounding residential and visual amenities, and would be contrary to the 'NC' zoning objective at this location. The proposed development would contravene a development objective indicated in the County Development Plan 2016-2022 for the zoning of land and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, by virtue of the height, scale, layout and design of the proposed extensions, including proximity to the surrounding boundaries, would be out of keeping with the receiving environment, would constitute overdevelopment of this site, and would be visually overbearing at this location. In addition, it is considered that the proposed development would adversely affect the character of the Monkstown ACA. The proposal would seriously injure the visual and residential amenities of the area and / or depreciate the value of property in the vicinity, would not accord with the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, in relation to built heritage, contrary to Policy AR12 regarding Architectural Conservation Areas, and Section 8.2.11.3 (i) regarding New

Development within an ACA and would, therefore, be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planners report concludes:

The principle of the development is not acceptable with the 'NC' zone. Having regard to the floor area not constituting a shop – neighbourhood. The proposed development would not represent a balanced approach to development within the 'NC' zone. Concern that the proposed development would negatively impact upon residential amenity and would depreciate the value of property in the vicinity.

The proposal in extent, layout and design would be out of character and would have negative visual impacts on its surroundings, the streetscape and would detract from the ACA.

The Planning Authority considers that given the various issues considered in detail and the requirement for Further Information set out by various departments, including those relating to the proposed uses on the 'NC' zoned lands. That the issues raised cannot be readily addressed by way of conditions or through amendments by way of Further Information request.

Accordingly, it is recommended that permission be refused.

#### **3.2.2. Other Technical Reports**

- Transportation Planning report: Further information requested. Including a TIA, CMP and a revised drawing showing the location and provision of lockers and

showers for staff. The transportation report notes that the location of a loading bay on the Link Road will likely have an insignificant effect on the street parking.

- Drainage Planning Report: Further information requested. However the appeal response is accompanied with an updated report which sets out conditions to be attached in the event planning permission is forthcoming.
- Conservation Officer: Further information requested, to assist in the full assessment of the proposal on the original mews building and the streetscape of the ACA including a historical building appraisal, architectural heritage impact assessment and photomontages.
- Environmental Health Officer: Further information requested for an OWMP, a noise impact report (operational noise) incl details of deliveries and for a CEWMP

### 3.3. Prescribed Bodies

Irish Water (IW): No objection

### 3.4. Third Party Observations

Twenty number third party submissions were received and they are summarised as follows:

- Incorrect address.
- Application premature with respect to new CDP community audit.
- Applicant has alternative sites in Dun Laoghaire Town centre, proposal fails sequential test.
- No sufficient regard to residents' amenities, hours of operation, litter etc.
- Proposal should be refused, contrary to County Development Plan (CDP) retail hierarchy, town centre focused policies.
- Negative impact on residential amenities, contrary to NC zone use policy.
- Over-concentration of foodhall, cafe and off-licences in road/ village already.
- Not intended as 'neighbourhood shop' but as 'Destination Shop'.
- Large multiple supermarket detrimental to viability of small local shops.

- Proposal 671sq.m and retail element c.400sq.m excessive scale.
- Quadrupling existing floor area
- More suited to a DC or MTC location.
- Not supported by 10-minute neighbourhood concept, will draw custom from other areas, and away from Dun Laoghaire town centre.
- A Retail Impact Assessment should be required.
- Contrary to next CDP Off-licence/ Betting Shop proliferation policy, and area of off-licence not demarked on drawings.
- Anti-social behaviour from existing off-licences.
- Overdevelopment of restricted site.
- High site coverage, appearing to be 86%, only 2m set-back to Longford Terrace boundary, mature boundary planting indicated not feasible.
- Overbearing Impacts.
- Breaches established front building line.
- Negative impact on architectural heritage of village.
- Similar form of development recently refused under D21A/0009.
- Overlooking from roof terrace, and loss of privacy to houses opposite on Monkstown Crescent.
- Overshadowing, and loss of light/sunlight.
- Screening benefit of existing trees on other sites exaggerated.
- Incorrect observations of planning history and precedent.
- Surrounding history of conditioned restrictions on rear extensions and yard use, e.g. at 13A for 5m/ 7.5m ground/ first floor set-backs, citing unauthorised development. .
- Concern with respect to disruption from delivery vehicles, vermin and noise.
- Concern with respect to café use, music being played and rear access.
- Proposal does not indicated the precise location of café, food prep areas, counters or kitchen, off license, vents, externally mounted equipment.
- Vents not exempt given conservation area and ACA designation.
- Outdoor area would result in noise



- Visual impact of flues etc
- Volume of traffic the development would generate without the provision of dedicated parking would make an already difficult situation unmanageable;
- Appropriate Assessment not adequate.

## 4.0 Planning History

### 4.1.1. Subject site

**D94A/0347** - Permission Granted by the Planning Authority at '14/15 Monkstown Crescent, Monkstown, Co. Dublin' for renovations to stated existing [ground floor] showroom [car sales - Kellys], new sign, and change of use from [ancillary] offices, to [1-bed] apartment at first floor over [with glazed, first floor, dining room over a smaller part of the flat-roof of the single-storey existing side element, with part extension of main roof over]. No appeal.

**10678/80:** The applicant's submitted Planning Statement refers to, retention of use as a car showroom, granted 05/02/81.

### 4.1.2. Adjacent properties

4.1.3. It is noted that a number of planning applications, have been submitted for sites in the vicinity, including decisions for both grants and refusals of planning permission e.g. at no.26 under D21A/0206, including for changes of use, from residential to retail, and developments including facade changes and signage, but are generally further to the east of the site. Generally, sites more closely adjacent to the subject site area are outlined below.

4.1.4. **D19A/0513 / ABP306456-20** (No. 13A Avoca Courtyard) Permission for change of use of a two-storey creche facility, to cafe, with enclosed, part-covered outdoor seated courtyard area to front, and associated works.

- 4.1.5. **D09A/0291/E**, Extension of Duration Permission for Change of use of a two-storey Creche, to a ground floor retail use, and a first floor office use, construction of front and rear extensions, and demolition of front and rear extensions, etc.
- 4.1.6. **D13A/0087**: Permission was GRANTED at No. 13A Monkstown Crescent for construction of a single storey front extension, with open yard and buggy store to the front of a two- storey Creche. Development also for demolition of single storey extensions to front, and amendments to front boundary wall, and entrance gates with elevation changes, etc. (within the attendant grounds of a Protected Structure, not within Applicant's ownership). No appeal.
- 4.1.7. **D09A/0291 (ABP file: 234290)**: Permission was GRANTED by An Bord Pleanala on appeal (initially refused by the Planning Authority), for a Change of use of a two- storey Creche, to a ground floor retail use, and a first floor office use. Also for demolition of extensions to front & rear, partial internal demolition of two-storey structure, construction of a single-storey extension with open carriage way to front, and a two- storey rear extension, elevation changes, and all associated site works at 13a (which lies within the attendant grounds of a protected structure, not within the applicant's ownership).
- 4.1.8. **D08A/0331**: Permission was REFUSED for change of use of two-storey creche, to ground floor retail, and first floor to office use. For demolition of extensions to front and rear, and partial internal demolition of 2 storey structure, construction of a single storey extension to front, and 2-storey extension to rear, elevational changes, and all associated site works. (Lies within the attendant grounds of a protected structure, not within the applicant's ownership). Permission was refused for two reasons regarding scale, and adverse impacts on the structure and area. No appeal.
- 4.1.9. **Planning Enforcement**
- 4.1.10. I note that the PA report indicates that there is planning enforcement relevant to the site:

**ENF 141/21**: Enforcement case opened on the 23rd June, 2021, at 'Outer Spaces' in respect to alleged unauthorised development. File open to date.

## 5.0 Policy Context

### 5.1. Relevant National and Regional Planning Policy:

- The Architectural Heritage Protection Guidelines for Planning Authorities (2004, re-issued 2011).
- Retail Planning Guidelines for Planning Authorities (2012)
- Retail Design Manual (2012) - A Companion Document to the Retail Planning Guidelines for Planning Authorities.

### 5.2. Development Plan

5.2.1. The operative development plan under which the PA made their decision was the Dún Laoghaire Rathdown County Development Plan 2016 – 2022. Under which the subject site was zoned Objective NC: "To protect, provide for and-or improve mixed-use neighbourhood centre facilities".

5.2.2. The site is located within the Monkstown Architectural Conservation Area (ACA).

5.2.3. Longford Terrace to the north is designated a Protected Structure.

5.2.4. The site is also within the boundary of the proposed Dun Laoghaire and Environs Local Area Plan (LAP) area.

5.2.5. Relevant sections of the 2016 - 2022 Plan that applied are considered to be:

Chapter 3 - Enterprise and Employment Strategy:

Section 3.2 - Retail and Major Town Centres.

Section 3.2.2.6 - Policy RET6: Neighbourhood Centres; and,

Section 3.2.2.9 - Policy RET9: Non-Retail Uses.

Chapter 6: Archaeological and Architectural Heritage:

Section 6.1.3: Architectural Heritage;

Section 6.1.3.1: Policy ARI: Record of Protected Structures;

Section 6.1.4: Architectural Conservation Areas (ACA);

Section 6.1.4.1 Policy AR12: Architectural Conservation Areas; and,

Section 6.1.4.2 Policy AR13: Demolition within an ACA.

Chapter 8 - Principles of Development (including):

Section 8.1 - Urban Design.

Section 8.1.1.1 Policy UD1: Urban Design Principles

Section 8.2 - Development Management.

Section 8.2.6.6 - Off-Licences/ Betting Shops

Section 8.2.6.8 - Shopfronts, Signage and Advertising;

Section 8.2.9 - Environmental Management

Section 8.2.9.2 - Noise Pollution;

Section 8.2.4.5 Car Parking Standards.

Table 8.2.4: Non-Residential Land Use - Maximum Car Parking Standards

Section 8.3 - Land Use Zoning Objectives; and,

Section 8.3.2 - Transitional Zonal Areas.

5.2.6. **Under the new Dun Laoghaire Rathdown County Development Plan 2022 – 2028** the subject site remains zoned ‘NC’ – “To protect, provide for and/or improve mixed-use neighbourhood centre facilities.”

5.2.7. Monkstown Crescent to the south and Longford Terrace to the north are all designated Protected Structures.

5.2.8. The site remains located with the Monkstown ACA.

5.2.9. Relevant sections of the 2022 - 2028 Plan that applies are considered to be:

Chapter 07 Towns Villages and Retail Development:

7.4.1 The Retail Hierarchy

7.5.4.1 Policy Objective RET7: Neighbourhood Centres:

“It is a Policy Objective of the Council to support the development of the Neighbourhood Centres as the focal point of the communities and neighbourhoods they serve, by way of the provision of an appropriate mix, range and type of uses – including retail and retail services – in areas zoned objective ‘NC’ subject to the protection of the residential amenities of the surrounding area”.

#### 7.6.1.1 Policy Objective RET9: Assessment of Retail Proposals

### Chapter 11 Heritage and Conservation

#### 11.4.2 Architectural Conservation Areas

##### 11.4.2.1 Policy Objective HER13: Architectural Conservation Areas

“It is a Policy Objective to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
- iv. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.
- v. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- vi. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture”.

“... An ACA may consist of groupings of buildings and streetscapes and associated open spaces. The protected status afforded by inclusion in an ACA only applies to the exteriors of structures and features of the streetscape. It does not prevent internal changes or rearrangements provided that these changes do not impact on the external appearance of the structure.

While the purpose of ACA designation is to protect and enhance the special character of an area, it should not be viewed as a means of preventing new development but rather to help guide and manage change to ensure developments are sympathetic to the special character of the ACA.

DLR has 23 designated ACAs which range from groups of artisan and estate workers cottages, planned residential Victorian squares to large areas of residential suburbs and villages...”.

Chapter 12 Development Management.

Table 12.5 Car Parking Zones and Standards

12.4.8.4 ACAs/Protected Structures

12.5 Enterprise and Employment

12.5.1 Assessment of Enterprise and Employment Development Proposals

12.6 Towns and Villages and Retail Development

12.6.1 Assessment of Development Proposals in Towns, District and Neighbourhood Centres.

- In the context of larger scale developments in our Major Towns, District and Neighbourhood Centres, while adequate car parking, separate service areas and convenient access by public transport and by walking and cycling from surrounding residential areas are essential elements, these must be supplemented by features that improve the overall attractiveness of the scheme to the public. Such features can include for example:
- Public realm of appropriate scale, design and enclosure.

- The provision and design of street furniture, e.g. seats, litterbins, cycle facilities.
- The provision within the overall design of the scheme for public facilities, e.g. toilets, advice centres, and supporting community, civic and cultural uses including health clinics, crèches, theatres, libraries for example.
- Activities and uses including retail services and restaurant uses that keep the centre alive both during the day and evening.
- The inclusion of some element of residential uses, particularly apartments, as an integral part of the centre in order to generate evening activity and security of the centre. Provision of residential must be in accordance however with the overall zoning objective for the area.
- An overall design strategy that helps promote Convenience Shop variety (by the use of differing shopfronts, plot frontage widths, setbacks, signs etc.) but set within an overarching and cohesive design concept that unites the whole.
- The design and layout of buildings, together with the robustness of materials used in their construction, should be such as to discourage graffiti, vandalism and other forms of anti-social activity. All unsightly areas for example, service cores, should be screened from surrounding residential areas and from pedestrian corridors within the scheme. Considered screening should form an integral part of any design, but where this is not possible, supplementary tree planting and landscaping will be necessary.
- Considered tree planting, landscaping and overall urban greening measures must, in any event, form an integral part of the general design of any shopping scheme.
- Appropriate Wall Art.

#### Section 12.6.5 Fast Food Outlets/Takeaways/ Restaurants

#### 12.6.6 Off-Licences/Betting Shops

#### 12.9.2 Noise Pollution and Noise Nuisance

#### 12.9.3 Noise, Odour and Vibration Generating Uses.

“In considering applications for development where the proposed use may cause noise, vibrations and air emissions (for example, gyms, public houses, leisure

facilities, restaurants and retail) applicants will be required to demonstrate that consideration has been given to the ventilation strategy for buildings at the design stage, to prevent noise, to minimise the causing of any noise or vibration that might give reasonable cause for annoyance to persons in any premises in the neighbourhood, as per Section 34(4)(c) of the Planning Act, and air emissions that may cause nuisance from equipment and ducting. The design of buildings and services should consider and incorporate acoustic attenuation and mitigation as required, to ensure that the operational phase of the development does not generate unacceptable noise levels or odour nuisance within the receiving environment. Evidence of same by way of a noise assessment and/or any mitigation measures should be provided in any planning application. Assessments and mitigation measures should meet the requirements of the Environmental Health Officer and will be designed to prevent a Noise Nuisance. All sound measurement should be carried out in accordance with ISO Recommendation 1996:2008: Acoustics - Description and Measurement of Environmental Noise, or any subsequent superseding standards. In terms of the visual impact of positioning plant associated with mechanical extract ventilation/ ducting on the exterior of a building, such plant shall be detailed, as relevant, in the planning application, including any screening proposals.”

## 12.11 Heritage

### 12.11.1 Archaeological Heritage

### 12.11.2 Architectural Heritage - Protected Structures

### 12.11.3 Architectural Conservation Areas (ACAs)

### 12.11.4 New Development within an ACA

## 5.3. Natural Heritage Designations

- None Relevant



#### 5.4. **EIA Screening**

5.5. Having regard to the nature of development comprising of an extension and refurbishment of the existing two storey building to provide retail floor space with ancillary off-licence and café, in an urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore, be excluded by way of preliminary examination.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

- The proposed development with a retail area of 400 sq. m (GFA of 583 sq. m) falls within the threshold limits of a neighbourhood shop as defined in the Retail Strategy for the Greater Dublin Area (RSGDA) 2008 – 2016 and the development accords with the development plans definition of a shop as the development will primarily serve a walk in population.
- The proposed development meets the definition of a neighbourhood shop.
- The sites NC zoning permits the principle of a neighbourhood shop.
- The developments ancillary uses (part off licence and café kiosk) will not result in an over concentration of off licenses or other non retail uses at ground floor level within Monkstown NC and therefore will not lead to an imbalanced approach to development in the NC
- The proposed development will not have a negative impact upon residential amenity of residences in the surrounding area or depreciate the value of any property in the vicinity.
- The sites existing mews building is not a protected structure and given the significant changes that have been made to it over the years it is not considered the proposed development would impact negatively on the buildings built heritage.

- The building will not be engulfed by the proposed extensions and its main features of interest (i.e. its first floor and roofline) will remain legible post development.
- Having regard to the existing pattern of the development in the area and the sites former use as a car showroom it is not considered the proposed development will adversely affect the character of Monkstown ACA or the surrounding streetscape.
- Amended planning drawings have been prepared in support of the appeal to address items of concern relating to residential amenity and built heritage,
- DLR's Transportation, Conservation and drainage division did not recommend refusal. They did however request F.I The following documents enclosed with the appeal address all requested F.I items:
  - Historical Building Appraisal & Architectural Heritage Impact Assessment
  - Photomontages
  - Traffic Impact Assessment
  - An updated Engineers service report & Flood Risk Assessment.
- In this application the applicant seeks permission for a neighbourhood shop with a retail floor area of 400 sq. m. The shop will be operated as a local convenience shop to be occupied by Dunnes Stores.
- Dunnes is adjusting its retail offer in Dun Laoghaire to provide customers with new walk in convenience offer to complement its existing supermarkets. In recent times Dunnes have opened local convenience offers in Stillorgan Shopping centre and Dun Laoghaire town centre. (Both stores have received planning approval for new part off licences)
- To clarify the neighbourhood shop will include an ancillary part off-licence (not to exceed 10% of the retail area) and a café kiosk, internal tables and chairs to facilitate indoor dining will not be provided. However the applicant would like the option to provide external seating at street level.
- The following design changes are proposed as part of the appeal:

- The two storey side extension has been set back 5m (instead of 2 M) from the boundary with no. 15A Longford Terrace with a curved section on the extensions rear gable.
- The proposed first floor seating terrace has been omitted
- The new green roof is introduced to address drainage items outlined in the council's drainage division report.
- Minor alterations to the buildings front entrance to form a courtyard entrance.
- The proposed rectangular timber framed bay window, forming part of the development's single storey front extension, is to be replaced with two smaller sized windows.
- The amended drawings do not change the size of the proposals retail floor area (i.e. 400 sq. m) but the shops overall GFA will be marginally reduced from 671 sq. m to 583 sq. m
- The rear extension does not provide any windows looking onto the residential properties of 14 / 15 Longford Terrace, so issues of overlooking and loss of privacy does not arise.
- Protection of sunlight and daylight can be achieved through separation distance. The proposed development rear extensions are set back more than 25 m from the residential properties of 14 and 15 Longford Terrace, so issues of loss of light / overshadowing do not arise.
- No cooking will take place within the proposed neighbourhood shop so odour issues do not arise.
- Given that the primary use of the property is for retail purposes it is unlikely that the development would generate noise that would cause a noise nuisance.
- However, in the interests of protecting amenities the rear yard will not be accessible to the public.
- The applicants are open to a noise condition being placed upon any grant of planning permission forthcoming from the Board.

- The subject site was used as a busy and successful car showroom for over 30 years. The rear of the property was used for car storage and display and so this area would have been heavily used and noise would have been created throughout the day.
- No 15 A Longford Terrace did not object to the proposed development. This property does not have any windows on its southern elevation, it is unlikely the proposed development would impact upon the property's existing outlook. However, to address the council's concern the proposed extension will be set back 5m from the site's northern boundary. The rear gable of the extension will also be curved to reduce any impact on the adjoining property and to provide visual interest along Link Road.
- No evidence has been furnished as to how the proposed development would depreciate the value of property in the local area
- The proposed development will not have an adverse impact on residential amenity in terms of overlooking, loss of light, odour, noise or overbearing. The proposed development will also not depreciate the value of any property in the local area.
- Having regard to the established pattern of development in the area and the site's former use, it is considered the proposed development would not adversely affect the character of Monkstown ACA or the surrounding streetscape.
- Non-provision of car parking is considered appropriate given the highly sustainable locational characteristics of the development.
- This neighbourhood shop will primarily serve a walk-in population.
- A Traffic Impact Report has been prepared by NRB Consulting Engineers which demonstrates that the proposed development will have no adverse impact on the local road network.
- The NRB report also notes that the provision of neighbouring convenience shops helps to avoid unsustainable travel patterns with people driving to more distant centres for their convenience shopping needs.

- The existing loading bay near the front entrance along Monkstown Crescent will be used to facilitate deliveries to the site without causing any restrictions to traffic movements along Monkstown Crescent.
- A new servicing delivery drop off zone in front of the sites existing service yard entrance along Link Road. The Councils transportation department have indicated this will likely have an insignificant effect on street parking. While the position of the loading bay is outside of the red line this can be address by way of condition.
- The scheme has been upgraded to include locker rooms and shower facilities within the developments staff welfare area at first floor.
- A green roof is now proposed.
- The postal address 14/15 Monkstown Crescent, Monkstown, Blackrock A94VA49 is the correct address, see Eircode map attached.
- The proposal has a site coverage of approx. 73% and a modest plot ratio of 1.0. Many sites in the local area have 100% site coverage incl. the adjacent Avoca shop. It is not considered overdevelopment is a valid reason for refusal.
- Appeal accompanied with:
  - Monkstown NC Ground Floor Activity Use Survey
  - Planning Reg. Ref: 10768 (Notification to Grant)
  - Maps and Photos
  - Floor Schedules
  - Notification of Decision to Refuse D21A/0869
  - Architectural Heritage Impact Assessment
  - Traffic Impact Assessment Report
  - Engineering Services Report & Flood Risk Assessment
  - Maps and Drawings received with the Appeal
  - Photomontages and Positional Imagery

## 6.2. Applicant Response

- None Received

## 6.3. Planning Authority Response

6.3.1. Response received it is summarised as follows:

- Concerns still remain.
- Individually relatively significant and cumulatively relatively significant changes proposed.
- No proposed change to the proposed c. 400 sq. m retail unit
- Proposal does not address the PA reasons for refusal, significant footprint and site coverage.
- In terms of impact its not just the first floor and roofline, but also its front and rear building lines and boundaries / curtilage layout.
- Impact on the legibility of the mews type building and its (corner) place position and character within the ACA streetscape.
- Concerns remain regarding the retail floor size, 'shop neighbour' definition, RET6 policy use in NC zonings.
- Contrary to the receiving nature of Monkstown as it has evolved to date.
- A revised Water Services report is attached which sets out compliance documentation to be submitted for agreement prior to commencement of development.

## 6.4. Observations

6.4.1. Observations have been submitted by Maire and Tony Walsh 15 The Crescent Monkstown, Eamonn Quirke 66 Belleville, Blackhorse Avenue, Robert Towers and Mary Fitzgerald 2 Monkstown Crescent, Mark and Joanne Munro 14 Longford Terrace, Brett and Ken Mackay Corrig House, Orchard Lane, Blackrock, Barry and Cathy Quin 13 The Crescent Monkstown, Longford Terrace Residents Association

and Ben Dalton Garryowen, Arnold Park, Gleanagery, Co. Dublin, the issues raised are jointly summarised as follows:

- An Oral Hearing is requested.
- Concerns raised with respect to past failures by the applicants to comply with planning permissions.
- Concerns raised with respect to the location of extraction systems and plant equipment serving the premises. Their location is not identified on the plans and drawings submitted and it is noted that these systems and equipment require the benefit of planning permission in an ACA.
- Unauthorised use of the rear yard to date. (Scoop Ice cream sale and outdoor seating area)
- There is no need for additional retail services. The village is adequately served with retail and restaurant offerings.
- Proposal material contravenes the zoning.
- Proposal does not support a balance of uses within the 'NC' zone.
- Proposed development has little regard to the ACA status of the site and its setting.
- Already two convenience stores in Monkstown Village, a third would contravene the CDP for NC – Fails the sequential test.
- Concern over the off-licence proposed.
- Negative impact upon residential amenity of Longford Terrace and Architectural Heritage.
- Noise Condition is not adequate protection.
- Negative impact to residential amenity of adjoining residents.
- Food odours from commercial cooking processes.
- Existing infrastructure is inadequate to cope with any further intensification of restaurant use within Monkstown Village

- Negative impact upon the architectural heritage of the area and be contrary to ACA Policy.
- Overdevelopment of the site.
- First floor terrace and seating is wholly inappropriate and would give rise to overlooking and set a negative precedent.
- Traffic congestion and exacerbation is a problem, intolerable parking and traffic congestion.
- Additional loading bay, more delivery vehicles would lead to congestion. There is a lack of loading bays in the village, which results in haphazard temporary parking.
- Health and safety risk to pedestrians at the junction.
- Significant amendments proposed at appeal stage.
- No requirement for additional restaurants
- Incorrect address
- Drawings do not indicate additions to the roof of the building.
- Proposed cladding is visually inappropriate.
- AA seems to have been cut and paste from another application.
- No cycle parking proposed

## 6.5. Further Responses

- None Received.

## 7.0 Assessment

7.1. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- **Principle of the proposed development (Retail Impact/Planning policy)**
- **Monkstown ACA/Design/Visual Amenity/Adjoining Amenity**



- **Impact on residential amenity**
- **Traffic safety**
- **Other Issues**
- **Appropriate Assessment**

## 7.2. Principle of the proposed development (Retail Impact Planning Policy):

7.2.1. Permission is sought for the extension and refurbishment of the existing two storey building to provide c. 400 sq. m of retail floorspace at ground floor (including ancillary off-licence and café) with storage and ancillary facilities to be located at first floor level, provision of outdoor seated area to front at ground floor and a new outdoor terraced seating area with retractable canopy at first floor level and associated works.

7.2.2. The site is located within an area with the zoning objective 'NC', which aims 'to protect, provide for and/or improve mixed-use neighbourhood centre facilities'. In accordance with Table 13.1.12 of the new County Development Plan a tearoom / café and restaurant is 'permitted in principle' within this zoning. 'Shop District' is 'open for consideration' within the "NC" zone. Policy RET7 refers to Neighbourhood centres and seeks to encourage the provision of an appropriate mix, range and type of uses in Neighbourhood Centres. It states:

"It is a Policy Objective of the Council to support the development of the Neighbourhood Centres as the focal point of the communities and neighbourhoods they serve, by way of the provision of an appropriate mix, range and type of uses – including retail and retail services – in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area".

7.2.3. The first reason for refusal of the proposal by the PA (Reg. Ref. D21A/0969), set out in detail in section 3.0 of this report above considers that, the development, by reason of the scale of retail floorspace and ancillary uses, would not represent a balanced approach to development in the neighbourhood centre, would impact unduly on surrounding residential and visual amenities, and would be contrary to the

'NC' zoning objective at this location. The planner's assessment considers that the floor area of the proposed development would not appear to constitute a shop-neighbourhood, and therefore would not be permitted in principle under the 'NC' land use zoning.

- 7.2.4. Minor amendments are proposed as part of the appeal and amended drawings submitted. I note the amendments proposed do not change the size of the proposals retail floor area (i.e. 400 sq. m) but the shops overall GFA will be marginally reduced from 671 sq. m to 583 sq. m. It is submitted that the shop will be operated as a local convenience shop to be occupied by Dunnes Stores, to provide customers with new walk in convenience offer to complement its existing supermarkets. The first party submitted that in recent times Dunnes have opened local convenience offers in Stillorgan Shopping centre and Dun Laoghaire town centre. (Both stores have received planning approval for new part off licences). The subject proposal includes an ancillary part off-licence (not to exceed 10% of the retail area) and a café kiosk, internal tables and chairs to facilitate indoor dining will not be provided. However, the applicant would like the option to provide external seating at street level, only.
- 7.2.5. The observers and third-party objectors contend that the village of Monkstown is adequately served with retail and restaurant offerings. That the proposal material contravenes the zoning as it does not support a balance of uses, that there are currently two convenience stores within the 'NC' zone, a third would contravene the 'NC' zoning. Concern is expressed at the inclusion of an off-licence and that the proposal fails the sequential test.
- 7.2.6. I disagree with the PA's assessment that the size of development's retail floor area (400 sq. m) is in excess of what can be reasonably interpreted as a neighbourhood shop. A supermarket in a neighbourhood centre setting generally has a net sales area in the range of 1,000 q. m to 2,500 sq. and is served by associated customer parking.
- 7.2.7. The site is zoned 'NC' and a neighbourhood shop is permitted in principle within this zoning. The development plan defines a neighbourhood shop as a shop that primarily serves a local community and does not generally attract business from outside that community. They will primarily serve a walk in population and will

typically have limited car parking. The size of a local / neighbourhood shop, as defined in RSGDA, is generally within the range of 500 – 1,500 sq. m of lettable space. I agree with the first party that the proposed development with a retail area of 400 sq. m (GFA 583 sq. m) is at the lower end of this range and so falls within the definition of local / neighbourhood shop.

- 7.2.8. A ground floor activity use survey for Monkstown neighbourhood centre has been submitted and I note that there are currently two convenience businesses in the neighbourhood centre, Spar and Avoca. The Village is served by the traditional mix of retail, commercial and service uses. These include a Post Office, Public House, newsagents, fish mongers, pharmacy, florist, hair and beauty salon, boutique, jewellers, food market, home furnishing store and funeral home. In terms of café/restaurant provision in Monkstown there are approximately 12 no. café/restaurants located within the neighbourhood centre. They include a mix of restaurants providing different world cuisines, bistros and premises which serve brunch/lunch along with evening dining. Having regard to the variety of existing commercial and retail uses within Monkstown Neighbourhood centre, the use of the subject premises to date and its location relative to the surrounding uses I am satisfied that an additional convenience neighbourhood shop of some 400 sq. m with ancillary off licence and café would be acceptable.
- 7.2.9. The observers suggest that the proposal would be contrary to the retail hierarchy as the proposed retail element and café/restaurant would be detrimental to the vibrancy of the Major Town Centre at Dun Laoghaire. While the MTC of Dun Laoghaire has experienced some vacancy of commercial retail premises having regard to the limited scale of the proposal a neighbourhood shop with ancillary off licence and café with an outdoor seating area of circa 32sq m, I do not consider that it is reasonable to conclude that it would unduly impact the MTC of Dun Laoghaire.
- 7.2.10. Overall, I consider that the principle of the proposed development is acceptable. It will not undermine the local service function of Monkstown neighbourhood centre (NC) and will not detract from the range of uses presently on offer in the NC. The matter of impact upon residential and visual amenity of the surrounding area shall be assessed separately below under succeeding sections of this report.

### 7.3. **Monkstown ACA/Design/Visual Amenity/Adjoining Amenity.**

7.3.1. The second reason for refusal of the proposal by the PA (Reg. Ref. D21A/0969), set out in detail in section 3.0 of this report above considers that, the proposed development, by virtue of the height, scale, layout and design of the proposed extensions, including proximity to the surrounding boundaries, would be out of keeping with the receiving environment, would constitute overdevelopment, would be visually overbearing, would adversely affect the character of the Monkstown ACA. That it would seriously injure the visual and residential amenities of the area and / or depreciate the value of property in the vicinity. Would not accord with the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, in relation to built heritage, contrary to Policy AR12 regarding Architectural Conservation Areas, and Section 8.2.11.3 (i) regarding New Development within an ACA.

7.3.2. The following design changes are proposed as part of the appeal:

- The two storey side extension has been set back 5m (instead of 2m) from the boundary with no. 15A Longford Terrace with a curved section on the extensions rear gable.
- The proposed first floor seating terrace has been omitted
- A new green roof is introduced.
- Minor alterations to the buildings front entrance to form a courtyard entrance.
- The proposed rectangular timber framed bay window, forming part of the development's single storey front extension, is to be replaced with two smaller sized windows.

7.3.3. Cognisance is had to that Monkstown Crescent to the south and Longford Terrace to the north are all designated Protected Structures. Also, that the site remains located within the Monkstown Architectural Conservation Area (ACA) in the new CDP 2022 – 2028. Regard is had to Section 11.4.2.1 Policy Objective HER13: Architectural Conservation Areas as set out in the new CDP 2022 – 2028. It is set out in detail in section 5.0 of this report above but of note to the subject appeal is the policy objective to:

- i. "Protect the character and special interest of an area which has been

designated as an Architectural Conservation Area (ACA).

- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
- iv. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style”.

7.3.4. Policy Objective HER13: Architectural Conservation Areas clearly states that “while the purpose of ACA designation is to protect and enhance the special character of an area, it should not be viewed as a means of preventing new development but rather to help guide and manage change to ensure developments are sympathetic to the special character of the ACA”.

7.3.5. The site’s existing Mews building is not a protected structure and does not fall within the curtilage of neighbouring protected structures along Longford Terrace. I am cognisant that this issue has been considered on a number of previous occasions by An Board Pleanala, in which it was concluded that the Mews buildings are not protected structures and should not be regarded as being within the curtilage of the protected structures along Longford Terrace.

7.3.6. The conservation architect’s report enclosed with this appeal notes that the sites Mews building has been significantly altered, over the years, with almost complete loss of its original fabric internally and externally. It is submitted by the first party that the buildings main features of interest is its first floor and roof line. These features are retained in the development and the buildings first floor and slate roof will remain legible post development. It is submitted that the elements of the Mews structure to be demolished (i.e. single storey side extension and rear lean to structure) are not original features and have no built heritage value. It is proposed to replace the

buildings PVC window frames to the front of the building at first floor level with new wooden frames which would be more sympathetic to the original structure. The proposed single storey flat roof extension to the front is comparable in scale and design to other extensions along Monkstown Crescent. The proposed two storey side extension will replace a single storey extension from the 1980's which was used for displaying cars. The building to be demolished has no built heritage value. The contemporary first floor roof design, with curved rear gable, finished with charred timber cladding does not try to imitate earlier styles. The proposed development respects the height of the traditional roof line and will in my opinion provide visual interest at the corner site. The two-storey building at no. 16A Monkstown Crescent, on the opposite side of Links Road, directly opposite the appeal site breaks the traditional roof line and is an example of the mix of traditional and more modern contemporary idiom which is visible along the streetscape.

- 7.3.7. Having considered the plans and drawings submitted, carried out a site visit and given the nature of the surrounding buildings and precedent set along the streetscape, I am of the opinion that the presentation of the proposed development onto the street frontage is considered an improvement on the existing visual amenity of the area. I am also of the opinion that the proposed development is sympathetic to the special character of the ACA and is acceptable as an insertion within the context of the streetscape. I note the Conservation officers report on file and I consider that the applicant has adequately addressed the matters raised in their appeal, by way of the Photomontages and Positional Imagery, Architectural Heritage Impact Assessment and the Historic Building Appraisal.
- 7.3.8. As set out above, the first party have amended the proposal at appeal stage. It is now proposed that the two-storey side extension is set back 5m (instead of 2m) from the boundary with no. 15A Longford Terrace with a curved section on the extensions rear gable. The proposed first floor seating terrace has been omitted.
- 7.3.9. Given the separation distances and design I consider that the potential for undue overlooking or overbearing of adjoining properties has been satisfactorily addressed in the application.

7.3.10. It is my opinion that the amendments proposed overcome the concerns raised with respect to layout and design of the proposed extensions, including proximity to the surrounding boundaries. I do not consider that the proposed development would be out of keeping with the receiving environment, would constitute overdevelopment, or would be visually overbearing. It is clear from the photomontages and positional imagery, that a coordinated design approach with the neighbouring buildings and an appropriate balance between the protected structures on Longford Terrace and the adjoining buildings on Monkstown Crescent and Links Road has been achieved. The new building is subservient to the houses along Longford Terrace in height and scale. The design, materials proposed and finishes are of high architectural quality and merit. The building will be a positive contribution to the existing streetscape context, materials are robust and refined.

#### **7.4. Impact on residential amenity**

- 7.4.1. Third party concern has been raised that the proposed development would negatively impact upon the residential amenity of neighbouring properties at Longford Terrace by reason of noise and odour particularly having regard to the location of plant, extraction and ducts. The setback of the rear of the building from the closest neighbouring dwelling at no. 15A Longford Terrace is 5m and from No.'s 14 and 15 Longford Terrace in excess of 24m. No. 15A sides onto the rear of the site. I consider sufficient setback is provided between the subject premises and the rear of the closest opposing dwelling. Concern was expressed in relation to noise and odour associated with the proposed use specifically in relation to the plant and extractor units. In this respect, I note section 12.9.3 'Noise, Odour and Vibration Generating Uses', set out in the CDP 2022 – 2028, see section 5.2 'Development Plan' of this report. I have had full regard to the requirements of same.
- 7.4.2. The first party have confirmed that as detailed on the plans and particulars submitted with the application no food is cooked or prepared at the subject site. Permission is sought for a café kiosk only. Therefore, the applicant states that there is no requirement for plant to the subject building because cooking and food preparation is carried out off site. Accordingly, given the neighbourhood centre and adjoining residential land use zonings, there is a clear need for a balanced approach to

development, I am satisfied that the proposal would not unduly impact the neighbouring residential properties to the north along Longford Terrace in terms of any potential odour or noise. I recommend that conditions be attached accordingly to any permission forthcoming from the Board to ensure that noise and ventilation concerns are mitigated, see proposed conditions 6 and 9 accordingly.

7.4.3. I note that submitted plans only provide for customer access to the courtyard to the front of the building. The appellants' properties are located at Longford Terrace which is situated to the rear of the premises. The submitted plans and documentation do not indicate any customer use or access to the rear of the building. However, to ensure no public access to the rear yard, I would recommend that attachment of a condition to address the matter, should the Board decide to grant permission.

7.4.4. Accordingly, in conclusion, I am satisfied that the proposal would not unduly impact on the residential amenity of the appellants' neighbouring properties and other neighbouring properties.

## 7.5. **Traffic safety**

7.5.1. Third party concern has been raised with respect to car parking and traffic congestion experienced in the area. Monkstown Crescent and the surrounding roads are served by on-street paid parking. Furthermore, I note that the site is well served by public transport. Salthill Dart station is approximately five minute's walk from the site and the no. 7 and 7a bus routes operate along Monkstown Crescent.

7.5.2. Having regard to the limited site area, building design and layout and also the nature and configuration of the road, footpaths and on-street parking along Monkstown Crescent, I consider that the non provision of onsite car parking is considered appropriate given the highly sustainable locational characteristics of the development

7.5.3. The development plan notes neighbourhood shops will primarily serve a 'walk in' population. On street bike parking is located directly to the front of the site and the applicant is not opposed to providing additional if required.

7.5.4. I concur that the Traffic Impact Report prepared by NRB Consulting is satisfactory. It concludes that the proposed development would have a negligible and unnoticeable



change in traffic conditions locally in terms of car movements and through the non provision of dedicated parking, it will encourage and promote pedestrian and cycle movements and the used of public transport in accordance with best – sustainability practices.

- 7.5.5. I note and agree with the argument that the provision of neighbourhood convenience shops helps to avoid unsustainable travel patterns with people driving to more distant centres for their convenience shopping needs.
- 7.5.6. The existing loading bay near the front of the site along Monkstown Crescent will be used to facilitate deliveries to the site without causing any restrictions to traffic movements along Monkstown Crescent.
- 7.5.7. It is proposed to provide a new servicing delivery drop off zone in front of the sites existing service yard along Link Road. The transportation department have no objection to this proposal. I consider that the matters raised in the transportation department report with respect to potential traffic impacts, requirement for a construction management plan and for the provision of lockers and showers etc can be dealt with by way of condition, should planning permission be forthcoming from the Board. I also refer the Board to the amended proposal at appeal stage (see Drg DS-MONKSTOWN-PLA-005.A) to include locker rooms and shower facilities within the development's staff welfare area at first floor. I consider that the applicant has adequately addressed and responded to the matters raised in the transportation departments report.
- 7.5.8. I consider having regard to the previous use on the site, the planning history on adjoining sites, the lack of onsite car parking, the servicing delivery drop off zone proposed and the current on street permit car parking arrangement and existing loading bay locations, that issues raised with respect to traffic generation and congestion, deliveries and servicing is not a matter which would warrant a refusal of permission.
- 7.5.9. Accordingly, I considered that the proposed development is acceptable in terms of traffic and car parking.

## 7.6. Other Issues

### Signage

- 7.6.1. I note the external signage proposed to the front and side elevations at first floor level and I consider that this is inappropriate. It should in my opinion be relocated to name plate level, comprise traditional, non-illuminated hand painted signage which has cognisance to the sites location within the Monkstown ACA.
- 7.6.2. This matter can, however, be resolved by way of condition and compliance. Should planning permission be forthcoming I recommend that a condition be attached that requires signage to be subject to written agreement of the planning authority.

### Green Roofs

- 7.6.3. I note the amended drawings incorporate green roofs. The green roof will be made of sedum planting to reduce the quantity of run-off, improve water quality and provide a new habitat in an urban area.
- 7.6.4. The applicant has submitted an engineering services report which addresses items raised in the further information request with respect to surface water drainage. The planning authority's appeal response includes a report from the Drainage Department which considers the revised proposal acceptable subject to standard conditions.
- 7.6.5. Accordingly, I considered that the proposed development is acceptable in terms of surface water disposal.

### Incorrect Address

- 7.6.6. I note third party concerns raised with respect to incorrect address in the public notices. The response from the first party states that the addresses 14/15 Monkstown Crescent, Monkstown A94 VA49 is the correct postal address for the appeal site.
- 7.6.7. I consider that the site's address and location is clear from the plans, drawings, site notice and information on file. No interested party would, in my opinion, be in any doubt as to the sites location from the address given, therefore, I do not consider this a valid reason for refusal.

## **Devaluation of Property**

7.6.8. I note concerns raised by third parties and the PA in this regard, however, given the 'NC' zoning of the site, the long established car sales use previously associated with the site, and the plans and drawings submitted as part of this proposed development. I see no evidence to suggest or prove (given assessment of impact upon residential amenity) that a devaluation of adjoining property would arise.

## **7.7. Appropriate Assessment**

7.7.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Recommendation**

8.1. Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

9.1.1. Having regard to the 'NC' zoning objective pertaining to the site, namely: "To protect, provide for and-or improve mixed-use neighbourhood centre facilities," it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in principle and accord with the criteria stipulated under:

- Section 7.5.4.1 Policy Objective RET7: Neighbourhood Centres
- Section 7.6.1.1 Policy Objective RET9: Assessment of Retail Proposals and
- Section 11.4.2.1 Policy Objective HER13: Architectural Conservation Areas

as set out in the Dun Laoghaire Rathdown County Development plan 2022 – 2028. That it would not seriously injure the viability and mix of uses in the area would not lead to an overconcentration of café/restaurant uses in the area, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not adversely affect the character of the Architectural Conservation Area or of the neighbouring Protected Structures and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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 to An Bord Pleanala on the 20<sup>th</sup> December 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 and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>

3.	<p>The rear yard of the building shall not be accessible to the public.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
4.	<p>Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the amenities of the area/visual amenity</p>
5.	<p>No external security shutters shall be erected on any of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>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.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
9.	<p>(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:-</p>

	<p>(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.</p> <p>(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.</p> <p>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.</p> <p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity of the site</p>
10.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
11.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
12.	<p>The development shall comply with the requirements of Roads and Traffic Planning Division of Dun Laoghaire Rathdown County Council.</p> <p><b>Reason:</b> In the interests of traffic safety.</p>
13.	<p>Prior to commencement of development, details of paving and external lighting shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
14.	<p>A plan containing details for the management of waste, 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 shall be submitted to, and agreed in writing with, the</p>

	<p>planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.</p>
15.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
16.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p><b>Reason:</b> To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.</p>
17.	<p>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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>
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Fiona Fair  
Planning Inspector

21.09.2022