



An  
Bord  
Pleanála

**Board Order**  
**ABP-306559-20**

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## **Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4359/19**

**Appeal** by Mariya Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 7<sup>th</sup> day of January, 2020 by Dublin City Council to refuse permission to the said Mariya Limited for the proposed development.

**Proposed Development:** Permission for part off-licence at existing Centra Shop, all at ground floor of Units 1/3 Gresham House, north-east corner of Sean MacDermott Street Upper and Marlborough Street, 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 Dublin City Development Plan 2016-2022, the 'Z5' zoning of the site where the provision of an off-licence is a permissible use, the planning history of the site, the existing pattern of development in the area and the limited scale and location within the overall footprint of the shop, it is considered that, subject to compliance with the conditions set out below, the proposed development would not conflict with the provisions of the Development Plan, would not seriously injure the residential amenities of the area, and would not lead to an over-concentration of off-licence uses. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that there was not an over-concentration of off-licences and part off-licences in the area, and that the provision of an off-licence at this location in a discreet position to the rear of the existing shop, would not contribute negatively to a proliferation of such uses, would provide an amenity to the residents of the area, and 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 further plans and particulars received by An Bord Pleanála on the 3<sup>rd</sup> day of February, 2020, 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. (a) The display area for alcohol products shall be limited to the area indicated on the submitted drawings.
- (b) Notwithstanding exempted development provisions of the Planning and Development Regulations 2001-2017, as amended, there shall be no advertising of the sale of alcohol products on the façade/frontage of the premises.

- (c) There shall be no display of alcohol products or advertising of the sale of alcohol products on or near both the entrance and/or windows.

**Reason:** In the interests of visual amenity and proper planning and sustainable development.

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**Michelle Fagan**

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

**Dated this            day of            2020.**