



Board Direction

Ref: PL29S.246634

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 18th, 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments to the Inspector's draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dublin City Development Plan 2011 – 2017, the historic commercial use of the premises as a bakery and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the retention of the café and proposed development would be in accordance with the provisions of the Dublin City Development Plan, would not adversely affect its character of the Conservation Area and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development and 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 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 17th day of June, 2016, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision

amending or replacing them, the use of the building at no.1A Lennox Street shall be restricted to café/bakery on ground floor and residential use above.

Reason: In the interest of clarity.

3. The proposed development shall be amended so that the café use shall be on the ground floor only and the roof top terrace (and, if necessary, the associated stairs and escape stairs) shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

4. Details of the revised first floor plans and boundary screening for the apartment roof garden shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

5. Details including samples of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

These shall include details of the proposed new shopfront onto Lennox Road and of the ground floor window on the Richmond Row elevation.

Reason: In the interest of the visual amenities of the area.

6. Details for the effective control of fumes and odours from the premises shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The approved scheme shall be implemented within 2 months of the date of this permission and thereafter be permanently maintained.

Reason: In the interest of public health and to protect the amenities of the area.

7. The following management requirements shall be complied with
Monday to Sunday:

- (a) The opening hours of café shall be within the hours of 0800 to 1800 Sunday to Wednesday and 0800 to 2200 Thursday to Saturday,

- (b) Deliveries shall not be permitted between 2000 and 0700, and

- (c) No music or other amplified sound shall be emitted to the public street or broadcast in such a manner as to cause nuisance to the occupants of nearby properties.

Reason: In the interest of residential amenity.

8. 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 the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

9. Other than those on the planning application drawings no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and in order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area.

10. 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.

Reason: In the interest of public health.

11. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. 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 management measures and off-site disposal of construction/demolition waste, public safety measures and construction traffic management.

Reason: In the interest of public safety and the amenity of adjoining commercial and residential properties.

Board Member: _____ Date: August 18th, 2016
Nicholas Mulcahy