



An
Bord
Pleanála

Board Direction
PL.06D.247791

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 18th 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to proposed change of use to a restaurant use, that is 'permissible in principle' in MTC zoned land in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 it is considered, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of properties in the vicinity and development would 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The first floor flat roof to the rear of the property shall not be used as a terrace, smoking area or for any ancillary purpose associated with the restaurant.

Reason: In the interest of residential amenities.

3. The opening hours of the restaurant shall be restricted to closing not later than 23:00 hours on Thursday, Fridays and Saturdays and no later than 22:00 hours on any other day. No ancillary food delivery or collection services shall operate from the premises after these closing times.

Reason: In the interest of residential amenity.

4. a) Details of signage including method of illumination shall be submitted to the Planning Authority and agreed in writing prior to the commencement of development.
b) Other than the signage agreed under 4(a), and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, or attached to the glazing unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. Prior to the commencement of development, the developer shall submit to, and agree in writing with the Planning Authority details regarding ventilation system.. Such details should provide for the following;

- (a) Extract fumes shall be emitted to the outer air via a flue/stack erected to a minimum height of 1 metre above the eaves of the premises or adjoining premises,
- (b) The flue/stack emitting fumes shall be positioned in an area from which the emissions will cause minimum nuisance,
- (c) If a bend is provided to the flue/stack it shall be directed away from the neighbouring residences or offices,

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

6. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, 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.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment

7. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(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.

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.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

9 No additional development shall take place on the flat roof area, including 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 residential amenities of property in the vicinity and the visual 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.

Board Member

Date: 18.05.17

Paul Hyde