



An
Bord
Pleanála

Board Direction
BD-001090-18
ABP-301275-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 11th 2018.

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 the existing pattern of development in the area, the planning history of the subject site, and the provisions of the current Dublin City Development Plan 2016 – 2022, including the zoning objective Z4, “to provide for and improve mixed-service facilities”, and policy RD17 “to promote active uses at street level”, it is considered that the change of use from retail to restaurant use, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the area, would not be prejudicial to public health, would conform to the provisions of the Development Plan and would generally be acceptable in terms of pedestrian and traffic safety. Furthermore, it is considered that the relocation of the ESB substation to the Lennox Street frontage, subject to compliance with the amendments submitted to an Bord Pleanála as part of the appeal, would not be out of character with its surroundings nor interfere with the setting of nearby protected structures. The proposed development 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 to the planning authority as amended by the plans and particulars received by An Bord Pleanála on the 22nd day of March 2018, 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 the 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. The premises hereby permitted (licensed restaurant) shall not operate outside the hours of 08.00 to 23.00 on any day.

Reason: In order to safeguard the amenities of adjoining residential properties.

3. The premises hereby permitted (licensed restaurant) shall not be used for the sale of hot food for consumption off the premises (that is, a take-away use), whether or not such use would represent an ancillary use to the principal use as a restaurant.

Reason: In the interest of clarity, and in order to safeguard the amenities of adjoining residential properties.

4. The premises hereby permitted (licensed restaurant) shall not be used as a night-club or public house. No live music shall be played within the premises. No recorded music, that would be audible outside the premises, shall be played.

Reason: In the interest of clarity, and in order to safeguard the amenities of adjoining residential properties.

5. Retailad3 (model condition.)

Reason: In the interest of visual amenity, and to allow the planning authority to assess the impact of any such signage or advertising structures through the statutory planning process, having regard to the fact that

details of such signage or advertising were not provided with the application documentation.

6. 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.

7. Details of the proposed external finishes of the elevation to the ESB substation on Lennox Street shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The adjoining gym lobby entrance facade shall be fully glazed.

Reason: In the interest of visual amenity.

8. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Monday to Friday inclusive, between 8 a.m. and 2 p.m. on Saturdays and not at all on Sundays or Bank Holidays. Deviations 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 and property in the vicinity.

9. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

Board Member

Date: 11th September 2018

Philip Jones