



An
Bord
Pleanála

Board Direction
BD-004457-19
ABP-305294-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/11/2019.

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 site's location on serviced urban land, the relevant provisions of the *Dublin City Development Plan 2016-2022* which promote mixed-use development within the city centre, to the nature and scale of the proposed development and the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an appropriate use at this location. 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, as amended by the further plans and particulars submitted on 9th July 2019, 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 proposed development shall be amended to include a roof light above the proposed living/kitchen/dining space of the apartment unit at first floor level. Revised first floor and roof plan drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Prior to the commencement of operation at the proposed restaurant use, detailed drawings of the signage at ground floor level, including materials, finishes and colours, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of visual amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertising signs (including 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, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. The hours of operation of the restaurant use at ground floor level shall be restricted to 07:00 – 00:00 Monday to Sunday.

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

6. 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.

7. Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity and shall not be audible in adjoining premises. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.

Reason: In the interest of environmental amenity.

8. Water supply and drainage arrangements, including the 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.

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

Board Member

Date: 07/11/2019

Chris McGarry