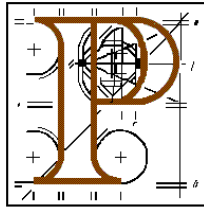


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2354/15

An Bord Pleanála Reference Number: PL 29S.245616

APPEAL by Paul Keaveny care of RPS Group of West Pier Business Campus, Dún Laoghaire, County Dublin against the decision made on the 14th day of August, 2015 by Dublin City Council to grant subject to conditions a permission to Moonage Daydream Limited care of Kenny Kane Associates of Oak Hollow Studio, Upper Glenageary Road, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use from retail/commercial to licensed restaurant and performance venue/gallery use, with attendant internal alterations to the existing shopfront (A Protected Structure), all at 46 Drury 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 Z5 – ‘city centre’ zoning objective for the site as set out in the Dublin City Development Plan 2011 – 2017, the character and pattern of development in the vicinity of the site and the nature of the proposed use, it is considered that, subject to compliance with the conditions set out below, the proposed development and use would be compatible with the established use in the vicinity of the site, would not seriously injure the amenities of the area or of properties in the vicinity, would not have a detrimental impact on a protected structure and 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, as amended by the further plans and particulars submitted on the 20th day of August, 2015, 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. Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 5 dB(A) at any time. The background noise level shall be taken as L_{90} and the specific noise shall be measured at $L_{Aeq, 15}$ minutes.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to the proposed use of the premises. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

3. No signage shall be erected on site or attached to the building without a prior grant of planning permission.

Reason: In the interest of visual amenity and to protect the character of the Protected Structure.

4. 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.

5. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. All proposed works to the protected structure, shall be carried out under the supervision of a suitably qualified conservation architect.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

7. The use hereby permitted for the ground floor is that of a restaurant only. Any subsequent proposal for a hot food takeaway shall require a further grant of planning permission.

Reason: In the interest of orderly development.

8. The developer shall pay to the planning authority a financial contribution in respect of Metro North in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

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

Dated this day of 2016.