

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3381/15**

An Bord Pleanála Reference Number: PL 29S.245942

**APPEAL** by Mannix Flynn of Members Room, City Hall, Dublin against the decision made on the 1<sup>st</sup> day of December, 2015 by Dublin City Council to grant subject to conditions a permission to Width of a Circle Limited care of Kenny Kane Limited of Oak Hallow Studio, Upper Glenageary Road, Glenageary, County Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use of the ground floor from retail shop to bar/restaurant with terrace, change of use of first floor from retail storage to live music venue, new entrance and front onto Clarendon Market, new signage to the premises at Textile Market Building, 5 Clarendon Market, 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 proposed change of use, that is permissible on 'Z5 – City Centre' zoned land in the current Dublin City Development Plan 2011-2017, the limited scale and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the provisions of the Dublin City Development Plan, 2011-2017. 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 the 4<sup>th</sup> day of November 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. Prior to the commencement of development, a scheme for the effective control of fumes and odours generated in the premises shall be submitted to the planning authority for written approval. Furthermore, the developer shall submit details regarding ventilation systems, ducting and route of pipework to discharge point for written agreement with the planning authority.

**Reason:** In the interest of public health and in order to safeguard the residential amenities of properties in the vicinity.

3. Prior to the commencement of development, a revised ground floor site layout shall be submitted to the planning authority for written approval demarcating an area for the storage of waste.

**Reason:** In the interest of clarity.

4. No awnings, canopies, roller shutters or additional external lighting shall be erected or displayed on the premises or within the curtilage of the site without a prior grant of planning permission.

**Reason:** In the interest of visual amenity.

5. No music speakers or sound amplification of any kind will be placed on the external walls or roof.

**Reason:** In the interest of residential amenity.

6. 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.

7. 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.

8. (a) During the construction phase, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control'.
- (b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142 method for rating industrial noise affecting mixed residential and industrial areas.
- (c) Before the use hereby permitted commences, a noise attenuation scheme shall be fully implemented as per Noise Report (dated 8<sup>th</sup> October 2015) submitted on the 4<sup>th</sup> day of November, 2015. Prior to first use of the development, the planning authority shall be notified and a noise trial test shall be carried out under appropriate supervision and results/details of same shall be agreed the planning authority.

**Reason:** In the interest of residential amenity.

9. 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.

10. 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 the 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.

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

**Dated this            day of            2016.**