

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3861/15

An Bord Pleanála Reference Number: PL 29S.246049

APPEAL by Thomas Pink Ireland Limited care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 14th day of December, 2015 by Dublin City Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of the ground floor and basement from retail outlet to coffee shop. The ground floor has an area of 135 square metres and will contain seating and a counter area to serve coffee and pastries as well as a new disabled w.c. The basement of 108 square metres will be used for ancillary services such as public toilets and staff facilities. All at 29 Dawson 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 zoning objective ("Z5 - City Centre") of the Dublin City Development Plan 2011-2017 which provides for the consolidation and facilitation of the development of the central area, to the designation of Dawson Street as a Category 2 retail street in the South City Retail Quarter Architectural Conservation Area in the said Development Plan which, inter alia, provides for encouragement of the local traded sector and uses complementary to the main shopping focus such as cafes, bars, restaurants and galleries that contribute to the vitality and viability of the area and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the vitality and viability of the area, would not set an undesirable precedent for similar such development and 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, 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. The shopfront fascia shall be in accordance with the following requirements:
 - (a) Signage shall be confined to the single fascia board using sign writing or comprising either hand-painted lettering.
 - (b) Details of any lighting to be provided on the exterior of the premises shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (c) 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, unless authorised by a further grant of planning permission.
 - (d) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

3. The grant of permission excludes the use of the premises for the sale of hot food for consumption off the premises.

Reason: In the interest of the protection of the amenity and character of the Dawson Street and the South City Retail Quarter Architectural Conservation Area.

4. 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.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

6. 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.