

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3751/15

An Bord Pleanála Reference Number: PL 29S.246412

APPEAL by Amanda and Susannah Jackson care of Ceardean Limited of 169 Inchicore Road, Inchicore, Dublin against the decision made on the 11th day of March, 2016 by Dublin City Council to grant subject to conditions a permission to SLJ Limited care of CDP Architecture of 4 the Mall, Main Street, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention is sought for the existing kitchenette area circa 4.2 square metres at first floor level and planning permission for a dance area circa 20.5 square metres at the rear of the ground floor, all associated with the previously approved wine/spirits bar area at ground floor under planning register reference numbers 2984/14 and 3364/14, all at number 10 Saint Stephens Green North, Dublin (a Protected Structure, Dublin City Council (RPS Number 7768).

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 Dublin City Development Plan 2011-2017 according to which the site is located within an area subject to the zoning objective: "Z5: – "To consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design character and dignity" and to the nature and extent of commercial, retail, restaurant and leisure and related land-uses in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed for retention would not seriously injure the amenities of the area or of adjoining properties, would be in accordance with the development objective for the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 15th day of February, 2016, 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development hereby permitted is strictly limited to the development as set out in the public notices.

Reason: In the interest of clarity.

3. This permission shall apply for a period of three years from the date of this order.

Reason: To enable the impact of the development on the surrounding area to be assessed.

4. The dance floor shall only be used between midnight and 0200 hours Mondays to Sundays inclusive, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of the amenities of adjoining properties.

5. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB (A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L_{90} and the specific noise shall be measured at $L_{Aeq,T}$.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be the subject to the same locational and decibel exceedances criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at $L_{Aeq,T}$.
- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
- (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.
- (d) When measuring the specific noise, the time (T) shall be any 5 minute period during which the sound emission from the premises is at its maximum level.
- (e) Any measuring instrument shall be precision grade.

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 within two months of the date of this order. An acoustical analysis shall be included with this submission to the planning authority.

Noise monitoring and reporting requirements shall be agreed in writing with the planning authority within two months of date of this order.

Reason: In order to protect the amenities of property in the vicinity and of the area.

6. The following requirements shall be provided for and adhered to in the development:
- (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
 - (b) All windows and roof lights shall be double-glazed and tightly fitting.
 - (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details of the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity.

7. The developer shall control odour emissions, including extract ducting and ventilation from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.

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

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. 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.

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

Dated this day of 2016.