

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2418/16

An Bord Pleanála Reference Number: PL 29S.246634

APPEAL by Graham Stone of 4 Richmond Row, Portobello, Dublin against the decision made on the 27th day of April, 2016 by Dublin City Council to grant subject to conditions a permission to The Bretzel Trading Company Limited care of nineteeneighty of 24 John Dillon Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of the existing ground floor café, along with planning permission for the reconfiguration of the existing café and retail space, including provision of a new window to Richmond Row, modifications to the existing door to Richmond Row and provision of a double-height space for seating to the rear of the existing café, including re-roofing the existing store building and provision of roofing-lighting. The proposed works include reconstruction and extension of the existing flat roof store at first floor level (to the rear), the replacement of the existing garage shutter door and single door at ground floor to Lennox Street with a timber shopfront (opening to the bakery kitchen). At first floor over the existing kitchen provision of a roof terrace for the café, including new balustrade to Lennox Street, the existing store at this level facing Lennox Street is to be remodelled as a semi-open roof canopy with seating under. Minor internal refurbishment works to the single dwelling unit above the café include re-building the existing bathroom lean-to and removal of its window to Richmond Row, provision of a roof-light to the reconstructed bathroom, a new roof terrace to the apartment (to the rear) and miscellaneous other works at number 1A Lennox 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 provisions of the Dublin City Development Plan 2011-2017, the historic commercial use of the premises as a bakery and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the retention of the café and proposed development would be in accordance with the provisions of the Dublin City Development Plan, would not adversely affect its character of the Conservation Area and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development and development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 17th day of June, 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the building at number 1A Lennox Street shall be restricted to café/bakery on ground floor and residential use above.

Reason: In the interest of clarity.

3. The proposed development shall be amended so that the café use shall be on the ground floor only and the roof top terrace (and, if necessary, the associated stairs and escape stairs) shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

4. Details of the revised first floor plans and boundary screening for the apartment roof garden shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

5. Details including samples of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These shall include details of the proposed new shopfront onto Lennox Road and of the ground floor window on the Richmond Row elevation.

Reason: In the interest of the visual amenities of the area.

6. Details for the effective control of fumes and odours from the premises shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The approved scheme shall be implemented within two months of the date of this Order and thereafter shall be permanently maintained.

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

7. The following management requirements shall be complied with Monday to Sunday:
- (a) The opening hours of the café shall be within the hours of 0800 to 1800 Sunday to Wednesday and 0800 to 2200 Thursday to Saturday,
 - (b) Deliveries shall not be permitted between 2000 and 0700, and
 - (c) No music or other amplified sound shall be emitted to the public street or broadcast in such a manner as to cause nuisance to the occupants of nearby properties.

Reason: In the interest of residential amenity.

8. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

9. Other than those on the planning application drawings, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and in order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area.

10. 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.

11. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours 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.

12. 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 noise management measures and off-site disposal of construction/demolition waste, public safety measures and construction traffic management.

Reason: In the interest of public safety and the amenity of adjoining commercial and residential properties.

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

Dated this day of 2016.