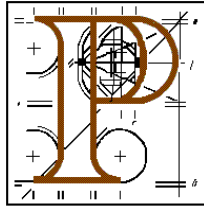


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2977/16**

An Bord Pleanála Reference Number: PL 29N.247192

**APPEAL** by Zaheed Uddin Mohammed care of Martin and Gately Solicitors of 36 Charles Street West, Dublin against the decision made on the 16<sup>th</sup> day of August, 2016 by Dublin City Council to grant subject to conditions a permission to Huseyin Ucar care of Green Design Build of 142 Leeson Street Upper, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use from retail convenience store to restaurant use with new signage, repairs, refurbishment and associated works including venting of kitchen extract to rear west facing elevation (area 66 square metres), all at ground floor, Unit Number 29, Liffey Street Lower, 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 2016-2022, to the nature and scale of the proposed development 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 not seriously injure the amenities of the area or of property in the vicinity. 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 29<sup>th</sup> day of July, 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. For the avoidance of doubt, the premises shall be used as a seated restaurant only and not for the sale of hot food for consumption off the premises.

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

3. The proposed projecting lighting shall be omitted and the fascia signage shall be provided using individually mounted lettering using high quality materials in lieu of painted signage. Details of the proposed signage and security shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. No further advertisement signs (including any signs installed to be visible through the windows), security shutters, advertisement structures, banners, canopies, flags or other projecting elements shall be displayed or erected on the buildings, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

4. The opening hours of the premises shall be restricted to between 08.00 hours and 22.00 hours Monday to Sunday, inclusive of public holidays.

**Reason:** In the interest of orderly development and to protect the residential amenities of the area.

5. Details of the proposed insulation measures to prevent noise nuisance for the occupiers of the neighbouring dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and to protect the residential amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

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

**Dated this            day of            2017.**