

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Dublin City**

**Planning Register Reference Number: 2997/16**

An Bord Pleanála Reference Number: PL 29S.247547

**APPEAL** by Thomas Heneghan of 18 Howth Road, Sutton, Dublin and by Moussa Bouguerra care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 14<sup>th</sup> day of October, 2016 by Dublin City Council to grant subject to conditions a permission to Ardstone Value Partners Fund care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Amalgamation of the two existing units (comprising restaurant and fast-food restaurant) at basement and ground floor levels into one unit measuring 176 square metres; change of use to café; modifications to the shopfronts and associated works at numbers 22 and 23 Temple Bar, Dublin, each of which are Protected Structures.

## **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 central city location, the zoning objective for the site and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposal would not adversely affect the integrity of the Protected Structures, and would not detract from the character or setting of the Protected Structures. Furthermore, it is considered that the proposed development would not seriously injure the residential or visual amenity of 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22<sup>nd</sup> day of September, 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. All works to the Protected Structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of the Protected Structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. A Conservation Methodology and Specification plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include the following:
- (a) methodology for making good the extent of the repair and proposed repair specification to the rear and front brick façade,
  - (b) details of the proposed service and storage areas,
  - (c) a schedule of condition and associated repairs of the original shopfronts including glass type, frames and internal linings and details of replacement windows, and
  - (d) a schedule of condition of and associated repairs to the historic plasterwork and clarification of all restoration works, thermal and damp upgrading works.

The development shall be carried out in accordance with this plan and the relevant works shall be restricted to conservation, consolidation and presentation works.

**Reason:** To ensure that the historic structures are maintained and protected from unnecessary damage or loss of fabric.

4. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. 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 buildings, unless authorised by a further grant of planning permission.

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

6. The proposed awning shall be of a plain colour or neutral canvas type and no advertising apart from the name of the premises shall be used on the awning.

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

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 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.

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.

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

**Dated this            day of            2017.**