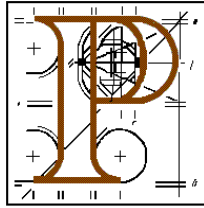


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3629/16

An Bord Pleanála Reference Number: PL 29S.247565

APPEAL by Shannon Guzman, Josephine O'Reilly and Marie Flynn care of 5 Creighton Street, Dublin against the decision made on the 20th day of October, 2016 by Dublin City Council to grant subject to conditions a permission to Hibernia REIT Holding Company Limited and Trinity General Two DAC care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Minor amendments to planning register reference number 4071/09 (as previously amended under planning register reference numbers 2270/15, 3055/15, 4323/15 and 2258/16) for a mixed use development on a 0.4223 hectare site at 1-4 Windmill Lane, 1-3 Hanover Street East and numbers 19-20 Creighton Street, Dublin. The proposed development relates to the permitted retail unit of 376 square metres at ground floor with frontage to Creighton Street and Hanover Street East and permission for a part off-licence use ancillary to the permitted retail use and for the sale of hot food for consumption off the premises ancillary to the permitted retail use and all associated and ancillary amendments.

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 nature and limited scale of the proposed development, the Z5 mixed use land use zoning objective for the site as set out in the Dublin City Development Plan 2016–2022, the zoning objectives for property in the surrounding area, the planning history of the site, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposal would be in accordance with the Z5 objective for the site, would not conflict with the zoning objectives for surrounding areas, would not seriously injure the visual or residential amenities of the area or of property in the vicinity 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 proposed development shall be in accordance with the terms and conditions of An Bord Pleanála appeal reference number PL29S.237295 (planning register reference number 4071/09), planning register reference number 2270/15, An Bord Pleanála appeal reference number PL29S.245667 (planning register reference number 3055/15), An Bord Pleanála appeal reference number PL29S.246877 (planning register reference number 2686/16), and planning register reference number 3538/16, except as otherwise hereby permitted.

Reason: In the interest of orderly development and of clarity.

3.
 - (1) The part off-licence use shall not be implemented until planning register reference number 3538/16 has been implemented and the existing off-licence use in the Hanover Building has ceased to the written satisfaction of the planning authority.
 - (2) The subsidiary alcohol sales shall be ancillary to the convenience retail shop use, and shall be limited to the area marked “A” shown on the “Ground Floor Plan – Permitted and Proposed Application” drawing, submitted to the planning authority on the 1st day of September, 2016.
 - (3) There shall be no display of alcohol products or advertising of the sale of alcohol products at or near the shop frontage.

Reason: In the interest of orderly development and to comply with the policies and objectives of the planning authority in relation to part off-licences, as set out in the Dublin City Development Plan 2016–2022.

4. The proposed take-away use shall be ancillary to the primary use as a convenience retail shop, and shall not exceed five per cent of the total gross floor space of the unit. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and orderly development.

5. No venting, extract ducts, air handling units, or external exhaust of fumes from the proposed development is hereby permitted.

Reason: In the interest of clarity, of orderly development, and of the amenity of residential property in close proximity.

6. 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 commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual and residential amenity.

7. (1) A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (2) Prior to commencement of development, plans and particulars shall be submitted to and agreed in writing with the planning authority, illustrating how compliance with this waste management plan will be achieved. In particular, revised drawings shall set out how access to waste storage is to be provided.

Reason: To provide for the appropriate management of waste and 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 2017.