

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0733

An Bord Pleanála Reference Number: PL 06D.247791

APPEAL by Adrian Corcoran of 20 Patrick Street, Dún Laoghaire, County Dublin against the decision made on the 28th day of November, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Conall Doorley care of Stephen Harper of 21 Vesey Place, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use from a shop to a restaurant, new frontage and signage at 21 Patrick Street, Dún Laoghaire, County 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 proposed change of use to a restaurant use, that is 'permissible in principle' in MTC zoned land in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, 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, 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 first floor flat roof to the rear of the property shall not be used as a terrace, smoking area or for any ancillary purpose associated with the restaurant.

Reason: In the interest of residential amenity.

3. The restaurant shall close no later than 23.00 hours on Thursdays, Fridays and Saturdays and no later than 22.00 hours on any other day. No ancillary food delivery or collection services shall operate from the premises after these closing times.

Reason: In the interest of residential amenity.

4. (a) Details of signage including method of illumination shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Other than the signage agreed under 4(a), and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, or attached to the glazing unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details regarding ventilation systems. Such details shall provide for the following:
 - (a) Extract fumes shall be emitted to the outer air via a flue/stack erected to a minimum height of one metre above the eaves of the premises or adjoining premises.
 - (b) The flue/stack emitting fumes shall be positioned in an area from which the emissions will cause minimum nuisance.
 - (c) If a bend is provided to the flue/stack, it shall be directed away from the neighbouring residences or offices.

Reason: To safeguard the residential amenities of property in the vicinity.

6. 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 within the development 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

7. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
- (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

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

8. 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 residential amenities of property in the vicinity.

9. No additional development shall take place on the flat roof area, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual 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.

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

Dated this day of 2017.