



An  
Bord  
Pleanála

**Board Order**  
**PL 29N.248707**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3175/16.**

**Appeal** by Linevana Limited care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 22<sup>nd</sup> day of May, 2017 by Dublin City Council to grant subject to conditions a permission to Peter Van Der Goudenhart of 27 Liffey Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of use of the existing hairdresser unit to restaurant use including new signage and all associated site works (area 74 square metres) at ground floor unit, 27 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 and in particular the Z5 zoning objective which relates to the lands in question together with the nature and scale of the proposed development and 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 proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further information received by the planning authority on the 28th day of April 2017, 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 the 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 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 and 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 0800 hours and 2200 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 premises 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 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

8. Prior to the commencement of development, the applicant shall submit details for the effective controls of fumes and odours from the proposed development. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. 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 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.

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

**Dated this        day of                                    2017**