



An
Bord
Pleanála

Board Order PL 29S.249233

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2252/17

Appeal by Nutweave Limited care of Edward Fitzgerald Selby of 32 Butterfield Grove, Rathfarnham, Dublin against the decision made on the 17th day of August, 2017 by Dublin City Council to refuse permission to the said Nutweave Limited.

Proposed Development Mixed-use building, for the change of use of ground floor Unit 5, the unit faces Marrowbone Lane, from retail use, to use as a Bombay Pantry, food take-away premises, for the sale of whole fresh Indian/Asian cuisine products, with Indian flat breads, salad and grab and go products both chilled and hot for collection or delivery, where base ingredients are to be finished (the majority of food is prepared off-site in a centralised production facility) for consumption off the premises. Opening hours to be from 11.00 a.m. to 11.00 p.m. All at Unit 5, Barley House, 90-97 Cork Street and Marrowbone Lane, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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, layout and location of the proposed fast food unit, in particular the inadequate arrangements for ventilation of the unit, its proximity to residential units, the lack of a dedicated easily accessible bin storage area to serve the unit and the guidance in Section 16.24, as set out in the current Development Plan for the area for the appropriate location of take-aways, it is considered that the proposed change of use would have a significant adverse impact on residential amenity by virtue of noise, odour and conflict with the residential use on the rest of the site. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018