



An
Bord
Pleanála

**Board Order
PL 29S.249324**

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2807/17

Appeal by Miriam Molloy care of Carew Kelly Architects of 21-22 Grafton Street, Dublin against the decision made on the 31st day of August, 2017 by Dublin City Council to grant subject to conditions a permission to Relay Group Limited care of Lyons Designs Architectural Services of 14 Bellewood, Ballyneety, County Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from retail to café/restaurant (59.3 square metres), together with the construction of a first floor extension (51.7 square metres), alterations to the front elevation, signage, retractable canopies, new connections to mains services and all associated site works at 49 and 49A Donnybrook Road/The Crescent, Donnybrook Road, 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, including the zoning objective for the area, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the vitality and viability of the surrounding shopping area, would not detract from the streetscape or the visual amenities of the area and would not result in significant impacts on the residential amenity of residential 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, as amended by the further plans and particulars submitted on the 4th day of August 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 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. Site development and building works shall be carried out only between the hours of 0800 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.

3. The signage shall consist of 300 millimetres brushed stainless steel lettering and the canopy shall not contain any advertisement or signage.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of orderly development.

5. 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.

6. The hours of operation shall be 0800 to 2200 hours Monday through Sunday.

Reason: In the interest of the proper planning and sustainability of the area.

7. The following archaeological requirements shall be complied with: -
- (i) archaeological mitigation for any ground works must be agreed in advance of commencement with the City Archaeologist,
 - (ii) if, during the course of site works and construction, archaeological material is discovered, the City Archaeologist shall be notified immediately. Further, it is obligatory under the National Monuments Act 1994 that such is brought to the attention of the National Monuments Service, Department of the Environment, Heritage and Local Government, and the National Museum of Ireland, and
 - (iii) in the event of an archaeological find on site, the City Archaeologist (in consultation with the National Monuments Service, Department of Environment, Heritage and Local Government) shall determine the further archaeological resolution of the site.

Reason: In the interest of preserving, or preserving by record, archaeological material likely to be damaged or destroyed in the course of development.

8. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing, with the planning authority.

Reason: In the interest of visual amenity.

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element, shall be displayed or erected on the building or within the curtilage, or attached to the glazing, without the prior grant of planning permission.

Reason: In the interests of visual amenity.

10. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

