

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Dublin City Council

Planning Register Reference Number: 3232/17

An Bord Pleanála Reference Number: ABP-300331-17

Appeal by Temple Bar Residents care of The Granary, 20 Temple Lane, Dublin against the decision made on the 2nd day of November, 2017 by Dublin City Council to grant subject to conditions a permission to Robert and Siobhan Woodnut care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from retail to licensed restaurant/café bar at basement and ground floor level; external works to include the replacement of external windows and doors along Crown Alley and Cope Street to include bifold windows and doors and the upgrading of the ground floor façade with integrated seating along Cope Street. Basement level fit out works to include the provision of a kitchen, toilets and staff facilities. Ground floor level fit out works to include the provision of a bar, seating areas and unisex disabled wc, all with associated signage, lighting and site works at 17 Crown Alley/3-4 Cope Street, Temple Bar, 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 central city location, the zoning objective for the site and the policies of the current Dublin City 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 residential or visual amenity of the area. 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 6th day of October 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. The development shall be carried out in accordance with the mitigation measures as set out in Section 5 of the Acoustic Report prepared by Dalton Acoustics Limited dated 5th October, 2017 (as submitted to the planning authority on the 6th day of October, 2017).

Reason: In order to protect surrounding residential amenity.

3. The change of use hereby approved is for a café/restaurant only, and any proposal to operate as a takeaway (sale of fried goods) for the consumption on or off the premises shall be subject to a separate planning application.

Reason: In the interest of the proper planning and sustainable development and in order to protect surrounding residential amenity.

4. The development hereby permitted shall be used only as a café/licenced restaurant and shall not operate as a public bar without a prior grant of planning permission.

Reason: In the interest of the proper planning and sustainable development and in order to protect surrounding residential amenity.

5. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the buildings unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 0700 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.

8. 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.

9. The restaurant/café bar shall operate between the hours of 10.30 am to 11.30 pm Sunday to Thursday and 10.30 am to 12.30 Friday to Saturday only.

Reason: in order to protect the amenities of residential property in the vicinity.

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

Dated this day of 2018