



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/1067

Appeal by Sam Greene and others care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin against the decision made on the 16th day of April, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Changyu Wang care of Michael Carroll of Glenherbert, Dargle Road, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from commercial use to hot food takeaway use in one ground floor unit at numbers 2 and 3 Quinn's Road, Shankill, 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 Section 8.3.7 and Section 8.2.6.5 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the existing building and historic uses on the site and 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 seriously injure the residential amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development, because of its nature and scale and the opening hours proposed, would not seriously injure the amenities of properties in close proximity by reason of noise, disturbance or general activity.

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 20th day of March, 2018, 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 food takeaway facility shall operate between 12.30 hours and 14.30 hours Monday to Sunday, and between 17.00 hours and 22.30 hours Monday to Friday and between 17.00 hours and 23.00 hours on Saturdays and shall close no later than 22.00 hours on Sundays and public holidays.

Reason: In order to safeguard adjoining residential amenities.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the proposed signage, that is, lettering and colour. The proposed signage shall not be illuminated.

Reason: In the interest of visual amenity.

4. The developer shall control odour emissions from the premises in accordance with measures including extract duct details 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.

5. 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.

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

Dated this day of 2018.