



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3332/18

APPEAL by Kusu Foods Limited trading as Maharaja care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin against the decision made on the 15th day of August, 2018 by Dublin City Council to refuse permission to the said Kusu Foods.

Proposed Development: Retention of change of use from a delicatessen and gourmet food store to take away and for the extract flue to the rear of existing premises and for all associated site works, all at 58, Clontarf Road, Clontarf, 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

Taken in conjunction with existing similar facilities in the area, it is considered that the development proposed to be retained, due to the nature of its operations involving the collection and delivery of hot food for consumption off the premises, would not be in accordance with the Z3 zoning objective for the site and section 16.25 of the Dublin City Development Plan 2016-2022, which seeks to prevent an overconcentration of takeaways in any area and to maintain a suitable mix of use in order to maintain and strengthen Neighbourhood Centres. Furthermore, it is considered that the nature of the traffic movements associated with the development would place an unacceptable demand on existing limited kerbside parking, result in indiscriminate roadside parking and the inappropriate use of adjacent designated residential parking, which would impact on the traffic safety and the residential amenity of adjoining property. It is considered that the proposed development would, therefore, seriously injure the residential amenity of adjoining property and be contrary to the proper planning and sustainable development of the area.

Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.