



## **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 Z5 city centre zoning objective, the planning history on the site and the scale and nature of the proposed development 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 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 developer shall comply with the following requirements of the planning authority:
  - (a) The LAeq level measured over five minutes, when measured in a habitable room, garden or open space at a time when an outside area would be expected to be used, when entertainment is taking place at the proposed development, shall show no increase when compared with the representative LAeq (five minutes) level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

- (b) The Leq level measured over five minutes, in the 50Hz to 160Hz third octave bands inclusive measured in a habitable room, garden or open space at a time when an outside area would be expected to be used with entertainment taking place at the proposed development, shall show no increase when compared with the representative Leq measured over five minutes in the 50Hz to 160Hz third octave bands inclusive, measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

**Reason:** In the interest of residential amenity.

3. This planning permission is granted for a limited period of two years from the date of this Order and the use hereby approved shall cease, unless a further permission has been granted before the expiry of that date.

**Reason:** In the interest of the proper planning and sustainable development of the area, and so that the effect of the development may be reviewed having regard to the circumstances then prevailing.

4. The hours of operation shall be from 0700 hours to 2300 hours Monday to Saturday.

**Reason:** In the interest of clarity and residential amenity.

5. The terms and conditions of the extant parent and amending permissions granted for the development under planning register reference numbers 4323/15, 3055/15 (An Bord Pleanála appeal reference number PL29S.245667), 2770/15 and 4071/09 (An Bord Pleanála appeal reference number PL29S.237295) and 2686/16 (An Bord Pleanála appeal reference number PL29S.246877) shall be complied with, unless they are modified by the terms and conditions of this permission.

**Reason:** In the interest of clarity.

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

**Dated this            day of            2019.**