



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3857/18

Appeal by Charles Feely care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 3rd day of January, 2019 by Dublin City Council to grant subject to conditions a permission to Secret Bar Limited care of Fionnuala Rogerson Architects of Ardtona House, Lower Churchtown Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (1) Change of use of (i) the second floor from ancillary restaurant facilities to multi-purpose space (private events, dining, product launches) (184.7 square metres) with re-configured toilets, and a new balcony to the rear; (ii) the third floor from light industry (vacant) to ancillary restaurant facilities including full kitchen, goods storage and office, (184.5 square metres); (iii) the fourth floor from light industry (vacant) to licensed restaurant (159.4 square metres) with a new covered terrace to the rear (24.1 square metres); and (v) the fifth floor from light industry (vacant) to ancillary office space and staff facilities (162.5 square metres); (2) Roof level extension (15.3 square metres) to serve general plant area including lift shaft and staircore; (3) Refuse/recycle area at ground floor level with new door at Drury

Street; (4) New toilets at first floor level replacing the existing kitchen; (5) Retention of existing balcony at the rear at first floor level and permission to extend it to 16.2 square metres in area; (6) Retention of retractable canopy at the rear and permission to modify it to accommodate proposed balcony at second floor level; (7) Retention of the illuminated original steel “Drury Buildings” sign (600 millimetres high x circa nine metres) and new projecting steel framed engraved oak sign (900 millimetres high x 600 millimetres) on Drury Street elevation and all ancillary site development works at Drury Buildings, 52-55 Drury Street, 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, the existing pattern of development in the area, the established use of the site and the nature and scale of the proposed development and the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29th day of November 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, retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed extension to the existing first floor balcony to be retained and the proposed external stairs to link to courtyard, shall be omitted.

Reason: In the interest of residential and visual amenities of the area.

3. The operators of the premises shall control odour emissions for the restaurant in accordance with details and 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.

4. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

- 6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

- 7. Details of all storage of refuse including food waste associated with the proposed development 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 visual amenity.

8. 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

9. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.