



An  
Bord  
Pleanála

**Board Order**  
**ABP-303699-19**

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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3844/18**

**Appeal** by Ben Macari care of Jim Brogan of Unit B1, Laurel Lodge Business Centre, Laurel Lodge, Dublin against the decision made on the 15<sup>th</sup> day of January, 2019 by Dublin City Council to grant subject to conditions a permission to Texas Fried Chicken Limited care of Plan-it Services of Barretstown Rod, Newbridge, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use from retail butcher to restaurant and take away specializing in chicken menu. The development consists of (a) modifications to front to include double door entrance, (b) extraction vent and stack to rear, and (c) opening hours 1130 hours to 1230 hours Monday To Sunday; all at ground floor unit, at 278, Glasnevin Avenue, 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 condition(s) 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 zoning objective for the site, the pattern of development in the area, and the nature of the proposed change of use, which includes a restaurant element, it is considered that the proposed development subject to conditions with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not consider that the change of use from retail to restaurant/takeaway would give rise to a proliferation of takeaway use such that it would be disproportionate to the overall size and character 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 to the planning authority on the 10<sup>th</sup> day of December 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 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.

3. The glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

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

4. The sound level from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

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

5. The signage to the shopfront shall consist of individually mounted lettering or hand painted letterings on the fascia. The size of the lettering shall be in proportion to the fascia board but no higher than 40 centimetres.

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

6. The fast food restaurant and takeaway facility shall only be operated between 1130 hours to 1230 hours Monday to Sunday (inclusive) and shall not be operated at any other time.

**Reason:** In the interest of residential amenity and orderly development.

7. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

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

8. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

9. Water supply and drainage arrangements, including the 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.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 amenities of property in the vicinity.

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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.**