



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4754/18**

**Appeal** by Gerry Farrell of 145 Upper Leeson Street, Dublin against the decision made on the 22<sup>nd</sup> day of February, 2019 by Dublin City Council to grant subject to conditions a permission to Sarah Jane Mullarney and Denis Monaghan trading as SJD Partnership care of Cathal O'Neill Architects of 33 Pembroke Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of ground floor unit (circa 42 square metres) from shop to coffee shop at 4 Seafort Avenue, Sandymount, 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 Z3 zoning objective relating to the site which seeks to provide for and improve neighbourhood facilities, it is considered that, subject to compliance with the conditions set out below, the proposed change of use from retail to coffee shop would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally 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.

## **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. Prior to the commencement of use on site as a coffee shop details for the effective control of fumes and odours emanating from the development shall be submitted to and approved in writing with the planning authority prior to commencement of development.

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

3. No external music loudspeakers shall be erected on the façade of the building.

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

4. No external security shutters shall be erected to the shopfront of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Details of the proposed hours of operation of the coffee shop shall be agreed in writing with the planning authority prior to commencement of development or in default of any agreement shall be determined by An Bord Pleanála.

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

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays and 0800 to 1400 hours on Saturdays and not at all on Sundays or 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:** To safeguard the residential amenities of property in the vicinity.

7. 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.

8. A plan containing details for the management of waste (and in particular recyclable materials) within the development including the provision of facilities for the storage, separation and collection of waste and in particular recyclable materials and for the ongoing operation of these facilities shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

---

**Paul Hyde**

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

**Dated this            day of            2019.**