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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2761/19**

**Appeal** by Pat Coyne of 7 Arran Street East, Mary's Abbey, Dublin against the decision made on the 2<sup>nd</sup> day of August, 2019 by Dublin City Council to grant subject to conditions a permission to Restaurant Investments Limited care of Mahoney Architecture of 42 Arran Street East, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1) At ground floor level, a change of use of 79.1 square metres from warehouse/storage to licenced restaurant. Modifications to include new customer and staff WCs, new kitchen with associated extract flue at roof level, fireproofing of floor and walls, (2) modifications to front façade onto Arran Street including replacing roller shutter door with new glazed shopfront, adding new window to currently blocked-up ope at first floor level, repainting façade and new restaurant signage, and (3) addition of one bedroom and en-suite, comprising 17.8 square metres to existing studio apartment at first floor level, at 46 Arran Street East, 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 location of the site on serviced urban land, the relevant provisions of the Dublin City Development Plan 2016-2022 which promote mixed-use development within the city centre, the nature and scale of the proposed development and the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an appropriate use at this location. 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, as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of July 2019, 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 the 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 proposed development shall be amended to include a roof light above the proposed living/kitchen/dining space of the apartment unit at first floor level. Revised first floor and roof plan drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Prior to commencement of operation of the proposed restaurant use, detailed drawings of the signage at ground floor level, including materials, finishes and colours, shall be submitted to, and agreed in writing with, the planning authority.

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

4. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertising signs (including signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building, unless authorised by a further grant of planning permission.

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

5. The hours of operation of the restaurant use at ground floor level shall be restricted to 0700 hours to 0000 hours Monday to Sunday.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, details of 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.

7. Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity and shall not be audible in adjoining premises. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.

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

8. 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.

9. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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 residential amenities of property in the vicinity.

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

**Dated this            day of            2019.**