



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3711/19

Appeal by John Corcoran and Anthony Lynch care of Avison Young of 4th Floor, 2-4 Merrion Row, Dublin against the decision made on the 3rd day of October, 2019 by Dublin City Council to grant subject to conditions a permission to Trebleside DAC care of SSA Architects of 42 Haddington Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Planning permission for alterations to the existing second floor rooftop smoking area to the east eliminating this as a smoking area and providing a roof to enclose the area at Opium. Also, retention permission for the reduced and partially covered smoking area in the centre of the second floor of Opium and retention permission for (a) connections between 37/38 Camden Row and Opium, (b) change of use from keg room to seated area at 37 Camden Row, and (c) the use of the ground floor internal yard to the north of 37/38 Camden Row as a smoking/outdoor area, all at 37/38, Camden Row, Dublin and Opium, 26 Wexford Street, Dublin, and 13/14 Liberty Lane, 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

It is considered that the development for which permission and retention of planning permission is sought, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. Site development and building works shall be carried out between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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: In order to safeguard the residential amenities of property in the vicinity.

4. There shall be no loudspeaker announcements, playing of music (live or recorded) of any kind, the screening of any shows, the projection of any audio or visual equipment or projection of any other audible material projected in, or from, the roof terrace.

Reason: In the interest of environmental amenity.

5. There shall be no serving, preparation or consumption of hot or cold beverages or food within the second-floor roof terrace.

Reason: In the interest of environmental amenity.

6. The link between the courtyard at the rear of Number 38 Camden Row and Opium shall be restricted to staff only and shall not be used as a public link between the two premises.

Reason: In the interests of environmental amenity and the proper land use planning of the local area.

7. The hours of opening of Number 37 Camden Row and the courtyard to the rear of Number 38 Camden Row shall be from 0700 to 2300 hours from Mondays to Sundays inclusive, for a temporary period until the 24th day of January, 2021. This is in keeping with the temporary opening hours for Number 38 Camden Row granted under planning register reference number 4206/18. Any extension to these specified hours shall be the subject of a separate grant of planning permission.

Reason: In the interest of environmental amenity.

8. The following requirements of the planning authority's Transportation Planning Division shall be complied with:
- (a) The door of the seated area to be retained at Number 37 Camden Row shall not open out onto the public footpath unless otherwise agreed in writing with the Transportation Planning Division.
 - (b) All costs incurred by the planning authority, including any repairs to the public roads services necessary as a result of the development, shall be at the expense of the developer.
 - (c) The developer shall comply with the requirements set out in the Code of Engineering Practice for works on, near or adjacent to the Luas Light Rail System.

Reason: In the interest of traffic safety and to ensure that there is no adverse impact on Luas operations and safety concerns.

9. The developer shall comply with the requirements set out in the Codes of Practice issued by the Noise and Air Pollution Section of the planning authority.

Reason: To ensure a satisfactory standard of development.

Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.