



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3681/19

Appeal by DET Limited of Astor House, 29 Lower George's Street, Dun Laoghaire, County Dublin against the decision made on the 1st day of November, 2019 by Dublin City Council to grant subject to conditions a permission to Green REIT (Dawson Street) DAC care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development will consist of the change of use of the lower ground floor level, and part of the ground floor level (to provide entrance/access arrangements) of the retail unit within the existing development on site, for use as a licensed cinema occupying an area of 474 square metres. The proposed licensed cinema will accommodate two auditoriums and will include an ancillary bar/dining area. The development includes internal amendments, tenant signage and all associated and ancillary development works. The existing development on site was permitted under register reference number 2338/15 and An Bord Pleanála register reference PL29S.244917, while the extent of the subject retail unit was permitted under register reference number 3356/17 at 13-17 Dawson Street, Dublin. The existing building on site is bound by Dawson Street to the west, Molesworth Street to the south and Dawson Lane to the north and east.

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 city centre location of the development, to the pattern of development in the area, to the provisions of the Dublin City Development Plan 2016-2022 and to the nature, scale, layout and design of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area, would not detract from the retail primacy of the area and would 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 lodged with the application, as amended by the further information submitted on the 10th day of October 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 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 following requirements of Transport Infrastructure Ireland (TII) shall be complied with:
 - (a) Prior to commencement of any works, the developer shall submit to be approved in writing by the Transport Infrastructure Ireland, the servicing access arrangements for the development including during construction.
 - (b) Deliveries including during construction phase shall be made to limit interference with LUAS operations.
 - (c) The developer shall ensure there is no adverse impact on Luas operation and safety. The development shall comply with the 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'.

Reason: To ensure no adverse impact on Luas operation and safety.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, serving access arrangements, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

4. The noise control measures set out in the Acoustic Assessment Report submitted to the planning authority on the 10th day of October, 2019 shall be implemented in full before the proposed development becomes operational.

Reason: In order to safeguard the amenities of adjoining properties.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

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

Dated this day of 2020.