



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4588/19

Appeal by Dormist Limited care of McGill Planning Limited of 45 Herbert Lane, Dublin against the decision made on the 4th day of February, 2020 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Retention of (a) the use of the private open space to the rear and side of the property as a public seating and dining area ancillary to the licensed premises "Bonobo", (b) the use of the metal clad structure within the private open space to the rear and side of the property as a kitchen and serving area ancillary to the licensed premises "Bonobo", (c) two canopy-type structures within the private open space to the rear and side of the property partially covering the seating and dining area ancillary to the licensed premises "Bonobo". The developments for which planning permission are being sought are external acoustic upgrades and associated site works in the public seating and dining area ancillary to the licensed premises "Bonobo" at 119-121 Church Street Upper, Dublin (a Protected Structure).

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 site's Z5 (City Centre) land use zoning objective, which seeks to sustain life within the centre of the city through intensive mixed-use development, and the existing established use on the site, it is considered that, subject to compliance with the conditions set out below, the retained and proposed development would not seriously injure the residential amenities of the area or of property in the vicinity. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application and by the further particulars received by An Bord Pleanála on the 25th day of February, 2020, 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 and the development shall be carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All works to the protected structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To ensure that the proposed works are carried out in accordance with best conservation practice.

3. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive locations shall not exceed:
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Sunday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

4. No amplified music or other specific entertainment noise emissions shall be permitted within the private open space to the rear covered by the canopies.

Reason: To protect the residential amenities of property in the vicinity.

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 residential amenities of property in the vicinity.

Dave Walsh

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

Dated this day of 2020