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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2483/20**

**Appeal** by Temple Inns Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 1<sup>st</sup> day of July, 2020 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Change of use of the existing vacant retail unit (127.7 square metres) at ground floor level to a whiskey shop/off licence; the provision of a new shopfront and associated signage and all associated site works at numbers 17/18, Temple Lane South, 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 provisions of the Dublin City Development Plan 2016-2022, and to the city centre location in a cluster of cultural, retail and tourist importance, the Board noted the content of the submissions made as part of the application and appeal and accepted that the proposal was not an off-licence in the ordinary sense of the word but rather a bespoke high end retail, cultural and tourist experience. The Board considered that it represented a distinct social and cultural experience of merit, and that a compelling case had been demonstrated in this particular instance. The Board was satisfied that the proposed development would not conflict with the policies and objectives of the Dublin City Development Plan 2016-2022. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the proposed development (a high-end retail proposal) differed significantly from the typical or average off licence offering in the area and therefore that it did not represent an increase in the proliferation of off-licence and part off-licence uses in the general area and was bespoke in character, with only one similar offering in the Temple Bar area.

The Board further considered and was satisfied that a compelling case has been made by the applicant for the proposed whiskey shop and tasting room at this vacant underutilised unit. Therefore, the proposed development would not conflict with the provisions of the Policy RD5 and Section 16.28 of the Dublin City Development Plan 2016-2022 as it relates to the management and control of off-licences or part off-licences. 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 received by An Bord Pleanála on the 27<sup>th</sup> day of July, 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 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. Details, including samples of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Paul Hyde**

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

**Dated this            day of            2020.**