



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2208/20

Appeal by Gourmet Frites (Ireland) Limited trading as Bram's Gourmet Frites against the decision made on the 14th day of September, 2020 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development to be retained consists of a Bram's Gourmet Fries restaurant unit, which includes the sale of hot and cold food for consumption on and off the premises, and comprises two number bespoke serving and storage containers picnic bench seating area with two parasols, terrace screens and all associated site works at Circle K Artane, Malahide Road, Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 5 so that it shall be as follows for the reasons set out:

5. The hours of operation shall be between 1000 hours and 2300 hours.

Reason: In the interests of the residential amenities of property in the vicinity and orderly development.

Reasons and Considerations

Having regard to the nature and scale of the proposed development on lands identified as land-use zoning objective Z6 - Employment/Enterprise and to the established uses in the vicinity which includes an existing service station, the Board considered that to extend the use of the restaurant/takeaway unit to include weekends would be acceptable and would not seriously injure the residential amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2021