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**Planning and Development Acts 2000 to 2020**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD21A/0024**

**Appeal** by Darke Entertainments Limited care of John O'Neill and Associates, Architects and Interior Designers Limited of 1 Irishtown Road, Dublin against the decision made on the 1<sup>st</sup> day of April, 2021 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of existing detached single-storey taxi cab office to restaurant/café (coffee shop) including associated alterations, signage and external (39 square metres) seating at former Penny Cabs office building, Ballyowen Castle Shopping Centre, Castle Road, Lucan, County 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 Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reason set out.

2. The restaurant/café (coffee shop) shall be operated between the hours of 0800 and 2100 hours only.

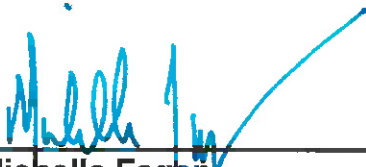
**Reason:** In the interest of clarity, residential amenity and the proper planning and sustainable development of the area.

## Reasons and Considerations

Having regard to the South Dublin County Council Development Plan, 2016-2022 according to which the site is located within an area subject to the zoning objective, "LC: - To protect, improve and provide for future development of Local Centres.", in which restaurant and café use (coffee shop) is a permissible use, to the surrounding retail, restaurant and retail uses within the area, and to the location of the proposed development relative to the surrounding residential area, it is considered that the proposed development, subject to a revision to condition number 2, providing for hours of operation between 0800 hours to 2100 hours, would not seriously injure the amenities of the properties in the surrounding residential areas and would 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 15<sup>th</sup> day of July 2021

