



An
Bord
Pleanála

Board Order
ABP-311424-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3913/20

Appeal by Brian and Patricia O'Higgins and Others of 6 Rathborne Close, Rathborne, Dublin against the decision made on the 23rd day of August, 2021 by Dublin City Council to grant subject to conditions a permission to Wenqin Chen care of CDP Architecture of 4 The Mall, Main Street, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from retail use of all floors to coffee shop use at ground floor level and residential use at first and second floor level with two number two-bed duplex apartments across first and second floor, all with associated bin store and bike store at ground floor level, and associated site works and signage, all at Unit 3, Block K, The River Centre, Rathborne Place, 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.

Reasons and Considerations

Having regard to the nature and scale of the proposed development comprising the change of use of a permitted retail unit in a neighbourhood centre to a coffee shop and residential use, and to the site location and context, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity. 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 submitted on the 11th day of June, 2021 and on the 27th day of July, 2021, 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. (a) No part of the coffee shop use hereby approved shall be used for the sale of hot food for consumption off the premises.
- (b) The hours of operation of the coffee shop use shall be restricted to between the hours of 0700 and 1900 from Mondays to Sundays.

Reason: In order to safeguard the residential amenities of property in the vicinity.



3. A scheme for the effective control of odour and fumes from the coffee shop use shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and, thereafter, shall be permanently maintained.

Reason: To ensure a satisfactory standard of development.

4. Details of the ground floor shopfront shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall be in accordance with the following requirements:

- (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering.
- (b) Lighting shall be by means of concealed neon tubing or by rear illumination.
- (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
- (d) External roller shutters shall not be erected.
- (e) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.



5. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

6. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

7. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. Prior to the 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.

10. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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.

11. 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.


Michelle Fagan

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



Dated this 31st day of January 2023.