

An
Bord
Pleanála

Board Order
ABP-311544-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3158/21

Appeal by The Adjacent Residents Group care of Nicola Quinn of 4 Hastings Street, Dublin against the decision made on the 7th day of September, 2021 by Dublin City Council to grant subject to conditions a permission to Basil Whelan care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (i) Retention of permission for a change of use from shop to restaurant. (ii) The removal of two number twenty-foot shipping containers and demolition of the single-storey store room and WCs to the rear of the property. (iii) Planning permission for a single-storey extension to side (48.37 square metres) with internal alterations at ground floor level and a two-storey extension to the rear (22.15 square metres), with the reconfiguration and alteration of residential accommodation at upper floor levels, with all associated site works and boundary treatments, all at 95 Ringsend Road, 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 national, regional and local policy objectives, as set out in the Dublin City Development Plan 2022 - 2028, to the nature and scale of the proposed development and the development proposed to be retained, and to the site location and context, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the residential or visual amenities of this residential conservation area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 the commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Site development and building works shall be carried out only between the hours of 0700 and 1800 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.

3. (a) The sale of any hot food for consumption off the premises shall be ancillary to the primary restaurant use.

(b) The hours of operation of the restaurant/take-away use shall be restricted to between 0800 and 2100 hours from Mondays to Sundays.

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

4. A scheme for the effective control of odour, fumes and noise from the restaurant use shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order and, thereafter, shall be permanently maintained.

Reason: To ensure a satisfactory standard of development.

5. (a) Details of the materials, colours and textures of all the external finishes, including the shopfront signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Details of the proposed boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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.

7. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertising signs (including signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. (a) The sound from any loudspeaker announcements, music or other material projected in, or from the ground floor premises, shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

- (b) No speaker announcements, amplified music or other audible material shall be played or broadcast in the outdoor seating area.

Reason: In the interest of environmental amenity.

9. 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.

10. 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.

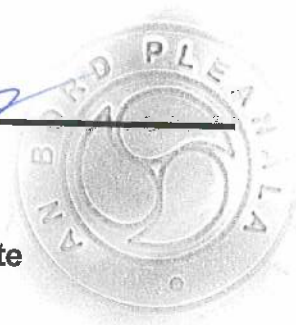
11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Stephen Brophy

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



Dated this *10* day of *Feb* 2023.