

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 2464/21

Appeal by Café 53 care of Studio D Architects of Distillery Court, 537 North Circular Road, Dublin against the decision made on the 6th day of December, 2021 by Dublin City Council to grant subject to conditions a permission to The Local Café Limited care of Colm Fitzpatrick of 8 Ashwood Close, Clondalkin, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention is sought for the following items: (1) To retain the change of use from electrical warehouse, reception, offices and canteen area to a café incorporating kitchen area at ground floor level, small take-away counter at ground floor level to front of unit and seating area at first floor level for café customers only; (2) To retain the take-away facility which is part of the overall change of use at ground floor of unit; (3) To retain the opening times of new café Monday to Thursday 8.30 a.m. until 5 p.m., Friday and Saturday 8.30 a.m. until 10 p.m. inclusive; (4) All work has been carried out to Unit 14, Block 3, Ballyboggan Business Centre, Dublin, all at Unit 14, Block 3, Ballyboggan Business Centre, Dublin.

MS6

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 development proposed for retention and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable use at this location. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 9th day of November, 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, retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The hours of operation shall only be between 0830 and 1700 hours from Mondays to Thursdays, between 0830 and 1900 hours on Fridays and Saturdays and not at all on Sundays.

Reason: In order to safeguard the amenities of the area.

3. 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 within two months of the date of this order. This scheme shall include the provision of litter bins and refuse storage facilities.

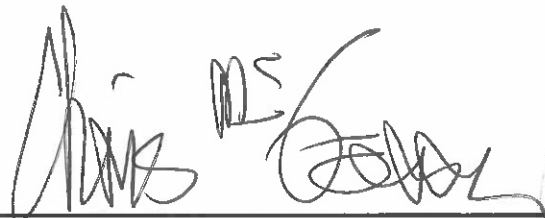
Reason: In the interest of orderly development.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, other than that indicated on Drawing Number 210003/P/002, received by the planning authority on the 25th day of May 2021, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

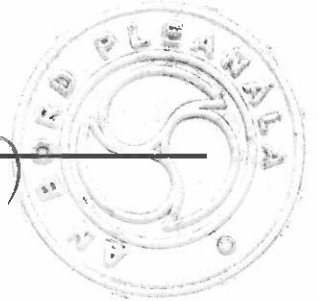
5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.



Chris McGarry

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



Dated this ^{10th} day of ^{May} 2022.