

An
Bord
Pleanála

**Board Order
ABP-313788-22**

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3568/22

Appeal by Greg Hewson and David Ferguson care of 27 Shanowen Road, Santry, Dublin against the decision made on the 16th day of May, 2022 by Dublin City Council to grant subject to conditions a permission to Nichola Cowley care of BJK Building Consultancy of 67 Ard Cluainn, Main Street, Clonee, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: The change of use of an existing retail shop to a new coffee and delicatessen shop consisting of upgrading of existing shop unit with new shop front, relocation of entrance to right side of front elevation, internal toilets and upgrading of internal layout and associated alterations at 7 Shanliss Road, Santry, 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 'Z3' land-use zoning objective for the site, as set out in the Dublin City Development Plan 2022-2028, "to provide for and improve neighbourhood facilities", the nature and scale of the proposed development and the existing pattern of development on the site and in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity 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, 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. This planning permission specifically excludes the sale of hot food for consumption off the premises.

Reason: To protect the amenities of adjoining and adjacent established residential development.

3. The flat roof of the rear ground floor, 'store and food prep area', hereby approved shall be accessed for fire escape and maintenance purposes only.

Reason: To protect adjoining residential amenities.

4. Refuse storage facilities shall be provided in a rodent proofed enclosure within the curtilage of the site and no refuse at any time shall be deposited on the public pavement except prior to collection.

Reason: To ensure that the provision of refuse storage is to the satisfaction of the planning authority.

5. Prior to change of use hereby permitted, a scheme shall be submitted to, and agreed in writing with, the planning authority, for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use as a café and deli commences and thereafter permanently maintained. The scheme shall comply with the following requirements:

- (a) no emissions, including odours, from the activities carried out at the site shall result in an impairment of, or an interference with amenities or the environment beyond the site boundary or any other legitimate uses of the environment beyond the site boundary,
- (b) a suitably qualified and experienced person shall undertake the design and installation of the ventilation system,
- (c) a suitable filtration system shall be installed to neutralise odours (if applicable) prior to their discharge,
- (d) the fan used to propel the extract shall be installed and be of sufficient power to ensure high exit velocity of the fumes during all weather conditions, and
- (e) the ventilation system shall be designed to incorporate a stack erected to a minimum height of one metre above the eaves of the premises or adjoining premises and be so sited to ensure the emissions will cause no nuisance.

Reason: In the interest of the amenities of both the immediate neighbours and general surroundings.

6. Noise levels from plant/extraction systems shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. The noise levels from the site, during the operational phase, measured as an LAeq (5 min at night, 15 min in day) when all proposed plant is operating, shall not exceed the LA90 by 5 dB(A) or more.

Reason: To protect the residential amenities of residents in adjacent premises.

7. There shall be no speakers located externally or in such a way that music played on the premises is audible outside the premises.

Reason: To protect the residential amenities of residents in adjacent premises.

8. The developer shall comply with the following requirements in relation to deliveries:

- (a) all drivers delivering to the proposed development shall carry out the delivery process using best practice to prevent a noise nuisance. To effect this, a noise minimisation plan shall be produced, subject to the approval of the environmental health unit of the planning authority, and put in place as soon as reasonably practicable to prevent noise nuisance during early morning deliveries, and
- (b) deliveries to the premises shall only take place between the hours of 0700 and 2000.

Reason: To protect the residential amenities of residents in adjacent premises.

9. The coffee and delicatessen shop shall only operate (open to the public) between 0800 and 1700 hours Monday to Sunday. The specified hours of operation shall be strictly adhered to. Any alterations to same shall be subject to the prior written consent of the planning authority.

Reason: To protect the residential amenities of the area.

10. Entrance doors to the coffee and delicatessen shop unit hereby permitted shall not be outward opening.

Reason: To prevent obstruction of the public footpath.

11. Prior to the commencement of any alterations to the front elevation, details of the materials, colours and textures of all external finishes and signage to the shopfront, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of the visual amenities of the area.

12. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interest of visual amenity.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours 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.

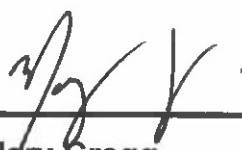
Reason: In order to safeguard the residential amenities of property in the vicinity.

15. The developer shall comply with the requirements set out in the Codes of Practice from the drainage division, the transportation planning division and the noise and air pollution section.

Reason: To ensure a satisfactory standard of development.

16. Water supply and drainage arrangements, including the attenuation and 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.



Mary Cregg

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



Dated this 4th day of August 2023