



Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1416/22

Appeal by Brian Hogan of 190 Clontarf Road, Dublin against the decision made on the 29th day of June, 2022 by Dublin City Council to grant subject to conditions a permission to Nowin Limited (trading as Saisab) care of O'Dea and Moore of 9 Castlewood Park, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of change of use from restaurant to restaurant with take-away at existing ground floor premises (68 square metres) at 4 Vernon Avenue, Clontarf, 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 zoning of the site and Section 16.25 of the Dublin City Development Plan 2016 – 2022 and to the pattern of uses in the vicinity of the site it is considered that the retention of the restaurant and food take-away service would be appropriate under this zoning and from a wider land use perspective and, subject to compliance with the conditions set out below, the food take-away service would be compatible with the amenities of the area and the traffic generated by this service would be capable of being accommodated without undue pressure upon the local road network and its associated parking provision. No water or Appropriate Assessment issues arise. 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 retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use shall comply with conditions attached to the permission granted by Dublin City Council under planning register reference number 3909/19, unless amended by the permission hereby granted.

Reason: In the interest of clarity.

3. A scheme shall be submitted to, and agreed in writing with the planning authority, for the effective control of fumes and odour from the premises. This scheme shall be submitted no later than eight weeks from the date of this Order. The scheme shall be implemented to the satisfaction of the planning authority and thereafter permanently retained.

Reason: In the interest of public health and amenity.

4. The food take-away service shall only operate in conjunction with the restaurant, and it shall not operate if the restaurant is not open to the public.

Reason: In the interest of orderly development.

5. Closing time for the restaurant and food take-away service shall be no later than 2200 hours daily.

Reason: In the interest of residential amenity.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *28* day of *November* 2022.