

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

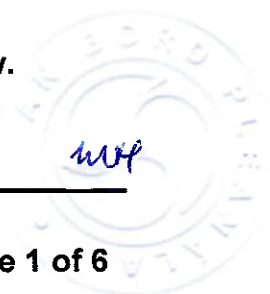
Planning Register Reference Number: 5101/22.

Appeal by Cuisle Properties Limited care of Smith Associates of "Fairview House", Deanery Street, Belturbet, County Cavan against the decision made on the 13th day of December, 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Change of use from existing ground floor retail/office to two number takeaways, with new signage, alterations to elevations, dry store extension to rear and connection to existing services at 8 and 9 Dorset Street Lower, 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 proposed development, which is a permissible use within the zoning of the site as stated in the Dublin City Development Plan 2022-2028, its location on busy arterial route with a diversity and wide range of commercial use in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to the stated provisions in the Dublin City Council Development Plan 2022-2028. 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 the planning authority on the 21st of October, 2022, except as may otherwise be required in order to comply with the conditions set out below. 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. The proposed shopfronts 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) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

3. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the buildings (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

4. The take-away facilities shall not be operated between 0100 hours and 1200 hours on any day unless the hours of operation are extended by a grant of planning permission.

Reason: In the interest of the amenities of property in the vicinity.

5. 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.

6. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

7. Security shutters, if necessary, shall have their shutter box located entirely behind the fascias and no part of the shutters, their supports or fittings shall encroach on the public footpath. The said shutters shall be open mesh or see-through, shall be finished in a single colour and shall not be left unpainted or used for advertising.

Reason: In the interests of visual amenity

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

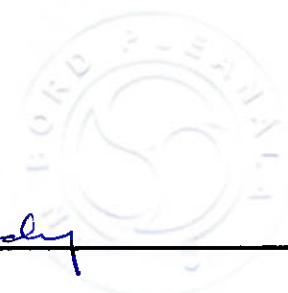
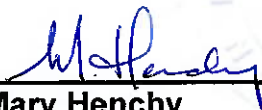
Reason: In the interest of public health

9. 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.

10. The developer shall pay a financial contribution to the planning authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority namely the Luas Cross-City, Saint Stephen's Green to Broombridge line, in accordance with the terms of the Supplementary Development Contribution Scheme made under section 49 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 49 of the Act be applied to the permission



Mary Henchy

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

Dated this 6th day of February 2024.