



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 0014/23

WHEREAS a question has arisen as to whether:

- (a) the repurposed shipping container (RSC) utilised as a tea/coffee take-away counter (selling tea and coffee and associated goods) is or is not development or is or is not exempted development,
- (b) the outdoor seating area and public toilets utilised as ancillary elements for the Tram Café is or is not development or is or is not exempted development,
- (c) the connections (water, electricity etc.) is or is not development or is or is not exempted development, and
- (d) the associated signage and advertising is or is not development or is or is not exempted development,

all at the Tram Café and Public Toilet, Clonmel Street, Dublin,

AND WHEREAS Tom Phillips and Associates of 80 Harcourt Street, Dublin requested a declaration on the said question from Dublin City Council and the Council issued a declaration on the 10th day of February, 2023 stating that:

- (a) the repurposed shipping container (RSC) utilised as a tea/coffee take-away counter (selling tea and coffee and associated goods) is development and is exempted development,
- (b) the outdoor seating area and public toilets utilised as ancillary elements for the Tram Café is development and is exempted development,
- (c) the connections (water, electricity etc.) is development and is exempted development, and
- (d) the associated signage and advertising is development and is exempted development,

AND WHEREAS Tom Phillips and Associates referred the declaration for review to An Bord Pleanála on the 9th day of March, 2023,

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1), 4(1)(f), 178(2) and 179 of the Planning and Development Act 2000, as amended,
- (b) the contract entered into by Dublin City Council and the operator for provision of the café unit with integrated toilet facilities,
- (c) the provisions of the Dublin City Development Plan 2022-2028, and
- (d) the pattern of development in the area,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the repurposed shipping container operating as the Tram Café with a tea/coffee take-away counter (selling tea and coffee and associated goods) is development and is exempted development,
- (b) the outdoor seating areas and public toilets utilised as ancillary elements for the café is development and is exempted development,
- (c) the associated signage and advertising is development and is exempted development,

having regard to the nature of the development being works that the operator of the café carried out on behalf of, or jointly or in partnership with the planning authority, the development comes within the scope of section 4(1)(f) of the Planning and Development Act 2000, as amended, and

- (d) the utility connections (electricity, water,) for the café is not development,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that:

- (a) the repurposed shipping container operating as the Tram Café with a tea/coffee take-away counter (selling tea and coffee and associated goods) is development and is exempted development,
- (b) the outdoor seating areas and public toilets utilised as ancillary elements for the café is development and is exempted development,
- (c) the associated signage and advertising is development and is exempted development, and
- (d) the utility connections (electricity, water,) for the café is not development.

Stewart Logan



Stewart Logan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *3rd* day of *April* 2024.