

An
Bord
Pleanála

Board Order
ABP-317377-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1270/23

Appeal by Edmund Kavanagh Limited of 70 Aungier Street, Dublin and by Daybreak of Unit 5/6 Patrick Street, Dublin against the decision made on the 24th day of May, 2023 by Dublin City Council to grant subject to conditions a permission to MS Food Retail Limited care of Tom Duffy Architects of 5A Collins Park, Donnycarney, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Provision of off-licence subsidiary to the main retail use at Unit 2, Castle Way, Golden Lane, 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.

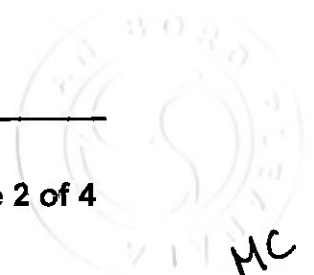
Reasons and Considerations

Having regard to the grounds of the appeal, the observations of third parties, the city centre zoning objective, where off-licence is a permissible use, the small scale of the proposed development within the overall larger retail footprint of the shop, the subsidiary nature of the use complementing the existing convenience store offering, and the situation of the off-licence area in an unobtrusive position within a controlled access location, it is considered that, subject to compliance with the conditions set out below, the proposed development would in general be consistent with section 15.14.8 (Off Licences) of the Dublin City Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. The use hereby approved shall only be carried out between the hours of 8.00 a.m. and 10.00 p.m. daily Monday to Sunday and Bank/Public Holidays inclusive, unless otherwise agreed in writing with the planning authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

3. 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.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, 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: In the interest of visual amenity.

5. The following restrictions shall apply to the operation of the convenience store and the subsidiary off-licence floor area:
- (a) The off-licence floor area shall not exceed 10% of the trading area of the 212 square metre existing retail unit floor area.
 - (b) The area for the display area of alcohol products shall be limited to that area of the shop only as detailed in the plans submitted with the application.
 - (c) There shall be no advertising of the sale of alcohol products on the shop frontage.
 - (d) There shall be no display of alcohol products or advertising of the sale of alcohol products on or near the shop entrance and windows.
 - (e) The area for the display of alcohol products shall be secure and monitored.

Reason: In the interest of clarity and in accordance with the provisions of section 15.14.8 (Off Licences) of the Dublin City Development Plan 2022-2028.



Mary Clegg

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

Dated this 23rd day of October 2023.