



An  
Bord  
Pleanála

Board Order  
ABP-319084-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4326/23**

**Appeal** by Frances Kavanagh care of Kieran O'Malley and Company Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin against the decision made on the 23<sup>rd</sup> day of January, 2024 by Dublin City Council to grant subject to conditions a permission to Klairon Construction Limited care of NBK Architects of 61 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use at ground floor level from bank/financial services to restaurant/café use (288 square metres) with associated storage and ancillary uses and mechanical ventilation systems; change of use at first floor level to office and medical use to form separate unit (138 square metres); alterations to existing ground floor windows consisting of the removal of wall from cill to ground level and the formation of fully glazed screens along Morehampton Road (northeast façade) and Marlborough Road (northwest façade) with retractable awnings projecting from window heads; modifications to entrances at ground floor level; associated signage on the north east and north west façades and all ancillary site works at 69-71 Morehampton Road, Donnybrook, 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 Z4 Key Urban Villages/Urban Villages zoning objective pertaining to the site, it is considered that the proposed change of use from bank/financial services to restaurant/café use and medical use, subject to compliance with the conditions set out below, would not detract from the residential amenities of the area and would not seriously injure the residential amenity of properties 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, as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of October 2023 and the 21<sup>st</sup> day of December 2023, 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. (a) The proposed use at ground floor level shall be a restaurant/café.  
Any take-away element shall be ancillary only to the permitted main use of the restaurant/café.
- (b) The proposed use at first floor level shall be for office use, and medical uses pursuant to Class 8 of Part 4, Schedule 2 of the Planning and Development Regulations 2001, as amended.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

3. The restaurant/café shall not operate between 2300 hours and 0700 hours on any day.

**Reasons:** In the interests of residential amenity and clarity.

4. No deliveries shall be taken at or dispatched from the premises outside the hours of 0700 to 2000 hours on any day.

**Reason:** To protect the amenities of the area and in the interest of the proper planning and sustainable development of the area.

5. No advertisement, advertisement structure or awnings shall be erected or displayed on the building (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.

6. 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.

7. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

8. All discharge from the food preparation area within the kitchen shall be through a suitable grease interceptor.

**Reason:** In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 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 amenities of property in the vicinity.

10. 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 intended construction practice for the development, including management measures for noise, dust and dirt, construction traffic management proposals and off-site disposal of construction waste.

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

11. The noise level, during the operational phase, measured as an LAeq (5 min at night, 15 min in day) when all plant is operating, shall not exceed the LA90 by 5Db(A) or more, as measured at any point along the boundary of the site.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

12. No external amplified music shall play within the curtilage of the site.

**Reason:** To protect the amenities of the area.

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13. 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.

  
Mary Henchy

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

Dated this 18<sup>th</sup> day of September 2024.