

An
Bord
Pleanála

Board Order ABP-321386-24

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD24A/0172

Appeal by Better Value Unlimited Company of 46-50 South Great George's Street, Dublin against the decision made on the 15th day of November, 2024 by South Dublin County Council to refuse permission.

Proposed Development: Change of use and amalgamation of unit 24A with Dunnes Stores Café (units 25/26) to increase the cafe's size from 257 square metres to 368 square metres, including an extended mall seating area and all other associated site works/services, all at unit 25/26 and 24A, Dunnes Stores Café, The Mill Centre, Ninth Lock Road, Dublin.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the land use zoning objective for the area within which Restaurant/Cafe is permitted in principle, and the design, layout and scale of the proposed development within an existing retail unit facing onto an internal mall within an established shopping centre with no external street frontage, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the South Dublin County Development Plan 2022-2028, would not seriously injure the amenities of the area, would not impact on the retail offer in the area, 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 development hereby permitted shall be used solely as a café/restaurant and for no other class of use within Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended. For the avoidance of doubt, this permission does not include a use for the sale of hot food for consumption off the premises (i.e. as a takeaway).

Reason: In the interest of the proper planning and sustainable development of the area.

3. The development hereby permitted shall not be open to customers outside the normal trading hours of the Mill Shopping Centre, unless authorised by a separate grant of planning permission.

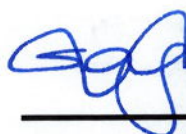
Reason: In the interest of the proper planning and sustainable development of the area.

4. A plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, shall be prepared by the developer prior to commencement of development and shall be placed on the file and retained as part of the public record.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

5. 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 the 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 the Board to determine the proper application of the terms of the Scheme.

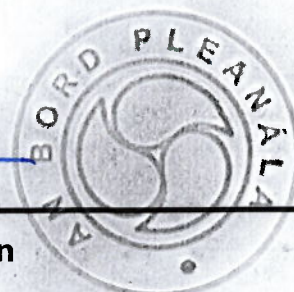
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Emer Maughan

Member of An Bord Pleanála

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



Dated this 19th day of March 2025.