An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2425/15

An Bord Pleanála Reference Number: 29S.LV3278

APPLICATION FOR LEAVE TO APPEAL against the decision of the planning authority by Barley Houses Management Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin having an interest in land adjoining the land in respect of which Dublin City Council decided on the 9th day of December, 2015 to grant permission subject to conditions for proposed takeaway facility at unit 5 and to refuse permission for proposed crèche/childcare facility at unit 6 to Claude Fettes and Annette Cooper and Green Label Investments Limited care of Edward Fitzgerald Selby of 32 Butterfield Grove, Rathfarnham, Dublin.

PROPOSED DEVELOPMENT: Change of use of ground floor unit 5 from retail use to use as a food take-away premise, and the reinstatement of the previous use of unit 6 as a Crèche/Childcare facility, both units face Marrowbone Lane, at Barley House, 90-97 Cork Street and Marrowbone Lane, Dublin.

DECISION

GRANT leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

It is considered that it has been shown that:

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of Condition number 1 imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of Condition number 1 will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission.

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

Dated this day of 2016.