



An
Bord
Pleanála

Inspector's Report

ABP-319084-24

Development

Change of use from bank / financial services to restaurant / café at ground floor level and to office and medical use at first floor level, and all ancillary site works.

Location

69-71 Morehampton Road,
Donnybrook, Dublin 4

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4326/23

Applicant(s)

Klairon Construction Limited

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant

Frances Kavanagh

Date of Site Inspection

20th June 2024

Planning Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The site is located at 69-71 Morehampton Road, Donnybrook, Dublin 4, on the western side of the road, in a terrace comprising commercial units, where it occupies an end of terrace position. The appeal site measuring 387 sqm accommodates a two storey granite flat roofed building at the corner of Morehampton Road and Marlborough Road (426 sqm) which fronts directly on to the footpaths along both aforementioned roads. The building which is presently vacant was previously used as a bank. A Boots pharmacy adjoins the building immediately on its south-eastern side. No. 2 Marlborough Road, an attractive two storey red-bricked detached house adjoins the property to the south-west.
- 1.2. The appeal property has the benefit of a rear courtyard which is accessed externally off a rear laneway, which itself is accessed from a gated archway which is located between Nos. 2 and 4 Marlborough Road. The laneway provides rear access to commercial properties along Morehampton Road and the applicant is stated to have a right of way in this regard.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- (i) Change of use at ground floor level from bank / financial services to restaurant / café use (288 sqm) with associated storage and ancillary uses and mechanical ventilation systems
 - (ii) Change of use at first floor level to office and medical use to form a separate unit (138 sqm)
 - (iii) Alterations to existing ground floor windows consisting of removal of wall from cill to ground level and the formation of fully glazed screens along Morehampton Road with retractable awnings projecting from window heads
 - (iv) Modifications to entrances at ground floor level, associated signage on north-east and north-west facades and all ancillary site works

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission on the 23rd January 2024 subject to 12 no. conditions. Noteworthy conditions are as follows:

Condition 2: Prior to the commencement of development the applicant shall submit full details of the proposed hours of operations for both units to be approved in writing by the Local Planning Authority and permanently retained thereafter.

Condition 3: Notwithstanding the provisions of the Planning & Development Regulations 2001 (as amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Condition 6: The noise levels from the site, during the operational phase, measured as an LAeq (5min at night, 15 min in day) when all plant is operating, shall not exceed the LA90 by 5dB(A) or more. Noise levels should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. All early morning deliveries to the proposed development shall take place after 7.00 a.m. using best practice to prevent a noise nuisance.

Condition 7: Appropriate measures shall be implemented to ensure the effective control of fumes and odours emanating from the premises.

Condition 10: The sound levels from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the area planner dated 5th October 2023 outlines inter alia the nature of the proposal, relevant Development Plan policy, relevant planning history

and the grounds of the third party submission received in respect of the proposal. External elevational changes are considered to be acceptable to facilitate the restaurant / café use. The report notes that no information relating to noise, odour or ventilation associated with the restaurant / café use is provided. Furthermore, no details are given in terms of proposed hours of operation, waste management and use of the outdoor courtyard. The report recommends further information is sought in respect of (1) noise ventilation and odour arising from the proposed café / restaurant use including odour suppression measures to be used for the ventilation system including where it terminates, and (2) location of waste management facilities serving both units.

The second report is dated 23rd November 2023 and notes that in terms of the response to item (1) it is not proposed to direct the extraction system to street side or street level; it is to be located above the existing rear single storey structure. Services and kitchens are located to the rear and away from adjacent housing. It is considered however that details of the noise generated by the plant along with proposed noise reduction measures, further details of the odour suppression method should be provided and also details concerning the contribution of the plant to the ambient noise environment. In relation to item (2) concerning waste management, a revised drawing (Drawing No. 947-103 Rev A) indicates provision of 3 no. 1,100 litre wheelie bins within the rear external courtyard area (42 sqm) to serve the proposed restaurant / café. In terms of the medical waste generated at first floor level, this would be collected by arrangement from an internal store room. Waste management details are deemed to be acceptable.

The final planner's report dated 16th January 2024 refers to the submitted drawings received on foot of the clarification of further information request showing the layout of ventilation services for both ground and first floors along with technical specifications for the extractor fan, attenuator, and carbon filter. Reference is made to the 2017 local authority noise maps and statistics which indicate that sound levels in cities range from 60-70 decibels and that a night time level greater than 55 decibels and a daytime level greater than 70 decibels is undesirable. It is noted that the technical specifications show that noise levels at street level and at the boundary would be less than the aforementioned limits. The details supplied were considered acceptable and the report recommended a grant of permission.

3.2.2. The planning authority granted permission for the proposed development as referenced under section 3.1 above.

3.2.3. Other Technical Reports

Air Quality Monitoring and Noise Control Unit – The first report from the EHO recommends further information is sought in terms of the odour suppression measures to be used for the ventilation system serving the kitchen including where it terminates. The second report notes that no noise reduction detail is provided; the effect on the ambient noise environment should be sought. In terms of air pollution, the discharge point of the vent serving the kitchen is not specified and it is recommended that further details of the odour suppression method to be used is sought. The final EHO report considers that the information provided by way of clarification of further information is acceptable and recommends conditions relating to both the construction and demolition stage and the operational phase. A condition relating to air pollution mitigation measures is also given.

Drainage Division: No objection subject to condition.

3.3. **Prescribed Bodies**

No reports received.

3.4. **Third Party Observation**

One third-party submission was received by the planning authority in respect of the proposed development. The issues raised may be summarised as follows:

- Concern that works to the subject building would further affect damp at residential property adjoining the site
- Extensive internal demolition work and removal of 'temporary' structures from rear courtyard area occurred recently
- Details missing from the application including proposed hours of use, proposed use for the courtyard, refuse details, odour and emissions from proposed development and whether the rear access would be utilised.

- Potential serious impact from the proposed development on residential amenity
- Elevational changes would detract from the architectural character of the building
- Contravention of Policy BHA11 of Development Plan
- Observers' home should be zoned Z1 or Z2 rather than Z4
- Proposed restaurant would be detrimental to observer's amenity and privacy

4.0 Planning History

Appeal Site

Planning Authority Reference 4327/23 – Permission granted in October 2023 for change of use at ground floor level from bank/financial services to retail use comprising shop area including an internal off-license sales area (20m²) and change of use at first floor level to office and medical use to form separate unit; alterations to existing ground floor windows with retractable awnings; modifications to entrances at ground floor level; associated signage and ancillary site works.

Planning Authority Reference 4138/16 – Permission granted in January 2017 for replacement of existing external signage elements with new branding identity to façade.

Planning Authority Reference 4876/08 – Permission granted in December 2008 for construction of disabled access ramp and the associated relocation of street furniture and telephone booth to the front of the AIB Bank.

In the vicinity

An Bord Pleanála Reference PL29S.306378 / Planning Authority Reference 3961/19 – Permission granted for partial demolition of the existing building while retaining the basement, front facade, gable wall and chimneys; construction of 2 no. 3-storey buildings, Block A containing 2 no. 2-bed duplex apartments over a ground floor retail unit; Block B containing 2 no. 2-bed duplex apartments over a 3-bed apartment; New access arrangements, bin stores, bicycle shelter, landscaping and

associated site works at McCloskeys Public House, 83-85 Morehampton Road, Dublin 4.

5.0 Policy Context

5.1. Development Plan

The proposed development was considered under the Dublin City Development Plan 2022-2028 which was adopted by the city council on 2nd November 2022.

Zoning

The site is zoned Z4 – Key Urban Villages / Urban Villages, where it is an objective “To provide for and improve mixed-services facilities.” The zoning matrix confirms that ‘medical and related consultants’ and ‘restaurant’ and ‘café / tea room’ are all permissible uses within the Z1 zoning objective.

Development Standards

Section 15.14.6 of the Dublin City Development Plan 2022-2028 relates to Medical and Related Uses and states the following:

Medical and related uses includes a wide range of services such as GP surgeries, medical centres, primary medical care facilities, dentists, beauty and aesthetic clinics, vets etc. all of which comprise of similar design standards and requirements.

Premises for medical relates uses include a wide variety of building types, ranging from adaptations of domestic premises for single-handed practitioners to purpose-built premises for large group practices or units within a streetscape.

Dublin City Council will support the provision of medical related uses in urban villages and neighbourhood centres and within existing communities where appropriate.

Primary Care Centres usually require purpose-built structures and facilities, and these should primarily be facilitated in urban villages and neighbourhood centres.

In mixed-use developments, which include community, service and retail facilities at ground floor level, the use of a unit as a medical centre of an appropriate size which contributes to the vitality of the area will be supported.

Applications in these areas will be assessed on design criteria such as relationship with the street, accessibility to servicing, traffic management and shop front design criteria.

Policy QHSN52 - Sláintecare Plan:

It is the Policy of Dublin City Council: To support the Health Service Executive and other statutory, voluntary, private agencies and community based services in the provision of appropriate healthcare facilities - including the system of hospital care and the provision of community-based primary care facilities, mental health, drug and alcohol services and wellbeing facilities including Men's Sheds - and to encourage the integration of healthcare facilities in accessible locations within new and existing communities in accordance with the government Sláintecare Plan.

Section 15.14.7.2 relates to restaurants and cafes and states the following:

The positive contribution of café and restaurant uses and the clusters of such uses to the vitality of the city is recognised. In considering applications for restaurants, the following will be taken into consideration:

- *The effect of noise, general disturbance, hours of operation and fumes on the amenities of nearby residents.*
- *Traffic considerations.*
- *Waste storage facilities.*
- *Hours of operation.*
- *The number/frequency of restaurants and other retail services in the area.*
- *The contribution to the vitality and viability of the area.*

Section 15.14.7.4 relates to noise, odour and ventilation for restaurants, cafes and take-aways and states:

Café, restaurant and take away uses should be designed having regard to the appropriate noise and ventilation guidelines. All ventilation proposals should avoid direct extracts at street level, where possible. Where extract odour and ventilation is required on main street frontages, careful design solutions should be provided to extract does not interfere with pedestrians and road users in terms of noise and odour.

Similarly, noise associated with the use of a café / restaurant / take away should be minimised as to ensure no overspill to street level occurs.

Café and restaurant proposals should include an engineering statement to address, noise, ventilation and odour as part of any planning applications.

5.2. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA located c 2.3 km to the east. The subject site is located approximately 1km south of the Grand Canal proposed NHA and c 2.3 km west of South Dublin Bay proposed NHA.

5.3. EIA Screening

Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations as amended, and as such preliminary examination or an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal made by Kiaran O'Malley and Co. on behalf of Frances Kavanagh of No. 2 Marlborough Road, Donnybrook, Dublin 4 against the decision of Dublin City Council to grant permission for the proposed development. The issues raised are summarised as follows:

- The appellant resides immediately west of the appeal site and her property has been affected by damp from extensions and the rear courtyard of the former bank premises. There is concern that the proposed works to the property would further affect damp at her home.

- Extensive internal demolition works and removal of ‘temporary’ structures in the rear courtyard has recently taken place without planning permission being sought.
- Both planning applications relating to the site (i.e., Planning Authority Refs. 4326/23 and 4327/23) show two distinctly different proposals for the change of use of the ground floor of the premises. As such both proposals are speculative.
- Concerned that this proposal poses a threat to appellant’s residential amenity.
- No operational hours have been provided in the application and the matter is the subject of a compliance condition which is not acceptable given that this issue has potential to materially impact on appellant’s residential amenity and privacy.
- Neither the further information requests nor the Council’s decision have addressed the potential use of the rear courtyard. While refuse containers are indicated within this area there is sufficient space for an additional use such as outdoor dining. A planning condition that prohibits this use or other such use that would involve the courtyard being accessible to patrons of the restaurant is requested.
- Drawing No. 947-103 Sheet 4 provided as further information shows two new connections for foul water and surface water to a manhole in the arched passageway. These works are outside of the site boundary and the applicant only has a right of way in that area. The applicant is not entitled to affect these works on the basis of insufficient legal interest.
- No evidence provided that 3 no. 1,100 litre bins would be sufficient to serve the proposed development.
- Placing large volumes of glass into the bins would have noise impacts which would adversely affect the appellant’s residential amenity and that of residents of Marlborough Road.
- Other than being used for refuse collection the application is silent on the use of the right of way at the rear of the appeal site. The intensification of the right of way has potential to directly impact on appellant’s amenity through late

night noise, anti-social behaviour and general disturbances associated with a late night commercial use.

- No engineering statement was provided as requested in the further information requests. A noise assessment should have been conducted rather than referencing noise levels at an unknown location from 2017.
- A number of the conditions of the permission are imprecise and lacking in detail, meaning they are not enforceable.
- The Z4 land-use zoning associated with the appellant's home which is a protected structure is an anomaly. The property should be zoned Z1 or Z2 and transitional zoning requirements should therefore apply; it is Council policy to protect the more environmentally sensitive residential use at No. 2 Marlborough Road.
- The building should be put into retail use in order to provide an active street frontage at this location. There is no demand for another restaurant in the area.

6.2. Response from first party

No response on file.

6.3. Planning Authority Response

No response on file

6.4. Observations

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land-use and nature of the proposed development
- Impact on residential amenity arising from proposed café / restaurant use
- Other Issues
- Appropriate Assessment Screening

7.1. Land-use and nature of proposed development

- 7.1.1. In my view the zoning objective relating to the appeal site is a very pertinent consideration in determining the planning application and the appeal. Key Urban Villages and Urban Villages function to serve the needs of the surrounding catchment providing a wide range of retail, commercial, cultural, social and community functions which are easily accessible. The Z4 zoning objective seeks 'To provide for and improve mixed-services facilities.' Key to this objective is to promote creation of a vibrant retail and commercial core by encouraging a diversity of uses to maintain vitality throughout the day and evening. The zoning matrix confirms that 'medical and related consultants' and 'restaurant' and 'café / tea room' are permitted in principle uses within the Z4 zoning objective. It is therefore apparent that the Development Plan seeks to specifically facilitate café and restaurant uses and medical uses within this land use zoning provision.
- 7.1.2. I also note that while a change of use is sought under the current planning application, it is from one commercial type of activity to another. It is clear therefore that a commercial use has long been established on the subject site. I also note that under Planning Authority Reference 4327/23 permission was granted for retail use (including off-licence sales) at ground floor level and medical use (as also proposed in the current application) on the first floor of the building.

7.2. Impact on residential amenity arising from proposed café / residential use

- 7.2.1. The main issue of concern raised in the third-party appeal is the proposed restaurant / café use at ground floor level within the appeal property which adjoins the appellant's property, and the potential impacts this proposed use would have on the appellant's residential amenity and the amenity of the area.

- 7.2.2. Upon review of the floor plan for the café / restaurant it is evident that the proposal relates to a 'sit down' restaurant as opposed to a take-away facility. The premises can cater for 77 covers and the seating area is confined to the front of the building with the kitchen, public toilets and staff welfare facilities located beyond the main sit down area. It would not be unusual or inappropriate for a restaurant to have a take-away element associated with it. If the Board is minded to grant permission, I would recommend inclusion of a condition that any take-away element be ancillary to the main café/restaurant use.
- 7.2.3. Having regard to the Z4 zoning objective relating to the site, the location of the proposed development in the centre of Donnybrook village and the principle as set out in the Development Plan to create a vibrant area by encouraging a range of uses to maintain vitality throughout the day and evening, I consider that the café / restaurant should not operate between 2300 hours and 0700 hours on any day, should the Board decide to grant permission. In terms of the proposed medical use on the upper floor I consider that the facility should not operate between 2000 hours and 0800 hours on any day.
- 7.2.4. The appellant considers that neither the planning application nor the decision made by the planning authority addressed the potential use of the rear courtyard as an outdoor dining area and that such a use should be prohibited by inclusion of a specific planning condition. It is apparent however from the information and drawings provided with the planning application that there is no proposal to use the rear courtyard area for public access or outdoor dining and as such no significant intensification of use of the right of way leading to the gated courtyard is proposed. As such I do not consider that a condition omitting outdoor dining and / or public access to this area is necessary or appropriate in this instance.
- 7.2.5. The appellant expresses concern that there would be insufficient refuse facilities to cater for the proposed café / restaurant use. Drawing No. 947-103 (Rev A) provided by the applicant as further information indicates provision of 3 no. 1,100 litre wheelie bins to serve the proposed café / restaurant use, to be stored in the rear courtyard of the premises. The likelihood is that these bins are sufficient to cater for the proposed café / restaurant use. If this proves not to be the case, I note there is sufficient space within the courtyard (which measures 42 sqm) for additional refuse facilities to be provided.

- 7.2.6. The appellant considers that noise generated by the proposed café / restaurant would adversely affect her amenity and that a noise assessment should have been conducted, rather than relying on noise levels generated in 2017.
- 7.2.7. I note that existing multiple commercial uses are located adjoining and in the immediate vicinity of the site, including two pharmacies, a dental practice, a coffee shop, a public house and a gourmet food store and eatery. Commercial uses and the traffic associated with these uses have therefore been long established in the vicinity of the site.
- 7.2.8. Having regard to the nature of uses proposed and the proposed opening hours recommended above, I do not consider that the proposed development would give rise to excessive amenity issues in terms of noise and anti-social behaviour. It should be noted that Morehampton Road is a heavily trafficked route running through Donnybrook up to the junction of Upper Leeson Street and Sussex Road serving areas of residential, commercial and institutional uses both to the east and west of the route. Marlborough Road which adjoins the subject site is also a busy road serving residential properties and as a main route from Donnybrook to Ranelagh. As such the area surrounding the subject site is characterised by busy roads with high traffic volumes together with high ambient noise levels associated with commercial activities. I do not consider the proposed restaurant / café use at this location would significantly add to noise levels in the area.
- 7.2.9. I note that the appellant specifically raises the issue of noise impacts from placing glass bottles into the courtyard bins which would potentially adversely affect the residential amenity of residents along Marlborough Road. Should the Board be minded to grant permission I consider that this particular issue could be substantially addressed by including a condition limiting the times of handling refuse including bottles and jars outside of the internal floorspace of the restaurant.
- 7.2.10. The nature of the proposed use, being a 'sit down' restaurant / café would not in my view give rise to potential for anti-social behaviour.
- 7.2.11. In terms of the issue of odour, the applicant provided, on foot of a clarification of further information request, revised drawings which demonstrate the layout of ventilation services and it is proposed to incorporate a new extraction vent at roof level which should address any odour issues. I am satisfied that the applicant has

provided appropriate technical details and specifications for the proposed extractor fan, attenuator and carbon filter.

7.3. Other issues

7.3.1. Damp issue

7.3.2. The appellant has indicated that her property which adjoins the appeal site has been affected by damp as a result of works carried out to the former bank premises and expresses concern that the proposed development would potentially exacerbate the problem.

7.3.3. It is considered that this issue is a civil matter rather than a planning issue and as such it is not a matter for consideration by the Board in the context of this planning appeal.

7.3.4. Works already undertaken

7.3.5. The appeal notes that extensive internal demolition has occurred along with removal of 'temporary' structures from the rear courtyard without the benefit of planning permission.

7.3.6. Planning enforcement is the responsibility of the Enforcement Section of the planning authority which is tasked with following up on complaints in relation to unauthorised development. An Bord Pleanála has no authority in relation to enforcement matters and as such this is not a matter for consideration by the Board.

7.3.7. Legal issue

7.3.8. The appellant considers that the applicant does not have sufficient legal interest to connect to water infrastructure, located within the rear passageway, over which the applicant has a right of way only.

7.3.9. Further to the above I note that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development. Should planning permission be granted, and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership

or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

8.0 Appropriate Assessment

8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in an urban area within Donnybrook village.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account the determination by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that planning permission should be granted for the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1. 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.

11.0 Conditions

1.	<p>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 27th October 2023 and 21st 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(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.</p> <p>(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.</p> <p>Reason: In the interests of clarity and the proper planning and sustainable development of the area.</p>
3.	<p>(a) The restaurant / café shall not operate between 2300 hours and 0700 hours on any day.</p> <p>(b) The medical practice shall not operate between 2000 hours and 0800 hours on any day.</p>

	Reasons: In the interests of residential amenity and clarity.
4.	<p>No handling of refuse including bottles and jars outside of the internal floorspace of the restaurant / cafe may take place between 2100 hours and 0900 hours on any day.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>No deliveries shall be taken at or dispatched from the premises outside the hours of 0700 to 2000 hours on any day.</p> <p>Reason: To protect the amenities of the area and in the interest of the proper planning and sustainable development of the area.</p>
6.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>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</p>

	<p>shall not be used for any form of advertising, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity</p>
9.	<p>All discharge from the food preparation area within the kitchen shall be through a suitable grease interceptor.</p> <p>Reason: In the interest of public health.</p>
10.	<p>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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
11.	<p>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 hours of working, management measures for noise, dust and dirt, construction traffic management proposals and off-site disposal of construction waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12.	<p>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.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>

13.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
14.	<p>No external amplified music shall play within the curtilage of the site.</p> <p>Reason: To protect the amenities of the area.</p>
15.	<p>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.</p> <p>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.</p>

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried

to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

John Duffy

Planning Inspector

27th June 2024