

DEPUTY PLANNING OFFICER

APPLICATION NO.	WEB2359/26
PROPOSAL	Planning Permission is being sought by Maandeeq Catering Limited for an amendment of the opening hours of the café permitted under Dublin City Council Reg. Ref. WEB2009/25 (0800 hours to 1900 hours on Mondays to Sundays) to 0800 hours to 2300 hours on Mondays to Thursdays and 1000 hours to 0030 hours on Fridays and Saturdays and 1000 to 2330 on Sundays; at 298 North Circular Road, Phibsborough, Dublin 7
LOCATION	298, North Circular Road, Phibsborough, Dublin 7
APPLICANT	Maandeeq Catering Limited, Maandeeq Catering Limited
DATE LODGED	04-Jun-2026
ZONING	
APPLICATION TYPE	Permission

Site Notices: Inspected and in place

Zoning/Designations

The subject site is located in an area governed by the landuse zoning 'Sustainable Residential Neighbourhoods' - Z1 with the objective to '*To protect, provide and improve residential amenities*' - on Maps E of the Development Plan

The site is located within KUV 8 Phibsborough on Maps E & K of the Development Plan

SDRA 8 Grangegorman is located to the south west - on Maps E of the Development Plan

Site Description

The mid terrace site, which has stated area of 0.013ha, is located to the south east side of North Circular Road, NE east of the junction Avondale Road. The site backs onto a service laneway to the south west.

The site is located opposite St Peters RC Church and grounds which is a protected structure

The site accommodates a 2-storey formerly brick fronted building (painted over) with later shop front with detailing hiding the front 1st floor window cills. The original front garden area has been removed and opened up to parking as have a number of adjoining buildings in the terrace

It was previously noted that the parent unit appeared to have been last used as a charity shop CASA, and from Google Streetview© the unit had been used as an ethnic foodstore at one stage before the above use.

The road is marked with double yellow lines.

Proposal

Permission is being sought for:

amendment of the opening hours of the café permitted under Dublin City Council Reg. Ref. WEB2009/25 (0800 hours to 1900 hours on Mondays to Sundays) to:

- 0800 hours to 2300 hours on Mondays to Thursdays and

- 1000 hours to 0030 hours on Fridays and Saturdays and
- 1000 to 2330 on Sundays;

Relevant Valid Site Planning History

Reg. Ref.	Decision/Description
-----------	----------------------

E0256/26	Breach of Condition 2 of WEB2009/25 – Opening hours'
----------	--

WEB2009/25	PP GRANTED for
------------	----------------

- | | |
|--|---|
| | <ul style="list-style-type: none"> • sub-division of the existing commercial retail unit into two units for <ul style="list-style-type: none"> ○ Café & ○ Barber shop • addition of an external door to the front façade, • internal alterations and • new shopfront signage |
|--|---|

Condition 2

Café opening hours to the public shall be limited from 8AM to 7PM each day

Reason: in the interests of orderly development

0073/99	PP REFUSED by ABP for Change of use from existing bicycle shop on ground floor and basement and residential accommodation on first floor to offices with revised fenestration and signage to front and rear.
---------	--

Reason for Refusal

1. *The proposal to develop offices on this site which is zoned A1, the objective of which is to protect and / or improve residential amenity, would represent a material contravention of this zoning objective and would therefore be contrary to the provisions of the 1991 Dublin City Development Plan, would seriously injure the amenity of property in the vicinity and would thus be contrary to the proper planning and development of the area.*

Adjacent

324 North Circular Road

WEB5738/25	PP REFUSED for change of use of the commercial property from retail shop to cafe. Works include internal reconfiguration of the unit and all associated site services works.
------------	--

Reason for Refusal

Due to the significant lack of information with regard to opening hours, noise levels, potential necessary mitigation measures required for the control of smells and fumes the planning authority cannot rule out undue negative impacts upon adjoining residential amenity and as such would be contrary the local zoning for the area and 15.14.7.2 the Dublin City

Development Plan 2022-2028. and would, therefore, be contrary to the proper planning and sustainable development of the area.

Observations:

A number have been received and are summarised as follows:

The Café has operated well outside of permitted opening hours and has caused noise and disruption to local residents, only reverting to permitted opening times when current proposal was made to DCC – and with corresponding lessening of impacts on adjoining residential amenity.

No other local café in the area has such late opening – would set a precedent if granted.

The absence of outdoor seating would make no difference as There has been congregating and loitering outside the premise

Facility is being more like a men's social club than a café. No opening times or menu is displayed on outside of premises. Does not give off the sense of a typical welcoming café.

The late night use has resulted in parking /traffic conflicts and associated late night noise in relative quite residential setting.

Justification in relation to supporting night time economy is not relevant to a largely residential area – this ploy relates to the city centre area. There is night economy

Would set an precedent for residential locations

Site notice has not been readily visible at all times.

Planning issues raised will be dealt with within the substance of the following assessment

Reports From Other Departments:

Drainage Division: No objections subject to conditions.

Prescribed bodies

Referred to Irish Water: No report received.

Planning Assessment:

2022-2028 Development Plan policies & objectives:

SC9	Key Urban Villages, Urban Villages & Neighbourhood Centres			
CCUV28	Provision	of	Retail	Services
	To support and promote the development of retail service development at all levels of the retail hierarchy in the city			
CCUV30	Cafes /Restaurants			
CCUV35	Night Time Economy			
CCUV36	New Development			
14.7.1	Z1	Sustainable	Residential	Neighbourhoods
5.14.7.1	Retail and Retail Services			
15.14.7.2	Restaurants/Cafes			
15.14.7.4	Noise, Odour, Ventilation for Restaurant / Café / Take – Away			
15.17.4	Outdoor Seating and Street Furniture			

15.17.5	Shopfront and Façade Design
<u>Appendix 2</u>	Retail Strategy
5.0	Settlement Hierarchy and Level and Form of Retailing
<u>Appendix 15</u>	Land Use Definitions:
	Café/Tearoom
	Use of a building (including a kiosk), or part thereof, used as a café serving tea/ coffee and light refreshments. It is not a full restaurant facility.
	Community Facility
	A building, or part thereof, used for (community) activities organised primarily by the local community and to which the public may be admitted on payment of a charge or free of charge and includes community meeting space, parish centres, social/ non-sporting clubs such as youth clubs, bridge clubs and scouts' dens, clubhouses and family resource centres.

Evaluation

It was previously noted that *shop (local)*, is a 'permissible use' under the Z1 zoning while café/tearoom is an open for consideration use. It was noted that while the site is located within a Z1 location it hosted the site of a long-term commercial unit, which appeared to be vacant for some time and had been used as charity shop for a number of years. It is also noted the site is located within the Phibsborough KUV.

The previous planning report noted that *No details of the café opening have been provided – but would be presumed to be a daytime use, and therefore not dissimilar to normal shop hours as per previous uses on site, and therefore also would be appropriate to the site's Z1 location. This can be conditioned – with any additional hours to be sought via future planning permissions.*

No internal external changes are proposed to the unit.

Applicant rationale

The agent has put forward the case that the extended hours is supported by the Development Plans objectives on supporting the city's night-time economy and in tackling vacancy. They note that:

While the new tenant has been in operation for a few months, the relatively small size and capacity of the unit will ensure that the operation of the unit results in little impact on neighbouring residential uses. Similarly, there is no outdoor seating being sought, further reducing the risk of impact on the surrounding properties.

As café use is already permitted in this unit, the subject application for amended opening hours proposes no works or changes to ventilation or waste storage facilities and is not envisaged to result in any changes in traffic considerations or impacts on nearby businesses. The rationale for the proposed amendment in opening hours is to allow flexibility so as to ensure the viability of the unit in order to protect and enhance the vitality and vibrancy of the area.

Review

As noted with the original application it was considered that the proposal while set amidst a largely residential area – could mirror the 'impact' of the former retail unit on the parent site in terms of opening times. An allowance was also made for early evening closing time.

With regard to the argument that the proposal supports the night time economy it should be noted that the policy also requires that uses have - *little impact on the amenity of adjoining or adjacent residential uses through noise disturbance and where there are no negative cumulative impacts in terms of other night-time economy uses in the area*.

As noted, the area along and around this portion of the North Circular Road is primarily residential in character - notwithstanding its inclusion inside KUV 8. Away from might be called the 'high street'/district centres - such city residential neighbourhoods would have seen intermittent neighbourhood 'corner shop' retail operations and small local shopping parades – but have over time as commercial patterns changes have often lost their original uses – being substituted by

sometimes of vacancy or at least replaced by some form of less intensive use that may actually be unrelated to directly serving of the local community as before. Often such one-off smaller commercial units see a revolving door of temporary commercial uses. As such appropriate reuse is welcome.

It is considered that 'Night time economy uses' which the applicant appears to associate with the proposal would be more appropriately located within the central city area as governed by the Z5 zoning where it would be more expected to accommodate a level of after-hour/late-evening uses amongst the range and mix of land uses also permitted by City Centre zoning. As noted there would also be a local core area of such activity at the heart of the Phibsborough area as set around the Phibsborough Road- North Circular Road junction. It is also considered that the cited new larger scale residential development in the area can be well enough catered for by existing uses and other opportunity sites within the more commercial frontages of the Z4 zoning for the area.

As noted in the original report it would be expected that a café would have traditional daytime opening hours especially were located on its own within a Z1 zoning residential area. In this instance it was presumed that the permitted times would not have been dissimilar to the opening hours of original parent retail unit it replaced – while an early evening extension was allowed for.

No reference appears to have been made to the concurrent enforcement case or has any obvious mitigation measures been proposed to ameliorate for potential impacts on adjoining residential amenity due to the late-night opening. Notwithstanding this it is again considered that the permitted hours were appropriate - balancing the issue of reuse of vacant commercial property and adjoining established residential amenity. It is not considered that the case for late opening has been sufficiently made and would set an undesirable precedent.

If as claimed the use of the premises is more akin to a social club, then the use would be closer to use under Class 10 (f) use of Part 4 Schedule 2 of the Planning & Development Regulations 2001(as amended). However, this use-scenario is not referred to in the applicants' submission.

Appropriate Assessment:

Having regard to the nature and scale of the development to be retained and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

EIA:

Having regard to the nature of the development to be retained in an urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

RECOMMENDATION:

I recommend that permission be **REFUSED** for the following reason.

1. The proposed amendment, which would significantly extend café opening hours into the late evening and early morning throughout the week beyond those currently permitted, would generate additional noise and disturbance that would significantly undermine the residential amenities of the area within which the commercial operation is located. This would be contrary to the objectives of the Z1 zoning that governs the area and would seriously injure the amenities of property in the vicinity. The development would therefore, by itself and by virtue of the precedent it would set for similar undesirable developments in the vicinity, be contrary to the proper planning and sustainable development of the area.