



Board Direction

Ref: PL29S.246040

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13th May 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

REASONS AND CONSIDERATIONS

Having regard to the Dublin City Development Plan, 2011-2017 according to which the zoning objective ("Z5 - City Centre") provides for the consolidation and facilitation of the development of the central area, the location of the site inside a Conservation Area and the central shopping area but not on a designated shopping street and, to the existing cluster and mix of restaurants, bars, cafes and hotels in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the vitality and viability of the area, would not be seriously injurious to residential amenity and would 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 to An Bord Pleanála on 15th January, 2016, 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) This grant of planning permission relates strictly to the proposed development described in the public notices.
(b) The takeaway element is to be strictly subsidiary to the restaurant use.

Reason: In the interest of clarity.

3. The shopfront fascia shall be in accordance with the following requirements:
 - (a) Signage shall be confined to the single fascia board using sign writing or comprising either hand-painted lettering.
 - (b) Details of any lighting to be provided on the exterior of the premises shall be submitted to the planning authority for written agreement.
 - (c) Notwithstanding the provisions of the Planning and Development Regulations, 2001 or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building, unless authorised by a further grant of planning permission.
 - (d) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

4. RETAILSHUTTER2

5. LITTER

6. The hours of operation shall be between 0700 and 1100 Mon to Sat incl. and 0700 to 1000 on Sundays and Bank Holidays.

Reason: In the interest of residential amenity.

7. NOISE A (at boundary of site).

8. The developer shall control odour emissions, including extract ducting and ventilation from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

9. Water supply and 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.

10. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the 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.

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

11. 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 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.

12. The developer shall pay to the planning authority a financial contribution in respect of Metro North in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Board Member: _____ Date: 13th May 2016
G.J. Dennison