



An
Bord
Pleanála

Board Direction
PL06S.246230

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 17th 2016.

The Board decided to grant permission in accordance with the following reasons, considerations and conditions.

Reasons and Considerations

Having regard to the zoning provisions of the South Dublin County Development Plan, to the most recent use established on the site and the nature scale and layout of the proposed development, it is considered that subject to compliance with the conditions as set out below, the proposed development would not constitute a traffic hazard and would not seriously injure the residential amenities of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board decided that subject to compliance with the conditions attached below and the restricted operating hours, the proposed development would not seriously injure the residential amenities of the area. The Board noted the concerns expressed by the inspector with respect to traffic hazard but considered that these matter could be overcome by means of the S48(2)(c) special contribution condition attached.

Appropriate Assessment.

The Board noted the Appropriate Assessment Screening determination carried out by the Inspector. The Board did not concur with the Inspector's determination. The Board was satisfied, having regard to the nature, location and scale of the subject development, and the proposal set out in the applicant's detailed surface water design proposals, which would constitute normal construction and operational practice, that the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on the North Dublin Bay Special Area of Conservation (Site Code 000206) and the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), or on any other European sites, in view of the site's conservation objectives.

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 on the 4th day of 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. The hours of opening of the entire development shall be restricted to 0630hrs to 2230 hrs Monday to Sunday (incl Bank holidays)

Reason: In the interest of residential amenity.

3. The quantum of office shall be limited to a maximum of 100m² as per Condition 3 of PA.

Reason: as per PA condition 3

4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the canopy, on the forecourt building or anywhere within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. Standard CMP and Reason

6 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.

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.

7 S48 (2)(c) Condition regarding Bus stop and pedestrian crossing relocation and associated site works,

Board Member

Paul Hyde

Date: 17th August 2016