



An
Bord
Pleanála

Board Direction
PL28 249423

The submissions on this file and the Inspector's report were considered at a Board meeting held on 7th March, 2018.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below / set out on the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Remove condition numbers 3,11,13,19 and 25

Amend condition number _____7_____ as follows

The applicant/developer shall be responsible to maintain sufficient protection, to the satisfaction of the planning authority (Water Department) on the existing water main during the course of the work.

Reason: In the interest of public health.

Reasons and Considerations

In relation to condition no 3

The Board did not consider it necessary to restrict the opening and servicing hours of the proposed development, including the café, given the neighbourhood centre

zoning objective for the site and that there are no restrictions on existing trading hours

In relation to condition nos. 11 and 13

The Board noted that the conditions referred to matters outside the site of the proposed development and did not consider the inclusion of the conditions warranted.

In relation to condition no 19

The Board did not consider the condition to be warranted in light of the development proposed which involves a reduction in floorspace and which is considered satisfactory in terms of surface water drainage.

In relation to condition no 25

The Board did not consider the condition to be warranted as it was considered to be not directly related to the proposed development and can be more appropriately dealt with under a different code.

In relation to condition no 7

The Board did not consider the imposition of a wayleave to be appropriate as it was considered to be not directly related to the proposed development and can be more appropriately dealt with under a different code but that the watermain should be protected during the works to the satisfaction of the planning authority.

It is considered that

- the attachment of conditions numbers 3, 11, 13, 19 & 25 is not necessary in relation to the proper planning and sustainable development of the area and
- the amendment of condition number 7 is consistent with the proper planning and sustainable development of the area.

Board Member

Date: 08.03.2018

Terry Prendergast