



An
Bord
Pleanála

Board Direction
BD-000417-18
ABP-300969-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/06/2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

It is considered that the retention for the retractable steel glazed screen enclosing an outdoor seating area to the front of No. 63 South William Street subject to conditions set out below would not seriously injure the amenities of the area and would not be prejudicial to public health and would be generally acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, 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 the commencement of development and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The canopy area which constitutes the roof of the enclosed steel glazed screens shall be replaced with a new canopy of a more neutral tone. Details of the replacement canopy shall be agreed in writing with the planning authority within two months of this order.

Reason: In the interest of visual amenity.

3. Surface water and drainage arrangements including the attenuation and 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.

4. No structures including temporary structures, portable structures or any flags, poles, or bunting shall be placed on the footpath in the vicinity of the outdoor seating area. An area of unobstructed footpath 2.8 metres in width shall be retained along the frontage of the retractable steel glazed screen enclosing.

Reason: In the interest of orderly development.

5. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City 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. 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. The application of any indexation required by this condition 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.

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.

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.

Board Member

Date: 06/06/2018

Michelle Fagan