



An
Bord
Pleanála

Board Direction
BD-002071-19
ABP-302389-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/01/2019.

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, that the planning authority be directed, as follows:

- Remove condition numbers 4, 5 and 6.
- Amend condition numbers 2 and 3 as follows
- Attach further condition as follows

Reasons and Considerations

Having regard to the character of the industrial area within which the site is located, the zoning objective for the site and the range of uses permitted thereon, the distance of the site to sensitive premises, the ancillary nature of the proposed visitor centre use and events centre use, and the scale of the events centre use which has been clarified in the appeal, it is considered that conditions nos. 4, 5 and 6 are unnecessary, and that an additional condition requiring the proposed visitor centre use and events centre use to be wholly ancillary to the primary use of the site as a brewery is necessary in the interest of clarity. Having regard to the provisions of the Dublin City Development Contribution Scheme 2016-2020 and to

the provisions of the Luas Cross City (St. Stephen's Green to Broombridge Line) Supplementary Development Contribution Scheme, both of which provide an exemption from levies for a change of use from one commercial use to another, the planning authority erred in applying the levy under conditions nos.2 and 3 to the 409-sq.m area proposed for change of use, in addition to the 193-sq.m area of new floor space.

Amended Conditions

2. The developer shall pay to the planning authority a financial contribution of €13,521 (thirteen thousand, five hundred and twenty one euro) 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. 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 An Bord Pleanála to determine.

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

3. The developer shall pay to the planning authority a financial contribution of €7,334 (seven thousand, three hundred and thirty-four euro) in respect of Luas Cross City St Stephen's Green to Broombridge Line, 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 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 An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Additional Condition

The visitor centre facility and the private functions / corporate / group / ticketed events use shall be operated wholly ancillary to the primary use of the premises as an operational brewery and the said ancillary uses shall cease and expire on in the event brewery operations cease on site.

Reason: In the interest of clarity.

Board Member:

Date: 09/01/2019

Michelle Fagan