



An
Bord
Pleanála

Board Direction
BD-001755-18
ABP-302434-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/11/2018.

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

Having regard to the provisions of the Dublin City Development Plan 2016-202, the pattern of development in the area and the information submitted in relation to the proposed development, the Board is satisfied that, subject to compliance with the following conditions, the proposed development would not seriously injure the visual amenity or the character and residential amenities of the area and would, therefore, 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 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. Prior to the commencement of any development on site, proposals for dealing with refuse and bin storage shall be submitted for the written agreement of the planning authority.

Reasons: In the interests of amenity and the proper planning and sustainable development of the area.

3. Details of the shopfront, signage and lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development on site.

Reason: In the interest of the amenities of the area/visual amenity.

4. 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.

5. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme 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. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Note: In deciding not to accept the inspector's recommendation to impose Condition No 2 the board was satisfied that the proposed terrace and awning would not contribute to visual clutter or impact negatively on the visual amenities of adjoining properties or the streetscape. The Board also considered the proposed doorway and stair from first floor to ground floor level were acceptable.

Board Member

Date: 26/11/2018

Paul Hyde