



An  
Bord  
Pleanála

**Board Direction**  
**BD-010419-22**  
**ABP-310938-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/04/2022.

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 policies and objectives of the South Dublin County Development Plan, 2016-2022, including the LC zoning objective that applies to the site and policy R10 and section 11.3.6.(iii) regarding takeaway outlets, as well as to the established commercial use on the site and the pattern of development in the area, it is considered that the proposed development would not give rise to an increased demand for parking in the area and so would not give rise to any greater degree of inconvenience or obstruction of road users compared to the prevailing situation, and so would not cause any traffic hazard.

Furthermore, subject to compliance with the conditions set out below, it is not considered that the proposed takeaway would give rise to an excessive concentration of such uses or that it would seriously injure the amenities of property in the vicinity of the site. The proposed development would, therefore, be in keeping 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. The permitted takeaway shall operate only between the hours of 1200 hours and 2400 hours

**Reason:** In the interest of the amenities of property in the vicinity.

3. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the provision of bins and refuse storage facilities.

**Reason:** In the interest of visual amenity.

4. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

5. 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

  
Michelle Fagan

Date: 01/04/2022

