

An
Bord
Pleanála

Board Direction
BD-013471-23
ABP-313965-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/08/2023.

The Board decided to refuse the appeal and to grant the section 254 licence, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and extent of the development for which a street licence is sought, to the temporary period of time for which the licence is sought, and to the location of the area on a wide area of footpath at a corner junction, it is considered that subject to compliance with the conditions set out below, the temporary use of the street as an outdoor seating area would not seriously injure the amenities of the area, including the amenity of residential properties, would not have an adverse effect on the character and setting of the designated ACA and would not be prejudicial to public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The exact location and shape of the licensed area must be agreed in writing with the planning authority. The area allocated and design must leave at least 2 metres of footpath so as not to obstruct the free flow of pedestrian traffic and ensure that wheelchairs can circulate in the vicinity.

Reason: In the interest of public safety.

2. Details of all street furniture to be used shall be agreed with the planning authority and be maintained in a safe, clean and tidy condition.
Reason: In the interest of the visual amenities of the area.
3. Street furniture shall only be placed at the above location between 1200 to 2100 hours. All items covered under this licence shall be removed after 2100 hours each night.

Reason: In the interest of the amenity of the area.

4. No outside amplification/speakers/live entertainment is permitted without prior written consent from the planning authority, and no speaker or amplified music within these premises shall be configured in such a manner as to project sound onto the public footway.

Reason: In the interest of the amenity of the area.

5. All appropriate public liability insurances shall be in place for the duration of this licence.

Reason: In the interest of public safety.

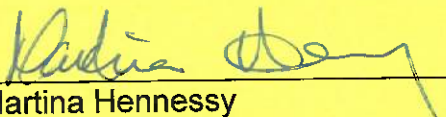
6. The licence expires on the 31st day of October 2022.

Reason: In the interest of the amenity of the area.

Note:

In deciding not to accept the Inspector's recommendation, the Board considered the documentation submitted on file, and considered that, having regard to the modest scale of the area proposed to be utilised under the licence, the temporary period for which the licence was sought and having regard also to the conditions set out in this decision, that sufficient information was available to the Board to consider the appeal.

Board Member


Martina Hennessy

Date: 29/08/2023