

An
Bord
Pleanála

Board Direction
BD-015662-24
ABP-317688-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/02/2024.

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:

Attach condition number 2

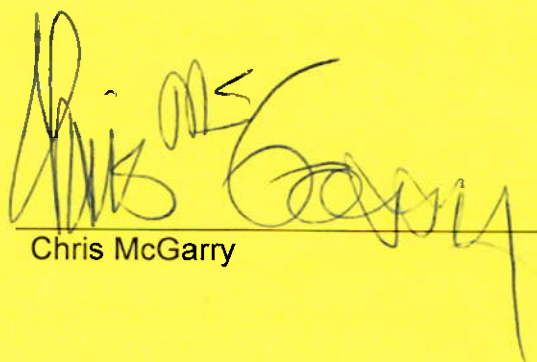
Reasons and Considerations

Having regard to the nature and extent of the development for which retention permission is sought, including the specific description in the statutory notices of 'fire escape door', and to the overall documentation submitted with the application and appeal, it is considered that the attachment of condition 2 is warranted, as it ensures clarity as to what is permitted consistent with the development to which the application relates.

In deciding not to accept the recommendation of the Inspector to amend condition no. 2, the Board did not share his view that the condition is not capable of being complied with. In the view of the Board the condition as attached by the planning authority is clear and implementable. The Board also noted the commentary of the applicant that exit 4 'is for the escape of customers from the premises in the event of a fire or fire drill'. This is reasonable, appropriate and consistent with the use for which retention permission was sought. Reference to use of the door by customers

'during busy match days/gigs... to decrease the number of customers accessing the premises from Lower Drumcondra Road' is not understood (in planning terms) as it is assumed that the management of capacity will at all times be central to the operational of the premises. In addition, it is noted that the condition allows for the use of the door as an emergency exit (perhaps should some issue of capacity contingency arise).

Board Member:



Chris McGarry

Date: 01/03/2024