

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Sligo County

Planning Register Reference Number: PL 15/383

An Bord Pleanála Reference Number: PL 21.246043

APPEAL by Amjad Hussein care of Michael Halligan Planning Consultants of Seapoint House, Balbriggan, County Dublin against the decision made on the 16th day of December, 2015 by Sligo County Council to grant subject to conditions a permission to Nagnata Limited care of D.A. Harte and Associates of Rosses Point, County Sligo in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of change of use from open space to outside dining area plus retention of boundary partitions and awning at 32 O'Connell Street, Sligo.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the zoning of the subject site for town centre uses in the Sligo and Environs Development Plan 2010 – 2016, to the nature and scale of the subject use, and to the design and appearance of the outdoor dining area on private open space in front of a building of modern design, it is considered that, subject to compliance with the conditions set out below, including a temporal limitation, the development for which retention is sought would not seriously injure the visual amenities of the Architectural Conservation Area, would not adversely impact on neighbouring uses, and would contribute to the vitality and viability of core retail streetscape. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained 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.

Reason: In the interest of clarity.

2. This permission shall be for a temporary period of three years only, at the end of which period the development shall be removed and the site reinstated to its former use as an open space paved area, unless, in the interim, a further permission for its retention has been granted.

Reason: To allow the planning authority to re-assess the impact of the development, having regard, in particular, to objective PED-1 of the Development Plan.

3. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, other than the canopy that is the subject of this permission, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any further signage or other structures through the statutory planning process.

4. The outdoor dining area shall not encroach onto the adjoining public footpath in any way.

Reason: In the interest of pedestrian safety.

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 within two months of the date of this order 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.