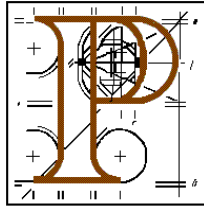


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**South Dublin County**

**Planning Register Reference Number: SD16A/0063**

An Bord Pleanála Reference Number: PL 06S.246612

**APPEAL** by Sira Restaurants Limited and others care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 21<sup>st</sup> day of April, 2016 by South Dublin County Council to grant subject to conditions a permission to Laseda care of Lafferty Architects of 18 Main Street, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use from permitted retail use to restaurant with ancillary take-away use (floor area 415.6 square metres) including all associated site works at Internal retail unit 308, level 3, Square Shopping Centre, Tallaght, Dublin.

## **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 nature and scale of the proposed development, to its location within an existing shopping centre and to the existing mix of retail and non-retail uses within the shopping centre, it is considered that the proposed change of use to restaurant, subject to compliance with the conditions set out below, would be consistent with the land use zoning objective for the site, would not seriously injure the amenities of the area or of property in the vicinity, would be in accordance with the policies and objectives, as set out in the South Dublin County Development Plan 2016-2022, with the provisions of the Tallaght Town Centre Local Area Plan 2011 and with Government policy, as set out in the "Retail Planning Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in April 2012. The proposed development 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 commencement of development, the developer shall submit to and agree in writing with the planning authority full details demonstrating compliance with the following:
  - (a) The ventilation system shall be adequately filtered and externally vented so as not to cause a nuisance to neighbouring properties.
  - (b) Any fumes emitted from the premises shall be minimised and, if necessary, treated using the Best Available Technology and emitted to the outer air.
  - (c) The noise from the operation of the ventilation system shall be attenuated so as not to cause a noise nuisance to nearby residential properties.

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

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

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

5. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the amenities of the area and visual amenity.

6. 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.

---

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

**Dated this            day of            2016.**