



Board Direction

Ref: PL06F.245871

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26th May 2016.

The Board decided by a majority of 2:1 to grant permission generally in accordance with the Inspector's recommendation, in accordance with the draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the nature and modest scale of the proposed development, the TC zoning objective for the area as set out in the Fingal Development Plan 2011 - 2017, the pattern of urban development in the vicinity, and the planning history of the overall site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the Main Street, Rush neighbourhood, or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, would be in accordance with the provisions of the Development Plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. PlansPartic
2. The use of the proposed development shall be strictly limited to use as a pizzeria takeaway.

Reason: In the interest of clarity and of residential amenity, having regard to the close proximity of the proposed ventilation to the windows of residential accommodation.

3. The hours of operation of the proposed pizzeria shall be limited to between 12:00 and 23:00 on any day.

Reason: In the interest of clarity and of residential amenity.

4. Prior to commencement of development, a comprehensive scheme of landscaping of the rear garden shall be submitted to and agreed in writing with the planning authority. This scheme shall also provide for substantial improvements to the quality of the access between the residential accommodation and the remaining garden area. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity, having regard to the reduction in garden area and to Condition 3 of planning register reference number 93A/0061.

5. Shopfront 2

6. CommFinishes

7. A comprehensive scheme for the effective control of mechanical noise, fumes and odours from the premises shall be submitted to and agreed in writing with the Planning Authority, prior to the commencement of development.

Reason: In the interest of residential amenity.

8. The noise level arising from ventilation shall not exceed 55 dB(A) (corrected for any tonal or impulsive component) at the boundaries of residential property, between 08:00 and 20:00 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures and a timeframe for the purpose of determining and reporting compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

9. Litter

10. The proposed development shall comply with the requirements of the planning authority in respect of environmental health, as set out in the report of the Environmental Health Officer dated 19th October 2015.

Reason: In the interest of environmental health.

11. Urban WaterDrain

12. RetailAd 3

13. No music or other amplified sound shall be broadcast externally from the proposed development.

Reason: To protect the amenities of the area.

14. Section 48

Note:

The Board concurred with the Inspector that the proposed development would not result in any material contravention of the Development Plan, having regard to the scale of the population served, the length of Upper Main Street, the dispersed locations of the existing takeaways in Rush, and the nature of the proposed development specifically as a pizzeria takeaway, such that the Board is satisfied that the proposed development would not give rise to any predominance or over-concentration of takeaway uses in the vicinity. The case, therefore, was not determined under Section 37(2)(a) of the Planning and Development Act., 2000.

Please issue a copy of this Direction with the Board Order.

Board Member: _____ Date: 30th May 2016
Fionna O' Regan