



An
Bord
Pleanála

Board Direction
PL 06F 248506

The submissions on this file and the Inspector's report were considered at a Board meeting held on 8th November, 2017.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for retention of planning permission of the wooden effect, steel clad recycling and bin storage shelter, bike rack and perspex shelter in the car park, bike rack along the northern elevation of the hotel, replacement awning and perspex side walling to include a larger footprint of the covered area, new granite steps and landscaping

and

- (2) refuse permission for retention of planning permission of the 2 sided and single sided advertising signs and the wooden effect and steel clad structure for dispensing ice cream/coffee

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations 1

Having regard to the nature, location, modest scale and detailed design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would comply with the

provisions of the Fingal County Development Plan 2017 to 2023 in respect of non-conforming land uses, would be acceptable in terms of traffic safety and would not seriously injure the amenities of the area or the residential amenity of properties in the vicinity. The proposed development 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. 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. Within three months of the date of this order, revised plans and particulars shall be submitted to the planning authority for written agreement indicating:
 - i. The covered storage area to the east of the Hotel building aligned with the existing walls of the Hotel building immediately to the west, such that the northern end of the storage building aligns with the existing northern wall of the Hotel building.
 - ii. Revised details in respect of the external finish of the storage area, to compliment the adjoining Hotel wall.
 - iii. Landscaping of the area to the west of the hotel building and covered area, to include (a) a modest smoking area, and (b) controlled public access to the remaining open space area.

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

3. No external lighting or illumination be attached to or erected on the covered area without a prior grant of permission.
4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

7. All necessary measures shall be taken to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of works on the subject site.

Reason: In the interest of traffic safety and visual amenity.

8. 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.

Reasons and Considerations 2

1. Having regard to the zoning of the site, the objective of which is to preserve and provide open space and recreational amenities, and the nature of the proposed development which includes the structure for dispensing ice creams/coffee, it is considered that the proposed development would constitute an unreasonable intensification of the non-conforming use and therefore, contravene the said zoning objective and be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site adjoining the Royal Canal and policies of the Fingal County Development Plan 2017 to 2023 which seek to protect and enhance the built and natural heritage of the Royal Canal and ensure that development within its vicinity is sensitively designed, it is considered that the large double sided entrance sign and single sided sign at the entrance to the hotel are of a scale and form that is visually detrimental to the character of the area and the canal side setting. The proposed development would therefore conflict with policies of the County Development

Plan and be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 08.11.2017

Terry Prendergast