



An  
Bord  
Pleanála

**Board Direction**  
**BD-003159-19**  
**ABP-303067-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/05/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the zoning Objective "TC – Town and District Centre" for the area as set out in the Fingal County Development Plan 2017-2023 and the pattern and mix of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention, and the proposed development, would be in accordance with the provisions of the Development Plan, would not seriously injure the amenities of the neighbourhood or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The development proposed for retention, and the proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development proposed for retention shall be retained, and the proposed development shall be carried out and completed, in accordance with the plans

and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of September 2018, 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. The retention permission for the seasonal, outdoor front seating area is a temporary permission only, and shall expire 3 years from the date of this order unless, by that time, permission for its further retention has been granted by the Planning Authority, or by An Bord Pleanala on appeal.

**Reason :** To allow for further assessment of impact on residential amenity.

3. The hours of operation shall be as follows :

(a) the 1<sup>st</sup> floor section of the restaurant

- from 08h00 to 23h00 Sunday to Thursday, and
- from 08h00 to 24h00 Friday and Saturday.

(b) the outdoor seasonal dining area

- from 08h00 to 22h00 Monday to Sunday from the start of June to the end of August of each year.

**Reason :** To ensure protection of residential amenity within a mixed-use area.

4. At the end of each night, and outside of the permitted months of operation, the chairs, screens and other equipment shall be removed from the front parking area, and stored internally.

**Reason :** To avoid clutter within an 'Architectural Conservation Area' (ACA)

5. The 1<sup>st</sup> floor section of the restaurant and the outdoor seasonal dining area shall be used as part of the permitted restaurant use, and shall not be sold, sublet or otherwise operated as separate restaurant or bar uses.

**Reason :** To prevent unauthorised development.

6. Any screens to be used within the temporary outdoor area shall be canvas, and shall not contain any advertisements, and shall not be fixed to the ground. Similarly, other features, such as chairs etc shall not be fixed to the ground.

**Reason :** To prevent unauthorised development.

7. EntNoise

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.

**Board Member**

**Date:** 28/05/2019

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John Connolly