



An
Bord
Pleanála

Board Direction
BD-003901-19
ABP-304077-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/08/2019.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- The Fingal Development Plan 2017-2023 and in particular to the following objectives;
 - Objective ED54 – prevent over supply of take-away's on main shopping streets.
 - Objective DMS 107 – strictly control fast food/ take-away outlets.
 - Objective DMS 108– consider the appropriateness and location of fast food outlets in the vicinity of schools, to restrict the opening of new fast food/takeaway outlets in close proximity to schools so as to protect the health and wellbeing of school going children.
- The LC zoning of the site whose vision is to provide a mix of local community and commercial facilities for the existing and developing communities of the County
- Design Manual for Urban Roads and Streets (DMURS), (2013)
- the National Transport Authority's Permeability Best Practice Guide (2015), in the provision of good urban design
- The submissions of the parties,
- The inspectors report

The Board considered that the proposed development was in compliance with LC zoning objective for the site, would not lead to a proliferation of take-aways or the loss of retail opportunity in the area, and considered that the scale and design of the proposed development is appropriate for the catchment area and is appropriately located adjacent to the Skerries Point Shopping Centre. Furthermore, the Board was satisfied that the site location relative to the schools in the vicinity had been carefully considered and meets Objective DMS 108 of the Fingal Development Plan 2017-2023 and that subject to compliance with the conditions as set out below, would not endanger public safety by reason of traffic hazard and given its proximity to the shopping centre represented a permeable and accessible site contributing to a sustainable urban environment . The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the assessment of the Planning Authority and considered that having regard to the suitability of the site to accommodate such a use, specifically its LC zoning, under which both restaurant / café and fast food outlet/take away use classes are permitted in principle, the distance to the closest school(s) and the nature of the closest school (a primary school), where the pupils are typically not permitted to leave during lunch break, it is considered that the proposed development would be in accordance with Objective DMS 108 of the Fingal Development Plan 2017-2023 and that careful consideration was given to the appropriateness and location of the proposed fast food outlet relative to both primary and post primary schools in the wider area. Furthermore, the Board was satisfied that the proposed development would promote and facilitate increased permeability and accessibility for those using active travel modes and contribute to a sustainable urban environment and would not give rise to traffic hazard having regard to the road layout and parking provision in the area. The Board was satisfied that potential conflicts between pedestrians/cyclists and vehicular traffic were addressed by the design and the road and vehicular access layout as proposed.

Conditions

1 Plans and particulars

2 Prior to commencement of development the applicant/developer shall submit to the Planning Authority for its written agreement a revised site layout clearly indicating outdoor seating for a maximum of 15 no. patrons within the paved area directly adjacent to the main entrance to the building hereby permitted. The outdoor seating area shall only be used in conjunction with the restaurant use operated within the building and shall not be used after 2130 hours. Any and all furniture (seating/tables etc.) shall be demountable in nature and shall be removed from this area by 2130 hours.

Reason: In the interests of clarity and to protect the amenity of the area.

3 Materials and finishes.

4 Landscaping as per PA C4.

5 The following requirements in relation to access and car parking for the proposed development shall be carried out in full;

- (i) The alterations to the existing road layout and lining on Barnageeragh road to provide a right turn pocket shall be implemented at the cost of the applicant/developer and to the satisfaction of the Planning Authority. These alterations shall be implemented in full prior to the operation/opening of the restaurant/drive-through.
- (ii) The 2 no. existing slanted spaces directly south of space No. 65 shall be retained for use as set down spaces. The 4 no. existing slanted spaces further south shall be removed to allow for the disabled space as detailed on Drawing 1730-P-102 received as additional information on the 8th February 2019.

Reason: In the interests of traffic safety.

6 CMP 1

7 The restaurant / drive-through (including any take-away use) shall not operate outside the hours of 0630-2330 Monday to Sunday including Bank/Public Holidays.

Reason: To protect the amenities of the area.

8 Goods deliveries to the restaurant /drive through shall not be permitted between the hours of 2330 and 0630.

Reason: In the interests of amenities of the area.

9 As per PA C 14

10 As per PA C 15

11 As per PA C 16. Signage.

12 No music or other amplified sound shall be broadcast externally. Noise emanating from the premises shall be such as not to cause nuisance to the occupants of adjacent properties and users of the public road.

Reason: To protect the amenities of the area.

13 S 48 Unspecified Condition

Board Member

Date: 28/08/2019

Paul Hyde