



An
Bord
Pleanála

Board Direction
BD-005454-20
ABP-306115-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/03/2020.

The Board decided to make a split decision, to

- (1) grant permission, for the internal alterations and change of use from car showroom to a Gala retail shop with hot and cold deli counter together with new shop front and external as set out in Reasons and Considerations (1) and subject to the conditions,

and

- (2) refuse permission for internal alterations and change of use from car service bay to a Four Star Pizza restaurant incorporating internal and external seating areas, take away and delivery use together with new shop front and external signage based as set out in Reasons and Considerations (2)

generally in accordance with the Inspector's recommendation.

Reasons and Considerations (1)

Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area 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 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. That this permission excludes the proposed change of use from car service bay to a Four Star Pizza restaurant incorporating internal and external seating areas) take away and delivery use together with new shop front and external signage. The maximum floor area of the permitted shop shall be 80.7 sq. metres as per the Existing and Proposed Floor Plans Drg No.001 submitted with the application.

Reason: In the interests of clarity

3. The premises shall be used as a shop with ancillary hot and cold deli counter and for no other use within Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) without a prior grant of planning permission.

Reason: To clarify the scope of the permission and to protect the amenities of the area.

4. The permitted development shall remain closed and shall not trade outside of the following hours:

(a) 07.00 hours to 22.00 hours Monday to Saturday.

(b) 08.00 hours to 22.00 hours on Sundays,

Unless otherwise agreed in writing with the Planning Authority.

Reason: To protect the residential amenities of the area.

5. Details of the signage and lighting of the development shall be submitted to, and agreed in writing with the Planning Authority within 3 months of the date of this permission.

Reason: in the interests of visual amenity.

6. A waste bin shall be provided outside of the premises during the hours of business. Details of cleaning / litter management measures shall be submitted to, and agreed with, the Planning Authority within 3 months of the date of this grant of permission.

Reason: To protect the visual and residential amenities of the area.

7. The following requirements relating to roads and access shall be complied with in the development and shall be undertaken and details in the form of drawings submitted to, and agreed in writing with, the Planning Authority within 3 months of the date of this grant of permission:

(a) Delineation of all car parking spaces to serve the development on lands within the control of the applicant,

(b) Proposals for the operation of a one way entry and exit system for the site.

(c) Details of boundary treatment along the eastern boundary of the site to McKee Avenue to separate the site from the public footpath.

(d) Details of the location of the proposed delivery area for the site.

Reason: In the interests of traffic and pedestrian safety.

8. 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: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

Reasons and Considerations (2)

1. Having regard to the location of the site in what is considered to be a transitional zone between the centre of Finglas Village and predominately residential areas to the north, to scale and nature of the proposed fast food outlet proposed including outdoor seating and opening hours, to the lack of details with regard to air extraction and refuse storage and to the proximity of the site to existing residential properties to the north and east, it is considered that the proposed development would have a significant negative impact on the residential amenities of surrounding properties by virtue of noise, litter and general disturbance. The proposed development would therefore seriously injure the amenities and depreciate the value of properties in the vicinity, would be contrary to the policy set out at Paragraph 16.25 of the Dublin City Development Plan to strictly control such uses having regard to, inter alia their

impacts on residential amenity and litter, and would be contrary to the proper planning and sustainable development of the area.

Board Member:

Date: 19/03/2020

Michelle Fagan