

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: FW15A/0112

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APPEAL by Rocco Tiedt of 5 Woodberry, Castleknock, Dublin against the decision made on the 17th day of December, 2015 by Fingal County Council to grant subject to conditions a permission to Janice Devaney care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of the ground floor from granted retail use to now provide for a café/restaurant use with associated internal and elevational alterations/reconfiguration, new signage and all ancillary site and engineering works necessary to facilitate the development at Unit 1, Weaver's Row, Clonsilla, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the town centre zoning objective, to the nature and extent of the development proposed and to the established commercial use of the property, it is considered that, subject to compliance with the conditions set out below, the proposed change of use of ground floor from retail use to café/restaurant use 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, as amended by the further plans and particulars submitted on the 1st day of December, 2015, 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 proposed principal use shall be a sit down café/restaurant. Any take-away element shall be ancillary only to the permitted main use of café/restaurant.

Reason: In the interest of orderly development and the proper planning and sustainable development of the area.

3. The opening hours of the café/restaurant shall be limited to 0800 hours to 2230 hours Monday to Friday and 1000 hours to 2230 hours on Saturday and Sunday.

Reason: In the interest of clarity and residential amenity.

4. No deliveries shall be taken at or dispatched from the premises outside the hours of 0730 to 2000 hours Monday to Friday, 0800 to 2000 hours on Saturday and 0900 hours to 2000 hours on Sunday.

Reason: To protect the amenities of the area.

5. The noise level, including from vent, shall not exceed 55 dB(A) rated sound level, as measured at any point along the boundary of the site. Procedures for the purpose of determining 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 of the site.

6. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

7. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

8. No external amplified music shall play within the curtilage of the site.

Reason: To protect the amenities of the area.

9. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

10. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

11. All discharge from the food preparation area within the kitchen shall be through a suitable grease interceptor.

Reason: In the interest of public health.

12. Water supply and drainage arrangements, including the attenuation and 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.