

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0583

An Bord Pleanála Reference Number: PL 06F.246306

APPEAL by Patrick and Marion Lawlor care of Michael O'Connor Associates of 18 Lissadel Wood, Swords Road, Malahide, County Dublin against the decision made on the 18th day of February, 2016 by Fingal County Council to grant subject to conditions a permission to Drumboe Restaurants Limited care of Jennings Design Studio of 1-2 Marino Mart, Fairview, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use from retail to restaurant, illuminated signage to front elevation comprising of back-lit individual stainless steel letters, three number high level non openable windows with obscure glass to rear courtyard elevation and four number ventilation grilles to side elevation adjacent to ramp at Unit 2, Kingsford Cross, Strand Road, Portmarnock, County 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 provisions of the current Development Plan, to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not give rise to a traffic hazard. 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. The development shall comply with the terms and conditions attached to the planning permissions granted under An Bord Pleanála appeal reference number PL06F.220950 and planning register reference number F09A/0599 for the overall development of the site, except as amended by any of the following conditions.

Reason: In the interest of clarity.

3. The following management requirements shall be complied with Monday to Sunday:
 - (a) The restaurant shall not open after 11pm.
 - (b) Deliveries shall not be permitted between 10pm and 7am.
 - (c) No seating or smoking shall be permitted to the rear of Unit number 2.

- (d) No seating shall be permitted to the front of Unit number 2 without a prior grant of planning permission.
- (e) No music or amplified sound should emanate from Unit number 2.

Reason: In the interest of residential amenity.

- 4. The following car parking and delivery requirements shall be complied with:
 - (a) The developer shall submit details of the car parking and loading spaces that will serve the restaurant to the planning authority for written approval before development commences.
 - (b) No residential spaces within the basement car park shall be used to meet the parking requirements of the proposed restaurant.

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

- 5. The following design and layout requirements shall be complied with:
 - (a) The developer shall submit details of the signage and any shutter boxes or shutter grilles to the planning authority for written approval before development commences.
 - (b) No additional advertising sign or structure shall be erected, except for those which are exempt development, without a prior grant of planning permission.
 - (c) No adhesive material shall be affixed to the windows of the unit, unless otherwise agreed in writing with the planning authority.
 - (d) A lobby shall be provided between the kitchen and back door.

Reason: In the interest of visual amenity, residential amenity and the proper planning and sustainable development of the area.

6. 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 and to ensure a proper standard of development.

7. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

8. The site works and building works required to implement the development shall be carried out only between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

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

Dated this day of 2016.