

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: FW/16A/0018

An Bord Pleanála Reference Number: PL 06F.246484

APPEAL by Chef Thai and Chinese Takeaway Limited care of AKM of Unit 9, Trinity Court, Fonthill Business Park, Dublin against the decision made on the 29th day of March, 2016 by Fingal County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use from café to takeaway restaurant use, 70 square metres with new signage to shop front and side gable wall and associated works, all at Unit 4, Coolmine Business Park, Coolmine, 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 Fingal County Development Plan 2011-2017 including the site's location in an area with a GE zoning objective, the planning history of the site and of the wider area, the pattern of development in the area and the scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The premises shall be closed to the public between 2400 hours and 0900 hours on Monday to Saturday and between 2300 hours on Sunday and 0900 hours on Monday.

Reason: In the interest of the amenities of the area.

4. 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 within two months of the date of this order. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

5. The developer shall control odour emissions, including extract ducting and ventilation, from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.

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

6. No music or other sound shall be broadcast or amplified externally from the premises.

Reason: In the interest of the amenities of the area.

7. 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.

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.

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

Dated this day of 2016.