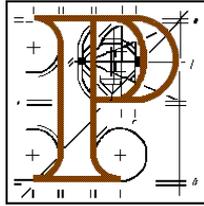


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Fingal County**

**Planning Register Reference Number: F15A/0608**

An Bord Pleanála Reference Number: PL 06F.247015

**APPEAL** by Anthony Hynes care of Michael Mohan Architects of Unit 3, All Saints Park, Raheny, Dublin against the decision made on the 8<sup>th</sup> day of July, 2016 by Fingal County Council to grant subject to conditions a permission to Architects Workshop Limited care of O'Connor Whelan of 222-224 Harolds Cross Road, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use of the first floor office (102 square metres) to restaurant to provide new seating area, private dining room, extended kitchen and remodelling of existing w/c's to existing first floor restaurant; two number new external internally illuminated box signs at first floor level with an area of 1.44 square metres each; a two-storey extension to the rear totalling 151 square metres (39 square metres at ground floor, 112 square metres at first floor), providing an extended restaurant at first floor level and access and bin stores at ground level, all at numbers 32-36 Main Street, Malahide, 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 location of the site within the town centre of Malahide, to the planning history of the site and to the town centre zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the residential amenities of property in the vicinity 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 14<sup>th</sup> day of June 2016, 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 following shall be submitted to and agreed in writing with the planning authority prior to commencement of development:
  - (a) A colour scheme for the façade addressing the Main Street.
  - (b) Design details for the proposed security gate onto Main Street.

**Reason:** In the interest of visual amenity.

3. A balcony of obscure glazing of minimum height 1600 millimetres shall be erected to the proposed west facing balcony on the first floor.

**Reason:** In the interest of amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water and provision for existing foul sewer connections within the site, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interest of visual and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

7. The hours of operation of the proposed restaurant shall be from 0900 to 2400 Monday to Sunday including Bank Holidays.

**Reason:** In the interest of residential amenity.

8. A plan containing details of the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. 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.**