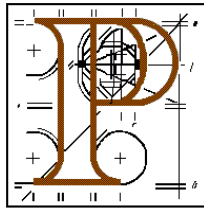


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Fingal County**

**Planning Register Reference Number: F17A/0514**

An Bord Pleanála Reference Number: ABP-300165-17

**APPEAL** by Thomas Hynes of Number 1 The Priory, Main Street, Malahide, County Dublin against the decision made on the 20<sup>th</sup> day of October, 2017 by Fingal County Council to grant subject to conditions a permission to Architects Workshop Limited care of Olan Crowley of Suite 1, 20 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Alterations and revisions of previously approved permission (planning register reference number 15A/0608, An Bord Pleanála reference number PL 06F.247015) for modifications to the ground floor and front elevation to allow for the remodelling of permitted rear lift lobby with partial extension on ground floor retail unit three (from 60 square metres to 66 square metres) to side passage with new additional access stairs to first floor restaurant with rear store extension of retail unit one (40 square metres to 53 square metres) repositioning of permitted bin storage and four number double vertical bicycle spaces (eight in total) with revised external escape stairs to rear and modifications to rear undercroft on ground floor with removal of first floor external terrace and internal modifications to permitted first floor extension to provide for two number first floor restaurants (one new and one existing) increasing the permitted floor area by 15 square metres to 527 square metres in total, all at 32 to 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 'TC – Town and District Centre' zoning, the nature and scale of the proposed development, and the existing pattern of development in the vicinity, including the existing uses on site, the village centre location and the provisions of the Fingal Development Plan 2017-2023, which require consideration of the cumulative effects of developments on local amenities, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be in accordance with the provisions of the Fingal Development Plan 2017-2023 and would enhance the character of the Architectural Conservation Area. 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 5<sup>th</sup> day of December, 2016 under appeal reference number PL 06F.247015, planning register reference number F15A/0608, including those conditions relating to water supply and drainage (4), service cables (5), site development works (6), hours of operation (7) and waste management (8), and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed development shall be amended as follows:
  - (a) Eight number cycle parking spaces shall be provided in the undercroft area;
  - (b) The access doors to the restaurant bin stores shall be located in the eastern elevation of the bin store structure;
  - (c) An access door to the undercroft area shall be provided in the eastern elevation of the lift lobby area;

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity and orderly development.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings, including details of windows, signage and lighting addressing Main Street and informed by the Malahide Public Realm Strategy - Design Guide for Shopfronts and accurate elevation and consistent details of the rear elevations to the extension, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing;
- (b) All windows shall be double-glazed and tightly fitting. The rear-facing first-floor windows serving the proposed kitchens shall be non-openable and fitted with obscure glazing;
- (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes;
- (d) The external fire stairs located on the east elevation shall not be used as an external smoking area;
- (e) With the exception of areas identified for such purposes on Drawing Number 1-3-00, the undercroft area shall not be used as a waste and goods storage area;
- (f) Air extraction, vents and similar equipment shall not be positioned on the rear elevation to the extension.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
  - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
  - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

7. 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 commencement of development.

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

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 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.

10. 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.

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

**Dated this            day of            2018.**