

An
Bord
Pleanála

Board Order
ABP-311808-21

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0155

Appeal by Paul O'Loughlin care of Bell Associates of Executive House, Whitestown, Rush, County Dublin and by Others against the decision made on the 5th day of October, 2021 by Fingal County Council to grant subject to conditions a permission to Sean Ventre care of SM Building Consultancy of Unit 4, 84 Strand Street, Townparks, Skerries, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Change of use from existing retail use to take-away and café use comprising 70 square metres, (b) internal modifications and provision of extract flue to the rear elevation, (c) installation of non-illuminated front elevation fascia signage, and (d) all associated site works at Ground Floor, Unit 4, Church Street, Skerries, County Dublin.

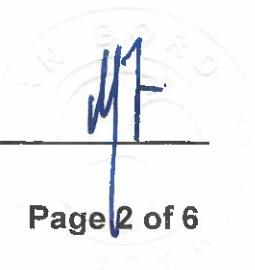
Decision

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.

Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2017-2023 and the location of the site within the TC - Town and District Centre zoning, the nature and scale of the proposed development and the submissions on the file, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a negative impact on the residential or visual amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the submissions received on foot of the notice issued under section 132 of the Planning and Development Act, 2000, as amended, which indicated that the proposed flue would be repositioned and fully supported within the subject property, and which provided details of the extraction method proposed, and considered that, subject to compliance with conditions, the proposed development would not have an unacceptable detrimental effect on the amenities of adjoining properties, and 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 to the planning authority on the 16th day of July 2021 and the 9th day of September 2021, and by the further plans and particulars received by An Bord Pleanála on the 19th day of May, 2022, 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. All ducts and external plant located on the ground floor roof shall be screened from view from the external amenity space of 3B Church Street.

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

Reason: In the interests of visual and residential amenity.

3. The design of signage provided (appendix 1 of section 1.9 of the additional information response received on the 16th day of July, 2021) is acceptable. The exact material of the fascia board is not stated, the fascia board shall be timber or may be a painted metal with a matt finish.

Reason: In the interest of visual amenity.

4. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, 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.

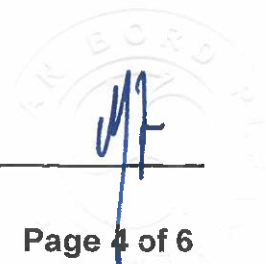
5. (a) The hours of operation shall be between 0700 hours and 2200 hours Monday to Sunday inclusive, including public holidays.

(b) Goods deliveries shall not be permitted between 2000 and 0700 hours.

Reason: In the interest of the amenities of property in the vicinity.

6. Noise emissions from the development once operational shall not cause impairment of, or significant interference with, the amenities beyond the site boundary and shall not cause a noise nuisance to nearby noise sensitive locations, that is, shall not exceed the background level by more than 10 dB(A) or more or exceed 45 dB L_{Aeq} , 15 mins measured at the boundary of the nearest noise sensitive locations whichever is lesser. Clearly audible and impulsive tones at noise sensitive locations during evening or night shall be avoided irrespective of the noise level.

Reason: To protect the amenities of the area.



7. No music or other amplified sound shall be broadcast externally. Noise emanating from the premises shall be such so as not to cause nuisance to occupiers of adjacent properties and users of the public road.

Reason: To protect the amenities of the area.

8. 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 commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

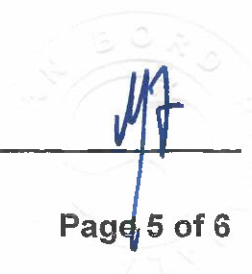
Reason: In the interest of visual amenity.

9. 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.

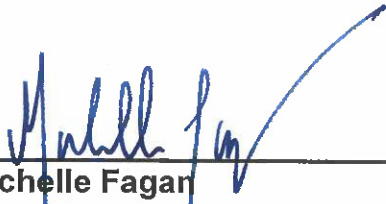
10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.



11. The developer shall pay the sum of €10,000 (ten thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of the provision of two controlled public parking spaces. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.


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

Dated this 29th day of July 2022.

