

An
Bord
Pleanála

Board Order
ABP-312069-21

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0481

Appeal by SPM Establishments Limited care of Peter P. Gillett and Associates of 55 Glencarrig, Sutton, Dublin against the decision made on the 3rd day of November, 2021 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Retention of change of use of yard area to outdoor dining to side of existing public house, complete with single storey kitchen and retractable awning in same area and an outdoor smoking area to rear of existing public house, at The Bus Bar, 98 Strand 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, the location of the development for which retention is sought within the town centre zoning, where the objective is to “protect and enhance the special physical and social character of town and district centres and/or improve public facilities”, and where restaurant/café use is permitted in principle, its location within the core retail area of Skerries, the nature and scale of the development, and the distance from residential properties of the smoking area and outdoor dining area, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would be appropriate in this location, would not represent an inappropriate intensification of use, and would be acceptable in terms of residential amenity on this town centre site. The development for which retention is sought 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 existing and long-established use, the pattern of development in the area, the location onto a heavily trafficked road, within the core retail area of the town and considered that the development for which retention is sought would not result in an unacceptable intensification of use on this town centre site, and would not seriously injure the residential amenities of the area.

Conditions

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

Reason: In the interest of clarity.

2. 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.

3. 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 with three months of the date of this Order.

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

4. 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 LAeq, 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.

5. 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.

6. (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 hours and 0700 hours.

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

7. 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 three 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.

8. 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.

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 with three months of the date of this Order 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.

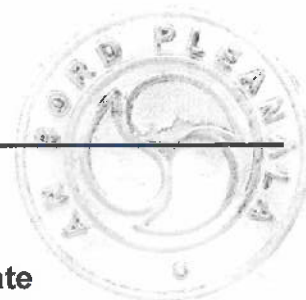
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 18th day of October 2022.