



An
Bord
Pleanála

Inspector's Report

ABP-306115-19

Development	Change of use from car showroom to retail shop & change of use from car service bay to pizza restaurant.
Location	Top Oil Service Station, McKee Avenue, Finglas, Dublin 11
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4011/19
Applicant(s)	Mohammad Nassir Mushtag
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Mohammad Nassir Mushtag.
Observer(s)	Joseph and Susan O'Reilly Karen Byrne and Donal Clarke Philomena Murphy Ann Martin Tara Dermody and Liam Whelan Paddy and Rita McKenna

Date of Site Inspection

16th March, 2020

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of McKee Avenue in Finglas, immediately to the north of Finglas Village centre. The site is currently in use as a filling station with a forecourt shop area (Gala) in operation on the southern side of the floorplan of the single storey building on site. There is a small outbuilding or store located in a yard area at the rear of the site behind the main building.
- 1.2. To the east of the building on site there is a petrol forecourt area with canopy. The site is currently branded as a Top filling station and the occupied part of the building as a Gala shop. It should be noted that the application is for a change of use from use as a car showroom and service bay to use as a forecourt shop and as a Pizza fast food restaurant and take away respectively. That part of the development that was permitted in the Notification of Decision issued by the Planning Authority would therefore appear to have been undertaken.
- 1.3. The site is in a transitional location where primarily commercial and retail uses to the south stop and the area immediately to the north and east of the site are residential in nature.
- 1.4. There is a laneway to the south of the site which accesses commercial premises to the west of the site. Based on the Site Layout Plan submitted the first party appears to have a right of way over this area. Parking in the vicinity of the site is restricted and on street parking is not generally available due to existing entrances, double yellow lines and the fact that the site is located on a bend in what is a busy road.
- 1.5. The stated area of the building on site is 1,023 sq. metres and the area of the Gala shop / retail area is indicated on the submitted plans as 80.7 sq. metres.
- 1.6. The area of the appeal site is stated to be 1,031 sq. metres.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- 2.2. Internal alterations and change of use of a car showroom to a Gala retail shop with a hot and cold deli counter and new shop front and external signage. The proposed opening hours of this retail use is 24 hours Monday to Sunday. This part of the

development is proposed to be undertaken in the southern part of the existing forecourt building on the site and the submitted plans indicate the area of the shop to be 80.7 sq. metres. There is proposed to be a connection (door) linking this part of the building and the shop use with the adjoining part of the building which is proposed to be the subject of internal alterations and change of use from a car service bay to a Four Star Pizza restaurant which incorporates internal and external seating, take away and delivery use and new shop front and external signage. The use is proposed to operate Monday to Friday and Sunday 12.00 to 24.00 Hrs and on Saturdays from 12.00 to 01.00 hrs.

- 2.3. It should be noted that the area in the centre of the building indicated as a Kitchen on the submitted plans would be accessible from both the fast food / Pizza restaurant and from the shop unit and would presumably be used to serve both uses. It is also noted that access from the fast food / pizza use, the central Kitchen area and the shop unit are proposed to the rear of the building. The yard area to the rear of the building immediately adjoins the back gardens of Nos.1-3 St. Georges Road to the north of the site.
- 2.4. It is noted that as part of the application, the applicant indicates that he is the current operator of the existing Four Star Pizza outlet in Finglas Village and that, on receipt of a grant of planning permission on the appeal site, it is proposed that the existing outlet would be closed and move to the appeal site.
- 2.5. The proposed Gala shop has a floor area of 82 sq. metres and the Pizza outlet is indicated as having a floor area of 69 sq. metres and these uses replace the previous car showrooms area of 96 sq. metres and service area of 55 sq. metres.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a split decision on this case with permission granted for the change of use of the car showrooms are to retail use and permission refused for the proposed change of use of the service area to use as a Pizza restaurant and fast food outlet.

The two reasons for refusal of the change of use from service area to pizza restaurant and fast food outlet can be summarised as follows:

1. That the effects of a takeaway as proposed at this location would seriously injure the amenities of property in the vicinity, in contravention of Section 14.7 of the development plan and zoning objective Z1 (to protect provide and improve residential amenities) due to loss of amenity for the adjoining residential area due to noise, odours, traffic and disturbance.
2. That the proposed development has not demonstrated compliance with the provisions of sections 16.25 and 16.29 of the *Dublin City Development Plan, 2016-2022* and would therefore be contrary to the proper planning and sustainable development of the area.

The following is a summary of the most notable conditions attached to the grant of permission issued for the change of use of the former car showrooms to a Gala shop with a hot and cold counter together with new shopfront and external signage.

Condition No.2 specifies that the premises shall be used as a shop with an ancillary hot and cold deli counter and for no other purpose within Part 2 or Schedule 2 Part 4 of the Planning and Development Regulations, 2001.

Condition No.3 specifies the hours of opening which shall be 07.00 hrs to 22.00 hrs Monday to Saturday and 08.00 hrs. to 22.00 hrs on Sundays.

Condition No.4 requires that details of the proposed signage and lighting shall be submitted for the agreement of the Planning Authority.

Condition No. 9 restricts the hours of construction activity.

Condition No.12 restricts the erection of further signage without a prior grant of planning permission.

Condition No.13 relates to the control of noise and sound emissions from the premises.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the planning officer notes the location of the site in close proximity to residential development and the significant number of observations submitted. While the proposed uses are permissible on lands zoned Objective Z4, concerns are expressed regarding the impact on amenity, potential traffic and delivery issues and the fact that no details have been submitted regarding noise control or the ventilation system to the proposed take away use. A split decision consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

Roads Street and Traffic Department – Report expresses concerns with regard to parking provision, congestion and potential vehicular and pedestrian conflicts. Further Information is recommended.

Drainage Division – No objection.

3.3. **Prescribed Bodies**

Irish Water – No report received by the Planning Authority.

3.4. **Third Party Observations**

A number of observations were submitted to the Planning Authority and the most significant issues raised in these submissions can be summarised as follows:

- Overspill parking and conflict with pedestrians,
- That the proposed 24 hour opening hours are inappropriate for a location adjoining a residential area,
- That the proposed external seating area is inappropriate in close proximity to the filling station use.
- That there are already a significant number of take away uses in close proximity to the site and in Finglas village generally.

- Health impacts of fast food and contribution to the obesity issue.
- That last night take away use is not compatible with the use of the forecourt of the site for fuel sales. Health and safety issues and pedestrian / vehicular conflicts arise.
- Issues of traffic congestion and lack of space for deliveries.
- Issues raised regarding problems at the existing Four Star Pizza outlet on McKee Avenue which is run by the first party. Specifically issues relating to hours of opening, noise, litter and anti social behaviour.

4.0 Planning History

The following planning history is referenced in the report of the Planning Officer:

Dublin City Council Ref. 2117/09 – Permission granted by the Planning Authority for the removal of the existing motor service station buildings and the construction of a three storey building consisting of 4 no. shops, 2 no. surgeries and office accommodation plus the provision of basement car parking for 15 no. cars.

Permission was extended until June 2019 and was not implemented.

Enforcement Ref. E0945/19 – enforcement case opened in 2019 relating to the commencement of works on the site prior to the granting of planning permission.

Enforcement Ref. E0668/18 – enforcement case opened in 2018 relating to breach of conditions at the existing Four Star Pizza outlet on McKee Avenue and specifically Condition No.2 relating to hours of opening.

5.0 Policy Context

5.1. Development Plan

The relevant plan is the Dublin City Development Plan, 2016-2022.

The appeal site is located on lands that are zoned **Objective Z4** (District Centre) with the stated objective '*to provide for and improve mixed service facilities*'.

The plan states that district centres are expected to provide a higher range of services and that new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted.

The appeal site is located within the Finglas Key District Centre (KDC4) which means that the site is one of the top tier of centres outside of the city centre zoned areas. General development principles are for and increased population and density in such locations and the provision of a comprehensive range of community and commercial services to the area.

Paragraph 14.7 of the Plan relates to transitional zone areas and notes that it is necessary to have regard to the impact of development on the amenities of the more sensitive zone when considering development proposals.

Paragraph 16.25 of the plan relates specifically to Take Away uses and states that it is the objective of the council to prevent an excessive concentration of such uses and to strictly control the provision of such uses having regard to a number of criteria, including

- The effect of noise, general disturbance, hours of operation and litter,
- Traffic considerations,
- The number / frequency of such facilities in an area,
- Issues relating to litter,

Policy RD15 relates to design and finishes for new and replacement shopfronts and compliance with the Council's Shopfront Design Guide.

Policy RD19 seeks to promote retail provision in the Key District Centres (KDCs), District Centres and Neighbourhood Centres.

5.2. Natural Heritage Designations

The site is not located in or close to any European site.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal:

- Appeal relates to the condition restricting the opening hours of the proposed Gala shop (Condition No.3) and the decision to refuse permission for the internal alterations and change of use from a car service bay to a pizza restaurant and takeaway with indoor and external seating areas and the new shopfront and signage.
- That as a compromise to the originally proposed 24hour opening, the following hours are put forward as appropriate for the Gala shop that will be located in a village centre and which would be consistent with other similar types of shops in the area: 07.00 to 12.00 midnight Sunday to Thursday and 07.00 to 01.00am Friday to Saturday.
- That Four Star Pizza is an established business that operates across the street and is expanding. It requires a larger premises.
- It is proposed that the existing Four Star Pizza would cease trading when the new outlet on the appeal site opened. There would not therefore be an increase in fast food outlets and the development would be a relocation of an existing use.
- That the site is located in the centre of the village and close to the five arm junction to the south and such that some degree of traffic congestion is inevitable. Not considered that there would be any additional traffic congestion or pedestrian safety issues arising.
- There is parking proposed to the rear of the building and temporary stop and go parking on the forecourt. The majority of pizza will in any event be by delivery. There is also significant parking availability in Finglas village.
- That the reduced opening hours listed above would also apply to the pizza outlet and would reduce the likelihood of disturbance for residents.

- That deliveries would be conducted during normal business hours. Noted that there are many other businesses in the area that require deliveries.
- That there will be no increase in noise pollution in the area.
- That the operators have a close and good relationship with Finglas Tidy Towns and have consulted with them about the proposed development.
- That it is an individual's choice of what food type they want to eat. It should also be noted that there is a range of vegan / salad options in the Gala shop.
- That permission was previously granted on the site for a mixed use three storey development. The current proposal makes use of a site that had been lying idle for a number of years.
- Pictures submitted of a number of similar developments in the Dublin region next to residential developments.
- Letter from the appellant attached with appeal that notes the history of the site and how it predates the surrounding development. Stated that having the fuel sales back is very positive for the area, that it is creating employment and that significant investment has been put into the re development of the site and the payment of lease and rates. This investment needs to generate a return and the service to customers would be by way of a hatch during unsocial hours.

6.2. Planning Authority Response

None on file.

6.3. Observations

A total of 7 no. observations on the first party appeal have been received by the Board. The following is a summary of the main issues raised in these observations:

- That the existing pizza outlet leads to noise, anti-social activity and litter.

- That the hours of operation of the existing facility go beyond those permitted. A copy of an online ad for the outlet showing opening to 05.00am is submitted.
- That the customers of the pizza outlet block residential accesses. This would be worse with the proposed development.
- That the existing use on the site is already operating out of the permitted hours set down by Dublin City Council. It opens at 6.00am as per the hours set out in the shop window (copy submitted).
- That the development will attract anti-social behaviour and this would be facilitated by outdoor seating.
- That there needs to be a boundary erected between the forecourt and the footpath to protect pedestrians.
- The development would lead to issues of noise, litter anti-social activity.
- That there are already enough fast food outlets in Finglas.
- That the existing signage to the Gala shop has been changed to provide more lighting and which shines into neighbouring properties.
- That there is an unauthorised car wash facility that operates at the back of the site in the area where it is stated that parking can be provided.

7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of development
- Design and visual impact
- Impact on Residential amenity and opening hours
- Traffic and access issues,
- Other issues
- Appropriate assessment

7.2. Principle of Development

- 7.2.1. The appeal site is located on lands that are zoned Objective Z4 under the provisions of the *Dublin City Development Plan, 2016-2022*. where the stated zoning objective is 'to provide for and improve mixed service facilities'. Under this land use zoning objective, the main uses that are existing and proposed for the site are identified as permissible on lands zoned Objective Z4. Specifically, filling station, take away, restaurant and shop uses are all identified as being permissible and are therefore considered to be acceptable in principle subject to other relevant plan policies and objectives being met.
- 7.2.2. In the case of the appeal site, as noted in the report of the Planning Officer, the site is located in what is clearly a transition zone between the commercial and retail area centred around the village to the south and the predominately residential areas to the north. In this regard, the appeal site is directly bounded to the north by residential properties and there are also residential properties and developments located opposite the site on the eastern side of McKee Avenue. Paragraph 14.7 of the Plan relates to transitional zone areas and notes that it is necessary to have regard to the impact of development on the amenities of the more sensitive zone when considering development proposals. In the case of the appeal site, I therefore consider that it is appropriate that the protection of the amenities of the adjoining residential properties would be considered in the assessment and that the compatibility of the proposed development with the Objective Z1 zoning of these adjoining lands, '*to protect provide for and improve residential amenities*' would be given particular consideration. This is addressed further in section 7.4 below.
- 7.2.3. It is also noted that the site is also located in an area that is within the Finglas Key District Centre (KDC4) which means that the site is located within one of the top tier of centres outside of the city centre zoned areas. General development principles within such areas are for an increased population and density and the provision of a comprehensive range of community and commercial services to the area. While the proposed development is essentially making use of what was already on site in the form of a disused filling station building and forecourt, it could be argued that the zoning of the site and the designation as a key district centre is such that a more intensive form of development should be the long term goal for the site and that a

wider range of uses including residential and commercial could also be accommodated.

7.3. Design and Visual Impact

- 7.3.1. The proposed development incorporates the existing building on the site and proposes a re development of this structure with new signage and detailing. The basic form of shopfront and signage proposed is in my opinion acceptable. I note the reference in a number of submissions to the fact that some alterations to lighting to the shopfront has been undertaken since the development was first undertaken. Compliance submissions with regard to the shopfront and compliance with the details agreed are an issue for the Planning Authority, however I consider that the basic design and approach is acceptable.
- 7.3.2. One design issue that is raised in a number of the submissions received, and in the report of the Roads and Traffic Planning Division, relates to the absence of a clear boundary between the forecourt area of the site and the public footpath and roadway beyond. In the event that a grant of permission is being considered it is recommended that details a boundary treatment together with a circulation route through the site and delineation of parking spaces would be required to be submitted for the agreement of the planning authority.

7.4. Impact on Residential Amenity and Opening Hours

- 7.4.1. As noted above, in my opinion the appeal site is clearly located in a transitional zone between the commercial / mixed use Objective Z4 lands centred on the village and the residentially zoned and developed lands to the north and east. The provisions of the Z1 zoning objective and the protection of existing residential amenity is therefore considered to be a significant consideration in the assessment of this appeal and on this issue there are a number of aspects of the proposed development that are of concern.
- 7.4.2. Firstly, I note the layout of the development with the take away use located at the northern end of the site and directly adjoining the residential properties to the north on St. Georges Road. The proposed external seating to the north of the building

would be directly adjoining the rear boundary with No. 1 St Georges Road and would clearly be unacceptable in terms of the impact on residential amenity. The submitted layout does not provide any details with regard to the provision of ventilation to the proposed kitchen area in the development and there is no detail provided regarding the location or type of air extraction equipment. Given the previous use of the site this equipment would have to be retrofitted and given the proximity of residential properties it would be expected that details of the location and type of such equipment would be provided. Finally, I note that the submitted layout does not provide any details with regard to bin storage and the management of waste within the development. Having regard to these issues, and the proximity of residential properties to the north, it is my opinion that the proposed fast food use would have a significant negative impact on residential amenity by virtue of noise, odours and disturbance and such that it would seriously injure the amenities and depreciate the value of property in the vicinity and such that it would be contrary to the policy set out at Paragraph 16.25 of the development plan as it relates to Take Away uses.

- 7.4.3. I note the fact that the first party has committed to the existing Four Star Pizza outlet on McKee Avenue being relocated to the appeal site in the event that permission is granted and that there would not therefore be any increase in outlets in the area. This however ignores the fact that there is an extant grant of permission for a fast food outlet on the existing Four Star Pizza and there is no mechanism by which the planning authority or the Board could restrict the future use of the existing outlet to prevent another fast food operator setting up business in that location. I also note the submissions of the observers with regard to the hours of operation and issues that have arisen in the vicinity of the existing Four Star Pizza outlet and, while the hours of opening are issues for enforcement by the Planning Authority, it would appear that the opening hours of the existing outlet are very far in excess of what could be acceptable in a location adjoin residential properties.
- 7.4.4. On the issue of opening hours, the first party appeal proposes what is referred to as a compromise regarding the opening hours of both the Gala Shop and the Pizza outlet with the original proposal for 24 hour opening now replaced with 07.00 to 12.00 midnight Sunday to Thursday and 07.00 to 01.00am Friday to Saturday. Given the proximity of the site to residential properties I do not consider that the revised opening hours are appropriate and they would result in serious negative

impacts on residential amenity. As set out above, I do not consider that the first party has demonstrated how the site could operate as a fast food outlet without impacting negatively on residential amenity. Similarly, I do not consider that a convincing case has been made as to why the opening hours of the Gala shop should be permitted to extend past the 22.00 hrs closing time specified in Condition No.3 attached to the Notification of Decision issued by the Planning Authority. The first party contends that the proposed later opening hours would be appropriate for a shop that will be located in a village centre and that they would be consistent with other similar types of shops in the area. No specific examples are however referenced in this regard and the statements of the observers indicate that there are no other shops opened past 22.00 hrs. The photographs of existing forecourt shop outlets submitted by the first party in their appeal are noted however it is not clear to me that these examples are directly comparable to the circumstances of the appeal site where there are residential properties opposite and where the site bounds residential gardens to the north. Given the proximity of the site to residential properties, I do not consider that there is justification for the extension of the opening hours beyond the 22.00 hrs. specified by the council and which is the normal closing time of shops of this type in residential or transitional zone locations.

7.5. Traffic and Access Issues,

- 7.5.1. I note the comments of the Roads and Traffic Planning Division of the council with regard to the lack of any delineation of the front boundary of the site where it adjoins the public footpath and the desirability of requiring clarification on circulation and parking provision within the site by way of condition. In the event of a grant of permission it is recommended that a condition requiring the submission of this information for agreement would be attached.
- 7.5.2. A number of the third party submissions on file raise concerns with regard to the potential conflict between users / patron of the take away and the operation of the fuel sales forecourt area. Having regard to the proposed late night operation of the take away use, to the proposed outdoor seating area which would encourage the congregation of patrons on the site and the shared access to this use via the fuel sales forecourt I share these concerns and consider that the proposed change of use

to a Four Star pizza restaurant incorporating a take away use would have the potential to generate conflicts between pedestrian and vehicular traffic and to impact negatively on traffic safety.

- 7.5.3. I note the comments of the first party with regard to delivery traffic and on this issue I would agree that the layout of the site and nature of the on site uses is such that it should be possible to facilitate delivery traffic within the site without having a very significant negative impact on traffic and pedestrian safety or residential amenity.

7.6. Other Issues

- 7.6.1. I note the reference in the third party observations to the presence of a car wash facility on the site. This was not operational at the time of inspection however I note the presence of signage on site advertising this use. The car wash use is not included as part of the application which is included in the current appeal and enforcement relating to this use is a matter for the planning authority. It is however noted that a condition requiring clarification regarding delineation of parking spaces on site would clarify the intended use of the area to the rear (west) of the building and whether it is intended that this area would be used as a car wash or would be available for parking as stated by the first party.
- 7.6.2. I note that the proposals for drainage and servicing of the site are acceptable to the Water Services section of the council. In the event that further consideration was being given to the change of use to a pizza take away use it is recommended that the comments of Irish Water would be sought as details of the application were referred to Irish Water by the Planning Authority but no response was received.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that a split decision be issued as follows:

That permission be granted for the internal alterations and change of use from car showroom to a Gala retail shop with hot and cold deli counter together with new shop front and external signage based on reasons and considerations (1) and subject to the conditions set out at Schedule A below.

That permission be refused for internal alterations and change of use from car service bay to a Four Star Pizza restaurant incorporating internal and external seating areas) take away and delivery use together with new shop front and external signage based on reasons and considerations (2) set out at Schedule B below.

9.0 Reasons and Considerations / Conditions

Schedule A

Reasons and Considerations (1)

Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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 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. That this permission excludes the proposed change of use from car service bay to a Four Star Pizza restaurant incorporating internal and external seating areas) take away and delivery use together with new shop front and external signage. The maximum floor area of the permitted shop shall be 80.7 sq. metres as per the Existing and Proposed Floor Plans Drg No.001 submitted with the application.

Reason: In the interests of clarity

3. The premises shall be used as a shop with ancillary hot and cold deli counter and for no other use within Part 2 or Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended) without a prior grant of planning permission.

Reason: To clarify the scope of the permission and to protect the amenities of the area.

4. The permitted development shall remain closed and shall not trade outside of the following hours:

(a) 07.00 hours to 22.00 hours Monday to Saturday.

(b) 08.00 hours to 22.00 hours on Sundays,

Unless otherwise agreed in writing with the Planning Authority.

Reason: To protect the residential amenities of the area.

5. Details of the signage and lighting of the development shall be submitted to, and agreed in writing with the Planning Authority within 3 months of the date of this permission.

Reason: in the interests of visual amenity.

6. A waste bin shall be provided outside of the premises during the hours of business. Details of cleaning / litter management measures shall be submitted to, and agreed with, the Planning Authority within 3 months of the date of this grant of permission.

Reason: To protect the visual and residential amenities of the area.

7. The following requirements relating to roads and access shall be complied with in the development and shall be undertaken and details in the form of drawings submitted to, and agreed in writing with, the Planning Authority within 3 months of the date of this grant of permission:

- (a) Delineation of all car parking spaces to serve the development on lands within the control of the applicant,
- (b) Proposals for the operation of a one way entry and exit system for the site.
- (c) Details of boundary treatment along the eastern boundary of the site to McKee Avenue to separate the site from the public footpath.
- (d) Details of the location of the proposed delivery area for the site.

Reason: In the interests of traffic and pedestrian safety.

8. 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.

9. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

Schedule B

Reasons and Considerations (2)

1. Having regard to the location of the site in what is considered to be a transitional zone between the centre of Finglas Village and predominately residential areas to the north, to scale and nature of the proposed fast food outlet proposed including outdoor seating and opening hours, to the lack of details with regard to air extraction and refuse storage and to the proximity of the site to existing residential properties to the north and east, it is considered that the proposed development would have a significant negative impact on the residential amenities of surrounding properties by virtue of noise, litter and general disturbance. The proposed development would therefore seriously injure the amenities and depreciate the value of properties in the vicinity, would be contrary to the policy set out at Paragraph 16.25 of the Dublin City Development Plan to strictly control such uses having regard to, inter alia their impacts on residential amenity and litter, and would be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

18th March, 2020