

	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No. S98A/0130	
1. Location	Superquinn Shopping Centre, Newcastle Road, Lucan, Co. Dublin.		
2. Development	Single storey 95-seat drive-through restaurant, with facility for sale of hot food for consumption off the premises, with associated advertising signs, in proposed new car park.		
3. Date of Application	06/03/98	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1. 2.	1. 2.
4. Submitted by	Name: Auveen Byrne & Associates, Address: Lioscarran House, 32 Dale Road,		
5. Applicant	Name: McDonald's Restaurants of Ireland Ltd., Address: Block 7, Richview Office Park, Clonskeagh, Dublin 14.		
6. Decision	O.C.M. No. 0853 Date 05/05/98	Effect RP REFUSE PERMISSION	
7. Grant	O.C.M. No. Date	Effect RP REFUSE PERMISSION	
8. Appeal Lodged	04/06/98	Written Representations	
9. Appeal Decision	03/12/98	Grant Permission	
10. Material Contravention			
11. Enforcement	Compensation	Purchase Notice	
0	0	0	
12. Revocation or Amendment			
13. E.I.S. Requested	E.I.S. Received	E.I.S. Appeal	
14. Registrar Date Receipt No.	

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1998

County South Dublin

Planning Register Reference Number: S98A/0130

APPEAL by McDonald's Restaurants of Ireland Limited care of Auveen Byrne and Associates of Lioscarran House, 32 Dale Road, Kilmacud, Stillorgan, County Dublin against the decision made on the 5th day of May, 1998 by the Council of the County of South Dublin to refuse permission for development comprising the construction of a single storey 95 seat drive-through restaurant with facility for sale of hot food for consumption off the premises with associated advertising signs in proposed new car park at Superquinn Shopping Centre, Newcastle Road, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1998, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Having regard to the established use of the overall site as a shopping centre and to the zoning provisions of the development plan relating to the area, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the planning authority on the 6th day of March, 1998, as amended by the plans and particulars received by An Bord Pleanála on the 4th day of June, 1998, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

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2. (1) The proposed berm on the north-east and north-west perimeter of the district shopping centre site, shown in Drawing Number 97.08.01C received by An Bord Pleanála on the 4th day of June, 1998 shall be increased to a height of three metres.

(2) The berm shall be fenced so as to prevent public access to and littering on the proposed berm and the area between the berm and the existing screen walls on the perimeter of the district centre site. Fencing details shall be agreed in writing with the planning authority prior to the commencement of development.

(3) The area of the berm and the area between the berm and the existing screen walls on the perimeter of the district centre site shall be cleaned daily of any litter.

Reason: In the interest of visual and residential amenity and public health.

3. The vehicular queuing area of the proposed "drive-through" facility shall be screened in such a manner so as to prevent the glare of headlights outside the district centre site. Details of the proposed screening shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

4. Signs to be erected in connection with the proposed development shall be agreed between the developer and the planning authority prior to the opening of the premises or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: In the interest of visual amenity.

5. The hours of operation of the proposed restaurant and the proposed "drive-through" facility shall be restricted to the period 0700 hours to 2300 hours daily.

Reason: In the interest of residential amenity.

6. An adequate number of litter bins shall be erected in suitable locations within the curtilage of the district centre site. All refuse stored on site shall be concealed from public view.

Reason: To safeguard the amenities of the area.

7. The developer shall pay a sum of money to the planning authority as a contribution towards the expenditure that is proposed to be incurred by the planning authority in respect of the provision of litter bins facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

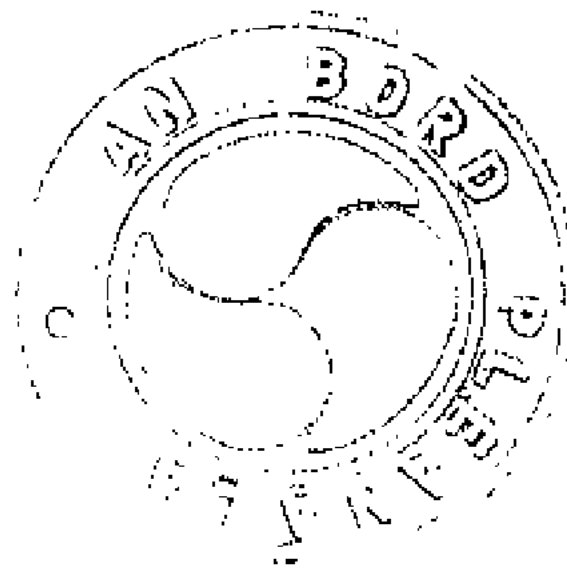
Payment of this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

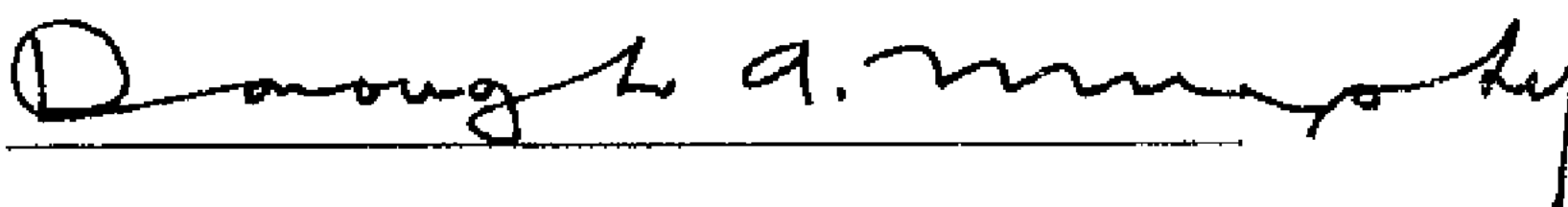
Reason: It is considered reasonable that the developer should contribute towards the expenditure proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

8. The developer shall pay a sum of money to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.





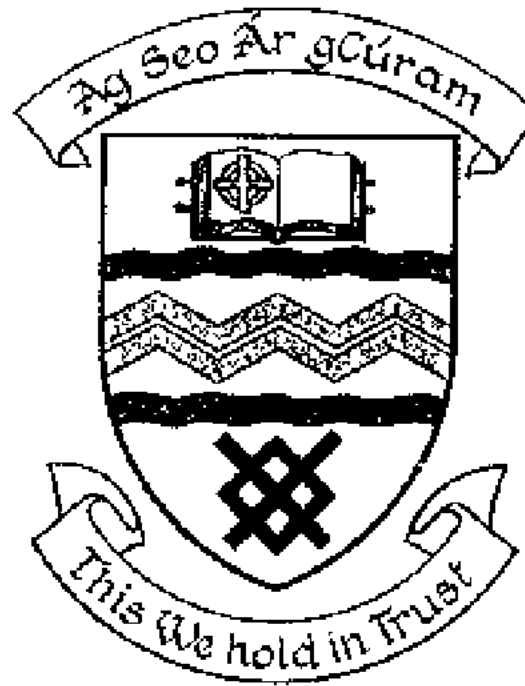
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 3rd day of December 1998.

**SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS**

Bosca 4122,
Lár an Bhaile, Tamhlacht,
Baile Átha Cliath 24.

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**PLANNING
DEPARTMENT**
P.O. Box 4122,
Town Centre, Tallaght,
Dublin 24.

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**NOTIFICATION OF DECISION TO REFUSE PERMISSION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993**

Decision Order Number 0853	Date of Decision 05/05/98
Register Reference S98A/0130	Date 6th March 1998

Applicant McDonald's Restaurants of Ireland Ltd.,

Development Single storey 95-seat drive-through restaurant, with facility for sale of hot food for consumption off the premises, with associated advertising signs, in proposed new car park.

Location Superquinn Shopping Centre, Newcastle Road, Lucan, Co. Dublin.

Floor Area Sq Metres

Time extension(s) up to and including

Additional Information Requested/Received /

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a decision to **REFUSE PERMISSION** in respect of the above proposal.

for the (2) Reasons on the attached Numbered Pages.

Signed on behalf of the South Dublin County Council

...DC..... 05/05/98
for SENIOR ADMINISTRATIVE OFFICER

Auveen Byrne & Associates,
Lioscarran House,
32 Dale Road,
Stillorgan,
Co. Dublin.

**SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS**



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~~REG REF~~ S98A/0130

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Reasons

- 1 The siting of the proposed drive through restaurant is considered to be in too close proximity to existing residential units in the Hillcrest Estate. The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity due to excessive noise levels associated with such a facility located in a large car park which would be vacant at certain times of operation of the McDonald facility.

- 2 It is stated that the clientele would be young children with their parents. It is also stated that opening on Sunday to Thursday would be until 12 midnight and Friday to Saturday until 1a.m. The Planning Authority is not satisfied that young children with their parents would have a need for such a facility at such late hours. The Planning Authority would consider it most undesirable that such a facility would open beyond the opening hours of the adjoining shopping complex.