

An
Coimisiún
Pleanála

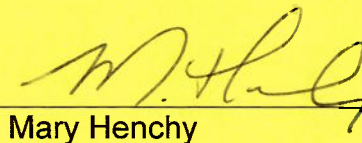
Direction
CD-020260-25
ABP-319313-24

The submissions on this file and the Inspector's report were considered at a meeting held on 17/07/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Mary Henchy

Date: 18/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the location of the site in the town centre of Malahide, the 'TC' zoning objective of the site, and the relevant policies and objectives of the Fingal County Development Plan 2023-2028, it is considered that, subject to compliance with the conditions set out below, the proposed change of use from office to restaurant, would not seriously injure the residential amenities of the area or depreciate the value of property in the vicinity, would not negatively affect the character of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6th of June 2023, as amended by the revised plans and particulars submitted on 26th of January 2024, 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. Public opening hours of the proposed development shall be confined to:

- (a) Sunday to Thursday 1200-2300
- (b) Friday and Saturday 1200-2330
- (c) Glazed courtyard area 1200-2200 in accordance with the revised details submitted to the Planning Authority on the 26th January 2024.

Reason: To protect the amenities of the area.

3. No external amplified music shall play within the curtilage of the site.

Reason: To protect the amenities of the area.

4. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and

(b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling.

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

5. Drainage requirements, including surface water collection and disposal, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

6. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority confirmation that:

- (a) All works shall be carried out in accordance with best conservation practice.
- (b) The development will be monitored by a suitably qualified architect with conservation expertise and accreditation and
- (c) Competent site supervision, project management and crafts personnel will be engaged and will be suitably qualified and experienced in conservation works.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

7. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:

- (a) 1:20 drawing of the revised signage proposed on the front elevation.
- (b) 1:20 drawing of the wall and roof junctions between the proposed glazed structure and the external elevation of the Protected Structure.
- (c) a sample of the proposed sliding sash windows to be agreed on site with the Conservation Officer.
- (d) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,
- (e) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
- (f) details of features to be temporarily removed/relocated during construction works and their final re-instatement,

- (g) details of materials/features of architectural interest to be salvaged,
- (h) a detailed schedule and methodology of repairs to be carried out following inspection at close quarters.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0700 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.

9. The construction of the proposed 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 proposed development, including noise management measures, traffic management and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

10. Prior to the commencement of development the applicant shall submit to and agree in writing with the planning authority a detailed servicing management plan in respect of deliveries and the collection of wastes from the premises. The plan shall include delivery and collection times, locations parking for service vehicles and routes of movement of products and wastes to and from the premises.

Deliveries and collections are not permitted before until 8am Monday to Saturdays only, with no deliveries or collections permitted on Sundays.

Reason: In the interest of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution of €42,402.39 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.

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.

Note

This appeal was considered de novo due to the nature of the third-party appeal and therefore, was not limited to the applicant's appeal that related solely to the Section 48 Development Contribution. The Commission concurred with the Inspectors assessment of the development contribution and considered as this was a matter the subject of appeal and the nature of the exemptions in the Scheme that were assessed and decided on by the Commission, it is appropriate in this case to include the amount in the relevant condition.