



An
Bord
Pleanála

Board Order ABP-321112-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0522

Appeal by O'Flaherty's Brothers Limited care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 26th day of September, 2024 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The development will consist of change of use of existing industrial unit to a new fish and chips restaurant. The development will consist of (1) New prep and kitchen area (2) New bi-fold door system entrance (3) Series of new Velux roof lights (4) New external signage (5) New internal seating and mezzanine (6) External seating (7) and all associated works at 16A West Pier, Howth, 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 'Objective GE' zoning objective of the site, the objective for which is to 'Provide opportunities for general enterprise and employment', to the planning policies, objectives and development standards of the Fingal County Development Plan 2023-2029, and to the nature, scale and design of the proposed development relative to the existing pattern of development in the wider area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would not have a likely significant effect on any European Site. 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, as amended by the further plans and particulars received by the planning authority on the 4th day of September 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. The proposed development shall be amended as follows:

- (a) The proposed projected signage (800 millimetre x 1100 millimetre) at first floor level of the front elevation shall be omitted.
- (b) The proposed external seating area to the front of the property which falls outside the planning application red line shall be omitted.

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

Reason: In the interest of orderly development and visual amenity.

3. This permission does not include any takeaway use, advertising, or signage, save as may be permitted under the exempted development provisions of the Planning and Development Regulations, 2001, as amended.

Reason: To protect visual and neighbouring amenities, and to clarify the extent of the permission.

4. The windows of the development hereby approved shall be maintained at all times and glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

Reason: In the interest of visual amenity.

5. The restaurant hereby permitted shall not operate or open outside the following hours:

- 0900 to 2200 Monday to Sunday, unless otherwise agreed in writing with the planning authority.

Reason: To protect the amenities of adjoining occupiers.

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6. A plan containing details of the management of waste (and, in particular, food waste/compostable, dry recyclable, glass and refuse materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of neighbouring amenity, and to ensure the provision of adequate refuse storage.

7. Prior to the commencement of development the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

8. The attenuation and 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 and sustainable drainage.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

10. The site development works, and construction works, shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil, and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

11. 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 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. 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.



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

Dated this 03 day of April

2025