



An  
Bord  
Pleanála

Board Order  
ABP-313472-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3222/21**

**Appeal** by Goldline Foods Limited care of Ian Doyle Planning Consultant of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford against the decision made on the 12<sup>th</sup> day of April, 2022 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Permission for change of use of former launderette 79 square metres (retail use) to takeaway use and for the erection of a single storey extension 3.3 square metres to the rear and external signage and all associated site and development works at 6 The Green, Church Street, Finglas, 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

The Board agreed with the planning authority in the following respects:

- the existing number of takeaways in the Finglas area is not considered to be excessive, and
- on balance it is considered that a second vacant unit on this parade would have a more detrimental impact on the vitality of the area than having an occupied unit which would operate as a fast food unit.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the actual/functional entrance to the school was outside the 250 metre range and, therefore, not in contravention of section 15.14.7.3 of the Dublin City Development Plan 2022-28.

## 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. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann (formerly Irish Water).

**Reason:** In the interest of public health.

3. Surface water drainage arrangements, including surface water attenuation, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of the amenities of the area.

5. 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 prior to the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

**Reason:** In the interest of visual amenity.

6. 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 prior to the commencement of development.

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



7. A plan for the management of waste (and, in particular, recyclable 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 residential amenity, and to ensure the provision of adequate refuse storage.

8. 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 the 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 the Board 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.



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**Joe Boland**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *12<sup>TH</sup>* day of *July* 2023.