



An  
Bord  
Pleanála

Board Order  
ABP-318426-23

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## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F23A/0399**

**Appeal** by Cathal McGee of 3 The Square, Cnock Dubh, Ballyboughal, Dublin against the decision made on the 17th day of October, 2023 by Fingal County Council to grant subject to conditions a permission to Richard Quinn care of J.A. Gorman Consulting Engineers Limited of Unit 1, Block B, Forest Park, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of Unit 1 from retail use (72.4 square metres) to cafe use at Unit 1, Cnoc Dubh, Main Street, Ballyboughal, County Dublin, as revised by further public notices received by the planning authority on the 20th day of September, 2023.

## **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 planning history relating to the site, to the nature and scale of the proposed use and the existing layout of development on the site, including the level of parking provision serving this mixed use development, to the separation of the use from adjoining residential properties, and subject to compliance with the conditions set out below, it is considered that the proposed development would be in accordance with the policies and objectives of the Fingal Development Plan (2023-2029) and with Objective DMSO6 thereof, would not give rise to undue impacts on adjoining residential amenity or on traffic safety in the area. 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 13th day of September 2023, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference F17A/0184, unless the conditions set out hereunder specify otherwise.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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, 15 minutes at all other times ,  
(corrected for a tonal or impulsive component) as measured at the nearest existing dwelling.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

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

5. The developer / operator shall control odour emissions from the premises in accordance with the details submitted to the planning authority on 13<sup>th</sup> day of September 2023.

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

6. A plan containing details 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 agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan. Waste storage facilities shall be located to the rear of the premises and shall not be located adjacent to the boundary with adjoining residential properties.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment and the amenities of properties in the vicinity.

7. The final design and layout of customer and staff bicycle parking shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

*Eamonn James Kelly*

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.



Dated this *29<sup>th</sup>* day of *January* 2025.