



An  
Bord  
Pleanála

**Board Order**  
**ABP-319898-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB2137/23**

**Appeal** by Tom Brabazon of 75 Grattan Lodge, Dublin and by Others against the decision made on the 17<sup>th</sup> day of May, 2024 by Dublin City Council to grant subject to conditions a permission Shiva Foods Limited (trading as Pizza Max Takeaway) care of Farry Town Planning Limited of 28 South Frederick Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of use from a retail outlet to a shop for the sale of hot food (pizza primarily, but also including kebabs) as well as cold non-alcoholic drinks and desserts, mainly for home delivery by the applicant company, with ancillary customer collection at 15 Edenmore Shopping Centre, Raheny, 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 provisions of the Dublin City Development Plan 2022 – 2028, including the Z4 - “Key Urban Villages and Urban Villages” zoning which applies to the site, the pattern of development in the surrounding vicinity, the reoccupation of a vacant unit where there is a high degree of vacancy and the limited hours of operation it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and 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, 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 use hereby permitted shall only be carried out between the hours of 1800 to 2300.

**Reason:** In order to safeguard the amenities of the schools within the vicinity of the site.

3. 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 with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

**Reason:** In the interests of public health and visual amenity.

4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building unless authorised by a further grant of planning permission.

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

5. The developer shall comply with the following operational noise control requirements of the of planning authority:
  - (a) The LAeq level measured over a 15 minute period, when measured at the nearest noise sensitive premises when externally located plant at the proposed development is in operation shall show no more than a 3 decibel increase when compared with the representative LAeq (15 Minutes) level measured from the same position, under the same conditions and during a comparable period with no external plant in operation.

(b) There shall be no speakers located externally or in such a way that music played on the premises is audible at the nearest noise sensitive premises.

(c) All early morning deliveries to the proposed development shall take place after 0700 hours.

**Reason:** To reduce or prevent the intrusion of noise, in the interest of local 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 commencement of development.

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

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Monday to Fridays and 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by the planning authority.

**Reason:** In order to safeguard the amenities of adjoining residential occupiers.

8. The developer shall comply with the following drainage requirements:
- (a) There shall be no discharge of trade effluent to waters (including groundwater) or sewers except where a license is granted by the responsible sanitary and/or local authority as required by the Local Government (Water Pollution) Acts 1977 and 1990.
  - (b) The drainage for the proposed development shall be designed on a completely separate foul and surface water system.
  - (c) All private drainage such as, downpipes, gullies, manholes and armstrong junctions shall be located within the site boundary.  
Private drainage is not permitted in public areas, or areas intended to be taken in charge.

**Reason:** In the interest of public health, to prevent water pollution and flood prevention.

9. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street is 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 developers expense.

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

10. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 - Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control and the planning authority's Construction and Demolition Good Practice Guide for Construction Sites.

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

  
Declan Moore

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

Dated this 7<sup>th</sup> day of JANUARY 2025.