



An  
Bord  
Pleanála

Board Order  
ABP-321601-25

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## Planning and Development Acts 2000 to 2022

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F24A/0806E**

**Appeal** by Ming Gao care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 9<sup>th</sup> day of December, 2024 by Fingal County Council to refuse permission for the proposed development.

**Proposed Development:** Retention of a change of use from retail to a shop for the sale of hot food (pizza) as well as cold non-alcoholic drinks and desserts, mainly for home delivery, with ancillary customer collection. The application also includes the retention of one externally-illuminated fascia/shopfront sign at Unit 19 Castle Mill Shopping Centre, Balbriggan, 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 existing mixed-use nature of the building within which the proposal to be retained is located, to the site's urban location and to its 'LC – Local Centre' zoning, the objective for which is to 'to protect, provide for and/or improve local centre facilities', together with the planning policies, objectives and development standards of the Fingal Development Plan 2023-2029 and specifically Objectives DMSO96 and DMSO97, it is considered that, subject to compliance with the conditions set out below, the proposed development to be retained would be an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and carried out 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 19<sup>th</sup> day of November 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 fast food outlet/takeaway shall not operate outside the hours of 1530 hours to 0000 hours Monday to Friday and 1200 hours to 0000 hours Saturday to Sunday unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of public health and to protect neighbouring residential amenity.

3. The proposed development shall be amended as follows:
- (a) The externally illuminated fascia/shopfront sign on the unit's southern elevation shall be removed.
  - (b) The round projecting sign at ground floor level of the east elevation shall be omitted.
  - (c) Existing decals on each and all of the unit's external windows and doors shall be removed.

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 interests of orderly development and visual amenity.

4. This permission does not include any advertising or signage, save as may be allowed under exempted development under the relevant legislation.

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

5. Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 15 mins and the specific noise shall be measured at LAeq,T 15min.

**Reason:** To protect the amenity of neighbouring residential units.

6. Details of measures to control odour emissions from the premises shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

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

7. 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 within three months of the date of this Order 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.

*Mary Gurrle*  
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**Mary Gurrle**

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



Dated this *28* day of *April* 2025.