



An  
Coimisiún  
Pleanála

# Inspector's Report

## PL-500776-DN-26

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<b>Development</b>	Change of use - extension of trading hours at hot food outlet
<b>Location</b>	Pizza Max Takeaway, 15 Edenmore Shopping Centre, Raheny, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB5403/25
<b>Applicants</b>	Shiva Foods Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	First Party v. condition
<b>Appellants</b>	Shiva Foods Ltd
<b>Observers</b>	Local residents, business owners etc C/O Claudia Fragnoli, 16 Edenmore Shopping Centre
<b>Date of Site Inspection</b>	16 April 2026

**Inspector**

**B. Wyse**

## 1.0 Site Location and Description

- 1.1. The subject property, Pizza Max Takeaway, is Unit 15, a ground floor hot food takeaway, in the Edenmore neighbourhood shopping centre in Raheny, Dublin 5. It has a stated floor area of 87.42sqm.
- 1.2. The Edenmore neighbourhood centre is a substantial complex on an island site within the wider Edenmore residential area. The centre includes a variety of retail outlets, retail service outlets, other service providers and other commercial premises, including a public house. There also appears to be some residential units, including above the parade of shops where the subject premises is located. There are several hot food takeaway outlets. There also appears to be a number of vacant units. There is a considerable amount of parking, including directly in front of the subject premises.
- 1.3. Apart from houses the general vicinity includes two schools, one directly opposite the subject premises and one a short distance to the northeast.

## 2.0 Proposed Development

- 2.1. The proposed development is described as a change of use of the hot food outlet by an extension of its trading hours so as to allow for home deliveries only between the hours of 2300 (11pm) and 0030 (1230am) on Wednesdays to Sundays inclusive. The outlet would not be open to the public during these hours.
- 2.2. The application was accompanied by a planning report. This includes:
  - The existing limit on the trading hours of the premises greatly inhibits the achievement of the zoning objective for the shopping centre.
  - A number of outlets in the Edenmore Shopping Centre operate outside traditional shopping hours and the proposed extension of hours is not materially different to many of these.
  - The Board permitted similar opening hours under ABP Refs. PL29N.223969 and PL06F.237616.
  - Hot food establishments and residential properties satisfactorily co-exist, especially in mixed-use locations.

- Given the ventilation extraction system installed there would not be adverse amenity affects in terms of odours.
- Turning to noise, the applicant would accept a condition requiring delivery vehicles to be electric.
- The additional trading hours would be at a time when schools are not operational.
- ABP Refs. 220015, 223969 and 242351 are also cited as relevant to the home delivery issue.

2.3. In response to concerns raised by the planning authority in relation to the impact on the residential amenities of adjacent dwellings, including apartments above the parade of shops, arising from noise and disturbance during later hours, further information was submitted on 22 December 2025. This included:

- All deliveries during the additional opening hours would be dispatched through the front door of the premises. All orders would be taken by telephone only with no walk-in customers admitted.
- Details of three late-night businesses in the Edenmore centre that variously operate to 12.30am and 4.00am (details in original planning report).
- Revised drawing illustrating the front entrance of the premises.

### 3.0 Planning Authority Decision

#### 3.1. Decision

This is a decision to grant permission subject to 5 conditions.

Condition 3, the subject of the appeal, reads as follows:

*This permission is for a temporary period of 1 year from the date of the grant of permission after which time the extension of trading hours (to allow for home deliveries only between the hours of 2300 (11pm) to 1230 (12.30am) on Wednesdays through to Sundays inclusive) shall cease and the trading hours permitted under the parent application shall be restored (limited to 1800 (6pm) to 2300 (11pm), unless a separate grant of planning permission has first been made.*

*Reason: To define the terms of the permission and to cater for orderly development of the area, and so that the effect of the extended opening hours may be reviewed having regard to the circumstances then prevailing.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports (dated 02/12/2025 and 23/01/2026)**

Basis for decision. Include:

- The proposed extended opening hours do not align with those of the nearby schools so the proposal is assessed against potential impacts on the amenities of nearby residents.
- Concerns include potential noise and disturbance caused by movement of vehicles and idling engines associated with the delivery service.
- Noting that an enforcement file has been opened in relation to non-compliance with condition 2 of the parent permission, and which set the existing opening hours, and the concerns raised in several objections lodged with the planning authority, it was considered reasonable to grant permission subject to a time limit that would allow for monitoring and review.

#### **3.2.2. Other Technical Reports**

Drainage Division – no objection subject to standard condition.

Environmental Health Office – recommends conditions relating to operational noise an

### **3.3. Prescribed Bodies**

Uisce Eireann – no report received.

### **3.4. Third Party Observations**

Sixteen submissions received from local property owners, residents and interest groups. Concerns raised included; traffic and parking; noise; odour and fumes; and anti-social behaviour.

## **4.0 Planning History**

### **The Subject Premises**

**PA Ref. WEB2137/23, ABP Ref. 319898-24**

This is the original (parent) January 2025 permission for the subject hot food takeaway. Condition 2 of the permission, the condition under appeal here, states as follows:

*The use hereby approved shall only be carried out between the hours of 6pm to 11pm.*

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

**PA Ref. 3495/21**

This is a 2021 refusal of permission for a change of use from retail outlet to takeaway at the subject premises. The reason for refusal referred to; the proliferation of takeaways at the shopping centre and in the vicinity; noise and general disturbance and impact on residential amenities, including those of the apartments above the parade of shops; and concern about the mix of retail/commercial uses in the shopping centre.

**PA Ref. E0681/25**

This is an enforcement file opened on foot of non-compliance with Condition 2 of PA Ref. WEB2137/23, ABP Ref. 319898 (opening hours).

**In the Vicinity**

**PA Ref. 3047/16, ABP Ref. PLN.247136**

This is a 2016 grant of permission for change of use from retail to café/takeaway at Unit 7 Edenmore Avenue (the southern end of the shopping centre complex). The grant followed a first party appeal against condition 2 regarding opening hours. The Board upheld the condition without modification. The condition restricted opening hours to 8am to 12 midnight, Monday to Wednesday, and 8am to 1am, Thursday to Sunday and on bank holidays.

**Other cases referenced by the applicant**

**ABP Ref. 220015**

This is a 2007 permission for a pizza delivery outlet in Wicklow Town. Hours restricted to 0800 – 2200 Monday to Thursday and 0800 – 2300 Friday to Sunday.

**ABP Ref. 223969**

This is a 2007 permission for pizza delivery outlet in Artane, Dublin. Hours restricted to 1200 – 0030 Friday and Saturday and 1200 – Midnight other days. The operating hours were also conditioned as temporary so as to be reviewed after 6 years.

**ABP Ref. 237616**

This is a 2011 permission for a pizza takeaway in Mulhuddart, Dublin. Hours restricted by stating not to be operated between 0030 and 0830 any day.

**ABP Ref. 2542351**

This is a 2013 permission for a mainly delivery outlet. Hours restricted to 1600 - 2400 Monday to Sunday.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Dublin City Development Plan 2022-2028**

**Zoning:** Zone Z4 Key Urban Villages and Urban Villages – *To provide for and improve mixed-services facilities.*

Section 14.7.4 Key Urban Villages and Urban Villages – Zone Z4. Includes:

*Key Urban Villages and Urban Villages (formerly District Centres) function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city.*

*Key Urban Villages form the top tier of centre outside the city centre. They typically have retail outlets of a greater size selling convenience and comparison goods or provide services of a higher order. The catchment area generally extends spatially to a greater extent than that of Urban Villages and Neighbourhood Centres.....Urban Villages zoned Z4 are typically smaller in scale and provide a more localised role for the daily shopping needs and local services of a residential community.*

General principles for development within such centres include:

- *Mixed-Use: Promote an increased density of mixed-use development including residential development with diversity in unit types and tenures capable of establishing long-term integrated communities.*
- *Commercial/Retail: Promote the creation of a vibrant retail and commercial core with animated streetscapes. A diversity of uses should be promoted to maintain vitality throughout the day and evening.*

Section 15.14.7.3 Fast Food/Takeaways. Includes:

*In order to maintain an appropriate mix of uses and protect night-time amenities in a particular area and to promote a healthier and more active lifestyle, it is the objective of Dublin City Council to prevent an excessive concentration of take-aways and to ensure that the intensity of any proposed take-away is in keeping with both the scale of the building and the pattern of development in the area.*

*The provision of such facilities will be strictly controlled, having regard to the following, where appropriate:*

- *The effect of noise, general disturbance, hours of operation, litter and fumes on the amenities of nearby residents.*
- *The need to safeguard the vitality and viability of shopping areas in the city and to maintain a suitable mix of retail uses.*

## 5.2. **Natural Heritage Designations**

None relevant.

## 6.0 **Environmental Impact Assessment (EIA)**

- 6.1. The proposed development does not come within the definition of a *project* for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. See Form 1 in Appendix 1 below.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The condition is at variance with the approach of the Commission when deciding the opening hours of the takeaway outlet at Unit 7 Edenmore Shopping Centre - PL29N.247136 refers.
- There are likely to be further objections when the trial period of one year ends.

### 7.2. Planning Authority Response

None received.

### 7.3. Observation

This is lodged on behalf of local residents and business owners C/O Claudia Fragnoli, 16 Edenmore Shopping Centre. No.16 is the adjoining unit to the north of No.15. No.16 has a fast food takeaway at ground floor level, the observers business, and an apartment at first floor level, the observers home.

The main points of objection can be summarised as follows:

- The decision in relation to No.7 does not support the current proposal.
- The concern that opposing parties might submit further objections after the trial period is not a valid ground of appeal.
- The extended opening hours will cause noise and disturbance to the observers home and to other residents living above the shops along the parade.
- A number of assessments in relation to the premises illustrate recurring concerns about disturbance to nearby residential properties.
- There will also be light disturbance from shop lights and lights of delivery vehicles.
- With only the front entrance available for delivery drivers it being left open will result in members of the public gathering or attempting to gain entry.
- There are discrepancies in the application documentation. These include an inaccurate aerial image contained in the planning report and drawings that show an inaccurate front door layout.

## 8.0 Assessment

- 8.1. This is an appeal against Condition 3 only of the planning authority decision. I am satisfied, having regard to the nature of the condition, that determination of the application as if it had been made to the Commission in the first instance is not warranted. The appeal, therefore, can be dealt with under the terms of Section 139 of the Act.
- 8.2. In short the proposed development in this instance is to extend the operating hours of the hot food outlet from 2300 hours, as currently permitted, to 0030 hours on Wednesdays through to Sundays, the extra hours being confined to deliveries only with no public access to the premises.
- 8.3. It is clear the subject premises is an established hot food takeaway outlet located at a place where one would expect such outlets – see zoning and related policies at Section 5.1 above. As set out the striking of a balance between uses, activities etc, at these urban centres is an important feature of these policies, including the protection of residential amenities.
- 8.4. It is also clear from the various history cases referred to above (Section 4.0) that restricting the operating hours of takeaway outlets is an important tool in trying to accommodate them alongside other uses, including in particular residential uses. In addition it is clear that the application of restrictions varies quite significantly. This is likely because each case is different in that the particular circumstances at any given location will be unique to that location. In the round, however, it can be said that the extended hours sought in this case are not exceptional when considered against those applied in those other case.
- 8.5. In principle, therefore, I do not have an objection to the proposed extended opening hours for delivery services only. However, noting the objections raised both in the observer submission to the Commission and as lodged to the planning authority on the application, and noting the enforcement file opened in relation to the premises, I consider that it is not unreasonable to retain the planning authority condition 3 requiring

that the extended hours be permitted for one year only so as to allow for monitoring and review after that period.

## 9.0 **AA Screening**

- 9.1. Having considered the nature of the project, being a change of use only involving an extension to operating hours of an existing business within an established and serviced urban area, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.2. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

## 10.0 **Water Framework Directive**

- 10.1. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status) and to prevent deterioration.
- 10.2. Having considered the nature of the project, being a change of use only involving an extension to operating hours of an existing business in a serviced urban area, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies.

## 11.0 **Recommendation**

- 11.1. I recommend that the Commission should direct the planning authority to attach Condition 3.

## 12.0 Reasons and Considerations

While noting the location of the subject premises within a mixed use commercial centre there is a need to balance the competing demands of the various uses, and the effects on residential uses in particular, consistent with the zoning objective and related policies for the centre as set out in the current development plan for the area. It is considered, therefore, that condition 3 of the planning authority decision, permitting the extended hours for a limited period only in order to allow for monitoring and review, is reasonable.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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B. Wyse  
Planning Inspector

30 April 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Change of use.
<b>Development Address</b>	Unit 15 Edenmore Shopping Centre, Raheny, Dublin 5
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input checked="" type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means:  - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	
<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input type="checkbox"/></p>	

Inspector: \_\_\_\_\_ B. Wyse    Date: \_\_30 April 2026