



An
Coimisiún
Pleanála

Inspector's Report

PL-501461-DN-26

Development

Change of use from retail to a pizzeria takeaway, which includes preparation of food for delivery and takeaway and all associated site works.

Location

Unit 4 River Centre, Rathborne Place, Dublin 15.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB5915/25

Applicant(s)

Party Food 4U LTD

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party.

Appellant(s)

Michael Connolly.

Observer(s)

None on file.

Date of Site Inspection

11th September, 2026.

Inspector

Aiden O'Neill.

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development	3
3.0	Planning Authority Decision	4
4.0	Planning History	9
5.0	Policy Context	10
6.0	EIA Screening	13
7.0	The Appeal	13
8.0	Assessment	19
9.0	AA Screening	23
10.0	Water Framework Directive	24
11.0	Recommendation	25
12.0	Reasons and Considerations	25
Appendix 1: Form 1 EIA Pre-Screening		27

1.0 Site Location and Description

- 1.1. The proposed development site at Unit 4, River Centre, Rathborne Place, Dublin 15 is 0.009ha in area, and comprises a vacant ground floor unit, c. 93.1m² in area. The unit opens up to the rear to an internal service corridor, which leads to an external corridor which houses the Centre's bins stores.
- 1.2. The River Centre is an established single-storey, part two-storey local/neighbourhood centre that serves the Rathborne estate, that provides a range of uses, including a creche over two floors, a large convenience store, gym, laundrette, and medical centre. Unit 4 is 1 of 2no. vacant units in the Centre. Both units have been vacant for some time.
- 1.3. The Centre is bounded to the north by the R102 (River Road). Tolka Valley Park is located to further north. To the south on the opposite side of Rathborne Place is a residential development of 2-4 storeys in height.
- 1.4. Unit 4 benefit from shared parking provision, including an indented parking bay accommodating approximately 12 vehicles to the front of the Centre. There is an existing service yard to the east, and there is an existing set-down area.
- 1.5. The Rathborne estate is also served by the larger Village Centre located on the Ashtown Road. This Centre, which is anchored by Supervalu, has a restaurant/takeaway use and is located less than 500m from the River Centre.

2.0 Proposed Development

- 2.1. The proposed development will consist of the change of use of vacant Unit 4 from retail use to a pizzeria takeaway, which also includes the preparation of food for social events for delivery and takeaway; provision of new filtered extract and intake ventilation extract grill to the front of the building behind the existing louvres; and the replacement of the rear door with a single opening. Signage is proposed above the front door and graphics on the main door.
- 2.2. The Proposed Ground Floor Plan, Section and Elevation drawing illustrates a takeaway layout, with the majority of the internal floorspace given over to food preparation and storage.

- 2.3. The proposed development will connect to public services.
- 2.4. In response to the Planning Authority's request for further information dated 13th February, 2026, the applicant confirmed on 10th April, 2026 that, compared to the previously refused proposal (ABP-305957-19 (3890/19)), the proposed development is a small-scale neighbourhood pizzeria with an ancillary takeaway element, designed to serve the immediate local community.
- 2.5. The proposed operating hours are:
- Catering (sandwiches and similar light catering only – no public access): 08:00 – 15:00
 - Pizzeria trading (public service): Sunday–Thursday: 17:00 – 22:30; Friday–Saturday: 17:00 – 23:00
- 2.6. The applicant also provided a total of 8 no. bicycle parking spaces within the curtilage of the property.
- 2.7. It is also stated that at any given time, the number of staff on site will be limited to approximately 3-4 persons, with any delivery activity remaining ancillary and intermittent in nature.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council granted planning permission on 6th May, 2026 subject to 10no. conditions.

3.1.1. Conditions

Of the 10no. conditions attached to the grant of permission, the following are of note:

2. Mitigation and monitoring measures outlined in the plans and particulars submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: in the interests of orderly development

3. This Planning Permission is granted for a limited period of (3) years from the date of this grant at which date the Permission shall cease and the use hereby approved shall cease.

Reason: In the interests of the proper planning and development of the area, and so that the effect of the development may be reviewed having regard to the circumstances then prevailing.

4. The proposed operating hours and public opening hours as set out in the Further Information cover letter received on 10/04/2026 are amended so the premises is closed each night at 10PM.

Reason: in the interests of orderly development.

5. No additional extruding plant, extraction or ventilation systems other than shown on the submitted drawings shall take place above any parapet levels or on any external walls whether or not they would be exempted development.

Reason: In the interests of visual amenity.

6. The requirements of the Transportation Planning Division shall be undertaken as follows:

a. The development shall be carried out and operated in accordance with the provisions of the Service Delivery Management Plan (SDMP). submitted to the planning authority unless otherwise amended by this condition. The SDMP shall include specific measures to ensure controlled and limited deliveries to and from the site and co-ordinate between the nearby uses. The SDMP shall include contact details of the delivery manager on site and set out a program of monitoring. The revised SDMP shall be submitted prior to occupation for the written agreement of the Planning Authority.

b. Prior to commencement of the proposed use, the applicant shall submit revised scaled drawings for the written agreement of the Planning Authority showing bicycle parking spaces relocated to rear of Unit 4 to serve the proposed staff only unless otherwise agreed with the Planning Authority.

c. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

d. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of traffic safety and in accordance with the Dublin City Development Plan 2022 – 2028.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Deputy Planning Officer's detailed report dated 13th February, 2026 notes the following:

- It is noted that takeaway use is considered a 'open for consideration' use under the current Z3 zoning.
- The unit is also to accommodate on site food preparation for off-site catering. It would be recognised that food preparation is also required for the takeaway operation.
- While the development is acceptable in principle, the proposal has to be assessed further on its merits.
- The Development Plan recognises that within the outer city there are the smaller neighbourhood centres – which provide an important role for local communities for day to day needs and are considered appropriate localities for a range of community services.
- It is noted in this instance the subject unit has been in long-term vacancy and appears to have never operated as an independent commercial unit – which is not an uncommon scenario also in newer purpose-built schemes especially with smaller units.
- At the very least the use operation will add to the vitality and viability of the neighbourhood centre by superseding a vacant use.
- It would also be acknowledged that a takeaway use would not be an uncommon part of a neighbourhood centre's mix of uses – complementing the anchoring convenience store use.

- It is however acknowledged in this instance that the restaurant and takeaway proposals have been refused for this unit and other units in the neighbourhood centre. A previous proposal for restaurant use (with ancillary takeaway) was refused by under ABP (Reg. Ref. 3890/19 refers) on the basis of the nature of the River Centre as a local centre, the narrow road network, parking arrangements and the predominantly residential nature of the area, it is considered that the proposed use as a takeaway food outlet would seriously injure the residential amenity of property in the vicinity, by reason of late-night activity, noise and general disturbance associated with such use, and would endanger public safety by reason of traffic hazard.
- The subject proposal is not over dissimilar to previous proposal, albeit with a catering operation included this time – but the applicant has not provided any commentary as to how the latest proposal would overcome previous reasons for refusal – this should be sought.
- No details of opening hours have been provided or the potential level of staffing involved.
- Ultimately if the proposal is considered acceptable there then may be a requirement for restricting the combined proposal to daytime opening only for both the takeaway and catering elements – with also temporary permission only.
- In relation to Traffic/Access/Parking, having regard to the design and layout of the street, further information should be sought to better understand the potential type of traffic that will arise from the proposed changes within the existing road context with the preparation of a delivery management plan.

In the report dated 7th May, 2026 on the response to the RFI, the Deputy Planning Officer notes that, in clarifying how their proposal overcame previous reasons for refusal, the applicant stated:

- the previous proposal was predominantly of a takeaway nature, whereas the proposed use is now a small-scale neighbourhood pizzeria with an ancillary takeaway element, designed to serve the immediate local community.

- Food preparation associated with social or local events will be limited in scale and primarily cater for people living or working in the immediate area.
- The development is no longer intended to function as a high-turnover or delivery-led takeaway use.
- The subject proposal introduces strictly controlled operating hours, with no late-night or early morning operation proposed.
- The proposal incorporates a comprehensive range of operational and environmental control measures to safeguard residential amenity.
- A detailed Service and Delivery Management Plan (SDMP) is submitted.
- It is recommended that opening hours are restricted to 10PM each night and that temporary permission is given in order to evaluate the operation over time.
- The applicant's Service Delivery Management Plan (SDMP) indicates that there are 2no. areas for servicing, (i) to the side of the existing building, and (ii) a set down area in front of the site.
- The provisions of 2no. servicing areas and in particular where 1no. is off-street is a key consideration of the operation of the proposed use. The overall contents of the SDMP are noted.
- The applicant has provided bicycle parking space details; however they are outside the red line boundary, and placed on a footpath. They should be placed within the rear corridor of the proposed Unit 4 for staff use. This can be addressed by condition in event of a grant of permission.

The Deputy Planning Officer's report is the basis for the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

The Report of the Transportation Planning Division dated 4th February, 2026 requests Further Information.

The Report of the Transportation Planning Division dated 5th May 2026, states no objection subject to conditions.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

3no. observations are on file, raising the following points:

- The proposed use has been refused before and nearby also.
- Contrary to the zoning Food preparation is more appropriate to industrial estates.
- There is provision of pizza takeaways in the wider area.
- Will lead to evening etc noise and disturbance – conflict with existing residential amenity close by.
- Will give rise to potential antisocial problems, and will exacerbate existing littering problems.
- The road network too narrow to accommodate the additional traffic, and it would inevitably result in increased double parking, obstruction of access, and heightened risk to pedestrian and road safety.
- There is no parking space available, as currently the spaces available are used by the Light Childcare Centre, Spar Shop, Laundry, and doctors' surgery.
- No objection to commercial occupation of vacant unit – but not a takeaway.
- The Transportation Planning Department have noted relevant concerns.

4.0 Planning History

4.1 The following planning history applies:

- ABP-305957-19 (3890/19): Refusal of permission from Dublin City Council for a change of use from retail use to 1no. 91.4 sqm restaurant use (with ancillary takeaway) at ground floor level; and associated new ventilation extract grill to the front of the building upheld on appeal on 4th March, 2020 for 1no. reason as follows:

Having regard to the nature of the River Centre as a local centre, the narrow road network, parking arrangements and the predominantly residential nature of the area, it is considered that the proposed use as a takeaway food outlet would seriously injure the residential amenity of property in the vicinity, by reason of late-night activity, noise and general disturbance associated with such use, and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the zoning objective and the policy for takeaway uses as set out in the current Dublin City Development Plan and would not be in accordance with the proper planning and sustainable development of the area.

The Inspector commented that the River Centre would reasonably be described as a neighbourhood centre in terms of its nature and scale and that the dominant character of this area is residential. It is relevant to note the western anchor of the Village area where there is a more significant commercial area including a Supervalu Inspector's and the LAP description of the River Centre as for local needs.

The Inspector also commented that the site is served by a narrow street network, and that to the late-night operation of the takeaway restaurant would be likely to give rise to significant noise and disturbance to residents closely located to the north and south.

5.0 Policy Context

5.1. Development Plan

The provisions of the Dublin City Development Plan 2023-2029 refer.

The proposed development site is governed by the land use zoning Neighbourhood Centres Z3, the purpose of which is to provide for and improve neighbourhood facilities. Chapter 14 of Volume 1 of the Plan notes that a takeaway is an 'Open for Consideration' Use.

Policy Objective SC 9 of Chapter 4 of Volume 1 of the Plan in relation to Key Urban Villages, Urban Villages and Neighbourhood Centres seeks to develop and support the hierarchy of the suburban centres, including Key Urban Villages, Urban Villages and Neighbourhood Centres, in order to:

- support the sustainable consolidation of the city and align with the principles of the 15-minute city;
- provide for the essential economic and community support for local neighbourhoods; and
- promote and enhance the distinctive character and sense of place of these areas by ensuring an appropriate mix of retail and retail services

Policy objective CCUV13 of Chapter 7 of Volume 1 of the Plan in relation to Vacant Units seeks to promote the temporary use of vacant premises in order to reduce the level of vacancy on streets in the city's urban centres including Key Urban Villages as this can compromise the vitality of urban centres. Temporary uses which can contribute to the economic, social and cultural vitality of the city centre, Key Urban Villages and other centres and which allow public access will be encouraged (pending permanent occupancy).

Chapter 8 of the Plan in relation to Sustainable Movement and Transport sets out the requirement for a Delivery and Service Management Plan

Section 15.14.7.3 of Volume 1 of the Plan sets out the key policies with respect to takeaways, as follows:

- 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 takeaways 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.
 - Traffic impacts and considerations including set down areas and servicing bays.
 - The number/frequency of such facilities in the area within 1km of school sites. Any new outlets will not be permitted within 250m of a school site.

- That the operators come to a satisfactory arrangement with Dublin City Council in relation to litter control and that appropriate cleansing/anti-litter measurements be agreed with Dublin City Council prior to the granting of planning permission.
- The need to integrate the design of ventilation systems into the design of the building.
- That all take-aways provide and maintain a suitable waste bin outside their premises during hours of business.

Section 15.14.7.4 of the Plan sets out the policies with respect to Noise, Odour, Ventilation for Restaurant / Café / Take – Aways, stating that such uses should be designed having regard to the appropriate noise and ventilation guidelines. All ventilation proposals should avoid direct extracts at street level, where possible. Where extract odour and ventilation is required on main street frontages, careful design solutions should be provided to extract does not interfere with pedestrians and road users in terms of noise and odour. Similarly, noise associated with the use of a café / restaurant / take away should be minimised as to ensure no overspill to street level occurs. Café and restaurant proposals should include an engineering statement to address, noise, ventilation and odour as part of any planning applications.

Section 2.4, Appendix 5, Volume 2 of the Plan sets out the technical requirements in respect of Transport & Mobility.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

The Retail Planning Guidelines 2012 define a Local Centre or Neighbourhood Centre as a centre that comprises a small group of shops, typically comprising newsagent, small supermarket/ general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population.

Section 7.5 of the Development Management Guidelines 2007 state that in deciding whether a temporary permission, which can apply to a particular structure or use, is appropriate, three main factors should be taken into account:

1. the grant of a temporary permission will rarely be justified where an applicant wishes to carry out development of a permanent nature that conforms with the provisions of the development plan.

2. it is undesirable to impose a condition involving the removal or demolition of a structure that is clearly intended to be permanent.
3. it must be remembered that the material considerations to which regard must be had in dealing with applications are not limited or made different by a decision to make the permission a temporary one.

Thus, the reason for a temporary permission can never be that a time limit is necessary because of the adverse effect of the development on the amenities of the area. If the amenities will certainly be affected by the development, they can only be safeguarded by ensuring that it does not take place.

In the case of a use which may possibly be a “bad neighbour” to uses already existing in the immediate vicinity, it may sometimes be appropriate to grant a temporary permission in order to enable the impact of the development to be assessed, provided that such a permission would be reasonable having regard to the expenditure necessary to carry out the development.

5.3. Natural Heritage Designations

The proposed development site is c. 6.9km to the north-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and the North Dublin Bay pNHA (Site Code: 000206). It is also 0.282km to the north of the Royal Canal pNHA (Site Code: 002103).

6.0 EIA Screening

- 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. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

The Third Party appeal sets out the following grounds:

- The appeal is made on planning grounds and is concerned with the impact of the proposed takeaway on residential amenity, traffic safety, parking, servicing

arrangements and the failure of the Planning Authority to distinguish the proposal from the previous refusals from ACP.

- The appeal is supported by neighbouring residents who also made submissions on the application. A Cover Sheet of comments is included as an appendix to the appeal.
- In relation to the failure to properly address previous ACP refusals:
 - The Planner's report acknowledges the previous refusals under PA Ref. Nos. 3890/19, 3719/19, 3306/08 and 3279/05. These consistently identified the following concerns:
 - The narrow road network serving the development
 - Limited parking
 - Predominantly residential nature of the surrounding area
 - Traffic hazards
 - Late-night activity
 - Noise and general disturbance
 - Adverse impacts on residential amenity
 - The Planning Authority specifically requested Further Information to demonstrate how the current proposal overcame the previous reasons for refusal under PA Ref. No. 3890/19, to which the applicant responded with:
 - Reduced operating hours
 - Management measures
 - Delivery controls
 - Waste management arrangements
 - Extraction and filtration systems
 - While these may mitigate certain impacts, they do not alter the fundamental circumstances that led to the previous refusals as the surrounding road network and car parking remains unchanged; the area remains predominantly residential; and the proposal remains a takeaway

use with food preparation, customer collections, delivery activity and evening trading.

- The Planning Authority has failed to demonstrate why the previous concerns no longer apply.
- In relation to traffic, parking and road safety, the following is noted:
 - The River Centre already experiences significant parking pressure.
 - Residents had raised concerns about existing car parking shortages, double parking, road safety, pedestrian safety and increased congestion.
 - The Transportation Planning Division had also expressed concerns and the applicant's Service Delivery Management Plan, which includes restriction on deliveries, deliveries using a designated set-down area, delivery drivers will not congregate, and vehicles will not park on the road, is aspirational.
 - The proposal provides no dedicated customer collection area, rider waiting area, takeaway parking facility, or independent traffic assessment.
 - The Planning Authority has granted permission without robust evidence.
- In relation to the deferral of critical matters by condition:
 - Condition no. 6 requires the submission of a revised Service Delivery Management Plan prior to occupation. Key elements of the development's operation have been postponed to a future agreement between the developer and the Planning Authority.
 - The Commission is requested to consider whether traffic impacts, delivery arrangements and servicing impacts have been fully assessed before permission was granted.
- In relation to residential amenity, previous decisions identified concerns such as noise, disturbance, late-evening activity and impacts on nearby residents. These concerns remain relevant. Although opening hours have been restricted to 10pm, the development remains an evening-focused takeaway operation, which differs materially from the previous retail use and would adversely affect residential amenity.

- In relation to the nature and intensity of the development:
 - The applicant describes the activity as a small-scale neighbourhood pizzeria with ancillary takeaway activity; however the plans suggest a use that extends beyond a simple local convenience facility, and identify:
 - Dedicated takeaway facilities
 - Extensive food preparation areas
 - Cold storage facilities
 - Pizza ovens
 - Catering preparation facilities
 - Delivery operations
- In relation to inconsistency with proper planning and sustainable development:
 - The cumulative effect of increased traffic, parking pressures, servicing requirements, delivery activity, noise and disturbance, and the proximity of residential properties renders the proposal unsuitable for this location.
- The Commission is asked to refuse permission.
- The summary of the observations made in Appendix A largely reiterate the points made in the appeal, and in addition to recent and previous photographs, include the following:
 - Litter concerns
 - Proximity of an existing takeaway at Ashtown
 - Food preparation for events is usually located in industrial parks.
 - There is provision for a restaurant but not a takeaway under the current zoning
 - Concerns about anti-social behaviour.

7.2. Applicant Response in the case of a 3rd Party Appeal

- The applicant's response received 26th June, 2026 requests the Commission to dismiss the appeal, that previous refusal reasons have been addressed, and makes the following points:
 - Failure to properly address previous refusals:
 - The RFI response identified a number of significant changes, including:
 - A substantially reduced scale and intensity of operation
 - A neighbourhood-based pizzeria serving the immediate local community
 - Strictly controlled operating hours
 - Ancillary catering activity only
 - Comprehensive delivery and servicing controls
 - Modern extraction and infiltration systems
 - Noise litter and waste management measures
 - No external seating areas
 - No amplified external music
 - No external congregation areas.
 - The response expressly states that the proposal is no longer intended to operate as a high-turnover or delivery-led takeaway, and that the delivery activity is ancillary and actively managed.
 - In relation to traffic, parking and servicing, the following is noted:
 - The proposed use occupies an existing commercial unit within an established neighbourhood centre.
 - The development does not create a new destination in centre specifically intended to serve local needs.

- The nature and scale of the proposed development is modest.
- Vehicle movements are expected to be limited.
- The Service Delivery Management Plan includes the following commitments:
 - No HGV deliveries
 - Maximum of two supplier deliveries per week
 - Deliveries restricted to 08.00-12.00
 - Small commercial vans only
 - Use of existing set-down area
 - Pre-scheduled deliveries only
 - No ad hoc servicing activity
 - Controlled management of delivery riders
 - No external waiting area.
- The River Centre has existing car parking. There are approximately 12no. spaces in the intended parking bay. There is an existing service yard and existing off-street delivery facilities.
- The applicant expressly acknowledged the constrained nature of the surrounding network. The servicing strategy is specifically designed to avoid impacts on pedestrian safety and traffic flow.
- Deferral of critical matters by condition – it is well established planning practice to regulate operational details through condition. These matters are not deferred but will finalise key details to the satisfaction of the Planning Authority.
- In relation to residential amenity, extensive mitigation measures have been incorporated, and in addition to the above, also included internal location of plant and equipment where possible; anti-vibration mounting

systems; and daily cleaning and litter management procedures. The proposed opening hours are modest and more restricted than many food service operations. Catering hours are 08.00-15.00 (no public access); pizzeria operations are Sun-Thurs 17.00-22.30; Fri and Sat (17.00-23.00). The proposal is located in an existing commercial centre where residents can reasonably expect a range of services.

- In relation to sustainable development, the proposal will bring a vacant commercial unit back into active use; increase consumer choice and local services; support employment and economic activity; enhance the vitality and viability of the Centre; and reduce the need for local residents to travel elsewhere for takeaway food services.
- The proposal is intended to function as a neighbourhood service rather than a destination commercial use.
- The response to the appeal includes a number of documents as appendices, including the planner's report and the response to the RFI.

7.3. Planning Authority Response

- None on file.

7.4. Observations

- None on file.

7.5. Further Responses

- N/A

8.0 Assessment

8.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that main issues which require consideration in this appeal are those raised in the grounds of appeal.

8.2. The main appeal issues are, therefore, as follows:

- Compliance with planning policy
- Temporary permission

8.3 Compliance with planning policy

8.3.1 The proposed development comprises a takeaway with an ancillary catering use in the River Centre, a designated Neighbourhood Centre serving a local community.

8.3.2 The proposed takeaway is an open for consideration use in the applicable Neighbourhood Centres Z3 land use zoning objective.

8.3.3 The suitability of the use requires consideration against the provisions of the Plan. In this respect, the following is noted:

- The proposed takeaway and ancillary catering use will contribute to the sustainable consolidation of the area, and will generally align with the principles of the 15 minute city, and will facilitate a mix of retail/retail services uses in the River Centre in line with Policy Objective SC 9 of Chapter 4 of Volume 1 of the Plan.
- Will promote the use of a long-vacant unit in accordance with Policy objective CCUV13 of Chapter 7 of Volume 1 of the Plan in relation to Vacant Units.
- Is subject to a Delivery and Service Management Plan in accordance with Chapter 8 of the Plan in relation to Sustainable Movement and Transport.

8.3.4 In the context of Sections 15.14.7.3 and 15.14.7.4 of Volume 1 of the Plan:

- The proposed development will not result in an excessive concentration of take-aways relative to local schools – the closest school is Pelletstown Educate Together National School, which is over 400m to the north-east, outside the recommended 250m buffer for new outlets. If permitted, it will be 1 of 2no. takeaways within 1km of existing school sites.
- The proposed takeaway unit is a small unit relative to the other units in the River Centre. There are no other takeaways in the Centre. The nearest is Blazing Fare at the Village Centre c. 650m walking distance away.
- The applicant has committed to a comprehensive range of operational and environmental control measures to safeguard residential amenity in the Service and Delivery Management Plan, to include:
 - A dedicated internal & external bin storage area will be provided, with all waste collected by a reputed waste service provider (Panda Waste).
 - A grease management system will be installed and maintained.

- All waste collection will be restricted to daytime hours.
- The operator will also undertake daily inspection and cleaning of the frontage to ensure a high standard of cleanliness is maintained at all times.
- The development will incorporate a high-specification filtered extraction system with carbon filtration.
- All plant and equipment will be located within the building envelope where possible. The system will be designed to achieve a maximum external noise level of 35 dB. All fans will be mounted on anti-vibration supports.
- No amplified external music, external seating, or external congregation areas are proposed.
- Supplier deliveries are to be limited to small commercial vans, with restricted frequency and timing, and all servicing activity will take place during daytime hours only.
- Delivery activity associated with customer orders will be ancillary in nature and actively managed by the operator to ensure that it does not give rise to congregation, noise, or obstruction in the public realm.
- The applicant confirms the following operating hours: Catering (sandwiches and similar light catering only – no public access): 08:00 – 15:00 Pizzeria trading (public service): Sunday–Thursday: 17:00 – 22:30 Friday–Saturday: 17:00 – 23:00 There will be no public trading during daytime catering hours, and no late-night or early morning operation is proposed.

8.3.5 I note the Planning Authority's conditions in respect of reduced operating hours and restricting further plant.

8.3.6 I also note the Transportation Planning Division accepted the details included in the Service Delivery Management Plan submitted in response to the Request for Further Information, and recommended a grant of permission with a condition that the development shall be carried out and operated in accordance with the provisions of the Service Delivery Management Plan submitted in response to the Further Information, with the Plan to include specific measures to ensure controlled and limited deliveries to and from the site and co-ordinate between the nearby uses, as well as contact details of the delivery manager on site and set out a programme of monitoring, and to be agreed with the Planning Authority prior to occupation of the proposed development.

- 8.3.7 However, I would have concerns about the ability of the applicant to implement the extensive range of service delivery management commitments, as they are very onerous.
- 8.3.8 I also note the existing characteristics of the site, including limited parking provision, width of the road and footpath, and available service corridor, the proximity to existing residences, as well as the negative planning history for Unit 4.
- 8.3.9 I also note the applicant's statement that the proposal constitutes a small-scale neighbourhood pizzeria with an ancillary takeaway element, however the floor plan drawing submitted with the application and in response the Request for Further Information clearly indicates that the proposal will operate as a takeaway.
- 8.3.10 The applicant states that the proposed operation is intended to serve a moderate, local catchment population, with a high proportion of walk-in customers, thereby limiting vehicular demand, and that the proposed food preparation aspect of the proposed development will be limited in scale, and consist of simple items, and primarily cater for people living or working in the immediate area. However, there is no means to control this aspect of the proposed takeaway.
- 8.3.11 In this context, and while I am mindful of the length of time the unit has remained vacant, and that the proposed takeaway use is open for consideration in the Z3 land use zoning objective, and that the applicant has offered reduced operating hours (further reduced by the Planning Authority by condition), I do not consider that a takeaway use is appropriate at this location, as a point of principle, having regard to the specific site characteristics, the local nature of the River Centre, and to the proximity of the unit to existing residential development. I do not consider that the applicant has overcome the previous reason for refusal. I recommend that permission is refused in this instance.

8.4 Temporary Permission

- 8.4.1 The Planning Authority has attached a condition limiting the duration of the permission to three years. This condition has been attached in the interests of the proper planning and development of the area, and so that the effect of the development may be reviewed having regard to the circumstances then prevailing.
- 8.4.2 I note the provisions of Section 7.5 of the Development Management Guidelines 2007 in relation to temporary permissions. I note the advice contained therein in deciding whether a temporary permission is appropriate. I particularly note that the reason for a

temporary permission can never be that a time limit is necessary because of the adverse effect of the development on the amenities of the area. If the amenities will certainly be affected by the development, they can only be safeguarded by ensuring that it does not take place.

- 8.4.3 Having regard to the nature and extent of the commitments made by the applicant to mitigate the potential for negative impacts on the amenities of the area, and the concerns I have raised as to the ability of applicant to commit to these management issues over time, given that they are very onerous, I do not agree to that a temporary permission is appropriate.

9.0 AA Screening

- 9.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed development site is c. 6.9km to the north-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024).
- 9.3 The proposed development will consist of a change of use from retail to a pizzeria takeaway, which includes preparation of food for delivery and takeaway and all associated site works on a site at Unit 4 River Centre, Rathborne Place, Dublin 15.
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay and the River Tolka Estuary SPA in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections

- 9.6 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.7 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.
- 9.8 Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1 The proposed development site is located in the established suburban area of Rathborne Place, Dublin City. The nearest relevant water body is the Tolka_050, code IE_EA_09T011100, c. 0.178km to the north, the status of which is 'At Risk'.
- 10.2 The proposed development will consist of a change of use from retail to a pizzeria takeaway, which includes preparation of food for delivery and takeaway and all associated site works on a site at Unit 4 River Centre, Rathborne Place, Dublin 15.
- 10.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of a change of use from retail to a pizzeria takeaway, which includes preparation of food for delivery and takeaway and all associated site works on a site at Unit 4 River Centre, Rathborne Place, Dublin 15, 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. Having considered the nature, scale and location of the project, 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 either qualitatively or quantitatively.
- 10.4 The reason for this conclusion is as follows:
- The nature and scale of the development proposed.
 - Distance from the nearest relevant water body, and the lack of hydrological connections.

10.5 Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission for the proposed development is refused for the following reasons and considerations.

12.0 Reasons and Considerations

1. Having regard to the nature of the River Centre as a local centre, the narrow road network, parking arrangements and the predominantly residential nature of the area, it is considered that the proposed use as a takeaway food outlet would seriously injure the residential amenity of property in the vicinity, by reason of noise and general disturbance associated with such use, and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the zoning objective and the policy for takeaway uses as set out in the current Dublin City Development Plan and would not be in accordance with the proper planning and sustainable development of the area.

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.

Aiden O'Neill
Planning Inspector

16th September, 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501461-DN-26
Proposed Development Summary	The proposed development will consist of a change of use from retail to a pizzeria takeaway, which includes preparation of food for delivery and takeaway and all associated site works.
Development Address	Unit 4 River Centre, Rathborne Place, Dublin 15
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☐ No, it is not a Class specified in Part 1. Proceed to Q3	

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?	
☐ 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. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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)?	
Yes ☐	
No ☐	

Inspector: _____

Date: 16th September, 2026