

An  
Bord  
Pleanála

**Board Direction**  
**BD-008170-21**  
**ABP-309701-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/05/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Notwithstanding its contravention of the Z1 residential zoning objective that applies to the site under the Dublin City Development Plan 2016-2022, it is considered that the proposed development would be justified under section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, because it would be in keeping with government policy to diminish the extent to which the purchase of alcohol occurs as part of shopping for other goods and to physically separate the sale of alcohol from the sale of other goods. The proposed development would also increase the floorspace available in the existing local shop for the sale of goods other than alcohol. It is therefore considered that, subject to the conditions below, the proposed development would not seriously injure the character or residential amenities of the area and would be in keeping with its proper planning and sustainable development.

## **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 sale of alcohol shall cease in the existing shop in units 177-180 Hampton Wood Road, as shown on drawing P3738-A001 submitted with the application, before the sale of alcohol occurs in unit 193. Once the sale of alcohol occurs from unit 193, this permission shall be deemed to have been implemented. There shall be no further sale of alcohol in units 177-180 unless authorised by a separate, prior grant of permission by the planning authority or the board on appeal regardless of whether or not the sale of alcohol from unit 193 continues.

**Reason:** To give effect to the residential zoning of the site and in the interests of residential amenity


3. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details of all external signage and window displays. No other signage, shutters or similar such fixtures shall be attached or displayed to the exterior of the premises on the site whether or not they would otherwise constitute exempted development unless the prior written consent of the planning authority for same has been obtained.

**Reason:** In the interests of visual amenity

4. 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. The contribution shall be paid prior to the commencement of development 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

**Board Member**

  
Paul Hyde

**Date:** 13/05/2021

