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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3068/19**

**Appeal** by RGDATA of Mentec House, Pottery Road, Dún Laoghaire, County Dublin and by Others against the decision made on the 21<sup>st</sup> day of October, 2019 by Dublin City Council to grant subject to conditions a permission to Propdale Limited and CFO Construction trading as Alasta Co Ownership care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The proposed development will consist of the partial demolition and change of use of the existing building to shop and; the extension of the remaining structure to provide for a shop with ancillary licensed area (not to exceed 10% of the retail area). The proposed shop will have a gross floor area of 888 square metres and a net retail area of 626 square metres; the relocation of two number on street car parking spaces to the south along Bath Avenue Place; landscaped area to existing pedestrianised island opposite the Alasta Motors site and; all associated signage, landscaping, bicycle parking, roof plant and site development works to support the proposed development, all on a site of circa 0.1629 hectares on lands at the former Alasta Motors site, at Bath Avenue Place near the junction

at South Lotts Road, Ringsend, Dublin. The application site also includes a portion of Bath Avenue Place and the pedestrianised island opposite the Alasta Motors site.

## **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.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, 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, as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of September, 2019 and by the further plans and particulars received by An Bord Pleanála on the 17<sup>th</sup> day of December, 2019, 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.
  - (a) Details of the general appearance of finishes to the building, including details of signage, shuttering (which shall be internalised) and lighting shall be submitted to, and agreed with, the planning authority prior to the commencement of development.
  - (b) No other advertisement or advertisement structure including poster signs, flagpoles shall be erected or displayed on the building, within the site's curtilage or along the roadside, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity. In order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area.

3. The road works associated with the proposed development including the setting out of the entrance, relocation of on-street car parking, paving and surface finishes shall be carried out and completed in accordance with the requirements of the planning authority.

**Reason:** In the interest of traffic safety and orderly development.

4. Prior to the commencement of development, full details of works to the public road and public realm shall be agreed in writing with the planning authority. The developer shall liaise with the applicable utility provider with regard to the removal/relocation of electricity public lighting column adjacent to the site, and the undergrounding or relocation of overhead cables. All works shall be carried out at the developer's expense.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, no items associated with refrigeration, ventilation or air conditioning shall be erected or placed on any external surface of the proposed structures without prior written agreement of the planning authority.

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

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

7. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

8. The three number six metres lighting poles as shown on Drawing number E-(6-)001) Site Lighting Layout received by the planning authority on the 24<sup>th</sup> day of September, 2019 do not form part of the permission and shall be permanently omitted from the scheme.

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

9. All service cables associated with the proposed development (such as electrical, telecommunications, television and public lighting cables) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

10. All materials and goods shall be stored within the confines of the building.

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

11. (a) During the operational phase of the proposed development, the noise level within the premises, as measured at the nearest noise sensitive locations in the vicinity shall not exceed:-
- (i) An LeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
  - (ii) An LeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996, 1, 2 or 3, "Description and Measurement of Environmental Noise", as applicable.

**Reason:** To protect the amenities of property in the vicinity of the site.

12. A waste management plan including the provision of facilities for the storage, separation and collection of the waste shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interests of public health and the amenities of the area.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

15. 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 prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.

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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2020**