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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2582/20**

**Appeal** by Kane McCartney Group care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 5<sup>th</sup> day of October, 2020 by Dublin City Council to grant subject to conditions a permission to Irish Life Assurance Public Limited Company (PLC) care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Planning permission for development at a site of approximately 1,791 square metres at the Talbot Mall, Talbot Street, Dublin for a new supermarket. The proposed development comprises the conversion of the existing Talbot Mall into a supermarket with ancillary bakery (1,740 square metres, total gross floor area) and part off-licence sales area (92 square metres, gross floor area); comprising the demolition and removal of existing internal walls to accommodate new supermarket fit out works, ancillary storage, freezer and chiller areas, sales floor, customer service area, staff and customer facilities, and lighting and ducting; connections to drainage and water services; internal plant room; rooftop plant; general improvement

works to the existing open-air, external waste collection facilities/bin cage and staff car parking area (two number spaces) (51 square metres, gross floor area) and associated site development works. Vehicular access and egress to the proposed development for delivery and servicing purposes will continue to be from Marlborough Place, all at Talbot Mall, Talbot Street, Dublin as amended by the revised public notice received by the planning authority on the 8<sup>th</sup> day of September, 2020.

## **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 Z5 City Centre zoning objective for the area as set out the Dublin City Development Plan 2016 to 2022, the site's location on a Category 2 Retail Street (as set out in the Dublin City Council Retail Strategy), the overall design and scale of the development proposed, the location of the

appeal site and the nature and scale of existing and established development in the vicinity and the existing established retail uses on site, it is considered that, subject to compliance with the conditions set out below, the proposed development represents an appropriate redevelopment of this shopping mall, would not be contrary to the retail policy as set out in the Development Plan, would not seriously injure the character and amenities of the area 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 to the planning authority on the 20<sup>th</sup> day of August 2020, 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. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of proposed cycle parking stands along Talbot Street in the vicinity of the site. All works shall be carried out at the developer's own expense and shall be made available for use prior to the operation of the supermarket

**Reason:** To ensure a satisfactory standard of development.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

4. The proposed development shall be implemented in such a manner as to ensure no adverse impact on Luas operation and safety and shall comply with Transport Infrastructure Ireland's Code of Engineering Practice for works on, near or adjacent to the Luas Light Rail System. Prior to the commencement of development, the developer shall consult with TII and submit to, and agree in writing with, the planning authority details showing compliance with these requirements.

**Reason:** In the interest of traffic safety and to ensure no adverse impact on Luas operation and safety.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

6. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

7. 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 noise management measures.

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

8. Construction and demolition waste shall be managed in accordance with a detailed 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.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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

**Dated this            day of            2021.**