

An  
Bord  
Pleanála

Board Order  
ABP-309701-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3914/20**

**Appeal** by Arney Retail Limited care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 16<sup>th</sup> day of February, 2021 by Dublin City Council to refuse a permission for the proposed development.

**Proposed Development:** The development will consist of: relocation of existing off-licence which is part of existing Centra retail unit trading in units 177-180 to a new stand-alone Centra off-licence unit to be located at units 193 and 194, erection of new signage to front elevation of unit 193, all at units 193 and 194 and existing Centra (units 177-180) at Hampton Wood Road, Meakstown, Dublin.

## **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**

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 considered that, subject to compliance with the conditions below, the proposed development would, therefore, not seriously injure the character or residential amenities of the area and would 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, 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 number P3738-A001 submitted with the planning application on the 14<sup>th</sup> day of December, 2020, 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.

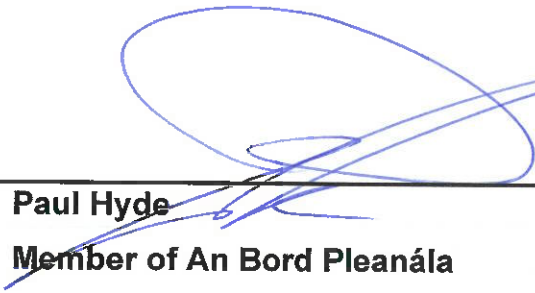
**Reason:** To give effect to the residential zoning of the site and in the interest of residential amenity.

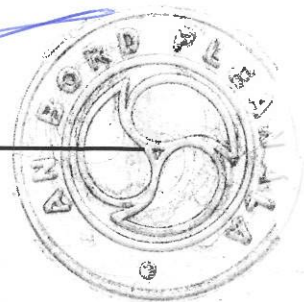
3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of all external signage and window displays. No other signage, shutters or similar such fixtures shall be attached or displayed to the exterior of the premises on the site whether 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 interest 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, as amended. 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, 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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**Paul Hyde**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this *17<sup>th</sup>* day of *May* 2021