



An
Coimisiún
Pleanála

Inspector's Report

PL-500259-DS-25

Development	Amalgamation of the ground floor retail units to provide for a single retail unit and provision of a loading bay.
Location	The ground floor retail units, Block B, Reuben Street, Herberton Street, and James's Walk, Rialto, Dublin 8.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3357/25.
Applicant(s)	Tesco Ireland Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Robert O'Leary.
Observer(s)	Liam Cunnane.
Date of Site Inspection	6 th February, 2026.
Inspector	Aiden O'Neill.

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1.0 Site Location and Description

- 1.1 The proposed development site, 0.0681ha in area, comprises the vacant ground floor (c. 575m²) of an existing 7-storey building, (Block B), comprising ground floor retail and upper floor residential on Reuben Street, Herberton Street and James's Walk, Rialto, Dublin 8.
- 1.2 The front (west) elevation of the ground floor faces Reuben Street, with side elevations to James's Walk (north) and Herberton Street (south). The internal communal space courtyard space for the upper floor residential use is located to the east. Reuben Street is characterised by a large public realm/footpath area on both sides, with timber seating/planted areas. On street parking spaces and loading bay spaces are located on the opposite side of Reuben Street to the proposed development site. On the day of the site visit a van was parked on the footpath outside the proposed development site. The Fatima stop of the Luas Red Line is located to the north of the proposed development side on the opposite side of James's Walk.
- 1.3 The proposed development site appears to have been vacant for some time, and is in a generally unkempt condition. The elevational treatment of the overall building, is in need of maintenance.

2.0 Proposed Development

- 2.1 The proposed development at the ground floor retail units, Block B, Reuben Street, Herberton Street and James's Walk Rialto, Dublin 8, consists of :
- The amalgamation of the ground floor retail units (up to 6no. individual units) to provide for a single retail unit (c. 575m² GFA) including an ancillary alcohol sales area (c. 32m²) and associated storage/plant space.
 - Minor external alterations to the elevations to include automatic sliding entrance door, signage (2no. signage boards; 2no. signage zones; and 4no. signs to the window openings to the north), 3no. vinyl window coverings and louvered screens to the internal plant room on the Reuben Street (front) elevation; signage to the James's Walk (side) elevation; and louvered

screens to the internal plant room on the Herberton Street (side) elevation;
and

- All ancillary site services and site development works.
- The development will also consist of the provision of a loading bay on James's Walk.

2.2 Internal partitions are proposed. No changes are proposed to the façade materials. Access and egress is proposed via 3no. entrances onto Reuben Street (remaining existing entrances onto Reuben Street and the courtyard to the east are to be blocked up).

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority granted permission, subject to 11no. conditions, on 15th October, 2025.

3.1.1. Conditions

Of the 11no. conditions, the following are of note in the context of this appeal:

2. The Applicant shall provide the following details for the written agreement of the planning authority prior to commencement of development;

(a) The Applicant shall provide details of a reduced proposed signage plan.

Details of the materials, colour, lettering, depth and dimensions of the signage are required and the applicant is advised that proposals should have regard to Appendix 17 of the City Development Plan 2022 -2028.

(b) The proposed vinyl window coverings shall be omitted in their entirety.

(c) The Applicant shall provide details of the high quality and durable material for the louvres proposed. Revised elevation drawings and the necessary documentation shown thereon shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity, visual and residential amenity and the proper planning and to ensure the proposed development positively contributes to the streetscape.

3. The hours of operation of the retail unit shall be

- 7am — 10pm Monday to Friday,
- 8am -10pm Saturday and
- 9am -10pm Sunday, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of clarity, residential amenity and the proper planning.

5. a) No planning permission is hereby granted for the application of any vinyl manifestations to the north and west elevations. The glazing to all windows on the elevations shall be kept free of all stickers, posters and advertisements.

b) The internal configuration and fit out of the subject unit shall be arranged in such a manner so as to keep all internal shop fittings, including shelving etc away from windows along the northern and western elevations.

Reason: In the interests of visual amenity and to ensure active frontage

6. The following shall apply in respect of the part off-licence:

a) There shall be no advertising of the sale of alcohol products on the façade or frontage of the premises.

b) There shall be no display of alcohol products or advertising of the sale of alcohol products on or near the entrance or the windows.

(c) It shall operate only during the opening hours and operational lifetime of the retail shop unit.

(d) The area for the display of alcohol products shall not make up more than 10% of the shop floor area.

Reason: In the interests of the proper planning and sustainable development of the area.

7. Any roller shutter and its casing shall be recessed behind glazing and shall be factory finished in a single colour to match the colour scheme of the building prior

to their erection. Any roller shutters shall be of the open lattice type and shall not be painted on site or left unpainted or used for any form of advertising.

Reason: In the interests of visual amenity.

8. The developer shall comply with the following requirements of the Transportation Planning Department of Dublin City Council.

(a) Prior to commencement of development, the applicant shall contact and liaise with Transport Infrastructure Ireland (TII) to ascertain their requirements with regard the proposed works and the impact if any on the adjacent Red Line Luas Line.

(b) Prior to the commencement of development, the applicant shall submit revised drawings and details to the Planning Authority for written agreement, demonstrating compliance with the following requirements of the Traffic Advisory Group:

8 (sic). (i) A minimum 2m wide footpath shall be maintained in line with the existing footpath on the south side of James Walk, extending to the balconies.

(ii) The proposed loading bay shall be reduced in width to a more appropriate scale.

(iii) Vehicle height requirements for Tesco deliveries shall be accommodated to ensure that vehicles do not mount the footpath in proximity to the first-floor balconies.

(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.

Reason: In the interests of road safety and orderly development.

9. The developer shall comply with the following requirements of the Environmental Health Officer of Dublin City Council.

(a) The noise levels from the site, during the operational phase, measured as an LAeq (5min at night, 15 min in day) when all proposed plant is operating, shall not exceed the LA90 by 5dB(A) or more.

(b) Noise levels should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

(c) Details relating to the likely sound power levels of all externally located plant and equipment associated with this development shall be submitted to the Planning Department prior to installation.

Reason: To ensure a satisfactory standard of development in the interests of residential amenity and to safeguard the amenities of adjoining premises and the general surroundings.

10. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

11. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Senior Executive Planner dated 9th October, 2025 notes the following:

- A supermarket retail unit with a dedicated off-licence floor space is acceptable in principle in the 'Neighbourhood Centres' Z3 zoning objective.

- The proposed amalgamation is acceptable in principle.
- The proposed external changes are acceptable in principle. The proposed development provides an opportunity to ensure the existing ground floor façade is improved. The opening up of the shop will provide passive surveillance and active street frontage.
- The inclusion of the off licence element would not detract from the context/street character or undermine the viability of the shopping experience. The subject area is indicated on the plans and is set away from the main entrance.
- The level of signage and blocking out of windows proposed is a cause for concern and a reduced level of signage, and design specifications, will be agreed by way of condition.
- The vinyl signage proposed for the entirety of 3no. windows has the potential to injure and restrict the level of passive surveillance onto Reuben Street. These are to be omitted.
- While the concerns raised in third party submissions with respect to residential amenity, some of these are outside the remit of planning. Opening hours can be conditioned to ensure no undue negative impact on residential amenity. The provision of an off licence has been assessed and it adheres to the requirements of the Plan.
- The removal of direct access from the rear will leave no direct access to the courtyard.
- Waste storage was dealt with in the parent permission, and the Environmental Health Officer has set out a standard set of conditions with respect to odour, noise and impacts from plant and air conditioning.
- The Transport Planning Division has assessed the application with respect to traffic, waste collection, parking, the loading bay and road safety, and a number of conditions are attached.
- The development will make a positive contribution to the area and provide a needed retail use in the vacant retail units.

- Given its floor area, there are no concerns with respect to undue negative impacts on residential or visual amenity.
- The Planner's Report is the basis for the Planning Authority's decision to grant permission.

3.2.2. Other Technical Reports

The report of the Environmental Health Offices Services dated 30th September, 2025 recommended permission subject to conditions.

The report of the Engineering Department – Drainage Division dated 29th August, 2025 recommends permission subject to conditions.

The Transportation Planning Division's report dated 22nd September, 2025 recommends permission subject to conditions, and notes the following:

- The proposed loading bay is considered excessively wide and should be reduced.
- Vehicle heights for delivery trucks shall be accommodated to ensure that vehicles do not mount the footpath near the first-floor balconies.

3.3. Prescribed Bodies

The report of TII dated 11th September, 2025 states that TII requests that the Planning Authority has regard to official policy, including proposals impacting the existing light rail network.

3.4. Third Party Observations

There are 3no. observations on file, generally citing the same issues raised in the appeal and the observation on the appeal, including:

- Impact on the local character – not in keeping with the established character and will significantly alter the visual landscape and detract from the distinctiveness of the community, including installation of newspaper bins and delivery cages which lead to litter.
- An increase in traffic volume could lead to congestion and pose safety risks for pedestrians and cyclists.

- The proposed development will lead to an increase in anti-social behaviour. It is inappropriate to allow an off-licence across from an entrance to St. James's Hospital and in proximity to the new Children's Hospital.
- Permission is requested to be refused.
- No objection to the principle of the proposed development, but there are concerns regarding residential amenity, and a number of conditions are requested, including prohibition on the use of the courtyard; noise control; waste storage; the loading bay; courtyard facing doors; and louvered screens;
- Opening hours and delivery hours should be limited;
- A traffic impact assessment should be provided;
- Litter and security management;
- Lighting, signage and advertising requirements.

4.0 Planning History

4.1 The proposed development site is subject to the following planning applications:

- PA Reg. Ref: 3830/06 – Part 8 development approved for minor amendments to ABP. Ref. 29S. EL2044 for the relocation of Blocks A, B and F approved on 4th September, 2006.
- ABP. Ref. 29S. EL2044: The Commission approved the re-development of Fatima Mansions (Phase II), Rialto, Dublin 8 (LA EIS Project) on 31st March, 2006 subject to conditions.

5.0 Policy Context

5.1 Development Plan

Dublin City Development Plan 2022-2028

In the Dublin City Development Plan 2022-2028, the site zoned as Land Use Zoning Objective Z3 – 'Neighbourhood Centres', the objective of which is 'to provide for and improve neighbourhood facilities'. Permissible Uses include an off-licence (part) and

a shop (neighbourhood).

Section 14.7.3 states that Neighbourhood Centres provide local facilities such as convenience shops, hairdressers, post offices etc. within a residential neighbourhood and range from the traditional parade of shops to larger neighbourhood centres. They may be anchored by a supermarket-type development, typically of between 1,000 sq. m. and 2,500 sq. m. of net retail floorspace. They can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level.

Policy Objective SC9 in relation to Key Urban Villages, Urban Villages and Neighbourhood Centres, states that Dublin City Council 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 CCUV23 in relation to Active Uses seeks to promote active uses at street level in Key Urban Villages and urban villages and neighbourhood centres.

Policy objective CCUV25 in relation to Neighbourhood Centres / Local Shopping seek to support, promote and protect Neighbourhood and Local Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities.

Policy objective CCUV27 in relation to the provision of Convenience Retail seeks to promote convenience retail development in the city, particularly in new regeneration areas and where such development can provide an important anchor

to secure the vitality and viability of Key Urban Villages, urban villages and neighbourhood centres.

Section 14.1 states that the role of Z3 (Neighbourhood Centres) lands have been reviewed in the context of recent socio-economic trends and resulting changes in consumer behaviour which have enhanced the importance that such centres play in serving the needs of their local population hubs and in delivering on the vision of Dublin as a 15-minute city.

Policy Objective SI32 in relation to a Litter Management Plan seeks to support the implementation of the Dublin City Council Litter Management Plan 2020-2022 and subsequent plans through enforcement of the litter byelaws, street cleaning and education and awareness campaigns.

Section 15.18.9 in relation to Noise states that where it is considered that a proposed development is likely to create a disturbance due to noise, a condition may be imposed by the planning authority on any planning permission limiting the hours of operation and level of noise generation.

Appendix 2 of Volume 2 of the Plan sets out the Planning Authority's Retail Strategy. Neighbourhood Centres are included in Level 4 of the Retail Hierarchy for the City as set out in Table 4.1. Section 6.4 of Appendix 2 of the Plan states that Neighbourhood centres are typically zoned Z3, and that Dublin City Council will facilitate small scale expansion of existing neighbourhood centres where the uses and scale of development proposed is consistent with a neighbourhood scale. Section 4.1 of Appendix 2 states that convenience retailing (supermarkets) has expanded significantly in Dublin City over the last 10 years. This new convenience retail provision has provided greater consumer choice and competition and in many areas, has had regeneration benefits and provided much needed neighbourhood scale retail provision. It is the policy of the Council to continue to promote the development of appropriately scaled convenience retail development in the city, including where such development can provide an important anchor to secure the vitality and viability of urban villages and neighbourhood centres.

Section 9 of Appendix 2 supports the application of the sequential test to the provision of new retail development, with the preferred location to be a designated centre.

Appendix 17 of Volume 2 of the Plan sets out the Planning Authority's Advertising and Signage Strategy. Section 7 of Appendix 2 states that Dublin City Council will evaluate all planning applications for signs in relation to the surroundings and features of the buildings on which they are to be displayed, to the number and size of signs (both existing and proposed) and the potential for the creation of undesirable visual clutter.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

Section 4.11.6 of the Retail Planning Guidelines 2012 in relation to Local Retail Units states that local retail units such as corner shops or shops located in local or neighbourhood centres serving local residential districts perform an important function in urban areas. Development management decisions should support the provision of such units, particularly where they encompass both food-stores and important non-food outlets such as retail pharmacies, and have significant social and economic functions in improving access to local facilities especially for the elderly and persons with mobility impairments, families with small children, and those without access to private transport.

Annex 1, A 1.5 defines a Local Centre or Neighbourhood Centre as comprising 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.

5.3. Natural Heritage Designations

The proposed development site is c. 5.26km to the west of the South Dublin Bay and River Tolka SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210) and the South Dublin pNHA (Site Code: 000210), and is also 0.633km to the north of the Grand Canal pNHA (Site Code: 002104).

6.0 EIA Screening

6.1 The proposed development does come within the definition of a 'project' for the purposes of EIA, as it involves the execution of construction works. However, it does not fall within a class set out in Schedule 5, Part 1 or 2 of the Planning and

Development Act, 2000, as amended. Therefore, EIA is not required. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1 Grounds of Appeal

1no. Third Party appeal is premised on the potential impact of the proposed development on the community, environment and local infrastructure, and sets out the following grounds:

- The proposed development is not in keeping with the established character and appearance of the neighbourhood, and may significantly alter the visual landscape and detract from the distinctiveness of the community.
- On other sites, Tesco instal newspaper bins outside their stores which lead to an increase in littering, dumping and graffiti. Delivery cages and trolleys are also stored outside on the footpath. The store on Camden Street D2 is cited as an example.
- An increase in delivery vans and trucks could lead to congestion and pose safety risks.
- The provision of an off licence will lead to an increase in anti-social behaviour and begging. It is wholly inappropriate to allow an off-licence opposite James Hospital.
- The Commission is asked to overturn the grant of permission from Dublin City Council and refuse permission.

7.2. Applicant Response

A response dated 8th December, 2025 from the applicant to the Third Party appeal makes the following points:

- The appeal should be dismissed under S138 of the Act as it is vexatious, lacking in substance, and motivated by commercial competition rather than planning considerations.

- The appellant operates multiple Centra convenience stores in the Dublin 8 area, and has submitted numerous previous objections and appeals against developments by the applicant in the area.
- No new material grounds are raised beyond those assessed by the Planning Authority.
- The proposed development is located on appropriately zoned lands – Z3 Neighbourhood Centres and will provide neighbourhood-level retail in accordance with the objective.
- It will enhance the streetscape’s character and vibrancy by bringing long term vacant units into active use.
- The Retail Planning Guidelines state that retail developments which are in line with the role and function of the settlement, the hierarchy of the development and accord with the Plan and the scale and type of retailing identified for the location. Neighbourhood centres should be of an appropriate scale relative to the population they serve. Uses such as shop (local), shop (neighbourhood) and off-licence (part) are permissible uses. Neighbourhood centres may be anchored by a supermarket-type development, typically between 1,000sqm and 2,500sqm of net retail floorspace.
- The existing units have remained vacant since their construction in 2006. Their amalgamation into a single convenience store aligns with the Z3 Neighbourhood Centre objective and will enhance neighbourhood character.
- As noted by the Planning Authority, concerns raised such as graffiti, anti-social behaviour, waste storage and delivery hours are outside the remit of planning. Matters to do with newspaper bins, delivery cages or litter are not material to the application.
- Conditions attached by the Planning Authority require high-quality materials, reduced signage, and active frontages, ensuring positive visual and streetscape outcomes.

- Traffic, deliveries and safety concerns have been fully addressed by the Planning Authority. The Transport Planning Division reviewed all transport related matters, and recommended a number of conditions.
- The proposed retail unit is modest in scale and will generate limited traffic and deliveries.
- It is located in a highly accessible, walkable area, and will encourage local trips on foot. Condition 8 attached to the grant of permission requires the retention of a minimum 2m wide footpath along James's Walk to maintain safe pedestrian movement. Pedestrian and cyclist safety formed a key part of the design process.
- Matters raised in relation to licencing and anti-social behaviour are outside the remit of planning. All Tesco stores maintain a strict policy on the sale and management of alcohol.
- Condition nos. 3 and 6 attached to the permission regulate the hours of operation, alcohol display and management practices.
- The appellant's concerns regarding proximity to St. James's Hospital cannot be used as a valid ground of refusal. There is no statutory prohibition against off-licences near hospital entrances.
- The Commission has determined that decisions regarding the number of licences in an area is the responsibility of the District Courts. ABP Ref. Nos. 237539 and 238969 are cited, including that the rigid application of some Local Authority policies on part off-licence would be anti-competitive.
- The proposed off-licence is only 5.5% of the total floorspace, well below the maximum 10% threshold of section 15.14.8 of the Plan. The alcohol sales is clearly ancillary in nature, physically segregated and monitored, will not function as a destination off-licence, will not result in an overconcentration of off-licence sales, and neither dominate the primary retail function nor result in a change of use.

- The proposal aligns with policy CCUV4 (the Role of Retail) which seeks to support the contribution of retail and retail services, and enhances the vitality and viability of the area,.
- The Commission is asked to dismiss the appeal and uphold the decision of the Planning Authority.

7.3. Planning Authority Response

None on file.

7.4. Observations

An observation from Liam Cunnane dated 27th November, 2025 states the following:

- The opening of a Tesco Express is welcomed in principle.
- The objective is to ensure that the supermarket can operate successfully while protecting the long-established residential amenity of the homes above, beside and in the vicinity of the proposed store.
- The permission granted by Dublin City Council omitted essential operational safeguards in relation to noise, delivery hours, use of the internal courtyard, external handling of goods and waste storage.
- No delivery hour controls are proposed. A condition is sought to limit deliveries, loading, unloading and refuse collection only between 09.00-18.00 Monday to Saturday and 10.00-18.00 Sundays and Public Holidays.
- The proposed loading bay is on James's Walk. There is no internal goods corridor. A condition requiring a Delivery Management Plan (DMP) is sought specifying the routing of goods, delivery hours, equipment type, noise-reduction measures, and a prohibition on any external storage of goods, trolleys or equipment.
- Glazed doors face the internal courtyard, annotated as 'existing doors blocked up' and 'existing steps removed', however no details are provided. The internal courtyard has operated exclusively as a resident-only amenity for over 16 years. A condition is sought requiring all courtyard-facing

openings shall be permanently infilled, and no access, servicing, storage, circulation or operational staff use of the courtyard shall occur.

- In relation to waste management, a condition is sought requiring a fully enclosed internal commercial waste store shall be provided within the premises, and that the user of the residential bin stores shall be expressly prohibited.
- A condition limiting the use of the shop is sought restricting hot food preparation and takeaway service, and no expansion of the off-licence display area should be permitted.

7.5. Further Responses

None.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Dismissal of the appeal
- Principle of the Development
- Impact on local character and amenities

8.2 Dismissal of the appeal

8.2.1 The First Party requests that the appeal is dismissed on the basis that it is vexatious, without substance, and motivated by non-planning considerations.

8.2.2 I have no substantive information before me to consider if there is an anti-competitive nature to the appeal.

8.2.3 The appeal does raise planning matters that require consideration, and for this reason, I do not consider that the appeal should be dismissed under S138 of the Act.

8.3 Principle of the Development

- 8.3.1 The proposed development will bring back into use a vacant and generally unkempt part of the ground floor of an existing mixed-use primarily residential building in an established residential area.
- 8.3.2 The proposed development seeks to amalgamate up to 6no. retail units to provide a single convenience retail use with ancillary off-licence area and associated storage/plant room. It is proposed to be occupied by Tesco Express.
- 8.3.3 The proposed development is located on lands zoned Z3 Neighbourhood Centres. The proposed development is an acceptable use, and is of an acceptable scale, on Neighbourhood Centre zoned lands, and will significantly enhance the neighbourhood function, sense of place, and character of the site, providing additional local services for the existing, established population of the area.
- 8.3.4 It will also bring back into use a ground floor premises which has long been vacant, and will enliven what is currently inactive street frontage along this part of Reuben Street, and encourage an increase in footfall in a highly sustainable location.
- 8.3.5 It will also be a welcome use in the vicinity of the Fatima Luas stop.
- 8.3.6 In this context, the proposed development is fully supported by the provisions of the Retail Planning Guidelines 2012, the Z3 zoning objective, and policy objectives SC9, CCUV23, CCUV25, and CCUV27 of the Dublin City Development Plan 2022. It will support the principles of the 15 minute city, facilitates an active use, promotes and protects a designated Neighbourhood Centre, and provides a convenience retail use that will secure the vitality and viability of the area.
- 8.3.7 In addition, having regard to Section 4.1 of Appendix 2 of the Plan, the proposed development will provide an important anchor to secure the vitality and viability of an existing neighbourhood centre.
- 8.3.8 I further note that the proposed off licence is ancillary in nature, well under the maximum 10% threshold cited in section 15.14.8 of the Plan. The off licence element will not dominate the overall retail floorspace. I recommend that condition 6 that regulates the nature and extent of the ancillary off licence use is attached in the event that the Commission is minded to grant planning permission. I also agree with

the applicant's agent that the proximity to St. James's Hospital cannot be used as a valid ground of refusal.

8.3.9 In this respect, the proposed development is acceptable in principle, and complies with the applicable provisions of the Plan.

8.4 Impact on local character and amenities

8.4.1 The Third Party raises concerns that the proposed development is not in keeping with the character of the area, and that will significantly alter the visual landscape and detract from the distinctiveness of the area.

8.4.2 However, it is my opinion that the proposed development will contribute positively to the character of the area, and will ensure that a vacant ground floor premises will actually function as a neighbourhood centre as was originally envisaged in the parent permission, and as anticipated in the applicable policies of the Plan.

8.4.3 In relation to the visual amenities of the area, and in the context of Appendix 17 of Volume 2 of the Plan in relation to advertising and signage, I note that the Planning Authority has imposed a number of conditions to avoid any negative visual impact, and to ensure that the proposed development contributes positively to the streetscape, including the reduction/omission of signage/window coverings (condition no. 2); restriction on vinyl manifestations on the northern elevation and blocking of the windows to the north and west elevations (condition no. 5); restriction on the advertising of the sale of alcohol products (condition no. 6); and control of roller shutters (condition no. 7). I recommend the attachment of these conditions, in the event that the Commission is minded to grant planning permission.

8.4.4 The Third Party also raises concerns in relation to litter management. I note the general existing littered appearance of the area. I have also had regard to the concern raised in the observation on the appeal in relation to the use of residential bins for litter. I further note the concerns raised in relation to the potential for amenity impacts arising from general noise, deliveries, including the proposed loading bay, and storage of goods. I consider these to be valid concerns and having regard to policy objective SI32 of the Plan in relation to litter management and section 15.18.9 of the Plan in relation to noise, I recommend that an Operational Management Plan is submitted prior to the commencement of development for the written agreement

of the Planning Authority, and that this addresses operational issues including litter management, deliveries, nature and extent of the loading bay, management of trolleys, loading, and general storage, in the event that the Commission is minded to grant permission. I further recommend that a Waste Management Plan in respect of the amalgamated unit is also submitted prior to the commencement of development for the written agreement of the Planning Authority.

8.4.5 In further consideration of noise, the Planning Authority has attached a condition limiting the hours of operation of the proposed development. In the context of section 15.18.9 of the Plan, I recommend the attachment of a condition restricting hours of operation as recommended by the Planning Authority, in the event that the Commission is minded to grant planning permission.

8.4.6 In relation to the concerns regarding additional traffic generation, it is my opinion that the traffic generated by the proposed development will not be significant. Given its location, the proposed development will encourage local trips on foot. In this respect, it is noted that condition 8 attached to the grant of permission requires the retention of a minimum 2m wide footpath along James's Walk to maintain safe pedestrian movement. Pedestrian and cyclist safety formed a key part of the design process.

8.4.7 I also note the submission of TII, and in this respect, note the Planning Authority's attachment of a condition requiring liaison with TII prior to commencement of development to ascertain their requirements with regard the proposed works and the impact if any on the adjacent Red Line Luas Line. It is noted that the TII submission did not raise any concerns in relation to the impact of the proposed development on the Luas Line, therefore I do not consider that this condition is warranted in this instance.

8.4.8 I note the matter raised in the observation regarding the works to the existing elevation relative to the internal courtyard, however, I consider that these details are sufficiently annotated on the drawings and no condition in relation to them is required.

9.0 AA Screening

- 9.1. I have considered the amalgamation of the ground floor retail units to provide for a single retail unit and provision of a loading bay on the ground floor retail units, Block B, Reuben Street, Herberton Street, and James's Walk, Rialto, Dublin 8 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The proposed development site is c. 5.26km to the west of the South Dublin Bay and River Tolka SPA (Site Code: 004024), and the South Dublin Bay SAC (Site Code: 000210).
- 9.3 The proposed development will consist of the amalgamation of the ground floor retail units to provide for a single retail unit and provision of a loading bay on the ground floor retail units, Block B, Reuben Street, Herberton Street, and James's Walk, Rialto, Dublin 8.
- 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 River Tolka Estuary SPA (Site Code: 004024), and the South Dublin Bay SAC (Site Code: 000210) in view of the conservation objectives of these sites 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 subject site is located in an established residential environment at Reuben Street, Herberton Street and James's Walk, Rialto, Dublin 8. The nearest relevant water body is the Grand Canal Main Line (Liffey and Dublin Bay), code IE_09_AWB_GCMLE , c. 0.402km to the east, the status of which is Good'
- 10.2 The proposed development .will consist of the amalgamation of the ground floor retail units to provide for a single retail unit and provision of a loading bay on the ground floor retail units, Block B, Reuben Street, Herberton Street, and James's Walk, Rialto, Dublin 8.
- 10.3 No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of the amalgamation of the ground floor retail units to provide for a single retail unit and provision of a loading bay on the ground floor retail units, Block B, Reuben Street, Herberton Street, and James's Walk, Rialto, Dublin 8 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 the Commission grant permission for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the Retail Planning Guidelines 2012, the Z3 zoning objective, and policy objectives SC9, CCUV23, CCUV25, and CCUV27, and section 15.14.8, of the Dublin City Development Plan 2022, and to the pattern of existing and permitted development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development, which will bring back into use vacant ground floor units for a neighbourhood use in a sustainable location, is acceptable in terms of traffic safety and convenience, will not be seriously injurious to the amenities of the area, and is in the interests of the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application on 21 st August, 2025 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 with the agreed particulars.
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	Reason: In the interest of clarity
2.	<p>The Applicant shall provide the following details for the written agreement of the planning authority prior to commencement of development:</p> <p>(a) The Applicant shall provide details of a reduced proposed signage plan. Details of the materials, colour, lettering, depth and dimensions of the signage are required and the applicant is advised that proposals should have regard to Appendix 17 of the City Development Plan 2022 - 2028.</p> <p>(b) The proposed vinyl window coverings shall be omitted in their entirety.</p> <p>(c) The Applicant shall provide details of the high quality and durable material for the louvres proposed. Revised elevation drawings and the necessary documentation shown thereon shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of clarity, visual and residential amenity and the proper planning and to ensure the proposed development positively contributes to the streetscape.</p>
3.	<p>The hours of operation of the retail unit shall be</p> <ul style="list-style-type: none"> • 7am — 10pm Monday to Friday, • 8am -10pm Saturday and • 9am -10pm Sunday, unless otherwise agreed in writing with the Planning Authority. <p>Reason: In the interests of clarity, residential amenity and the proper planning.</p>
4.	a) No planning permission is hereby granted for the application of any vinyl manifestations to the north and west elevations. The glazing to all

	<p>windows on the elevations shall be kept free of all stickers, posters and advertisements.</p> <p>b) The internal configuration and fit out of the subject unit shall be arranged in such a manner so as to keep all internal shop fittings, including shelving etc away from windows along the northern and western elevations.</p> <p>Reason: In the interests of visual amenity and to ensure active frontage.</p>
5.	<p>The following shall apply in respect of the part off-licence:</p> <p>a) There shall be no advertising of the sale of alcohol products on the façade or frontage of the premises.</p> <p>b) There shall be no display of alcohol products or advertising of the sale of alcohol products on or near the entrance or the windows.</p> <p>(c) It shall operate only during the opening hours and operational lifetime of the retail shop unit.</p> <p>(d) The area for the display of alcohol products shall not make up more than 10% of the shop floor area.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
6.	<p>Any roller shutter and its casing shall be recessed behind glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. Any roller shutters shall be of the open lattice type and shall not be painted on site or left unpainted or used for any form of advertising.</p> <p>Reason: In the interests of visual amenity.</p>
7.	<p>A minimum 2m wide footpath shall be maintained in line with the existing footpath on the south side of James Walk, extending to the balconies.</p> <p>Reason: In the interests of road safety and orderly development.</p>
8.	<p>The site and building works required to implement the development shall only be carried out between the hours of:</p>

	<p>Mondays to Fridays - 7.00am to 6.00pm</p> <p>Saturday - 8.00 a.m. to 2.00pm Sundays and Public Holidays - No activity on site.</p> <p>Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.</p> <p>Reason: In order to safeguard the amenities of adjoining residential occupiers.</p>
9.	<p>Prior to the commencement of development, the applicant shall submit an Operational Management Plan for the written agreement of the Planning Authority. This shall address operational issues including litter management, deliveries (including hours of deliveries), nature and extent of the loading bay, management of trolleys, and general storage.</p> <p>Reason: In the interests of residential amenity.</p>
10.	<p>Prior to the commencement of development, the applicant shall submit a Waste Management Plan for the amalgamated unit for the written agreement of the Planning Authority.</p> <p>Reason: In the interests of residential amenity.</p>
11.	<p>During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest dwelling.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
12.	<p>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 and no surface water from the</p>

	<p>proposed development shall be allowed to discharge onto adjoining properties or the public road.</p> <p>Reason: In the interest of public health.</p>
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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

9th February, 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	ACP-500259-DS-25
Proposed Development Summary	the amalgamation of the ground floor retail units to provide for a single retail unit and provision of a loading bay on the ground floor retail units
Development Address	The ground floor retail units, Block B, Reuben Street, Herberton Street and James's Walk, Rialto, Dublin 8
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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> 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)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

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

Inspector: _____

Date: 9th February, 2026