

# CORPORATION OF DUBLIN

PLAN NO. <b>2845/78)</b> <b>2979/78</b>	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 & 1976 PLANNING REGISTER (Part I)		REGISTER REFERENCE <b>RA 2354</b> <b>2979/78</b>	
1. LOCATION	Whitehall Road, Rathfarnham, D.14		O.S. NO. ..... GRID REF. ....	
2. PROPOSED DEVELOPMENT	Extension & alterations to Dairy. <span style="font-size: 2em; vertical-align: middle;">S</span>		PREPARED BY: CH CHECKED BY:	
3. TYPE & DATE OF APPLICATION	TYPE <b>P&amp;BBL</b>	APPLICATION DATE <b>28-8-78</b>	Date Further Particulars: (a) Requested 1. <b>26-10-78</b> 2. .... 3. .... (b) Received 1. <b>4-1-79</b> 2. .... 3. ....	
4. SUBMITTED BY	Name <b>Philip N. Shaffrey &amp; Partners,</b> Address <b>18 Dartmouth Square North, Leeson Park, D.6.</b>			
5. APPLICANT	Name <b>Hughes Dairy Limited,</b> Address <b>Whitehall Road, Rathfarnham, Dublin 14.</b>			
6. DECISION	O.C.M. No. & DATE <b>P513.</b> <b>809.30-3-79</b> Date NOTIFIED <b>1-3-1979.</b> <b>30-3-1979.</b>		<b>DECISION DEFERRED</b> <b>EFFECT UNTIL 1st April, 1979.</b> <b>TO GRANT PERMISSION SUBJECT</b> <b>TO TEN (10) CONDITIONS (SEE</b> <b>OPPOSITE).</b>	
7. GRANT	O.C.M. No. & DATE Date NOTIFIED		EFFECT	
8. APPEAL	NOTIFICATION TO <b>19-11-79.</b> CORPORATION		Decision <b>PERMISSION GRANTED.</b> <b>(SEE OPPOSITE).</b>	
<b>DATE OF AN BOARD PLEA ANALAS DECISION:</b>				
9. APPLICATION SECTION 26 (3)	Date of <b>8th Feb. '80.</b> application		Decision	
10. COMPENSATION	Ref. in Compensation Register			
11. ENFORCEMENT	Ref. in Enforcement Register			
12. PURCHASE NOTICE				
13. REVOCATION or AMENDMENT	<b>THE ASSISTANT CITY MANAGER IN ACCORDANCE WITH</b> <b>SECTION 39(f) OF THE LOCAL GOVERNMENT (PLANNING &amp;</b> <b>DEVELOPMENT) ACT 1976 AMENDING SECTION 26(4)</b> <b>OF THE LOCAL GOVERNMENT (PLANNING &amp; DEVELOPMENT)</b> <b>ACT, 1963, THE PLANNING</b> <b>DATE OF ISSUE OF COPY</b> <b>AUTHORITY HAS EXTENDED UNTIL 1st April, 1979 the</b> <b>PERIOD FOR MAKING A</b> <b>DECISION ON THIS</b> <b>APPLICATION.</b>			
14.				
15.	CERTIFYING OFFICER .....			
16.	FINANCE OFFICER AND TREASURER'S RECEIPT NO.			

**RECOMMENDATION:**

I hereby endorse the recommendation of the

Decision Order No. **1804**

Date

**30 MAR 1979**

Development Control Assistant Grade 1/Planning Assistant Grade 1 : .....

Date:

**30.3.79**

TO GRANT

in respect of the Application received on

**CAK/CK**subject to **PERMISSION** conditions, for the development proposed in Plan No. ....**28.3.78**

Reg. No. ....

**2578/78**by Applicant **10**

of

**Maple Dairy Limited,****Whitewall Road, Rathfarnham, Dublin 14.**

namely to:

**Erect extension and carry out alterations to dairy at Whitewall Road,  
Rathfarnham, Dublin 14.**

Signed:

Assistant Principal Officer. Date:

**30/3****ORDER:** In accordance with the recommendation of the Assistant Principal Officer, I decide that having regard to the provisions which are included in the Development Plan, the above proposal would be consistent with proper planning and development and I, therefore, decide TO GRANT

therefor under the Local Government (Planning and Development) Act, 1963, subject to the following conditions imposed for the reasons stated;

**10**

Conditions	Reasons for Conditions
1. The development to be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.	To ensure that the development will be in accordance with the permission.
2. Before commencement of development, approval under the Building Bye-laws to be obtained and all conditions of the approval to be observed in the development.	To comply with the provisions of the Sanitary Services Acts 1878 to 1964.
3. The requirements of the Engineering Department to be complied with in the development.	To achieve a satisfactory standard of development.
4. Prior to commencement of development, the applicants shall consult with the Chief Fire Officer and shall ascertain and comply with his requirements (if any) in regard to the proposed development. Any material alterations to the proposed structures arising out of compliance with the Chief Fire Officer's requirements shall be the subject of a further planning application and a grant of planning permission shall be obtained prior to commencement of development.	To provide for a satisfactory standard of protection from fire.
5. Before commencement of the proposed development, the applicants shall consult with the Chief Health Inspector and shall ascertain and comply with his requirements, if any, in regard to the prevention of a health hazard in the development.	To ensure compliance with the relevant health regulations.
6. The proposed new retail chilled store and offices on the northern boundary of the site shall be developed in accordance with the plans submitted as a planning application under Plan No. 2286/77 lodged 4.7.77 and shall also	To prevent unauthorised development.

**Contd./over**

ASSISTANT CITY AND COUNTY MANAGER

*Approved Officer*

Date

to whom the appropriate powers have been delegated by Order of the City and County Manager dated.....day

of.....19.....



include the extension to proposed new canopy as indicated on Drawing No. 504/18A lodged 4.1.79 as part of this present application.

7. The areas indicated as additional car parking spaces, new wholesale parking and new retail vehicles parking area shall be reserved exclusively for such use.

8. 1) the noise level from within the boundary of the site shall not exceed 55dB(A) rated sound level at any point along the boundaries of the site or equivalent at any point outside the boundary between the hours of 0.800 and 1800. Outside these hours the level shall not exceed 45dB(A) rated sound level subject to the same conditions as stated above for noise levels between 0.800 and 1800 hours. Subjectively equivalent units deemed acceptable by the office of the Dublin Medical Officer of Health may be used in place of dB(A) units. These levels will be acceptable as complied with if the equivalent continuous sound levels rated as per the International Standards Organisation Recommendation R1996 do not exceed the specified levels over the noisiest two hour period between 0.800 and 1800 hours and the noisiest half hour period between 1800 and 0.800 hours. Furthermore, these levels must be complied with for all meteorological conditions except at points downwind of the plant where the mean wind for the relevant period measured at Casement Aerodrome exceeds 5.5 metres per second (11 knots). The developers shall install and maintain or arrange for the maintenance of such noise monitoring equipment as may be directed by the office of the Dublin Medical Officer of Health. The results of such monitoring would be made available also as directed by this office. No work connected with the implementation of this development shall be carried out outside the hours of 0.800 hours Monday to Friday except with the written consent of the Department of the Dublin Medical Officer of Health.

11) The final chimney height shall be 80' above ground level.

9. a) The development must be drained on the completely separate system (as shown on the lodged plans).

b) The total flow of industrial, trade or contaminated effluent from the whole dairy must not exceed 50 cumins.

c) The developers must provide a balancing tank (as referred to in Item 5, page 5 of Dublin City Council dated 13.3.79) in order to eliminate peaks in the discharge flow from the dairy in excess of 50 cumins. Details of the size, design and method of controlling the flow must be approved by the Corporation prior to commencement of any work on the alteration to the plant. Alternatively, the Corporation would be prepared to consider the laying of a new sewer to serve the dairy site on the basis of the developers making a financial contribution to be agreed with the Corporation before work commences on the alterations to the plant.

d) Details of the method of pH control must be discussed and agreed with the Corporation before implementation.

e) The amount of suspended solids in the effluent from the drains B and C must be limited to 500 mg/l by the provision of a tank with a scum board or other suitable methods.

f) The amount of grease/FAT to be discharged from the combined dairy drainage system must be limited to a maximum of 200 mg/l and settlement as to the method of control shall be agreed with the Corporation.

g) The maximum temperature of the effluent entering the sewer

To provide for adequate off-street parking within the curtilage of the site

To ensure compliance with the relevant health regulations.

To achieve a satisfactory standard of development.

Contd./

ASSISTANT CITY AND COUNTY MANAGER

DATE:

to whom appropriate powers have been delegated by Order of the Dublin City and County Manager dated 20th March, 1979

**CORPORATION OF DUBLIN**  
**Order of the Assistant City and County Manager**  
Local Government (Planning & Development) Act, 1963: Local Government (Dublin) Acts 1930-1955

20 MAR 1979

**RECOMMENDATION:**

Decision Order No. .... Date .....

I hereby endorse the recommendation of the  
Development Control Assistant Grade 1/Planning Assistant Grade 1 : ..... Date: .....

CAK/GK

30.3.79

**TO GRANT** ..... in respect of the Application received on .....

subject to ..... <sup>PERMISSION</sup> conditions, for the development proposed in Plan No. .... Reg. No. ....

28.5.78

2979/78

by Applicant <sup>10</sup> ..... of .....

namely to: **Hughes Dairy Limited, Whitehall Road, Rathfarnham, Dublin 14.**

**Erect extension and carry out alterations to dairy at Whitehall Road,  
Rathfarnham, Dublin 14.**

Signed: ..... Assistant Principal Officer. Date: .....

**ORDER:** In accordance with the recommendation of the Assistant Principal Officer, I decide that having regard to the provisions which are included in the Development Plan, the above proposal would be consistent with proper planning and development and I, therefore, decide **TO GRANT** ..... therefor under the Local Government (Planning and Development) Act, 1963 subject to the following <sup>PERMISSION</sup> conditions imposed for the reasons stated; **10**

Conditions

Reasons for Conditions

must not exceed 42° C.

h) No processing to start on foot of this proposal until a license for a discharge to a public sewer has been issued as provided in the Water Pollution Act 1977.

10. A belt of trees shall be provided as screening along the entire boundary of the site to Whitehall Road. The number and species of these trees shall be as dictated by the Parks Superintendent of the Corporation and, therefore, prior to commencement of the development, the applicants shall consult with the Parks Superintendent and ascertain and comply with his requirements in this regard.

*WR*  
in the interest of amenity.

ASSISTANT CITY AND COUNTY MANAGER

*Approved Officer*

Date .....

to whom the appropriate powers have been delegated by Order of the City and County Manager dated ..... day



Dublin County BoroughPlanning Register Reference Number: 2979/78

APPEAL by M. Walsh, of 91 Whitebarn Road, Churchtown, Dublin, and others against the decision made on the 30th day of March, 1979, by the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin deciding to grant subject to conditions a permission to Hughes Dairy Limited for development consisting of extensions to a dairy, a chill stores and a laboratory, the erection of an office over the existing canteen building, a new boiler house, bulk milk intake building and garage plus vehicle parking at Whitehall Road, Rathfarnham, in accordance with plans and particulars lodged with Dublin Corporation:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in column 1 of the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in column 2 of the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Provided the conditions set out in the Second Schedule hereto are complied with, the proposed development which represents a reasonable extension of an established use would accord with the proper planning and development of the area.

SECOND SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>1. The level of noise emanating from the site and measured at any point along the boundaries of the site shall not exceed 55 dB(A) rated sound level between 0800 and 1800 hours and shall not exceed 45 dB(A) rated sound level outside of those hours. Alternatively, the noise levels shall be regarded as complied with if the equivalent continuous sound levels rated as per the International Standards Organisation Recommendation R1996 do not exceed the specified levels over the noisiest two hour period between 0800 and 1800 hours and the noisiest half hour period between 1800 and 0800 hours. These levels must be complied with for all meteorological conditions except at points downwind of the plant when the main wind for the relevant period</p>	<p>1, 2, 3 and 4, In the interest of amenity and public health.</p>

SECONDND SCHEDULE CONTD

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>measured at Casement Aerodrome (or at the plant itself at the discretion of the planning authority) exceeds 5.5 metres per second (11 knots).</p> <p>2. As soon as possible and not later than three months after the commencement of the development the developer shall, at his own expense, install and maintain or arrange for the installation and maintenance of such noise monitoring equipment as may be specified by the planning authority and the planning authority shall have access to the results of such monitoring.</p> <p>3. The materials and finishes to be used in the development shall be such as to render the attainment of the noise levels set out in condition 1 of this order feasible.</p> <p>4. Work on the development shall be carried out between 0800 and 1800 hours, Monday to Friday inclusive, such work shall be carried out outside these hours only in exceptional circumstances and with the consent of the planning authority.</p> <p>5. The height of the boiler house chimneys shall be 80 feet above ground level.</p> <p>6.(a) A concrete kerb, not less than 9 inches in height, shall be provided along the western perimeter of the planted area provided for on the lodged plans along the boundary of the site with Whitebarn Road.</p> <p>(b) Additional trees shall be planted within the said planted area not later than twelve months after the commencement of the development. The number, species and maturity of the trees shall be as specified by the planning authority. Trees which die or become damaged or diseased shall be replaced immediately.</p> <p>7. The area indicated on the lodged plans as new retail vehicles parking area shall be reserved exclusively for such use. In particular, that area, (including the proposed asphalted areas between the individual vehicle spaces and the southern and eastern boundaries and the new garage)</p>	<p>5c. To control the emissions from the plant so as to minimise atmospheric pollution of the surrounding area.</p> <p>6. In the interests of the amenity of the adjoining residential properties.</p> <p>7. To protect the amenity of adjoining residential properties.</p>



SECOND SCHEDULE CONTD.

Column 1 - Conditions

Column 2 - Reasons for Conditions

shall not be used as part of the site traffic circulation system and to ensure that the area is not so used, a wall or other permanent barrier not less than eighteen inches in height shall be constructed between the southeastern corner of the proposed new garage and the southern boundary of the site, or at such other point or points as may be agreed with the planning authority

8. The entrance to the site from Whitebarn Road shall be used solely by retail vehicles and the developer shall take all reasonable steps (including if necessary the provision of a suitable barrier) to secure compliance with this requirement.

9. The areas indicated on the lodged plans as additional car parking spaces and new wholesale parking shall be reserved exclusively for such use.

10. No part of the development shall be used for the manufacture, assembly, maintenance, servicing or repair of vehicles other than those used or to be used for the purposes of the dairy business carried out on the site.

11. Work on the maintenance, servicing or repair of vehicles shall not be carried out in the open.

12. Derelict vehicles, used vehicle parts and scrap shall be removed from the site prior to the commencement of the development.

8. In the interests of residential amenity and road safety.

9. To provide for adequate and orderly parking within the site in the interests of safety and amenity.

10. To prevent overdevelopment of the site in the interests of amenity.

11. In the interests of the amenity of adjoining residential property.

12. To ensure that adequate space available on the site for the parking of vehicles.



BRENDAN O'DONOGHUE

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

Dated this 8<sup>th</sup> day of February 198