



An  
Bord  
Pleanála

## Inspector's Report ABP 306150-19

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<b>Development</b>	Removal of existing mezzanine level to unit no.29, amalgamation of retail unit nos. 28 and 29, and ancillary works.
<b>Location</b>	Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Dublin 22
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD19A/0309
<b>Applicant</b>	Liffey Valley Management Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellant</b>	Liffey Administration Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13/03/20
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

Unit Nos. 28 and 29 comprise two separate retail units located along the main mall of the Liffey Valley Shopping Centre. Unit no. 28 is currently vacant with No.29 occupied by a footwear retailer.

The Board is advised that there is a concurrent appeal under ref. ABP 306151-19 against the planning authority's decision to grant permission for the amalgamation of unit nos. 15 & 16 within the centre.

## 2.0 Proposed Development

The proposal entails:

- (1) Removal of an existing mezzanine level in unit no.29 previously granted under ref. SD06A/0713
- (2) Amalgamate unit nos. 28 and 29 to provide for 1 retail unit with a gross floor space of 380.7 sq.m.
- (3) Ancillary works

The works are required to accommodate end user operational requirements and to improve the quality of retail offering.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission for the above described development subject to 5 conditions addressing surface water, construction works and requirements in terms of signage.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report set out in the Record of Executive Business and Chief Executive's Order states that the proposed amalgamation of units is relatively minor in scale in the overall context of the Liffey Valley Centre. There is no objection to the reorganisation of units. A grant of permission subject to conditions recommended.

### 3.2.2. Other Technical Reports

Water services has no objection subject to conditions.

### 3.3. Prescribed Bodies

Irish Water has no objection subject to conditions.

### 3.4. Third Party Observations

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeal summarised in section 6 below.

## 4.0 Planning History

ABP 306151-19 – concurrent appeal against the planning authority's notification of decision to grant permission to amalgamate unit nos. 15 and 16 within the shopping centre.

As per the Council planner's report the following are noted:

SD06A/0713 – permission granted for new mezzanine floor to accommodate storage in unit no.29.

SD19A/0082 – permission granted for subdivision of Units 6-11 into units 6-7 and 8-11 with alterations and extension to floor area.

## 5.0 Policy Context

### 5.1. Development Plan

South Dublin County Development Plan 2016

The site is within an area zoned MRC the objective for which is to protect, improve and provide for the future development of a Major Retail Centre.

Liffey Valley Shopping Centre is level 2 on the Dublin Retail Hierarchy.

R4 Objective 1: to support Liffey Valley as a Major Retail Centre and allow for the growth of the existing shopping centre and complementary leisure, retail warehouse and commercial land uses.

R4 Objective 2: to support and facilitate consolidation of the quantum and quality of the retail offering at the Liffey Valley Major Retail Centre.

## 5.2. **Natural Heritage Designations**

None in the vicinity.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The 3<sup>rd</sup> party appeal by Liffey Administration Ltd., which notes the concurrent application under ref SD19A/0308 for amalgamation of units 15 and 16, can be summarised as follows:

- There are concerns that the proposed development would diminish the retail offering in the overall Liffey Valley Town Centre
- May set or contribute to a trend of larger retail units in the area which would be at the expense of smaller shops.
- The town centre needs variety in terms of retail offering. The proposal would be contrary to same.
- No details have been provided as to the prospective occupant or how the amalgamation is an improvement over that existing.

### 6.2. **Applicant Response**

The submission by Avison Young on behalf of the applicant can be summarised as follows:

- The Board is requested to deem the appeal vexatious.
- It is normal practice to amalgamate retail units that are part of a wider shopping centre.

- The amalgamation of the units will have no material impact on the range of retail, leisure and food and beverage uses.
- The proposal is in response to end user requirements and will ensure continued occupancy as opposed to the spaces becoming vacant and detracting from the overall centre.
- The proposal is fully aligned with that of a Level 2 centre in the retail hierarchy.

### 6.3. **Planning Authority Response**

The issues raised in the appeal have been covered in the planner's report.

### 6.4. **Observations**

None

## 7.0 **Assessment**

I note that the proposal is one of two appeals before the Board for amalgamation of units within the shopping centre. Concurrent appeal ref. ABP 306151-19 refers.

The Liffey Valley Shopping Centre is designated as level 2 in the retail hierarchy for Dublin and is zoned Major Retail Centre, the objective for which is to protect, improve and provide for its future development.

The shopping centre provides for a range of retail unit sizes which are supported by leisure and food/beverage outlets. The amalgamation of two units along the main mall to provide for one unit with a gross floor space of 380.7 sq.m, in addition to the removal of the mezzanine level in one of the units, entails a marginal increase in retail floorspace (5.4 sq.m.). No change to the shopfront onto the mall is proposed save with respect to the change to signage. It effectively provides for a reorganisation of retail floorspace to meet end user requirements. The identity of the end user is not a material planning consideration and is not necessary to allow for a proper assessment of the proposal. Any proposals for further amalgamation of units will be required to be subject of permission and assessment by the planning

authority in terms of compliance with the relevant policies and objectives that pertain to the centre.

I submit that the proposal would not adversely impact on the range of unit sizes or retail offer within what is a large shopping centre and would accord with the zoning provisions as detailed above. I therefore concur with the planning authority's notification of decision to grant permission.

I note that the provisions of the South Dublin Development Contribution Scheme 2016 – 2020 are applicable to the additional retail floorspace. A condition to this effect is therefore appropriate.

#### *Appropriate Assessment*

Having regard to the nature and scale of the proposed development it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

Grant permission for the above described development for the following reasons and considerations subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the zoning provisions for the site as set out in the current South Dublin County Development and the nature and extent of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact on the vitality and retail offer within the shopping centre and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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. No advertisement or advertisement structure shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

3. 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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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**March, 2020**