



An
Bord
Pleanála

Board Direction
PL06D.249380

The submissions on this file and the Inspector's report were considered at a Board meeting held on June 14th 2018.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- (a) The policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022 including the 'Neighbourhood Centre' zoning attributed to the site and the uses normally acceptable under this zoning and
- (b) The nature, scale and design of the proposed retail development,
- (c) The established use of the site for retail development,
- (d) The Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012;

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would comply with the scale and type of development identified for these lands in the applicable planning policy for the area, would not seriously injure the visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, that the construction of the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, Dalkey Islands SPA; Wicklow Mountains SPA; South Dublin Bay and River Tolka Estuary SPA; North Bull Island SPA; Rockabill to Dalkey Island SAC; Ballyman Glen SAC; Bray Head SAC; Knocksink Wood SAC; South Dublin Bay SAC; Wicklow, or on any other European sites, in view of their conservation objectives.

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 18th day of August 2017 and as submitted to An Bord Pleanála on the 9th day of November 2017, 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. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, samples shall be erected on site where required by the planning authority.

Reason: In the interest of the visual amenities of the area.

3. Prior to the commencement of the development, revised design proposals for the north eastern elevation of the discount foodstore to include revised finishes and materials and additional fenestration to the staircore, which breaks up the uniform appearance of this element of the elevation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. The opening of the proposed discount foodstore shall not take place until the overall permitted development has been constructed in its entirety on site.

Reason: In order to ensure the realisation of the Neighbourhood Centre zoning of the site and to avoid the piecemeal development of the site.

5. (a) Advertisement and corporate signage shall be as shown on the drawings submitted to the Planning Authority on the 18th day of August 2017, save the omission of the elevational signage on the northern (signage type No 5) and eastern elevation of the discount foodstore. The proposed signage to be fixed to the projecting canopies of the mixed use building shall be reduced to 3 no. signs only. Revised drawings showing compliance with this requirement shall be submitted to the planning authority for written agreement.

(b) No additional advertisement, advertisement structure, freestanding sign, or other projecting elements including flagpoles or banners, shall be erected or displayed on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

(c) No external security shutters shall be erected on any of the commercial/retail premises unless authorised by a further grant of planning permission.

(d) No adhesive material shall be affixed to the windows or the shopfronts.

Reason: In the interest of visual amenity.

6. (a) The landscaping scheme shown on drawings number 033416_LP_01 (Landscape Design Plan) as submitted to An Bord Pleanála on the 9th day of November, 2017 shall be carried out within the first planting season following

substantial completion of external construction works with the exception that cherry trees shall be replaced by Silver Birch. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(b) Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any tree which is damaged or dies shall be replaced with others of similar size and species.

Reason: In the interest of visual amenity.

7. (a) Prior to the commencement of development, full details of the required relocation of the existing retaining wall in accordance with 'Retaining Wall Along Shanganagh Road – Option 1 drawing no. 60521155-SHT-10-C-0104 to accommodate the future Shanganagh Road Improvement Scheme, to be carried out at the developer's expense, shall be agreed with the Planning Authority.

(b) The developer shall carry out at it's own expense the recommendations as submitted in Appendix B of the Quality Audit prepared by Aecom and submitted to the Planning Authority on the 18th day of August 2017.

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

8. The internal road network serving the proposed development, including turning bays, loading bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. Deliveries shall take place between the hours of 0600 and 2000 from Monday to Friday, between the hours of 0800 and 1800 on Saturdays and between the hours of 0800 and 1400 on Sundays, Bank Holidays and Public Holidays.

Deviation from these hours will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity.

10. The demolition of the building on site and 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 and off-site disposal of construction/demolition waste.

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

11. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

12. 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.

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

15. 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.

Board Member

Date: 14.06.18

Paul Hyde