



An  
Bord  
Pleanála

**Board Order**  
**PL 06D.249380**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Dun Laoghaire-Rathdown County.**

**Planning Register Reference Number: D17A/0426.**

**Appeal** by Simone Janssens of “Lisnalurg”, Corbawn Lane, Shankill, Dublin and by Corbawn Area Residents’ Association care of Hilary Lynch of 37 Corbawn Drive, Dublin against the decision made on the 14<sup>th</sup> day of September, 2017 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Lidl Ireland GmbH care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development comprising the demolition of an existing building and the construction of a mixed-use development comprising a two-storey building to accommodate a discount food store (supermarket) and ancillary off-license at first floor level, undercroft parking at ground floor level and green roof. The proposal also includes the construction of a two-storey café, pharmacy, medical centre, a single-storey crèche and a single-storey electrical substation and switch room building, all on a 1.019 hectares’ site. The proposed development will comprise the following elements: (i) demolition of the existing building on site (circa 3,173 square metres); (ii) two-storey unit to accommodate a discount food store (circa 2,772.7 square metres), entrance (circa 250 square metres), emergency exit stairs, customer stairs, customer WC, customer lobby and lift (combined circa 75.4 square metres) and undercroft parking (2,211 square metres) with a maximum

height of circa 11 metres, including; a net sales floor area of circa 1,573 square metres, 1 number entrance (circa 250 square metres), exit corridor (circa 10.8 square metres), bakery (circa 82.8 square metres), freezer and cooler (combined circa 99.3 square metres), check out area (circa 163 square metres), warehouse (circa 322.3 square metres), office (circa 10.3 square metres), lobby (circa 15.4 square metres), IT room (circa 13 square metres), lift (circa 11.3 square metres) and WC (combined circa 6.2 square metres), canteen (circa 40.7 square metres), meeting room (circa 19 square metres) and locker room/shower area (combined circa 29 square metres) with 67 number undercroft parking spaces; (iii) two-storey unit comprising café, pharmacy and medical centre (combined circa 609 square metres) with a maximum height of circa 9.2 metres comprising: i. Café - entrance lobby (circa 4.9 square metres), bar area (circa 13.8 square metres), café area (114 square metres), kitchen (circa 11.8 square metres), WC facility, rooms (circa 4.5 square metres), mezzanine (circa 46.4 square metres) and stairs (circa 8.4 square metres); ii. Pharmacy - Sales area (circa 91 square metres), desk (circa 33.6 square metres), Lobby area (combined circa 7.7 square metres), WC facilities (circa 4.5 square metres) and meeting room (circa 5.2 square metres); and iii. Medical Centre - reception (circa 47.9 square metres), lobby area and stairs (combined circa 36 square metres), WC facilities (combined circa 13.2 square metres), lift (circa 4.5 square metres), waiting room (circa 31 square metres), administration area (circa 16 square metres), Kitchen (circa 7 square metres), storage (combined circa 16 square metres), corridor (circa 11 square metres) and 4 number consulting rooms (combined circa 90 square metres), (iv) single-storey crèche (circa 323.3 square metres) with a maximum height of circa 4.8 metres comprising: main hall (circa 56.3 square metres), corridor area (circa 18.6 square metres), 4 number care area (combined circa 159 square metres), staff room (circa 30.2 square metres), manager's room (circa 15.4 square metres), laundry (circa 7 square metres), storage (circa 3.5 square metres), compound (circa 7 square metres), WC facilities (combined circa 26 square metres); (v) single-storey electrical substation and switch room (circa 25.9 square metres) with a maximum height of circa 3.5 metres; (vi) The proposed development also provides for surface level car parking (79 number spaces), and bicycle parking (58 number spaces), motorcycle parking (6 number spaces), external loading bay (circa 139 square metres), delivery area (circa 30

square metres), external plant room (circa 42 square metres), 18 number advertising signs (total area circa 88.75 square metres), retaining walls, bin storage areas, hard and soft landscaping, lighting, attenuation and drainage works and all ancillary site development works Shankill Shopping Centre, Corbawn Lane, Dublin as amended by the revised public notice received by the planning authority on the 18<sup>th</sup> day of August, 2017.

## **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**

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, therefore, concluded that, having regard to the nature, location and scale of the subject development, the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on Dalkey Islands Special Protection Area (Site Code 004172), Wicklow Mountains Special Protection Area (Site Code 004040), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), North Bull Island Special Protection Area (Site Code 004006), Rockabill to Dalkey Island Special Area of Conservation (Site Code 003000), Ballyman Glen Special Area of Conservation (Site Code 000713), Bray Head Special Area of Conservation (Site Code 000714), Knocksink Wood Special Area of Conservation (Site Code 000725), South Dublin Bay Special Area of Conservation (Site Code 000210), or on any other European sites, in view of their conservation objectives and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

## 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 by the further plans and particulars received by 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 food store to include revised finishes and materials and additional fenestration to the stair core, 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 food store 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, except that the elevational signage on the northern (signage type number 5) and eastern elevation of the discount food store shall be omitted. The proposed signage to be fixed to the projecting canopies of the mixed use building shall be reduced to 3 number signs only. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (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 drawing 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 number 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 recommendations as set out in Appendix B of the Quality Audit prepared by Aecom and submitted to the planning authority on the 18<sup>th</sup> day of August, 2017 shall be carried out at the developer's expense.

**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 interests 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 interest 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, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests 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.

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

**Dated this          day of                                  2018**