



---

**Planning and Development Acts 2000 to 2017**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD17A/0209**

**Appeal** by Bryant Park QIAIF ICAV care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 4<sup>th</sup> day of December, 2017 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a retail warehouse unit with an overall height of 8.6 metres and a total gross floor area of 2,404 square metres to be located adjacent to Unit 7 in the north-west of Belgard Retail Park. This includes 1,409 square metres of retail warehouse floorspace at ground floor level and 995 square metres of retail warehouse/storage space at mezzanine level. The proposal includes signage for the unit and a service area to the rear.

Demolition of the existing 16 square metre single storey access building to the below ground pumphouse room located beside the sprinkler tanks (to be retained), and its replacement with a new standalone above ground pumphouse along the eastern boundary of the site measuring 22 square metres.

Removal of 82 number existing public and staff car parking spaces, the repositioning of 10 number car parking spaces repositioned to the eastern boundary and the provision of 11 number new car parking spaces located at the northern boundary to the rear of the proposed unit. The proposal includes cycle parking, landscaping and all associated site works. All at Belgard Retail Park, Belgard Road, Tallaght, Dublin.

## **Decision**

**Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 1(ii) and the reason therefor.**

## **Reasons and Considerations**

Having regard to:

- (a) the provisions of the South Dublin County Development Plan 2016-2022,
- (b) the Guidelines for Planning Authorities: Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012,
- (c) the planning history of the site,
- (d) the nature, scale and location of the development proposed, and
- (e) the pattern of development in the area,

the Board did not consider that particular circumstances arose that would necessitate the restriction of use of the mezzanine floor for storage purposes only.

## **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.

---

**Paul Hyde**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2018.**