



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19A/0309

Appeal by Liffey Administration Limited of Hambleden House, 19/26 Pembroke Street Lower, Dublin against the decision made on the 15th day of November, 2019 by South Dublin County Council to grant subject to conditions a permission to Liffey Valley Management Limited care of Avison Young of 4th Floor, 2-4 Merrion Row, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (i) The removal of an existing mezzanine level in unit number 29 previously granted under register reference SD06A/0713, (ii) the amalgamation of retail unit number 28 (200.8 square metres gross floor area) with retail number 29 (174.5 square metres gross floor area) to provide for one retail unit of 380.7 square metres gross floor area and (iii) all ancillary site services and site development works including the removal of internal fixtures and fittings at Unit numbers 28 and 29 Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Dublin.

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 the zoning provisions for the site as set out in the current South Dublin County Development Plan and the nature and extent of the proposed development, the Board 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.

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.

Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.