



An  
Bord  
Pleanála

## Inspector's Report ABP-300541-18

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<b>Development</b>	Retail warehouse unit, signage, demolition of building, new standalone pumphouse, removal of 82 parking spaces, repositioning of 10 car parking spaces, 11 new car parking spaces, cycle parking, landscaping and associated site works.
<b>Location</b>	Belgard Retail Park, Belgard Road, Tallaght, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD17A/0209
<b>Applicant(s)</b>	Byrant Park QIAIF ICAV
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Byrant Park QIAIF ICAV
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> March 2018
<b>Inspector</b>	Ciara Kellett

## 1.0 Site Location and Description

- 1.1. The site is located within the Belgard Retail Park, which is located in Tallaght, Dublin 24. The Retail Park is located to the west of the Belgard Road (the R113) and is c.1km north of Tallaght Town Centre. The Retail Park currently comprises seven Retail Units laid out in an L shape. Surface car parking lies to the front of the units. Pedestrian access is provided off the Belgard Road, which forms the eastern boundary of the site. Vehicular access is to the south of the site. Various industrial units form the western boundary. A small number of residential dwellings form the northern boundary along Colbert's Fort road. The rear gardens of the Colbert's Fort dwellings adjoin the site boundary.
- 1.2. An overflow car park and turning circle are located to the very north of the site but are currently not accessible to the public. A tyre outlet lies to the east as well as a fast food outlet both within the Retail Park boundary, but neither of these units are directly connected to the seven units.
- 1.3. The area within the red line boundary is located to the north of the Retail Park on an area where there is currently a mix of car parking and landscaping.
- 1.4. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. It is proposed to develop a standalone retail unit adjacent to unit no.7 (the most northerly unit) currently occupied by "Right Style", which would effectively create a U shape layout. The proposed area of the unit is 2,404sq.m with an overall height of 8.6m. A mezzanine floor is proposed which results in 1,409sq.m of retail floorspace at ground floor level and 995sq.m of retail/storage space at mezzanine level. The façade of the unit will be similar to the existing units.
- 2.2. The proposal includes for the demolition of the existing 16sq.m single storey access building to the below ground pumphouse, located beside the sprinkler tanks (to be retained), and its replacement with a new standalone above ground pumphouse along the eastern boundary measuring 22sq.m.
- 2.3. There will be resultant changes to the parking layout. It is proposed to remove 82 no. spaces, reposition 10 no. spaces to the east and the provision of 11 no. spaces to

the rear of the proposed unit. Cycle parking, landscaping and associated works are also proposed.

- 2.4. A Planning Report, Design Statement, Engineering Report and a Parking and Access Assessment accompanied the application.
- 2.5. Following the Request for Further Information, a Retail Impact Statement, a Transport Impact Assessment, a Noise Impact Assessment, Landscape Masterplan, Energy Statement, Drainage drawings and a Construction and Demolition Waste Management Plan were submitted. As a result of landscaping the number of car parking spaces is reduced.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority decided to grant permission subject to 16 no. conditions. Conditions of note include 1(ii), which is being appealed by the applicant. The full wording of Condition no.1 is as follows:

- (i) *The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 10/11/2017, save as may be required by the other conditions attached hereto.*
- (ii) *The proposed mezzanine floorspace shall be used solely for storage purposes and shall not be used for the display or sale of goods, without the prior consent of the Planning Authority.*
- (iii) *The range of goods sold in the retail unit shall be restricted to bulky household goods and goods generally sold in bulk, including carpets and floor coverings, furniture, electrical goods, computers, DIY items including building materials and garden equipment. The retail unit shall not be principally used for the sale of clothing, footwear or sportswear.*

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

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. In summary, it includes:

- Site is zoned 'REGEN – To facilitate enterprise and/or residential led regeneration' and Retail Warehousing is 'Open for Consideration'.
- Notes that the County Development Plan requires the submission of a Retail Impact Assessment for all major retail proposals exceeding 1,000sq.m. Considers this is pertinent given the importance of ensuring the vitality and viability of the Tallaght Town Centre. States that a Retail Impact Assessment should be requested by way of Further Information.
- Notes that the County Development Plan has a series of significantly robust policies that aim to protect the Core Retail Area of Tallaght.
- Notes the Plan identifies Tallaght as a County Town and as a Level 2 Retail Centre and the *Retail Strategy for the Greater Dublin Area* also identifies Tallaght as a Level 2 Retail Town Centre.
- Notes that the Planning Authority has refused permission for mezzanine levels within the units in the Belgard Retail Park. Considers it appropriate that a condition is attached to omit the mezzanine.
- Notes that the historic growth of commercial and industrial areas around Colbert's Fort residential estate has resulted in it becoming an isolated residential enclave. Protection of visual and residential amenity is of paramount importance. Considers that there will not be a significant negative impact having regard to a number of factors including distance from boundary, rear garden depth, height proposed not excessive and mature trees along boundary.
- Notes Roads Department has no objection to reduction in car parking spaces but notes that the Plan requires the submission of a Transport Impact Assessment for retail proposals over 1,000sq.m, which should be requested by way of Further Information.

- Considers provision of three signs to be excessive and applicant should be requested to submit revised drawings.
- Notes no Energy Statement, Lighting layout, Landscape Plan, Noise Impact Assessment, or Services Reports were submitted.
- Considers that there are a number of outstanding issues and requests Further Information.
- Following the response to the request for Further Information, the Planner considers that the proposed development would not diminish or reduce the vitality of viability of the Tallaght Town Centre.
- Notes Roads Department recommend Clarification of Further Information and conditions to be attached should permission be granted. Planner however considers applicant adequately addressed the Traffic request.
- Considers all other issues have been addressed including signage, lighting, improved landscaping and reduction in car parking spaces.
- Concludes that the Planning Authority consider it paramount to monitor the quantum of floorspace used for sale of bulky goods within the Retail Park, and consider it reasonable to attach a condition to limit the use of the mezzanine floor for storage purposes only.
- Recommends permission is granted subject to conditions.

The decision was in accordance with the Planners recommendations.

### 3.2.2. Other Technical Reports

- **Water Services Section:** Following response to Further Information, no objection subject to conditions.
- **Parks Department:** No report on file.
- **Public Lighting:** No report on file.
- **Roads Department:** Clarification of Further Information requested.
- **Waste Management:** No report on file.
- **EHO:** No report on file

### 3.3. Prescribed Bodies

- **Irish Water:** Following response to Further Information, no objection subject to conditions.

### 3.4. Third Party Observations

There were two submissions – both from residents of Colbert’s Fort. Issues raised include: building impinges on dwellings in Colbert’s Fort; removal of car parking spaces will add to the car parking problem that already exists; development will exasperate issues at the Burger King Drive-Thru; traffic issues on Belgard Road; noise from pumphouse already a problem; trees have taken 12 years to mature and it is proposed to remove them; and, the development will seriously interfere with use and enjoyment of property.

## 4.0 Planning History

There is an extensive planning history associated with the overall Retail Park.

*Parent Permission:*

- **Reg. Ref. S00A/0542:** This is the original parent permission granted in January 2001 for the development of 14,530sq.m of Retail Warehousing with surface parking for 541 cars. Condition no.1 required that all mezzanine floors were to be omitted. The reason for the condition is noted as being to ensure continued vitality and viability of existing comparison shopping in Tallaght Town Centre.
- *Subsequent applications of note in chronological order:*
- **SDCC Reg. Ref. SD07A/0135:** Permission was refused by the Planning Authority in April 2007 for a new mezzanine floor of 526sq.m. in Unit no.1 (Homestore & More). It was refused as the Planning Authority considered that the type of goods to be sold should more properly be sold in the Core Area, as only 15% of the range of goods sold comprise bulky goods. It was also refused permission on the basis that it would be premature pending the outcome of the implementation of objectives for the Cookstown South precinct in the Local Area Plan.

- **ABP Ref. PL06S.219511 & SDCC Reg. Ref. SD06A/0493:** Permission granted by the Board in March 2007 for a new two storey retail warehouse (971sq.m) within the Retail Park. Condition no.3 of the Planning Authority decision omitted a mezzanine floor. This condition was not appealed to the Board - Conditions no's. 4 & 5 only were appealed to the Board with respect to the type of goods to be sold i.e. bulky goods. The Board upheld the conditions of the Planning Authority.
- **ABP Ref. PL06S.218546 & SDCC Reg. Ref. SD06A/0312:** Unit no.6 sought permission to construct an internal mezzanine level (477sq.m) and internal alterations. The Board on appeal granted permission in November 2006 having regard to the planning history of the site, acceptable provision of parking, and that the proposal would be acceptable in terms of intensification of use. This is occupied by Halfords and the mezzanine floor is used for retail purposes.
- **SDCC Reg. Ref. SD06A/0274:** Permission was refused in June 2006 for a new mezzanine floor for shop display and storage in Unit no.2. The Planning Authority considered that the area of the mezzanine at 656sq.m constituted unacceptable intensification of the existing use on the site.
- **SDCC Reg. Ref. SD04A/0323:** Permission was granted in September 2004 for 2 no. new mezzanine floors in Unit no.1 for office and storage use only.
- **SDCC Reg. Ref. SD03A/0917:** Permission was granted in August 2004 for a mezzanine level within Unit no.4 for retail and storage uses of 348.2sq.m. The Planner's Report notes that the original parent permission noted the floorspace as being 14,530sq.m but that with the removal of the mezzanines in Condition no.1 of that permission, overall floor area is 11,736sq.m.

## 5.0 Policy Context

### 5.1. Project Ireland 2040: National Planning Framework

- 5.1.1. In the recently adopted National Planning Framework, the 'Hierarchy of Settlements and Related Infrastructure' chart on p.83 indicates that Retail Warehousing, as well as shopping centres and restaurants are located within Large Towns. The Framework describes large towns having a population of more than 10,000 people or more than 2,500 jobs. Tallaght is one such large town.

## 5.2. Guidelines for Planning Authorities: Retail Planning 2012

5.2.1. Section 2.4.2 of the Guidelines states that the Retail Warehouse floorspace cap is 6,000sq.m.

5.2.2. Section 4.11.2 refers to Retail Parks and Retail Warehouses. It states:

*There are benefits to be gained in grouping retail warehouses in retail parks so that the number of trips by car are minimised. The parks are generally located at out-of-centre locations to facilitate access by car. These locations may also provide relief to congested city or town centres.*

*However, because the number of retail parks has grown substantially over the past decade, reaching saturation point in some areas, leading to vacancy in some cases, and also because of the blurring of the definition of the goods permitted to be sold in these parks, it is appropriate to reassess the impact of such developments.*

And

*For these reasons there should, in general, be a presumption against further development of out-of-town retail parks.*

## 5.3. South Dublin County Development Plan 2016 - 2022

5.3.1. Chapter 5 of the Plan refers to Urban Centres and Retailing, and Chapter 11 refers to Implementation.

5.3.2. Section 5.1.1 of Chapter 5 refers to Town Centres. Tallaght is identified as the primary urban centre in the county. Table 5.1 identifies Tallaght as a Level 2 centre in terms of retail hierarchy. Section 5.3.0 states that an increasing population will 'provide a significant increase in retail expenditure and require additional floor space to accommodate the needs of the future population'.

Retail policy **R1 Objective 3** states:

*To support new retail provision in the County to meet the needs of the County's population and to direct new retail floor space into designated retail centres in accordance with the County Retail Hierarchy, so that centres can maintain and expand their retail offer.*



**R1 Objective 5** states:

*To assess and monitor the vitality and viability of town, major retail, district and village centres.*

The Core Retail Area of Tallaght is identified in Figure 5.4. The subject site is not located within the core.

Section 5.7.0 specifically refers to Retail Warehousing and Retail Parks.

**R9 Objective 1** states:

*To direct Retail Warehousing into lands designated with Major Retail Centre 'MRC' Zoning Objective and Retail Warehousing 'RW' Zoning Objective and to limit new retail warehousing/retail park floor space outside of these areas.*

**R9 Objective 2** states:

*To ensure that retail warehousing development would not adversely impact on the vitality and viability of established retail centres and retail warehousing cores in the County, in accordance with the Retail Planning Guidelines for Planning Authorities 2012.*

5.3.3. Table 11.4 lists use classes related to the zoning objective. Retail Warehousing is 'Open for Consideration' in REGEN zoned areas.

#### **5.4. Tallaght Town Centre Local Area Plan**

5.4.1. The Draft Local Area Plan (LAP) for Tallaght Town Centre is noted as being currently under preparation as of March 2018. The Tallaght Town Centre Plan was adopted in 2006 and extended in 2011. It has expired but provides some relevant information.

5.4.2. Section 4.7 of the 2006 LAP, provides a framework for the Cookstown South area – the subject site is located within this framework. Section 4.7.3 refers to future land uses:

*The area is ideally positioned on the northern side of the Core Area to provide a quieter residential enclave that is supplemented by commercial development.*

*Commercial uses could comprise offices, as well as shops and services that serve the local population.*

*More intensive commercial and residential development may be appropriate fronting Belgard Road and sites adjacent to the junction of Cookstown Road and Fourth Avenue.*

*The expansion of existing commercial and other nonresidential uses may be acceptable provided there will not be a negative impact on the amenities of existing and future residents.*

## 5.5. Natural Heritage Designations

The Glenasmole Valley SAC (Site Code 001209) is c.5km south of the site. The Wicklow Mountains SAC (Site Code 002122) is c. 8km south and the Wicklow Mountains SPA (Site Code 004040) is c. 9km south.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first party appeal is in respect of Condition no. 1(ii) of the Planning Authority decision. The applicant states that they are submitting the appeal under Section 139(1)(b) of the Planning and Development Act, 2000, as amended. In summary, it states:

- Note that no concerns were raised in the Further Information request in respect of the use of the mezzanine floor for retail purposes, including an element of storage.
- Consider that the Retail Impact Assessment (RIA) submitted at Further Information stage demonstrates that there is sufficient capacity to cater for the quantum of additional floorspace proposed. Consider that this has been accepted by the Planning Authority as the Planner states that the submission of the RIA demonstrates that '*location of additional retail warehousing/bulky goods retailing within the existing Retail Park would not have a material impact on the existing and proposed retail warehousing developments within the area*'. The Planning Authority accept that there is sufficient capacity to cater for the quantum of retail floorspace proposed. It is submitted that there is no reasoned justification for the condition.

- With respect to the accepted 80:20 ratio, the net retail floor area is 1,932.2sq.m. The implications of condition no.1 (ii) is the net retail floor area is reduced to 1,409sq.m not allowing for any storage on ground floor with a storage area of 995sq.m at first floor which is commercially impractical.
- Consider the condition overly restrictive and threatens the viability of the scheme. The existing Retail Park is considered to be a healthy retail centre with no vacant units.
- The proposal as set out in the Planner's Report, is designed to accommodate retail warehousing only and will not interfere or compete with the Tallaght Town Centre, and will therefore not adversely affect the vitality or viability of the town centre.
- Refers to the rationale for imposing the condition, whereby the Planner refers to Condition no.1 of the parent permission (Reg. Ref. S00A/0542), which omitted all mezzanine floors. Submits that this restriction on mezzanine floors is no longer appropriate. Parent permission was assessed under the 1998 Development Plan. The Belgard Retail Park was zoned for employment uses, which was more restrictive and condition no.1 was imposed in the context of a very different surrounding built environment.
- Refer the Board to a previous Board decision that overturned the Planning Authority's decision to refuse permission for a mezzanine floor (ABP Ref. PL06S.218546) and the Inspector's Report therein. The Inspector's Report states that the condition did not necessarily preclude an application for the re-introduction of mezzanine levels within an altered context.
- Reference is made to the precedent for mezzanine floors within Belgard Retail Park. Consider precedence is set under Reg. Ref. SD03A/0917, SD06A/0312 and ABP Ref. PL06S.218546. Consider the majority of modern Retail Parks include mezzanine levels.
- Reference is made to other permissions which have been granted for similar mezzanine floor developments in Liffey Valley, Carrickmines, and Coolock.

- Note that there are no specific policies or objectives in the Development Plan or the Retail Planning Guidelines which restrict the provision of mezzanine floors for sales purposes.

## 6.2. **Planning Authority Response**

The Planning Authority responded confirming its decision and consider the issues raised in the appeal have been addressed in the Planner's Report.

## 7.0 **Assessment**

The first party has appealed Condition no.1 (ii) only. Having regard to the facts that the Belgard Retail Park is a well established Retail Park, Retail Warehousing is open for consideration in this location, and there were no third party appeals against the decision of the Planning Authority to grant permission, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition no.1(ii). The issue of Appropriate Assessment also needs to be addressed.

### 7.1. **Condition no.1 (ii)**

- 7.1.1. Condition no.1(ii) requires that the mezzanine is used for storage purposes only. Condition no.1(iii) restricts the sale of goods to bulky and household items only. Thus, the condition no.1(ii) can be assessed in the context of retail warehousing and not as competition to more traditional comparison shopping (i.e. type of retailing provided for in the The Square and Tallaght Town Centre).
- 7.1.2. At the heart of this appeal is the quantity of retail floorspace proposed. I note that the Planning Authority consider that the principle of a new retail warehouse in this location is acceptable and accordingly granted permission. Following the response to the Further Information request, the Planner's Report concludes that the location of an additional retailing unit within the existing Retail Park would not have a material impact on the existing and proposed retail warehousing developments within the

area. The Planner's Report further states that it is not considered that it '*would diminish or reduce the vitality and viability of Tallaght Town Centre*'. There is no reference to the quantity of floorspace proposed at this point in the Report. This is raised at the conclusions where it is stated that the Planning Authority consider it paramount to monitor the quantum of floorspace used for the sale of bulky goods within the Retail Park and hence, consider it appropriate to attach the condition to limit the use of the mezzanine for storage purposes only.

7.1.3. To determine the applicant's request to omit the condition, I am of the view that there are a number of different elements to be considered: the Retail Impact Assessment to assess the proposal quantitatively; the relevant Policy documents for compliance with policies and objectives for the area; and, the Planning History of the site. I will address each in turn below.

#### 7.1.4. *Retail Impact Assessment*

As part of the response to the request for Further Information, the applicant submitted a Retail Impact Assessment (RIA). As noted in the applicant's document a quantitative retail impact appraisal can only provide a broad-brush indication of the likely retail impact of a proposed development. Notwithstanding this, the document indicates that the proposed development would account for 0.4% of total available comparison expenditure and 2.05% of the bulky goods expenditure within the catchment area in 2021. It concludes that the proposed development will not lead to any material retail impacts having regard to its town centre location and limited scale when compared with existing floorspace.

The quantity of floorspace proposed at 2,404sq.m (net 1,923.20sq.m) is significant. The parent application sought permission for 14,530sq.m of floorspace. As noted above in Section 4 Planning History, this was reduced to 11,736sq.m by the omission of the mezzanine floors throughout. Since that original permission, there have been a number of applications to include mezzanine floors, which have been met with mixed results (see 7.1.6 below).

I visited all the units during my site visit and only one unit appears to have a mezzanine floorspace open to the public. This is Halfords in Unit no.6. A large number of bicycles are stored on the mezzanine floor (ABP Ref. PL06S.218546).

I note permission was granted for a new Retail Unit which was never constructed (ABP Ref. PL06S.219511). This was for 971sq.m of retail floorspace.

The RIA has assessed the development quantitatively and has considered the main retail facilities within the catchment area of the subject site. It concludes that there is sufficient capacity to allow successful trading of all existing development as well as the proposed unit.

The RIA states that population growth is likely to continue within the catchment area and there will be significant growth in expenditure up to the design year and beyond. It states that there is continued demand for additional retail warehousing in South Dublin.

I am satisfied with the quantitative conclusions of the RIA. I accept that it can only provide a broad-brush assessment, but when consideration is given to the fact that there has been very little development of retail warehousing since the last application (2007) and the population, and therefore expenditure, is set to grow into the future, I am satisfied that the proposal to develop 2,404sq.m is acceptable. I also note that the floorspace of the Retail Park remains less than the original proposal of 14,530sq.m of the parent permission. Having regard to these facts, I do not consider the omission of the mezzanine floor to be justified from a quantitative viewpoint.

#### 7.1.5. *Policy Support*

I noted during my site visit that the Retail Park is currently in a healthy state with no vacant units. Tallaght is considered a Level 2 centre in terms of the retail hierarchy. Section 5.3.0 of the Development Plan states that an increasing population will *'provide a significant increase in retail expenditure and require additional floor space to accommodate the needs of the future population'*. I consider it appropriate that the additional future floorspace required to accommodate the needs of the future population is provided within established retail centres such as the Belgard Retail Park, and consolidated within the Level 2 centre. This is fully in accordance with **R1 Objective 3** of the Development Plan which seeks *To support new retail provision in the County to meet the needs of the County's population and to direct new retail floor space into designated retail centres in accordance with the County Retail Hierarchy, so that centres can maintain and expand their retail offer.*

Whilst the new Tallaght Plan is at Draft stage, the expired Plan with respect to the framework for the Cookstown South area states that *More intensive commercial and residential development may be appropriate fronting Belgard Road*. The Retail Park fronts Belgard Road.

The Retail Planning Guidelines state '*There are benefits to be gained in grouping retail warehouses in retail parks so that the number of trips by car are minimised*'. The Guidelines further state that '*there should, in general, be a presumption against further development of out-of-town retail parks*'. Having regard to the fact that the proposal will consolidate the group of retail warehouses, in an area just north of the core retail area, I am satisfied that the subject site is the correct location for new floorspace from a policy perspective.

To conclude, I consider that the expansion of the Retail Park, and the provision of the mezzanine floorspace for retail and storage purposes in Belgard Retail Park is fully in accordance with the Retail Planning Guidelines, policy R1 Objective 3 of the County Development Plan, and the objectives for the area contained within the Tallaght Plan, albeit it is now expired. I do not consider that the inclusion of the mezzanine floor would be contrary to the policies and objectives contained therein.

#### 7.1.6. *Planning History and Previous Board Decisions*

The applicant, as part of the appeal against the condition, refers to the planning history of the site (See Section 4 above). Whilst there has been no development since 2007, I note that a number of the previous applications to retrofit mezzanines into the existing units met with mixed results.

The Board granted permission in November 2006, following the Planning Authority's decision to refuse permission, for a mezzanine within Unit no.6 (Halford's) having regard to the planning history of the site, acceptable provision of parking, and that the proposal would be acceptable in terms of intensification of use.

In 2004, the Planning Authority granted permission for a mezzanine floor in unit no. 4. That Planner's Report notes that the original parent permission recorded the floorspace of the overall development as being 14,530sq.m, but that with the removal of the mezzanines in Condition no.1 of the parent permission, the overall floor area is c. 11,736sq.m.

Furthermore, I note that a new retail unit was granted permission in 2007. This unit was never built. The overall floorspace appears not to have increased significantly since that time (based on planning history).

I acknowledge that the mezzanines granted permission by the Board and the Planning Authority were smaller than the current proposal, however, having regard to the passage of time, and the quantitative results of the submitted Retail Impact Assessment, I consider that the larger mezzanine and the overall quantity of net retail floorspace proposed of 1,923.2sq.m, is acceptable.

#### 7.1.7. Conclusion

I am satisfied that the addition of the retail unit complete with mezzanine floorspace in the existing and well-established Retail Park is appropriate in this instance. I accept that this is a significant increase in retail floorspace for the Belgard Retail Park, however having regard to the established use and the quantitative results of the Retail Impact Assessment, I consider that this location is the appropriate location to address that growth as it consolidates Retail Warehousing within the existing Park.

I am satisfied that the proposal will not impact on the vitality and viability of the Tallaght Town Centre and that with Condition no.1(iii) restricting the sale of goods to bulky goods, it will not directly compete with the town centre. It will be in accordance with policy R1 objective 3 of the County Development Plan and will not materially impact on existing retail warehouse developments.

#### 7.2. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and 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

8.1. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, 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 directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to REMOVE condition number 1(ii).

## 9.0 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 published by the Department of the Environment, Community and Local Government, 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 omission of the mezzanine floor.

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Ciara Kellett  
Inspectorate

3<sup>rd</sup> April 2018