



An
Bord
Pleanála

Inspector's Report

ABP-305228-19

Development	Construction of mezzanine floor to existing retail warehouse unit, signage, associated alterations to internal layout, elevational alterations and associated site works.
Location	Unit 14, Liffey Valley Retail Park, Coldcut Road, Dublin 22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19A/0078
Applicant(s)	Decathlon Sports Ireland Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Liffey Valley Management Ltd.
Observer(s)	Liffey Valley Administration Ltd.
Date of Site Inspection	14 th February 2020.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.212ha, comprises Unit 14, Liffey Valley Retail Park, at Quarryvale, Dublin 22. Liffey Valley Shopping Centre is located immediately north of the Retail Park and both are located off the M50 close to the intersection with the N4.
- 1.2. There are 15 units within an L-shaped block, with extensive surface car parking located in front. Unit 14 is currently vacant but was formerly occupied by Curry's PC World which has relocated to Unit 15 to the east. Unit 12 to the west is occupied by Halfords and includes a mezzanine internally.
- 1.3. Access for deliveries is located to the rear and adjoins Coldcut Road R833 to the south. There is existing signage to the rear of Unit 15 only.
- 1.4. The existing unit has a stated floor area of 2,032 sqm.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 07/03/2019 with further plans and details submitted on the 28/06/2019.
- 2.2. Permission is sought to construct an internal mezzanine within an existing retail warehouse unit. The stated floor area of the proposed mezzanine is 1,220sqm. The total floor area of the unit would be 3,252sqm gross floor area.
- 2.3. It is also proposed to carry out alterations to the internal layout and external elevational alterations to the existing unit.
- 2.4. Signage is also proposed and comprises;
 - 1 illuminated sign to the north elevation (31.64 sq.m.)
 - 2 non-illuminated signs on the south elevation (16.03sq.m and 2.47sq.m respectively);
 - 1 non-illuminated sign on the west elevation (16.03sq.m)
- 2.5. The application was accompanied by the following;
 - Planning Report – Tom Philips and Associates

- Transport Impact Assessment – Transport Insights
- Letter of consent from owners - Asset Managers of the Retail Park Liffey Valley to applicant to make a planning application.

2.6. A response to the further information request included floor plans of the internal layout of the ground and mezzanine retail areas.

3.0 Planning Authority Decision

3.1. Decision

The decision to **grant** permission was subject to 9 no. conditions. Conditions of relevance includes the following;

Condition No. 2 – ‘No more than 20% of the net retail sales shall be dedicated to ancillary items associated with bulky goods in accordance with the Retail Planning Guidelines for Planning Authorities (2012).

Reason: In order to minimise potential impacts on central retail areas, in accordance with the Retail Planning Guidelines for Planning Authorities (2012) and the proper planning and sustainable development of the area.’

Condition No. 5 & 6 – Signage shall not be internally lit and no additional signage.

Condition No. 9 – Section 48 financial contribution €100,854.60.

3.2. Planning Authority Reports

3.2.1. Planning Reports (dated 26/04/2019 and 25/07/2019)

Basis for planning authority decision. The 1st Planners report Includes:

- The total floor area of the existing retail warehouse plus the proposed extended area would remain below the 6,000sqm cap for single warehouse units set out in the Retail Planning Guidelines, 2012.
- Accepts that the proposed use of the unit would be for the display and sale of bulky goods, no details have been provided as to the quantity of floor space which would be dedicated to the sale of ancillary items associated with bulky sports equipment such as sports clothing and footwear. Express concern

regarding the scope for the sale of non-bulky ancillary goods associated with the proposed retailer. Recommends details regarding the floor space which will be dedicated within the overall unit, including existing area and proposed mezzanine extension to the sale of ancillary items associated with the sporting goods.

- Visual Amenity – Proposed mezzanine extension is acceptable.
- Signage – The overall scale of the proposed signage is acceptable but recommend a condition should be attached in the event of a grant of permission requiring that the sign would not be internally illuminated.

The 2nd Planners report includes;

- The report detailing the store layout and types of goods proposed to be on display and sold, and drawings submitted indicating c. 18% of the net retail sales area dedicated to ancillary bulky products and the applicants submission that at no one time no more than 20% of the net retail sales area will be dedicated to items that are considered to be ancillary to bulky goods sold is acceptable.
- Recommendation to grant permission subject to conditions.

3.2.2. Other Technical Reports

Roads Department: No objections subject to conditions.

Water Services: No objections subject to conditions.

Environmental Health Officer: No objections subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objections subject to conditions.

Transport Infrastructure Ireland: No observations.

3.4. Third Party Observations

One third party observation was lodged with the planning authority from Avison Young on behalf of Liffey Valley Management Ltd. The objection to the proposal

received by the planning authority has been forwarded to the Board and is on file for its information. The issues raised are comparable to those raised in the third party appeal and are summarised in section 6 below.

4.0 Planning History

- 4.1. The parent permission pertaining to the Retail Park was permitted under **P.A.Reg.Ref.S97A/0523**: Permission was granted for retailing warehousing and included the subject Unit 14. The parent permission was subsequently amended under **P.A.Reg.Ref.S98A/0060**. The relevant condition includes;

Condition No. 3 *'The use of each unit shall be restricted to retail warehousing which may include building materials, electrical goods, garden equipment , floor coverings, leisure/sports and D.I.Y. products but which shall exclude the sale of food and clothing items. No change of use shall take place, including what may be considered as exempted development without first receiving a separate planning permission.*

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

Relevant Amendment to Parent Permission

- 4.2. **P.A.Reg.Ref. S99A/0463**: Retention permission **granted** 04/02/2000 for amendments to previously approved permission (Reg.Ref.S98A/0060), to include alterations to internal sub-division from 12 no. to 14 no. units, elevational amendments including main feature entrance and external door locations and the provision of traffic access barriers, 2 no. compactors, washlighting, CCTV system amendments to Security Hut layout and revised landscaping.

Condition No. 3 *'Prior to the occupation of each unit full details of the proposed use shall be submitted for the written agreement of the Planning Authority as in compliance with this permission. The use of each unit shall be restricted to retail warehousing which may include building materials, electrical goods, garden equipment, floor coverings, leisure/sports and D.I.Y. products but shall exclude the sale of food and clothing items. No change of use shall take place, including what may be considered as exempted development without first receiving a separate permission.'*

Unit 14 and 15 - Signage

- 4.3. **P.A.Reg.Ref.S01A/0101:** Permission **granted** (8/06/2001) for two externally illuminated external signs, one on the front (north) elevation of Unit 14 (PC World), and one on the front elevation of Unit 15 (Curry's), 'Quarryvale Retail Park West', Coldcut Road, Dublin 22. Permission **refused** for 8 poster frames on the front (north) elevation of both units (4 on each).

Unit 9B Liffey Valley Retail Park

- 4.4. **P.A.Reg.Ref.SD10A/0368 ABP Ref.PL.06S.239004:** Permission **refused** 26/09/2011 for change of use from retail warehouse to discount store or supermarket at Unit 9B, Liffey Valley Retail Park. Reasons for refusal include the following;

1. *'It is considered that the proposed change of use of a subdivided unit within the Retail Park to accommodate a discount foodstore/supermarket would be contrary to the objectives of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in January, 2005, would be detrimental to the vitality and viability of the existing Liffey Valley Shopping Centre and designated Retail core outlined in the Liffey Valley Local Area Plan, 2008 and would set an undesirable precedent for similar conversions from retail warehousing to discount foodstores and supermarkets at existing similar locations. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'*

2. *The proposed development would materially contravene a condition of the parent permission relating to the subject site, namely condition number 3 of planning register reference number S01A/0033, whereby the use of the unit is restricted to retail warehousing and excludes the sale of food and clothing. It is, therefore, considered that the proposed development would be contrary to the proper planning and sustainable development of the area.'*

5.0 National Policy

- 5.1. **Retail Planning Guidelines for Planning Authorities**, Department of the Environment, Community and Local Government (April 2012).

Annex 1 Definitions:

Retail warehouse: a large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car-borne customers and often in out-of-town centre locations.

Bulky goods: are defined in Annex 1 as goods generally sold from retail warehouses --where DIY goods or goods such as flat pack furniture are of such size that they would normally be taken away by car and not be portable by customers travelling by foot, cycle or bus, or that large floor space would be required to display them.

Section 79 of the guidelines states that generally speaking, the evidence is that planned retail parks do not have any material impact on town centres provided that the range of goods sold is limited to truly bulky household goods or goods generally sold in bulk. Where the range of goods sold from retail warehouse parks extends to the type of non-bulky durables which is retailed from town centres then there is much more potential for an adverse impact on a nearby town.

Section 81 of the guidelines states that generally speaking smaller units of less than 700m² gross floor space are more easily capable of being accommodated in town centres and, in any event tend, to sell a less bulky range of goods.

5.2. Retail Strategy for the Greater Dublin Area 2008-2016

- 5.2.1. **Section 4.46** of the Strategy notes that in a number of retail parks there has been a blurring of the division between bulky and non-bulky goods retailers, with some parks now containing major clothing chains and food retailers and that continuing to allow this mixing of uses is likely to result in a negative impact on adjoining town centres.
- 5.2.2. **Section 6.65** states that as the retail market growth is expected to slow down over the next few years, it is critical to ensure that quality retail comparison shopping is maintained within the town centres identified for this purpose. To achieve this, the strategy recommends that conditions are applied particularly to permissions for retail warehousing developments to avoid non-bulky goods such as clothing trading in out of centre locations.

5.3. **Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2019-2031**

5.3.1. The appeal site is located within the Dublin City and Suburbs boundary and the Dublin Metropolitan Area Strategic Plan (MASP) boundary.

5.4. **Development Plan**

5.4.1. **South Dublin County Council Development Plan 2016-2022**

The site is zoned '**MRC** :To protect, improve and provide for the future development of a Major Retail Centre'. Within such areas 'retail warehouse' uses are 'permitted in principle' within this zoning objective.

The Liffey Valley Shopping Centre is identified within Table 5.1 South Dublin County Retail Hierarchy as a **Level 2 centre**.

Categories and types of services include '*Full range of all types of retail services from newsagents to specialist shops and boutiques, department stores, foodstores of all types and a high level of mixed uses including the arts and culture to create a vibrant living place. Centres should be well connected and served by high quality public transport and should be serving population catchments in excess of 60,000 people.*'

Retail (R) Policy 4 Liffey Valley Major Retail Centre

It is the policy of the Council to support the Level 2 retail function of Liffey Valley Shopping Centre.

R4 Objective 1: To support Liffey Valley as a Major Retail Centre and allow for the growth of the existing shopping centre and complementary leisure, retail warehouse and commercial land uses.

R4 Objective 2: To support and facilitate consolidation of the quantum and quality of the retail offering at the Liffey Valley Major Retail Centre.

R4 Objective 3: To support the development of retail warehousing within the Liffey Valley Major Retail Centre.

R4 Objective 4: To prepare a Local Area Plan for the Liffey Valley Major Retail Centre with reference to the retail warehousing zone at the adjoining Fonthill Industrial Estate.

R4 Objective 5: To promote a high standard of urban design in the Major Retail Centre that contributes to the creation of safe and attractive spaces and creates desirable places within which to work and visit.

Section 11.2.8 refers to Signage – Advertising, Corporate and Public Information Table 11.19 Signage outlines criteria to be applied.

Section 11.3.6 Retail Development

(v) Retail Warehousing

‘The range of goods sold in both existing and any future retail parks will be tightly controlled and limited to bulky household goods or goods which are not portable by customers travelling by foot, cycle, or bus (See Annex 1 of Retail Planning Guidelines (2012) for definitions of bulky goods).

Ancillary products should not exceed 20% of the total net retail floorspace of the relevant retail unit, and such space should be clearly delineated on the planning application drawings.

In town and village centres, the size and scale of all new retail warehousing developments should be in accordance with the character of the area. Due to the proximity of local and district centres to surrounding residential areas, regard must also be had to the impact of retail warehousing proposals on residential amenity. Within core retail areas, the Planning Authority will apply a level of flexibility in allowing types of stores where a mix of bulky and non-bulky goods are sold.’

Variation No. 4 and 5 of the South Dublin County Council Development Plan 2016-2022 was adopted by the Members of SDCC on the 9th December 2019, with immediate effect.(see copy attached)

Variation No. 4 refers to the Alignment with the Regional Spatial and Economic Strategy (RSES), and

Variation No.5 refers to Outdoor Advertising.

R1 Objective 1: To have regard to the Retail Planning Guidelines for Planning Authorities, DOECLG (2012), the Retail Strategy for the Greater Dublin Area 2008-2016, Regional Planning Guidelines Office (2008) and the Regional Spatial Economic Strategy (RSES) in defining the role of retail centres and in determining planning applications for retail development.

Section 4 refers to illuminated Signs and Advertising.

5.5. **Natural Heritage Designations**

The site is neither within nor immediately abutting any nature conservation area.

5.6. **EIA Screening**

Having regard to the nature the proposed development, the nature of the receiving environment, and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal is lodged by Avison Young on behalf of Liffey Valley Management Ltd. The main grounds of appeal can be summarised as follows;

Contravention of S99A/0463

- Proposed use would contravene Condition no. 3 of the parent planning permission under Reg.Ref.S99A/0463.
- Submit that under the permission which was prior to the introduction of the Retail Planning Guidelines that the sale of non-bulky goods was fully restricted from retail warehouse units.
- Refers to a referral to the Board ABP Ref. 24.RL2603 in February 2009, which determined that the operation of a TK Maxx from a unit at Butlerstown Retail Park was a material change of use and constituted development. This determination was subsequently legally challenged and the High Court deemed that TK Maxx had breached planning regulations as only bulky goods were permitted to be sold at the site. The Courts also found that harm to the town centre of Waterford had been established by the presence of a

comparison goods store in an out-of town location and TK Maxx were subsequently instructed to cease trading from this unit.

- Refers to application ABP Reg.Ref.PL06S.239004, for change of use of Unit 9 of Liffey Valley Retail Park from retail warehouse to foodstore which was refused by the Board due to the parent permission for the Unit, which, similar to Unit 14, includes a condition that restricts the use of the unit to retail warehousing and excludes the sale of food and clothing items.
- Notes that the proposed development does not propose to change the authorised use of the unit in any way, despite the fact that drawings submitted by way of further information indicate that ancillary products are intended to be sold from the unit. This was not publicly advertised or formally applied for as part of the planning application, and as it appears that ancillary items including clothing items and food products (energy bars etc.) are to be sold. It is submitted that the Board should in the event of a decision to grant permission exclude the sale of food and clothing items.

Contravention of the Retail Planning Guidelines

- Proposed use would be contrary to the Retail Planning Guidelines, and if permitted would negatively impact on the proper planning and sustainable development of the area and would prejudice the viability of retail development at the retail opportunity site in the core area of the Major Retail Centre and would undermine the retail hierarchy.

6.2. Applicant Response

A response to the third party appeal was lodged by Tom Phillips and Associates on behalf of the applicant. The response can be summarised as follows;

- Request that the Board dismiss the appeal on the basis that it is vexatious and frivolous.
- Development is in accordance with the Retail Planning Guidelines for Planning Authorities, 2012.
- Development is not in contravention of the SDCC Reg.Ref.S99A/0463, with a copy of the notification of grant of permission attached.

6.3. **Planning Authority Response**

The planning authority confirmed its decision and refers to the planners report.

6.4. **Observation**

6.4.1. An observation on the Third Party appeal was submitted by BMA Planning on behalf of Liffey Administration Limited. The observation can be summarised as follows;

- Liffey Administration Limited is the management company for the Liffey Valley Retail Park.
- Request that the Board uphold the decision of SDCC to grant permission and to dismiss the third party grounds of appeal.
- Submit that the grounds of appeal relate solely to matters that are not before the Board in this application, and therefore the appeal should be dismissed on this basis.
- The use of the premises was addressed to the satisfaction of the P.A., and condition no. 2 was included to clarify that the use of the premises is retail warehousing.
- As landlord the requirement of a lease is compliance with the relevant planning conditions which reflect the policy and guidance issued since the parent permission and associated conditions dating from 2000 which predated the Retail Planning Guidelines. Note that the applicant has not appealed condition no. 2.
- The subject site is identified in the retail hierarchy of the CDP as within the Major Retail Centre zone and Core Retail Area. Contend that the proposed unit is an ideal location for a Decathlon Store and will benefit Liffey Valley as a whole.
- The suggestion to further restrict the percentage of ancillary products or the quantum of the back of house areas is not necessary.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Principal of Development
- Contravene a Condition of Parent Permission
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The subject site is located within an area zoned in the current South Dublin County development plan as **MRC** :To protect, improve and provide for the future development of a Major Retail Centre'. Within such areas retail warehouse uses are 'permitted in principle'.

7.2.2. The definition of '*retail warehouse*' as set out in Annex 1 of the Retail Planning Guidelines for Planning Authorities refers to '*a large single level store specialising in the display and retail sale of bulky non-food, non-clothing household goods, such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car-borne customers and generally in out of centre locations*'.

'Bulky goods' are also defined in Annex 1 '*as goods generally sold from retail warehouses --where DIY goods or goods such as flat pack furniture are of such size that they would normally be taken away by car and not be portable by customers travelling by foot, cycle or bus, or that large floor space would be required to display them*'.

7.2.3. I note from the Planning Report prepared by Tom Philips and Associates that 'Decathlon' stocks a wide range of sporting goods - from bicycles to advanced scuba diving equipment and cites examples of in-store facilities including a golf simulator for customers to test out clubs, bouldering walls, putting greens or dedicated cycling and skating areas.

- 7.2.4. I consider that the products on offer are specialised. The only other 'Decathlon' store in Dublin due to open in April 2020 are on lands next to Ikea, Ballymun, Dublin 11, granted under P.A.Reg.Ref.F18A/0586.
- 7.2.5. The Planning Authority raised concerns in relation to the quantum of retail floorspace proposed to be devoted to the display and sale of products ancillary to the stated bulky goods. In response to a request for further information a revised Planning Report was submitted stating that the majority of retail space will be for the display and sale of large bulky items. Revised floor plans were also submitted indicating an approximate area of 18% of the total net retail floorspace dedicated to the display and sale of non-bulky items.
- 7.2.6. While I do accept that there will be non-bulky goods including clothing associated with bulky goods items, these would be ancillary. As noted on the day of inspection there are a number of units in the Liffey Valley Retail Park which similarly include a mix of bulky and non bulky goods retailers including Halfords in the adjoining warehouse unit. I am satisfied that the nature of the goods sold are typically sold in retail warehouses.
- 7.2.7. As noted above, retail warehouse uses are permitted in principle in MRC and therefore, consistent with the current zoning objective for the area.
- 7.2.8. The appellants assert that the proposed use would be contrary to the Retail Planning Guidelines. Concern has been raised by the appellants' that the proposed development if permitted would negatively impact on the proper planning and sustainable development of the area, would prejudice the viability of retail development in the core area of the Major Retail Centre and would undermine the retail hierarchy.
- 7.2.9. The Liffey Valley Shopping Centre is identified within Table 5.1 South Dublin County Retail Hierarchy as a Level 2 centre. I also note the recent Variation No.4 of the South Dublin County Council Development Plan 2016-2022 adopted by the Members of SDCC on the 9th December 2019, which seeks to reflect alignment with the Regional Spatial and Economic Strategy (RSES). In particular R1 Objective 1: seeks '*To have regard to the Retail Planning Guidelines for Planning Authorities, DOECLG (2012), the Retail Strategy for the Greater Dublin Area 2008-2016, Regional Planning Guidelines Office (2008) and the Regional Spatial Economic*

Strategy (RSES) in defining the role of retail centres and in determining planning applications for retail development.'

- 7.2.10. I have examined the floor plans submitted by way of further information which clearly indicate the floor areas to be allocated to the sale of bulky and non bulky items. I also note condition no, 2 of the notification of decision to grant permission which restricts the net retail sales dedicated to ancillary items associated with bulky goods to no more than 20%. This requirement is in accordance with the Retail Planning Guidelines for Planning Authorities (2012). The purpose of this restriction is to minimise potential impacts on central retail areas.
- 7.2.11. I have considered the proposal and inclusion of this condition and am satisfied that the proposed development does accord with the Retail Planning Guidelines for Planning Authorities (2012). There is no basis therefore, to the assertion that the proposed development would be contrary to the proper planning and sustainable development of the area, or that it would prejudice the viability or retail development in the Major Retail Centre or undermine the retail hierarchy. In my opinion the proposed development of the scale proposed, in this currently vacant unit would complement the existing retail offer and is an ideal location for such a store.
- 7.2.12. In summary, I am satisfied, that the proposed development of predominantly bulky goods within an established retail warehouse park would not materially contravene the provisions of the County Development Plan and is an appropriate development within the retail hierarchy of the County. I also consider the proposed development to be in accordance with the Retail Planning Guidelines and in keeping with the proper planning and sustainable development of the area.

7.3. Contravene a Condition of Parent Permission

- 7.3.1. The appellants submit that the proposed development constitutes a change of use which would be contrary to condition no. 2 of an amendment permission to the parent permission under P.A. Reg.Ref. S99A/0463 (see section 4 above).
- 7.3.2. In essence, this condition restricts the use of the units to retail warehousing but excludes the sale of food and clothing items. The condition also states that no change of use is to take place without first receiving a separate planning permission.

- 7.3.3. In support of this contention reference is made to referral determination under ABP Ref.24.RL2603 and a previous appeal decision under ABP Reg.Ref.PL06S.239004.
- 7.3.4. I have had regard to each of these and would suggest to the Board that neither are relevant to the current appeal. The Board determination in relation to the operation of a TK Maxx from a unit at Butlerstown Retail Park, Butlerstown, County Waterford was an out of town location and referred to the sale of comparison goods. The Board decision under ABP Reg.Ref.PL06S.239004 relates to an application for a change of use of Unit 9 of Liffey Valley Retail Park to a foodstore which was refused by the Board.
- 7.3.5. As already outlined above the primary use of the proposed development is for the display and sale of bulky goods, with non bulky goods being ancillary. Subject to compliance with a condition, which restricts the quantum of net retail sales dedicated to ancillary items associated with bulky goods to no more than 20%, I consider the proposed development is acceptable. I recommend therefore if the Board are minded to grant permission that a similar to condition no. 2 attached to the Notification of Decision to grant permission be attached. In my opinion, a condition which excludes the sale of food and clothing items is not warranted.
- 7.3.6. I am satisfied, therefore, that there is no basis to this grounds of appeal, and that the decision of the planning authority to grant permission should be upheld.

7.4. **Other Matters**

- 7.4.1. *Signage* – I note the location, design and scale of the external signage proposed and have had regard to Variation No.5 of the County Development Plan which refers to Outdoor Advertising. I consider the signage proposed to be acceptable subject to it not being internally illuminated. This can be addressed by way of condition similar to condition no. 5 of the Notification of Decision to Grant Permission.
- 7.4.2. *Universal Access* – I note that a lift is proposed at the back of the unit providing access to the first floor mezzanine. This is considered desirable and appropriate.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, being a change of use and internal works in an established urban and fully serviced area, 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. I recommend that permission be **granted** for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the;

- Zoning provisions of the Development Plan for the area within which the site is located, Objective MRC – To protect, improve and provide for the future development of a Major Retail Centre,
- ‘Retail Planning Guidelines for Planning Authorities’, issued by the Department of the Environment, Heritage and Local Government in January, 2012,
- Retail Strategy for the Greater Dublin Area, 2008-2016,
- Retail hierarchy set out in the South Dublin County Development Plan 2016-2022, which aligns with the
- Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2019-2031,

it is considered that the proposed development and use would be consistent with the policies, objectives and retail hierarchy of the County Development Plan, Retail Planning Guidelines, Retail Strategy for the Greater Dublin Area and Regional Spatial and Economic Strategy, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 on the 28th day of June 2019, 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 more than 20% of the net retail sales shall be dedicated to ancillary items associated with bulky goods in accordance with the Retail Planning Guidelines for Planning Authorities (2012).

Reason: In order to minimise potential impacts on central retail areas, in accordance with the Retail Planning Guidelines for Planning Authorities (2012) and the proper planning and sustainable development of the area.'

3. 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.

4. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety.

5. The proposed signage shall not be internally illuminated.

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

6. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason :To protect the visual amenities of the area.

7. 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.

Susan McHugh
Senior Planning Inspector

20th February 2020