



An
Bord
Pleanála

Inspector's Report

ABP-311763-21

Development	Modifications to the permitted retail unit (part-constructed) and all associated works.
Location	Lands south of Stocking Avenue, Woodtown, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0218
Applicant(s)	Ardstone Homes Limited.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Angela O'Donoghue on behalf of Ballyboden Tidy Towns.
Observer(s)	None.
Date of Site Inspection	26 th May 2022
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of c0.8ha (8,046sqm) and is located on lands to the south of Stocking Avenue, approximately 10km south-west of Dublin city centre. The site comprises a newly constructed and operational retail unit (Tesco Supermarket), a detached crèche facility and associated parking and service areas etc.
- 1.2. The surrounding area is mostly residential in nature with the Stocking Wood housing estate to the south and west and the recently completed White Pines development to the north and southeast. A watercourse flows along the western boundary of the site.
- 1.3. The site is served by Stocking Avenue, a distributor road which runs along its northern boundary. Access to the site is provided via an access road which extends south from an existing roundabout on Stocking Avenue along the southeast boundary of the site, this access road also serves the adjoining residential development to the southeast.

2.0 Proposed Development

- 2.1. Planning permission has been sought for modifications to the (now constructed), retail unit permitted under Reg. Ref. SD19A/0345 and previously amended under Reg. Ref. SD20A/0322 and Reg. Ref. SD21A/0071. The amendments proposed under this application comprise:

- Amendments to the permitted internal layout resulting in an increase in retail-related floorspace from 1,704sqm to 1,717sqm (an increase of c13sqm) the building footprint however remains unchanged from the permitted scheme.

Proposed amendments include:

- The reduction and relocation of permitted designated off—licence floor area from 104sqm to 94sqm.
- The reconfiguration of internal retail area at ground floor level, resulting in a reduction of front -of-house retail floorspace and a corresponding increase in internal storage / back of house area
- The reconfiguration of internal back-of house area at mezzanine level

- The relocation of permitted AOV (automatic opening Vent) to serve fire escape stair at mezzanine roof level
- The addition of a lift overrun at mezzanine roof-level; and
- Amendments to permitted fenestration, elevations and facades, comprising:
 - The omission of a Roller shutter door and 5no. ground floor windows on the south-west elevation
 - The provision of a new access door at southwest elevation
 - Widening of permitted fire escape door at south-east elevation
 - Replacement of permitted public two-way entrance at north-east elevation with 1no sliding door set
 - The addition of 1no fire escape door at the north-east elevation
 - The addition of 2no mezzanine level windows at southwest elevation
 - The addition of 2no signage zones at the north-east elevations
 - 1no. internal illuminated signage zone (c5sqm)
 - 1no. external signage zone (c1.9sqm)
- Modifications to the permitted ESB substation comprising the relocation of external access doors.
- The reconfiguration of 8 car parking spaces and cycle parking provision to facilitate the relocation of 1 trolley bay; and the allocation of 2 permitted car parking spaces as 'click and collect' car parking spaces; there is no change to the quantum of car or cycle parking provided as part of the overall development
- Alterations to permitted site lighting and landscaping.

3.0 Planning Authority Decision

3.1. Decision

South Dublin County Council did by order dated 28th September 2021 decide to grant permission for the proposed development subject to 3no conditions as follows:

Condition 1: General

Condition 2: (a) Requires compliance with the conditions of the previous grants of planning permission except where superseded by this permission.

(b) Clarifies that condition 2 of SD20A/0322 (relating to the location of the off-licence) is superseded by this permission and requires that the display area for alcohol products be limited to the area indicated on the drawings submitted, unless otherwise agreed with the Planning Authority.

Condition 3: Requires that signage on the north-east elevation not be internally illuminated, and the provision of internally illuminated signage at this location to be the subject of a separate planning application

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner, in their report had regard to the locational context of the site, planning history and policy, to the submission made and the comments / recommendations of the interdepartmental sections. Their Report includes regard to the following

- As the proposal is for the amendment of an existing permission, the principle of the proposed use is considered to be acceptable as per previous grants of permission.
- They consider the proposed amendments to the structure and conclude that they are visually acceptable and would not have an adverse impact on adjoining properties or the local character.
- They note that while illuminated signage may be acceptable in principle further design details would be required. They consider that the details of

illuminated signage should be the subject of another application, and as such recommend that the illuminated signage be omitted by condition.

- They have regard to the separation distance involved between the proposal and neighbouring residential properties as well as the nature of the site and consider that the proposal would not be materially harmful to residential amenity.
- In relation to parking they note that no change to parking provision is proposed and that the County Development Plan does not differentiate between short and long stay car parking spaces for non-residential uses.
- Following screening exercises, they rule out the need for both appropriate assessment and EIA
- They note that following review of SD19A/0345, it would appear that the development was assessed at that time in accordance with relevant standards pertaining to appropriate assessment and environmental impact assessment.
- They recommend that planning permission be granted subject to condition.

3.2.2. Other Technical Reports

Environmental Services: No objections, subject to conditions.

Roads: No objection.

3.2.3. Prescribed Bodies

Irish Water: No objections, subject to conditions.

3.3. Third Party Observations

The planning authority received a third-party submission from the appellants, Ballyboden Tidy Towns, in relation to the planning application. The issues raised in this submission are similar to those set out in the appeal.

4.0 Planning History

4.1. There is an extensive planning history associated with this site. Those application considered most relevant to the current appeal are as follows:

SD19A/0345: (2020) Permission granted for Construction of a neighbourhood centre comprising: a single storey convenience retail unit (c.1,479sq.m GFA); a mixed use three storey building (c.577sq.m. GFA) comprising a creche at ground and first floor levels (c.385sq.m. GFA) and a Community Facility at second floor level (c.192sq.m. GFA).

SD20A/0322 Permission granted for amendments to the convenience retail unit and to the creche permitted under Reg. SD19A/0345, including the provision of a mezzanine level for storage (c. 138sq.m) and plant (c. 55sq.m); introduction of a AOV and roof lights, alterations to signage and external finishes; introduction of an ancillary off-licence at ground floor level measuring c. 104sq.m, 4.5sq, addition creche, modifications to floor plans and elevations.

SD21A/0071 Permission granted for amendments to SD19A/0345 and Reg. SD20A/0322 comprising modification and relocation of permitted ESB MV sub-station (unconstructed) and the reconfiguration of 8 car parking spaces

SD22A/0004 Permission granted (03/03/2022) for Amendments to SD19A/0345, SD20A/0322 and SD21A/0071. The proposed development consists of: (1) retention permission for the inclusion of 2 windows (c.4sq.m) at mezzanine level of the permitted supermarket building (under construction); and (2) planning permission for: (i) the erection of 1 double sided totem sign (c.32sq.m) at the north-east of the site; (ii) externally mounted illuminated signage (c. 5sq.m.) over the main

entrance door of the supermarket building; and (iii) all associated elevational changes, site services and site development works.

- 4.2. The following SHD application (White Pines East) has been referenced in the Grounds of Appeal:

ABP-309836-21. SHD (2021) permission granted for the construction of 241 residential units and associate site works. Site is located c125m to the northeast of the appeal site.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022 (SDCDP)

- 5.1.1. Zoning: The site is subject to land-use zoning objective 'LC' – "To protect, improve and provide for the future development of Local Centres". The following uses are an example of those considered permitted in principle within this zoning:

Advertisements and Advertising Structures, Car Park, Childcare Facilities, Community Centre, Off-Licence, Shop-Local, Shop Neighbourhood

- 5.1.2. Section 11.2.8 relates to Signage – Advertising, Corporate and Public Information

- 5.1.3. Section 11.2.9 relates to Shopfront Design

- 5.1.4. Section 11.6.3 Relates to Environmental Hazard Management. (iii) Lighting - External lighting schemes and illuminated signage on commercial and industrial premises, sports grounds, and other community facilities, should be designed, installed and operated so as to prevent nuisance to adjoining occupiers and road users, in the interests of amenity and public safety. A Lighting Plan will be required for developments in sensitive locations

- 5.1.5. Schedule 6 Section 4.0: Illuminated Signs and Advertising (*Variation No.5*)

Illuminated signs and advertising in appropriate locations can provide both information and colour in urban areas after dark. Accordingly, the following guidelines will apply, in conjunction with the provisions of the general outdoor advertising strategy, the Development Plan and with regard to the zones of advertising control:

- The type of illuminated signs internally or externally illuminated, individual letters, and neon tubes should be determined by consideration of the design of the building and its location, as well as the potential for low-energy options.
- The design of an illuminated sign should be sympathetic to the building on which it is to be displayed and should not obscure architectural features such as cornices or window openings in the area; on new buildings they should be part of the integral design.
- The daytime appearance when unlit will be considered.
- Sky signs, i.e., signs that project in any part above the level of a building parapet or obtrude on the skyline, are regarded as objectionable in principle and will not be permitted.
- Internally illuminated scrolling signs, or signs with exposed neon tubing, are generally not acceptable.
- Illuminated signs with the use of electronic visual display technology such as LED (light emitting diode) and LCD (liquid crystal display) will be considered having regard to the Advertising Management Standards, as set out in Section 7 of this document.
- The number of illuminated signs in the vicinity of the site will be taken into consideration when assessing proposals

5.2. Ballycullen – Oldcourt Local Area Plan 2014 (extended to 2nd June 2024)

5.2.1. Land use and Density:

In addition to the recently permitted discount food store off Oldcourt Road on land already zoned LC i.e. “To protect, provide for and/or improve local centre facilities”, this LAP reinforces the provision of a neighbourhood/ local centre off Stocking Avenue on lands that were previously subject to a permission for retail and community uses. Further provision is made for local retail and community uses on the western side of the Plan Lands including the Discount Foodstore site.

5.2.2. Green Buffers to Mountains and M50

Objective GI31- Development along and near the boundary with the M50 motorway shall include a green corridor and wetland area that will mitigate against noise through the planting of semi-mature trees and incorporation of soft landscaped mounding/berms. Narrowed areas of this buffer shall be no less than 20 metres in width. All planning applications for development in close proximity to the M50 should be accompanied by a report, prepared by a qualified person, detailing noise levels and mitigating measures for noise.

5.2.3. Appendix 1 – Plan Objectives provides detailed site-specific policies that relate to strategic sites and specific objectives including Stocking Wood Neighbourhood/Community Centre & Bus Lay-by and the M50 Green Buffer & Knocklyon Park Extension.

Site Specific Objective: Stocking Wood Neighbourhood/Community Centre & Bus Lay-by. Objectives SSP08 – SSP13 (inclusive) relate.

This site-specific Objective relates to the provision of a neighbourhood and community centre on lands associated with the appeal site. The objectives for this area allow for the provision of at least 460 sq.m of community floorspace, childcare floorspace for existing and proposed housing and Convenience shopping floorspace not exceeding 1,500 sq.m (gross). (Objective SSP8), the protection and enhancement of ditches and associated open streams that abut or traverse the site (Objective SSP10) and the implementation of SuDS (Objective SSP11)

Site Specific Objective: M50 Green Buffer & Knocklyon Park Extension

This site-specific objective relates to the provision of a Green Buffer along the boundary of the M50. Objectives SSP28-SSP32 (inclusive) relate. Of note:

Objective SSP28 Incorporate a wetland area designed to intercept and attenuate water from the Woodstown Stream tributaries and associated ditch systems to the south in addition to any surface water generated by new development prior to its slow release to the downstream surface water sewerage system.

Objective SSP30 Incorporate tracks and trails that will link the green buffer/wetland area with Knocklyon Park to the north-west and the Walled Garden to the east.

5.3. Natural Heritage Designations

The proposed development is not located on or adjacent to any designated area. There are however a number of designated sites within the wider area. The following designated areas are located within 5km of the appeal site.

- Dodder Valley NHA Located c2km to the northwest
- Glenasmole Valley SAC and NHA located c4.5km to the southwest
- Wicklow Mountains SAC Located c4.3km to the south
- Wicklow Mountains SPA Located c4km to the south
- Fitzsimons Wood NHA located c5km to the east

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development, which comprises amendments to a previously granted development, it is considered that the proposed development does not come within a Class under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Therefore, preliminary examination for EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal, submitted by Ballyboden Tidy Towns, against the decision of South Dublin County Council to grant permission for the proposed development on Lands south of Stocking Avenue, Woodstown, Dublin 16. The following is a summary of the issues raised in the grounds of appeal

- They consider that the proposed development would be contrary to: the policies and objectives of South Dublin County Council Development Plan, Sustainable Development, the Planning Act and the principles of proper planning
- They consider that the original grants of planning permission are flawed and invalid and that any application seeking to modifications to a flawed /invalid decision should be refused.
- The decision to grant permission is invalid as SDCC erred in failing to consider that the proposed development constitutes a material contravention of the Green buffer/pedestrian walkway requirement of SSP28 and SSP30 and GI31 pf the Ballyboden Oldcourt LAP (BOLAP) and / in the alternative that a grant was made in material contravention of the BOLAP that was not made pursuant to Section 37(2)(b) of the 2000 Act
- They raise concerns regarding the lack of an environmental Impact Assessment determination in respect of the development and
- They consider that the proposed development would be contrary to the EU Habitats Directive and the Water Framework Directive.
- They raise concerns in relation to the impact of the development on the Woodstown Stream which is part of the Dodder Catchment via the Owendoher and is hydrologically connected to a Natura 2000 site has not been assessed. The Woodstown stream is a valuable ecological corridor and has not been appropriately assessed. They note that on a neighbouring development Whites Pines East (SHD) this same watercourse was omitted from the drawings and the EIAR has no mention of it despite being identified in the Ballycullen Oldcourt LAP scoping document.

- They consider the lack of environmental information has meant that this development including its modifications has not been appropriately assessed in line with EU Law with scientific certainty.
- They consider that the development provides for poor landscaping, biodiversity and habitat provision
- They consider that the 'cumulative effects' of the surrounding developments which the same developer acknowledges breaches the Development Plan have not been assessed with regard to this application
- They have concerns regarding surface water and the flooding risk to neighbouring properties and that this has not been properly assessed
- They consider creche provision is deficient
- They have concerns regarding the permeability linkages with Stocking wood, a private estate
- They have serious concerns about the sewerage connection or lack of it. They state that wastewater provisions in this area and for this development are deficient and that the development should be refused until this issue is resolved. they state that slurry tankers are being used to remove sewerage from adjacent residential properties because the area is not connected to the sewerage network
- They question the manner in which the Ballyboden Oldcourt LAP was extended and processed especially its non-compliance with the SEA directive and the legality of that directive. They question the validity of granted on the basis of this extension.
- SDCC failed to address the potential impacts on Bats from the removal of trees that were identified by the developer as having roost potential, but which had not been examined to determine whether they contained roosts or not.

6.2. Applicant Response

- They consider that the appellant has not provided any proper grounds for this Third-Party Appeal and as such the appeal should be dismissed pursuant to Section 127(1)(d) of the Planning and Development Act 2000

- They note that the appellant is currently engaged in Third Party Appeals and judicial review proceedings against a number of planning applications submitted by the applicant and that many of these disputes are based on the exact same arguments in relation to the subject appeal
- They consider that the arguments contained within the Third-Party Appeal have no substantive basis in planning and that none of the reasons for the appeal have been substantiated in any way. They request that the Board dismiss the appeal on the basis that it is frivolous, vexatious and without substance or foundation.
- They consider that the appellant has failed to identify a single policy or objective of the County Development Plan that the subject proposal would contravene and that they have failed to detail how the subject proposal is contrary to sustainable development and the principles of proper planning.
- They emphasise that the subject proposal seeks only very minor amendments to a permitted retail unit and that the principle of development, in this case, has already been agreed through a number of past planning applications
- They wish to highlight to the Board that the previous planning applications (and subsequent grants of permission) were not invalid. The outcomes of the previous planning applications are not the subject of this appeal.
- They consider the proposal to be below the mandatory EIAR threshold and they note that the assessment of South Dublin County Council includes a 'Screening for Environmental Impact Assessment'
- They consider that the appellant has failed to identify how the subject proposals contravenes the EU habitats directive, EIA directive and Water framework directive.
- They state that proposed development will have no impact on the quantum of wastewater produced at the subject site
- They note that the subject proposal does not seek any amendment to the permitted development that relate to pedestrian linkages to the neighbouring Stocking Wood Housing estate.

- They do not consider that the proposed amendments will impact on Woodstown stream (located c300m to the north) in any way
- They consider that the SHD application referred to (ABP-309835-21) bears no relevance to the subject proposal and reference to that SHD planning application as a basis for this Third-Party Appeal is without substance or foundation.
- They contend that the proposed development will have no impact on the quantity of wastewater or surface water produced nor the drainage of that surface water at the subject site.
- They state that there are no 'cumulative effects' relate to the subject proposal
- They state that subject proposal does not relate in any way to the permitted childcare facility
- They contend that a third-party appeal is not the appropriate mechanism through which to attest the validity of a statutory plan.
- They note that SSP28, SSP30 and GI31 relate to the M50 Green Buffer and Knocklyon Park Extension some 300m to the northeast, across Stocking Avenue.
- In relation to the potential impact on Bats, they note that the development proposes only minor amendments to the permitted public lighting design on foot of revisions to the parking layout. No public lighting is permitted or proposed within the area previously identified of bat activity.

The applicant's response to the appeal is accompanied by a document entitled 'Preliminary Objection' which covers the following:

- Ballyboden Tidy Towns:
 - Section 127(1)(b) requires that an appeal be made by a person – i.e. a legal entity be that natural person or a corporate body or the equivalent. Ballyboden Tidy Towns is not a legal entity and has no entitlement or jurisdiction to lodge an appeal - An Bord Pleanala cannot accept and / or consider an appeal from a non-legal entity.

- The issues raised in the appeal are primarily domestic law issues which are no longer the subject to cost protection. It is therefore important that the entity who made the appeal and upon which any subsequent proceedings may be brought, is capable of precise definition. Other than the person who signed the appeal, the appellants are not capable of identification.
- No proper grounds of appeal
 - Section 127 of the Planning and Development Act 2000 (as amended) requires full grounds of appeal be submitted. Those submitted by the appellant are not grounds of appeal within the meaning of the Act they are simply bullet points
- Pursuant to Section 138 of the Planning and Development Act 2000 the Board should dismiss this appeal on the basis that it is Frivolous and Vexatious or Without Substance
- The applicant is seeking to re-open matters outside of the 8-week period, contrary to Section 50 of the Planning and Development Act 2000 – for example the appellant has submitted that the original grounds of planning permission are flawed and invalid and any application seeking modifications to a flawed /invalid decision should be refused.
- Material Contravention: it is patently absurd and irrational to suggest that the modifications proposed to an existing permitted development could ever raise an issue of contravention or that the Board should engage in previous decisions of the Planning Authority so as to make a determination that this particular development be refused.

6.3. **Planning Authority Response**

None

7.0 **Assessment**

- 7.1. In the first instance, I note that the applicants have requested that the Board dismiss this appeal as frivolous and vexatious and without substance in accordance with the

provisions of the Planning and Development Act 2000 (as amended). This request is based on the applicant's opinion that the appellants have failed in their submission to provide any proper grounds for appeal. The applicants contend that the issues raised in the grounds of appeal do not relate to the subject proposal and that the appeal has been lodged as an attempt to frustrate normal proceedings and hinder development. They also query, with reference to 127(1)(b) of the Planning and Development Act 2000, whether Ballyboden Tidy Towns, which they consider a non-legal entity, is entitled to lodge a planning appeal.

7.1.1. Following consideration of the documentation lodged with the appeal and consideration of the relevant sections of the Planning and Development Act 2000 (as amended) I am satisfied that the appeal, lodged by Angela O'Donoghue on behalf of Ballyboden Tidy Towns (address and contact detail provided) would accord with the requirements of Section 127 of the Act. Furthermore, while I acknowledge that a number of the issues raised in the grounds of appeal are somewhat vague and /or do not relate directly to the works proposed under this application, I am satisfied that the documentation submitted is sufficient to form the basis of a valid appeal and therefore I do not recommend that the appeal be dismissed.

7.1.2. In the interests of clarity, the following shall comprise a de novo assessment of the works proposed under this application. I do not intend to address those issues raised in the grounds of appeal which do not relate to the works proposed under this application (for example issues relating to the validity of previous grants of permission, the extension of the Ballyboden / Oldcourt Local Area Plan), as I do not consider that such issues are relevant to the assessment of this application nor do I consider that the Board are in a position to adjudicate on or draw any conclusions in relation to such issues.

7.1.3. In light of the above, I propose to assess this appeal under the following headings:

- Principle of Development and Compliance with Relevant Policy
- Consideration of Proposed Modifications
- Consideration of Proposed Signage
- Appropriate Assessment

7.2. Principle of Development and Compliance with Relevant Policy:

- 7.2.1. The appeal site is zoned LC- Local Centre under the South Dublin County Council Development Plan 2016-2022, the objective for this area is 'to protect, improve and provide for the future development of Local Centres'. As per Section 5.1.4 of the County Development Plan, Local Centres are commercial centres that provide day to day services and facilities to cater for a local catchment. It is the policy of the Council to encourage the provision of an appropriate mix, range and type of uses in Local Centres, including retail and childcare uses, at a scale that caters predominantly for a local level catchment, subject to the protection of the residential amenities of the surrounding area.
- 7.2.2. In addition, the appeal site is located within the area governed by the Ballycullen-Oldcourt Local Area Plan 2014-2024 (BOLAP). Appendix 1 of the BOLAP details a number of 'site-specific policies' that relate to strategic sites and specific objectives. Each site-specific policy is accompanied by an extract from the illustrated layout for the LAP lands. The appeal site has been designated as a 'strategic site' entitled Stocking Wood Neighbourhood/Community Centre & Bus Lay-by. Objectives SSP8 -SSP13 (inclusive) relate to this strategic site.
- 7.2.3. Planning permission was granted on this site in 2020 for the construction of a neighbourhood centre comprising a single storey convenience retail unit and a mixed use three storey building incorporating a creche and a Community Facility (Reg. Ref. SD19A/0345). The permitted development was subsequently amended under Reg. Ref. SD20A/0322 and Reg. Ref. SD21A/0071 (further details relating to the planning history of this site are set out in section 4.0 of this report). Under this current application, the applicants are seeking permission for further modifications to the permitted retail unit and associated parking facilities. Following consideration of the plans and particulars submitted, I am satisfied that the works proposed under this application would, due to their nature and scale accord with the zoning objective for these lands and would not materially contravene the objectives for this area as set out in the BOLAP.

- 7.2.4. The appellants in their submission contend that South Dublin County Council erred in their decision to grant permission for the proposed development as they failed to consider that the proposed development constitutes a material contravention of the Green buffer/pedestrian walkway requirement of objectives SSP28 and SSP30 and G131 as outlined in the Ballyboden / Oldcourt LAP (BOLAP).
- 7.2.5. Objectives SSP28 and SSP30 relate to the 'Strategic Site' entitled *M50 Green Buffer & Knocklyon Park Extension*. These site-specific objectives, along with the more general Objective G131, relate to the provision of Green Buffers along the boundary of the M50. The appeal site does not border the M50 and while I note that it is included in the extract from the illustrated layout plan for the LAP Lands that accompanies the Strategic Site - *M50 Green Buffer & Knocklyon Park Extension*, I am satisfied, having regard to the zoning objectives for the area as set out in the SDCCDP, the site specific objectives for the appeal site (*Strategic Site- Stocking Wood Neighbourhood /Community Centre & Bus Lay-by*) as set out in the BOLAP and the separation distance between the appeal site and the M50 motorway (c200m), that Strategic Objectives SSP28 and SSP30 and Objective G131 do not directly relate to the appeal site and therefore I am satisfied that the proposed development would not materially contravene these objectives.

7.3. Consideration of Proposed Modifications:

- 7.3.1. As previously noted, the applicants are seeking planning permission for modifications to the retail unit permitted under Reg. Ref. SD19A/0345 (as previously amended). I observed during site inspection that the retail unit, the subject of this appeal, has been constructed and is operational, I also observed that the majority of the modifications proposed under this application have been incorporated into the as constructed development. In this regard, while I note that the carrying out of works in the absence of planning permission may give rise to planning enforcement issues, as such issues fall under the jurisdiction of the Planning Authority I do not consider it necessary to consider this matter in further detail.

7.3.2. Following consideration of the plans and particulars submitted in support of this application and having regard to the planning history of the site I consider that the works proposed under this application (as detailed in Section 2.2 of this report) are relatively minor in nature and would not significantly alter the design or scale of development from that previously permitted. Furthermore, I am satisfied that no significant new or increased impacts on the visual amenities of the area, on the residential amenities of adjoining properties or on local bio-diversity are likely to arise as a result of the proposed works.

7.3.3. As set out in the grounds of appeal, the appellants contend that wastewater provisions in the area and for this development are deficient and they consider that permission for the proposed development should be refused until this deficiency is resolved on an environmental and public health grounds. While I note the issues raised, I do not consider that the works proposed under this application would be likely to give rise to a significant increase in demand on such services (beyond what has previously been permitted on site) and I note that Irish Water has not raised any objection to the proposed development. Therefore, I do not recommend that permission be refused on this basis. Likewise, I consider that the works proposed under this application are unlikely to result in a significant increase in the volume of surface water generated on site and therefore I am satisfied that further consideration of proposals for to the collection and disposal of surface water on site is not required.

7.4. Consideration of Proposed Signage Zones:

7.4.1. The application includes proposals for 2no additional signage zones on the north - east elevation of the now constructed retail building. The proposed signage zones comprise 1no internally illuminated signage zone (5sqm) located above main entrance to the supermarket and 1no external signage zone (c1.9sqm) to be located beside the main entrance to the retail unit. The Planning Authority in their assessment considered the scale and location of the proposed signage zones to be acceptable and while raising no objection to the provision of illuminated signage at this location, they did consider that more detailed information relating to the design of

such signage was required to ensure compliance with the guidelines for illuminated signage as set out in Schedule 6 Section 4.0 of the County Development Plan. As a result, the planning authority while deciding to grant permission for the proposed signage zones on the north-east elevation, specified in the conditions attached to the grant of permission, that such signage shall not be internally illuminated and that the provision of internally illuminated signage at this location shall be the subject of a separate planning application. Following a review of the planning history associated with this site, it would appear that applicants have subsequently (March 2022) received planning permission, under Planning Register Reference SD22A/0004, for the provision of an externally mounted illuminated sign over the main entrance door of the retail unit, such signage was not observed on the date of inspection.

- 7.4.2. In relation to the signage zones as proposed under this application, while I note the issues raised by the planning authority in respect of the provision of illuminated signage at this location, I am satisfied, following consideration of the plans and particulars submitted with the application and having visited the site, that the provision of internally illuminated signage on the northeast elevation of this structure (as proposed), would be acceptable in principle. In this regard I am satisfied that the installation of illuminated signage at the proposed locations would effectively read as part of the overall design / character of the retail building and would not detract to any significant degree from the visual amenities of the area, either when illuminated or if unlit during the daytime period. Furthermore, having regard to the location of the retail unit on Stocking Avenue and the prevailing pattern of development in the area which is predominantly residential in nature, I am satisfied that the proposal would not contribute to an overabundance of internally illuminated signage at this location and that the separation distances available between it and adjoining properties (60+ meters) would be sufficient to ensure that no significant impacts on the residential amenities of adjoining properties in terms of disturbance or light pollution are likely to arise. In light of the above I recommend that permission for the 2no additional signage zones on the north -east elevation be granted subject to final design details being agreed in writing with the planning authority in advance.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, which comprises amendments to a previously permitted development, and the distance to the nearest European site, 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 for this development be granted subject to condition as outlined below.

9.0 **Reasons and Considerations**

Having regard to zoning of the site as set out in the South Dublin County Council Development Plan 2016 – 2022 and the objectives for the area as set out in Ballycullen / Oldcourt Local Area Plan 2014 (as extended); the planning history of the site and the nature and scale of development proposed which relates only to amendments to the previously permitted development on site, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development 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, 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
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted, under planning register reference number SD19A/0345, as amended under planning register references SD20A/0322, SD21A/0071 and SD22A/0004 and any agreements entered into thereunder.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions</p>
3.	<p>The display area for alcohol products shall be limited to the area indicated on the drawings submitted, unless otherwise agreed with the Planning Authority.</p> <p>Reason: In the interests of clarity and proper planning and development</p>
4.	<p>Prior to the commence of development on foot of this grant of planning permission, the applicant / developer shall submit to and for the written agreement of planning authority detailed design proposals for the 2no signage zones proposed at the north-east elevation of the permitted retail unit.</p> <p>Reason: In the interest of visual amenity and proper planning and development</p>

Lucy Roche
 Planning Inspector

30th May 2022