



An
Bord
Pleanála

Inspector's Report

ABP-312782-22

Development

Part (a) - Retention permission or the sub-division and amalgamation of part of the ground floor of unit C01 into the wider store and part change of use from retail warehouse to ancillary 'pick store' . Part (b) : permission for the amalgamation of the ground floor of unit C01 from Retail Warehouse to an extended Dunnes Stores food sales area.

Location

Units C01-C05, Beacon South Quarter, Sandyford Industrial Estate, Sandyford, Dublin 18.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D21A/1010.

Applicant(s)

Better Value Unlimited Company.

Type of Application

Permission and Retention Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal	First Party.
Appellant	Better Value Unlimited Company.
Observer(s)	None.
Date of Site Inspection	24 January 2023.
Inspector	Stephen Rhys Thomas

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1.0 Site Location and Description

- 1.1. The subject site contains retail units located in the area of the Beacon South Quarter, Sandyford, Co. Dublin. The retail element of this development consists of units on the northwest, south west and south east of an area called 'The Courtyard'. To the north east is the Carmanhall Road. The Courtyard area primarily consists of surface car parking, underground car park access, lifts/ stairs, travellers and footpath areas. The buildings here are multi-storey and there are a large number of residential units over the retail units and in the general area.
- 1.2. The subject site occupies units C02 to C05 (Dunnes Stores Food Stores) at the common ground level with the surface car park of the Courtyard area. Unit C01 is located at the end of the north western part of the Courtyard, adjoins the Dunnes Stores Food Store and Clothing Department at the respective ground and first floor levels. Unit C01 occupies two floors.
- 1.3. Units C03 to C05 are occupied by Dunnes Stores and are in use as a supermarket at ground floor level and for clothing and homeware sales at first floor level. Other units in the Courtyard retail furniture, there is a pharmacy, restaurant and other operative retail units. The Beacon South Quarter is located to the north western side of Sandyford Business Park. The M50 is located to the south and the Stillorgan Luas stop on the Green Line is 500 metres to the north. The western end of the overall business park is characterised by residential development and associated retail in the Beacon South Quarter. The business park accommodates a mix of commercial and enterprise uses. A number of large sites in the vicinity are under construction for apartment developments.

2.0 Proposed Development

- 2.1. Permission is sought for:

Retention permission and permission. The development consists of:

- (a) – **Retention Permission** - Retain the in-store pick room at ground floor level of Unit C01 with a floor area of 223.4 sqm until the wider permission to amalgamate Dunnes Stores with Unit C01 is granted.

- (b) **Permission** to amalgamate the ground floor of Unit C01 from retail warehouse with Dunnes Stores sales area, units C02-C05. Removal of internal escalator and fire exit stairs.

The change of use part of the first floor unit C02 to ancillary 'pick room' dedicated to servicing online purchases.

- (c) Should permission not be granted for Part (b) of this application then permanent retention permission is sought for Part (a).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse permission for two reasons, as follows:

1. Having regard to (i) the Retail Planning Guidelines (2012), the GDA Retail Strategy (2008-2016) and the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, including the Sandyford Urban Framework Plan; (ii) the proximity of the site to the Stillorgan District Centre and the availability of other convenience floorspace within and near the Sandyford Business District and (iii) the approach used to calculate retail 'headroom' or capacity in the submitted Retail Impact Assessment, as well as the characterisation of the proposals as modest, the Planning Authority is not satisfied that the development for retention and the proposals would not lead to over-provision of retail facilities sufficient to undermine the viability of existing businesses in the area and the vitality and viability of higher order retail locations in the County.
2. The development for retention and the proposed development is considered inconsistent with the definition of Supermarket and is therefore contrary to CDP policies RET 1 Retail Planning Guidelines. The submitted Retail Impact Assessment (RIA) does not adequately demonstrate that the proposals cater only for the employment population within the Sandyford Business District and the residential catchments within walking distance as the scale of development is more appropriate to a non-local 'District Centre' level catchment area and the applicant has not demonstrated that the development

will not have a negative impact on adjacent retail centres contrary to SUFP Objective MC2, Section 2.4.2 (d) of the SUFP and CDP Specific Local Objective 120 as well as CDP policies RET 11 Additional Retail Floor Space and RET 12 Assessment of Retail Proposals and the development for retention and proposals are therefore considered contrary to the proper planning and sustainable development of the area.

Note: The Planning Authority agrees with the concerns of the Transportation Planning Section's report and the two items recommended to be requested by way of further information would have to also be adequately addressed if a consideration to grant permission were to be made.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

- Planning history, site description and land use zoning.
- The principle of retail use at this location is acceptable subject to compliance with Development Plan policy, retail impact assessment, access/parking and drainage. However, the subject site is not identified as a retail centre in the Sandymount Urban Framework Plan (SUFP) and so any extension of retail sales area is not appropriate.
- The total proposed net sales floor area of 3,124 sqm would exceed the description of a supermarket as set out in the Retail Planning Guidelines 2012 and when combined with upstairs floor area the proposed development would be defined as a 'superstore' by the guidelines. The SUFP limits convenience retail to between 1,000 and up to 2,500 sqm.
- The Retail Impact Assessment (RIA) submitted by the applicant is interrogated and the findings considered inadequate to support the development as proposed.
- The increase in floor sales area could impact on travel patterns and trip generation especially with the M50 and N31 located nearby.

- Retail Pick Rooms are more suitably located at distribution warehouse locations, not at existing retail floor space area. The proposal to either retain or provide pick room space equates to new sales floor space and is not supported by the planning authority.
- The visual impact of the proposed development is acceptable.
- Transportation and delivery management, further information is required with respect to delivery patterns and traffic generation.
- No drainage issues.
- Full implementation of previous permissions for butcher/fishmonger and café do not appear to have been fully implemented, however, retail use may have spread to these areas unpermitted. A matter for enforcement, not material to the current proposal.

3.2.2. Other Technical Reports

Transportation Planning – further information sought in relation to delivery and pick up traffic implications for the pick room and the catchment area of proposed delivery facilities.

Drainage Section – no objections.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Subject Site:

PA ref D19A/0788 and ABP Ref PL06D.306414 – Permission for a change of use and amalgamation of vacant unit C02 with the adjoining Dunnes Stores supermarket to create an enlarged supermarket. May 2020.

PA ref D18A/0419 - refuse permission for the amalgamation of Units C01 and C02 with the existing Dunnes Stores supermarket (Units C03 to C05) and for a reconfiguration of the floor area.

PA ref D06A/0724 refers to a June 2006 decision to grant permission for revisions to the development as permitted under D04A/0618.

PA ref D04A/0618 - permission for a mixed use development on a site of 5.23 hectares including retail, residential, commercial and live-work accommodation.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028

The site is located on land that is subject to zoning objective MIC 'To consolidate and complete the development of the mixed-use inner core to enhance and reinforce sustainable development'; this zoning only applies to the Sandyford Urban Framework Plan area. Within this zoning, 'Convenience (including supermarkets) and Comparison Shops' are listed within the 'Permitted in Principle' Category subject to 'Any retail development shall accord with the policy for retail within Mixed Use Core Areas as outlined in the Sandyford Urban Framework Plan'.

Chapter 12 Development Management

Section 12.6 Towns and Villages and Retail Development

12.6.1 Assessment of Development Proposals in Towns, District and Neighbourhood Centres. Applications for new retail development in the County shall accord with the retail Policy Objectives of the Development Plan (refer to Chapter 7), Regional Guidance and Government Guidance, as set out in the 'Retail Planning Guidelines', (2012), and shall:

- Be consistent with the role and function of the particular retail centre as set out in the Development Plan and accord with the scale and type of retailing identified for that location.
- Accord with the fundamental objective to support the vitality and viability of the retail centre and demonstrate compliance with the sequential approach. Provide a

detailed retail impact assessment and a transport impact assessment to accompany the application where appropriate.

- Be of a high quality and incorporate layouts that encourage active and engaging frontages where appropriate.
- There shall be a general presumption against large out-of-town retail centres - in particular those located adjacent or close to existing, new or planned national roads/motorways
- In the context of larger scale developments in our Major Towns, District and Neighbourhood Centres, while adequate car parking, separate service areas and convenient access by public transport and by walking and cycling from surrounding residential areas are essential elements, these must be supplemented by features that improve the overall attractiveness of the scheme to the public. Such features can include for example:
 - Public realm of appropriate scale, design and enclosure.
 - The provision and design of street furniture, e.g. seats, litterbins, cycle facilities.
 - The provision within the overall design of the scheme for public facilities, e.g. toilets, advice centres, and supporting community, civic and cultural uses including health clinics, crèches, theatres, libraries for example.
 - Activities and uses including retail services and restaurant uses that keep the centre alive both during the day and evening.
 - The inclusion of some element of residential uses, particularly apartments, as an integral part of the centre in order to generate evening activity and security of the centre. Provision of residential must be in accordance however with the overall zoning objective for the area.
 - An overall design strategy that helps promote Convenience Shop variety (by the use of differing shopfronts, plot frontage widths, setbacks, signs etc.) but set within an overarching and cohesive design concept that unites the whole.

- The design and layout of buildings, together with the robustness of materials used in their construction, should be such as to discourage graffiti, vandalism and other forms of anti-social activity. All unsightly areas for example, service cores, should be screened from surrounding residential areas and from pedestrian corridors within the scheme. Considered screening should form an integral part of any design, but where this is not possible, supplementary tree planting and landscaping will be necessary.
- Considered tree planting, landscaping and overall urban greening measures must, in any event, form an integral part of the general design of any shopping scheme.
- Appropriate Wall Art.

In dealing with applications for planning permission for retail development, the Council shall have regard to the DECLG 'Retail Planning Guidelines for Planning Authorities' (2012), the accompanying 'Retail Design Manual' (2012) and the 'Retail Planning Strategy for the Greater Dublin Area 2008- 2016' and/or any updated Retail Strategy for the Dublin area.

12.6.2 Large Goods Stores

Large convenience store - comprising supermarkets, superstores and hypermarkets – are now an accepted element of retailing in cities and large towns. They often provide primarily for the weekly convenience goods shopping of households. They require extensive open areas of floorspace together with adjacent car parking as the majority their customers undertake their bulk convenience shopping trips by car.

Large convenience goods stores should be located in, or on the edge of Major Town Centres or District Centres.

Where a proposal for large convenience goods stores development involves the sale of a significant amount of comparison goods (as is now common in many supermarkets, superstores and hypermarkets), the planning application drawings should clearly delineate the floorspace to be devoted primarily for the sale of convenience goods. The balance between the convenience and comparison element of the proposed store drawings is a critical element in the assessment of the suitability of the development proposal. Where a significant element of the store is

indicated to be for comparison goods the potential impact of that element of the store on existing comparison goods stores within the catchment must be included in the assessment of the application.

Policy Objective RET1: Retail Planning Guidelines

Policy Objective RET2: Retail Strategy for the Greater Dublin Area

Policy Objective RET3: Assessment of existing retail floor space

Policy Objective RET4: Retail Hierarchy

Policy Objective RET9: Assessment of Retail Proposals

Policy Objective E8: Sandyford Business District

It is a Policy Objective to implement the Sandyford Urban Framework Plan.

The RSES identifies Sandyford as a strategic employment location in the Dublin Metropolitan Area while the Dublin MASP supports the continued development of Sandyford as a high density business district. In line with these regional classifications the Employment Strategy of the County Development Plan identifies the Sandyford Business District as a strategic employment location with significant potential for increased land efficiency and densification through intensification of existing brownfield sites for additional High Intensity Employment. The Sandyford Business District remains the primary employment centre in DLR and the Council will support the continued redevelopment and densification of Sandyford Business District to provide for high quality office accommodation along with supporting facilities. The provision of additional uses in the Sandyford Business District will be strictly in accordance with the provisions of the Sandyford Urban Framework Plan.

Sandyford Urban Framework Plan (SUFP) 2022-28

The Sandyford Urban Framework Plan (SUFP) is included as Appendix 16 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The following are relevant to this development:

Objective MC1: 'It is an objective of the Council to require that a Retail Impact Assessment accompany all convenience and comparison retail development proposals in excess of 300sqm GFA'.

Objective MC2: 'It is an objective of the Council to require that all Retail Impact Assessments should demonstrate that the scale and nature of retail proposed caters only for the employment population within Sandyford Business District and the residential catchments within walking distance and that it will not have a negative impact on adjacent retail centres'.

Objective MC3: 'It is an objective of the Council to require all planning applications for proposed retail developments to identify the nature of the proposed use in order that the appropriateness of the use at that location can be determined'.

Section 2.4.2

(d) Retail – Convenience and comparison (not retail warehousing) It is critical that retail in Sandyford is not of a scale that undermines the retail hierarchy of the overarching County Development Plan. Future convenience and comparison retailing (not including retail warehouses) should be of a limited scale so as not to attract 'retail only' journeys into the area in order to avoid competing with established District Centres and/or Major Town Centres elsewhere in the County. Future retail should be of a scale appropriate in a Neighbourhood Centre.

5.2. Regional Guidance

Full regard has been had to the following:

Eastern Midland Region, Regional Spatial and Economic Strategy 2019 – 2031.

This promotes the densification of employment in Sandyford.

Retail Strategy for the Greater Dublin Area (2008 – 2016). Dublin City Centre is listed as the Level 1 Retail Centre for the region. Dun Laoghaire and Dundrum are the Level 2 Centres in the County with the Level 3 Centres including Stillorgan, Blackrock, Cornelscourt, Nutgrove, Cherrywood.

Sandyford is not referenced in this document with reference to retail.

Level 4 – Neighbourhood centres, local centres, small towns and villages

Larger centres have in the past been the focus for much development and investment and to some extent this should continue to be the case. However, the need for local shops and services is equally important within both urban and rural

areas. Planning authorities should seek to protect existing facilities which provide for people's day to day shopping needs and seek to remedy deficiencies to avoid social exclusion and isolation. Encouragement should therefore be given to uses which support the community and help solidify the role of the village/small town as an important local centre such as medical clinics, social services, pharmacies, cafes and post offices.

Small towns and villages should be the main service centres in rural areas, providing a range of facilities, shops and services at a scale appropriate to the needs and size of their catchment areas. They should where possible provide a focus for economic development and rural-based industries, including markets for locally-produced food and other products.

In general for local shopping Councils should:

- Ensure that the importance of shops and services to the local community is taken into account when assessing proposals which would result in their loss to another use;
- Reflect a positive position for the conversion and extension of shops which are designed to improve their viability.

5.3. **National Guidance**

Retail Planning Guidelines for Planning Authorities – Department of Environment, Community and Local Government (April, 2012). These guidelines are supported by the Retail Design Manual. The Retail Planning Guidelines seek to ensure:

Supporting competitiveness and choice in the retail sector, whilst using the sequential approach for retail development.

Promote the vitality and viability of city and town centres.

Recognise the importance of the sector for employment, economic activity and the vitality of Ireland's cities and towns.

Promote the use of sustainable forms of transport.

5.4. Natural Heritage Designations

5.4.1. None relevant to this application for change of use.

5.5. EIA Screening

5.5.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that 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

6.1.1. A First-Party Appeal was submitted to An Bord Pleanála on the 15 February 2022 by the Applicant opposing the Local Authority's decision, the grounds of appeal can be summarised as follows:

- Principle of development – with reference to the previous permission to extend the existing Dunnes Stores, the store will remain local in reach and the comparison elements of the store operates separately. The nature of the retail offer will remain the same and its role to serve the working and resident population will continue. Customer reach and draw to this location will not alter. As working patterns become more normal and permitted residential development increases the local population, the need for enlargement is clear.
- Scale of the proposed store – 2012 Retail Guidelines caps convenience net retail floor space at 4,000 sqm, the total net sales area of the proposed development amounts to 3,124 sqm. The proposed development will not act against the SUFP to protect established District and Major Town Centres. The proposal will not generate retail only journeys as a standalone new shopping

centre would. If Unit C01 were to operate as a retail warehouse, it would in turn generate journeys from further afield.

- Retail Impact Assessment – the only diversion of trade would be from the nearest comparable facility (ALDI) and this would be short term in effect. Retail centres further afield at Stillorgan, Dundrum and Cornelscourt would experience an imperceptible impact. In fact Dunnes Stores have recently opened a new 1,478 sqm of food sales area in Stillorgan and are not concerned by loss of trade to Beacon.
- Visual Amenity – an operational unit is better than the vacant one currently on site.
- Retail Pick Rooms/Access, Traffic and Parking – normally permission would not be sought for the form of use that online sales generate. In this instance, because part of the floor area of C01 was changed to foodstore use, it was thought proper to apply for permission. In response to the information sought by the Transportation section of the Council –
 - Mercedes Sprinter van will be used, six in total and stored in Citywest.
 - Stock will be collected from the Goods Inward area for dispatch.
 - Two trips per day, 7.45am and 2pm.
 - Delivery occurs at the door of the client and all relevant activity at the store takes place within the store environs.

The use of delivery vans actually reduces trips and traffic congestion. The catchment of online delivery services are not entirely known at this stage. In addition, the store based 'pick' model of retail will in turn reduce delivery journeys.

- Other Matters – the client has five years to implement the 2019 permission and the work of seeking concession holders is underway.
- Remedy Sought – to grant permission for the development as proposed.

6.2. Planning Authority Response

6.2.1. None.

7.0 Assessment

7.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Planning Context
- Retail Impact
- Other Matters
- Appropriate Assessment

7.2. Planning Context

- 7.2.1. The site is located at the Beacon South Quarter, Sandyford, this area has the facilities that might be expected at a local or neighbourhood shopping area, though it is not designated as such in the County Development Plan 2022-2028 or the extended Sandyford Urban Framework Plan (SUFP) contained as an appendix to the development plan.
- 7.2.2. In the current Development Plan the site is subject to zoning objective MIC – to consolidate and complete the development of the mixed use inner core to enhance and reinforce sustainable development. In the SUFP, the site is subject to zoning objective Zone 1: Mixed Core Area – Inner Core. This type of zoning allows for supermarkets, convenience (including supermarkets) and comparison shops are permitted in principle in accordance with the policy for retail outlined elsewhere in the SUFP. The purpose of SUFP retail objectives is the provision of retail and services to cater for the employment and resident population and this is underpinned by section 2.2.2 of the SUFP in relation to residential and retail. The subject site is not located within any designated or tiered hierarchy with reference to retail, it is not a local, neighbourhood or district centre. Instead the SUFP places emphasis on flexibility of approach in relation to retailing and acknowledges what has already been provided and that new or additional retail should be clustered within Sandyford Business District, thereby providing the critical mass to provide the vitality that attracts customers to avail of the services on offer. This is exactly the case with the subject

appeal and therefore I consider that the principle of convenience retail services at this location have already been identified by the planning framework (SUFP) for the area.

- 7.2.3. Planning History - Permission has already been permitted by the Board to extend the current Dunnes Stores Supermarket retail sales area in to the vacant Unit C02 at ground floor level and reconfigure the overall ground floor retail space to include a new off licence area, ABP-306414-20 refers. Many of the arguments advanced by both the planning authority and the appellant were referred to in the last appeal. Indeed, the appellant frames their grounds of appeal as both a response to the current planning authority report and the reiteration of the previous considerations of the Board.
- 7.2.4. The supermarket currently operates at this location and permission has been granted to extend the operation to 2,474 sqm, though not yet fully implemented. An online service is currently in operation without permission and the 'pick' element of this will be enhanced and relocated. The appeal before the Board seeks to overturn the two refusal reasons issued by the planning authority and allow an additional sales floor area of 650 sqm and a first floor 'pick' area of 233.4 sqm. This will result in a total net sales floor area of 3,124 sqm, I do not consider that the 'pick' room at first floor should be included as sales floor area as it is not an area frequented by the customer and does not hold stock for display and sale.
- 7.2.5. It is important and relevant to take into consideration the planning history of the site and particularly the previous decision of the Board on a similar but different development proposal. The appellant leans heavily on the analysis presented in the last application and insists that similar lessons can be learned and applied to the appeal on hand. The planning authority take a different stance and state the development as proposed will impact retailing business in the wider area and this will go against the policies of the Development Plan and SUFP in relation to retailing.
- 7.2.6. My assessment takes into account the grounds of appeal, the two reasons for refusal issued by the planning authority, the policies and objectives of the relevant Development Plans and where relevant national policy on retailing. I am however, satisfied that the principle of retailing at this location is supported by the policies and objectives contained within the Sandyford Urban Framework Plan.

7.3. Retail Impact

- 7.3.1. The first reason for refusal issued by the planning authority refers to the Retail Planning Guidelines (2012), the GDA Retail Strategy (2008-2016) and the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, including the Sandyford Urban Framework Plan (SUFP). The Retail Planning Guidelines were published in 2012 with the aim of plan-led retail development, promotion of the city/town centre, competitiveness, a shift to more sustainable travel patterns to avail of retailing and better urban design. Section 4 of the guidelines deal specifically with retailing and development management and require the production of a clear retail impact assessment statement. The GDA Retail Strategy (2008-2016) seeks to guide retailing in the region and builds on the fundamental principles of the retail guidelines. At the core of the retail strategy is a retail hierarchy, in which the subject site does not appear. According to the definitions contained in the Retail Planning Guidelines the proposed development if permitted would constitute a superstore, that being a single level, self service store selling mainly food, or food and some non-food goods, with at least 2,500 sqm net retail floorspace but not greater than 5,000 sqm net retail floorspace and with integrated or shared parking. The planning authority are concerned that the proposed development goes against the retail guidelines, the retail strategy and local planning policy.
- 7.3.2. The planning authority are also concerned that the development if permitted would threaten established retailing at the Stillorgan District Centre and the availability of other convenience floorspace within and near the Sandyford Business District. In addition, the Retail Impact Assessment is criticised as not fully illustrating the impact the development would have on the vitality and viability of higher order retail locations in the county. The planning authority had very similar concerns when they refused permission for the previous extension of retail floor space at this location, ABP-306414–20 refers.
- 7.3.3. Turning first to national and regional guidance in relation to retailing, these documents are useful in the assessment of new retail development at a particular scale when compared with the existing retail environment. This is to protect existing and designated retail cores and direct retail activity to sustainable locations. The appellant has pointed to the Retail Impact Assessment (RIA) submitted with the application. In turn the planning authority are critical of the RIA submitted as it does

not fully disclose any impact on the viability and vitality of other designated retail centres in the area. The site in question does not sit in any retail or settlement hierarchy in any document. However, when cross referenced with advice contained in the SUFP at local level, retail of this nature would seem to meet the future convenience and comparison retail appropriate for mixed use core areas. In my mind this is a key argument that is not made clear by the planning authority.

- 7.3.4. The appellant has cited the previous decision of the Board to extend the comparison retail floor area of the premises to 2,474 sqm and that the current proposal is only a modest increase in floor area to bring the total net sales area to 3,124 sqm. In my mind this is not an insignificant increase, it amounts to a 26% increase in scale and brings the unit into the category of a 'superstore' as defined by the Retail Planning Guidelines. The next category up is hypermarket with floor areas over 5,000 sqm. According to table 6.2 of the Retail Strategy for the GDA a superstore format is not expected to locate at a neighbourhood centre (Level 4). However, the subject appeal is not for a new standalone retail development, it is for the expansion of sales area in response to changing shopping behaviour, in addition to a food court type sales offer already permitted.
- 7.3.5. According to the shopping survey element of the RAI submitted by the applicant, it concludes that the store as it currently operates facilitates small pick-up items, generating short distance trips, some weekly shopping, walk in traffic and that the facility operates and functions as a supermarket. The overall conclusions reached by the RIA state that the additional floor space should not be seen as sales floor space but rather as space to suit emerging post-covid shopping trends. In addition, the occupation of vacant retail warehouse space and conversion to local shopping should be supported. According to the RIA, an enlarged store would not threaten other core retail areas and would fit in with the neighbourhood role and function envisaged for the area. The planning authority disagree and find it difficult to reach similar conclusions without quantifiable data. However, I am satisfied that the RIA submitted incorporates a sound methodology broadly in line with the Retail Planning Guidelines and unsurprisingly supports the development proposal. The proposed development is in my mind a hybrid retail environment that does not readily fit into the retail format envisaged in either the guidelines or the Retail Strategy for the GDA. It is noteworthy that the Retail Strategy for the GDA reminds planning

authorities when producing Development Plans and LAPs to be aware of new retail trends, technologies, efficiencies and innovations. In this instance, I am satisfied that the development can be considered on its own merits and at a scale commensurate with the emerging urbanised location it finds itself in and such consideration can be accommodated within the policy advice provided in the SUFP and Development Plan.

- 7.3.6. The RIA identifies other retail centres at Stillorgan, Dundrum, Leopardstown and Cornelscourt. All of these locations are not easily reached from the subject area either on foot or public transport and so journeys to these locations is likely to be by car. According to the appellant, why not have a retail facility such as is proposed on the doorstep of a large working and ever increasing residential population. In this regard, I note the extensive number of residential units already in situ, those under construction and those already permitted. It is clear that the residential population of the area has already increased and is set to increase further, these figures have been advanced by the appellant at 2,690 persons. In addition, the local Aldi, that offers an alternate shopping model is examined and found that it operates in a complementary fashion and would not be effected nor would local shops found at SuperValu Ballaly and Londis at Carmanhall Road and Beacon South Quarter.
- 7.3.7. The planning authority state that the proposed development would lead to an overprovision of retail facilities and undermine the viability of others. I am satisfied that this would not necessarily be the case. The RIA indicates that the impact to existing retail facilities at Stillorgan, Dundrum, Leopardstown and Cornelscourt would experience an imperceptible level of trade diversion, if any. I find this to be a sound conclusion given that the catchment for the subject site is limited geographically but expanding in terms of a new resident population, as evidenced by permitted and under construction apartment developments. It is only right and proper that an expanded and resident population should shop locally, sustainably and without the need to commute outside the area for day to day groceries. This is further supported by the subject proposal to facilitate online click and collect facilities and/or a local delivery service. In my mind the appellant is reacting to a market demand, fuelled by the expansion of residential units and all of this is supported by the Mixed-Use Inner Core Zone 1 zoning of the SUFP, that states: it is an objective of the Council to

consolidate and complete the development of the Mixed Use Inner Core to enhance and reinforce its sustainable development.

- 7.3.8. Appropriately, this will be achieved by future convenience and comparison retail, clustered within Sandyford Business District, thereby providing the critical mass to provide the vitality that attracts customers. I accept that the subject site does not fit within the strict retail hierarchy envisaged by national and local guidance, but the development proposed is plan-led insofar as the SUFP supports a flexible approach to retail provision, the appellant has identified this and I agree. I am satisfied that the issues contained with the first reason for refusal advanced by the planning authority do not apply: the proposed development accords with the aims and objectives of the SUFP, the proximity of the Stillorgan District Centre whilst geographically close lies outside of any sustainable travel patterns from the area and the methodology behind the RIA is acceptable. In this context as a neighbourhood/local centre, the Retail Strategy for the Greater Dublin Area, reminds planning authorities to reflect a positive position for the conversion and extension of shops which are designed to improve their viability, this is such a case.
- 7.3.9. The second reason for refusal follows the same vein as reason one, but that the scale of the development is more appropriate to a District Centre and would attract customers from a wider catchment area. This would be against policies set out in the Development Plan and SUFP and would have a negative impact on adjacent retail centres. The appellant disagrees and points to the flexibility offered by the SUFP. I am also satisfied that the proposed development would not by itself work against the vitality and viability of other retail locations, despite their geographic proximity, and that the scale and nature of the development proposed is proportionate to the locational qualities of the area as it grows in population and employment.
- 7.3.10. In addition, I note that the current Development Plan (2022-2028) seeks to bolster and consolidate the development of Sandyford as a high density business district, Policy Objective E8 refers. The appeal was lodged in February 2022 before the new development plan came into force (April 2022). The appellant has not provided employment figures to illustrate what the proposed development would provide. On the balance of probability, it is likely that the scale of the increase proposed and the diversification to online collection/deliveries that the amount of people employed at this location would naturally increase. I am satisfied that the proposed development

would contribute to employment densification at Sandyford as desired by the Development Plan.

- 7.3.11. I have visited the site and observed the level of customer activity at various times of the day. I have noted that footfall in the area is resilient and attracted by the variety of services and retail on offer in one location. I have noted that the car parking area at basement level is seldom at capacity, indicative of the minimal parking rates on offer. Lastly, I observed the amount and intensity of current building activity in the area for apartment developments. The area as a whole is increasing in density, something that the SUFP has planned for, and it is in the interests of proper planning and development that localised retail, especially convenience retail should be made available to an expanding resident population wishing to be less dependent on unsustainable car borne journeys. I am satisfied that the case has been successfully made for the expansion and diversification proposed and whilst the bare figures proposed propel the premises to a different retail category, it is acceptable and well fitted to this location. In this regard, the arrangement of the retail floor space into discreet uses (main shop floor and food court) militates against the perception of a conventional large supermarket or superstore definition but would in turn serve the existing employment and growing resident population.

7.4. Traffic and Transportation

- 7.4.1. The planning authority have added a footnote to the reasons for refusal and they refer to the issues raised by the Transportation Section in relation to the online delivery service in terms of fleet size, loading, trip generation, catchment and mapping. The appellant has supplied this information in the grounds of appeal and whilst of interest, I consider that this element of the development would have a minimal impact on traffic and transport. The appellant has stated that delivery vehicles, vans in this case, will lessen traffic on the road and the management system will ensure economic delivery patterns and timing. Online delivery collection points at the premises match those of normal service deliveries and it has been stated that this can be managed within normal operations. I am satisfied that there will be no adverse traffic and transport implications due to the development as proposed and in fact it is likely that trips generated by the reconfigured store with customer collection and online delivery offering will reduce traffic generation. In addition, given the scale of the development proposed and the likely sales catchment

area, I see no traffic flow impacts to either the M50 or N31, as noted by the planning authority.

- 7.4.2. I note the concerns raised by the planning authority that the online delivery element of the proposed development could escalate to further afield and that it would be more suited to a centralised distribution warehouse elsewhere. However, it would appear that the online offering is currently underway, without significant or demonstrable issues in relation to traffic congestion or operational problems. I am satisfied that the size of van fleet (6 in total) would be similar to any change in normal operations, such as a change in supplier or indeed the uptake in trade as a result in the expansion proposed. However, any traffic ramifications that may result, minimal as I think they will be, are outweighed by the benefits of local employment and an additional and sustainable delivery service available to local residents. The appellant makes the point that post-covid shopping preferences have placed a need on space for circulation, less time spent in shops and the convenience of delivery services. I am satisfied that it has been adequately demonstrated that there is and will not be any adverse planning outcomes because of the online delivery service on offer. The planning authority have confirmed that the current 'pick store' currently operated has not attracted any enforcement action yet. Bearing this in mind, I am satisfied that the current operation of online services that stem from this location are acceptable in practice and subject to an appropriately worded condition can be effectively managed and controlled by the planning authority.

7.5. Other Matters

- 7.5.1. The possibility of enforcement action referred to by the planning authority in relation to the implementation of a permission is noted. So too are the comments made by the appellant, insofar as the most recent permission has a lifespan of five years. These are not issues that are material to the appeal on hand, no further analysis is either warranted or necessary.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development – internal works to an existing commercial building on serviced land within an established urban area, 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. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, the Sandyford Urban Framework Plan contained therein as appendix 16, the Retail Planning Guidelines issued by the Department of the Environment, Community and Local Government in 2012, and the Retail Strategy for the Greater Dublin Area 2008-2016 issued by the Regional Planning Guidelines Office, Dublin and Mid-East Regional Authorities, it is considered that, subject to compliance with the conditions set out below, the proposed development would not lead to an over-provision of retail facilities sufficient to undermine the viability of existing businesses in the area and would not adversely impact the vitality and viability of higher order retail locations in the County, the development would underpin and support the current land use zoning objective MIC that seeks to consolidate and complete the development of the mixed-use inner core to enhance and reinforce sustainable development. 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 shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No deliveries shall be dispatched from the premises outside the hours of 7.30am to 3pm, Monday to Saturdays, nor at any time on Sundays or public holidays.

Reason: To protect the residential amenities of the area.

3. Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. Site development and building works shall be carried out between the hours of 0700 to 1800 hours Mondays to Friday inclusive, and between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice

Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

7. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the Planning Authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by visitors and staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the applicant/ developer of this retail development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

8. 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.

9. The developer shall pay to the planning authority a financial contribution in respect of 'the extension of Luas Line B1 – Sandyford to Cherrywood' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Stephen Rhys Thomas
Planning Inspector

01 February 2023