

Comhairle Chontae Atha Cliath Theas

PR/1462/21

Record of Executive Business and Chief Executive's Order

Register Reference:	ED21/0066
Correspondence Name & Address:	Robert McLoughlin, Avison Young 4th Floor, 2-4, Merrion Row, Dublin 2
Development:	The subdivision of retail Unit No. 25, Liffey Valley Shopping Centre, into two separate units with the provision of an internal party wall, with no new entrances.
Location:	Unit 25, Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Dublin 22
Applicant:	Liffey Valley Management Limited

(SW)

Description of Site and Surroundings:

The subject site is located at Unit 25, Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Co. Dublin and contains an existing tanning and beauty salon.

Zoning:

The site is zoned 'MRC' as per the South Dublin County Council Development Plan 2016-2022, the objective for which is '*To protect, improve and provide for the future development of a Major Retail Centre*'.

Proposal:

This is an application requesting a Section 5 Declaration on whether the proposed works are or are not exempted development.

The development consists of the following works;

- *The subdivision of retail Unit No. 25, Liffey Valley Shopping Centre, into two separate units with the provision of an internal party wall, with no new entrances.*

The following has been submitted with this Section 5:

- Application form
- Site location plan
- Plans and elevations
- Cover letter, including rationale for why the proposal is Exempt Development.

Relevant Planning History:

Unit 25

SD08A/0016 Change of use of area (21.0sq.m.) at rear of Unit 25 from ATM facility to retail use and extension at side of Unit 25 into part of mall area for use as additional retail area of 22.25sq.m. and new ATM facility of 10.68sq.m. **Permission Granted**

The extension granted under this permission is the area proposed for subdivision. There are no conditions on this permission restricting subdivision and there are also no conditions linking this grant to any parent permissions.

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Wider Shopping Centre

SD15A/0159 Relocation of the staff car park approved in association with a previous proposal (Ref.Ref. No. SD12A/0226) for six restaurants , a retail unit and alteration to the cinema. A temporary staff car park with 204 parking spaces was approved to the rear of the main atrium and permission is now sought to develop the temporary staff car park (204 spaces) to the rear and west of the shopping centre instead. **Permission Granted**

SD15A/0090 Construction of a two storey and single storey extension to the rear of Unit 30/31. The extension has an additional 161sq.m of retail space at ground floor level at rear of existing unit and a new staircase to a new switch room of 48sq.m at first floor level. The upper floor retail is reduced from 155sq.m to 136sq.m. The total retail floor area increases from 539sq.m to 681sq.m The development requires the existing ESB substation at rear to be taken down and replaced in the service yard at rear of the new expanded unit. **Permission Granted**

SD15A/0077 Amend signage approved in association with a previous proposal (Reg. Ref. SD12A/0226) for six restaurants, a retail unit and alteration to cinema. The VUE sign approved on the new northern elevation, 6.3m by 2.5m, is to be increased to 7.285 by 3.0m and a new IMAX sign, 4.1m by 0.8m, erected below it; a second IMAX sign of the same dimensions is to be erected on the western elevation below the existing VUE sign. The signs will have individual letters with LED lighting. **Permission Granted**

SD15A/0068 Relocate staff car park approved in association with a previous proposal (Reg. ref. SD12A/0226) for six restaurants, a retail unit and alterations to the cinema. A staff car park with 204 parking spaces was approved to the rear of the main atrium and permission is now sought to develop it to the rear and west of the shopping centre instead. **Refuse Permission**

SD12A/0226 Six restaurants in a new three storey building of 3,444sq.m. where five restaurants and an office were approved previously (Ref. Ref. SD10A/0034). Internal amendments are proposed to the existing Vue cinema, to cease using three cinemas and the existing foyer totalling 1,502sq.m., create a new entrance foyer of 189sq.m. and to construct an extension externally of 827sq.m. for cinema use. The area vacated by the cinema together with a northern extension to complement the Western End development will be developed as a three storey retail unit of 6,640sq.m. gross, including staff facilities, storage etc; there will be a new western entrance to the shopping centre including a relocated ATM, and a retail kiosk. Permission is sought for the location and extent of signage for the proposed developments; a new communal landscaped Civic Space of 3,300sq.m. will be developed in front of the new development and will include external seating for the restaurants; there will be revised and improved circulation access in this area. Permission is sought for a temporary 'Events and Activities Area' in the western car park area proposed for a future Transport Hub. Permission is sought for a new temporary surface car park for 204 cars, located

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to the rear of the existing centre, to replace parking spaces removed to provide the development. Permission is also sought for a new service yard, loading facilities and all site works and landscaping associated with the development. The total area of new build will be 10,900sq.m. **Permission Granted**

SD06A/0713 A new mezzanine floor to accommodate storage and refurbishment of existing sales area. **Permission Granted**

SD06A/0625 Construction of a mezzanine floor to the rear of the existing unit, comprising office, stockroom and staffroom accommodation. **Permission Granted**

SD03A/0849 Vary a previous grant of permission dated 10/04/03 (Register Reference SD03A/0011) for the development of a cafe/coffee shop within part of the East Rotunda at Liffey Valley Shopping Centre. The variation consists of omitting the requirement of Condition No. 4 to provide separately metered water supply and 24 hour water storage to service this approved cafe/coffee shop. **Permission Granted**

SD02A/0758 Retention for existing temporary illuminated advertising sign (Temporary Grant S98A/0080) at the junction of the M50 roundabout with the N4 at Liffey Valley Shopping Centre. **Refuse Retention Permission**

S01A/0095 Erect two number signs at Liffey Valley Shopping Centre, Dublin. The letters are to be 600mm high with a stainless steel finish illuminated by means of double outline green fluorescent tubing with a green fluorescent underline to the sign. **Permission Granted**

S98A/0853 Alterations and additions to store, Unit 56 of previously approved Quarryvale Shopping Centre. To provide for additional storage/ancillary area and associated access stairs at mezzanine floor level. **Permission Granted**

Pre Planning

None

Relevant Enforcement History

None

Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 3, 4 and 5 of the Planning and Development Act 2000 (as amended) and Part 2 of the Planning and Development Regulations 2001 (as amended).

Planning and Development Act 2000 as amended:

Section 2(1) in this Act, except where otherwise requires –

'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

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'structure' as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

- (a) Where the context so admits, includes the land on, in or under which the structure is situate

'use' in relation to land, does include the use of the land by the carrying out of works thereon

Section 3(1) defines *'development'* as *'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'*. The term *'works'* is defined in Section 2(1) of the 2000 Act as *'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'*.

The proposed development, by virtue of its subdividing wall and use, therefore constitutes *'works'* and *'development'*.

Is the proposal exempted development?

The works to the unit are all internal and involve the installation of a partition wall and resultant loss of 2sq.m of retail space. These are considered to fall under Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) which states the following shall be exempt;

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Article 9 *Restrictions on Exemption* under Part 2 Exempted Development of the Planning and Development Regulations 2001 (as amended) states the following; Development to which article 6 relates shall not be exempted development for the purposes of the Act—

- (a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

There are no relevant conditions in this instance.

No other Article 9 restrictions are relevant to this proposal.

Conclusion:

The subject of this Section 5 declaration is **“The subdivision of retail Unit No. 25, Liffey Valley Shopping Centre, into two separate units with the provision of an internal party wall, with no new entrances”**.

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It is considered that

(A) It **constitutes development,**

and

(B) It **is** exempted development.

having regard to the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation:

The applicant should be informed that the proposed development would be considered as Exempted Development and would not require planning permission.



Tracy McGibbon

A/Senior Executive Planner

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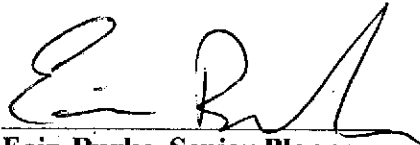
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ORDER: That the applicant be informed that the proposed development of: **The subdivision of retail Unit No. 25, Liffey Valley Shopping Centre, into two separate units with the provision of an internal party wall, with no new entrances at Unit 25, Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Dublin 22** is considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore **does not** require planning permission.

Date: 10/11/21


Eoin Burke, Senior Planner