

# Comhairle Chontae Atha Cliath Theas

**PR/0076/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD21A/0306      **Application Date:** 12-Nov-2021  
**Submission Type:** New Application      **Registration Date:** 12-Nov-2021  
**Correspondence Name and Address:** William Greene Caher House, Loughrea, Co.  
Galway, H62FF61  
**Proposed Development:** Part off-licence use in existing retail unit.  
**Location:** Asia Market, Merrywell Business Park, Ballymount  
Road Lower, Dublin 12  
**Applicant Name:** HBV Ireland Ltd.  
**Application Type:** Permission

(AOCM)

### **Description of Site and Surroundings:**

Site Area: stated as 1.7425 hectares

#### Site Description:

The application site contains a retail and warehouse unit within the Merrywell Business Park. The site has car parking to serve both the retail and warehouse elements of the building. The area is predominantly characterised by industrial and commercial premises within the business park. The site is located proximate to a SEVESO site, Irish Distillers Ltd., located to the north.

#### Site visited:

6 December 2021

### **Proposal:**

Permission is sought for the following:

- Change of use for part of existing retail unit to facilitate provision of **off-licence** (54.3sq.m)

### **Zoning:**

The site is subject to zoning objective 'REGEN' - *'To facilitate enterprise and/or residential led regeneration'*.

### **Consultations:**

Surface Water Drainage – No objection  
Irish Water – No objection  
Roads – No objection, conditions recommended  
Environmental Health – No comment

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Health and Safety Authority – not consulted

### **Submissions/Observations /Representations**

Submission expiry date – 15/12/2021

No submissions or observations received

### **Relevant Planning History**

**SD14A/0185: Permission granted** for construction of single storey retail extension to rear of existing cash and carry facility and reconfiguration of staff facilities at ground floor level to incorporate a proposed unisex wheelchair disabled accessible wc; male and female wc's and revised staff canteen; construction of single storey metal panel/glazed porch extension to front of building with minor material alteration to existing cash and carry facility; installation of additional car parking area with associated site development works.

**SD10A/0163: Permission granted** for minor extensions and modifications to previously approved development under Reg. Ref. SD08A/0828 to include increase in height by one storey 1 no. escape stairs, provision of access walkway across, roof to plant area, extension to cash and carry and office area at ground, first and second floor levels, provision of 3 no. speciality shop unit c.20sq.m. each, retention of use of existing ground floor office area as cash and carry use, provision of new ESB transformer room and switch room, alterations to boundary fence and minor modifications to on site roads and carparking.

**SD08A/0828: Permission granted** for extensions to existing warehouse facility to include new storage and refrigeration areas, ancillary offices and staff facilities, cash and carry facility with customer coffee shop, re-arrangement of on-site roads and carparking areas, 2.5m high fenced plant compound and 2 no. illuminated signs.

### **Relevant Enforcement History**

There is no record of recent enforcement notices for the subject site. There is a historic case recorded relating to the premises which has since been resolved:

**S6561:** potential unauthorised cash and carry business.

### **Pre-Planning Consultation**

None recorded for subject site.

### **Relevant Policy in South Dublin County Council Development Plan 2016-2022**

*Section 5.9.0 Off Licence/Betting Offices*

*RETAIL (R) Policy 11 Off Licences & Betting Offices*

*It is the policy of the Council to manage the provision of off-licences and betting offices and to prevent an excessive concentration of these land uses.*

*R11 Objective 1:*

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*To prevent an excessive concentration of off-licence and betting offices.  
Section 11.3.6 Retail Development*

### **Relevant Government Guidelines**

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

***Retail Design Manual - A Good Practice Guide***, Department of Arts, Heritage and the Gaeltacht (2012)

***Retail Strategy for the Greater Dublin Area 2008-2016***, Dublin Regional Authority and Mid-East Regional Authority, (2008)

### **Assessment**

The main issues for assessment concern the following:

- Zoning and Council policy
- Roads
- Services, Drainage and the Environment
- Environmental and Public Health
- Appropriate Assessment
- Environmental Impact Assessment

### **Zoning and Council Policy**

The proposal relates to a part change of use of floor space within an existing cash and carry retail warehouse unit. No external changes are noted from drawings or the application materials.

The site is subject to zoning objective 'REGEN' - '*To facilitate enterprise and/or residential led regeneration*'. Off-licence is 'Open for Consideration' under this zoning objective.

Section 11.3.2 (ii) of the Development Plan states:

- *The Planning Authority will seek to ensure that the quantum of off-licence and betting offices, particularly within smaller centres, is not disproportionate to the overall size and character of the area and that the development would not have a negative impact on the amenity of the area due to noise, general disturbance, hours of operation and litter. The provision of a small section of a convenience shop for an ancillary off-licence use is generally acceptable.*
- *The Planning Authority will seek to ensure that the quantum of amusement and gaming arcades, bookmakers, public houses, off-licences and fast-food outlets is not disproportionate to the overall size and character of the area.*

The applicant has submitted an extract of what appears to be google maps, indicating where other off-licence services are available in the area, showing only one other service located within 1km. Based on this and a search of the area it does not appear that there would be an

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overabundance of off-licence services if the application were permitted. It is considered that the proposed change of use is complementary to the existing retail use at the site.

Based on the above, the change of use to incorporate an off-licence into the existing cash and carry is considered acceptable.

### Roads

The Roads Department has reviewed the application and has stated no objection subject to **conditions**. An extract of the report states:

1. *Prior to construction of development, the applicant shall submit clearly marked pedestrian route through the internal layout to the store entrance, from the main entrance.*
2. *Prior to commencement of development, the applicant is requested to submit a revised layout showing the bicycle parking. Please refer to Table 11.22: Minimum Bicycle Parking Rates– SDCC County Development Plan 2016-2022. All external bicycle parking spaces shall be covered.*
3. *Prior to commencement of development, the applicant shall provide a 5% of vehicular parking spaces for mobility impaired users, and 10% vehicular parking spaces to be equipped with electrical charging points, REASON: In the interest of sustainable transport.*
  - a. *Car parking spaces dedicated for electrical charging shall be demarcated with “RRM 034” as per Chapter 7 Road Markings*
4. *Prior to commencement of development, the applicant is requested to submit details on location and number of parking spaces to be provided for the retail business. Please refer to Table 11.23: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2016-2022.*

The change of use proposed is entirely internal, within the existing cash and carry warehouse unit, with no external changes proposed. As the use has been operational on the site for many years it is not considered appropriate to retroactively upgrade the parking arrangements of the site and it is not considered that there is scope under this application that require any external upgrades to the existing car parking arrangements. It is considered that the change of use is unlikely to generate additional footfall and therefore, changes to the existing parking arrangements and layout of the site are not considered necessary. In assessing the change of use there are specific criteria within the Development Plan against which the proposal is assessed, and this does not allow for making other amendments to the site layout. It is therefore considered inappropriate in this instance to apply the recommended Roads **conditions** in the event of a grant.

### Services, Drainage and the Environment

Water Services and Irish Water have reviewed the application and have stated no objection.

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### **Environmental and Public Health**

Environmental Health have reviewed the application and have stated no comment other than that the proposal is acceptable.

The site is within the consultation distance for Irish Distillers, a SEVESO site. However, the file was not referred to the Health and Safety Authority. Nevertheless, given that the proposal is for the part change of use of an existing retail warehouse unit with no additional floor area proposed, the proposal is considered acceptable in terms of public health.

### **Screening for Appropriate Assessment**

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **Environmental Impact Assessment**

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

### **Other considerations**

#### **Development Contributions**

The application is for a change of use from shop to off-licence within an existing retail warehouse unit. The application relates to 54.3sq.m.

### **SEA Monitoring Information**

There is no additional floor area proposed.

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s)

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specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Financial Contribution.  
The developer shall pay to the Planning Authority a financial contribution of €5,362.67 (five thousand three hundred and sixty two euros and sixty seven cents), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).  
The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.  
REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.  
NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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**REG. REF. SD21A/0306**

**LOCATION: Asia Market, Merrywell Business Park, Ballymount Road Lower, Dublin 12**

  
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**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:**

17/1/22

  
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**Eoin Burke, Senior Planner**