

# Comhairle Chontae Atha Cliath Theas

**PR/0134/22**

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

**Reg. Reference:** SD21A/0326      **Application Date:** 30-Nov-2021  
**Submission Type:** New Application      **Registration Date:** 30-Nov-2021

**Correspondence Name and Address:** Dermot Mac Dermott 107, Ludford Road, Ballinteer, Dublin 16

**Proposed Development:** Change of use of existing uncompleted and vacant office building to motor showroom and service workshop use (1300sq.m) with ancillary office, staff and customer accommodation; removal of existing projecting porch and stairwell at ground floor level (16sq.m); removal of section of existing floor and projecting stairwell (927sq.m) at first floor level; alterations to existing elevations to include for new glazed curtain walling and insulated wall cladding; new attached illuminated building signage; construction of new single storey extension (90sq.m) to rear to form part of new service workshop; all associated drainage and site works.

**Location:** Airton House, Airton Road, Tallaght, Dublin 24

**Applicant Name:** Green Cars Distributors Ltd.

**Application Type:** Permission

(AOCM)

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

Site Area: stated as 0.328 hectares

#### Site Description:

The application site contains a two-storey office building that is incomplete and vacant on Airton Road. The site has car parking to the front and rear. The area is predominantly characterised by industrial and commercial premises along an attractive treelined boulevard.

#### Site visited:

10 January 2022

### **Proposal:**

Permission is sought for the following:

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- **Change of use of** incomplete and **vacant office building to motor showroom and service workshop use** with ancillary office, staff and customer accommodation
- Removal of existing porch and stairwell as ground floor level
- Removal of part of existing first floor internally and external projecting stairwell at first floor level
- Alterations to existing elevations to include glazed curtain walling and insulated wall cladding
- Illuminated building signage
- Extension to rear to form new service workshop

### **Zoning:**

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

### **SEA Overlap**

SFRA B 2016

### **Consultations:**

Parks – No comment

Surface Water Drainage – Further information recommended

Irish Water – No objection, conditions recommended

Roads – Further information recommended

Environmental Health – No objection, conditions recommended

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

Submission expiry date – 12/01/2022

No submissions or observations received

### **Relevant Planning History**

**SD19A/0346: Permission and retention permission granted** for change of use and conversion of an existing vacant two storey office building to provide 38 residential accommodation units to be used as a family hub; 16 units at ground floor level and 22 units at first floor level; with communal kitchen facilities, storage space, family rooms, internal play spaces, staff and ancillary rooms at ground and first floor level; external playground; 19 bicycle spaces and 45 car parking spaces located at ground level; associated site works, services, paving, planting, landscaping, lighting and new boundary walls and fencing; revisions to the existing foul and surface water drainage networks and new tree pit attenuation zones; new boundary treatment; construction of 3 outbuildings and modifications to the existing elevations including the addition of new windows on the rear elevation and rear block; vehicular, pedestrian and cycle access to the development will be maintained via the existing access point

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on Airton Road. Retention is sought for minor new and altered window arrangements to the north (front) and west (side) elevations.

**SD17A/0403: Permission granted** for: Block A - demolition of 150sq.m of two storey offices at the west elevation to form vehicular access to the rear car park. Provision of new facing brick in lieu of metal cladding, new window and enlarging of existing windows on the front (north) elevation. Enlargement of existing windows and provision of new window and door at the south elevation. Block B - Provision of 5 new windows on east elevation, enlargement of windows on south elevation and provision of 2 new windows and enlargement of existing windows on the west elevation.

**SD13A/0248: Permission granted** for new 14.18sq.m. link corridor to the rear/southern side of existing office building at ground floor level; 3 no. proposed new automatic barriers at entrances 1, 2 & 3 serving existing car parking areas; new 2.4m high, 1.5sq.m. sign located adjacent to vehicular entrance 1 at the front boundary of the site; security shutters located to the east and west facing ground floor windows of the existing single storey element of building.

**SD03A/0153: Permission granted** for New entrance to Coral House, provision of new profile metal cladding to the front elevation of Coral House to match cladding of Airton House, alterations to the facades of Coral House and Airton House to form new window openings, alterations to the main roof to accommodate new lift and the construction of a new air conditioning compound to the west elevation of Coral House. This application is on foot of receipt of initial notification to grant permission to retain office based use in these two buildings which includes alterations and change of use of Airton House and Coral House from light industrial to office use - Register Reference SD02A/0444 - 31st January 2003.

**SD02A/0444: Permission granted** for Permission sought to retain office based industry in these two buildings and a revised drawing is lodged identifying the planning and use history of the various areas of the premises. The permission sought includes alterations and change of use of Airton House and Coral House. These alterations include increasing the first floor area by 98sq.m joining both buildings into a single occupancy changes to elevations including the provision of new windows and blocking up a doorway and the joining together of the two car parks to create a single car park of 64 car spaces. Permission is also sought to retain the change of use of these premises to office based industry including telemarketing/call centre, administrative office, data processing and information technology operations. Permission was previously granted to use Airton House as light industrial with ancillary office use and Coral House was approved for use as offices with ancillary storage.

### Relevant Enforcement History

None recorded for subject site.

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### **Pre-Planning Consultation**

None recorded for subject site.

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

#### *Chapter 1 Core Strategy*

*CS2 Objective 4: To promote and support the regeneration of underutilised industrial areas within areas designated with Zoning Objective Regeneration 'REGEN' (to facilitate enterprise and/or residential led regeneration).*

#### *Chapter 4 Economic Development and Tourism*

*ET Policy 2: It is the policy of the Council to facilitate and support the regeneration of underutilised industrial areas that are proximate to urban centres and transport nodes and to promote and support more intensive compatible employment and/or residential led development in regeneration zones.*

*ET2 Objective 1: To promote and support the consolidation or relocation of existing employment uses in Regeneration 'REGEN' zones and the upgrade of these areas to create opportunities for regeneration.*

*ET2 Objective 2: To support proposals for more intensive compatible enterprise and/or residential led development on lands designated with Zoning Objective 'REGEN', subject to appropriate design safeguards and based on a traditional urban form that adhere to urban design criteria.*

*ET2 Objective 3: To support proposals for incubator, starter and/or live work units on lands designated with Zoning Objective 'REGEN' (to facilitate enterprise and/or residential led regeneration).*

#### *Chapter 6 Transport and Mobility*

#### *Chapter 11 Implementation*

##### *Section 11.2.4 – Regeneration Zone*

##### *Section 11.2.8 – Signage – Advertising, Corporate and Public Information*

##### *Section 11.2.9 – Shopfront Design*

##### *Section 11.3.6 – Retail Development*

##### *Section 11.4.1 – Bicycle Parking Standards*

##### *Section 11.4.2 – Car Parking Standards*

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*Section 11.4.3 – Car Parking for Electric Vehicles*

*Section 11.4.5 – Traffic and Transport Assessments*

*Section 11.6.0 – Infrastructure and Environmental Quality*

*Section 11.6.3 – Environmental Hazard Management*

*Section 11.7.0 – Energy*

*Section 11.8.0 – Environmental Assessment*

### **Tallaght Town Centre Local Area Plan 2020**

- Broomhill Area

#### **Relevant Government Guidelines**

*Project Ireland 2040 National Planning Framework*, Government of Ireland, 2018.

*Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly*, 2019.

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*, Department of the Environment, Heritage and Local Government, (2009).

*The Planning System and Flood Risk Management - Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government & OPW, (2009).

#### **Assessment**

The main issues for assessment concern the following:

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

#### **Zoning and Council Policy**

In the County Development Plan 2016 – 2022 the site is subject to zoning objective 'REGEN' - *'To facilitate enterprise and/or residential led regeneration'*. Motor Sales Outlet, Office and Advertisements are all 'Permitted in Principle' under this zoning objective.

Section 4.3.2 of the Development Plan sets out the aims for development in employment and residential regeneration zones. ET Policy 2 states that *'It is the policy of the Council to facilitate and support the regeneration of underutilised industrial areas that are proximate to urban centres and transport nodes and to promote and support more **intensive compatible***

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*employment and/or residential led development in regeneration zones.* ET2 Objectives 1, 2 and 3 support the consolidation and relocation of existing employment uses to create opportunities for regeneration, while **also encouraging proposals for more intensive enterprise and/or residential led development.**

CS2 Objective 4 state it is the aim of the Council *'To promote and support the regeneration of underutilised industrial areas in areas designated with Zoning Objective Regeneration 'REGEN' (to facilitate enterprise and/or residential led development).'*

### Tallaght LAP 2020

#### *Objectives in LAP – linear park*

Key Objective BH5 states an objective for the Broomhill area is to *'maintain the existing building line set back along Airton Road and seek delivery of a linear park along southern side of Airton Road in tandem with development'*. While the proposal does not affect the existing building line, car parking is proposed at the front of the site, and this would compromise the delivery of a linear park along this section of Airton Road.

#### *Objectives in LAP – higher value commercial uses*

Key Objective BH1 states an objective for the Broomhill area is to *'transition to mixed use area primarily focused on higher value commercial uses.'* It is considered that a motor sales outlet and workshop does not comply with this objective.

Informal communication was received from the SDCC Forward Planning Delivery Team and states as follows:

*The proposal is for a change of use of a premises on Airton Road, Tallaght from commercial to car showroom. The unit is currently vacant. The site is zoned 'REGEN' in the County Development Plan, the objective for which is 'to facilitate enterprise and/or residential-led development'. The Regeneration 'REGEN' Zoning Objective is applied to underutilised industrial lands that are close to town and district centres and transport nodes and have potential for more intensive forms of development. It is noted that the proposed car showroom use which would fall into the category 'motor sales outlet' is permitted in principle within this zone.*

*In the Tallaght LAP, 2020, Airton Road is seen as a transitional regeneration area. It is part of the Broomhill district in the LAP and the vision for this area is 'an attractive consolidated, diversified and intensified place for business and employment that is better connected to surrounding places'.*

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*Notwithstanding the fact that the use 'motor sales outlet' is permitted in principle within the Development Plan 'REGEN' zone, it is considered that the proposed car showroom use would not be a preferred use in the context of achieving the objectives of the Tallaght LAP for more intensive employment uses and an improved streetscape.*

It is considered that, while motor sales outlet is a permitted in principle use under the REGEN zoning objective, the proposed change of use does not comply with ET Policy 2, ET2 Objectives 1, 2 and 3 or CS2 Objective 4. The intention of the zoning objective and policies and objectives within the Development Plan is to regenerate sites to provide more intensive employment uses that are compatible with emerging residential developments in the area. It is considered that the proposed use, car showroom and service workshop, are incompatible with this aim and would undermine the potential regeneration of other sites in the area if permitted.

### *Height strategy of LAP*

Section 2.6.2 of the LAP states that along secondary routes within the LAP area, building heights of 3-5 storeys will be encouraged for non-residential development. Figure 2.8 provides a map of the height strategy for the plan, indicating heights of 3-5 storeys for non-residential development, or 4-6 storeys for residential development, along Airton Road, as a secondary route within the plan area. Along tertiary routes, including the road to the west of the site, building heights are specified as 3-4 storeys for both residential and non-residential uses. This is reiterated in Section 3.5 Broomhill, which sets out area specific objectives. The existing building, subject to this application, is 2-storeys in height and no works are proposed to increase this. The change of use and upgrades to the building are therefore considered incompatible with the height strategy of the LAP.

Based on the above, the development should be **refused** for contravening Council policy contained within both the Development Plan 2016 – 2022 and the Tallaght LAP 2020.

### **Visual Impact**

The development would upgrade and make use of an existing two-storey office building that was never completed and has been left vacant. In this regard, development at the site is considered desirable. Elevational changes to the front (north) and west side are considered appropriate for the development and would not be harmful to the surrounding area in terms of visual amenity. Elevations for the rear (south) and east side have not been provided. These should be requested as **further information**. In addition, a proposed section has not been provided and should be requested as **further information**.

Internal changes include the removal of part of the first floor to create a double height showroom space with a storage area contained at the rear of the first floor. At ground floor

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level the existing open space would be divided to provide a showroom space, ancillary offices and staff facilities with a service workshop located at the rear. These changes are considered acceptable. The rear service workshop use is considered incompatible with future residential development in the area as a result of potential noise pollution from the workshop. In this regard, this element of the proposal is not acceptable and should be **refused**.

### Signage

Illuminated signage is indicated on the north and west elevations. As elevations have not been provided for the south elevation it is not known if signage is proposed at this location also. It is concluded that signage would be unlikely on the eastern elevation given. Following Variation 5 of the County Development Plan, the criteria in section 11.2.8 should be applied to signs on the outside of a building.

In terms of the requirements of this section, it is considered that the advertisements shown are largely compliant in principle with the criteria of section 11.2.8 in that there are only two signs on the provided elevations, signage shown is of a simple design and is appropriate to the design of the building as well as only relating to the proposed use of the building. However, no information on materials has been provided, nor any details on the internal illumination of the signs. In this regard the application should be requested to provide **further information** detailing the materials proposed as well as scaled drawings, with dimensions stated, in plan, elevation and section of all proposed signage, including on south and east if relevant, to enable a full assessment. In this regard, section 11.2.8 states '*careful consideration should be given to the materials used in the construction of a sign and the methods used to light it. The illumination of signs and advertising structures should have regard to the SDCC Outdoor Advertising Strategy (2019).*'

Under the South Dublin County Council Outdoor Advertising Strategy (2019), the site is located within Zone 5 of the Zones of Advertisement Control, which consists of '*significant developing areas where advertising could form an integral part of newly created streetscapes.*'

### **Parks**

The Parks department has reviewed the application and stated they have no comment to make. They have not recommended any **conditions**.

### **Roads**

The Roads Department has reviewed the application and has recommended **further information** as follows:

1. *The applicant shall submit revised layout showing 5% of vehicular parking spaces for mobility impaired users, and 10% vehicular parking spaces to be equipped with electrical charging points*



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2. *The applicant shall submit revised layout showing the bicycle parking and pedestrian routes within the development. Please refer to Table 11.22: Minimum Bicycle Parking Rates– SDCC County Development Plan 2016-2022.*
  - a. *The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users.*
  - b. *All external bicycle parking spaces shall be covered.*
  - c. *Footpath layout shall provide adequate connectivity around the development and footpaths on the main road.*
3. *The applicant shall submit a revised layout showing a swept path analysis showing emergency vehicle can access front and back of the development.*
4. *The applicant shall submit a developed Construction Management Plan and Construction and Demolition Waste Management Plan which shall be agreed in writing with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.*
5. *The applicant shall submit a revised layout/plan of bin collection arrangement and location.*

It is considered appropriate to request the recommended **further information** to ensure early consideration of sustainable transport modes, as well as ensuring the layout is appropriate for waste collection.

#### **Services, Drainage and the Environment**

Water Services has reviewed the application and has recommended **further information** as follows:

##### *Surface Water*

- 1.1 *There is insufficient SuDS proposed for the development. Submit a revised drawing and report showing how surface water will be attenuated to include means of SuDS. Examples of SuDS include:*
  - a. *Green roofs*
  - b. *Permeable Paving*
  - c. *Planter boxes with overflow connection to the public surface water sewer.*
  - d. *Grasscrete*
  - e. *Tree pits and other such SuDS.*
- 1.2 *There is no report showing sufficient information on attenuation design calculations. The applicant is required to submit a report to show the site area, and areas of each surface type in m<sup>2</sup> such as buildings, roads, permeable paving, green areas and their respective run off coefficients. Include also the SAAR (Standard Annual Average*

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*Rainfall) and met eireann rainfall data for the site location. Include soil value. Show what attenuation is provided and what is required in m3.*

- 1.3 Submit a drawing showing what attenuation is provided in m3. Show what the discharge rate is. Include an oil/petrol interceptor in proposed development. Show what discharge rate is proposed and where a hydrobrake is any is proposed. Contact water services of South Dublin County Council prior to submission of further information required.*

### *Flood Risk*

*2.1 Proposed development is located in an area that is at risk of 1 in 1,000 year flood event. Submit a report to show what if any mitigation measures are proposed for such a flood risk. All floor levels shall be a minimum of 500mm above the highest know flood level for the site.*

*All floor levels of proposed development shall be a minimum of 500mm above the highest know flood level at or adjacent to the site.*

It is considered appropriate to request the above **further information** to ensure adequate consideration and provision of SuDS measures, as well as necessary mitigation relevant to the site's location within an area at risk of 1 in 1,000 year flooding events.

Irish Water has reviewed the application and has stated no objection subject to standard **conditions** that all the applicant enters into connection agreements with Irish Water where relevant. It is considered appropriate to attach these **conditions** in the event of a grant.

### **Environmental Health**

Environmental Health have reviewed the application and have stated no objection subject to the inclusion of the following conditions:

#### Noise

*1. Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.*

*2. Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.*

*3. All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive*

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*location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time.*

4. *Plant equipment with low inherent potential for generation of noise shall be selected and used. Generators and high duty compressors shall be provided with localised barriers or acoustic barriers as appropriate.*

5. *To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that:*

6. *The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours*

- *Before 07.00 hours on weekdays, Monday to Friday*
- *Before 09.00 hours on Saturdays.*
- *After 19.00 hours on weekdays, Monday to Friday.*
- *After 13.00 hours on Saturdays.*
- *Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*

### Air Quality

1. *During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.*

It is considered appropriate to attach the recommended **conditions** in the event of a grant to ensure the protection 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.

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### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the Tallaght Local Area Plan 2020, it is considered that the proposed development does not comply with the policies and objectives intended for 'REGEN' zoned lands, and more specifically the Broomhill area and Airton Road. It is considered that the development would compromise the overall aims for the future development and regeneration of the area and would therefore not be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

### **SCHEDULE**

#### **REASON(S)**

1. The proposed development by virtue of the proposed layout, height and mix of uses would be inconsistent and contravene the Tallaght Town Centre Local Area Plan 2020 and would be contrary to the proper planning and sustainable development of the area. The height strategy for the Tallaght Town Centre Local Area is outlined in Section 2.6.2 and Section 3.5, which aims for building heights of 3 - 5 storeys (non-residential) or 4 - 6 storeys (residential) along secondary routes including Airton Road, and a minimum of 3-storeys along tertiary routes. The proposal, which comprises only two-storeys, would therefore contravene these height objectives.  
In addition, the proposed development would contravene Key Objective BH5 of the Tallaght Town Centre Local Area 2020 in relation to the provision of a linear park along the southern side of Airton Road in tandem with development.
2. Having regard to the South Dublin County Development Plan 2016 - 2022, the proposed development conflicts with ET Policy 2 which states 'it is the policy of the Council to facilitate and support the regeneration of underutilised industrial areas that are proximate to urban centres and transport nodes and to promote and support more intensive compatible employment and/or residential led development in regeneration zones.'  
Furthermore, the proposal conflicts with ET2 Objectives 1, 2 and 3, and CS2 Objective 4 which aim to provide more intensive uses in areas 'REGEN' and Objective BH1 in the Tallaght LAP. The motor sales showroom and workshop would not represent an intensive employment use resulting in the regeneration of the site or transition the area to a higher value commercial use. In addition, the workshop element of the proposal would not be compatible with emerging intensive uses in the area and would therefore negatively affect the future development potential of the site and surrounding area. Thus, the proposed development would contravene the proper planning and sustainable development of the

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area as set out in the County Development Plan and the Tallaght LAP.

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**REG. REF. SD21A/0326**

**LOCATION: Airton House, Airton Road, Tallaght, Dublin 24**

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

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

**Date:**

2/2/22

*E R A*  
**Eoin Burke, Senior Planner**