

# Comhairle Chontae Atha Cliath Theas

**PR/0264/22**

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

**Reg. Reference:** SD22A/0002      **Application Date:** 04-Jan-2022  
**Submission Type:** New Application      **Registration Date:** 04-Jan-2022  
**Correspondence Name and Address:** The Planning Partnership McHale Retail Park,  
Castlebar, Co. Mayo, F23 TD25  
**Proposed Development:** Provision of 2 double sided projecting signs to the  
northern elevation at the existing mall entrance.  
**Location:** The Arena Centre, Whitestown Way, Dublin 24  
**Applicant Name:** Lidl Ireland GmbH  
**Application Type:** Permission  
(COS)

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

Site Area: stated as 0.004 Hectares on the application.  
Site Visit: 8<sup>th</sup> of February 2022.

### **Site Description**

The subject site is at The Arena Centre, which is a mixed use development on the corner of Whitestown Way and N81 in Tallaght. The site is located on the northern elevation facing N81, at the entrance to the mall from this elevation. The proposed signage is associated with the supermarket retail unit at the ground floor level of the Arena Centre fronting Whitestown Way.

### **Proposal**

Permission for the provision of 2 double sided projecting signs to the northern elevation at the existing mall entrance.

### **Zoning**

The subject site is subject to zoning objective 'REGEN': *'To facilitate enterprise and/or residential-led regeneration'* under the South Dublin County Development Plan 2016-2022.

### **Consultations**

Roads Department – no objection subject to conditions.

SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

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### Submissions/Observations/Representations

A third party submission was received raising the following concerns (in summary):

- Noise from construction works.
- Objects to any works that will cause noise.
- Applicant does not own Block C and therefore does not have the right to put a sign on this building.
- The proposed signage would look unsightly, distasteful and devalue property.

This submission has been reviewed in full and taken in consideration in this assessment of this application.

### Relevant Planning History

*Specifically Lidl Supermarket Unit*

SD22A/0001

Provision of a shopping trolley bay, and remove existing, and associated works at the surface level carpark of the Arena Centre, Whitestown Way, Dublin 24. **Concurrent (separate) application.**

SD08A/0837

One no. 28.06m x 3.05m advertising banner sign behind glazing on the East elevation of a Lidl store, (previously approved planning application Ref. No. SD03A/0320). **Permission for Retention granted.**

SD18A/0267

Double sided Totem sign and all associated and ancillary works at the main vehicular entrance. **Permission granted. This permission provides for a totem sign advertising the various units within the Arena development, including Lidl supermarket unit, the applicant for the subject application. This totem would be located at the vehicular access to the Arena off Whitestown Way. While this sign was not fully constructed at the time of the site visit, this permission is still extant.**

Relevant condition:

*3. Future advertisements to require planning permission.*

*Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a further grant of planning permission.*

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*REASON: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.*

SD18A/0232

Provision of 1 double sided projecting sign to the front elevation. **Permission granted. This was for a similarly designed and sized projecting sign to the signs being proposed as part of the subject application. Like the proposed signs, this sign would also to advertise the applicant's supermarket unit. This projecting sign would be located at the entrance to the supermarket unit at Whitestown Way.**

**The proposal overcame the previously refused application, Reg. Ref. SD18A/0133, by reducing the number of projecting signs from 2 no. to 1 no. and not being internally illuminated. While this sign was not present at the time of the site visit, this permission is still extant.**

Relevant conditions:

*2. Signage.*

*No advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanala on appeal.*

*REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.*

*3. Signage Not Internally Lit.*

*The proposed signage shall not be internally illuminated.*

*REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.*

SD18A/0133

Provision of 2 double sided projecting signs to the front elevation of the existing Lidl store. **Permission refused for the following reasons:**

- 1. Having regard to the existing and appropriate quantum of signage on the subject unit, and on adjoining units, the proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, result in proliferation of signage, which would be harmful to the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

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2. *Section 11.2.8 of the South Dublin County Council Development Plan 2016-2022 relates to signage, and states that 'signage has the potential to give rise to visual clutter and to alter the character of an area and as such will be carefully assessed' Council policy in relation to projecting signage is also detailed within Table 11.19 'Signage' of the 2016-2022 County Development, which states that projecting signs are 'generally not appropriate'. Furthermore, the design criteria for such projecting signs is as follows*

*-Must be positioned no lower than 2.4 m above pavement level (but not on upper floors)*

*-Maximum of one per unit*

*-Should not be internally illuminated.*

*Whilst the signs comply with the height limit, two signs are proposed, both of which are to be internally illuminated. Therefore, the proposed development would contravene Section 11.2.8 'Advertising, Corporate Identification and Public Information Signs' and Table 11.19 'Signage' of the 2016-2022 County Development Plan and would be visually obtrusive and contrary to the proper planning and sustainable development of the area.*

SD06A/0471

Ancillary use as an off-licence of the previously approved one-storey over ground floor discount foodstore granted under Planning Permission Reg. Ref. SD03A/0320. **Permission granted.**

Relevant condition:

*3. No advertising sign(s) or structure(s) shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanala on appeal.*

*REASON: In the interest of the proper planning and development of the area.*

*Overall Development*

SD12A/0222

Change of use of existing unit on the ground floor to form extended gym within previously permitted mixed use development (Planning Reg. Nos. SD03A/0320, SD04A/0962, SD06A/0886 & SD07A/0607). **Permission granted.**

SD08A/0841

Replacement of 4 no. existing external signs to the east and north elevations. **Permission granted.**

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SD07A/0607

Revisions to development permitted under previously granted permission (Register References: SD03A/0320, SD04A/0962 and SD06A/0886) to the mixed commercial, retail, retail warehouse, leisure, office and residential building development. The revisions are to the following areas of the fitness centre, private healthcare facility, pharmacy and retail unit of the development: Ground Floor - an additional corridor and staircase has been located within the fitness centre to provide a new access to the extended gym at mezzanine level; minor alterations to the general floor layouts have been made to accommodate this change; Mezzanine Floor - the fitness centre has been extended into the footprint of the private healthcare facility: the private healthcare facility at this level has been relocated to above and within the void over the pharmacy and retail unit. The total overall additional floor area at this level is 438sqm. Minor alterations to the general floor layouts have been made to accommodate these changes. **Permission granted.**

SD06A/0886

Revisions to development permitted under previously granted permission Register References SD03A/0320 and SD04A/0962. The development will consist of revisions to the mixed commercial, retail, retail warehouse, leisure, office and residential building development: the proposed revisions are to following areas of office Block A and Block B of the development: (1) basement, ground and mezzanine floor levels - minor modifications to the access cores including an additional lift to Block A core and additional plant/telecom rooms at basement level, totalling 22sq.m; (2) first and second floor levels - minor modifications to the access cores including an additional lift to Block A and an increase in the floor to floor heights from 3.750m to 4.075m; (3) third and fourth floor levels - minor modifications to the access cores an additional lift to Block A and an increase in the floor to floor height from 3.750m to 4.075m, two additional office floors have been located at third and fourth floor levels above the existing link office floor (at second floor level) between blocks A/B, totalling 1,268sq.m; (4) roof level - screened roof top plant area located above the additional office floors. **Permission granted.**

SD04A/0962

A mixed commercial, retail, retail warehouse, leisure and residential building complex on a site of 3.256 hectares to the south west of the junction of Whitestown Way and the Tallaght Bypass in the townland of Whitestown, Tallaght, Dublin 24. This development included a one storey over ground floor discount food store with ancillary storage areas and mezzanine level administration offices, 1,853sq.m. in area. **Permission granted.**

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SD03A/0320 & ABP Ref. PL06S.207427

A mixed commercial, retail, retail warehouse, leisure and residential building complex on a site of 3.256 hectares to the south west of the junction of Whitestown Way and the Tallaght Bypass in the townland of Whitestown, Tallaght, Dublin 24. This development included a one storey over ground floor discount food store with ancillary storage areas and mezzanine level administration offices, 1,853sq.m. in area. **Permission granted. Appeal withdrawn.**

### **Relevant Enforcement History**

None recorded for subject site relevant to the current application according to APAS.

### **Pre-Planning Consultation**

None recorded for subject application according to APAS.

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

*Policy CS6 Local Area Plans*

*CS6 Objective 2:*

*To support a plan led approach in Local Area Plan areas by ensuring that development complies with the specific local requirements of the Local Area Plan, in addition to the policies and objectives contained in this Development Plan.*

*Section 11.2.4 Regeneration Zone*

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

*Section 11.5.2 Protected Structures*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

*Schedule 6 Outdoor Advertising Strategy*

*7.0 Advertising Development Management Standards*

### **Relevant Policy in Tallaght Town Centre Local Area Plan 2020**

*3.0 Neighbourhoods*

*3.2 The Centre*

*Continued transformation towards a high quality mixed use urban centre of city scale and character, promotion of new and enhanced retail, civic and town centre uses, new employment space and a vibrant mix of residential, that will support the whole of the County all set within an attractive network of streets, spaces and buildings.*

*Key Objectives for the Centre (TC):*

*TC1: Continue the transformation of the centre with an increase in existing residential, commercial, retail, civic, services and cultural uses and functions.*

*TC10: Improve and enhance the public realm.*

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### *9.2 Design Criteria and Design Statements*

*All proposals for signage (advertisement, corporate and public information) shall be designed in accordance with the criteria set out under the South Dublin County Council County Development Plan 2016–2022.*

### *9.3 Retail Standards*

#### *Signage, Pedestrian Wayfinding and Advertising*

*The Planning Authority will consider appropriately designed and located advertising structures primarily with reference to the zoning objectives and permitted advertising uses. In all such cases, the structures must be of high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.*

### **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).*

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Design and Visual Amenity;
- Access and Roads;
- Environmental Impact Assessment; and
- Appropriate Assessment.

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

The proposed development is consistent in principle with zoning objective 'REGEN': *'To facilitate enterprise and/or residential-led regeneration'*. Advertisements and Advertising Structures are Permitted in Principle under this zoning objective.

Under the Tallaght Town Centre Local Area Plan 2020 the site is located within The Centre Neighbourhood. This neighbourhood has the following objective:

*Continued transformation towards a high quality mixed use urban centre of city scale and character, promotion of new and enhanced retail, civic and town centre uses, new employment space and a vibrant mix of residential, that will support the whole of the County all set within an attractive network of streets, spaces and buildings.*

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The LAP states that all proposals for signage shall be designed in accordance with the County Development Plan. The LAP states that signs must be of a high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.

The proposed signage has been designed in accordance with the branding of the subject retail unit. The signs would be of a high quality design and materials. Given its location it would not obstruct the footpath or roadway. However, the proposed internal illumination of the signage is not acceptable. The design is discussed further in the following section.

### *Design and Visual Amenity*

The proposed signage would consist of 2 projecting signs measuring approx. 1m by 1m in size.

Following Variation 5 of the County Development Plan, development proposals that include signage and/or advertising structures should take account of the following under Section 11.2.8:

- 1. In general, signs on a building should only advertise goods or services that are associated with the premises and no more than 2 advertising signs should be erected on any elevation. Outdoor advertising structures (on buildings or standalone) will be assessed having regard to the South Dublin County Council Outdoor Advertising Strategy (2019).*

**Assessment:** The signage is advertising a supermarket unit located within the Arena Centre. However, it is noted that the entrance at which they proposed is to a separate mall to the actual mall the supermarket is located. The proposed location would not be proximate to the unit they are advertising. There are existing advertising signs along the northern elevation in relation to the retail unit, hotel and bar/restaurant directly accessed from this elevation.

The proposal has been assessed in regard to the South Dublin County Council Outdoor Advertising Strategy (2019) below.

- 2. Signs should generally be limited to the ground floor of a building unless located directly over the entrance to a major commercial or retail building.*

**Assessment:** The signage would be located either side of and above a ground floor entrance to a mall.

- 3. Signs should be simple in design and integrate with the architectural language of the building and not obscure any architectural features.*

**Assessment:** The signage would be simple in design and integrate with the architecture of the contemporarily designed building they would be attached to.



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4. *Signs should be proportionate to the scale of the building to which they are attached and sensitive to the surrounding environment.*  
**Assessment:** The sign would be proportionate to the scale of the entrance and building, and to the surrounding environment.
5. *Signs attached to Protected Structures and in Architectural Conservation Areas should be in keeping with the character of the building and adhere to best practice conservation principles (see Section 11.5.3 Architectural Conservation Areas).*  
**Assessment:** The signage would not be located on nor proximate to a Protected Structure nor within an Architectural Conservation Area.
6. *Any sign, advertising structure or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard.*  
**Assessment:** The Roads Department has no objections to the proposed development subject to a condition relating to no lighting or illumination. The signage is proposed to be internally illuminated, which is not acceptable.
7. *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).*  
**Assessment:** The proposed materials are considered appropriate. The internal illumination of the signage should be omitted.
8. *Applications for advertising structures will be considered having regard to the South Dublin County Council Outdoor Advertising Strategy (2019).*  
**Assessment:** Assessment against the South Dublin County Council Outdoor Advertising Strategy (2019) is provided below.
9. *To consider appropriately designed and located advertising structures primarily with reference to the zoning objectives and permitted advertising uses and with secondary consideration of the SDCC Outdoor Advertising Strategy (2019). In all such cases, the structures must be of high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.*  
**Assessment:** Advertising and Advertising Structures are Permitted in Principle within the REGEN Zoning Objective. The design and materials of the signage would be of a high quality and would not obstruct or endanger road users or pedestrians (once the internal illumination is omitted).

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10. *All signage within the traditional historical villages of the County must be respectful and enhance the historical context of the Architectural environment of these villages.*

**Assessment:** The site is not located within or proximate to the historical village of Tallaght.

The criteria outlined in the South Dublin County Council Outdoor Advertising Strategy (2019) should also be applied. Under the Outdoor Advertising Strategy, the site is located within Zone 5: *This zone consists of significant developing areas where advertising could form an integral part of newly created streetscapes. This zone relates to certain strategic developments, regeneration areas or new mixed use communities where advertising may form part of new streetscapes, having regard to the need to protect residential amenities. Subject to compliance with development management standards in Section 7, the development of outdoor advertising in this zone will be open for consideration.*

Section 7 of the Strategy states that: *Applications for new advertising structures on private lands (adjacent to primary routes) will be considered having regard to the following:*

1. *The geographical zone in which the site is located, as set out in the figure showing zones of advertising control.*

**Assessment:** The site is located within Zone 5.

2. *The rationale for the proposed advertising structure, including proposals for the removal and/ or rationalisation of existing outdoor advertising structures.*

**Assessment:** The applicant states that the proposed signage is part of an independent modernisation and upgrade of the existing store. They state the need for this signage arises due to the lack of animation to the street, which is lacking a pedestrian scale and would benefit from measures that could improve footfall through this entrance.

There are a number of existing and permitted signs associated with this subject retail unit. It is also noted that the entrance at which they are proposed is not proximate to the retail unit. The mall in which the unit is located is a separate mall to the one at which the signage is proposed. There is also existing advertising signage along the northern elevation for other units. The rationale for the proposed signage is therefore not acceptable and the proposal should be **refused**.

3. *The concentration of existing advertising structures in the area.*

**Assessment:** There is existing signage along the northern elevation associated with another existing retail unit, hotel and bar/restaurant. It is also noted that there are a number of signs existing and permitted for the subject supermarket retail unit. This includes:

- the totem sign permitted under Reg. Ref. SD18A/0267

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- projecting sign permitted under Reg. Ref. SD18A/0232
- existing signage and an advertising banner along Whitestown Way
- existing signage above the entrance inside the mall
- existing signage at the entrance via the rear car parking area.

The proposal would add 2 no. more signs advertising this retail unit. This is considered to be an overprovision of signage for one business and would set an undesirable precedent. **The proposed development should therefore be refused.**

- 4. The design of the advertising panel and the use of high-quality materials.*  
**Assessment:** The design and materials of the proposed signage would be of a high-quality.
- 5. The scale of the panel relative to the buildings, structures, roads and streets in which the advertising panel is to be located.*  
**Assessment:** The scale of the signage is considered appropriate in relation to the entrance, streetscape, and surrounding vicinity.
- 6. Impact on the character of the street and the amenities of adjoining properties, in particular residential properties.*  
**Assessment:** Given that 2 no. signs are proposed at the same location, it is considered that the proposal would have an unacceptable impact on the character of the street and amenities of the area.
- 7. Impact of the structure and any proposed lighting on biodiversity.*  
**Assessment:** It is not considered that the proposed development would have a significant, negative impact on biodiversity.
- 8. Impact of the structure on Views and Prospects (see Section 9.2 of Development Plan).*  
**Assessment:** There are no Protected Views or Prospects on the site or within the vicinity.
- 9. Advertising panels will not be permitted where they interfere with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or if they obscure road signs.*  
**Assessment:** The Roads Department has no objections to the proposed development subject to a condition relating to no lighting or illumination.
- 10. Impact on the character and integrity of Architectural Conservation Areas and Protected Structures.*

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**Assessment:** The signage would not be located on nor proximate to a Protected Structure nor within an Architectural Conservation Area.

*Proposals must meet the safety requirements of Transport Infrastructure Ireland (TII), where appropriate including the policy and codes associated with signage, safety and operational requirements of Transport Infrastructure Ireland (TII), for both light rail and national roads where appropriate.*

### ***Access and Roads***

The Roads Department has reviewed the proposed development and has no objection, subject to a condition that the applicant shall not use lighting or illumination for the signage. The Road Department's report is noted. The use of internal illumination should be omitted.

### ***Screening for 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 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.

### ***Screening for Appropriate Assessment***

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Conclusion**

Having regard to the proximity of the signage from the supermarket unit it is advertising and the existing and permitted signage associated with this unit, the proposed development is not acceptable. There are several retailers and businesses within the Arena Centre and the proposed development would set an undesirable precedent for advertising (in terms of proximity and number) at this location. Due to a lack of rationale and potential overconcentration, the proposal is not considered to fully comply with Section 11.2.8 and the Outdoor Advertising Strategy (2019) of the South Dublin County Development Plan 2016-2022 and should be refused permission.

### **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:-

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### **SCHEDULE**

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

1. Due to the siting of the proposed signage, removed from the associated retail unit and frontage, which is served by existing signs, the proposed development is considered to give rise to unwarranted and unacceptable visual impact, contrary to Section 11.2.8 the Outdoor Advertising Strategy (2019) of the South Dublin County Development Plan 2016-2022. Furthermore, having regard to the presence of neighbouring commercial units operating within the Arena Centre, the development if permitted, would potentially set an undesirable precedent for similar proposals and would therefore be contrary to the proper planning and sustainable development of the area.

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**REG. REF. SD22A/0002**

**LOCATION: The Arena Centre, Whitestown Way, Dublin 24**

  
**Colm Harte,**  
**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:**

28/2/22

  
**Eoin Burke, Senior Planner**