

Comhairle Chontae Atha Cliath Theas

PR/0274/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0001 **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 a shopping trolley bay, and remove
existing, and associated works at the surface level
carpark of the Arena Centre, Whitestown Way,
Dublin 24
Location: The Arena Centre, Whitestown Way, Dublin 24
Applicant Name: Lidl Ireland GmbH
Application Type: Permission

(CS)

Description of Site and Surroundings

Site Area: stated as 0.018 Hectares on the application.

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 in the centre of the surface level car park of the Arena Shopping Centre. The trolley bays relate specifically to LIDL supermarket which is accessed via an internal mall.

Proposal

The proposed development comprises of the following:

- Permission for the provision of a 1 shopping trolley bay for LIDL supermarket at the Arena Centre.
- Removal of 2 existing trolley bays along the 'yellow box' pedestrian route through the car park.
- Removal of 4 car parking spaces to facilitate proposed shopping trolley bay.
- Associated works at the surface level car park.

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.

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Consultations

Roads Department – no objections.

Parks Department – no comments or conditions to add following review.

Surface Water Drainage – No objections subject to **conditions**.

Irish Water – N/A.

SEA Sensitivity Screening

No overlap is recorded in the SEA monitoring system.

Submissions/Observations/Representations

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

- Noise volumes from construction works.
- Objects to any works that will cause noise.

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/0002: Provision of 2 double sided projecting signs to the northern elevation at the existing mall entrance.

Decision: REFUSE PERMISSION

Reason for Refusal:

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.

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).

Decision: GRANT PERMISSION FOR RETENTION.

SD18A/0267: Double sided Totem sign and all associated and ancillary works at the main vehicular entrance.

Decision: PERMISSION GRANTED.

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SD18A/0232: Provision of 1 double sided projecting sign to the front elevation.

Decision: GRANT PERMISSION.

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.*
- 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.

Decision: GRANT PERMISSION.

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).

Decision: GRANT PERMISSION.

SD08A/0841 : Replacement of 4 no. existing external signs to the east and north elevations.

Decision: GRANT PERMISSION.

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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.

Decision: **GRANT PERMISSION.**

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.

Decision: **GRANT PERMISSION.**

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.

Decision: **GRANT PERMISSION.**

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.

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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.

Decision: **GRANT PERMISSION. 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 Parking;
- Services & Drainage;
- Screening for Environmental Impact Assessment (EIAR);
- Screening for Appropriate Assessment (AA).

Zoning and Council Policy

The proposed development is consistent in principle with zoning objective 'REGEN': *'To facilitate enterprise and/or residential-led regeneration'*. Car Park is considered to be Open For Consideration 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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Design and Visual Amenity

The proposed 1 trolley bay will have a glazed roof canopy over and will have a height of c.2.887m. The trolley bay is intended to improve customer facilities having a higher specification than the 2 existing 'open' storage trolley bay structures spread along the 'yellow box' pedestrian route through the car park which are proposed to be removed. The proposed trolley bay will provide a sheltered structure in close proximity to the LIDL store entrance via the adjacent mall entrance. The proposed trolley bay will replace 4 car parking spaces the loss of which is not considered to be material in the context of the overall level of parking on the site. The Roads Department has no objections. This is covered further in the Access and Parking section of this report.

Overall, it is considered that the proposals would be a modernisation and improvement to the visual appearance of the site and therefore would be considered to be acceptable. The trolley bays are considered to be visually acceptable.

Access and Parking

The Roads Department has reviewed the proposed development and has no objections. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description:

*4 car parking spaces to be removed to facilitate proposed shopping trolley bay.
4 existing trolley bays to be removed.*

No Roads objections.

The report from the Roads Department is noted.

Services & Drainage

Surface Water Drainage has no objections subject to **conditions**. **Irish Water** has stated the application is not applicable in this instance.

Surface Water Report: No Objection:

Flood Risk No Objection

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

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All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works

Water Report: Not Applicable

Foul Drainage Report: Not Applicable

It is considered appropriate to attach the above conditions in the event of a grant.

Screening for Environmental Impact Assessment (EIAR)

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 (AA)

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.

Other Consideration

Development Contributions

- Construction of a trolley bay.
- Assessable area is nil.

Conclusion

The proposed development is considered to comply with the South Dublin County Development Plan 2016 – 2022, and with the attachment of the following conditions would accord 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) 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 -

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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. (a) Drainage - Irish Water.
 - (i) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
 - (ii) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works
 - (iii) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
 - (iv) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
 - (v) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
- (b) Minimise Air Blown Dust.
During the construction and or 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. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.
REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

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(c) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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 applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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REG. REF, SD22A/0001

LOCATION: The Arena Centre, Whitestown Way, Dublin 24

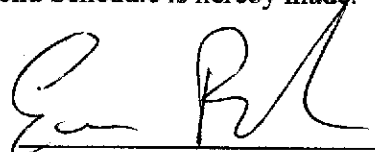


Jim Johnston,
Senior Executive Planner

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:

28/2/22



Eoin Burke, Senior Planner