

Comhairle Chontae Atha Cliath Theas

PR/0304/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0011 **Application Date:** 17-Jan-2022
Submission Type: New Application **Registration Date:** 17-Jan-2022
Correspondence Name and Address: John Doyle, Fitzsimons Doyle & Associates 250,
Harolds Cross Road, Dublin 6W
Proposed Development: Change of use from cold storage to light industrial
use.
Location: Unit 41, Robinhood Industrial Estate, Ballymount,
Dublin 12
Applicant Name: Parma Motors Ltd.
Application Type: Permission

Description of Site and Surroundings:

Site Area:
Stated as 0.6 Hectares

Site Description:

The subject site is located at the junction of the Ballymount Road Lower and an internal road leading to Robinhood Road. The site currently accommodates an industrial warehouse premises with associated offices, staff car parking and service yard to the south and west of the building.

Proposal:

The proposed development is for the following:

- The change of use of an existing cold store to light industrial use at ground floor level of a warehouse building.
- No elevational changes.
- No amendments to the existing Site Layout.
- All ancillary site works above and below ground.

Zoning:

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

Consultations:

Drainage and Water Services Department: No objection, subject to conditions.

Irish Water: No objection, subject to conditions.

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<i>Roads Department:</i>	No objection.
<i>Forward Planning Delivery Team:</i>	No objection.
<i>Environmental Health Officer:</i>	No report received.
<i>Transport Infrastructure Ireland:</i>	No report received.

SEA Sensitivity Screening

Overlap with the following relevant environmental layers:

- SFRA B 2016
- SFRA A 2016

Submissions/Observations /Representations

Final date for submissions/observations – 21st February 2022.

None received.

Recent Relevant Planning History

Subject Site

SD18A/0104 – Units 41/43 Robinhood Industrial Estate, Robinhood Road, Dublin 22.

Change of use from commercial unit (vacant) to Trampoline Sports Centre. Internal works to provide sports areas, reception area, ancillary cafe, seating areas, visitor bathrooms, storage, office and staff areas (3820sq.m); new fire safety escape doors and external illuminated signage; 70 car spaces & 86 bicycle spaces and all associated works. **Decision:** Grant Permission, subject to conditions.

Adjacent Site(s)

SD16A/0414 - Smurfit Kappa Corrugated Cases, Ballymount Road, Walkinstown, Dublin 12

Piping the existing open stream for a length of approx. 70m using a 900mm diameter pipe within their property, together with ancillary works. **Decision:** Grant Permission.

Recent Relevant Enforcement History

None recorded for the subject site.

Pre-Planning Consultation

None recorded for the subject site.

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

1.9.0 Local Area Plans, Approved Plans and Studies

Core Strategy (CS) Policy 6 - CS6 SLO 1:

To prepare a Ballymount Local Area Plan for lands zoned REGEN, EE, and LC, stretching southwest from Walkinstown Roundabout along the Greenhills Road (including those areas adjacent to Greenhills Estate) to the M50, north from there to the Red Cow, east from there along the Naas Road to the city boundary, and along the boundary back to Walkinstown Roundabout. The subject Local Area Plan to be concluded by the end of 2018; and the lands north of this between the M50, the Grand Canal and city boundary currently zoned EE to be considered for inclusion in this plan. The Naas Road Framework Plan (2010) to be taken into consideration during the preparation of the Local Area Plan.

Chapter 4 Economic Development and Tourism

4.3.0 Employment Location Categories -

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. There is significant potential for the redevelopment and intensification of these lands for enterprise and/or residential led development.

4.3.1 Economic and Tourism (ET) Policy 1 Overarching -

It is the policy of the Council to support sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality.

- ET1 Objective 1 - To ensure that there is a sufficient supply of zoned and serviced lands at suitable locations to accommodate a range of enterprise and employment development types.
- ET1 Objective 4 - To support the renewal of underutilised industrial areas to the east of the M50 and in proximity to Tallaght and Clondalkin Town Centres
- ET1 Objective 5 - To support a balanced distribution of economic and tourism opportunities throughout the County by promoting areas of high unemployment and socioeconomic disadvantage as viable locations for enterprise and employment growth in the County.

4.3.2 Employment and Residential in Regeneration Zones

Economic and Tourism (ET) Policy 2 Enterprise and/or Residential Led Development in Regeneration Zones -

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

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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.

4.5.0 Tourism and Leisure

Economic and Tourism (ET) Policy 7 Leisure Activities -

It is the policy of the Council to support and facilitate the development of leisure activities in the County.

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

Section 7.5.1 Waste and Resource Policy and Legislation

Policy IE5 Waste Management

Section 7.6.0 Major Accidents Directive

Policy IE6 Major Accidents

7.7.0 Environmental Quality

Policy IE6 Environmental Quality

Section 8.0 Green Infrastructure

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

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Section 11.2.1 Design Statements

Section 11.2.4 Regeneration Zone

Section 11.2.5 Enterprise and Employment Areas

Section 11.2.7 Building Height

Section 11.2.8 Signage – Advertising, Corporate and Public Information

Table 11.19: Signage – Types of Signs, Restrictions on Use and Design Criteria

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.23: Maximum Parking Rates (Non Residential)

Section 11.4.4 Car Parking Design and Layout

Section 11.4.6 Travel Plans

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.6.3 Environmental Hazard Management

Section 11.6.3 (i) Air Quality

Section 11.6.3 (ii) Noise

Section 11.6.3 (iii) Lighting

Section 11.6.4 Major Accidents – Seveso Sites

Section 11.6.5 Waste Management

Section 11.7.2 Energy Performance In New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Policy

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

Regional Planning Guidelines for the Greater Dublin Area 2010-2022, Dublin Regional Authority & Mid-East Regional Authority, (2010).

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).

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Assessment

The main issues for assessment relate to:

- Zoning and Council policy
- City Edge Project
- Visual Impact
- Water Services and Drainage
- Roads and Traffic

Zoning and Council Policy

The site is located in an area which is zoned 'REGEN' - '*To facilitate enterprise and/or residential led development*' in the South Dublin County Development Plan 2016-2022.

The proposed development is for the internal change of use of a cold storage area to light industrial use within an established warehouse and does not materially change or detract from the existing land use within the Robinhood Industrial Estate and is generally consistent with the zoning objectives and policies of the County Development Plan. The proposed development does not adjoin lands associated with a residential dwelling. The internal proposal is at a scale appropriate to its surrounding environment and adjoining amenities, as such, subject to compliance with the relevant policies, standards and requirements of the current South Dublin County Council Development Plan, the principle of the development is acceptable at this location.

There are minor internal changes proposed and the proposal does not include any additional floor area. It is considered that the proposed change of use is acceptable in principle and will not adversely impact on the visual amenity of the area, subject to clarification regarding signage. However, no detail is provided in relation to the intended use of the building following the change of use to 'light industrial'. It is therefore recommended that should the Planning Authority be minded to Grant Permission, a CONDITION should be attached ensuring that the use at the subject site is restricted to Industry – Light and requiring a separate Planning Application to be submitted should the Applicant wish to operate the premises for commercial purposes such as a Motor Sales Outlet.

City Edge Project

The subject site falls within the City Edge Project lands, which spans over 700 hectares and includes Dublin City Council's Naas Road LAP lands. The City Edge Project objective is to deliver plan led change in this strategic location, optimising the use of strategically important land proximate the city centre and well served by public transport in line with the objectives of Project Ireland 2040.

The City Edge Project is currently in a public consultation phase which will inform the strategic framework, which is due to be completed by Q1/Q2 2022. It is envisaged that a statutory plan

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will follow, and it is important that development is not deemed to be premature pending the adoption of such. Having regard to the current stage of the plan-making process, the Planning Delivery Team assesses each application within the boundary of the City Edge Project Area on a case-by-case basis. The Report of the Planning Delivery Team in relation to the proposed development of this Application noted that:

'The proposal does not consist of any internal or external modifications to the building and no increase in floorspace. The building is also part of a larger industrial unit to its north. The Planning Delivery team considers that due to the specific location, nature and scale of the proposed change of use it will not significantly compromise the Emerging Preferred Scenario or Strategic Framework of the City Edge Area at this point in time'.

Having regard to the above, the Planning Delivery Team states no objection in principle to the proposed development of this Planning Application.

Visual Amenity

The proposed development would have no negative visual impact, having regard to the internal nature of the changes within this established warehouse building, no new external changes are proposed.

Water Services & Drainage

The Drainage Section and Irish Water have assessed the proposed development and have no objection subject to standard conditions.

Roads and Traffic

The Roads Department have provided a Report in relation to the proposed development which indicates no objection to the proposed development.

Other Considerations

Screening for Environmental Impact Assessment

Having regard to the nature and scale 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 and scale of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

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Development Contributions

Change of use of existing floor area within a warehouse from cold storage to light industry (1,750sq m). No new floor area is proposed.

SEA Monitoring Information

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Change of Use of existing floor area within Warehouse	1,750sq m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.6Ha

Conclusion

Having regard to the 'REGEN' zoning objective of the site, and the nature and scale of the proposed internal alterations within an existing warehouse building, it is considered that the proposal is acceptable in principle and adheres to the policies and objectives of the South Dublin County Development Plan 2016-2022 and the principles of proper planning and sustainable development.

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 - 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 to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety 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,

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and that effective control be maintained.

2. **Restriction on Use.**

The subject unit shall be used for Light Industrial purposes only, and for no other purpose within Part 2 or Schedule 2, Part 4 of the Planning & Development Regulations 2001 (as amended), without the prior grant of planning permission.

REASON: To clarify the scope of the Permission, in the interests of amenity and the proper planning and development of the area.

3. **Drainage, Water Services and Irish Water.**

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water Standards, Codes and Practices.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

(c) All works for this development shall comply with the requirements of 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.

4. **Construction Noise and Hours.**

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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

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- 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.

5. 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.

6. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €172,830.00 (one hundred and seventy two thousand eight hundred and thirty euros), 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 applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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

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.

NOTE: The applicant is advised that where industrial effluent is produced or stored a licence may be required under the provisions of the Waste Management Act.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD22A/0011

LOCATION: Unit 41, Robinhood Industrial Estate, Ballymount, Dublin 12

Colm Harte
Colm Harte,
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: 10/3/22

Eoin Burke
Eoin Burke, Senior Planner