

Comhairle Chontae Atha Cliath Theas

PR/0348/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0336 **Application Date:** 10-Dec-2021
Submission Type: Additional **Registration Date:** 18-Feb-2022
Information

Correspondence Name and Address: Derek Fitzharris, Fewer Harrington and Partners
Studio 14, The Atrium, Maritana Gate, Canada
Street, Co. Waterford

Proposed Development: Replacement of existing signage on the front
(Northern) Facade with a new sign measuring
approximately 37.95sq.m; the construction of a
50sq.m external WEEE enclosure; the installation of
2 external air handling units, condensers, distribution
ductwork and all associated site works.

Location: Unit 1, Fonthill Retail Park, Fonthill Road, Dublin 22

Applicant Name: Harvey Norman Leasing (Fonthill) Limited

Application Type: Permission

(CM)

Description of site and surroundings

The site is a large retail unit in Fonthill Retail Park (formerly 'Homebase' but now vacant), located just south-west of the roundabout junction between the R118 and R833 roads in Lucan. The unit is located to the south of the retail park car park and is adjoined by retail warehousing to the north-west and south. To the west of the existing building, there is a yard area currently divided into a 'garden centre' with canopies overhead and another open area. The yard is accessed by a service entrance to the west on Trinity Court, not via the car park.

Site Area – 0.56 Ha.

Site Visit: 7/2/2022

Proposal

- Replacement of existing signage on the front (Northern) Facade with a new sign measuring approximately 37.95sq.m;
- the construction of a 50sq.m external WEEE enclosure;
- the installation of 2 external air handling units, condensers, distribution ductwork and all associated site works.

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Zoning

The site is subject to land-use zoning objective 'RW' – “To provide for and consolidate retail warehousing.”

SEA Monitoring

No overlaps indicated with the relevant layers.

Consultations Received

Roads	Requests Additional Information.
HSE Environmental Health Officer	No report received.
Environmental Services	No objection, subject to conditions.
Public Realm	No comment.

Observations/Representations/Submissions

None Received.

Planning History

SD06A/0801 – Permission **granted** by South Dublin County Council for construction of 6 single storey retail units with a total gross floor area of 11,527.3sq.m. which will include 5 retail warehouse units with a gross floor area of 9,836.3sq.m. and a discount foodstore with a gross floor area of 1,691sq.m, and associated works.

Planning Enforcement

None.

Pre-Planning Consultation

None recorded or indicated on the application form.

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

Chapter 4 Economic Development and Tourism
Policy ET1 Overarching

Chapter 5 Urban Centres & Retailing
Policy R9 Retail Warehousing

Section 11.1.1 Land Uses
Section 11.1.1 (iv) Transitional Areas
Section 11.2.3 Environmental Hazard Management
Section 11.2.3 (ii) Noise
Section 11.4.1 Bicycle Parking Facilities
Section 11.4.2 Car Parking Standards

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Section 11.8.2 Appropriate Assessment

Schedule 6: Outdoor Advertising Strategy (relates to signage)

Relevant Government Policy

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

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

Waste Management Plan for the Dublin Region 2005-2010, Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council, (2005).

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

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 are:

- Zoning and Council Policy
- Visual Impact
- signage
- Public Realm
- Access, Transport and Parking
- Water Services
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

Zoning and Council Policy

The site is subject to land-use zoning objective 'RW' – "To provide for and consolidate retail warehousing."

The proposed development comprises a new sign, a number of air handling units, and a Waste Electronic Equipment area. It is a legal requirement for electronics retailers to accept waste electronic goods for recycling.

The proposed uses are considered to be ancillary to the overall use of 'retail warehouse' which is permitted in principle under this zoning objective.

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Visual Impact

The proposed sign is assessed below. The two external areas for AMU and WEE are located in the yard to the west of the unit and are out of public view. This is a service yard via which goods are brought to and from the unit and therefore there are no sensitive receptors to new development within the yard. The proposed fixtures would not be visible from the customer car park or any public roads. The visual impact is acceptable.

Signage

There are two areas of proposed signage, on the north elevation facing into the car park over the entrance, and on the east elevation facing onto the road. The proposed signage would be backlit and would be proportioned as follows:

- On northern elevation, 7.59m wide by 5m high above shop entrance.
- On eastern elevation, 17.895m wide by 2.465m high just below roof level near north-east corner.

The subject site is located in 'zone 2' as per Schedule 6 of the County Development Plan (introduced under Variation no. 5 of the Plan). The signs are considered to comply with the criteria set out in section 11.2.8 of the Plan and section 7 of Schedule 6 of the Plan, with the exception that the sign on the eastern elevation would be inappropriately lighted. This sign is placed high on the building though not being located over the shop entrance and faces into a residential area. It is considered reasonable to grant permission for this sign on the condition that it is not backlit.

Public Realm

The Public Realm Department has no comment on the application.

Access, Transport and Parking

The Roads Department has sought additional information. The service yard is the service access for the unit. The Roads Department seeks swept-path analysis of heavy goods vehicles to confirm that the proposed developments will not prevent them from safely entering and egressing the site, and turning within the site as necessary.

This is a reasonable request for **additional information**.

Water Services

The water services report states no objection subject to standard conditions relating to flood risk.

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

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

Conclusion

Further information should be sought regarding swept path analysis for HGV's for the service yard.

Recommendation

Request Additional Information.

Additional Information

A request for additional information was issued on 14th February 2022, and a response was received on 18th February 2022.

Further Consultations

Roads No objection, subject to conditions.

Further Submissions/Observations/Representations

None.

Assessment of Additional Information

Item 1

The applicant is requested to provide swept-path analysis of heavy goods vehicles to confirm that the proposed developments will not prevent them from safely entering and egressing the site and turning within the site as necessary.

Response

The applicant has provided a swept path analysis drawing and a written note. The applicant notes that the compound entrance gates and compound area have not been altered from the permitted layout under SD06A/0801.

Assessment

The Roads Department has confirmed that the response is acceptable and recommends the following two conditions be added to any grant of permission:

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1. The level of illumination of the lighting for the signs shall be reviewable at any time by the Roads Department in the interests of traffic safety, and adjustments shall be made by the applicant at their own expense if required to do so by South Dublin County Council.
2. All vehicles must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.

Proposed condition 1 is acceptable. Proposed condition 2 while describing a preferable practice is not enforceable and should not be appended as a condition of permission.

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

Other Considerations

Development Contributions

Commercial development of 50sq.m.

SEA Monitoring

Development Type: Commercial

Floor Area (sq.m): 50

Site Type: Brownfield / Urban Consolidation

Site Area (Ha.): 0.5615 Ha.

Conclusion

The proposed development is acceptable and would accord with the land-use zoning objective, being a development to service a commercial site on appropriately zoned lands. The development would, subject to conditions attached herewith, accord with the relevant policies and objectives of the South Dublin County Development Plan 2016 - 2022 and accord also with the proper planning and sustainable development of the area.

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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, and as amended by Further Information received on 18th February 2022, 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. Signage Not Internally Lit.
The proposed signage on the eastern elevation of the building shall not be internally illuminated.
REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.
3. Signage as Granted.
Excluding those permitted under this development, no additional 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 Pleanála on appeal.
REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.
4. Illumination.
The level of illumination of the lighting for the sign shall be reviewable at any time by the

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SDCC Roads Department in the interests of traffic safety, and adjustments shall be made by the applicant at their own expense if required to do so by South Dublin County Council.

REASON: To protect the amenities of the area and to prevent traffic hazard.

5. Drainage - Irish Water.

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

(b) 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.

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.

6. 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.

7. 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).

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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.

8. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as LAeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.

(b) 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.

(c) 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 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 (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

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, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

9. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €4938.00 (Four Thousand, Nine Hundred and Thirty Eight Euro), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is

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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.

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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REG. REF. SD21A/0336

LOCATION: Unit 1, Fonthill Retail Park, Fonthill Road, Dublin 22

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:

21/3/22


Eoin Burke, Senior Planner