

# Comhairle Chontae Atha Cliath Theas

**PR/0705/22**

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

**Reg. Reference:** SD22A/0104      **Application Date:** 13-Apr-2022  
**Submission Type:** New Application      **Registration Date:** 13-Apr-2022

**Correspondence Name and Address:** J. M. Johnston 53, Church Street, Cavan, Co. Cavan

**Proposed Development:** Construct additional floors at third and fourth floor levels internally as modifications to a recently permitted development under SD21A/0214 - extension of an existing storage warehouse building.

**Location:** M50 Business Park, Ballymount, Dublin 12

**Applicant Name:** HSIL Properties

**Application Type:** Permission

(CM)

### **Description of site and surroundings**

The subject site is located in the M50 Business Park. The site accommodates a self-storage building and surface level car parking and loading areas. The site's gated vehicular access is from a cul-de-sac of Ballymount Road Upper; the site is otherwise bound to the west by Calmount Road, and to the south by the M50 motorway. The Ballymount/M50 interchange is located to the south west of the application site. The current business

Site Area – 0.771 Ha.

Site Visit: 24/05/2022

### **Proposal**

Construct **additional floors at third and fourth floor levels internally** as modifications to a recently permitted development under SD21A/0214 - extension of an existing storage warehouse building.

### **Zoning**

The site is subject to land-use zoning objective 'EE' – “To provide for enterprise and employment related uses.”

### **SEA Screening**

No overlaps indicated with the relevant layers.

# Comhairle Chontae Atha Cliath Theas

PR/0705/22

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

### Consultations Received

SDCC Planning Delivery	No objection.
Environmental Services	No objection, subject to conditions.
Irish Water	No objection, subject to conditions.

### Observations/Representations/Submissions

None Received.

### Planning History

**SD21A/0214** – Permission **granted for retention** of as constructed extended floor areas to ground floor level reception area (approx. 38sq.m) and first floor level office areas (approx. 49sq.m). **Permission** to construct a new extension to the north-eastern corner of a permitted storage warehouse building together with associated external signage, site development works; provide additional storage space at second floor level only (approx. 2,198sq.m) and form an undercroft to the permitted access/entrance areas.

**SD16A/0456** (ABP Ref. PL06S.248236) – Permission **granted** for (1) Construct a new extension to the eastern corner of a permitted storage warehouse building, together with associated external signage, staff & customer car parking, and site landscaping. The proposed extension would provide additional storage space at second floor level only (approx. 778sq.m), and ancillary office space at first floor level (approx. 50sq.m) and form an undercroft to the permitted access/entrance areas. (2) Alterations to the permitted storage warehouse building comprising of: (a) remove external dock leveller located on north-west elevation, (b) amendments to the external elevations of the building comprising of a revised use of permitted colour scheme, and revised door and window locations, (c) revisions to internal layout at ground floor level on site beside the M50 Ballymount Interchange and M50 slip road to the south and southwest and Calmount Avenue. **An Bord Pleanála** removed a condition relating to payment of financial contributions.

**SD15A/0254** – Permission **granted** for Storage warehouse 12,036sq.m gross internal floor area, including reception area, office and ancillary space, external signage with staff and customer car parking and associated site landscaping and drainage works. The vehicular entrance to the site will be from the internal access road in M50 Business Park which is accessed off Ballymount Road Upper. All on a site of c.0.77 hectares bounded by the grounds of Honda Motors to the north east; internal access road and Fashion City to the east; the Ballymount Interchange and M50 sliproad to the south and south west and Calmount Avenue to the west.

**SD08A/0018** – Permission **granted** for Part 4/part 5 storey building (5 storey overall) to provide a gross total floorspace of c.7,220sq.m. of office based industry in 2 no. units (Unit 1 of c.2,955sq.m. GFA and Unit 2 of c.3,085sq.m. GFA). The scheme provides for a roof terrace at

# Comhairle Chontae Atha Cliath Theas

**PR/0705/22**

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

fourth floor level on the southern elevation; a pedestrian bridge from the southern side of the proposed building at first floor level to the adjoining footpath on the M50/Calmount Road junction to the south west: 129 no car spaces at grade level, 92 no. bicycle parking spaces, bin store, switch room, gas room, and all associated landscaping, boundary treatment and site development works. The vehicular entrance to the site will be from the internal access road in Ballymount Business Park which is accessed off Ballymount Road Upper. All on a site of c.0.77 hectares bounded by the grounds of Wyeth Pharmaceuticals to the north; internal access road and 'Fashion City' to the east; the Ballymount Interchange and M50 sliproad to the south and south west; and Calmount Road to the west.

**SD02A/0250** (ABP Ref. PL06S.200644) – Permission **granted** for (1) c. 4367 sq.m (Class 2) four storey office Office based industry building on site 3; and ancillary deck parking. (2) Permission for a variation of Condition 3 of Reg Ref S00A/0173 to permit access from the existing cul de sac; 3) Outline permission for c. 15,996 sq.m of light industrial/warehousing in 5 no. 2 storey blocks on sites 2,4,5,6 and 7 and ancillary landscaping and car parking on c. 4.36 ha site. **An Bord Pleanála** amended conditions relating to financial contributions.

**S00A/0173** – Permission **granted** for Construction of a new road junction, 14.0 metre wide access road with 5.0 metre median and associated infrastructure including foul and surface drainage, general services and landscape works to lands.

### **Planning Enforcement**

None.

### **Pre-Planning Consultation**

None recorded or indicated on the application form.

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

Section 1.12.0 Employment Lands

Section 4.2.0 Strategic Policy For Employment

Policy ET1 Economic and Tourism Overarching Policies and Objectives

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.

Policy ET3 Enterprise and Employment (EE)

It is the policy of the Council to support and facilitate enterprise and employment uses (hightech manufacturing, light industry, research and development, food science and associated uses) in business parks and industrial areas.

# **Comhairle Chontae Atha Cliath Theas**

**PR/0705/22**

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

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

Section 10.0 Energy  
Policy E3 Energy Performance in Existing Buildings  
Policy E4 Energy Performance in New Buildings  
Policy E5 Waste Heat Recovery & Utilisation  
Table 11.18: Key Principles for Development within Enterprise and Employment Zones

### **Section 11.2.1 Design Statements**

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

# Comhairle Chontae Atha Cliath Theas

**PR/0705/22**

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

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 11.8.0 Environmental Assessment

### **Relevant Government Policy**

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

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

**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
- Access, Transport and Parking
- Public Realm

# Comhairle Chontae Atha Cliath Theas

**PR/0705/22**

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

- Water Services
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

### **Zoning and Council Policy**

The site is subject to land-use zoning objective 'EE' – “To provide for enterprise and employment related uses.” The proposed use is an internal extension to an existing and previously permitted self-storage warehouse. 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 proposed use is acceptable at this location.

### **Visual Impact**

The proposed development comprises the extension of the third and fourth floor self-storage commercial areas within the building. Under SD21A/0214, an extension to the building was permitted, which externally matched the height of the existing 5-storey building, but which internally would provide for an undercroft car park at ground level, and commercial self-storage floor space at first and second floor level. The third and fourth floor levels above this extension were thus permitted as an internal void, facilitating future expansion of the facilities.

The Planner's Report on SD21A/0214 stated the following:

“Design clarity – The applicant has clarified that only 2 floors will be sought for permission at present and that, in the future further floors may be added in future. A condition is recommended requiring planning permission for any further floors/mezzanines within the structure.”

The applicant now plans to alter the permitted development to deliver the additional floor space at third and fourth level. This will have no visual impact, as the permitted development already provides for the building's exterior shell to be extended around this space.

### **Access, Transport and Parking**

The main potential issue concerning extension of internal accommodation such as this is parking capacity. The proposed development would reduce the overall number of car parking spaces from 92 to 82.

Given the nature of the business, it is considered that most vehicular trips to the facility are short, and consist of loading or unloading vehicles and storing/retrieving items within the building. The office element of the building, which accommodates up to 4 staff at present and may accommodate up to 6 staff following expansion, is not being proposed for extension. Rather, the extension consists entirely of storage units and an emergency access staircase.

# Comhairle Chontae Atha Cliath Theas

**PR/0705/22**

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

The applicant has stated that the existing number of car parking spaces is excessive for the facility, and that at most 10% of the current spaces are in use at any one time.

The Roads Department has reviewed the submission and states no objection to the loss of car parking. This is acceptable.

### **Public Realm**

The proposed development is entirely internal to the envelope of the permitted structure.

### **Water Services**

Both the SDCC Environmental Services Department and Irish have stated no objection, and subject only to minimal standard conditions. This is noted.

### **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 subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

### **Other Considerations**

#### **Bonds & Contributions**

Extension to self-storage facility – 4,396sq.m

#### **SEA Monitoring**

Development Type:	Commercial
Floor Area (Sq.m.):	4,396
Site Type:	Greenfield
Site Area (Ha.):	0.039

# **Comhairle Chontae Atha Cliath Theas**

**PR/0705/22**

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

### **Conclusion**

The proposed development complies with the 'EE' land-use zoning objective and would intensify an existing use on the site. It is considered that the development would accord with the South Dublin County Development Plan 2016 – 2022 and the relevant policies and objectives contained within and would be in accordance 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 - 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. Development to be in accordance with previous permission.  
All relevant conditions of SD21A/0214 shall still apply, save as may be required by conditions attached hereto or where amended as per the description of this development.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
3. Duration.  
This permission shall expire upon the expiry of permission reg. ref. SD21A/0214.  
Reason: to maintain control of the development.



# Comhairle Chontae Atha Cliath Theas

**PR/0705/22**

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

4. Limitations on Use.

The use of the units shall be limited to self storage and shall not be used for industrial purposes or for any other purpose without a prior grant of planning permission.

REASON: In the interest of clarity and of orderly development

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).

# Comhairle Chontae Atha Cliath Theas

**PR/0705/22**

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

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 €434,148.96 (four hundred and thirty four thousand one hundred and forty eight euros and ninety six cents), 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

# **Comhairle Chontae Atha Cliath Theas**

**PR/0705/22**

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

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 contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

**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](mailto:customerservice@water.ie).

# Comhairle Chontae Atha Cliath Theas

**PR/0705/22**

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

**REG. REF. SD22A/0104**

**LOCATION: M50 Business Park, Ballymount, Dublin 12**

*jjohnston*  
\_\_\_\_\_  
**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: 07.06.2022**

*pp Hazel Craigie*  
\_\_\_\_\_  
**for Mick Mulhern, Director of**  
**Land Use, Planning &**  
**Transportation**