

Comhairle Chontae Atha Cliath Theas

PR/0907/22

Record of Executive Business and Chief Executive's Order

Register Reference: ED22/0021
Correspondence Name & Address: Stephen Moylan, Kavanagh Tuite Architects 9, Terminus Mills, Clonskeagh, Dublin 6
Development: The development will comprise: (1) The Installation of 2 no. new Air Handling Units & associated ducts externally to the existing south façade in place of the previously permitted (Planning Permission SD13A/0266) generator units. (2) External alterations to existing south façade to incorporate flashings to new wall penetrations. (3) Construction of perimeter fence as per previously permitted (Planning Reference SD17A/0448). (4) Associated site works to perimeter road in order to provide safe pedestrian access & Crossings
Location: Former Shinko Microelectronics Site, Greenhills Business Park, Greenhills Road, Tallaght, Dublin 24.
Applicant: Adsil

(EW)

Description of Site and Surroundings:

Site Area: 1.7487 Hectares.

Site Description:

This corner site located within Greenhills Industrial Estate contains a relatively large building, which appears industrial in nature and operates as a specialist data centre building. The site is bound on all sides by security fencing. The pattern of development in the vicinity comprises retail warehousing, industrial and warehouse buildings.

Proposal:

The development will comprise:

- (1) The Installation of 2 no. new Air Handling Units & associated ducts externally to the existing south façade in place of the previously permitted (Planning Permission SD13A/0266) generator units.
- (2) External alterations to existing south façade to incorporate flashings to new wall penetrations.
- (3) Construction of perimeter fence as per previously permitted (Planning Reference SD17A/0448).
- (4) Associated site works to perimeter road in order to provide safe pedestrian access & Crossings

Planning Note:

- Under Planning Permission SD17A/0448, it is noted from submitted drawing no. 100 by Kavanagh Tuite Architects titled *Proposed Ground Floor Plan* dated 24th August 2015 that 13 generator units were proposed for the south façade. From an ariel view of the site, it is noted that only 11 were constructed.

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- Under the subject Exempted Development proposal drawing no. 01001 by Kavanagh Tuite Architects titled *Site Layout Plan - Proposed* dated 4th February 2022 that illustrates 11 only generators with the 2 proposed Air Handling Units.

The Planning Authority notes that both drawings have been submitted with the subject ED application, and for clarity, only proposed drawing no. 01001 by Kavanagh Tuite Architects titled *Site Layout Plan- Proposed* dated 4th February 2022 that illustrates 11 only generators with the 2 proposed Air Handling Units are being considered for this Exempted development application.

Zoning:

The subject site is subject to zoning objective 'EE' - 'to provide for enterprise and employment related uses'.

SEA Sensitivity Screening

Indicates no overlap with the relevant environmental layers.

Submissions/Observations /Representations

No submissions received.

Recent Relevant Planning History

Subject site

SD17A/0448 - Grant Permission for Retention

The proposed development consists of retention of alterations to previously granted planning permission, Reg. Ref. SD14A/0232, and includes:

- (1) Modification to the site entrance arrangement at the north boundary, including the omission of the security hut and the redesign of gates.
- (2) Redesign of the sprinkler water tank and pump house compound.
- (3) Relocation of the humidifier pump house and tanks to the south eastern corner of the main building, with the redesigned tank room enclosed within the main building;
- (4) Rearrangement of the standby generators layout.
- (5) Relocation of the temporary substation to the south western corner of the main building.
- (6) New enclosure to stand-by generators.
- (7) Rearrangement of the accessible parking spaces.
- (8) 164sq.m of added circulation, loading and storage accommodation at ground floor level and 9sq.m at mezzanine level.
- (9) Changes to the main building to facilitate access to the relocated loading bay.
- (10) Internal layout changes to offices and west storage bay areas with associated elevational changes.
- (11) 79sq.m of additional accommodation at first floor level with associated elevational changes; and
- (12) Enlargement of louvered wall vents on the south elevation. The total added accommodation equals 252sq.m.

Conditions

1. Notwithstanding the above, the proposed development shall comply with the relevant conditions of the previous grant of planning permission on this site under Register Ref. SD14A/0232 save as may be required by other conditions attached hereto.

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REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

SD16A/0427 - Grant Permission

Upgrade of the existing boundary railings and palisade fence by increasing the height of the existing fencing and railings by 0.7 meters to the overall site boundary.

Relevant Condition: Condition No. 2:

2. Notwithstanding the above, the proposed development shall comply with the relevant conditions of the previous grant of planning permission on this site under Register Ref. SD14A/0232 save as may be required by other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained

SD14A/0232 – Grant Permission

Construction of a new two storey c.11,700sq.m building for use as electrical rooms for electronic operations, mechanical plant rooms and support areas including a loading bay, offices and welfare facilities; mechanical plant at roof level is screened from view on all sides; a new 50sq.m electrical substation; a new plant array along the east site boundary including an electrical substation transformer compound; a 90sq.m electrical substation control room; a diesel fuel tank farm and loading bay; a 10sq.m fuel pump house; a sprinkler water tank; a 70sq.m water pump house; a humidifier water tank farm; the repositioning and widening of vehicular entrances; 2 site entrances at changed locations in place of 3 existing; 23 car parking spaces, landscaping and ancillary works; the combined gross floor area of the proposed buildings totals c. 11,920sq.m; demolition of existing buildings is being carried out under grant of permission Reg. Ref. SD13A/0266.

SD13A/0266 – Grant Permission

Demolition of the existing industrial building and ancillary structures on the site.

Recent Relevant Enforcement History

None traced for subject site.

Pre-Planning Consultation

None traced for subject site.

Assessment

In this case, consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 3(1) defines '**development**' as '*the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land*'. The term '**works**' is defined in Section 2(1) of the 2000 Act as '*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*'.

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- It is considered that the proposed development constitutes 'works' and 'development'.

Is the proposal exempted development?

In order to assess whether or not the works to be carried out constitute exempted development, regard must be had to the following:

Exempted development 4 (1) The following shall be exempted developments for the purpose of this Act –

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The proposal consists of the following:

- (1) The Installation of 2 no. new Air Handling Units & associated ducts externally to the existing south façade in place of the previously permitted.
- (2) External alterations to existing south façade to incorporate flashings to new wall penetrations.
- (3) Construction of perimeter fence as per previously permitted
- (4) Associated site works to perimeter road in order to provide safe pedestrian access & Crossings

It should be noted that the subject site is centrally located within an industrial setting in which 11 generators are enclosed within a compound and already exist in the southern facade of the subject building and face the southern boundary. In this regard, the replacement provision of two air handling units & associated ducts is proposed to be located in the southwestern corner of the site adjacent to the associated 11 generators to the southeast of the subject site. Therefore, it is deemed that the replacement generator units (proposed initially in SD13A/0266) remain visually balanced to the site in size and shape and would not render its appearance inconsistent with the character of the structure and neighbouring structures and would not materially affect the external appearance of the structure.

It should be noted that the proposed development is located centrally within the Greenhills Business Park, and the southern elevation is not highly visible from the surrounding road network. As such the scale and design of this proposal within an industrial setting, would fall within Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and is considered exempt.

The applicant also proposes to incorporate flashings of new wall penetrations and for the construction of perimeter fence as previously permitted (Planning Reference SD17A/0448); also proposed are works to perimeter road to provide safe pedestrian access & crossings. The subject site and surroundings are industrial, and the subject proposals consist of materials and finishes typical of an industrial estate. Section 4(1)(h) of the Planning and Development Act 2000 (as amended) states that works that do not materially affect the external appearance of the structure to render the appearance inconsistent with the character of the structure or of neighbouring structures shall be exempted development. In this case, the subject site history and subject proposals would not alter the appearance of the industrial unit from the existing build. In addition, the proposals would not look broadly different to the attached neighbouring

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industrial units. Therefore, it is considered that the change would not be material in the context of the site and surrounding area.

The proposal would therefore not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures and would therefore be exempted development under Section 4(1)(h). Internal works would also be exempt under Section 4(1)(h).

Conclusion:

Having regard to the above, and based on the information submitted on behalf of the applicant, it is considered that the proposed subject development comprising:

- The Installation of 2 no. new Air Handling Units & associated ducts externally to the existing south façade in place of the previously permitted as per proposed drawing no. 01001 by Kavanagh Tuite Architects titled *Site Layout Plan - Proposed* dated 4th February 2022.
- External alterations to existing south façade to incorporate flashings to new wall penetrations.
- Construction of perimeter fence as per previously permitted.
- Associated site works to perimeter road in order to provide safe pedestrian access & Crossings

would be considered development and would be considered exempted development having regard to the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

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Recommendation

The applicant should be written to and informed that the proposed development would be considered development and would be considered Exempted Development and would not require planning permission under the Planning and Development Act 2000 (as amended).

Colm Harte

Colm Harte

Senior Executive Planner

ORDER: That the applicant be informed that the proposed development of:

The development will comprise: (1) The Installation of 2 no. new Air Handling Units & associated ducts externally to the existing south façade in place of the previously permitted (Planning Permission SD13A/0266) generator units. (2) External alterations to existing south façade to incorporate flashings to new wall penetrations. (3) Construction of perimeter fence as per previously permitted (Planning Reference SD17A/0448). (4) Associated site works to perimeter road in order to provide safe pedestrian access & Crossings at Former Shinko Microelectronics Site, Greenhills Business Park, Greenhills Road, Tallaght, Dublin 24.

is considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore does not require planning permission.

Date:

20/7/22

E. R.

Eoin Burke, Senior Planner