

# Comhairle Chontae Atha Cliath Theas

**PR/1157/22**

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

**Reg. Reference:** SD22A/0309      **Application Date:** 22-Jul-2022  
**Submission Type:** New Application      **Registration Date:** 22-Jul-2022

**Correspondence Name and Address:** EMD Architects 107, Ludford Road, Ballinteer, Dublin 16

**Proposed Development:** Construction of single storey ancillary extension to north of existing building (Block 4) along with relocation of 1 previously approved sign on north elevation.

**Location:** Block B, The Drive Thru's at Liffey Valley, Bóthar na Life, Clondalkin, Dublin 22

**Applicant Name:** Regal Estates

**Application Type:** Permission

(EW)

### **Description of Site and Surroundings:**

Site Area: Stated as 0.06075 Ha.

Site Visit: 25<sup>th</sup> August 2022

### **Site Description:**

The subject site (Block 4) is located at the junction of Bothar na Life and Estate Road 'E', northwest of Liffey Valley Motor Mall with retail units Starbucks to the east, burger king to the south east and KFC to the immediate south. The Liffey Valley Shopping Centre and M50 motorway are located further east of subject site.

### **Proposal:**

The proposed development comprises:

- Construction of single storey ancillary extension to north of existing building (Block 4) along with relocation of 1 previously approved sign on north elevation.

### **Zoning:**

The subject site is subject to zoning objective 'MRC' - *'To protect, improve and provide for the future development of a Major Retail Centre'* under the South Dublin County Council Development Plan 2022-2028.

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### **Consultations:**

Environmental Services (Water Services): No objection, subject to conditions.  
Roads Department: No objection, subject to conditions.  
Irish Water: No objection, subject to conditions.  
Parks: No report received.

### **Submissions/Observations /Representations:**

None.

### **Relevant Planning History:**

#### ***Subject site***

*SD21A/0211-*

Construction of an enclosed yard (8.6sq.m) and associated changes to ESB sub-station building.  
Decision: Grant permission, subject to conditions.

*SD19A/0012.*

Amendment to previously permitted scheme for 4 detached single storey restaurant/café units with drive-thru facilities (planning Ref. SD16A/0107 and subsequent grant of permission with conditions by An Bord Pleanála Ref. PL 06S.246792); amendment consists of 2m high free standing sign along southern boundary.

Refuse Permission

*SD18A/0063*

Amendments to previously permitted scheme for 4 detached, single storey restaurant/café units with drive-thru facilities (Reg. Ref. SD16A/0107 and subsequent grant of permission with conditions by An Bord Pleanála Ref. No. PL06S.245792). The amendments consist of infill at building entrance (7sq.m) and associated changes to west elevation, all at Block 2.

Decision: Grant permission, subject to conditions.

*SD17A/0277*

Amendments to previously permitted scheme for 4 detached, single storey restaurant/café units with drive-thru facilities. (Planning Ref. No. SD16A/0107 and subsequent grant of permission with conditions by An Bord Pleanála Ref. No. PL06S.246792. The amendments consist of: (1) minor revisions to elevational treatment of the 4 detached, single storey restaurant/café units, (2) revisions to signage attached to the 4 detached, single storey restaurant/café units and (3) additional free standing signage.

Decision: Grant permission, subject to conditions.

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*SD16A/0107 and PL06S.246792*

Construction of 4 detached single storey restaurant/cafe units with drive-thru' facilities (Block 1 - 298sq.m, Block 2 - 270sq.m, Block 3 - 185sq.m and Block 4 - 195sq.m) with attached and freestanding signage, served by on-grade car parking for 79 cars (9 of which shall be electric car spaces) and 11 bicycle spaces. ESB substation and switch room, landscaping, centralised pedestrian canopy/pergola and associated site works and drainage, all at site of 6,075sq.m. The vehicular entrance will be from the Estate Road E. It is also proposed to provide a dedicated crossing for pedestrians and cyclists on Estate Road E.

*Decision: SDCC Granted permission subject to conditions. ABP Granted permission.*

Condition 4 (3) (b) of SD16A/0107 stated 'The internally illuminate pylon sign proposed in the grass margin to the south of the site shall be omitted.'

*PL06S.246792*

Condition 6 (b) of PL06S.246792 stated 'the internally illuminate pylon type sign proposed in the grass margin to the south of the site shall be omitted.'

### **Recent Relevant Enforcement History:**

None found.

### **Pre-Planning Consultation:**

None found.

### **Relevant Policy in South Dublin County Council Development Plan 2022 - 2028**

Policy EDE8: Retail - Overarching Seek to ensure adequate retail provision at suitable locations in the County, having regard to the sequential approach, and protect the vitality and viability of existing centres in accordance with the retail framework provided by the Retail Planning Guidelines for Planning Authorities (2012, or any superseding guidelines) and EMRA RSES Retail Hierarchy.

Policy EDE12: Retail – District Centres Maintain and enhance the retailing function of District Centres (Level 3 and Level 4).

EDE12 Objective 1: To promote the development of District Centres as sustainable, multifaceted, retail led mixed use centres and support their enhancement and upgrade.

EDE12 Objective 2: To ensure that the scale and type of retail offer in District Centres is sufficient to serve a district catchment, without adversely impacting on or drawing trade from higher order retail centres.

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Policy GI1: Overarching Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.

Policy GI4: Sustainable Drainage Systems Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

EDE8 Objective 8: To direct new major retail floorspace in the County to designated centres at the appropriate level within the retail hierarchy, and to further direct major retail development in designated centres into the Core Retail Areas

#### 5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

- Consider existing natural, cultural and built heritage features and green infrastructure elements as well as social, economic and environmental factors that impact on an area.
- Promote good urban design, which seeks to create public spaces that are vibrant, distinctive, safe and accessible and which promote and facilitate social interaction.
- Promote public transport and other transport facilities that mitigate dependence on cars, promote safe walking and cycling, while assisting with internal movements within neighbourhoods.
- Ease of access to and availability of good jobs and a good quality of life for the community at large.
- High quality services, community infrastructure and open spaces accessible to all.
- A real sense of place, positive purpose and local distinctiveness, where buildings are not only attractive but also safe and useful with lots of green and open spaces for people to spend time, relax and play.
- Promotes a mix of uses with appropriate increases in density and building heights in the right locations maximising the existing transport network and existing infrastructure.
- High quality design, materials and finishes and good quality landscaping with robust maintenance protocols for all large residential, commercial and employment developments.

#### Section 12.4.2 Development Management and Green Infrastructure

All development proposals shall be accompanied by a Green Infrastructure Plan, which will normally be submitted as part of the suite of Landscape Plans that are required for a development. Plans shall include the following: à Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County;

- Site survey and analysis, identifying existing GI Infrastructure and key assets within the site;

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- Indicate how the development proposals link to and enhance the wider GI Network of the County;
- Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site;
- Proposals for identification and control of invasive species.

Regardless of development size or type, applicants must submit an overall site summary quantifying and detailing the following:

- tree and hedgerow removal;
- tree and hedgerow retention;
- new tree and hedgerow planting.

This information will be submitted in a digital format agreed with the Council to allow amalgamation and reporting on tree and hedgerow cover within the County over time.

### 12.9.5 Retail Development:

- (i) Retail Criteria Applications for new retail development shall accord with the requirements outlined in Chapter 9: Economic Development and Enterprise, in addition to the following criteria: à Retail development should be in accordance with the role and function of the retail centre and accord with the scale and type of retailing identified for that SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2022-2028
- (ii) Implementation and Monitoring (IM) location; à Retail development should be in accordance with the fundamental objective to support the vitality and viability of the retail centre and must demonstrate compliance with the sequential approach. Proposals to amalgamate retail units will be carefully considered; à Major retail proposals (exceeding 1,000 sq m) are required to provide a detailed Retail Impact Assessment (RIA) and a Transport Impact Assessment (TIA)

### 9.4.4 Additional Retail Floorspace and Sequential Growth

There are retail opportunity sites and vacant units in the core retail areas of Tallaght, *Liffey Valley Shopping Centre* and Clondalkin Town Centres. The projected population increase outlined in the Core Strategy and the associated additional expenditure will support the long-term viability of these established centres. It will also assist in reducing vacancy and provide opportunities for extension and renovation.

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### **Relevant Government Guidelines**

*Project Ireland 2040 National Planning Framework*, Government of Ireland (2018)

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*, Department of the Environment, Heritage and Local Government (2009)

*Circular PL 2/2014 Use of OPW Flood Mapping in assessing planning applications and Clarification of advice contained in the 2009 DECLG Guidelines for planning authorities – The Planning System and Flood Risk Management* Department of Environment, Community and Local Government (2014)

*The Planning System and Flood Risk Management Guidelines for Planning Authorities* Department of Environment, Heritage and Local Government and the Office of Public Works (2009)

*The Eastern-Midlands Region Waste Management Plan 2015-2021* (2015)

*Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031*, Eastern and Midland Regional Assembly (2019)

### **Assessment**

The main issues for assessment relate to the following:

- Zoning and Council policy,
- Visual Impact,
- Access and Parking,
- Signage,
- EHO,
- Services and Drainage.
- Green Infrastructure,
- Screening for Appropriate Assessment; and
- Screening for Environmental Impact Assessment,

### ***Zoning and Council policy***

The subject site is subject to zoning objective 'MRC' - 'To protect, improve and provide for the future development of a Major Retail Centre' under the South Dublin County Council Development Plan 2022-2028, the following policies and objectives are noted:

- Policy EDE8: Retail - Overarching Seek to ensure adequate retail provision at suitable locations in the County, having regard to the sequential approach, and protect the vitality and viability of existing centres in accordance with the retail framework provided by the Retail Planning Guidelines for Planning Authorities (2012, or any superseding guidelines) and EMRA RSES Retail Hierarchy.

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- EDE8 Objective 8: To direct new major retail floorspace in the County to designated centres at the appropriate level within the retail hierarchy, and to further direct major retail development in designated centres into the Core Retail Areas

The principle of the proposed ancillary extension is acceptable at this location. The suitability of the site for the proposal will be determined with regard to compliance with the relevant policies, standards and requirements of the current South Dublin County Council Development Plan.

### ***Visual Impact***

The proposal includes adding an extension to the existing north elevation of the retail structure (block 4), within the north western side of the drive-through facing the internal business park estate road 'E'. The proposal projects 4.9m from the existing northern building line, which is 7.5m in width and 37sq.m in size. The ridge level height of the flat roof extension is substantially below the main retail units' existing mono-pitched roof at 6.1m with a height of 3.9m. The proposed horizontal insulated wall cladding panels will contrast with the glazed materials of the existing structure both in style and form. The proposal includes an external door with no windows. Access to the storage unit will be obtained internally from the current unit. Internal finishes are not proposed for the extension. It is noted that Part M of the building regulations will be implemented utilizing a disabled car parking facility to the east of the site.

Regarding the adjacent buildings, the nature of uses in proximity to the site is considered that ample distance surrounds the area for this modest extension to be accommodated. Regarding the scale and design, the proposal would be similar to the area's prevalent type and style of development. The proposed extension to the existing retail unit use is in keeping with the character of the area and will not adversely impact the visual amenities of the surrounding area and is therefore deemed acceptable.

### ***Access and Parking***

The footprint of the proposed extension is considered a moderate increase to the retail unit block (block 4), and the Roads Department have no objections. It is considered that adequate parking exists within the retail park and on the site is consistent with the requirements of the Development Plan.

1. The Roads Department report states: 'The level of illumination of the lighting for the sign 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.'

The above comments are noted.

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### ***Signage***

Under parent application SD16A/0107 – the applicant was granted permission for one sign on the north elevation of Block 4, which was located on the main cladding of this elevation. The applicant proposed to relocate the sign above the main entrance of the north elevation upon the glazing, which is consistent with the requirements of the Development Plan and considered acceptable.

The Road's Department has included a condition on signage that relates to *the illumination of the lighting* for the re-arrangement of the existing sign from the parent permission location.

A **condition** will apply that any additional signage will require planning permission on the existing building or the subject's proposed extension to the current north elevation of the retail structure (block 4).

### ***EHO***

The EHO Department were not requested for a report, however due to the busy nature this Retail Park, standard EHO **conditions** shall apply.

### ***Surface Water Drainage***

The surface water drainage department have no objections. However, the report states that the applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development. Examples include but are not limited to:

- Permeable paving
- Green roof
- Other such SuDS

Prior to commencement of development the applicant shall be requested to submit the above requirements by **condition**.

### **Flood Risk**

Conditions have been offered and will be attached to the planning permission.

### **Irish Water**

The Irish Water report has no objections subject to standard compliance with practice codes and standards conditions.



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### ***Green Infrastructure***

The proposal does not overlap with a Primary GI or Secondary GI Corridor and incorporating GI with Sustainable Drainage Systems (SuDS) features for the development is considered a contributing GI factor per the Surface Water Drainage condition.

Incorporating GI as an integral part of the design and layout concept for the development is not considered necessary as the setback distances and buffer areas are identified. The subject proposal applies an ancillary extension to an existing permitted retail unit. It is considered that significant *Landscaping and Green Infrastructure* related site matters were dealt with under previous planning applications and dealt with by condition as per site history.

In this context, the applicant has demonstrated that the proposed development is in accordance with the South Dublin County Development Plan 2022-2028.

### ***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 the Liffey Valley Retail Park area and comprises of an ancillary extension to Block 4.

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.

### ***Environmental Impact Assessment***

Having regard to the modest nature of the development, and the distance of the site from nearby sensitive receptors, there is no real 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.

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### **Other Considerations**

#### ***Development Contributions***

<b>Planning Reference Number</b>	SD22A/0309
<b>Summary of permission granted &amp; relevant notes:</b>	Retail Extension - 37sqm.
<b>Are any exemptions applicable?</b>	No
<b>Is development commercial or residential?</b>	Commercial
<b>Standard rate applicable to development:</b>	98.76
<b>% Reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€98.76
<b>Area of Development (m2)</b>	37
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	37
<b>Total development contribution due</b>	€3,654.12

### **Conclusion**

Having regard to the provisions of the South Dublin County Development Plan 2016 - 2022, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area and would, therefore, 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 2022 - 2028 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.

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### 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. The level of illumination of the lighting for the sign 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.  
REASON: In the interests of public health, safety, the proper planning and sustainable development of the area.
3. Prior to the commencement of development, the applicant/developer shall submit the following to the Planning Authority for its written agreement:  
a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development as required by the CDP 2022-2028. Examples include but are not limited to:
  - Permeable paving
  - Green/Blue roofs
  - Other such SuDSREASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.
4. EHO Requirements.
  - (a) No heavy / noisy construction equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 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.
  - (b) Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.
  - (c) During the construction / 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.
  - (d) A suitable location for the storage of refuse shall be provided during the construction

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and operational phase of the development so as to prevent a public health nuisance.

(e) The applicant shall put in place a pest control contract for the site for the duration of the construction works.

(f) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A).

(g) Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.

(h) Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

(i) Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

REASON: For the health and safety purposes.

### 5. Drainage - Irish Water.

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

(b) All development shall be carried out in compliance with Irish Water Standards codes and practices.

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. Further Development.

No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

REASON: To protect the visual amenities of the area.

### 7. Signage.

No 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.

### 8. 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

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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.

### **9. Financial Contribution.**

The developer shall pay to the Planning Authority a financial contribution of €3,654.12 (Three thousand, six hundred and fifty four euro and twelve cent), 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 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.

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.

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

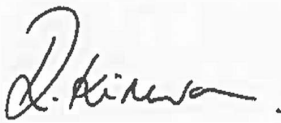
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**REG. REF. SD22A/0309**


**LOCATION: Block B, The Drive Thru's at Liffey Valley, Bóthar na Life, Clondalkin,  
Dublin 22**



**Deirdre Kirwan,  
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:** 14/09/22

  
**Gormla O'Corrain, Senior Planner**