

ENVIRONMENTAL HEALTH - PLANNING MEMO

Date: 13th of September 2022

Register Reference: SD22A/0312

Development: Construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use (with mono-pitch roof and overall building height of c. 6.74 metres) measuring c. 2,207sq.m gross floor space with a net retail sales area of c. 1,410sq.m; Construction of a vehicular access point to Main Street Upper and associated works to carriageway and including partial removal of boundary wall / facade, modification of existing footpaths / public realm and associated and ancillary works including proposed entrance plaza area; Demolition of part of an existing rear / southern single storey residential extension (and related alterations to remaining structure) of Kelly Estates building; The original Kelly Estates building (a protected structure - Eircode: D22 Y9H7) will not be modified; Demolition of detached single storey accommodation/ residential structure and ancillary wall/ fence demolitions to rear of existing Kelly Estates building; Demolition of existing single storey (stable) building along Main Street and construction of single storey retail /cafe unit on an extended footprint measuring c. 118sq.m and associated alterations to existing Main Street boundary facade; Renovation and change of use of existing (vacant) two storey vernacular townhouse structure to Main Street, and single storey extension to rear, for retail/ commercial use (single level throughout) totalling c. 61sq.m; Repair and renewal of existing Western and Eastern burgage plot tree and hedgerow site boundaries; Provision of associated car parking, cycle parking (and staff cycle parking shelter), pedestrian access routes and (ramp and stair) structures (to / through the southern and western site boundaries to facilitate connections to potential future development), free standing and building mounted signage, free standing trolley bay cover /enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft landscaping, boundary treatments and divisions, retaining wall structures, drainage infrastructure and connections to services/ utilities, electricity Substation and all other associated and ancillary development and works above and below ground level including within the curtilage of a protected structure.

Location: Main Street Upper, Newcastle, Co Dublin
Applicant: Lidl Ireland GmbH
App. Type: Permission
Planning Officer: CONOR DOYLE
EHO: Kieran Groarke

Comments

The subject application is for the construction of a Lidl food premises along Main Street Upper, Newcastle. Demolition works on site are also included in this application to allow for the premises to be constructed.

Main Considerations

The main factors for Environmental Health to consider include the potential for noise disturbance during the construction of the development and more importantly on a long-term basis due to its operation. The Newcastle area is relatively quiet with very few developments of this scale located along the main street area.

Noise Impact

The applicant has submitted an acoustic report which addresses the potential impacts from both construction noise and operational noise. The acoustic report has been completed by CLV consulting, prepared by Brian S. Johnson reference 22/0557R01 and dated 20th of July 2022.

Receivers

The nearest residential receivers are currently located across the main street in buildings to the north. There is a child care facility within close proximity to the east and also dwellings to the west along St Finnian's Way (50m). There are also future residential developments to the south which will be located approximately 25 metres from the Lidl development.

Construction Noise

The report confirms that the site will be surrounded by a 2.4m high solid hoarding which will reduce the impact of the construction noise. The report confirms that construction noise levels from the proposed development are within the relevant noise limits. However the acoustic assessment advises that noise from the demolition phase has not been included in this assessment. This raises concern and Environmental Health have included a non-standard condition with regards to community consultation to try to mitigate any impacts during this stage of the development.

Operational Noise

Given the number of nearby receivers it is important that the development does not give rise to operational noise impact. The key areas of operational noise to consider include; delivery noise from trucks and plant noise.

The acoustic report also focuses on noise from deliveries and plant noise during the operation and sets out a number of recommendations.

External Plant noise

Under section 5.2.1 of the acoustic report the predicted noise impact of the plant noise relative to each of the receivers is set out. The predicted noise levels are predicted to be below the ambient noise levels for each location during both day and night. The only mitigation measure in this regard is the provision of a 2 metre high boundary wall which is to enclose the external plant area. The provision of this 2m high wall has been included in the non-standard conditions below.

Delivery Noise

It is noted the truck unloading activities will take place at the southern side of the building. It is predicted there will be up to a total of two deliveries each day with each delivery taking approximately 1 hour. The noise impact from the deliveries is most likely to impact on the existing dwellings to the west and even greater on the future dwellings which will be located within 25 metres of this area. The report acknowledges that cumulative noise levels during delivery events are predicted to be above the ambient noise levels and references the perimeter retaining wall as a mitigating factor. It should be noted this retaining wall is specified as being 2 metres in height.

The Environmental Health Department raise concern over the future noise impact of this development with respect to Deliveries to this commercial premises. The proposal seeks to construct a commercial premises within close proximity to a high number of receivers. The delivery area is proposed to be within 25 metres of the future developments to the South which further increases the vulnerable receivers. The noise characteristics of deliveries pertains to the following; truck air brakes, reversing alarms, engine noise and movement of trolleys. These noise characteristics are intermittent and annoying in nature and are likely to occur daily for a period of up to 2 hours. Given the high number of people who are now working from home Environmental Health must ensure the development does not give rise to future noise issues and complaints.

Further modifications required

The Environmental Health Department request that the boundary wall at the southern end of the development be raised above the currently proposed 2 metres. The currently proposed 2 metre high wall provide minimal mitigation against the noise impacts outlined above. In order to achieve the most optimum amount of reduction the wall height should be increased to the maximum level to be agreed by relevant engineers and acoustic experts.

The above proposal is **acceptable** to Environmental Health subject to the following conditions:

1. The Environmental Health Department request that the boundary wall at the southern end of the development be raised above the currently proposed 2 metres. The currently proposed 2 metre high wall provide minimal mitigation against the noise impacts outlined above. In order to achieve the most optimum amount of reduction the wall height should be increased to the maximum level to be agreed by relevant engineers and acoustic experts. << *To be addressed prior to commencement/approval as deemed appropriate by the Planning Department.*

2. No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 08:00 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.
Any work outside of these hours shall only be permitted following a written request to the Planning Authority and 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 unwanted noise outside the hours stated above.
3. 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.
4. Once under construction the site is to be surrounded by a solid hoarding to a minimum height of 2.4m as specified in the acoustic report reference 22/0557R01 and dated 20th of July 2022.
5. 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) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.
6. The building services plant area located on the roof of the development must be enclosed with a 2 metres high boundary wall as specified in the acoustic report reference 22/0557R01 and dated 20th of July 2022.
7. Following commencement of the development the applicant is required to submit an Acoustic Verification report to South Dublin County Council. The report must confirm whether the development complies with Councils noise criteria relevant to this proposal:

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) and shall not exceed the background level for evening and night time.

- (a) Acoustic design criteria or performance specifications that have arisen from the acoustic report or any subsequent acoustic assessment shall be finalised and verified by a suitably qualified acoustic consultant.
- (b) The acoustic verification report must assess the impact of noise associated with deliveries with respect to existing and future receivers. Where modifications are required to reduce the noise impact these must modifications must be included as clear recommendations for the subject development.

- (c) This Acoustic Verification report should comprise of noise monitoring data at any noise sensitive locations. It should also include the cumulative noise level whereby the existing noise levels are included in assessment of the developments overall impact.
8. The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.
9. 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.
10. The developer shall ensure that adequate community consultation is carried out prior to construction commencing on site. This should include distribution of information in the form of a letter or leaflet to all surrounding receivers including residential and commercial.

All nearby receivers must be provided with the following information:


- Overall schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing complaints
- Hours of operation- including any scheduled times for heavy machinery

Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby receivers are informed prior to works commencing.

11. A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.



Kieran Groarke
Environmental Health Officer
13th of September 2022



Fiona Byrne
Senior Environmental Health Officer