

# Comhairle Chontae Atha Cliath Theas

**PR/1554/22**

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

**Reg. Reference:** SD22A/0392      **Application Date:** 18-Oct-2022  
**Submission Type:** New Application      **Registration Date:** 18-Oct-2022  
**Correspondence Name and Address:** Avison Young 4th Floor, 2-4, Merrion Row, Dublin 2  
**Proposed Development:** Relocation of the existing customer service desk (c. 16sq.m) permitted under Reg. SD19A/0197 from the Yellow Entrance Mall of the Central Rotunda to a new location at the junction of the West Mall and the Central Rotunda and all ancillary site development works.  
**Location:** Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Dublin 22  
**Applicant Name:** Liffey Valley Management Limited  
**Application Type:** Permission

(SW)

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

Site Area: Stated as 0.0016 Hectares.

### Site Description:

The application site is situated within Liffey Valley shopping centre.

### **Proposal:**

Relocation of the existing customer service desk (c. 16sq.m) permitted under Reg. SD19A/0197 from the Yellow Entrance Mall of the Central Rotunda to a new location at the junction of the West Mall and the Central Rotunda and all ancillary site development works.

### ***SEA Sensitivity Screening***

No overlap identified with relevant

### **Zoning:**

MRC – 'To protect, improve and provide for the future development of a Major Retail Centre'

CDP Maps: Outer Horizontal Surface (Casement, Dublin), Bird Hazards.

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### **Consultations:**

Parks: No comments or objections.

Water Services: No objections.

Irish Water: No objections.

Roads: No objections.

NTA: No report received at time of writing

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

One submission received:

- Planning notices were places during covid lockdown
- €2 car park charge states as being in the interests of sustainable development. This is not the case
- Staff were not informed of the change
- Car parking does not distinguish between staff and customers
- Staff are financially disadvantaged
- No alternative public transport provision
- Active building site not clear and there is dust etc.
- Liffey Valley does not provide town centre service for north Clondalkin

### **Recent Relevant Planning History:**

SD19A/0197 (1) Change of use of the existing customer service kiosk area (12.6sq.m) in the western rotunda to a retail kiosk(s) zone including retail sales; (2) enlargement of the proposed retail kiosk(s) zone in the western rotunda from 12.6sq.m to 78sq.m to allow for a larger floor space of retail sales; (3) provision of a new retail kiosk(s) zone in the central rotunda (27sq.m) including a customer service kiosk area and retail sales and all ancillary site development works.

### **Permission Granted**

### **Relevant Enforcement History:**

S7920; closed 19<sup>th</sup> June 2019.

S6636; closed 12<sup>th</sup> August 2011.

S6451; closed 15<sup>th</sup> September 2010.

S5915; closed 6<sup>th</sup> February 2009.

S4391; closed 30<sup>th</sup> June 2006.

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

No pre-planning consultation recorded

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

*Policy QDP7: High Quality Design – Development General* Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

*Policy QDP11: Materials, Colours and Textures* Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

#### *Policy GI1: Overarching*

GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks

#### *9.5.2 Liffey Valley Shopping Centre*

*Policy EDE10: Liffey Valley Major Retail Centre* Support the Level 2 Major Town Centre retail function of Liffey Valley Shopping Centre

#### EDE10 Objective 1:

To support Liffey Valley as a Major Retail Centre (MRC) and allow for the growth of the existing shopping centre and complementary leisure / entertainment, retail warehouse and commercial land uses.

#### EDE10 Objective 2:

To support and facilitate consolidation of the quantum and quality of the retail offering at the Liffey Valley Major Retail Centre.

#### EDE10 Objective 4:

To promote a high standard of urban design in the Major Retail Centre that contributes to the creation of safe and attractive spaces and creates desirable places within which to work and visit.

*Policy E3: Energy Performance in Existing and New Buildings*

*Policy SM7: Car Parking and EV*

*Policy IE1: Overarching Policy*

*Policy IE2: Water Supply and Wastewater*

*Policy IE3: Surface Water and Groundwater*

*Policy IE4: Flood Risk*

*Policy IE7: Waste Management*

*Policy IE8: Environmental Quality*

*12.3.1 Appropriate Assessment*

*12.3.2 Ecological Protection*

*12.3.3 Environmental Impact Assessment*

*12.4.1 Green Infrastructure Definition and Spatial Framework*

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*12.4.2 Green Infrastructure and Development Management*

*12.5 Quality Design and Healthy Placemaking*

*12.7.4 Car Parking Standards*

*Table 12.26: Maximum Parking Rates*

*12.7.5 Car Parking / Charging for Electric Vehicles (EVs)*

*12.7.6 Car Parking Design and Layout*

*12.11.1 Water Management*

### **Relevant Government Policy**

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

*Retail Planning Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (April 2012)*

*Retail Design Manual - A Good Practice Guide, Department of Arts, Heritage and the Gaeltacht (2012)*

*Retail Strategy for the Greater Dublin Area 2008-2016, Dublin Regional Authority and Mid-East Regional Authority, (2008)*

*Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008)*

*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)*

*Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009)*

*National Cycle Manual – National Transport Authority (June 2011)*

### **Assessment**

The main issues for assessment relate to:

- Zoning and council policy
- visual and residential amenity,
- access and parking,
- water services,
- Screening for Environmental Impact Assessment (EIAR)
- Screening for Appropriate Assessment (AA)

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### ***Zoning***

The site is zoned MRC – ‘To protect, improve and provide for the future development of a Major Retail Centre’. The proposal would relocate a customer services desk, associated with the retail use. Offices less than 100 sq.m Shop-Local, Shop-Major Sales Outlet and Shop- Neighbourhood are all permitted in principle. The proposed development is, therefore, considered acceptable.

### ***Visual and residential amenity***

The proposal is situated within the shopping centre and there would be no impacts in this regard.

### ***Access and parking***

The proposal is situated within the shopping centre and there would be no impacts in this regard.

### ***Water services***

The proposal is situated within the shopping centre and there would be no impacts in this regard.

### ***Screening for Appropriate Assessment***

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

### ***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.

### **Development Contributions**

Customer Service Kiosk 16sq.m

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### Development Contributions

<b>Planning Reference Number</b>	SD22A/0392
<b>Summary of permission granted:</b>	Kiosk
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	
<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>	16
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	16
<b>Vehicle display areas/ Open storage spaces</b>	0
<b>Rate applicable</b>	€9.88
<b>Contribution</b>	€0.00
<b>Total development contribution due</b>	€1,580.16

### SEA monitoring

Building Use Type Proposed: Residential

Floor Area: 16sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.0016 Hectares.

### Conclusion

It is considered that the current proposal is consistent with the pattern of development in the area and the zoning objective 'MRC' for the area. Subject to conditions, it is considered that the proposed development is consistent with the County Development Plan 2022-2028, would not be injurious to the existing amenities of the area and would be in accordance 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 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.

### **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. 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.
3. 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

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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).

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.

#### 4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1, 580.16 (One Thousand Five Hundred and Eighty Euro and Sixteen 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.



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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. SD22A/0392**

**LOCATION: Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Dublin 22**

  
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**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:** 08/12/22\_\_\_\_\_

  
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**Gormla O'Corrain,**  
**Senior Planner**