

Comhairle Chontae Atha Cliath Theas

PR/0003/223

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0337 **Application Date:** 19-Aug-2022
Submission Type: Clarification of **Registration Date:** 29-Nov-2022
Additional
Information

Correspondence Name and Address: BMA Planning Taney Hall, Eglinton Terrace,
Dundrum, Dublin 14

Proposed Development: Subdivision of existing Unit 14 (2148sqm total floor area including mezzanine level) to create 2 units and all associated site and development works. The 2 proposed units are; Unit 14a (1541 sqm) with new mezzanine area and Unit 14b (996 sqm). Minor revisions to elevations comprising new access doors and a new window (mezzanine level) on the rear (north) elevation and a new escape door on front (south) elevation and associated signage on the north, south and west elevations comprising of 2 shopfront signs, 6 signage boards, 3 wall mounted signs and 2 service door signs.

Location: Unit 14, The Retail Park Liffey Valley, Coldcut Road, Dublin 22

Applicant Name: Intrust Properties Company Limited by Guarantee

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.218 Hectares on the application form.

Site Visit: 14th of September 2022.

Site Description

The site comprises the existing vacant retail unit No. 14 located within the Liffey Valley Retail Park. The site is located adjacent to the Coldcut Road and south of Liffey Valley Shopping Centre. There are 15 units within the retail park which has an L-shape design. The car parking serving the units is located to the north of the building. Unit 14 is currently vacant but was formerly occupied by Curry's PC World which has relocated to Unit 15 to the east. Unit 12 to the west is occupied by Halfords, a motor/cycle store.

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Proposal

Permission is sought for the subdivision of existing Unit 14 (2148sqm total floor area including mezzanine level) to create 2 units and all associated site and development works. The 2 proposed units are; Unit 14a (1541 sqm) with new mezzanine area and Unit 14b (996 sqm). Minor revisions to elevations comprising new access doors and a new window (mezzanine level) on the rear (north) elevation and a new escape door on front (south) elevation and associated signage on the north, south and west elevations comprising of 2 shopfront signs, 6 signage boards, 3 wall mounted signs and 2 service door signs.

Zoning

The subject site is zoned Zoning Objective 'MRC': *'To protect, improve and provide for the future development of a Major Retail Centre'* under the 2022-2028 CDP.

Consultations

Water Services	No objection subject to conditions.
Irish Water	No objection subject to conditions.
Roads Department	No objections.
Public Realm	No comments/conditions to add.

SEA Sensitivity Screening – the subject site overlaps with the following layers:

- Aviation layers Approach Surface and Conical Surface for Casement, Outer Horizontal Surface for Dublin and Bird Hazards

Submissions/Observations/Representations

No third party submissions received.

Relevant Planning History

Subject Unit 14

SD20A/0213 & ABP Ref. PL06S.308607

Revisions to previous permission Reg. Ref. SD19A/0078 (Bord Ref. PL06S.305228) for a retail warehouse unit (3,252sq.m) to allow retailing of a range of bulky and non-bulky sporting, recreation and leisure related products and ancillary goods; current application will supersede Condition 2 of Reg. Ref. SD19A/0078 (Bord Ref. PL06S.305228) which permits the sale of bulky goods only. **Permission refused by SDCC and granted by ABP**

Reasons for refusal by SDCC:

1. Having regard to the non-bulky and ancillary nature of goods proposed to be sold, the use proposed conflicts with national, regional and Development Plan policies which seek to restrict the sale of non-bulky goods in retail parks in order to protect the vitality and viability of town centres and as such, is contrary to the proper planning and sustainable development of the area.

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2. The proposed development, involving the retailing of a range of bulky and non-bulky sporting, recreation and leisure related products and ancillary goods from a permitted retail warehouse unit, would set an undesirable precedent for other similar uses, which would in themselves and cumulatively, be harmful to the vitality and viability of designated town centres/major retail centres and would be contrary to the proper planning and sustainable development of the area.

First party appeal to ABP. ABP decided to grant permission.

Relevant conditions:

2. The development shall be carried out and completed in accordance with the relevant terms and conditions of the permission granted under An Bord Pleanála appeal reference number ABP-305228-19 (South Dublin County Council planning register reference number SD19A/0078), except as amended in order to comply with the conditions attached to this permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The range of goods to be sold in the unit shall be limited solely to bulky and non-bulky sporting, recreation and leisure related products and ancillary goods.

Reason: In the interest of clarity and in order to prevent an adverse impact on the established retailing facilities within this area.

SD19A/0078 & ABP Ref. PL06S.305228

Construction of a mezzanine floor (1,220sq.m) to the existing retail warehouse unit, resulting in a unit comprising 3,252sq.m gross floor area (from 2,032sq.m gross floor area existing); provision of signage (1 illuminated sign to the north elevation (31.64sq.m); 2 non-illuminated signs on the south elevation (16.03sq.m and 2.47sq.m respectively); 1 non-illuminated sign on the west elevation (16.03sq.m); associated alterations to the internal layout; associated elevational alterations; all other associated site works. **Permission granted by SDCC and ABP**

Relevant condition:

2. No more than 20% of the net retail sales shall be dedicated to ancillary items associated with bulky goods in accordance with the Retail Planning Guidelines for Planning Authorities (2012).

Reason: In order to minimise potential impacts on central retail areas, in accordance with the Retail Planning Guidelines for Planning Authorities (2012) and the proper planning and sustainable development of the area.

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Subject site and Unit 15

SD17A/0239

Retention permission of 6 permanent posters and temporary signage including 3 banners, 1 vinyl applied to external glazing. Permission for a new permanent internally illuminated signage and 3 totem signs. **Permission and retention permission granted by SDCC**

S01A/0101

Permission granted for: Two externally illuminated external signs, one on the front (north) elevation of Unit 14 (PC World), and one on the front elevation of unit 15 (Currys). Permission Refused for 8 poster frames on the front (north) elevation of both units (4 on each unit).

Permission granted & refused by SDCC

S00A/0208

Two air conditioning units with surrounding security fence. The application also includes 8 no. external louvres on the rear (south) elevation of both units. Rear of Unit 14 (PC World), and one to the rear of Unit 15 (Currys). **Permission granted by SDCC**

S00A/0168 & ABP Ref. PL06S.119818

Two internally illuminated external signs, one on the front (north) elevation of unit 14 (PC World), and one on the front elevation of Unit 15 (Currys). The application also includes 12 no. internally illuminated poster frames on the front (north) elevation of both units. **Permission refused by SDCC and refused by ABP**

Reasons for refusal:

- 1. Having regard to the pattern of development in the area, including permitted signage in the retail park, it is considered that the two external signs proposed to be retained, are by reason of their size and internal illumination, unduly obtrusive and out of scale with the building façade. The development proposed to be retained, is therefore, contrary to the proper planning and development of the area.*
- 2. It is considered that the poster frames proposed to be retained and the proposed poster frames would constitute visual clutter, would be out of character with the building façade and would seriously injure the visual amenities of the area. The poster frames proposed to be retained, and the proposed poster frames would, therefore, be contrary to the proper planning and development of the area.*

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Overall Retail Park

S99A/0463

Amendments to previously approved permission (Reg. Ref. S98A/0060), to include alterations to internal sub-division from 12 to 14 units, elevational amendments including main feature entrance and external door locations and the provision of traffic access barriers, 2 compactors, washlighting, CCTV system amendments to Security Hut layout and revised landscaping.

Permission for retention granted by SDCC.

Relevant condition:

3. Prior to the occupation of each unit full details of the proposed use shall be submitted for the written agreement of the Planning Authority as in compliance with this permission. The use of each unit shall be restricted to retail warehousing which may include building materials, electrical goods, garden equipment, floor coverings, leisure/sports and D.I.Y. products but shall exclude the sale of food and clothing items. No change of use shall take place, including what may be considered as exempted development without first receiving a separate permission.

REASON: In the interests of the proper planning and development of the area.

S98A/0060

Revisions and alterations to previously approved permission S97A/0523 for Retail Park which includes 13 Retail Warehousing Units with feature entrances, associated car parking, service yards, loading bays, security hut, 2 E.S.B. sub-stations, switch rooms, maintenance shed, landscaping, boundary wall treatment to Coldcut Road, access road from adjoining roundabout on Spine Road and associated services. **Permission granted by SDCC.**

Relevant condition:

3. The use of each unit shall be restricted to retail warehousing which may include building materials, electrical goods, garden equipment, floor coverings, leisure/sports and D.I.Y. products but which shall exclude the sale of food and clothing items. No change of use shall take place, including what may be considered as exempted development without first receiving a separate planning permission.

REASON: In the interests of proper planning and development of the area.

S97A/0523

Revisions to previously approved permissions (PL 06S 093483, S95A/0127, S95A/0414, S95A/0639, S96A/0306, S96A/0623) for District Town Centre Development including provision of 15 retail warehousing units with feature entrances, associated car-parking, service yards, loading bays, access roads from approved spine road landscaping, boundary treatment and associated services. **Permission granted by SDCC.**

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Recent applications on adjacent units within the Retail Park

SD18A/0380 & PL06S.303460 (contribution Appeal only: Unit 5-8, Liffey Valley Retail Park West, Quarryvale, Dublin 22

Construction of an extension to enclose the garden centre area and new signage on the newly created southern elevation; an ancillary café; all associated site development works necessary to complete the development. **Permission granted by SDCC.**

Relevant condition:

6. Signage Not Internally Lit.

The proposed signage shall not be internally illuminated.

REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.

SD17A/0239: Unit 15, Liffey Valley Retail Park, Quarryvale, Dublin 22

Retention permission of 6 permanent posters and temporary signage including 3 banners, 1 vinyl applied to external glazing. Permission for a new permanent internally illuminated signage and 3 totem signs at Unit 15. **Permission granted by SDCC.**

Relevant condition:

3. Signage on site shall not be internally illuminated.

REASON: In the interest of amenity and the proper planning and sustainable development of the area.

SD10A/0368 & ABP Ref. PL06S.239004: Unit 9B of the Retail Park West Liffey Valley
Change of use from retail warehouse to discount grocery store or supermarket at Unit 9B.

Permission granted by SDCC and refused by ABP.

Reasons for Refusal:

1. It is considered that the proposed change of use of a subdivided unit within the Retail Park to accommodate a discount foodstore/supermarket would be contrary to the objectives of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in January, 2005, would be detrimental to the vitality and viability of the existing Liffey Valley Shopping Centre and designated Retail Core outlined in the Liffey Valley Local Area Plan, 2008 and would set an undesirable precedent for similar conversions from retail warehousing to discount foodstores and supermarkets at existing similar locations. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would materially contravene a condition of the parent permission relating to the subject site, namely condition number 3 of planning register reference number S01A/0033, whereby the use of the unit is restricted to retail warehousing and excludes the sale

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of food and clothing. It is, therefore, considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Relevant Enforcement History

None identified in APAS.

Pre-Planning Consultation

None identified in APAS.

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

Policy GI1: Overarching

Policy GI2: Biodiversity

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

Policy GI5: Climate Resilience

Policy QDP7: High Quality Design – Development General

Policy QDP7: High Quality Design – Street Frontage

Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

9.4.2 Retail Hierarchy

Table 9.1 Retail Hierarchy

9.4.4 Additional Retail Floorspace and Sequential Growth

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 1:

To have regard to the Retail Planning Guidelines for Planning Authorities, DOECLG (2012) and the EMRA RSES Retail Hierarchy (or subsequent guidance) in defining the role of retail centres and in determining planning applications for retail development.

EDE8 Objective 3:

To support new retail provision in the County to meet the needs of the County's population and to direct new retail floor space into designated retail centres in accordance with the County Retail Hierarchy, so that centres can maintain and expand their retail offer.

EDE8 Objective 4:

To support the viability and vitality of the existing retail centres in the County, in particular in town, village and district centres and to facilitate a competitive and healthy environment for the retail industry, while reinforcing sustainable development.

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 3:

To support the development of retail warehousing within 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.

Retail Warehousing and Retail Parks

Policy EDE15: Retail Warehousing

Consolidate existing retail warehousing clusters and direct new retail warehousing floor space in the County into the Major Retail Centre (MRC) and Retail Warehousing (RW) zones.

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EDE15 Objective 1:

To direct Retail Warehousing into lands designated with Major Retail Centre 'MRC' Zoning Objective and Retail Warehousing 'RW' Zoning Objective and to limit new retail warehousing / retail park floor space outside of these areas.

EDE15 Objective 2:

To ensure that retail warehousing development would not adversely impact on the vitality and viability of established retail centres and retail warehousing cores in the County, in accordance with the Retail Planning Guidelines for Planning Authorities (2012) or any superseding guidelines.

EDE15 Objective 3:

To ensure that retail warehousing development would not adversely impact on the vitality and viability of existing Town and Village Centres throughout the County.

12.3.1 Appropriate Assessment

12.3.3 Environmental Impact Assessment

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights

12.5.4 Public Realm: (At the Site Level)

12.5.6 Shopfront Design

12.7.1 Bicycle Parking / Storage Standards

12.7.4 Car Parking Standards

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:

- 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 location;*
- 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;*
- Major retail proposals (exceeding 1,000 sq. m) are required to provide a detailed Retail Impact Assessment (RIA) and a Transport Impact Assessment (TIA).*

(v) Retail Warehousing

- The range of goods sold in both existing and any future retail parks will be tightly controlled and limited to bulky household goods or goods which are not portable by customers travelling by*

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foot, cycle, or bus (See Annex 1 of Retail Planning Guidelines (2012) for definitions of bulky goods).

- Ancillary products should not exceed 20% of the total net retail floorspace of the relevant retail unit, and such space should be clearly delineated on the planning application drawings.

- In town and village centres, the size and scale of all new retail warehousing developments should be in accordance with the character of the area.

- Due to the proximity of local and district centres to surrounding residential areas, regard must also be had to the impact of retail warehousing proposals on residential amenity.

- Within core retail areas, the Planning Authority will apply a level of flexibility in allowing types of stores where a mix of bulky and non-bulky goods are sold.

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard Management

Relevant Government Guidelines

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

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

Retail Planning Guidelines for Planning Authorities, DOECLG (2012)

Retail Strategy for the Greater Dublin Area 2008-2016, Regional Planning Guidelines Office (2008)

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

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).

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Assessment

The main issues for assessment relate to:

- Planning History;
- Zoning and Council Policy;
- Retail Development;
- Visual Amenity;
- Residential Amenity;
- Access and Parking;
- Green Infrastructure;
- Infrastructure and Environmental Services;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Planning History

Permission was granted in 2020 by SDCC and ABP, under Reg. Ref. SD19A/0078 & ABP Ref. PL06S.305228, for the construction of mezzanine floor to the subject retail warehouse unit, signage, associated alterations to internal layout, elevational alterations and associated site works. A condition was attached that stated no more than 20% of the net retail sales shall be dedicated to ancillary items associated with bulky goods.

This permission was subsequently amended in 2021, under Reg. Ref. SD20A/0213 & ABP Ref. PL06S.308607, to allow for retailing of a range of bulky and non-bulky sporting, recreation and leisure related products and ancillary goods. This application was refused by SDCC due to the non-bulky and ancillary nature of goods proposed to be sold conflicting with national, regional and Development Plan policies.

Following a first party appeal, permission was granted by ABP. A condition was attached limiting the range of goods to the sold in the unit solely to bulky and non-bulky sporting, recreation and leisure related products and ancillary goods. It does not appear that these permissions were ever implemented.

The subject application is to subdivide the existing retail unit (2,148sq.m) into 2 no. units. 1,541sq.m and 996sq.m in size. Total proposed retail floorspace would be 2,537sq.m. The application does not specify what type of goods are proposed to be sold in these units. This is further discussed in this report below.

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Zoning and Council Policy

The subject site is zoned Zoning Objective 'MRC': *'To protect, improve and provide for the future development of a Major Retail Centre'* under the 2022-2028 CDP. The proposed development would provide for the subdivision of an existing retail unit. Additional information is required in relation to the type of retail proposed to confirm the proposed land use.

Retail Development

Under Section 12.9.5 of the CDP, applications for new retail development shall accord with the requirements outlined in Chapter 9 Economic Development and Enterprise, in addition to the criteria set out in this section. The criteria include that *'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 location'*.

The Liffey Valley Shopping Centre is designated as a Major Retail Centre under the CDP. It is identified as Level 2 under the Retail Hierarchy for South Dublin. The site is located within the Liffey Valley Core Retail Area as identified under Figure 9.2 of the CDP.

Policy EDE10 Objective 1 of the CDP states *'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 states *'To support and facilitate consolidation of the quantum and quality of the retail offering at the Liffey Valley Major Retail Centre'*.

The unit is located within the Liffey Valley Retail Park, in the southern part of the Liffey Valley Core Retail Area. In relation to retail parks the CDP sets out the following criteria:

- *The range of goods sold in both existing and any future retail parks will be tightly controlled and limited to bulky household goods or goods which are not portable by customers travelling by foot, cycle, or bus (See Annex 1 of Retail Planning Guidelines (2012) for definitions of bulky goods).*
- *Ancillary products should not exceed 20% of the total net retail floorspace of the relevant retail unit, and such space should be clearly delineated on the planning application drawings.*
- *In town and village centres, the size and scale of all new retail warehousing developments should be in accordance with the character of the area.*
- *Due to the proximity of local and district centres to surrounding residential areas, regard must also be had to the impact of retail warehousing proposals on residential amenity.*
- *Within core retail areas, the Planning Authority will apply a level of flexibility in allowing types of stores where a mix of bulky and non-bulky goods are sold.*

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The proposal would involve the subdivision of the existing retail unit (2,148sq.m) into 2 no. units. Unit 14A would be 1,541sq.m in size, over ground and mezzanine floor levels, and Unit 14B 996sq.m in size, at ground floor level. Total retail floorspace would be 2,537sq.m. The use of this vacant unit within the retail park is to be welcomed. However, the application does not specify the proposed range of goods to be sold within each unit. This information is required in order to adequately assess the proposal in relation to retail policy. The proposed use of the units would contribute towards determining whether the proposed subdivision and layout is appropriate. **This should be addressed via additional information.**

Visual Amenity

Propose signage

Signage is proposed on the north, south and west elevations of the unit comprising of the following:

- North (front) elevation – 2 no. wall mounted shopfront signs, each measuring 4.1m by 2.9m and illuminated, and 6 no. signage boards
- South (rear) elevation – 2 no. wall mounted signs, measuring approx. 8m by 2m and illuminated, and 2 no. service door signs, measuring approx. 2.6m by 0.9m.
- Western (side) elevation – 1 no. wall mounted sign, measuring approx. 8m by 2m.

The applicant states that the 6 no. signage boards and the western elevation sign already have permission under SD19A/0078 & ABP Ref. PL06S.305228. The Planning Authority notes that the signage permitted under this permission included a sign to the north elevation, 2 no. on the south elevation and 1 no. on the west elevation. The 6 no. signage boards were not permitted under this permission. They are therefore assessed under this application.

Section 12.5.7 sets out the criteria for signage. Development proposals that include signage should take account of the following:

- *In general, signs on a building should only advertise goods or services that are associated with the premises and no more than two advertising signs should be erected on any elevation; **The proposal would result in 8 no. signs on the front elevation and 4 no. on the rear elevation. The applicant should be requested to rationalise the proposed signage.***
- *Signs should generally be limited to the ground floor of a building unless located directly over the entrance to a major commercial or retail building; **The proposed shopfront signs on the front elevation are not limited to the ground floor, however, they are located directly over the entrance to the retail units and are therefore acceptable. 2 no. proposed signs on the rear elevation are not limited to the ground floor and are not over a main entrance.***
- *Signs should be simple in design and integrate with the architectural language of the building and not obscure any architectural features; **The signs are simple in design and integrate with the architecture of the unit.***

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- *Signs should be proportionate to the scale of the building to which they are attached and sensitive to the surrounding environment; **The totality of the signs proposed is not inkeeping with the retail park and surrounding environment, particularly on the south (rear) elevation.***
- *Signs attached to Protected Structures and in Architectural Conservation Areas should be in keeping with the character of the building and adhere to best practice conservation principles (see Section 12.3.8 Architectural Conservation Areas); **The site is not located within or near an ACA nor is it a Protected Structure nor proximate to one.***
- *Any sign or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard; **The Roads Department have not raised any concerns with the proposed signage. The signs are attached to the building.***
- *Careful consideration should be given to the materials used in the construction of a sign and the methods used to light it. **It is not clear what materials would be used for the signage. This should be clarified. Some of the signs are proposed to be illuminated.***

In terms of fascia signage, under Table 3.19 of the CDP, these are generally appropriate as long as they are not internally illuminated and the lettering not more than 400mm in height. On the northern elevation the wall mounted fascia signage would be illuminated with lettering larger than 400mm in height. The lettering is in keeping with signage within the retail park. A condition should be attached to a grant of permission that all signage shall not be internally illuminated.

The proposed signage should be rationalised to comply with the 2022-2028 CDP. The applicant should review the number of signage boards proposed on the front elevation. On the rear elevation the upper wall mounted signs should be omitted. **This should be addressed via additional information.**

It is noted that the submitted contiguous elevational drawings show a sign on the neighbouring Unit 15 on the rear southern elevation, when this is no longer existing (permitted as temporary).

Elevational changes

Revisions are proposed to elevations comprising new access doors and a new window (mezzanine level) on the south (rear) elevation and a new escape door on north (front) elevation. It is noted that the references to the elevations in terms of north and south in the description are inaccurately described. These revisions are minor in nature and visually acceptable.

Residential Amenity

The closest existing residential development to the subject site is approx. 90m away at Harelawn Park. Given the separation distance it is not considered that the proposal would have any undue impact on existing residential amenity.

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Access and Parking

The Roads Department have reviewed the proposed development and state that the proposal will have a negligible impact on the surrounding footpath and roads. The Roads Department state that they have no objections.

Green Infrastructure

The subject site is located proximate to a Primary Green Infrastructure Corridor as identified on Figure 4.4: Green Infrastructure Strategy Map in the CDP. Given the nature of the development (existing building), it is considered to comply with the CDP in relation to green infrastructure.

Infrastructure and Environmental Services

Water Services and Irish Water have reviewed the proposed development and have no objections subject to standard conditions. These reports are noted and should be conditioned as such.

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 applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involves the subdivision of an existing retail unit and associated elevational and signage amendments.

Having regard to:

- the scale and nature of the development,
- the location of the development in a serviced 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.

Conclusion

Additional information is required in relation to the proposed uses of the units and what goods are proposed to be sold. The proposed signage should also be rationalised in order to comply with Council policy.

Recommendation

Request Additional Information.

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Additional Information

Additional Information was requested on the 12th of October 2022

Additional Information was received on the 24th of October 2022 (not deemed significant).

Assessment

Item 1 Requested

The applicant is requested to clarify the proposed range of goods to be sold within each proposed unit. This information is required in order to adequately assess the proposal in relation to national, regional and Development Plan policies on retail development and retail parks. The proposed use of the units would contribute towards determining whether the proposed subdivision and layout is appropriate.

Applicant's Response:

The applicant advises that no change of use is proposed. The established retail warehouse use for the sale of bulky goods is proposed to be continued within the subdivided units.

Assessment:

It is not considered that sufficient information has been submitted in response to this item. The applicant is referred to the criteria for Retail Warehousing outlined in section 12.9.5(v) of the South Dublin County Development Plan 2022-2028. The applicant should be requested to clarify the proposed range of goods to be sold within each proposed unit. This information should also confirm that ancillary products would not exceed 20% of the total net retail floorspace of each unit. This floorspace should be clearly delineated on the planning application drawings. This information is required to confirm if the proposed development complies with Council policy.

Clarification of additional information should be sought.

Item 2 Requested

The applicant is requested to submit a revised proposal that rationalises the number of signs proposed. The number of signage boards proposed on the north (front) elevation should be reviewed in relation to the South Dublin County Development Plan 2022-2028. On the rear (south) elevation, the 2 no. upper wall mounted signs should be fully omitted. The proposed materials for the signage should be detailed. The revised drawings should not show an upper wall mounted on the neighbouring Unit 15 on the rear southern elevation, when this is no longer existing. A full set of revised drawings should be submitted.

Applicant's Response:

Revised drawings have been submitted showing the omission of 2 no. signage boards from the front (north) elevation and all proposed signs omitted from the rear (south) elevation. The elevational drawings have been updated to correctly show that no sign exists on the rear elevation of adjoining Unit 15.

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The applicant states that the proposed materials will be consistent with the signage materials used across the wider retail park. They state that they would accept a condition requiring that the details of signage for the proposed development to be submitted and agreed with the Planning Authority prior to the operation of the development.

Assessment:

The proposed changes are considered to address the requested item. The submitted drawings no longer show the western sign permitted under SD19A/0078 & ABP Ref. PL06S.305228. For completeness the drawings should show this sign. This can be addressed via condition.

Conclusion

Clarification of additional information should be requested in relation to the range of goods to be sold. This information is required to confirm if the proposed development complies with Council policy.

Recommendation

Request Clarification of Additional Information.

Clarification of Additional Information

Clarification of Additional Information was requested on the 16th of November 2022.

Clarification of Additional Information was received on the 29th of November 2022 (not deemed significant).

Assessment

Item 1 Requested

It is not considered that sufficient information has been submitted in response to Additional Information Item No. 1. The applicant is referred to the criteria for Retail Warehousing outlined in section 12.9.5(v) of the South Dublin County Development Plan 2022-2028. The applicant is requested to clarify the proposed range of goods to be sold within each proposed unit. This information should also confirm that ancillary products would not exceed 20% of the total net retail floorspace of each unit. This floorspace should be clearly delineated on the planning application drawings. This information is required to confirm if the proposed development complies with Council policy.

Applicant's Response:

The applicant has advised that no tenants have been assigned or confirmed for the proposed units. The proposed development is to provide options in terms of unit size to potential tenants. Therefore, it is not possible to provide details of the specific types of goods to be sold or delineate areas for ancillary products on the planning application drawings.

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The proposed range of goods to be sold will be per the definition of 'bulky goods' within Annex 1 of the *Guidelines for Planning Authorities Retail Planning 2012*. In accordance with the Retail Planning Guidelines, ancillary products will not exceed 20% of the total net retail floorspace of each unit. The applicant advises that are satisfied to accept a condition to this effect.

Assessment:

It is acknowledged that no tenants have yet been identified. A condition should be attached to a grant of permission requiring the above requested details to be agreed prior to occupation of the units. It is therefore considered that this item has been addressed subject to conditions.

Development Contributions

As stated in the submitted application form existing building is 2,148sq.m and proposed works would result in 2,537sq.m
389sq.m additional retail floorspace

Planning Reference Number	SD22A/0337
Summary of permission granted:	Additional retail warehouse floorspace
Are any exemptions applicable?	No
If yes, please specify:	N/A
Is development commercial or residential?	Commercial
Standard rate applicable to development:	98.76
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	98.76
Area of Development (m2)	389
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	389
Vehicle display areas/ Open storage spaces	0
Rate applicable	€9.88
Contribution	€0.00
Total development contribution due	€38,417.64

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Building Use Type Proposed: Retail warehouse

Floor Area: 389sq.m

Land Type: Brownfield/Urban Consolidation. **Order**

Site Area: 0.218 Hectares.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity 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.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 24th of October 2022 and Clarification of Further Information received on the 29th of November 2022, 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.

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2. Retail

Prior to the occupation of each retail unit the applicant/developer shall submit, for the written agreement of the Planning Authority, details of the proposed range of goods to be sold within each unit. This information shall also detail in written form and delineated on floor plan(s) the retail floorspace dedicated to the sale of ancillary products.

REASON: In order to minimise potential impacts on central retail areas, in accordance with the South Dublin County Development Plan 2022-2028, Retail Planning Guidelines for Planning Authorities (2012) and the proper planning and sustainable development of the area.

3. Amendments.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, revised elevational drawings that include the western sign permitted under SD19A/0078 & ABP Ref. PL06S.305228.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

4. Drainage

(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.

(c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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.

5. Restrictions on Signage.

Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a grant of planning permission.

REASON: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.

6. Signage Not Internally Lit.

The proposed signage shall not be internally illuminated.

REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.

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7. 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.

8. 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).

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.

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9. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €38, 417.64 (Thirty-eight thousand four hundred seventeen euros and sixty-four 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 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.

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REG. REF. SD22A/0337

LOCATION: Unit 14, The Retail Park Liffey Valley, Coldcut Road, 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: 03/01/23


Gormla O'Corrain,
Senior Planner