

ENVIRONMENTAL HEALTH - PLANNING MEMO

Date: 28-Dec-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
Date Received: 02-Dec-2022
Decision Due: 09-Jan-2023

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.

It is understood that two acoustic reports have to date been submitted by CLV Consulting {Report reference 22/0557R01 dated 20th July 2022 & Report reference 22/0557R01A dated 3rd November 2022} the latter being in response to additional information requested by the Planning Department.

I attach also the report submitted by Kieran Groarke, Environmental Health Officer dated 13th September 2022.

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:

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- (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.
12. 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.
13. The applicant shall put in place a pest control contract for the site for the duration of the construction works.
14. Full consultation shall take place with the Environmental Health Department prior to the commencement of any food business operation at the site.
15. A grease trap shall be provided on the drainage system for any waste water leaving the kitchen and dish wash areas of any food premises.
16. A suitable location for the storage of refuse is to be provided.



Mark Whelan
Environmental Health Officer



Senior Environmental Health Officer