

# Comhairle Chontae Atha Cliath Theas

**PR/0004/23**

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

<b>Reg. Reference:</b>	SD22A/0419	<b>Application Date:</b>	07-Nov-2022
<b>Submission Type:</b>	New Application	<b>Registration Date:</b>	07-Nov-2022
<b>Correspondence Name and Address:</b>	Geraldine Graham Marks and Spencer, Property Mailbox 09 West, Waterside House, 35 North Wharf Road, London, UK, W2 1NW		
<b>Proposed Development:</b>	Replacement 2 external signs and removal of external glass canopy.		
<b>Location:</b>	Unit 1, Liffey Valley Shopping Centre, Fonthill Road, Dublin 22		
<b>Applicant Name:</b>	Marks & Spencer (Ireland) Ltd		
<b>Application Type:</b>	Permission		

### **Description of site and surroundings**

#### **Site Description**

The subject site is located at Retail Unit 1 of the Liffey Valley Shopping Centre. The unit is located in the northeastern corner of the Liffey Valley Shopping Centre and is bound to the north and east by car parking, to the south by an internal roadway for the shopping centre and to the west by the main shopping centre building.

#### **Site Area**

Stated as:

- 0.00265Ha (signage).
- 0.00565Ha (glass canopy)

### **Proposal:**

Permission is sought for:

- Removal of existing signage and provision of replacement external signage above the customer service entrance on the north elevation, comprised of metal backing panels with illuminated flex face sign surrounded by a black picture frame containing non-illuminated lettering reading 'M&S FOOD' and measuring approximately 5.2m in length, 3.71m in width and approximately 2.9m above ground level.
- Removal of existing signage and provision of replacement external signage on the eastern elevation of the single level customer entrance, comprised of metal backing panels with illuminated flex face sign surrounded by a black picture frame containing non-illuminated lettering reading 'M&S FOOD' and measuring approximately 8.66m in length, 8m in width and approximately 3.35m above ground level.

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- Removal of the external glass canopy located on the western corner of the northern elevation, adjacent to the customer entrance.
- All ancillary site works.

### **Zoning:**

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

Overlap is also indicated with the following Development Plan Map Layers:

- Bird hazards.
- Approach surfaces – Casement Aerodrome.
- Outer Horizontal Surface – Dublin Airport.
- Outer Horizontal Surface – Casement Aerodrome.

### **Consultations**

Drainage and Water Services Department: No report received at time of writing.

Irish Water: No report received at time of writing.

Roads Department: No objection, subject to conditions.

Transport Infrastructure Ireland: No report received at time of writing.

National Transport Agency: No report received at time of writing.

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

Final date for submissions/observations – 12<sup>th</sup> December 2022.

None received.

### **Relevant Planning History**

**SD16A/0054**

Removal of existing external brand signage and the replacement with new signage.

**SDCC Decision:** Grant Permission, subject to conditions.

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### **SD06A/0979**

Change of use of 289 sq.m. (gross floor area) from retail use to cafe/restaurant use. The cafe will be located to the northwestern corner of the store adjacent to the main entrance from carpark 'E' on the north elevation.

**SDCC Decision:** Grant Permission, subject to conditions.

### **SD06A/0893**

New delivery service extension (166sq.m. gross floor area) located in the north-east corner of the existing service yard; the erection of new / replacement signs as follows: (1) north elevation - internally illuminated aluminium box sign at high level replacing existing individual letters; (2) north elevation - internally illuminated aluminium box sign at low level above entrance replacing existing individual letters; (3) south elevation - new internally illuminated box sign at high level; (4) east elevation existing individual letters at high level to be removed and not replaced; (5) east elevation - 2 no. internally illuminated signs replacing existing individual letters: these signs will also be illuminated from below; (6) west elevation - internally illuminated sign at high level to replace existing.

**SDCC Decision:** Grant Permission, subject to conditions.

### **SD03A/0849**

Vary a previous grant of permission dated 10/04/03 (Register Reference SD03A/0011) for the development of a cafe/coffee shop within part of the East Rotunda at Liffey Valley Shopping Centre. The variation consists of omitting the requirement of Condition No. 4 to provide separately metered water supply and 24 hour water storage to service this approved cafe/coffee shop.

**SDCC Decision:** Grant Permission, subject to conditions.

### **SD03A/0011**

Development of a cafe/coffee shop within part (203.45m<sup>2</sup>) of the East Rotunda at Liffey Valley Shopping Centre.

**SDCC Decision:** Grant Permission, subject to conditions.

### **Relevant Enforcement History**

None recorded.

### **Pre-Planning Consultation**

None recorded.

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

*Chapter 4 Green Infrastructure*

*Section 4.1 Methodology*

*GII 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.*

*Section 4.2.1 Biodiversity*

*GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.*

*Section 4.2.2 Sustainable Water Management*

*GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

### **Section 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.*

*EDE8 Objective 6:*

*To facilitate and provide for the refurbishment and replacement of obsolete floorspace and promote the use of vacant floorspace within our town, village and district centres taking account of the relevant zoning and placemaking objectives.*

### **Section 9.5.2 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.*

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*EDE10 Objective 2:*

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

*Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)*

*Policy IE3: Surface Water and Groundwater*

*Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

*Chapter 12 Implementation and Monitoring*

*Section 12.5.7 – Signage – Advertising, Corporate and Public Information.*

Signage relates to all signs erected on the exterior of buildings, within windows, as stand-alone structures or attached to public utilities. Signage has the potential to give rise to visual clutter and to alter the character of an area and as such will be carefully assessed. 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;
- 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;
- Signs should be simple in design and integrate with the architectural language of the building and not obscure any architectural features;
- Signs should be proportionate to the scale of the building to which they are attached and sensitive to the surrounding environment;
- 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);
- Any sign or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard;
- Careful consideration should be given to the materials used in the construction of a sign and the methods used to light it.
- All signage within the villages of the County must be respectful and enhance the context of the built and historical environment of the village.

The criteria outlined in Table 3.19 will also be applied.

*Table 3.19 Signage*

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### **Relevant Government Policy**

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

**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

### **Assessment**

The main issues for assessment are:

- Zoning and Council Policy.
- Residential and Visual Amenity.
- Green Infrastructure.
- Drainage and Water Services.
- Screening for Environmental Impact Assessment.
- Screening for Appropriate Assessment.

### ***Zoning and Council Policy***

The application site is subject to land-use zoning objective 'MRC' – *'To protect, improve and provide for the future development of a Major Retail Centre.'*

'Retail' use is Permissible in Principle of lands zoned 'MRC'. Having regard to the nature and scale of the proposed development i.e., replacement signage and removal of a glass canopy to an existing retail unit, it is considered to be ancillary to the main retail use at the subject site and thus is considered acceptable in principle.

### **Criteria for Signage**

Section 12.5.7 of the South Dublin County Development Plan 2022-2028 outlines criteria for signage. An assessment of the proposed replacement signage is outlined below, having regard to each of the criteria outlined in Section 12.5.7:

- 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 proposed replacement signage pertains to goods/services associated with the premises and there are no more than two advertising signs on each elevation.

- 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;

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The height and scale of the proposed replacement signage is considered acceptable having regard to the receiving context within a Major Retail Centre.

- Signs should be simple in design and integrate with the architectural language of the building and not obscure any architectural features;

The proposed signage is simple in design and would not obscure any architectural features of the shopping centre building.

- Signs should be proportionate to the scale of the building to which they are attached and sensitive to the surrounding environment;

The proposed signage would be proportionate to the scale of shopping centre building and sensitive to the surrounding receiving environment.

- 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 existing retail unit is not a Protected Structure and is not located within an Architectural Conservation Area.

- Any sign or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard;

The proposed replacement signage is affixed to the northern and eastern elevations of the building and would not obstruct pedestrian or cyclist movement, nor would it create a traffic hazard.

- Careful consideration should be given to the materials used in the construction of a sign and the methods used to light it.

The materiality and illumination of the proposed replacement signage is acceptable.

- All signage within the villages of the County must be respectful and enhance the context of the built and historical environment of the village.'

The proposed replacement signage is located within the Liffey Valley Shopping Centre and is considered appropriate having regard to the receiving context of a Major Retail Centre.

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Table 3.19 of the Development Plan outlines further criteria in relation to signage. It is considered that the proposed replacement signage would adhere to the criteria outlined in Table 3.19.

### ***Residential and Visual Amenity***

There are no residential uses in the vicinity of the subject site, as such it is considered that the proposed replacement signage and removal of a glass canopy will not have an adverse impact on the residential amenity of adjacent properties.

In terms of the potential visual impact of the proposal, it is considered that the proposed external alterations in the form of the replacement signage and removal of a glass canopy do not represent a significant departure from the existing elevational treatment of the retail unit and will not significantly alter the appearance of the unit to render it inconsistent or visually incongruous with the receiving context of the Liffey Valley Shopping Centre. In this regard, it is considered that there would be no negative visual impact resulting from the proposed development.

### ***Green Infrastructure***

The subject application is comprised of the replacement signage and removal of a glass canopy to an existing retail unit to Medical Centre use, with no additional floor area proposed.

The site is located within the M50 Corridor Primary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4) and Table 4.1. It is noted that the application does not include details of the proposed drainage layout or any SuDS measures. However, in this instance, having regard to the nature and scale of the proposal, it is considered that the subject development would not have an adverse impact on the existing Green Infrastructure Network.

### ***Drainage and Water Services***

The Applicant has not provided any information in relation to the existing and proposed drainage layout of the subject unit. However, having regard to the nature and scale of the proposed development (replacement signage and removal of a glass canopy), there will be no significant alteration to the drainage and water services infrastructure for the existing retail unit.

### ***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.



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### ***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 an established retail shopping centre and comprises replacement signage and removal of a glass canopy to an existing retail unit.

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.

### **Other Considerations**

#### **Development Contribution**

The proposal is for replacement of existing signage and removal of a glass canopy at an existing retail unit. No development contribution arises.

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq. m)</b>
Replacement signage and removal of glass canopy	N/A
<b>Land Type</b>	<b>Site Area (Ha)</b>
Brownfield / Urban Consolidation	0.0083Ha

### **Conclusion**

Having regard to the policies outlined in the South Dublin County Development Plan 2022-2028, it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to 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.

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### **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. 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.
3.
  - i. The level of illumination, orientation of the lighting for the signs shall be reviewable at any time by South Dublin County Council 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.
  - ii. No other advertising signs or structures shall be erected, except those which are exempted development, without the prior approval of the planning authority.  
REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.
4. 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

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the South Dublin County Council Development Plan.

### **5. 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.

**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/0419**

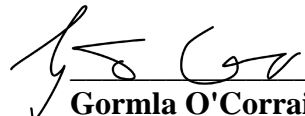
**LOCATION: Unit 1, Liffey Valley Shopping Centre, Fonthill Road, Dublin 22**

*Colm Harte*

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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:** 09/01/23\_\_\_\_\_

  
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**Gormla O'Corrain,  
Senior Planner**