

# Comhairle Chontae Atha Cliath Theas

**PR/0171/22**

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

**Reg. Reference:** SD21A/0295      **Application Date:** 27-Oct-2021  
**Submission Type:** Additional      **Registration Date:** 14-Jan-2022  
Information

**Correspondence Name and Address:** Tim Chapman Architects Ltd. 69, Sallins Bridge,  
Sallins, Co Kildare

**Proposed Development:** 916sq.m new canopy overall height 5.8m over  
existing external retail area to the north of the  
existing polytunnel structure together with all  
associated site works.

**Location:** Newlands Garden Centre, New Road, Clondalkin,  
Dublin 22

**Applicant Name:** Newlands Nurseries Ltd.

**Application Type:** Permission

(EW)

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

Site Visit: 12 November 2021

Site Area: Stated as 0.739ha

### **Site Description:**

The site is located at the junction of Fonthill Road and New Road in Newlands, Clondalkin and contains a single storey garden centre with large poly tunnels to the rear. The site is located south of Clondalkin Village and to north of Newlands Cross. The 'Newlands Garden Centre' subject site comprises the existing garden centre building with customer car parking to the front (east) of the building. There are mature trees located at the entrance to the site. This retail site specialises in plants, garden furniture and garden products. The site falls away slightly in a northerly direction.

### **Proposal:**

The proposed development comprises the following:

- A new canopy measuring 916sq.m, with an overall height 5.8m over existing external retail area to the north of the existing polytunnel structure together with all associated site works.

### **SEA Sensitivity:**

No overlap identified with relevant environmental layers.

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### **Zoning:**

The subject site is subject to zoning objective RES 'To protect and/or improve residential amenity' in the South Dublin County Development plan 2016-2022.

TPO

### **Table 9.5 Tree Preservation Orders**

<b>Order</b>	<b>Location</b>
Dublin County Council (St. Brigid's Clondalkin) Tree Preservation Order 1973	St. Brigid's (now Newlands Garden Centre), New Road, Clondalkin

### **Consultations:**

Water Services:	No objection subject to conditions
Irish Water:	No objection or recommendations.
Roads:	No report received.
Heritage Officer:	No comments received at time or writing report.
Parks:	No objection or recommendations.

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

None for subject application.

### **Relevant Planning History**

SD09A/0389 – **Granted** Permission for a change of use of 68sq.m. from retail to a 50-seat cafe, together with the provision of staff toilet and changing room.

SD08A/0096/EP – **Grant Extension of Duration of Permission** for the removal of existing poly tunnels to the rear of existing building and replace with 580 sqm double storey wide span glasshouse having an overall height of 6.85m insulated composite panel roof partially cladding south elevation with brise soleil. Also the provision of a corner feature signage structure 8.45m high to the south west corner of proposed building.

SD08A/0096: Planning permission **Granted** for the removal of existing poly tunnels to the rear of existing building and replace with 580sq.m. double storey wide span glasshouse having an overall height of 6.85m insulated composite panel roof partially cladding south elevation with brise soleil. Also, the provision of a corner feature signage structure 8.45m high to the south west corner of proposed building.

SD04A/0501: For open sided roof structure for display of plants and products and for roof to loading bay.

Decision: Grant Permission

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SD01A/0888: Extension to rear of existing building to provide coverage over open sales area, also internal offices.

Decision: Grant permission

S98A/0750: Alterations to facades and new signage.

Decision: Grant Permission

S96A/0167: New side extension to existing sales building.

Decision: Grant Permission

S95A/0427: Two entrances from Link Road (under construction)

Decision: Grant Permission

93A/0740: First floor offices in existing sales building

Decision: Grant Permission

92A/1627: New sign

Decision: Grant Permission

92A/1626: Extension to sales building

Decision: Grant Permission

### **Relevant Enforcement History**

None recorded for the subject site

### **Pre-Planning Consultation**

None recorded for the subject site.

### **Relevant Policy in South Dublin County Council Development Plan 2016 - 2022**

*Section 1.13.0 Retail Strategy*

*Section 4.2.0 Strategic Policy For Employment*

*Chapter 5 Urban Centres & Retailing*

*Policy UC1 Urban Centres Overarching*

*Policy UC3 Village Centres*

*Section 5.6.0 Retail Centres*

*Policy R7 Village Centres*

*Section 11.2.8 Signage – Advertising, Corporate and Public Information*

*Table 11.19: Signage – Types of Signs, Restrictions on Use and Design Criteria*

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*Section 11.2.9 Shopfront Design*

*Section 11.3.6 Retail Development*

(i) *Retail Criteria*

*Section 11.6.3 Environmental Hazard Management*

*Section 11.6.3 (i) Air Quality*

*Section 11.6.3 (ii) Noise*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

### **Garden Centre**

The use of land, including buildings for the cultivation, storage and/or the display and sale of horticultural products and the display and sale of related goods and equipment.

### **Relevant Government Guidelines**

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

*Regional Spatial and Economic Strategy*, East & Midlands Regional Assembly, 2019.

*Retail Planning Guidelines*, Department of the Environment, Community & Local Government 2012

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

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

*The Planning System and Flood Risk Management - Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government & OPW, (2009).

### **Assessment**

The main issues for assessment relate to Zoning and Council policy, Residential and Visual Amenity, and water services.

### ***Zoning and Council policy***

The site is located in an area with zoning objective RES 'To protect and/or improve **residential amenity**'.

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Garden Centre as defined in South Dublin County Council Development Plan 2016 – 2022:

*The use of land, including buildings for the cultivation, storage and / or the display and sale of horticultural products and the display and sale of related goods and equipment.*

The principle of the proposed addition of a 'Canopy' to an established Garden Centre is generally acceptable at this location, subject to compliance with the relevant policies, standards and requirements of the current South Dublin County Council Development Plan.

### *Visual Amenity*

The proposal includes for the addition of a canopy extension to the garden centre that projects 31m from three existing polytunnel structures (in a northerly direction) and is 916sq.m in size. The proposal is 29m in width and links with existing structures to create an L-shaped structure that covers over the external retail area whilst enveloping the main car parking area to the east of the site. The ridge level height of the canopy is consistent with the building height of the existing building (5.8m). The proposed materials consist of galvanised steel support structure with canopy cable panels. The shape of the pitched domed structure matches decorative elements of the existing roof profile and matches the style of the existing garden centre building.

Consideration has been given to the existing nature of the garden centre use. However, the objective for this area is to protect and/or improve the residential amenity. There is an established use on the site of the garden centre with ancillary outdoor retail space and the adjacent car parking to the east. The current proposal represents an intensification of the existing permitted use on a site that is bounded by residential development to the north and east of the site. The proposed development would occupy and intensify a large corner of the site to the northwest, where the land falls towards the residential properties located to the north. The planning authority has concerns having regard to the scale of the proposed development, paying specific reference to the distance of the 5.8m high and 916sq.m structure from existing residential rear amenity (No.24, 26 and 28 St Brigid's Road), its location to the south of these properties and the levels of the varying levels between the site and properties to the north, which may give rise to unnecessary overshadowing and negative outlook and may be injurious to the amenities of the said properties, from loss of light and a sense of enclosure which may exacerbated by the noise of the extended retail area.

It is noted that the canopy proposal would be recessed back from the northern boundary by only 5.2m. The Planning Authority considers that the canopy should be pulled back away from the northern boundary by at least 5m, this could be offset by extending the canopy in a westward direction by 5m (subject to agreement with the Water Drainage section due to the location of an 'Existing Surface Water Drainage system running along the western boundary. If this is not acceptable, an alternative proposed to push the area in an easterly direction should be investigated. The applicant is requested to submit a revised design proposal by **additional information** that will mitigate any negative impact on the residential dwelling to the north and

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also takes into account SDCC Development Plan (2016-2022) zoning objective RES 'To protect and/or improve residential amenity.

### ***Boundary Treatment***

The Parks Department has no objections or recommendations. However, with the absence of a detailed boundary plan the Planning Authority request by **Additional Information** a site layout plan identifying the existing trees to be retained on site and a proposed landscape plan that provides a buffer to the north of site between the proposed development and the existing residential development.

### ***Roads***

No report was received from Roads. However, it is deemed that no roads related issues are affected by this proposal at present.

### ***Signage/Illumination***

No new signs are proposed on the submitted plans. It is considered that the locations of the existing signage generally comply with this table 11.19 of the County Development Plan, any news signage would require planning permission. **Condition** to be attached limiting signage at this location.

### ***Water Services***

A report from Water Services states no objection and request SUDS to be implemented. The Planning Authority would welcome the implementation of green infrastructure on the site to provide for both SUDS and to enhance the visual amenity of the site and area. This permission will be given a temporary permission (if granted).

### ***Appropriate Assessment***

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the scale and nature of the development proposed and the distance from Natura sites, it is considered that the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 Appropriate Assessment is not required.

### ***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 real 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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### *Other considerations*

#### **Development Contributions**

The proposed development comprises the following:

- 916sq.m new canopy overall height 5.8m over existing external retail area.

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Canopy – additional floor space	916sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.739ha

### **Conclusion**

The proposed development generally complies with the guidance set out in the South Dublin County Development Plan 2016 – 2022, however, having regard to the proximity of the proposal to existing residential dwellings to the northwest of the site, the Planning Authority has concerns in relation to the potential adverse impact on the residential amenities of the adjoining property and request the applicant to submit a revised design proposal by **additional information** that will mitigate any negative impact on the residential dwelling to the north and also takes into account SDCC Development Plan (2016-2022) zoning objective RES 'To protect and/or improve residential amenity.

### **Recommendation**

Request Further Information.

### **Further Information**

Further Information was requested on 15/12/21

Further Information was received on 14/01/22

### **Consultations**

Parks: No objection or recommendations.

### **Submissions/Observations**

No further submissions/observations received.

The Further Information requested is as follows:

1. Noting the 'RES' Zoning of the site in the South Dublin County Council Development (2016-2022) with an objective 'To protect and/or improve residential amenity', the planning authority has concerns with regards to the scale of the proposed development, with specific

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reference to the distance of the 5.8m high structure from existing residential rear amenities (most notably No.s 24, 26 and 28 St Brigid's Road), its location to the south of these properties and the varying levels between the site and the said properties to the north, which may give rise to overshadowing and overbearing appearance, which may be injurious to the amenities of the said properties, from loss of light and a sense of enclosure which may exacerbate by the noise of the extended retail area. The Planning Authority therefore requests the applicant to reconsider the proposed development and submit a revised design and layout demonstrating that the proposed development will mitigate any negative impact on the residential dwelling to the north and also take into account the Residential Zoning Objective within the SDCC Development Plan (2016-2022) 'To protect and/or improve residential amenity.

In this regard, the proposed structure should be pulled away from the northern boundary of the site by a minimum of 5m. This could be offset by extending the proposed canopy area either to the west or the east (or in both directions). The applicant should exercise caution in proposals to the west due to existence of an 'Existing Surface Water Drainage System' (as noted in drawings) running along the western boundary of the site.

2. The applicant is requested to submit a proposed landscape plan that includes a buffer to the north of the site between the proposed development and the existing adjoining residential properties

### Item 1

Noting the 'RES' Zoning of the site in the South Dublin County Council Development (2016-2022) with an objective 'To protect and/or improve residential amenity', the planning authority has concerns with regards to the scale of the proposed development, with specific reference to the distance of the 5.8m high structure from existing residential rear amenities (most notably No.s 24, 26 and 28 St Brigid's Road), its location to the south of these properties and the varying levels between the site and the said properties to the north, which may give rise to overshadowing and overbearing appearance, which may be injurious to the amenities of the said properties, from loss of light and a sense of enclosure which may exacerbate by the noise of the extended retail area. The Planning Authority therefore requests the applicant to reconsider the proposed development and submit a revised design and layout demonstrating that the proposed development will mitigate any negative impact on the residential dwelling to the north and also take into account the Residential Zoning Objective within the SDCC Development Plan (2016-2022) 'To protect and/or improve residential amenity.

In this regard, the proposed structure should be pulled away from the northern boundary of the site by a minimum of 5m. This could be offset by extending the proposed canopy area either to the west or the east (or in both directions). The applicant should exercise caution in proposals to the west due to existence of an 'Existing Surface Water Drainage System' (as noted in drawings)



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running along the western boundary of the site.

### Assessment

The applicant has submitted a revised *Site Plan* under ref *A-0001 and Proposed Floor Plans* under ref *A-1002* and accompanied a cover letter from *Tim Chapman Architects* dated 13<sup>th</sup> January 2021 outlining the above issues to be addressed and the following is noted:

- (a) The proposed structure has now been pulled away from the northern boundary of the site by 9.9m (circa 10m from the original proposed 5.2m).
- (b) The applicant has offset the original proposal by removing the last bay from the proposed structure and added an additional western bay in its place.
- (c) The applicant notes that the existing surface water drainage is not affected by the additional western bay.
- (d) The applicant notes that a reduced proximity scale of the proposed development by 16m from the ground floors and 18m from the first floors of existing residences to the north (most notably No.s 24, 26 and 28 St Brigid's Road)

Having regard to the 'RES' Zoning of the site in the South Dublin County Council Development (2016-2022) with an objective 'To protect and/or improve residential amenity' the above alterations are now considered to be generally acceptable.

### **Item 2**

The applicant is requested to submit a proposed landscape plan that includes a buffer to the north of the site between the proposed development and the existing adjoining residential properties

### Assessment

The applicant has submitted a revised *Proposed Landscaping Details* under ref *A-2004 and Proposed Floor Plans* under ref *A-1002* and accompanied a cover letter from *Tim Chapman Architects* dated 13<sup>th</sup> January 2021 outlining the above issues to be addressed and the following is noted:

A 3m high planting buffer to the north of the site is proposed between the development and the existing adjoining residential properties.

The applicant notes that the buffer will contain mix plant buffers to create screening and a leafy focus along the buffers length and will allow sunlight through to neighbouring gardens whilst not being too dense to prevent maximum sunlight. The applicant notes varied slow growing leafy plants like *Carpinus Betulus* *Pyramidalis* and *Quercus lex* *Espalier* (Evergreen Oak) and bamboo.

The Landscape Department has no objections and the above proposal is now considered acceptable.

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### *Other considerations*

#### **Development Contributions**

The proposed development comprises the following:

- 1,729sq.m new canopy overall height 5.8m over existing external retail area.
- No additional sq.m, no contribution applied.

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
New canopy	1,729sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.739ha

#### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities within the area of Fonthill Road and New Road in Newlands, or of property in the vicinity in adjacent residential roads and would, therefore, be in accordance with the proper planning and sustainable development of the area and be consistent with the zoning 'RES' Zoning of the site 'To protect and/or improve residential amenity'.

#### **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 2016 - 2022 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.

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### **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 14/01/2022, 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.
2. Drainage - Surface Water.  
The disposal of surface water shall fully comply with all of the technical requirements of the Council's Water Services Section. Prior to commencement of development submit a revised drawing showing a surface water layout of development that include SuDS (Sustainable Drainage Systems). Examples of SuDS include planter boxes, permeable paving, water butts.  
(a) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.  
(b) 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, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.
3. 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.
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

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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.

### 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.

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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.

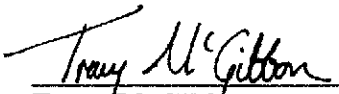
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**REG. REF. SD21A/0295**

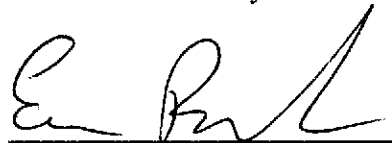
**LOCATION: Newlands Garden Centre, New Road, Clondalkin, Dublin 22**

  
**Tracy McGibbon,**  
**A/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:**

10/2/22

  
**Eoin Burke, Senior Planner**