

Comhairle Chontae Atha Cliath Theas

PR/0052/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0432 **Application Date:** 14-Nov-2022
Submission Type: New Application **Registration Date:** 14-Nov-2022

Correspondence Name and Address: Brock McClure Planning & Development
Consultants 63, York Road, Dun Laoghaire, Co.
Dublin

Proposed Development: Modifications to the parent permitted application
Reg. Ref. SD20A/0037 and subsequent amendments
application Reg. Ref. SD20A/0343; Modifications
will consist of the relocation of the permitted
Sheltered Trolley Bay adjacent to the main
supermarket entrance next to the pedestrian crossing,
and to change part of the supermarket to an ancillary
off-licence at ground floor level measuring c. 85sq.m
within the approved convenience retail unit along
with all site development works associated with the
relocation of the Sheltered Trolley Bay.

Location: Supervalu, Main Street, Newcastle, Co. Dublin

Applicant Name: Cedarglade Limited

Application Type: Permission

Description of Site and Surroundings

Site Area:

Stated as 0.886 Hectares

Site Description:

The application site is located on the corner with Orchard Lane, Graydon Road and Main Street in Newcastle Village off the N7. The application site is a Supervalu (Musgraves) supermarket under construction with previous permissions granted under SD20A/0037 and SD20A/0343. The immediate area is predominately residential in nature.

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Proposal:

The proposed development consists of

- Modifications to the parent permitted application Reg. Ref. SD20A/0037 and subsequent amendments application Reg. Ref. SD20A/0343;
- Modifications will consist of the relocation of the permitted Sheltered Trolley Bay adjacent to the main supermarket entrance next to the pedestrian crossing,
- and to change part of the supermarket to an ancillary off-licence at ground floor level measuring c. 85sq.m within the approved convenience retail unit
- all site development works associated with the relocation of the Sheltered Trolley Bay.
- Total area of works 85sqm

Zoning:

The site is subject to zoning objective 'RES-N' – 'To provide for new residential communities in accordance with approved area plans.'

SEA Sensitivity Screening

Indicates overlap with the following:

- Area of Archaeological Potential,
- Record of Monuments and Places
- Sites of Geological Interest.

Consultations:

Surface Water – No objection subject to standard conditions.

Irish Water – No objection subject to standard conditions.

Architectural Conservation Officer – No report received at the time of writing.

Parks – No comments or objections.

Roads – No objections subject to conditions.

Submissions

None received.

Planning History

SD21A/0311: Planning permission granted for Change of use of the permitted cafe unit (approx. 225sq.m net) as granted under ref. S020A/0037 to use as a pharmacy (approx. 251sq.m net) and all associated internal and external layout alterations to facilitate this change of use; internal layout changes at ground floor include the removal of the internal escape stair and internal lobby from the permitted layout; inclusion of an accessible WC at first floor level within the permitted community use space (area not affected by subject application); external alterations include amendments to the external glazing to replace permitted access doors with solid glazing (no alteration to appearance) and the provision of an external plant space at first floor level with a 1200mm high louvre screen.

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SD20A/0343: Planning permission granted for Amendments to a previously permitted development (Reg SD20A/0037); relocation of the staff welfare and ancillary office accommodation to a new approx. 192sq.m first floor mezzanine level within the permitted anchor supermarket unit; relocation of the staff welfare and office accommodation to mezzanine level will allow for additional warehouse floor space at the ground floor level (approx. 150sq.m increase; there is no proposed increase to the net retail floor space; external amendments to the permitted elevations including glazing and material changes; 2 roof lights will also be provided at roof level; no other changes are proposed to the anchor supermarket unit or the remainder of the development permitted under Reg. SD20A/0037.

SD20A/0037: Planning permission granted to demolish 3 existing structures on site (total c.226sq.m) comprising of 1 habitable house and 2 associated outbuildings/sheds (permitted under Ref. ABP-305343-19), and the construction of 1 double storey (c.9.2m overall height) retail development in the form of a convenience supermarket (GFA c.1,759sq.m); 1 two storey mixed-use building (c.10.7m overall height) comprising of a café (c.225sq.m) at ground floor and a community centre at the first floor (c.140sq.m) with associated ground floor access (total GFA c.468sq.m); an ESB sub-station (c.22sq.m); the anchor supermarket unit will provide for a net retail sales area of c.1,222sq.m; a warehouse of c.200sq.m; welfare area of c.190sq.m including ancillary office accommodation; a delivery and loading dock; service yard; customer lobby and wc and entrance lobby; the development shall also provide for 98 car parking spaces and 50 bicycle parking spaces; advertising structures and signage (totalling c.81sq.m); new pedestrian and cyclist connections; public realm areas; refuse storage; a trolley shelter; new priority controlled junction at Main Street; a new access road and shared pedestrian/cyclist greenlink from Main Street (permitted under Ref. ABP-305343-19); vehicular entrances to the surface car park and service yard; all associated site development, site services and landscape works at Lands at Main Street, Newcastle, Co. Dublin, bordered by Main Street to the north, Orchard Grove to the east, greenfield land to the south and residential properties fronting Main Street to the west (new road will be adjacent to 1 Main Street, Newcastle, Co. Dublin.)

SHD3ABP-305343-19: (1) The demolition of 5 structures on site, total area measuring 359sq.m, comprising 2 habitable dwellings and 3 associated outbuildings/sheds located to the northwest of the site; (2) development of 406 residential homes; (3) a childcare facility (518sq.m GFA); (4) 1 commercial unit (67.7sq.m GFA); (5) reservation of a school site (1.5ha); (6) new vehicular, cycle and pedestrian access from Main Street; (7) continuation of Newcastle Boulevard forming part of a new east-west link street; (8) a new Public Park (2ha); (9) pocket parks and greenway together with associated internal access roads, pedestrian and cycle paths and linkages; (10) 1 single storey marketing suite (81sqm) and signage (including hoarding) during the construction phase of development only and (11) all associated site and development works. The overall site comprises lands to the south of Main Street (c.15ha) together with 3 additional infill sites at the

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corner of Burgage Street and Newcastle Boulevard (c. 0.8ha); No. 32 Ballynakelly Edge (c.0.05ha); and Ballynakelly Rise (c.0.18ha) **Permission Granted**

SD05A/0344/EP: A residential development of 743 no. dwellings including a neighbourhood centre of 1,859.2sq.m. and a creche of 846sq.m., at Ballynakelly and Newcastle South, Newcastle-Lyons, County Dublin. An eight year planning permission is sought. The development comprises of the following: 78 no. 2 bedroom houses; 209 no. 3 bedroom houses; 27 no. 4 bedroom houses; 10 no. 5 bedroom houses; 5 no. apartment blocks containing 7 no. 1 bed apartments, 20 no. 2 bed apartments, 12 no. 3 bed apartment, 4 no. 2 bed duplex units and 2 no. 3 bed duplex units; 57 no. duplex blocks containing 48 no. 2 bedroom duplex units, 151 no. 3 bed duplex units, 52 no. 1 bedroom apartments and 123 no. 2 bedroom apartments. The neighbourhood centre comprises of 5 no. retail units from 69sq.m., 84sq.m., 90.5sq.m., 101sq.m. and 134sq.m.; public house measuring 935.4sq.m., off licence measuring 189sq.m. and restaurant measuring 255sq.m.; the proposed development also provides for 4.155ha of public open space including the provision of a landscaped area adjoining the Tower House on the Athgoe Road; roads infrastructure including 3 no. junctions with Newcastle-Lyons Main Street (R120 Rathcoole Road) and 1 no. junction with Athgoe Road; on and off street car parking; and provision of lands for a traveller accommodation site measuring 0.5 ha; on an overall site of 22.789 hectares; planning permission is also sought for the demolition of 2 no. habitable dwellings. This planning application is accompanied by an Environmental Impact Statement (EIS). **Extension of Duration Granted**

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Recent Relevant Enforcement History

None recorded.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Development Plan (2022 - 2028)

Policy EDE1: Overarching

Support sustainable enterprise and employment growth in South Dublin County recognising the County's role in the Dublin region as a driver of economic 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.

EDE17: Retail - Off Licences and Betting Offices

Manage the provision of off-licences and betting offices and prevent an excessive concentration of these land uses. EDE17 Objective 1: To prevent an excessive concentration of off-licence and betting offices in our urban areas

Policy QDP7: High Quality Design – Development General

Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

High Quality Design – Street Frontage

QDP7 Objective 3:

To require a high quality of design and finish for new and replacement shopfronts, signage, and advertising, having regard to the requirements set out in Chapter 12: Implementation and Monitoring.

Policy QDP11: Materials, Colours and Textures

Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

Policy GII: Overarching

Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a

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shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.

Policy IE1: Overarching Policy

Ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

Newcastle Local Area Plan

Vision: "A village with a strong sense of identity that offers a good quality of life building upon its past. Where there is integration between existing and new developments through the creation of an intricate network of walkable streets that connect pedestrian and cyclist paths with important destinations, a beautiful village with quality useful spaces that realise and enhance the full potential of Newcastle's rich natural and built heritage through the sensitive and considered incorporation of hedgerows, water features, burgage plots, townland and parish boundaries, archaeology, protected structures and recorded monument's, a developing village that sensitively addresses the contrast between existing and new elements and retains much of its existing character, whilst being a showcase for the sensitive expansion of an historic and nationally important settlement".

Relevant Government Policy

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

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

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

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Assessment

The main issues for assessment are:

- Zoning and Council Policy
- Residential & Visual Amenity
- Drainage
- Roads
- Parks
- Architectural Conservation Officer
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

The site is zoned 'RES-N'– 'To provide for new residential communities in accordance with approved area plans.' A development consisting of moving an approved sheltered trolley bay and the provision of an off-licence is not listed under this zoning. Notwithstanding this shop-neighbourhood is considered permitted in principle under this Zoning. The principle of retail use has been established under SD20A/0037.

Residential and Visual Amenity

The proposed development consists of the relocation of the permitted sheltered trolley bay adjacent to the main supermarket entrance next to the pedestrian crossing, and to change part of the supermarket to an ancillary off-licence at ground floor level measuring approximately 85sq.m within the approved convenience retail unit.

The covered trolley bay is the same dimensions as was granted permission under SD20A/0037 and the proposed new location is north of the previously permitted location and would have no substantial impact on the development overall. Furthermore, the proposed new location would be a more convenient location for patrons of the supermarket and overall, is considered acceptable.

The proposed new off-licence would involve cordoning off an area approximately 85sqm of space currently approved for retail use within the confines of the approved supermarket. It has been confirmed by the applicant that the proposed off-licence use will not generate additional delivery trips as it will be operated and maintained by the overall occupant and goods will be included in general deliveries. The applicant has confirmed that operating hours will be directly linked to the trading hours of the shop, but the applicant should confirm the proposed operating hours prior to development, and this can be confirmed by **condition**.

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The submitted drawings do not adequately demonstrate how the proposed development will appear in the context of the overall development and the applicant should provide internal elevations and a more detailed floor plan prior to development which should be confirmed by **condition**.

12.9.5 Retail Development of CDP states the following:

(ii) Restrictions on Uses

An over-concentration of certain uses will be discouraged in urban centres, due to an overriding need to maintain the integrity, quality and vibrancy of centres.

*- The Planning Authority will seek to ensure that the quantum of **off-licence** and betting offices, particularly within smaller centres, is not disproportionate to the overall size and character of the area and that the development would not have a negative impact on the amenity of the area due to noise, general disturbance, hours of operation and litter. The provision of a small section of a convenience shop for an ancillary off-licence use is generally acceptable.*

*- The Planning Authority will seek to ensure that the quantum of amusement and gaming arcades, bookmakers, public houses, **off-licences** and fast food outlets is not disproportionate to the overall size and character of the area.*

- In district and local centres, the provision of non-retail uses that would preclude the provision of a more appropriate range of services may be restricted at ground floor level within the shopping parades, in addition to any uses that would seriously affect the residential amenities of the surrounding area.

Furthermore, it is an objective of the CDP to “prevent an excessive concentration of off-licence and betting offices in our urban areas.” Currently, the only off-licence in Newcastle Village is located in the Spar in the Newcastle Service Station with a further supermarket with ancillary off-licence applied for under consideration (SD22A/0312). The cumulative effect of three off-licences within Newcastle Village would not be considered excessive and therefore, the proposed development is acceptable.

Drainage

Water Services and Irish Water have no objection to the proposed development subject to standard conditions which is considered appropriate.

Roads

The Roads Department have no objection subject to conditions to the proposed development and would encourage moving the trolley bay closer to the supermarket.

Parks

The Parks Department have no comments on the proposed development.

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Architectural Conservation Officer

No report was received from the Architectural Conservation Area but as there is no significant impact on the visual amenity of the area, it is considered appropriate that no additional conditions should apply.

Green Infrastructure

The site does not appear to be located within a Primary or Secondary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028) and given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development consists of moving the previously approved trolley bay closer to the supermarket and the repurposing of approximately 85sqm of the approved supermarket as an Off-Licence. Having regard to:

- the small scale and 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.

Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the 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	
Planning Reference Number	SD22A/0432
Summary of permission granted & relevant notes:	85sq.m - change of use
Are any exemptions applicable?	Yes
If yes, please specify:	Change of Use
Is development commercial or residential?	Commercial
Standard rate applicable to development:	112.57
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€112.57
Area of Development (m2)	0
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	0
Total development contribution due	€0

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Commercial	85
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.886

Conclusion

Having regard to the provisions of the South Dublin County Development Plan, the permitted development on site, it is considered that subject to conditions, the proposed development 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.

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Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Parent Permission
Apart from the proposed development hereby permitted, the conditions of the parent permission, SD20A/0037 shall apply.
REASON: In the interest of clarity.
3. 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.
4. 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

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(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.

5. Opening Hours and Drawings

Prior to the occupation of the subject unit, the following detail shall be submitted to and agreed in writing by the Planning Authority:

- i) The opening hours for the Off-licence.
- ii) Revised detailed drawings including floor plans and elevations for the off-licence.

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

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

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arising are remedied immediately.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

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REG. REF. SD22A/0432

LOCATION: Supervalu, Main Street, Newcastle, Co. Dublin



Neal Murphy
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: 16/01/23


Gormla O'Corrain,
Senior Planner