

# Comhairle Chontae Atha Cliath Theas

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

### PR/1048/21

**Reg. Reference:** SD21A/0149      **Application Date:** 08-Jun-2021  
**Submission Type:** New Application      **Registration Date:** 08-Jun-2021

**Correspondence Name and Address:** Ronnie McArdle, McArdle Doyle 2nd Floor,  
Exchange Building, The Long Walk, Dundalk, Co.  
Louth

**Proposed Development:** Change of use from haulage yard to filling station open  
to the public; additional diesel pumps; palisade  
fencing; illuminated and non-illuminated signage; all  
associated site and development works.

**Location:** David Nestor Freight Services, Crag Avenue Business  
Park, Clondalkin, Dublin 22.

**Applicant Name:** EMO Oil Limited

**Application Type:** Retention

(DF)

### Description of Site and Surroundings

Site Visit: 02/07/2021

Site Area: 0.22 Hectares.

#### Site Description:

The subject site is located in the Clondalkin Industrial Estate off Crag Avenue and operated by David Nestor Freight Services Limited. The site as outlined in red is part of a much larger site that comprises a warehouse(referred to as a 'truck maintenance building'), car parking, petrol pumps, and the substantial storage of shipping containers (no planning permission exists). The site outlined in red is entirely concreted, it abuts Crag Avenue to the north, the other boundaries are demarcated by palisade fencing. The truck fuelling bays are tucked behind the truck maintenance building to the south and east, the single car/van pump is located up against the south-west façade of the maintenance building.

The applicant currently leases the red line boundary area to EMO oil, this is noted.

Ballymanaggin Lane is a residential area located to the west which contains a number of protected structures. The Grand Canal pNHA is located south of the water course that runs along the southern boundary of the site.

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### **Proposal:**

The development sought to be retained comprises the following:

- Change of use from haulage yard to filling station open to the public;
- additional diesel pumps; palisade fencing; illuminated and non-illuminated signage;
- all associated site and development works.

\*\*Note: The statutory notices do not fully describe all the works proposed to be retained. The site boundaries, comprising palisade fencing are not including in the description of development.

### **Zoning:**

The subject site is subject to zoning objective 'EE' - '*to provide for enterprise and employment-related uses*'.

Lands located to the west of the site are zoned 'RES' Existing Residential, the objective of which is to protect and/or improve residential amenity.

Lands located directly to the south of the site are designated as pNHA.

### **Consultations:**

Water Services	No objections subject to conditions
Irish Water	No response
Roads Section	Additional information requested
Waste Management	No Response
Parks	No comments
EHO	Request Additional Information
Heritage Officer	No response
Architectural Conservation Officer	No response
Waterways Ireland	No response
Chief Fire Officer	No response
Enforcement	No response
Inland Fisheries	No response
Development Applications Unit	No response
An Taisce	To be assessed against CDP and amenity in area

### **SEA Sensitivity Screening**

Proposed Natural Heritage Area in the immediate vicinity of the wider site (southern boundary)  
Protected Structures located west of the site.

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

Final date for submissions 12/7/21. An objection was received which raised the following issues:

- Environmental impact.
- Essential infrastructure relating to the development is installed in unauthorised locations.

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- Public safety.
- Noise impact on nearby residential areas.
- Details of lighting not submitted.
- Anti-social behaviour.
- Cumulative impact of unauthorised developments on landholding.

### **Relevant Planning History**

#### **Subject Site**

SD21A/0060. Footpath within the western and southern boundaries of the site; erection of a new palisade fencing of 2.4m in height along the southern and western site boundary and a new pedestrian access gate from the north end of the site boundaries at Crag Avenue; single storey, detached vehicle control structure; provision of hard standing at the north west corner of the site; erection of 7 flood light poles and lights along the southern and western boundaries of the site; all associated site development and engineering works

#### **Refuse Permission for Retention**

SD19A/0356. Change of use from haulage yard to filling station open to the public; additional diesel pumps; palisade fencing; illuminated and non-illuminated signage; all associated site and development works. Further Information requested.

**Application deemed to have been withdrawn as the further information was not responded to.**

**91A/0958** – Planning permission granted for **stores and depot facilities** at Site 12 Crag Avenue, Clondalkin Industrial Estate, subject to 12 conditions. The planning report on file in Register Reference 91A/0958 states on Page 2 of the report ‘The current application provides for stores and depot facilities for **storing of building plant and minor servicing** (stated).’

**SA.1049** – Permission granted for 2 warehousing / manufacturing blocks at Site 12 Clondalkin Industrial Estate, Ballymanaggin, Clondalkin, subject to 16 conditions.

#### **Adjacent Site**

**SD04A/0533**. Dormer bungalow with vehicular entry at rear, with access off Crag Avenue, Dublin 22. (A proposed Protected Structure).

Grant Permission

**SD01B/0443**. Retention of garden store and utility room.

Grant Permission

### **Relevant Enforcement History**

Enforcement notice **S8190**. Operation of a 24/7 filling station without the benefit of planning permission.

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Enforcement notice #1 **S8268**, with regard to the content of the application within the redline of the application, unauthorised hardcore extension, footpaths, floodlights, etc. These issues are captured in the application.

Enforcement notice #2 **S8268**, relates to the ceasing and discontinuance of the material change of use of the site to shipping container collection and storage use. The unauthorised development, the subject of this Enforcement Case File, including the intensification of use on site, is primarily within the blue line ownership. This where containers are stored at excessive heights up to 4 high having a negative impact on the adjoining residential properties.

The submitted planning statement advises that the current planning submission is to address the planning enforcement issues under S.8190. However, this does not deal with enforcement notices associated with all of the unauthorised development associated with the wider site.

### **Pre-Planning Consultation**

None recorded.

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

#### *Section 1.12.0 Employment Lands*

##### *Section 4.2.0 Strategic Policy For Employment*

##### *Policy ET1 Economic and Tourism Overarching Policies and Objectives*

It is the policy of the Council to support sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality.

##### *Policy ET3 Enterprise and Employment*

It is the policy of the Council to support and facilitate enterprise and employment uses (high-tech manufacturing, light industry, research and development, food science and associated uses) in business parks and industrial areas.

##### *Section 6.4.4 Car Parking*

##### *Policy TM7 Car Parking*

##### *Section 7.1.0 Water Supply & Wastewater*

##### *Policy IE1 Water & Wastewater*

##### *Section 7.2.0 Surface Water & Groundwater*

##### *Policy IE2 Surface Water & Groundwater*

##### *Section 7.3.0 Flood Risk Management*

##### *Policy IE3 Flood Risk*

##### *Section 7.5.1 Waste and Resource Policy and Legislation*

##### *Policy IE5 Waste Management*

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*7.7.0 Environmental Quality*

*Policy IE6 Environmental Quality*

*Section 10.0 Energy*

*Policy E3 Energy Performance in Existing Buildings*

*Policy E4 Energy Performance in New Buildings*

*Policy E5 Waste Heat Recovery & Utilisation*

*Table 11.18: Key Principles for Development within Enterprise and Employment Zones*

*Section 11.2.1 Design Statements*

*Section 11.2.5 Enterprise and Employment Areas*

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

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

*Section 11.4.1 Bicycle Parking Standards*

*Table 11.22: Minimum Bicycle Parking Rates*

*Section 11.4.2 Car Parking Standards*

*Table 11.23: Maximum Parking Rates (Non Residential)*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.4.6 Travel Plans*

*Section 11.6.3 (i) Air Quality*

*Section 11.6.3 (ii) Noise*

*Section 11.6.3 (iii) Lighting.*

*Policy HCL3 Protected Structures*

It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.

*Policy HCL13 Natural Heritage Areas*

It is the policy of the Council to protect the ecological, visual, recreational, environmental and amenity value of the County's proposed Natural Heritage Areas and associated habitats.

**Relevant Government Guidelines**

***Traffic and Transport Assessment Guidelines, National Roads Authority, (2007)***

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

*Spatial Planning and National Roads, Guidelines for Planning Authorities 2012* – National Roads Authority

*Urban Design Manual: A Best Practice Guide (2009)* Department of Environment, Heritage and Local Government.

*Design Manual for Urban Roads and Streets (2013)* Department of Transport, Tourism and Sport, Department of Environment, Community and Local Government.

### Assessment

The main issues for assessment are:

- Zoning
- Unauthorised Development
- Visual Impact and Operation
- Roads
- Water Services
- EHO
- Screening for Appropriate Assessment
- Environmental Impact Assessment

### ***Zoning and County Development Plan Policy***

The site is subject to the land-use zoning objective, 'EE' – 'To provide for enterprise and employment related uses'. A 'Petrol Station' is permitted under the EE Zoning in the CDP, and the proposed change of use under this application is acceptable in principle. It is considered that the application would be generally in compliance with the zoning objective of the site, subject to other policies and objectives contained within the County Development Plan.

### ***Unauthorised Development***

The planners report under SD21A/0060 states the following: *'The overall site is being used for a public filling station and the collection/storing of shipping containers. Illuminated and non-illuminated signage has been erected. It appears that all of which requires planning permission and where none exists. Retention permission sought for some of these items was deemed to be withdrawn, Reg. Ref. SD19A/0356. The Planning Authority considers that any attempt to regularise the unauthorised development should be through the submission of one application for the landholding to ensure the cumulative impacts are addressed.'*

The current submission SD21A/0149 red line boundary does not include the full landholding. The Planning Authority considers that a single planning application should have been submitted and would have been beneficial in facilitating and assessing all proposed works on the site.

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Notwithstanding this, the petrol station use is permitted in principle and is considered to generally be a suitable use at this location.

The Planning Authority remains concerned that the encroachment of development on the site is having a negative impact on the Gallenstown Stream to the west and the Grand Canal to the south and is unacceptable. The proposed development is located to the north and east of the landholding and away from both watercourses. The applicant should be requested to submit proposals for the 'greening' of the site outlined in red. **ADDITIONAL INFORMATION.**

A buffer strip between the site and Gallanstown Stream and along the southern boundary must be created by the removal of the perimeter footpath and unauthorised lighting.

Concerns are raised in respect of the loss of haulage yard area at this location. It appears that the reduction in the size of the haulage yard has resulted in the intensification of the lands to the west (within the blue line). In addition, the proposal includes for a connecting gate from the proposed site to the remaining haulage yard.

The applicant shall be requested to clarify the relationship between the land uses and outline mitigation measures to ensure that there is not an indirect impact of this change of use on adjoining residents to the west of the remaining haulage yard.

### ***Visual Impact and Operation***

#### Boundary Treatments

The 2.4m palisade fencing, to be retained, has been erected along the majority of the perimeter of the red line site. Sliding gates to the south and west of the area provides access to the wider yard. This is noted and acceptable in principle.

#### Signage

There are 6 (7, including two Type 2 signs) signs subject to the retention permission located both internally within the site and along the public road to the north. A signage schedule was submitted in support of the application which identifies the location of the signs and dimensions. This includes illuminated and non-illuminated signage. Six separate signs are proposed:

1. Type 1: The main sign, at the entrance, is approximately 5.4m<sup>2</sup> (10.8sqm both sides) - and 6m in height and the drawings stated that it is 'illuminated'. This is located along the public road within the site boundary. However, no other details have been submitted and it is unclear if all 5.4sqm is illuminated. The Planning Authority does not consider it necessary to fully illuminate 5.4sqm of signage. **Additional Information.**
2. Two Type 2 entrance-signs measuring 1.5m<sup>2</sup> each and 1.5m high non illuminated sign are erected on either side of the entrance along the public road within the site boundary. These are not illuminated. The Planning Authority considers the oversupply of signage at this location (including the totem pole sign and the 9m fence sign) as visual clutter and requests

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that the applicant remove at least one of the Type 2 entrance signs. **Additional Information.**

3. Type 3 and Type 4: Two other signs are located within the site as part of the pump depot area and measure 9m<sup>2</sup> and 0.64m. These are acceptable.
4. Type 5: The sign is located to the back of the site and is stated to be not illuminated. It measures approximately 14.04sqm and provides HGV parking information. This is generally acceptable.
5. Type 6: An non illuminated fence sign 9m<sup>2</sup> is also mounted along the public road within the site boundary. This is deemed unnecessary and it is considered that it would give rise to visual clutter and should **be omitted**.

The height of the freestanding signage conforms with the appropriate policies and objectives under section 11.2.8 of the CDP. The entire overall signage schedule does not appear to conform with policy. It is proposed to retain 4 separate signs placed along the northern boundary, policy seeks that not more than two signs on a single façade. At least two of the signs proposed along the northern boundary and at the entrance should be omitted.

### Fuel Pumps

The truck fuelling is located to the rear of the truck maintenance building and its location is generally acceptable. Ten fuel pumps are included as part of the retention permission, and 3 fuel storage tanks.

There is a lack of information regarding:

1. How the operation will work. How many staff will be on site. There does not appear to be a structure for staff provided as part of the use.
2. Fuel delivery times and frequency, operating times of the facility, number of employees, and vehicle tracking.
3. SUDS and green infrastructure on site.

ADDITIONAL INFORMATION.

### Roads

A report received from Roads requests further information regarding car and bicycle parking, pedestrian footpaths, autotracking, and visibility splays. ADDITIONAL INFORMATION.

### Water Services

A report was received from Water Services which advises no objection subject to conditions regarding clarification on surface water attenuation and SUDS. ADDITIONAL INFORMATION.



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### *EHO*

A report was received from the Environmental Health officer. This requests further information regarding the completion of an appropriate noise assessment. ADDITIONAL INFORMATION.

### *Screening for Environmental Impact Assessment*

Having regard to the modest nature of the proposed development, and the connection of the site to 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.

### *Screening for Appropriate Assessment*

The applicant provided a screening report in support of this application. It concludes that there would be no potential for significant effects on European sites as a result of the development and an AA is not required. Connections with watercourses to the south are existing and included as part of the screening. The Planning Authority accepts the view of the Panther Environmental Solutions Ltd Screening and concludes that there would be no potential for significant effects on European sites as a result of the development.

### *Other considerations*

#### **Development Contributions**

The proposed development comprises the following:

- Change of use from haulage yard to filling station open to the public;
- additional diesel pumps; palisade fencing; illuminated and non-illuminated signage;
- all associated site and development works.

### *Permission:*

Assessable area: N/A as non-residential/commercial floorspace

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Non residential	N/A
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.22ha

### **Conclusion**

Having regard to the zoning of the site, where a petrol station is permitted in principle and having regard to ongoing planning issues on the site, the planning history for the site, environmental and ecological considerations established under SD21A/0060, and the provisions of the South Dublin County Development Plan 2016 – 2022, it is considered that the additional information should be sought, in this instance.

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### Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The applicant is requested to submit a revised layout of not less than 1:100 scale, showing an accurate visibility splay with 2.4 meters set back, at a 1.05 meter height from ground level and 70 meters sight lines in both directions from the entrance.
2. The applicant is requested to submit details on the location and number of parking spaces to be provided at the development. Refer to Table 11.23: Maximum Parking Rates (Non-Residential) - from the SDCC County Development Plan 2016-2022.
3. The applicant is requested to submit a revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e. Autotrack or similar) demonstrating that Heavy Goods Vehicles, large vehicles and public vehicles can access/egress the site.
4. The applicant is requested to submit a revised layout showing the car parking, bicycle parking and pedestrian routes within the development (please refer to Table 11.22: Minimum Bicycle Parking Rates– SDCC County Development Plan 2016-2022).
  - The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users.
  - Footpath layout shall provide adequate connectivity around the development and footpaths on the main road.
5. An acoustic assessment shall be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the proposed alterations to include the accumulative noise impact from existing on-site activities. The investigation shall include, but not be necessarily limited to, the following:
  - (a) The identification of any neighbouring noise sensitive receivers who may be potentially impacted by the proposal
  - (b) The identification of all operations conducted onsite as part of the development proposal that are likely to give rise to a public nuisance for the neighbouring noise sensitive receivers.
  - (c) Distances between the development and the nearest noise sensitive receiver and the predicted level of noise (L<sub>aeq</sub>, 15min) from any development activities when assessed at the boundary of that receiver.
  - (d) An assessment of the existing background (LA<sub>90</sub>,15 min) and ambient (L<sub>Aeq</sub>,15 Min) acoustic environment at the receiver locations representative of the time periods that any noise impacts may occur. NOTE: For the purposes of the assessment background noise includes; noise of the surrounding environment excluding all noise sources currently located on-site.
  - (e) A statement outlining any recommended acoustic control measures that shall be incorporated into the development to ensure the use will not create adverse noise impacts on the occupiers of any neighbouring noise sensitive properties.
6. The statutory notices do not fully describe all the works proposed to be retained. The site boundaries, comprising palisade fencing are not included in the description of

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development. The applicant is requested to submit revised notices, which include all works proposed as part of this planning permission.

7. The Planning Authority is concerned that the encroachment of development on the overall site is having a negative impact on the Gallenstown Stream to the west and the Grand Canal to the south. Notwithstanding that the proposed development is located to the north and east of the landholding and away from both watercourses, it is considered that the significant loss of biodiversity and ecology from the site should be mitigated through the introduction of green infrastructural elements on this part of the site i.e. planted verges and islands, a green wall etc. The applicant is requested to submit proposals for the 'greening' of the site (outlined in red) demonstrating compliance with policies and objectives outlined in Chapters 7 and 8 of the current County Development Plan.
8. (i) Type 1: The main sign, at the entrance, is approximately 5.4sq.m (10.8sqm both sides) - and 6m in height and the drawings stated that it is 'illuminated'. This is located along the public road within the site boundary. The applicant is requested to submit details of the extent of the illumination of the totem sign and submit proposals to mitigate its illuminative impact on the surrounding area. The Planning Authority does not consider it necessary to fully illuminate 5.4 (10.8sq.m) of signage.  
(ii) It is proposed to retain 2 x Type 2 entrance-signs measuring 1.5sq.m each and 1.5m high on either side of the entrance, a 9sq.m fence sign and a 10.8sq.m totem sign all located along the northern boundary. The Planning Authority considers the oversupply of signage at this location as visual clutter and requests that the applicant remove at least two of these signs along the northern boundary of the site. The applicant is requested to submit revised proposals providing for two signs only along the northern boundary of the site. The non-illuminated fence sign (9sq.m) mounted along the public road should be omitted.
9. There is a lack of information regarding:
  - How the operation will work, and how many staff will be on site. There does not appear to be a structure for staff provided as part of the use.
  - Fuel delivery times and frequency, operating times of the facility, number of employees, and vehicle tracking.The applicant is requested to address each of these points and submit a report detailing the above.
10. The applicant is requested to submit:
  - (a) a report to show what surface water attenuation is proposed for development and what is required in m<sup>3</sup>. Attenuation shall be by means of SuDS (Sustainable Drainage Systems) as much as possible. Examples of SuDS include, Green Roofs, Filter drains, Planter beds, Permeable Paving, Tree Pits, Rain Garden or other such SuDS.
  - (b) a drawing showing what SuDS is proposed for the development.
11. Concerns are raised in respect of the loss of haulage yard area at this overall location. It appears that the reduction in the size of the haulage yard has resulted in the intensification of the lands to the south west (within the blue line). In addition, the proposal includes for

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a connecting sliding gate to entrance and exit from Truck Yard. The applicant is requested to clarify the relationship between the land uses and outline mitigation measures to ensure that there is not an indirect impact of this change of use on adjoining residents to the west of the remaining haulage yard.

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REG. REF. SD21A/0149

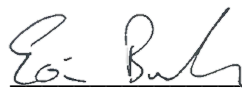
LOCATION: David Nestor Freight Services, Crag Avenue Business Park, Clondalkin,  
Dublin 22.



**Tracy McGibbon,**  
**A/Senior Executive Planner**

**ORDER:** I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

**Date:** 3rd August 2021



**Eoin Burke, Senior Planner**