

Comhairle Chontae Atha Cliath Theas

PR/0210/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0149 **Application Date:** 08-Jun-2021
Submission Type: Significant **Registration Date:** 19-Jan-2022
Additional
Information

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.

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

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Relevant Enforcement History

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

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

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*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*

*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.

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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)

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

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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. 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:

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1. Type 1: The main sign, at the entrance, is approximately 5.4m² (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 1.5m² 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 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 9m² 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: A non-illuminated fence sign 9 sq m 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.

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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.

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.

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: 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.
- 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.
- 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.
- 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.
- 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:
 - The identification of any neighbouring noise sensitive receivers who may be potentially impacted by the proposal.
 - 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.
 - Distances between the development and the nearest noise sensitive receiver and the predicted level of noise (L_{aeq}, 15min) from any development activities when assessed at the boundary of that receiver.

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- An assessment of the existing background (LA90,15 min) and ambient (LAeq,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.
- 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.
- 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 development. The applicant is requested to submit revised notices, which include all works proposed as part of this planning permission.
- 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.
 - (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

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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.

- 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.

- The applicant is requested to submit:
 - a report to show what surface water attenuation is proposed for development and what is required in m³. 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.
 - a drawing showing what SuDS is proposed for the development.
- 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 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.

Additional Information

Additional Information was requested on 3rd August 2021.

Additional Information was received on 19th January 2022.

The Applicant was required to erect a Site Notice and publish a Newspaper Notice in relation to the Significant Additional Information received.

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Submissions/Observations

One submission was received which raised the following issues:

- Unauthorised development at No. 12 Crag Avenue has resulted in the destruction of 4 -5m of riparian buffer.
- The entire site is subject to enforcement cases and no retention should be granted until these are resolved.
- The Application is in contravention of Condition No. 10 of S91A/0958 which requires a 2m wide plantation strip.
- The overall site is approximately 1.72 Ha, representing an opportunity to implement the greening of the area.

Assessment

The following Additional Information was received from the Applicant on 19th January 2022:

- Cover Letter prepared by Environmental Heritage Planning dated 17th January 2022.
- Site Notice dated 19th January 2022.
- Newspaper Notice dated 18th January 2022.
- Response Report prepared by Environmental Heritage Planning.
- Noise Impact Assessment prepared by Irwin Carr Consulting dated 14th January 2022.
- Engineering Report prepared by McCardle Doyle.
- Drawing No. P1922.C01 - Site Location Map prepared by McArdle Doyle.
- Drawing No. P1922.C02 - Site Layout prepared by McArdle Doyle.
- Drawing No. P1922.C03 - Drainage Layout prepared by McArdle Doyle.
- Drawing No. P1922.C05 - Autotrack Layout prepared by McArdle Doyle.
- Drawing No. P1922.C06 - Visibility Splays prepared by McArdle Doyle.

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- Drawing No. P1922.A02 - Signage Schedule prepared by McArdle Doyle.
- Drawing No. P1922.A03 - Contiguous Elevations prepared by McArdle Doyle.

The Additional Information provided by the Applicant will be assessed below in the context of the 11 No. items of Additional Information requested by the Planning Authority on 3rd August 2021:

Additional Information Item No. 1 - Visibility Splay

Drawing No. P1922.C06 prepared by McArdle Doyle demonstrates the visibility splay at the entrance to the subject site off Crage Avenue. The Applicant states in their submission that the entrance to the subject site is fully in compliance with the minimum design requirements set out in the Design Manual for Urban Roads and Streets (2019) and the provisions of Section 6.4.3(i) of the South Dublin County Development Plan, specifically Transport and Mobility Policy 6.

The Roads Department has reviewed the visibility splay drawing provided by the Applicant and is satisfied with information provided. Additional Information Item No. 1 has therefore been satisfactorily addressed.

Additional Information Item No. 2 - Car Parking

Drawing No. P1922.C02 Rev A, prepared by McArdle Doyle, outlines the car parking provision for the proposed development. The drawing shows 6 No. car parking bays located in the northwestern corner of the subject site.

The Roads Department has reviewed the proposed car parking provision for the subject scheme and is satisfied with the information provided. Additional Information Item No. 2 has therefore been satisfactorily addressed.

Additional Information Item No. 3 - Swept Path and Autotrack Analysis

Drawings No. P1922.C05 prepared by McArdle Doyle outlines a swept path and autotrack analysis for the subject site.

The Roads Department has reviewed the swept path and autotrack analysis for the subject scheme and is satisfied with the information provided. Additional Information Item No. 3 has therefore been satisfactorily addressed.

Additional Information Item No. 4 - Car Parking, Bicycle Parking and Pedestrian Routes

Drawing No. P1922.C02 Rev A, prepared by McArdle Doyle, outlines the car parking, bicycle parking and pedestrian routes for the subject site.

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As previously noted under Additional Information Item No. 2, the proposed car parking provision has been assessed by the Roads Department and is deemed to be appropriate.

The proposed development includes the provision of 3 No. bicycle parking spaces located adjacent to the David Nestor Freight Services building and a 1.8m wide pedestrian walkway. The Roads Department has reviewed the proposed bicycle parking provision and pedestrian walkway and is satisfied with the information provided. In this regard, Additional Information Item No. 4 has been satisfactorily addressed.

Addition Information Item No. 5 - Acoustic Assessment

Irwin Carr Consulting have prepared a Noise Impact Assessment in relation to the proposed development, a copy of which was enclosed with the Applicant's response to the request for Additional Information.

The HSE Environmental Health Officer has reviewed the Noise Impact Assessment and noted that the following concerns remain:

- *The acoustic report raises some confusion regarding the background night time noise level. The acoustic report (page 8) refers to night time background noise levels however figure 3 heading notates these readings as "daytime background sound levels". The report states that 48dB LA90 is the representative background noise level for the daytime period despite referencing night time levels.*
- *Under section 5.2 of the acoustic assessment when describing the source noise levels it is noted that HGV movements have been included within the assessment during daytime hours only. The petrol filling station is proposed to operate on a 24 hour basis and therefore the impact of truck movements during this time period must be assessed and outlined within the report.*
- *It is assumed that 48dB is the representative background noise level based on the monitoring carried out on-site. However this figure does not correlate with table 4 which references the night-time background level as being 54dB. Further clarification is required.*
- *The report makes reference to "DCC oil, Craggs Avenue" and refers to Dublin City Council as being the relevant Local Authority dealing with this application. These details are incorrect.'*

The Report of the EHO notes that, owing to the above outlined concerns, the proposal is not acceptable to the Environmental Health Department. Should the Planning Authority be minded to Grant Permission for the proposed development, a CONDITION should be

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attached in relation to noise levels permitted.

Additional Information Item No. 6 - Statutory Notices

The Applicant has provided revised statutory notices to include a more comprehensive description of development.

The Planning Authority is satisfied that the information contained within the revised statutory notices represents a more accurate description of the proposed development (within the site outlined in red). In this regard, Additional Information Item No. 6 has been satisfactorily addressed. However, the Planning Authority notes that a revised Site Layout Plan comprising all works within the redline boundary has not been submitted.

Additional Information Item No. 7 - Impact on the Gallenstown Stream

In response to Additional Information Item No. 7, the Applicant has refuted the opinion of the Planning Authority that the development at the subject site and adjacent lands has led to the significant loss in biodiversity and ecology from the site. The Planning Authority in the original assessment raised concerns in relation to the overall landholding outlined in Blue on the Site Layout Plan, regarding the development that has taken place across the site and in particular the implications that development has had on the two watercourses. The Planning Authority further notes that live enforcement case files remain open on the overall site. The Additional Information request clearly referred to the overall site. The Applicant contends that the occupation and use of the subject site as a filling station did not necessitate any material change to the physical character and nature of the Application Site. Notwithstanding this, the Applicant was requested to submit proposals for the greening of the site to comply with policies outlined in Chapters 7 and 8 of the County Development Plan, in particular Policy G5-Objective 1 and 2 and Policy G6-Objective 2 regarding the introduction of SuDs and Green Infrastructure. The failure to provide any Green Infrastructure at the subject site represents a clear fragmentation of the biodiversity and ecology at the subject site and a missed opportunity to enhance the green infrastructure network within this sensitive area. A report received from the Parks Department states that:

"The proposed development in its current configuration would materially contravene Green Infrastructure and Environmental policies G2 Objective G2 5 and G2 11 to G5 Objective G5 1 and 2 and IE 2 Objective 3, 5 and 6 of the County Development Plan. The Public Realm Section is requesting that the applicant significantly alter the layout of the proposed development in order to ensure that:

- i) Green Infrastructure is integrated as a key component of the development and
- ii) The full natural potential of the site is explored to manage surface water runoff

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to maximise amenity and habitat/biodiversity enhancement, water quality treatment as well as providing attenuation of water quantity'.

The applicant has failed to provide for retrofitting of Green Infrastructure. In relation to the provision of Green Infrastructure at the subject site, the Applicant states that no landscape or greenery has been present at the subject site since 1991 and that the active use of the subject lands by both the Applicant and David Nestor Freight Services Limited 'effectively precludes any opportunity for greening'. The Planning Authority notes that the subject site is 0.22 ha and the extent of Green Infrastructure feasibly in conjunction with a filling station is low. The proposal is not the optimal design solution and the Planning Authority considers that opportunities for additional GI/Landscaping existing in the turning area and along the boundaries. Furthermore, more SuDs measures should be incorporated. It is considered these issues can be addressed by condition.

Additional Information Item No. 8 - Signage

i) Totem Sign Illumination

In responding to Additional Information Item 8(i) the Applicant has stated that the totem sign is illuminated only on the 2 No. LCD price panels. The Planning Authority accepts the Applicant's contention that the proposed illumination is in line with standard practice for similar filling station totem signs and that it is a legal requirement to clearly display fuel pricing at the entrance to filling stations under the Retail Price (Diesel and Petrol) Display Order, 1997. The Planning Authority also accepts that the level of illuminance proposed and the distance from the nearest residential dwelling ensures that the proposed illuminance will not result in a significant adverse impact on the visual and residential amenity of the subject site's receiving context.

In the event of a Grant of Permission, it is recommended that a CONDITION be attached requiring only the 2 No. LCD price panels of the totem sign to be internally illuminated.

ii) Visual Clutter

The Planning Authority notes and welcomes the proposal to remove the 2 No. metal entrance signs and the plastic signage affixed to the fence along the northern boundary. In addition to the removal of these signs, the Planning Authority considers the removal of the non-illuminated fence sign (9 sq.m) mounted along the public road affixed to the fencing of the David Nestor Freight Services Container Depot along the Crag Avenue should also be removed, as this will further reduce the visual clutter of the signage in the area.

In the event of a Grant of Permission, it is recommended that a CONDITION should be

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attached securing the removal of the signage.

The Planning Authority considers that Additional Information Item No. 8 has been satisfactorily addressed.

Additional Information Item No. 9 - Daily Operations

In response to Additional Information Item No. 9, the Applicant has outlined the daily operations of the subject scheme, with key points briefly summarised below:

- The proposed use is described as a 'fuel card filling station which is a very different form of business than a conventional petrol filling station.
- The premises is a fully automatic, self-service, unmanned filling station, which is open to the public 24 hours a day and 7 days a week.
- There is no on-site staff, thus there is no requirement for any on-site staff building or retailing/services facilities for customers.
- The foreman of David Nestor Freight Services Limited monitors the filling station for obvious signs of leaks, accidents, etc.
- The fuel pumps are fitted with a monitoring system which alerts the Applicant to any fault, leaks and maintenance issues. If an alert is received, the Applicant's office dispatches a contractor to address the issue.
- Approximately 25,000 - 30,000 litres of fuel are delivered to the subject site per week by the operator. Deliveries are limited to approximately 2 No. rigid vehicles per week, during the business day to avoid any peak traffic periods.

Whilst the Applicant has provided sufficient information to address Additional Information Item No. 9, the Planning Authority continues to have concerns regarding the safety and security of the daily operation of the subject scheme. For example, further detail is required as to the proposed procedure should there be incident on the subject site, such as a fuel spill or a fire. The lack of staff on-site and the apparent informal arrangement with the foreman of David Nestor Freight Services Limited does not satisfy the Planning Authority that, in the event of an emergency, the response and required action will be undertaken immediately. No Operational Management Plan has been provided for the subject scheme, which outlines the procedure to be undertaken in the event of an incident or emergency on-site. In this regard, the concerns of the Planning Authority raised in Additional Information Item No. 9 have not been sufficiently addressed. However, in the event of a Grant of Permission, it is recommended that a relevant CONDITION should be attached.

Additional Information Item No. 10 - Drainage Infrastructure

McArdle Doyle has prepared an Engineering Report and accompanying Drainage Layout (Drawing No. P1922.C03) by way of response to Additional Information Item No. 10.

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The submission has been reviewed by Irish Water and the Drainage and Water Services Department of the Planning Authority and no objection to the proposed development was indicated, subject to conditions.

With regard to the Drainage and Water Services Section and Irish Water, the Additional Information Item No. 10 has therefore been satisfactorily addressed.

Additional Information Item No. 11 - Relationship with Adjoining Lands

It is evident that the introduction of a filling station at the subject site has resulted in the loss of a haulage yard area associated with David Nestor Freight Services Limited.

In responding to Additional Information Item No. 11, the Applicant states that:

'The separation distance between the application site and nearest residential properties provides a substantial and effective barrier that ameliorates any potential effect associated with the development'.

It is acknowledged that the subject site of this Planning Application is located a sufficient distance from residential properties that there is unlikely to be a significant resultant impact on their amenity. However, it should be noted that the filling station may have contributed to the intensification of the use of the lands to the south west, which are close to residential properties.

It was noted that during a site visit on 9th February 2022, there were only a small amount of vehicles parked in the haulage area to the south west of the subject site. The stacked shipping containers, noted in the original site inspection, appear to have been removed entirely from the site. The use of lands outlined in Blue appears to have reverted back to a haulage use. Enforcement action is ongoing for this area.

Planning Note

Power Wash and Detergent Tanks

It is noted during the site inspection on 9th February 2022 that there are 2 No. large tanks located on top of the wall to the rear of the covered truck fuelling bays. These tanks are precariously located on top of a wall which is in close proximity to the party boundary with the property to the east. The Planning Authority notes and welcomes that the Site Layout (Drawing No. P1922.C02) appears to indicate the removal of these tanks. In the event of a Grant of Permission for the proposed development, a CONDITION should be attached requiring the immediate removal of these tanks.

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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.

Assessable area: N/A.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Non-residential (Fully automatic, self-service, unmanned filling station)	N/A
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.22ha

Conclusion

Having regard to the land use zoning objective, the pattern of development in the area, the nature of the proposed development and the separation distance from residential properties and the Gallanstown Stream and the Grand Canal, it is considered that the proposed development is generally in accordance with the proper planning and sustainable development of the area, subject to conditions.

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 Retention 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 retained and completed in accordance with submitted plans and details.
The development shall be retained 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 19th January 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. Green Infrastructure and SuDs.
Within 6 months of the final grant of permission, the Applicant shall submit a revised Site Layout Plan for the written agreement of the Planning Authority, which clearly provides for Green Infrastructure/Landscaped area within the marked turning area or as otherwise agreed by the Planning Authority.
 - (i) The proposed drainage system shall be developed further in order to sustainably manage surface water through a more natural hydrological regime or SUDS scheme within the development. A SuDS strategy shall be developed for the development which takes account of and maximises these issues. The detailed SuDS scheme for the proposed development shall be submitted to the Planning Authority within 6 months of the final grant for written agreement.
 - (ii) Within 6 months of agreed compliance on the revised site plan, including additional Green infrastructure and SUDs measures, the revisions shall be fully implemented on site.
REASON: In the interest of sustainable development, visual amenity and the proper planning of the area.
3. Water Services and Drainage
 - (i) Within 6 months of the final grant of permission, the Applicant shall submit to the Planning Authority for written agreement a report to show calculations of Surface Water Attenuation for the proposed development and the respective runoff coefficients for the subject site. The calculations shall include for additional SUDs measures proposed and agreed as part of Condition no.2.
 - (ii) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
 - (iii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.
 - (iv) All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

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(v) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

(vi) The Applicant shall enter into a water connection agreement with Irish Water.

(vii) The Applicant shall enter into a wastewater connection agreement with Irish Water.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

4. Signage.

Within 6 months of the final grant date, the Applicant shall submit the following to the Planning Authority and implement fully on site:

(i) An amended Site Layout Drawing demonstrating the omission of the 2 metal entrance signs, the plastic signage affixed to the fence along the northern boundary and the non-illuminated fence sign (9sq.m) mounted along the public road affixed to the fencing of the David Nestor Freight Services Container Depot along Crag Avenue.

(ii) The LCD Panels on the totem signage displaying the fuel prices shall be the only signage permitted to be illuminated on the entire subject site. No other signage on the subject site shall be illuminated. Any proposal to illuminate signage at the subject site, other than the permitted LCD Panels displaying fuel prices, shall be subject to a separate Planning Application.

REASON: In the interests of the prevention of a proliferation of signage and the creation of visual clutter at the subject site.

5. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as LAeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

(c) All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

REASON: In the interest of public health by the prevention of unacceptable levels of

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noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

6. Removal of tanks.

Within 6 months of the final grant date, the 2 large tanks located on top of the wall to the rear of the covered truck fuelling bays as indicated in Site Layout (Drawing No. P1922.C02) shall be removed.

REASON: In the interests of health and safety and the prevention of unauthorised development at the subject site.

7. Operational Management Plan

Within 6 months of the final grant of permission, the applicant, owner or developer shall submit, for the written agreement of the Planning Authority a site specific Operational Management Plan, that shall include:

(i) Details of the proposed procedure should there be incident on the subject site, such as a fuel spill or a fire;

(ii) Details of a formal arrangement with the foreman of David Nestor Freight Services Limited regarding the monitoring of the subject site;

(iii) Details of on-site security measures and;

(iv) Name and contact details for a site manager to be contacted in the event of an incident or emergency.

REASON: In the interests of residential amenity, public safety, compliance with Development Plan policy and the proper planning and sustainable development of the area.

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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

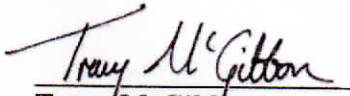
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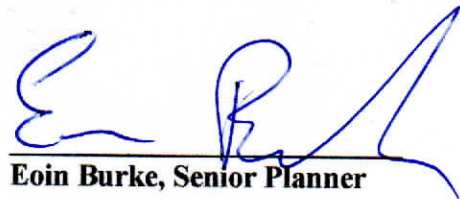
**LOCATION: David Nestor Freight Services, Crag Avenue Business Park, Clondalkin,
Dublin 22.**


**Tracy McGibbon,
Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention 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:

15/2/22


Eoin Burke, Senior Planner