

Comhairle Chontae Atha Cliath Theas

PR/0236/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0360 **Application Date:** 22-Dec-2021
Submission Type: New Application **Registration Date:** 22-Dec-2021

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

Proposed Development: Car wash & car wash plant room with water recycling
system; re-location of the main ID sign and all
associated structures, drainage and site development
works.

Location: 2, Ninth Lock Road, Dublin 22

Applicant Name: Circle K Ireland Retail Limited

Application Type: Permission

Description of Site and Surroundings

Site Area

Stated on the Application Form as 0.2439Ha.

It is noted that the Cover Letter prepared by McArdle Doyle Limited states that the site measures 0.21ha. Having regard to the Site Location Map and response to Question No. 11 of the Application Form, the Planning Authority considers the correct site area is 0.2439Ha.

Site Description:

The subject site is comprised of an existing Circle K Service Station on the western edge of the Ninth Lock Road, Clondalkin, Dublin 22. The site is bound to the north by a commercial premises operating as a vehicle service garage and tyre depot, to the south by the Grand Canal, to the west by the Alkhidmah Community Mosque and to the east by the Ninth Lock Road.

The existing service station is comprised of a forecourt containing a canopied island containing 3 double sided fuel dispenser pumps and ancillary underground tanks, an air, vacuum and water unit, a launderette unit, a retail unit with an approximate Gross Floor Area of 168sq.m, a dry goods store, plant compound and waste storage area located to the rear of the retail unit, 9 car parking spaces (including 1 accessible space) located to the front of the retail unit and a bicycle rack, a totem sign displaying fuel prices located in the south eastern corner of the site adjacent to the entrance to the forecourt. There is an existing right of way through the subject site, providing access from Ninth Lock Road to the Mosque located to the west of the subject site.

Proposal

Permission is sought for:

- (i) An automatic brush car wash located in the south eastern corner of the subject site;

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- (ii) An ancillary car wash plant room;
- (iii) Associated revisions to site layout including relocation of the existing totem sign, re-positioning of the existing laundrette unit and re-location of the air, water and vacuum unit and associated services parking bay to facilitate the proposed car wash; and
- (iv) all associated site development works above and below ground.

Zoning

The site is subject to land-use zoning objective RES – *'To protect and/or improve residential amenity.'*

Consultations

Drainage and Water Services Department: No objection, subject to conditions.

Irish Water: Additional Information required.

Roads Department: Additional Information required.

Parks Department: No objection.

Heritage Officer: No report received

Waterways Ireland: No report received

Inland Fisheries Ireland: No report received

SEA Sensitivity Screening

Overlap indicated with the following layers of the SEA Sensitivity Screening:

- Architectural Conservation Area.
- PHNA.

Submissions/Observations /Representations

Final date for submissions/observations – 3rd February 2022.

None received.

Relevant Planning History

Subject Site

SD04A/0648 - Ninth Lock Service Station, Ninth Lock Road, Clondalkin, Dublin 22

Demolish the existing filling station and construct a new filling station to provide for shop with cafe area, incorporating seating area for in-shop dining, forecourt, canopy, pump islands, car parking,

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I.D. sign, plant compound, waste compound, change location of northern site entrance/exit, together with ancillary works. **Decision:** Grant permission, subject to conditions.

S00A/0679 - Ninth Lock Service Station, Ninth Lock Road, Clondalkin, Dublin 22

Alterations of existing building to accommodate shop upgrade, conversion of existing Deli to a hot/cold food counter, upgrading of existing forecourt signage including: price sign (I.D. sign) canopy fascia sign and building sign, replacement of existing tank farm, pumps, petrol, interceptor and drainage and replacement of jet wash by automatic brush wash installation. **Decision:** Grant permission, subject to conditions.

Relevant Enforcement History

None recorded for the subject site.

Pre-Planning Consultation

None recorded.

Relevant Policy in South Dublin County Council Development Plan (2016-2022)

11.3.6 Retail Development.

(iv) Motor Fuel Stations

Petrol stations, while necessary, have the potential to cause disturbance, nuisance and detract from the amenities of an area and as such, proposals for new or extended outlets will be carefully considered. Motor fuel stations will not generally be encouraged within the core retail area of urban centres or in rural areas. Development proposals for motor fuel stations should address the following:

- Development proposals will be required to demonstrate that noise, traffic, visual intrusion, fumes and smells will not detract unduly from the amenities of the area and in particular from sensitive land uses such as residential development.*
- Motor fuel stations should be of high-quality design and integrate with the surrounding built environment. In urban centres, where the development would be likely to have a significant impact on the historic or architectural character of the area, the use of standard corporate designs and signage may not be acceptable.*
- Forecourt lighting, including canopy lighting, should be contained within the site and should not interfere with the amenities of the area.*
- The forecourt shop should be designed so as to be accessible by foot and bicycle, with proper access for delivery vehicles. The safety aspects of circulation and parking within the station forecourt should be fully considered. Retailing activities should be confined to the*

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shop floor area, except in the case of sales of domestic fuel, where some external storage may be permissible. The external storage of gas cylinders and solid fuel, should be limited in area and confined to strictly defined specifically designed compounds adjoining the shop/forecourt and be subject to adequate measures being taken for visual appearance, security and safety.

- *The sale of retail goods from petrol stations should be restricted to convenience goods and only permitted as an ancillary small scale facility. The net floor space of a fuel station shop shall not exceed 100sq.m. Where permission is sought for a retail floor space in excess of 100sq.m, the sequential approach to retail development shall apply (i.e. the retail element shall be assessed as a proposed development in its own right).*
- *Workshops for minor servicing (e.g. tyre changing, puncture repairs, oil changing) may be permitted in circumstances where they would not adversely impact the operation of the primary petrol station use and local amenities, particularly with regard to proximity to dwellings or adjoining residential areas.*
- *Motor fuel stations and service areas in proximity to the National Road network will be assessed with regard to the Spatial Planning and National Roads Guidelines for Planning Authorities DECLG, (2012).*

Table 11.19: Signage

Free Standing Advertisement Displays: *Generally not appropriate. May be considered at the entrances to shopping centres/major commercial premises and service stations: Design Criteria: A maximum of 7m in height. Freestanding signs on petrol station forecourts should not extend above the height of the canopy.*

Schedule 5: Definition of Use Classes and Zoning Matrix Table

Petrol Station

A structure or land used for the purpose of the selling petrol, fuel oils, lubricating oils and liquefied petroleum gas generally for use in motor vehicles. It does not include a service garage or motor sales outlet. Petrol filling stations can include an associated shop (no more than 100sq.m (net retail floor space) that also provides for the sale of convenience goods.

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

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*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*

*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.*

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

Retail Planning - Guidelines for Planning Authorities 2012, Department of the Environment, Community and Local Government

Retail Design Manual – April 2012 Department of the Environment, Community and Local Government

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.

Planning Note

The following discrepancies/deficiencies have been identified in the information provided by the Applicant:

- **Site Layout Plans** – It is noted that no levels/contours have been shown on the Existing and Proposed Site Layout Plan. Article 23(1)(c) of the Planning and Development Regulations 2001 (as amended) states that *'the site layout plan and other plans shall show the level or contours, where applicable, of the land and the proposed structures relative to Ordnance Survey datum or a temporary local benchmark, whichever is more appropriate.'*
- **Signage** – The height of the existing totem signage, which it is proposed to re-locate slightly, is not indicated on the drawings provided by the Applicant. Article 23(1)(f) of the Planning and Development Regulations 2001 (as amended) states that *'plans and drawings of floor plans, elevations and sections shall indicate in figures **the principal dimensions (including overall height)** of any proposed structure and the site, and site or layout plans shall indicate the distances of any such structure from the boundaries of the site'*. [Emphasis Added]. Whilst the Planning Authority acknowledge the sign is existing, it is incumbent on the Applicant to demonstrate through the provision of fully dimensioned plans, elevations and sections that there will be no change to the existing sign once it is relocated.

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- **Sightlines** – It is noted that a visibility splay has only been shown in one direction on the drawings provided by the Applicant. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).
- **Laundrette Unit** – Whilst the Planning Authority has no objection in principle to the re-location of the laundrette unit, no evidence of previous planning permission can be found. In this regard the Applicant should provide clarification on the planning status of the laundrette unit. Depending on the status, it may be necessary for the Applicant to seek retention permission for the unit.

The Planning Authority considers that the above outlined issues can be addressed by way of ADDITIONAL INFORMATION and are not sufficient enough to prevent an assessment of the proposed development.

Assessment

The main issues for assessment relate to:

- Zoning and Council policy.
- Visual impact.
- Residential Amenity.
- Grand Canal PHNA
- Access and Roads.
- Services and Drainage.

Zoning and Council Policy

The subject site is located in an area subject to zoning objective 'RES', for which the stated objective in the South Dublin County Development Plan 2016-2022 is '*To protect and/or improve residential amenity.*'

A petrol station is '*open for consideration*' under the 'RES' zoning objective and it is noted that the use is established at the subject site.

The proposed development represents an intensification of the existing permitted use with the provision of an ancillary car wash and car wash plant room and associated alterations to the existing layout of the service station. The Planning Authority accepts the principle of the proposed development, provided the proposal is not in material conflict with the policies of the County Development Plan and is consistent with the proper planning and development of the area.

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Visual Impact

The principal structures of the proposed development shall be assessed below in terms of their visual impact.

Automatic Brush Car Wash and Ancillary Screens

The proposed Automatic Brush Car Wash structure is 50sq.m and is situated directly adjacent to the southern boundary of the subject site. The proposed structure has an approximate length of 10m, a width of 5m and is bordered on each side by a 9m long splash screen, supported by folded aluminium columns (0.5m wide each).

Having regard to the level of tree cover adjacent to the southern boundary of the subject site and the constrained nature of the site layout and required vehicular circulation through the site, the Planning Authority considers the location of the proposed car wash structure directly adjacent to the southern boundary to be appropriate. The overall nature and scale of the proposed car wash structure, within the receiving context of an existing service station forecourt, is considered to be acceptable to the Planning Authority and will not have a significant adverse impact on the visual amenity of the area.

Car Wash Plant Room

The proposed Car Wash Plant Room will be located in the south-eastern corner of the subject site and will have an approximate gross floor area of 6sq.m, a width of 2m, a length of 3m and a maximum overall height of 3.2m. The side and rear elevations will be blank, with the front elevation including steel doors to provide internal access for maintenance. The structure will have a rendered finish and a concrete roof.

Having regard to the overall scale of the proposed Plant Room and the level of tree cover adjacent to the southern boundary of the subject site, the Planning Authority considers that the proposed structure will not have a significant adverse impact on the visual amenity of the subject site and the surrounding receiving context.

Signage

No new signs are proposed on the submitted plans. It is considered that the proposed slight re-location of the existing totem sign is acceptable in principle and that the locations of the existing signage generally comply with this table 11.19 of the County Development Plan and, should the Planning Authority be minded to Grant Permission for the proposed development, a CONDITION can be attached requiring planning permission to be obtained for any future new signage at the subject site.

Amendments to the Site Layout

To facilitate the proposed Automatic Car Wash structure, a number of amendments are required to the existing forecourt layout, including but not limited to the relocation of the existing totem sign,

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re-positioning of the existing laundrette unit and re-location of the air, water and vacuum unit and associated services parking bay.

The proposed amendments to the existing site layout to facilitate the proposed car wash are considered by the Planning Authority to be appropriate.

Summary

Consideration has been given to the existing nature of the petrol station use and the ancillary nature of the proposed Automatic Car Wash Structure, associated Plant Room and amendments to the forecourt layout. The current proposal represents an intensification of the existing permitted use in the south eastern corner of the subject site. The materials and finishes proposed are considered to be acceptable and generally in keeping with the existing petrol station and it is therefore considered that the proposed development will not have an adverse impact on the visual amenity of the subject site.

However, the planning authority has concerns regarding the nature of the proposed use, within a residential area zoned and the proximity to residential dwellings to the east of the site on the opposite side of the Ninth Lock Road. These concerns are outlined in the forthcoming section.

Residential Amenity

The surrounding context of the subject site includes residential dwellings, approximately 27m to the east on the opposite side of the Ninth Lock Road.

Having regard to the height and scale of the proposed Automatic Car Wash structure and splash screen at 2.2m high splash screen in the receiving context of an existing service station, it is considered that the proposal is unlikely to be significantly injurious to the amenities of the adjacent properties on the opposite side of Ninth Lock Road.

Section 11.3.6 of the Development Plan outlines the Planning Authority's Policy in relation to Motor Fuel Stations. Part (v) of Section 11.3.6 states that:

*'Development proposals will be required to demonstrated that **noise**, traffic, visual obtrusion, fumes and smells will not detract unduly from the amenities of the area and in particular from sensitive land uses such as residential development'. [Emphasis Added]*

The Planning Authority notes that, having regard to the proximity of the proposed development to residential dwellings, no Noise Impact Assessment has been submitted by the Applicant. It is noted that the proposal is located approximately 27m away from residential dwellings and as such it is incumbent on the applicant to demonstrate how they will not detract from the residential amenity of the area. This includes the potential for noise emanating from the proposed Car Wash to detract from the residential amenity of nearby properties. The applicant should therefore by requested to

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submit a Noise Impact Assessment of the proposed development. Detail any proposals to mitigate against any adverse impact on the adjoining residential properties should also be outlined. Such proposals could include the operation of the proposed Automatic Car Wash structure during the daytime only. The Planning Authority is satisfied that this can be provided by way of ADDITIONAL INFORMATION.

Grand Canal PHNA

The Grand Canal PHNA is described in Section 9.2.4 of the Development Plan as follows:

'The Grand Canal (pNHA) is a man-made linear waterway that hosts a rich variety of plant and animal species including protected species and numerous mature tree species and is a key element in the County's Green Infrastructure Network. Associated canal and mill structures and buildings contribute to the unique setting and historic character of the Grand Canal and the tow-path provides an uninterrupted corridor for pedestrian and cyclist movement. The protection of the Canal landscape and its environment is a priority of the Development Plan.'

The subject site is located directly adjacent to the Grand Canal PHNA, which runs along the southern boundary. It is noted that there is tree cover and a grass verge adjacent to the southern boundary of the site which provides an approximately 12m wide buffer between the subject site and the pathway along the Grand Canal.

HCL13 Objective 1 of the Development Plan states that it is an objective of the Planning Authority to:

'To ensure that any proposal for development within or adjacent to a proposed Natural Heritage Area (pNHA) is designed and sited to minimise its impact on the biodiversity, ecological, geological and landscape value of the pNHA particularly plant and animal species listed under the Wildlife Acts and the Habitats and Birds Directive including their habitats.'

Having regard to the existing Service Station use at the subject site, the nature and scale of the proposed ancillary Car Wash Structure and the approximate 12m wide buffer to the Grand Canal, the Planning Authority considers that there will be no adverse impact on the Grand Canal PHNA.

Access and Roads

The Roads Department has assessed the proposed development and has indicated that the following ADDITIONAL INFORMATION is required:

- The Applicant is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m in both directions from the Southern entrance/exit. Sightlines should be shown to the near side edge of the road to the right-hand side of

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entrance and to the centreline of the road to the left hand side of the entrance (when exiting).

- The Applicant is requested to submit details of all pedestrian/cyclist routes within the forecourt area.

Drainage and Water Services

The Drainage and Water Services Department has assessed the proposed development and indicated no objection, subject to the following conditions:

- The Applicant shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- All works for the proposed development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

Having regard to the recommendations of the Drainage and Water services Department it is considered that the recommended conditions are appropriate and that the proposed development is therefore considered acceptable from a Drainage and Water Services perspective.

The Report of Irish Water indicated that ADDITIONAL INFORMATION is required as follows:

- (i) *'South Dublin County Council records show a 100mm uPVC watermain located beneath the proposed car wash. The applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of the connection to the public water supply. Obtain a letter of confirmation of feasibility from Irish Water and submit same to South Dublin County Council.*
- (ii) *The applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement'.*

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, connection to public services and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

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Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

Having regard to the proximity of the proposal to existing residential dwellings to the east of the site, and the concerns of the Planning Authority in relation to the potential adverse impact on the residential amenities of the adjoining property, the Applicant is required to submit proposals to address the Planning Authority's concerns, in particular a Noise Impact Assessment should be provided with any proposed mitigation measures outlined in detail. This can be provided by way of ADDITIONAL INFORMATION. Furthermore, the Roads Department have requested that ADDITIONAL INFORMATION be provided to facilitate a complete assessment of the proposed development.

Recommendation

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

1. The Applicant is requested to address the following discrepancies/deficiencies in the drawings provided:
 - (i) Levels/Contours must be shown on the Existing and Proposed Site Layout Plans.
 - (ii) The height of the existing totem signage must be indicated on Plans, Sections and Elevations. The signage should also be shown and fully dimensioned on the proposed drawings to demonstrate that there is no change to the structure.
 - (ii) The Applicant is requested to provide clarification on the planning status of the laundrette unit. Depending on the status, it may be necessary for the Applicant to seek retention permission for the unit.
2. The applicant is requested to submit:
 - (i) accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m in both directions from the Southern entrance/exit. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting).
 - (ii) details of all pedestrian/cyclist routes within the forecourt area.
3. The applicant is requested to submit a Noise Impact Assessment of the proposed development, which clearly outlines the potential impact on the nearby residential properties and outlines any appropriate mitigation measures.

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4. South Dublin County Council records show a 100mm uPVC watermain located beneath the proposed car wash. The applicant is requested to engage with Irish Water through the submission of a PreConnection Enquiry (PCE) in order to determine the feasibility of the connection to the public water supply. The applicant shall obtain a letter of confirmation of feasibility from Irish Water and submit a copy to South Dublin County Council.

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REG. REF. SD21A/0360

LOCATION: 2, Ninth Lock Road, Dublin 22

Colm Harte

**Colm Harte,
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:

24/2/22

Eoin Burke

Eoin Burke, Senior Planner