

Comhairle Chontae Atha Cliath Theas

PR/0338/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0019 **Application Date:** 21-Jan-2022
Submission Type: New Application **Registration Date:** 21-Jan-2022
Correspondence Name and Address: Liam Gorman, JA Gorman Consulting Engineers
Limited Unit 1, Block B, Forest Park, Mullingar, Co.
Westmeath
Proposed Development: Change of use from retail use (4sq.m) to retail with
ancillary off licence use.
Location: Applegreen Service Station, Ballyfermot Road,
Cherry Orchard, Dublin 10.
Applicant Name: Petrogas Group Limited
Application Type: Permission

Description of Site and Surroundings:

Site Area

Stated as 0.211Ha.

Site Description:

The subject site is located within the retail unit of an existing Applegreen Service Station on the northern edge of the Ballyfermot Road, in the southeastern corner of the Cherry Orchard Industrial Estate.

The area to the east and south of the subject site is largely residential in nature, with an element of community use in the form of a health centre to the southwest and industrial use in the form of the Cherry Orchard Industrial Estate to the west and north.

Proposal:

Permission is sought for the following:

- The change of use of existing floorspace (4 sq m) from retail use to off licence, within the existing retail unit associated with the Applegreen Service Station.

Zoning

The subject site is subject to zoning objective 'EE' - '*To provide for Enterprise and Employment Related Uses*' under the South Dublin County Council Development Plan 2016-2022.

SEA Dynamic Assessment

No overlap indicated.

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Consultations

Drainage and Water Services Section: No objection, subject to conditions.
Irish Water: No objection, subject to conditions.
Roads Section: No objection.
Transport Infrastructure Ireland: No report received at time of writing.

Submissions/Observations /Representations

Final date for submissions/observations – 24th February 2022.

None received.

Recent Planning History

Subject Site

SD14A/0272 - Applegreen Service Station, Ballyfermot Road, Cherry Orchard, Dublin 10.
Change of use from retail use to retail use with ancillary off-licence. **Decision:** Grant permission, subject to conditions.

Adjacent Sites

No planning history of particular relevance in the vicinity of the subject site.

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject scheme.

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 ET2 Enterprise and/or Residential Led Development in Regeneration Zones

It is the policy of the Council to facilitate and support the regeneration of underutilised industrial areas that are proximate to urban centres and transport nodes and to promote and support more intensive compatible employment and/or residential led development in regeneration zones.

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Policy ET3 Enterprise and Employment (EE)

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

Section 5.9.0 Off-Licence / Betting Office

RETAIL (R) Policy 11 Off Licences & Betting Offices

It is the policy of the Council to manage the provision of off-licences and betting offices and to prevent an excessive concentration of these land uses.

R11 Objective 1: To prevent an excessive concentration of off-licence and betting offices

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

Section 7.6.0 Major Accidents Directive

Policy IE6 Major Accidents

7.7.0 Environmental Quality

Policy IE6 Environmental Quality

Section 8.0 Green Infrastructure

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 11.2.5 Enterprise and Employment Areas

Section 11.3.6 Retail Development

(iii) Restrictions on Uses

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

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

(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 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.*

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- *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 floorspace of a fuel station shop shall not exceed 100 sq.metres. Where permission is sought for a retail floorspace in excess of 100 sq.metres, 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).*

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.6.3 Environmental Hazard Management

Section 11.6.3 (i) Air Quality

Section 11.6.3 (ii) Noise

Section 11.6.3 (iii) Lighting

Section 11.6.4 Major Accidents – Seveso Sites

Section 11.6.5 Waste Management

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

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Assessment

The main issues for assessment relate to:

- Zoning and Council policy
- Visual Impact
- Water Services and Drainage
- Roads and Traffic

Zoning and Council Policy

The site is located in an area which is zoned 'EE' - 'To provide for Enterprise and Employment Related Uses'.

The proposed development is for the internal change of use of approximately 4 sq m of an established retail unit and does not materially change or detract from the existing land use within the existing Applegreen Service Station. It is noted the 'off-licence' is listed as a use which is not permitted on lands zoned 'EE'. However, considering the existing off-licence use previously established under SD14A/0272 and having regard to the minor nature in the increase of the off licence floor area (4 sq m), it is considered that the proposed off-licence, which is ancillary to the main retail use is considered appropriate in this instance. The Planning Authority is satisfied that the proposed minor increase to the floor area of an established off-licence area within an existing retail unit will not result in the over-proliferation of such uses in the area, and is appropriate having regard to the ancillary nature of the off-licence area within the wider retail and petrol station use at the subject site.

The internal proposal is at a small scale appropriate to its surrounding environment and adjoining amenities, as such, subject to compliance with the relevant policies, standards and requirements of the current South Dublin County Council Development Plan, the principle of the development is acceptable at this location.

Sections 5.9.0 and 11.3.6 of the South Dublin County Development Plan outline the Planning Authority's policies and objectives in relation to off licences. It is considered that the provision of 4sqm of off licence floor space within an existing retail unit of approximately 155 sq m would be appropriate. Furthermore, having regard to the quantum of off licences within the surrounding area, it is considered that the proposed development would not result in a proliferation of off licences within the vicinity of the subject site. The proposed development is therefore considered to be consistent with the policies and objectives of the Development Plan.

Visual Amenity

The proposed development would have no negative visual impact, having regard to the internal nature of the changes within this established retail unit associated with the existing Service Station, no new external changes are proposed.

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Water Services & Drainage

The Drainage Section and Irish Water have assessed the proposed development and have no objection subject to standard conditions.

Roads and Traffic

The Roads Department have provided a Report in relation to the proposed development which indicates no objection to the proposed development.

Other Considerations

Screening for Environmental Impact Assessment

Having regard to the nature and scale of the proposed development, and the distance of the site from nearby sensitive receptors, there is no 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 has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature and scale of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Development Contributions

Change of Use of existing floor area within a retail unit from retail use to off licence (4 sq m). No new floor area is proposed.

SEA Monitoring Information

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Change of Use of existing floor area within Retail Unit	4 sq m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.211Ha

Conclusion

Having regard to the 'EE' zoning objective of the site, and the nature and scale of the proposed internal alterations within an established retail unit associated with the existing Service Station, it is considered that the proposal is acceptable in principle and adheres to the policies and objectives of the South Dublin County Development Plan 2016-2022 and the principles of proper planning and sustainable development.

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Recommendation

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

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 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.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, 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. Financial Contribution.
The developer shall pay to the Planning Authority a financial contribution of €395.04 (three hundred and ninety five euros and four cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).
The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.
REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local

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Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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REG. REF. SD22A/0019

LOCATION: Applegreen Service Station, Ballyfermot Road, Cherry Orchard, Dublin 10.

Colm Harte

**Colm Harte,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 15th March 2022

Hazel Craigie
Hazel Craigie, Senior Planner