

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0267 **Application Date:** 24-Sep-2021
Submission Type: Additional **Registration Date:** 20-May-2022
Information

Correspondence Name and Address: Kevin Hegarty 14, Ballinclea Heights, Killiney, Co. Dublin.

Proposed Development: Retention of carwash facility including a single storey portacabin office (10sq.m) with a covered carwash area (22sq.m).

Location: Car Wash Facility Old Bawn Shopping Centre, Tallaght, Dublin 24

Applicant Name: Kevin and Veronica Hegarty

Application Type: Retention

(COS)

Description of Site and Surroundings

Site Area: stated as 0.0032 Hectares on the application.
Site Visit: 26th of October 2021

Site Description

The subject site is located on the rear service access laneway to the rear of the Old Bawn Shopping Centre in Tallaght. The site comprises of an existing car wash facility with an associated portacabin office and covered car wash area. The River Dodder and existing mature trees are located immediately north of the site. An existing ESB substation and telecommunications antennae are located either side of the site.

Proposal

Retention of carwash facility including a single storey portacabin office (10sq.m) with a covered carwash area (22sq.m).

Zoning

The subject site is subject to zoning objective 'LC': *'To protect, improve and provide for the future development of Local Centres'* under the South Dublin County Development Plan 2016-2022.

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

Consultations

Water Services – no objection subject to conditions.

Irish Water – no objection subject to conditions.

Roads Department – report received.

Public Realm Department – no comments or conditions to add.

H.S.E. Environmental Health Officer – no objection subject to conditions.

Heritage Officer – verbal report received.

Water Pollution – verbal report received.

SEA Sensitivity Screening – the site is proximate to the following layers:

- Dodder Valley Proposed Natural Heritage Area,
- Dodder Terraces Site of Geological Interest,
- High Amenity Dodder Valley Landscape Sensitivity layer,
- Protected Structure RPS No. 339 City Weir Old Bawn is located over to the west of the site, and
- Record of Monuments and Places No. 022-047 Bridge is located over to the west of the site.

Submissions/Observations /Representations

None received.

Relevant Subject Site Planning History

SD18A/0247

Retention of a car washing facility, including single storey porta cabin office (c10sq.m) with a covered car wash area (c22sq.m). Permission for this facility was previously granted in September 2010, for 6 years - Reg. Ref. SD10A/0269. **Grant permission for retention. The following conditions are of interest:**

- **Condition No. 2 restricted the permission to a period of three (3) years from the final date of permission.**
- **Condition No. 3 stated that within one month of the date of final grant the applicant shall have installed all drainage provisions indicated in the application, including 2 no. flowpast sump traps and baskets. All wash water shall discharge to the foul sewer.**
- **Condition No. 4 stated that within three months of the date of final grant the applicant shall have provided a car turning facility on site which shall be subject to the written approval of the Planning Authority, so as to achieve forward car movement only, exiting the gates to the car wash area, which is accessed from the public car park.**

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

- **Condition No. 6 required any external lighting to be cowled downwards and directed away from existing mature trees, which are in use by bats.**

SD10A/0269

Retention permission for a change of use from a yard/storage space to use as a car wash facility, including a single storey portacabin office, with a covered car wash area. **Grant permission for retention. Condition No. 2 restricted the permission to a period of six (6) years from the final date of permission.**

Relevant Enforcement History

Enforcement Ref. S6334

Operating car wash facility and sign on wall without planning permission. **Case closed – granted retention.**

Pre-Planning Consultation

The applicant refers to Pre-Planning Ref. No. PP066/18, however, it is noted as being in 2018 during the application for the previous retention permission Reg. Ref. SD18A/0247.

Relevant Policy in South Dublin County Council Development Plan 2016 – 2022

5 Urban Centres and Retailing

Policy UC1 Urban Centres Overarching

Policy UC5 Local Centres

It is the policy of the Council to encourage the provision of an appropriate mix, range and type of uses in Local Centres, including retail, community, recreational, medical and childcare uses, at a scale that caters predominantly for a local level catchment, subject to the protection of the residential amenities of the surrounding area.

Policy R8 Local Centres

It is the policy of the Council to maintain and enhance the retailing function of Local Centres.

7 Infrastructure & Environmental Quality

Policy IE1 Water & Wastewater

Policy IE2 Surface Water & Groundwater

Policy IE3 Flood Risk

Policy IE7 Environmental Quality

8 Green Infrastructure

Policy G1 Overarching

Policy G2 Green Infrastructure Network

Policy G5 Sustainable Urban Drainage Systems

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

9. Heritage, Conservation & Landscapes

Policy HCL2 Natura 2000 sites

Policy HCL7 Landscapes

Policy HCL10 Liffey Valley and Dodder Valley

11 Implementation

Section 11.2.7 Building Height

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.6.0 Infrastructure and Environmental Quality

Section 11.7.2 Energy Performance in New Buildings

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 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).

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

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Planning History;
- Visual Amenity;
- Services and Drainage;
- Access and Parking;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The site is zoned Local Centre 'LC' with the zoning objective '*To protect, improve and provide for the future development of Local Centres*'. Car wash facilities are not specified as a land use under the zoning tables of the South Dublin County Development Plan 2016-2022. The County Development Plan states that land uses that have not been listed under the land use zoning tables will be considered on a case-by-case basis in relation to conformity with the relevant

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

policies, objectives and standards contained within the Plan, particularly in relation to the zoning objective of the subject site and its impact on the development of the County at a strategic and local level.

The provision of a car wash facility at this local centre is acceptable in principle given it adds to the mix of uses. However, it is considered that its location and operation along the rear service lane could impede the use and future development of the local centre. It is therefore considered that the period of the permission should be temporary in the event of a grant of permission.

Planning History

A car wash facility at this location has previously been granted retention in 2010 (Reg. Ref. SD10A/0269) and 2019 (Reg. Ref. SD18A/0247). The previous planners' reports stated that due to the limited site area and the restricted access/egress arrangements the development may impinge on the operation of the service alleyway and the possible future redevelopment of the shopping centre. Both permissions were granted on a temporary basis, for a period of six years and then three years. There were a number of conditions on the 2019 retention permission including in regard to drainage provisions, a car turning facility and external lighting.

In their cover letter with the current application the applicant states that they met with the SDCC Pollution Control Section to agree the position of the Acco Drains and the 2 Flowpast sump traps and baskets. The baskets are lifted and emptied every two weeks. The Pollution Control Section have advised that they have no objections to the proposed retention of the development. It should be conditioned that the drainage system is maintained and monitored to ensure that no water from the facility runs off into any local water courses.

The applicant has also submitted photos of their lighting arrangements onsite. The Heritage Officer has concerns in regard to external lighting given that the site adjoins the River Dodder and mature vegetation, in which bats use. Photos of the lighting arrangement are not considered sufficient information for assessment. **This should be addressed via additional information.**

In regard to roading the applicant advises that they previously consulted with the Roads Department and the primary concern was in relation to vehicles queuing and impeding the flow of vehicles. This is further discussed under the access and parking section of this report.

Visual Amenity

The development for retention is for a carwash facility including a single storey portacabin office, approx. 10sq.m. in area and approx. 2.5m in overall height, and a covered carwash area, approx. 22sq.m in area and approx. 2.6m in height. The car wash facility to located on the narrow rear service laneway to the rear of the Old Bawn Shopping Centre. The applicant refers

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

to the use of signage, however, it is noted that no signage is being applied for as part of this development. Signage which is not considered exempt should be removed.

The applicant states that the car wash operates 9:00am to 6:00pm Monday to Saturday and 10:00am to 6:00pm Sundays. These hours of operation are considered acceptable and should be conditioned as such. These are similar to what was previously granted and conditioned.

Services and Drainage

Regarding surface water, Water Services has reviewed the development for retention and has no objections subject to standard conditions.

Regarding foul and water, Irish Water has reviewed the development for retention and has no objection subject to conditions:

- 1. The applicant shall 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.*
- 2. All development shall be carried out in compliance with Irish Water Standards codes and practices.*
- 3. Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.*
- 4. Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.*

Reason: To ensure adequate provision of water and wastewater facilities.

These reports are noted and should be conditioned as such in the event of a grant of permission.

Access and Parking

The applicant in their cover letter states that there is a maximum of 40 cars through the car wash per day, during peak times (i.e. summer and the weekends). They state that this number is greatly reduced during other periods of inclement weather. If the clients using the car wash are also attending the shopping centre the car may be parked in the main carpark before or after the wash, as in the majority of cases as stated by the applicant. If clients stay in the service while the car is being washed they are directed to a specific area within the service lane. When car washing is complete the car is in parked in an area identified within the service lane.

The Roads Department has reviewed the development for retention and advise the following: *This car wash facility has been in place for a number of years. There is parking available in the Old Bawn Shopping Centre car park which is currently underutilised. Parking and waiting areas to the rear of the main shopping centre building have been indicated.*

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

The location of the car wash facility is to the rear of the retail units. The layout of the car wash area is a narrow lane which makes turning difficult internally. Roads require that no vehicles reverse out of the car wash area into the public car park due to the risk of vehicle-vehicle or vehicle-pedestrian conflict. Vehicles must turn within the car wash area and exit in a forward gear.

Should this permission be granted, roads recommend that the following condition is applied:

1. The applicant is obliged to provide a car turning facility on site so as to achieve forward car movement only exiting the gates from the car wash area, which is accessed from the public car park. Reason: In the interest of public safety.

a. Prior to commencement the applicant shall submit a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that a large car can turn on site so as to achieve forward car movement only exiting the gates from the car wash area, which is accessed from the public car park.

The report from the Roads Department is noted. Notwithstanding the recommendation of a condition it is noted that a similar condition was included on the previous planning permission and not implemented. **If this is still a concern it should be addressed by way of additional information.**

Environmental Health

The H.S.E. Environmental Health Officer has reviewed the development for retention and has no objections subject to the following conditions:

Retention of a car wash facility, including single storey portacabin office with a covered car wash area. There is the potential for noise nuisance due to the close proximity of residential housing.

The above proposal is acceptable to the Environmental Health Department – subject to the following condition(s):

Noise

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.

Reason: In the interest of public health.

Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

Reason: In the interest of public health.

All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

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.

Reason: In the interest of public health.

Plant equipment with low inherent potential for generation of noise shall be selected and used. Generators and high duty compressors shall be provided with localised barriers or acoustic barriers as appropriate.

Reason: In the interest of public health.

This report is noted and should be conditioned as such in the event of a grant of permission.

Screening for Environmental Impact Assessment

Having regard to the modest nature and extent of the proposed development 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 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.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity, would meet infrastructure requirements, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

Request Additional Information.

Additional Information

Additional Information was requested on the 18th of November 2021.

Additional Information was received on the 20th of May 2022 (not deemed significant).

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

Additional Information Consultations

Roads Department – recommend refusal.

Heritage Officer – no report received.

Assessment

Item 1 Requested

The Heritage Officer has concerns in regard to external lighting given that the site adjoins the River Dodder and mature vegetation which is used by bats. The applicant has submitted photos of their lighting arrangements onsite. Photos of the lighting arrangement are not considered sufficient information for assessment. The applicant is requested to submit a lighting plan and information of the development. The applicant should ensure that it is demonstrated that lighting associated with the development would not have a significant negative impact on bats. A report from a suitably qualified bat expert should be provided.

Assessment:

The applicant has advised that they have carried out a survey and advise that the lights from the car wash do not illuminate the park. They advise that the opening hours are 09.30 to 18.00 and that operational lighting would only be used a max. 2 hours per day during the winter months. Site Location Map A and photos have been submitted.

No report from the Heritage Officer on the additional information was received.

Notwithstanding this, it is considered that this item has been addressed subject to conditions limiting the opening hours and lighting of the operation. External lighting shall be cowed downwards and directed away from existing mature trees.

Item 2 Requested

The applicant is requested to submit further information demonstrating that a car turning facility is to be provided on site so as to achieve forward car movement only exiting the gates from the car wash area, which is accessed from the public car park. A swept path analysis drawing (i.e., Autotrack or similar) should be submitted demonstrating that a large car can turn on site so as to achieve forward car movement only exiting the gates from the car wash area, which is accessed from the public car park.

Assessment:

The applicant states that the car wash has operated in this area for the past 10 years and during that period all cars have exited the car wash forward movement only. A Site Location Map B has been submitted.

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

The Roads Department have reviewed the additional information submitted and recommend refusal:

The applicant response is unsatisfactory and has not met the requirements as set out in the additional information requirements.

The proposed car turning arrangements are unacceptable. The applicant has not demonstrated that turning can occur using forward car movement only.

A swept path analysis demonstrating a large car can turn using forward car movement only has not been submitted as was requested.

Roads recommend refusal

From a further phone conversation with the Roads Department they confirmed that the proposed car turning arrangement is not acceptable. The turning movements and amount of reversing required to exit the gates from the car wash area in a forward direction are not acceptable. In addition, a full swept path analysis was required including the movement of the car into the shopping centre car parking area. The safe movement of pedestrians is also of consideration.

It is noted under the previous temporary planning permissions, Reg. Refs. SD10A/0269 and SD18A/0247, conditions were attached requiring a car turning facility on site, which shall be subject to the written approval of the Planning Authority, so as to achieve forward car movement only. This was not addressed by the applicant under these permissions. It also has not been satisfactorily addressed as part of this additional information.

Given the above it is not considered that this item has been satisfactorily addressed.

Permission should therefore be refused.

Conclusion

The proposed development for retention would endanger public safety by reason of traffic hazard due to deficiencies with the drawings submitted and the layout of the development.

Recommendation

I recommend that a decision to Refuse Permission for Retention be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

SCHEDULE

REASON(S)

1. Based on the available information submitted, the proposed development for retention would endanger public safety by reason of traffic hazard due to the applicant not adequately demonstrating that safe vehicular movements can be carried out. As such, the proposed development is contrary to the proper planning and sustainable development of the area.


Comhairle Chontae Atha Cliath Theas

PR/0745/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0267

LOCATION: Car Wash Facility Old Bawn Shopping Centre, Tallaght, Dublin 24



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for Retention for the above proposal for the reasons set out above is hereby made.

Date: 15/6/22



Eoin Burke, Senior Planner