

Comhairle Chontae Atha Cliath Theas

PR/0868/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0142 **Application Date:** 16-May-2022
Submission Type: New Application **Registration Date:** 16-May-2022
Correspondence Name and Address: McArdle Doyle 2nd Floor, Exchange Building, The Long Walk, Dundalk, Co. Louth
Proposed Development: Retention of existing self-service laundromat facility.
Location: Circle K Ninth Lock Service Station, 22, Ninth Lock Road, Dublin 22, D22 E6R2
Applicant Name: Circle K Ireland Retail Limited
Application Type: Retention

Description of Site and Surroundings

Site Area

Stated on the Application Form as 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

Retention permission is sought for:

- A laundrette unit measuring approximately 2.3m in width, 4m in length. The unit contains 2 No. wash units and 1 No. dry unit and has an approximate height of 2.3m, with a four sided sign measuring approximately 0.75 in height and 0.75m in width (2.25 sq m), resulting in a maximum overall height of approximately 3.05m.
- All associated site development works above and below ground.

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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: No objection, subject to conditions.

Roads Department: No report received at time of writing.

Transport Infrastructure Ireland: No objection.

Parks Department: No objection.

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 – 20th June 2022.

None received.

Relevant Planning History

Subject Site

SD21A/0360- Ninth Lock Service Station, Ninth Lock Road, Clondalkin, Dublin 22

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. **Decision:** Grant Permission, subject to conditions.

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

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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 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*

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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

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

Section 7.3.0 Flood Risk Management

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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.

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.

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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' and 'Shop-Neighbourhood' are '*open for consideration*' under the 'RES' zoning objective. There is no specific land use class for a launderette unit, however it is considered that it is ancillary to the main petrol station use and that 'launderette' is listed as a use under the 'Shop-Neighbourhood' land use category.

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.

Visual Impact

Retention permission is sought for a laundrette unit measuring approximately 2.3m in width, 4m in length. The unit contains 2 No. wash units and 1 No. dry unit and has an approximate height of 2.3m, with a four sided sign measuring approximately 0.75 in height and 0.75m in width (2.25 sq m), resulting in a maximum overall height of approximately 3.05m.

Having regard to the level of tree cover adjacent to the southern boundary of the subject site and the receiving context of an existing petrol station forecourt, the Planning Authority considers the location of the self-service laundromat to be appropriate. The overall nature and scale of the self-service laundromat, 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.

Amendments to the Site Layout

To facilitate the Automatic Car Wash structure permitted under SD21A/0360, a number of amendments are required to the existing forecourt layout. It is considered however that the retention of the subject development would be unlikely to prevent the implementation of the development permitted under SD21A/0360.

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 launderette unit within 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.

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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 self-service launderette unit use at the subject site 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.

Vehicular Access and Parking

The Roads Department did not provide a Report in relation to the proposed development at the time of writing this Report. However, it is noted that the proposal does not alter the existing vehicular entrance and egress arrangements for the existing petrol station and will not adversely impact on the ancillary car parking provision. As such, the proposal is considered acceptable from a traffic, parking and vehicular access perspective.

Transport Infrastructure Ireland indicated no objection to the proposed development.

Drainage and Water Services

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

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

The Report of Irish Water indicated no objection to the proposed development, subject to the following conditions:

- Within 6 weeks of the date of planning decision the Applicant or Developer shall enter into a water connection agreement with Irish Water.
- Within 6 weeks of the date of planning decision the Applicant or Development shall enter into a wastewater connection agreement with Irish Water.

Having regard to the recommendations of the Drainage and Water services Department and Irish Water 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.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established petrol station forecourt and comprises retention permission for an existing self-service launderette unit.

Having regard to:

- the small scale and established nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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.

Other Considerations

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Development Contributions	
Building Use Type Proposed	Floor Area (sq.m)
Commercial (Self-service Laundrette Unit)	9.2 sq m

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Commercial (Self-service Laundrette Unit)	9.2 sq m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.2430 Ha

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2016-2022, it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to the proper planning and sustainable development of the area.

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.

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.

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2. Drainage and Water Services

- (i) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- (ii) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
- (iii) Within 6 weeks of the date of planning decision or as otherwise agreed, the Applicant or Developer shall enter into a water connection agreement with Irish Water.
- (iv) Within 6 weeks of the date of planning decision or as otherwise agreed, the Applicant or Development shall enter into a wastewater connection agreement with Irish Water.

REASON: In the interests of public health and safety and adequate water and wastewater infrastructure.

3. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €90.90 (ninety euros and ninety 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 contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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 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 applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on

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adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: The applicant is advised that where industrial effluent is produced or stored a licence may be required under the provisions of the Waste Management Act.

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REG. REF. SD22A/0142

LOCATION: Circle K Ninth Lock Service Station, 22, Ninth Lock Road, Dublin 22, D22 E6R2

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 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:

11/7/22

E. Burke
Eoin Burke, Senior Planner