

Comhairle Chontae Atha Cliath Theas

PR/0891/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0147 **Application Date:** 23-May-2022
Submission Type: New Application **Registration Date:** 23-May-2022
Correspondence Name and Address: Coakley O'Neill Town Planning NSC Campus,
Mahon, Cork.
Proposed Development: Revisions to the internal layout of the existing
forecourt amenity building to incorporate an increase
in net retail floor area to 89sq.m; a new deli with hot
and cold meals and refreshments for sale for
consumption on and off the premises and changes to
customer toilets; back of house areas; staff welfare
facilities; storage and plant areas; Revisions to the
building elevations including new entrance door and
glazing; all associated site and development works.
Location: Circle K Parkway West Service Station, The Hill,
Lucan Road, Palmerstown, Dublin 20
Applicant Name: Circle K Ireland Retail Ltd.
Application Type: Permission

(EW)

Description of Site and Surroundings

Site visit: 22/06/2022

Site Area Stated as 0.5 hectares.

Site Description

The application site is located on the southern side of the N4 Lucan Road (just west of Chapelizod); a National Primary Route and comprises an existing petrol service station incorporating a public right-of-way pedestrian pathway between Palmerstown Drive and the N4. The surrounding area to the south, east and west is predominantly residential in character.

Proposal

The proposal consists of the following:

- Revisions to the internal layout of the existing forecourt amenity building to incorporate an increase in net retail floor area to 89sq.m;
- a new deli with hot and cold meals and refreshments for sale for consumption on and off the premises and changes to customer toilets;
- back of house areas;

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- staff welfare facilities;
- storage and plant areas;
- Revisions to the building elevations including new entrance door and glazing; all associated site and development works.

Zoning

The site is subject to two zoning objectives:

(1) the majority of the site falls within Land Use zoning Objective **RES** – *‘To protect and/or improve residential amenity.’*

(2) A portion of the rear of the application site falls within Land Use Zoning Objective **OS** - *‘to preserve and provide for Open Space’*

Consultations

Environmental Health Officer –	No objection subject to conditions
Irish Water –	Further Information Requested
Water services –	Further Information Requested
Parks –	No comment to make
Roads –	No objections.
Transport Infrastructure Ireland –	No objections

Submissions/Observations /Representations

None received

Recent Relevant Planning History

SD20A/0106 /ABP-309286-21

Permission refused for a single storey extension to rear of existing forecourt retail unit and internal and external alterations to provide an amenity building with retail area (100sq.m max), restaurant/café area with hot and cold meals and refreshments for sale for consumption on and off the premises; associated customer seating, customer wc's; back of house with ancillary office; staff welfare facilities; storage and plant areas; ancillary off-licence; associated revisions to site layout and all associated site and development works.

Reason for Refusal

1. *The applicant has failed to provide sufficient justification or demonstrate exceptional circumstances for the additional retail element proposed over 100sqm (the Net Retail Floorspace to 133.2sqm which is significantly above the 100sqm maximum) which would have a detrimental impact on the vitality and viability of nearby village and district centres in Palmerstown. The proposal would therefore be contrary to the Retail Planning Guidelines for Planning Authorities (2012), policies R1 and R2 of the South Dublin County Council*

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Development Plan (2016-2022) and would be contrary to the proper planning and sustainable development of the area.

- 2 The applicant has failed to provide sufficient justification for the fast-food element of the proposal in terms of the potential impact on nearby vulnerable uses, neighbouring residents, the cumulative effect of an additional fast-food premises, the existing land uses and activities, the opening/operational hours and the location of vents and other external services. The proposal would therefore be contrary to section 11.3.6 (iii) of the South Dublin County Development Plan (2016-2022), the 'RES' zoning objective for the area which seeks 'to protect/and or improve residential amenity' and the proper planning and sustainable development of the area.*

SD16A/0188

Permission granted for removal of existing palisade fence and the erection of a new wall and railings on the western boundary of the station adjoining the walkway linking the N4 with Palmerstown Drive and the erection of new railings on the existing southern boundary wall.

SD15A/0360

Permission refused for the retention of a 2.5m high steel palisade fence located near the western boundary and adjacent to a walkway linking the N4 with Palmerstown Drive and permission to paint the aforementioned fence green and to install a planting bed at the foot of the fence on the service station side. Reason for Refusal:

- 1. The palisade fence proposed for retention by virtue of its design, profile and height, is wholly inappropriate in this residential area and seriously detracts from the visual amenity of the area. As such, it would materially contravene the 'A' zoning objective for the area, as set out in the South Dublin County Development Plan 2010-2016, which seeks to protect and/improve residential amenity.*
- 2. The palisade fencing proposed for retention, by virtue of its 2.5m height and the proposed planting would lead to a lack of visual permeability and openness, which would have the effect of creating a real and perceived safety and security risk to pedestrians using the footpath/public right of way. As such, the development proposed for retention would conflict with section 1.3.3ii of the South Dublin County Development Plan 2010-2016, which states that 'good design is important in creating a more accessible environment which promotes personal safety and as such, would be contrary to the proper planning and sustainable development of the area.*
- 3. The proposed development would set an undesirable precedent for similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

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SD06A/0092/PL06S.218785

Planning permission granted subject to conditions, for the redevelopment of the Petrol Filling Station comprising:

- demolition of shop, canopy, pumps and
- provision of new forecourt shop with restaurant area including the sale of hot food for the consumption on and off the premises, off licence, ATM machine, stores, signage
- new forecourt layout including forecourt canopy, petrol pumps, shop signage, shop plant compound, waste compound, underground fuel storage tanks, car parking, automatic car wash, jet wash, car wash plant room, ID sign
- ancillary works

SD03A/0027/PL06S.202432

Planning permission granted for alterations to existing forecourt building/shop to include a change of use of office/part storage area to retail use; also related ancillary works to accommodate same at Maxol Service Station subject to conditions.

S97A/0567/PL06S.104834

Planning permission granted for the retention of car wash, recycling plant building, gas storage tank and associated fence and site works; air, vacuum, mat clean, water service point; gas and diesel pump; site egress to north west end of site; 2 refuse bins; 2 condensers to west elevation of forecourt building; advertising signage as scheduled; relocated brick site wall to eastern end of site and existing boundary wall to south of site; together with 2 associated car washes, screens, off set fill point and drainage fittings subject to conditions.

Relevant Enforcement History

S7663 – case closed

S7863 – case closed

Pre-Planning Consultation

No recent pre-planning

Planning Policy and Guidance

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

Section 1.13.0 Retail Strategy

Section 4.2.0 Strategic Policy For Employment

Chapter 5 Urban Centres & Retailing

Policy UC1 Urban Centres Overarching

Policy UC4 District Centres

Policy UC6 Building Heights in Urban Centres

Section 5.2.0 Retailing

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Section 5.2.1 Strategic Guidance

Section 5.2.2 Retail Hierarchy

Table 5.1 South Dublin County Retail Hierarchy

Table 5.2 Settlement Hierarchy and Retail Hierarchy

Section 5.3.0 Additional Retail Floorspace

Policy R1 Overarching

Section 5.4.0 Sequential Approach

Policy R2 Sequential Approach

Section 5.5.0 Core Retail Areas

Section 5.6.0 Retail Centres

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 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 10.0 Energy

Policy E3 Energy Performance in Existing Buildings

Policy E4 Energy Performance in New Buildings

Section 11.2.1 Design Statements

Section 11.2.7 Building Height

Section 11.2.8 Signage – Advertising, Corporate and Public Information

Table 11.19: Signage – Types of Signs, Restrictions on Use and Design Criteria

Section 11.2.9 Shopfront Design

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Section 11.3.6 Retail Development

- (i) Retail Criteria
- (ii) Restrictions on Uses
- (iii) Fast Food/Takeaway Outlets
- (iv) Motor Fuel Stations
- (v) Retail Warehousing

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 11.6.1 (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 11.6.5 Waste Management

Section 11.7.2 Energy Performance In New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Policy

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

Regional Spatial & Economic Strategy 2019-2031, Eastern & Midland Regional Assembly (2019)

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009)

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

Retail Planning – Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (2012)

Assessment

The main areas for assessment are as follows:

- Zoning
- Council Policy
- Parking and Access
- Design and Visual Amenity
- Signage
- Landscaping
- Residential Amenity
- Hours of operation
- Water and Drainage
- Screening for Appropriate Assessment
- EIAR

Zoning

The application site is located within lands that are zoned 'RES' and 'OS'. However, most of the site is situated in the 'RES' zoned lands—the existing use on-site consists of a petrol station with a convenience shop. The proposed revisions to the internal layout with a new entrance door and glazing to the existing building and to accommodate a new deli for the sale or consumption of food on and off the premises, back of house areas; staff welfare facilities; storage and plant areas; are listed as 'open for consideration' under the 'RES' zoning objective. The proposed revisions to the internal retail layout with food deli of the premises would represent a moderate intensification of the existing use and are not likely to significantly increase levels of activity within the petrol station and shop that are established uses on this site.

Council Policy / Overcoming Previous Reasons for Refusal Currently, the petrol station benefits from a 65sq.m retail area. The proposed revision to the internal layout is to increase this retail area to 89 sq.m. and in terms of facilities that would be accessible to the public, a deli counter and new accessible toilets. The proposal also includes back-of-house areas and staff welfare facilities.

The proposal notes 89 sq.m of retail space, with the '*consumption of food on and off the premises*'. However, no internal or external customer seating area has been outlined on the submitted drawings; the outcome, therefore, will be conditioned to reflect that food is consumed off the premises.

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Regarding council policy, section 11.3.6 Retail Development (iii) Fast Food/Takeaway Outlets and (iv) Motor Fuel Stations of the CDP are relevant to the assessment of the proposal. Regarding part (iii), the site is approximately 200 metres from St. Brigid's Girls National School, St. Lorcan's Boys National School and Glenaulin Park. In terms of the cumulative effect of additional fast-food outlets in the area, it is noted that there is some existing fast food/takeaway uses located in the Palmerstown Local Centre, approximately 350 metres from the site. In terms of the potential effect on the current mix of land uses and activities in the area, the site is located in a mainly residential area.

It is noted, no internal or external seating area is considered associated with the food offering and is therefore considered a retail-only area. Furthermore, given that the food offering would primarily be subsidiary to the main petrol station use, it is not viewed that the ancillary deli area would have a detrimental impact on the vitality or viability of other nearby residential areas.

The following **Condition** will apply in the event of a grant of permission:

The service station unit shall not be used for the sale of hot food for consumption off the premises unless the sale of such food is subsidiary to the primary use of the premises.

REASON: In the interest of clarity and in the interests of orderly development and to ensure the proper planning and sustainable development of the area.

Whilst there would be an expansion of the hot food offering within the premises and the food could be taken away by customers, it is still considered to be subsidiary to the primary use of the premises.

Regarding the actual deli and the fact that 'fast food' may be offered, it is noted that vulnerable uses such as schools are located in the surrounding area. The closest school is located approximately 0.2km and is unlikely to attract school children given the petrol station setting of the site. Therefore, it is not considered that the proposal would result in an over-proliferation of fast-food outlets in the area, nor would it be harmful to the existing mix of land uses given the established nature of the primary petrol station use.

The applicant has not stated the proposed opening hours of the deli premises; however, this will be **conditioned** that the hours of use would remain in situ.

The applicant has not stated where the location of the vents would be, which could potentially impact neighbouring residential properties. Therefore, it is considered that the applicant will be conditioned to use vents under the 'Public Health' section.

Part (iv) sets out a number of criteria under which development proposals for petrol stations are assessed which include the amenities of the area, design, lighting, the accessibility of the

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forecourt, workshops and the proximity to the National Road Network, each of which is assessed under the relevant headings below. However, in terms of policy in relation to the sale of retail goods, point (iv) states the following:

The sale of retail goods from petrol stations should be restricted to convenience goods and only permitted as a small-scale ancillary facility. The net floor space of a fuel station shop shall not exceed 100sq.m. Where permission is sought for a retail floorspace 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).

Regarding previous application **SD20A/0106 /ABP-309286-21** that had a combined net retail area exceeding 100sq.m. The net retail space of the subject proposal is 89 sq.m and therefore is not subject to the sequential assessment exceeding the maximum 100sqm limit set out in the CDP and Retail Planning Guidelines (2012) and the sequential approach to the retail development.

The Retail Planning Guidelines (2012), A 1.1, defines Net Retail Floorspace which includes the area within the shop or store which is visible to the public and to which the public has access, including the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer service areas, and internal lobbies in which goods are displayed, but excluding storage areas, circulation space to which the public does not have access to, cafes, and customer toilets.

The site is accessed via the R148 but can also be accessed by pedestrians via footpaths on the southern part of the site. Regarding previous application **SD20A/0106 /ABP-309286-21**, there were earlier concerns that the increased floor space and restaurant use would lead to the petrol station becoming a destination, thereby reducing the vitality and viability of the nearby Palmerstown Village Centre and Local Centre. However, the subject proposal does not include restaurant use; whilst there would be an expansion of the hot food offering within the premises, and the food could be taken away by customers, it is still considered to be subsidiary to the primary use of the premises as a petrol station.

Therefore, based on this assessment, the proposal is considered acceptable in principle in terms of the zoning objective and policy in relation to petrol stations, retail and the deli food offering, subject to conditions it is considered that the applicant has overcome previous reasons for refusal and a grant of permission is recommended.

Design and Visual Amenity

Two minor window ope insertions on the South (Palmerstown Drive Side) of the site and are considered acceptable. The proposal would see minor revisions to the building elevations including new entrance door and glazing of the existing building on the eastern forecourt side of

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the site. No major material changes are proposed to the existing building and relatively minor cosmetic changes. Overall, given the existing and established use on the subject site, it is considered that the proposal would be visually acceptable.

Residential Amenity

Residential properties are located to the west and south of the site. No potential impact is envisaged to the south or the west on Palmerstown Drive. Internal changes to building. No additional floorspace proposed to the building structure, and it is not considered that it would be materially harmful in terms of any increased sense of existing primary use as an established petrol station.

Environmental Health Officers

Environmental Health Officers have assessed the proposal and have no objections stating that the main areas of consideration for Environmental Health are emissions of malodours, gas and fumes, noise issues to arise during the construction of the development and conditions in relation to construction noise and hours, emissions/noise/lighting, vibrations, and ventilation. Conditions in relation to a location for the storage of refuse, the drainage and pest control and water supply.

Parking and Access

The Roads Department has assessed the proposal have no objections and provided no recommendations.

Given the established site as petrol station in proximity to a busy, national road. The current car parking spaces within the site are considered sufficient.

Signage

Additional signage is not proposed.

Landscaping

The Parks Department has assessed the proposal and have stated that they have no comments to make.

Hours of operation

The applicant has not stated what the proposed opening hours of the deli premises would be however this will be **conditioned** that the hours of use would remain the same.

Water and Drainage

Water Services has assessed the proposal and has requested additional information on the following:

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1.1 Submit a drawing showing the existing and proposed surface water layout of development site.

1.2 Submit a drawing showing what SuDS (Sustainable Drainage Systems) are proposed for the development. Guidance of SuDS can be found at South Dublin County Council Website [sdcc-sustainable-drainage-explanatory-design-and-evaluation-guide.pdf](https://www.sdcc.gov.ie/sdccc-sustainable-drainage-explanatory-design-and-evaluation-guide.pdf)
Example of SuDS include: - Green roofs - Permeable paving - Planter boxes or other such SuDS

1.3 Show on a drawing and report where and how surface water will be attenuated to green field run off rates (Qbar) or 2 litres/second/hectare whichever is greater.

Irish Water has assessed the proposal and have and has requested additional information on the following:

1.1 Submit a drawing showing the existing and proposed watermain layout and wastewater layout for the development site. - Prior to the commencement of development, the applicant or developer shall enter into water connection agreement(s) with Irish Water

Having regard to existing established nature of the Petrol Station with no proposed extensions it is deemed that the prior to the commencement of development the developer shall submit the above Surface water requirements by **condition**. Irish Water connection agreement is not considered necessary.

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 residential area and comprises of the proposed revisions to the internal layout with a new entrance door and glazing to the existing building and to accommodate a new deli for the sale or consumption of food on and off the premises, back of house areas, staff welfare facilities.

Having regard to:

- the small scale and 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.

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Environmental Impact Assessment

Having regard to the modest nature of the 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.

Development Contributions

Internal changes to building. No additional floorspace proposed.

SEA Monitoring

Building Use Type Proposed – internal alterations to petrol station.

Floor Area (sq. m) - 189sq.m

Land Type - Brownfield

Site Area (Ha.) - 0.5 hectares.

Conclusion

Consideration has been given to the fact that there has been no increase in the building structure, no intensification of use as a restaurant. The proposed revisions to the existing internal layout given the nature of the existing use, the location of the site accessed via the R148, it is not considered that the proposal would be materially harmful to the visual and residential amenity of the local area. A grant of permission is therefore recommended.

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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance

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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. 1. The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

REASON: In the interest of public health.

2. Noise levels arising from construction activities and the on-going operation of the development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

REASON: In the interest of public health

3. No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 hours on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

REASON: In the interest of public health

4. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.

REASON: In the interest of public health

5. The noise and odour control measures listed in the odour risk assessment and the noise impact assessment must be implemented in full in order to limit odour and noise associated with the development.

Refuse

6. A suitable location for the storage of refuse shall be provided during the operation phase of the proposed development so as to prevent a public health nuisance.

REASON: In the interest of public health.

Drainage

7. Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.

REASON: In the interest of public health.

Pest Control

8. The applicant shall put in place a pest control contract for the site for the duration of any construction works.

REASON: In the interest of public health.

Lighting

9. Lighting to be used on site must not be intrusive to any light sensitive location including residential properties and public places in close proximity to the development.

REASON: In the interest of public health.

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Water Supply

10. The water supply to the kitchen/food service areas shall be directly from the rising mains.

REASON: In the interest of public health

3. (a) The service station unit shall not be used for the sale of hot food for consumption off the premises unless the sale of such food is subsidiary to the primary use of the premises.
(b) The retail floor space shall be limited to 89sq.m in area.
(c) The proposed buildings shall be used solely as a petrol station with ancillary retail unit with associated ancillary deli. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, no change of use or subdivision of the units shall occur without a prior grant of planning permission.

REASON: In the interest of clarity and in the interests of orderly development and to ensure the proper planning and sustainable development of the area.

4. Drainage - Surface Water.

Prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

1.1 a drawing showing the existing and proposed surface water layout of development site.

1.2 a drawing showing what SuDS (Sustainable Drainage Systems) are proposed for the development. Guidance of SuDS can be found at South Dublin County Council Website [sdcc-sustainable-drainage-explanatory-design-and-evaluation-guide.pdf](#) Example of SuDS include: - Green roofs - Permeable paving - Planter boxes or other such SuDS

1.3 a drawing and report where and how surface water will be attenuated to green field run off rates (Qbar) or 2 litres/second/hectare whichever is greater.

- 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.

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

5. Signage.

No advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

6. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable

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Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

7. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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

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REG. REF. SD22A/0147


**LOCATION: Circle K Parkway West Service Station, The Hill, Lucan Road,
Palmerstown, Dublin 20**

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: 18/7/22


Eoin Burke, Senior Planner