

Comhairle Chontae Atha Cliath Theas

PR/0919/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0150 **Application Date:** 24-May-2022
Submission Type: New Application **Registration Date:** 24-May-2022

Correspondence Name and Address: HA Design Studio 36, Mount Street Upper, Dublin 2

Proposed Development: Relocation of 3 fuel pumps and the reconfiguration of permitted fuel islands from 1 long fuel island and 1 small fuel island to now provide for 3 small fuel islands, demolition/removal of single storey building along southern boundary and 1 new truck wash to south-western boundary of site; Planning permission is sought to remove 1 existing truck wash along the western boundary, demolition/removal of existing storage building to the western boundary and alterations to internal road layout to include directional arrows.

Location: Lands at Kingswood Truck Wash, Old Naas Road, Kingswood Cross, Dublin 22

Applicant Name: Bradawl Limited

Application Type: Permission and Retention

(CM)

Description of site and surroundings

The subject site is located between the Old Naas Road and the N7, north of a residential area known as Brownsbarn Wood. The site accommodates a truck wash facility.

Site Area – Stated as 0.566 Ha.

Site Visit: 18/07/2022

Proposal

Permission and Retention for:

- Relocation of 3 fuel pumps and the reconfiguration of permitted fuel islands from 1 long fuel island and 1 small fuel island to now provide for 3 small fuel islands;
- demolition/removal of single storey building along southern boundary and 1 new truck wash to south-western boundary of site;
- Planning permission is sought to remove 1 existing truck wash along the western boundary, demolition/removal of existing storage building to the western boundary and alterations to internal road layout to include directional arrows.

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Zoning

'EE' – "To provide for enterprise and employment related uses."

The site is located in close proximity to 'RES' zoned residential area, immediately to the south.

SEA Monitoring

The western perimeter of the site is within SFRA flood zones A and B, where it bounds the N7.

Consultations Received

Public Realm	Requests Additional Information.
Roads	Requests Additional Information.
Environmental Services	Requests Additional Information.

External

Irish Water	Requests Additional Information.
Dept. of Defence	No objection, subject to conditions.

Observations/Representations/Submissions

A third-party submission has been received from a resident of Brownsbarn Wood. The issues raised are as follows:

- Proposed wash facility was built without permission.
- Wash facility is directly adjacent to the boundary of the residential estate. The facility adjoins a public green.
- Metal barrier has been proposed but does not run the full length of the boundary and is not tall enough.
- Boundary is unsafe and children and pets can climb through.
- Truck activities create a noise nuisance, in addition to the significant noise pollution residents experience from the N7.
- Fuel and exhaust fumes are spreading to the communal area.
- Boundary trees have been removed, leading to problem of overlooking. Management company has attempted to mitigate this without success.
- View from houses has been ruined.
- Houses have been devalued.

Planning History

SD16A/0326: Provision of 3 HGV fuelling pumps located adjacent to the existing truck wash with 2 fuel dispensing islands, 2 illuminated totem signs (c.6.5m in height), 5 underground diesel storage tanks (40,000 litre capacity in each). Ancillary lighting and site landscaping works. Access to development is provided off the Old Naas Road and permission is also sought for the reinstatement

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and extension of the public footpath located directly north and south of the existing entrance to the site.

Decision: Grant permission.

SD16A/0080: Provision of 3 HGV fuelling pumps located adjacent to the existing truck wash with 2 fuel dispensing islands, 2 illuminated totem signs (c.6.5m in height), 5 underground diesel storage tanks (40,000 litre capacity in each); ancillary lighting and site landscaping works. Access to the development is provided off the Old Naas Road with minor upgrade works proposed at the existing entrance to the site.

Decision: Refuse permission for the following reason:

1. The applicant has not shown the correct visibility for this development, which shall be 2.4 metres x 49 metres. Drawing 971/15/3a is incorrect showing nearly 2 metres of footpath in front of the property directly to the south. In reality the footpath is approximately 800mm. In addition, the increased vehicular usage of this sub-standard entrance would lead to an increased likelihood of traffic hazard. The Planning Authority therefore has serious concerns and is not satisfied that the proposed development provides for safe access to the facility as a result of inadequate sightlines at the point of entry onto the public road and it would, therefore, endanger public safety by reason of traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

SD14A/0142: 60,000 litre banded **over ground diesel storage tank and self-service pumps** for sale of diesel for commercial vehicles and all ancillary works.

Declared withdrawn.

SD13A/0039: Replace 2 existing **advertising signs** with 1 advertising sign.

Decision: Refuse Permission for Retention

1. Having regard to the nature, scale and location proximate to a National Primary route (N7) of the free-standing advertising structure, the proposed development would result in a distraction to vehicle drivers and would endanger public safety by reason of traffic hazard.

2. The proposed free-standing advertising structure would conflict with the policies of the Planning Authority in respect of the restriction of non-essential advertising structures, or any advertising structure which would impact injuriously on amenity, the built environment or road safety. The proposed free-standing advertising structure would be visually obtrusive and out of character with the prevailing pattern of industrial development in the vicinity. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and development of the area.

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SD10A/0102: Outdoor truck wash and equipment room.

Decision: Permission granted subject to conditions.

SD06A/0722: 1 no. signage currently measuring 7.25m wide and 2.44m high.

Decision: Refuse Permission for Retention

1. The sign for retention by reason of its size/location and fronting onto the N7, would act as a distraction to motorists on the Naas Road (part of National Primary Route N7) and would compete with statutory road signage thereby causing a traffic hazard which would endanger public safety and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its scale, bulk and visual impact, on a national primary route, would seriously injure the visual amenities of the area and materially contravene the objection of the Planning Authority relating to advertising structures as set out in Section 5 of the current South Dublin County Development Plan. The proposed development would set an undesirable precedent and would be contrary to the proper planning and sustainable of the area

Planning Enforcement

None.

Pre-Planning Consultation

None recorded or indicated on the application form.

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

Chapter 4 Economic Development and Tourism

Policy ET1 Overarching

Policy ET3 Enterprise and Employment

Section 11.1.1 Land Uses

Section 11.1.1 (iv) Transitional Areas

Section 11.2.3 Environmental Hazard Management

Section 11.2.3 (ii) Noise

Section 11.4.1 Bicycle Parking Facilities

Section 11.4.2 Car Parking Standards

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 & Midlands Regional Assembly, 2019.

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Waste Management Plan for the Dublin Region 2005-2010, Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council, (2005).

The Planning System and Flood Risk Management Guidelines for Planning Authorities Department of the Environment, Heritage and Local Government and OPW (November 2009).

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 are:

- Zoning and Council Policy
- Visual Impact
- Access, Transport and Parking
- Public Realm
- Water
- Aviation Safety
- Environmental Health
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

Zoning and Council Policy

Under the South Dublin County Development Plan 2016 - 2022, the site is subject to zoning objective 'EE' – 'To provide for enterprise and employment related uses.' 'Industrial-General' is permitted in principle in 'EE' zoned areas.

The site is in a transitional area, being located adjacent to 'RES' zoned lands ("To protect and/or improve residential amenities."). As per section 11.1.1 (iv) of the South Dublin County Development Plan 2016 – 2022,

“Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.”

The development for which retention is sought involves the installation of a truck wash apparatus, which is considered to have noticeable impacts of a visual and acoustic, and air quality nature. The

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development has also included the removal of a number of boundary trees which previously formed a boundary screen between the two sites.

Visual Impact and Residential Amenity

The apparatus is visible from the adjoining residential area and in particular the residential green. A third party has also noted that it is visible from their windows and balconies. The apparatus is approx. 6m in height.

The main visual impact however arises due to the removal of trees which previously marked and screened the boundary between this industrial site and the adjoining residential. Such a screen would also have provided a barrier to noise and air pollutants.

The new apparatus is considered to have a noise and air quality impact arising both from its use as a truck wash, and also due to the movement of trucks into, though, and out of the truck wash.

The applicant has not provided any of the following information, which would be required to adequately assess the impact of the development on adjoining the adjoining residential area:

- Noise Impact Assessment / Acoustic Design Statement
- Assessment of Air Quality / odour impact.
- Arboricultural Impact Assessment, the baseline conditions for which include the position, size and health of trees prior to their removal as part of unauthorised development.
- Boundary treatment elevation drawings and CGI drawings, showing previous boundary condition versus proposed boundary condition.

The applicant should be requested to provide the above as part of **additional information**. Revised plans should also be sought, showing any necessary replacement, mitigation and enhancement measures to restore the previous boundary condition, to move the truck wash to an adequate distance away from the residential area.

Public Realm

In addition to the issue of residential amenity, the removal of trees as part of unauthorised development raises questions in relation to ecology, including green infrastructure, biodiversity and sustainable drainage / flood management.

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The Public Realm Report reads as follows:

Landscape Plan

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant has not provided a suitable landscape plan or a detailed planting plan for the proposed development. The applicant is therefore requested to provide a detailed landscape plan which includes a boundary treatment plan and detailed planting plan for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan shall include hard and soft landscape details, including; levels, sections and elevations, boundary detailed and detailed design of SUDs features. The landscape proposals to be prepared by a suitably qualified landscape architect.

Potential Impact of Proposed Development on Existing Boundary Planting and Neighbouring Residential Properties

The applicant has not provided any information as to the impact of the proposed development on existing planting (hedges and trees) especially along the southern boundary. The proposed development is in close proximity to neighbouring residential properties therefore in order to minimize potential negative visual impact of the development and associated noise generated by the proposed truck wash the applicant is requested to provide details of proposed mitigation planting along this southern boundary. The proposed mitigation planting should include native hedge and tree planting. In order to provide mitigation for the loss of the existing planting from the site the applicant shall provide a detailed landscape plan which includes significant mitigation in the form of boundary planting.

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SUDS

There is a lack of SuDS (Sustainable Drainage System) shown for the proposed development.

Natural SUDS features shall be incorporated into the proposed drainage system. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022.

A SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDS features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water system.

A drainage system needs to be developed which sustainably manages surface water through a natural hydrological regime or SUDS scheme within the development. The philosophy of SUDS is an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and habitat/biodiversity enhancement. SuDS that should be considered for the development include:

- Bio retention systems
- Infiltration systems
- Tree pits
- Channel rills
- Permeable paving
- swales

Revised proposals to be provided by the applicant in this regard. Response should include revised layout and drawings.

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In addition, the Public Realm Department recommends three items of **additional information** regarding:

- landscaping design and rationale with details relating to planting, levels, sections, elevations, detailed SUDs design
- green infrastructure proposals to mitigate the impact of the removal of established trees and boundary vegetation.
- Detailed SUDs proposals.

The items are appropriate. In particular, in relation to SUDs, it is noted that the site abuts a flood zone. It is also noted that the hard surfacing area has increased as part of the unauthorised development.

Access, Transport and Parking

The Roads department has sought the following **additional information**:

Applicant to provide a revised set of drawings which shows:

- a. Existing yard layout
- b. Proposed islands with dimensions
- c. Proposed parking arrangements (bike/car/truck)
- d. Proposed lining arrangement
- e. AutoTRAK path and analysis for
 - i. Fueling area approach/exit (each of the paths)
 - ii. Truck wash approach/exit

These points are acceptable and can be included in a request for **additional information**.

In addition to the above points, it is considered necessary to seek a written rationale and assessment of the additional fuel island on the capacity, frequency, and intensity of operations on the site. This should detail the expected additional traffic, additional activities that can reasonably be expected to be occurring on-site at any one time, and any related matters. This can be provided by the applicant as part of **additional information**.

Water

The Environmental Services Department seeks additional information in relation to SUDs and flood risk. This is appropriate (as per Public Realm comments).

Irish Water has sought a full drainage layout. This is an appropriate request for additional information.

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Aviation Safety

The Department of Defence has recommended two conditions in the event of a grant of permission, relating to the construction phase, as follows:

- Notify the department 30 days in advance of use of cranes
- Use adequate bird control measures on-site.

These conditions are appropriate if new construction is granted as per a grant of permission.

Environmental Health

The applicant has provided no assessment of noise and air quality arising from operation of the unauthorised development. This should be required by **additional information**.

Screening for 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 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 regarding screening for appropriate assessment, nor have drainage layout or SUDs details been provided. Irish Water maps show that a nearby surface water pipe leads directly into the Camac River, providing a direct hydrological connection with Dublin Bay. Given the nature of the proposed operations on the site and the potential for pollutants to be diverted into the Camac River, the applicant should provide a screening report for Appropriate Assessment as part of **additional information**.

Conclusion

Given the sensitive boundary between the subject site and residential area to the south and given the potential impacts of the operations on-site on residential amenity, human health, and the potential ecological impacts of the development, it is necessary to obtain further information on the basis of appropriate surveys. The applicant should also be given the chance to alter the design and siting of the proposed works.

Recommendation

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

1. The applicant is requested to provide a Noise Impact Assessment which should address the following:
 - (a) How the development has impacted within the residential area of Brownsbarn Wood,

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in particular those houses and the public green closest to the development site.

(b) How the development can be altered to reduce any such impact identified under (a).

(c) If applicable, how the development has been designed - or redesigned as the case may be - to ensure no negative impacts on the adjoining residential area.

2. Air Quality.

The applicant is requested to provide a Air Quality and Odour Assessment which should address the following:

(a) How the development has impacted within the residential area of Brownsbarn Wood, in particular those houses and the public green closest to the development site.

(b) How the development can be altered to reduce any such impact identified under (a).

(c) If applicable, how the development has been designed - or redesigned as the case may be - to ensure no negative impacts on the adjoining residential area.

3. Trees.

The applicant shall undertake a Tree Survey and, using all available information, provide an Arboricultural Impact Assessment to provide:

(a) a clear record of the trees removed as part of the unauthorised development which has already taken place;

(b) a clear record of the remaining trees;

(c) a protection plan for the remaining trees;

(d) a planting plan to replace the removed trees or otherwise to restore and/or enhance the previous boundary condition.

The proposals shall have regard both to the impact on the adjoining residential area and on ecological considerations (biodiversity, green infrastructure, sustainable drainage, flooding).

4. Boundary Treatment.

The applicant is requested to provide elevation and site section drawings at a scale of no less than 1:200, as follows:

(a) (i) Elevation Drawings showing the prior boundary condition at the boundary with Brownsbarn Wood.

(ii) Site Sections drawings through that boundary showing the relationship between the development site and Brownsbarn Wood prior to the unauthorised works.

(b) (i) Elevation Drawings showing the existing boundary condition at the boundary with Brownsbard Wood.

(ii) Site Sections drawings through that boundary showing the relationship between the development site and Brownsbarn Wood at present.

(c) (i) Elevation Drawings showing the proopsed boundary condition at the boundary with Brownsbard Wood, if alterations are proposed.

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(ii) Site Sections drawings through that boundary showing the proposed relationship between the development site and Brownsbarn Wood, if alterations are proposed.

5. Landscape Plan.

There are concerns with the lack of information submitted in terms of a landscaping scheme and boundary treatment for the proposed development. The applicant is requested to provide a landscape design including details of boundary treatment for the proposed development.

(a) The applicant shall provide a detailed landscape plan with full works specification, that accords with the specifications and requirements of the Public Realm Section. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including integrated/bio retention tree pits.

(b) In addition, the applicant is requested also submit a landscape rationale. The landscape proposals to be prepared by a suitably qualified landscape architect.

6. Green Infrastructure.

The applicant is requested to submit green infrastructure proposals to help mitigate and compensate for the impact of the proposed development on existing boundary vegetation. These proposals shall include additional landscape details, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination. Response shall include drawings.

7. Sustainable Drainage.

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is requested to submit plans and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.

a) A drawing to show how surface water shall be attenuated to greenfield run off rates. It is unclear how much attenuation in total is provided for the development. Submit a report and drawing showing how much surface water attenuation in m³ is provided for the development. Also submit a drawing showing where the surface water attenuation will be provided for the development.

b) The applicant shall show natural SUDS features for the development such as Green roofs, swales, tree pits, permeable paving, and other such SuDS and show what attenuation capacity is provided by such SuDS.

c) The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.

d) Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.

e) Tree pits incorporating SUDS features should include a deep cellular water

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storage/attenuation area below the surface which acts as a soak away allowing surface water to infiltrate into the ground.

f) The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

g) The applicant is requested to submit a report showing surface water attenuation calculations for proposed development.

8. Roads.

The applicant is requested to provide a revised set of drawings which shows:

- (a) Existing yard layout
- (b) Proposed islands with dimensions
- (c) Proposed parking arrangements (bike/car/truck)
- (d) Proposed lining arrangement
- (e) AutoTRAK path and analysis for
- (i) Fuelling area approach/exit (each of the paths)
- (ii) Truck wash approach/exit

9. Operations.

The applicant is requested to provide a written rationale and comment on the additional fuel island and truck wash, with regards to their impact on the capacity, frequency, and intensity of operations on the site. This should detail the expected additional traffic, additional activities that can reasonably be expected to be occurring on-site at any one time, and any related matters.

10. Flood Risk.

The applicant is requested to submit a flood risk report to show what if any flood risk there is for proposed and existing development.

11. Screening for Appropriate Assessment.

The applicant has not provided information regarding screening for appropriate assessment, nor have drainage layout or SUDs details been provided. Irish Water maps show that a nearby surface water pipe leads directly into the Camac River, providing a direct hydrological connection with Dublin Bay. Given the nature of the proposed operations on the site and the potential for pollutants to be diverted into the Camac River, the applicant should provide a screening report for Appropriate Assessment as part of additional information.


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REG. REF. SD22A/0150

**LOCATION: Lands at Kingswood Truck Wash, Old Naas Road, Kingswood Cross, Dublin
22**



**Jim Johnston,
Senior Executive Planner**

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date: 18/7/22



Eoin Burke, Senior Planner