

HA Design Studio
36, Mount Street Upper
Dublin 2

**NOTIFICATION OF DECISION TO GRANT PERMISSION & GRANT RETENTION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order Number:	1456	Date of Decision:	18-Nov-2022
Register Reference:	SD22A/0150	Date:	26-Oct-2022

Applicant: Bradawl Limited

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

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 18-Jul-2022 /26-Oct-2022

Clarification of Additional Information Requested/Received:

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION & GRANT RETENTION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

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 2022 - 2028 and subject to the condition(s) set out hereunder is thereby 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, and as amended by Further Information received on 26/10/2022, 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. Environmental Health
Noise:
 - (a). To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that :
The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours
 - Before 07.00 hours on weekdays, Monday to Friday
 - Before 09.00 hours on Saturdays.
 - After 19.00 hours on weekdays, Monday to Friday.
 - After 13.00 hours on Saturdays.
 - Not permitted at any time on Sundays, Bank Holidays or Public Holidays.
 - (b). Noise due to the normal operation of the proposed development, expressed as L_{Aeq} 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 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.
Air Quality
 - (c). During the operational phase of the development, Best Practicable 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.
REASON: To contain dust arising from construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.
 - (d). The development shall be so operated that there will be no emissions of malodours,

gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.

REASON: In the interests of public health and to contain dust arising from demolition and to prevent nuisance being caused to occupiers of buildings in the vicinity and to contain dust arising from construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

3. Tree Protection

To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Arboricultural Report and associated Tree Protection Plan prepared by Charles McCorkell. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the Public Realm Section for written agreement upon completion of the works. The developer shall also be made aware of their obligations to constantly assess and survey the trees after construction because of the potential impact and the age/condition of these trees as outlined in the tree survey. Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

(ii) No drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention or within any fenced protection zone unless otherwise agreed in writing by the local planning authority.

REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and in accordance with relevant policies and objectives in the CDP 2022-2028.

4. Implementation of Landscape Masterplan

1. The landscaping scheme shown on drawing No. PP381-01-01 Landscape Masterplan and described within the associated Landscape Design Report submitted by Jane McCorkell shall be implemented in full, within the first planting season following completion of the development, in addition:

a) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Masterplan (Dwg. No. PP381-01-01)

b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction – Recommendations.

d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives of the CDP 2022-2028.

2. Retention of Landscape Architect

i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.

ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

5. Green Infrastructure and Green Space Factor (GSF)

Prior to the commencement of development the the applicant shall submit for the written agreement of the Planning Authority the following information relation to Green Infrastructure and the Green Space Factor in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

(a) To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.

(b) To demonstrate how the appropriate Greening Factor will be achieved for the relevant land use zoning objective. See link to the Green Space Factor Worksheet: Related Documents - SDCC

(c). Green Space Factor (Minimum Score Not Achieved) : In cases where proposed development does not meet the minimum required score and the Council agree that the minimum score is not achievable on the site; the Council will engage with the applicant to help determine an alternative GI solution, to ensure that the proposed development does not detract from the local environment and makes a positive contribution to local GI provision. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements a developer will be permitted to provide alternative GI interventions or contributions to make up for this shortcoming, see below. Those GI measures ultimately chosen will be dictated by the site-specific context and will be subject to agreement with Council. The applicant shall therefore contact the Public Realm Section to agree alternative GI interventions or contributions to make up for this shortcoming.

REASON: Ensuring that new development meets minimum standards for the provision of GI, in accordance with policy GI5 Objective 4 and other relevant policies of the CDP 2022-2028. In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.

6. SUDS

Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority 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 shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.
- The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.
- Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
- Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. 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.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2

7. Drainage - Surface Water.

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

- (a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,
- (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
- (c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.
- (d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the

property and this shall be:

(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.

(iii) a minimum of 10m from any sewage treatment percolation area.

(iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

(e). The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(f). All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

(g). Submit a drawing showing the existing and proposed watermain layout of the development site.

(h). Obtain a letter of confirmation of feasibility from Irish Water for proposed development.

(i). Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.

(j). Submit a drawing showing the existing and proposed wastewater layout of the development site.

(h). Prior to the commencement of development the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.

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.

8. Public Lighting.

Prior to commencement the applicant must submit a public lighting design to the Planning Authority for written approval.

Reason: In the interest of proper planning and sustainable development.

9. 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.

10. Minimise Air Blown Dust.

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

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

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

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.

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.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014, the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

Pamela Hughes

for **Senior Planner**

18-Nov-2022

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made.
where the application relates to unauthorised development €4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made.
other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b) €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal €110.00
 - (f) Appeal following a grant of leave to appeal €110.00
 - (g) Referral..... €220.00
 - (h) Reduced fee (payable by specified bodies)..... €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100