

Comhairle Chontae Atha Cliath Theas

PR/1540/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0395 **Application Date:** 20-Oct-2022
Submission Type: New Application **Registration Date:** 20-Oct-2022
Correspondence Name and Address: Kevin Hegarty 157 Ballinclea Heights,, Killiney,, Co. Dublin.
Proposed Development: Retention for carwash facility.
Location: Old Bawn Shopping Centre, Old Bawn Road, Tallaght, Dublin 24
Applicant Name: Kevin Hegarty
Application Type: Retention

(CS)

Description of Site and Surroundings

Site Area: stated as 0.0032 Hectares.

Site Description

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

Proposal

The proposed development comprises of the following:

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

Zoning

The subject site is subject to zoning objective 'LC': *'To protect, improve and provide for the future development of Local Centres'* under the South Dublin County Development Plan 2022-2028.

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Consultations

Roads Department – **Refusal** recommended.

Parks Department – **Additional Information** recommended.

Irish Water – **Additional Information** recommended.

Surface Water Drainage – no objection subject to **conditions**.

Environmental Health Officer – acceptable subject to **conditions**.

SDCC Pollution Control – no report received

Heritage Officer – no report received

SEA Sensitivity Screening

Overlap identified with the following environmental layers.

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

Submissions/Observations /Representations

None received.

Relevant Subject Site Planning History

SD21A/0267: Retention of carwash facility including a single storey portacabin office (10sq.m) with a covered carwash area (22sq.m).

Decision: **REFUSE PERMISSION FOR RETENTION.**

Reasons for Refusal following AI Request:

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

SD18A/0247: Retention of a car washing facility, including single storey porta cabin office (c10sq.m) with a covered car wash area (c22sq.m). Permission for this facility was previously granted in September 2010, for 6 years - Reg. Ref. SD10A/0269.

Decision: **GRANT PERMISSION FOR RETENTION.**

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The following conditions are of interest:

- Condition No. 2 **restricted the permission to a period of three (3) years** from the final date of permission.
- Condition No. 3 stated that within one month of the date of final grant the applicant shall have installed all drainage provisions indicated in the application, including 2 no. flowpast sump traps and baskets. All wash water shall discharge to the foul sewer.
- Condition No. 4 stated that within three months of the date of final grant the applicant shall have provided a car turning facility on site which shall be subject to the written approval of the Planning Authority, so as to achieve forward car movement only, exiting the gates to the car wash area, which is accessed from the public car park.
- Condition No. 6 required any external lighting to be cowled downwards and directed away from existing mature trees, which are in use by bats.

SD10A/0269: Retention permission for a change of use from a yard/storage space to use as a car wash facility, including a single storey portacabin office, with a covered car wash area. Decision: **GRANT PERMISSION FOR RETENTION.**

Condition No. 2 **restricted the permission to a period of six (6) years** from the final date of permission.

Relevant Enforcement History

Enforcement Ref. S6334. Case now closed. Operating car wash facility and sign on wall without planning permission.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Council Development Plan 2022-2028

Section 9.5.6 Local Centres

Policy EDE14: Retail – Local Centres

Policy QDP6: Public Realm

Policy QDP6 Objective 3

Policy QDP6 Objective 5

Policy IE3: Surface Water and Groundwater

Policy IE7: Waste Management

Policy IE8: Environmental Quality

Policy IE9: Casement Aerodrome

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

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12.3.3 Environmental Impact Assessment
12.4.1 Green Infrastructure Definition and Spatial Framework
12.4.2 Green Infrastructure and Development Management
12.5.1 Universal Design
12.5.2 Design Considerations and Statements
12.5.4 Public Realm: (At the Site Level)
12.6.1 Mix of Dwelling Types
12.6.7 Residential Standards
12.6.10 Public Open Space
12.7.1 Bicycle Parking / Storage Standards
12.7.4 Car Parking Standards
12.7.5 Car Parking / Charging for Electric Vehicles (EVs)
12.11.1 Water Management
12.11.3 Waste Management
12.11.4 Environmental Hazard Management
12.11.5 Aviation, Airports and Aerodromes

Chapter 9 Economic Development and Employment

EDE1 Objective 6:

To ensure that economic and enterprise related development is provided in a manner which facilitates a reduction in greenhouse gas emissions by supporting and promoting the following measures:

- An increase in employment densities within walkable distances of communities and on public transport routes;*
- Promotion of walking and cycling and use of public transport through increased permeability and mobility management measures within and outside employment areas;*
- The sourcing of power from district heating and renewables including wind, hydro and solar;*
- Additional native tree planting and landscaping on existing and proposed enterprise zones and development sites to aid with carbon sequestration, contribute to the green infrastructure network of the County and promote quality placemaking.*
- Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)*
- Policy IE3: Surface Water and Groundwater*
- Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*
- Section 11.8.2 Casement Aerodrome*
- 11.8.6 Airport and Aerodrome – Noise*

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- *11.8.7 Public Safety Zones*
- *Chapter 12 Implementation and Monitoring*
- *12.4.2 Green Infrastructure and Development Management*

Relevant Government Guidelines

- Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).
- Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Planning History;
- Visual Amenity;
- Environmental Health;
- Access and Parking;
- Services & Drainage;
- Parks & Landscaping;
- Overcoming Previous Reasons for Refusal;
- Screening for Appropriate Assessment (AA);
- Screening for Environmental Impact Assessment (EIAR);

Zoning and Council Policy

The site is zoned Local Centre 'LC' with the zoning objective '*To protect, improve and provide for the future development of Local Centres*'. Car wash facilities are not specified as a land use under the zoning tables of the South Dublin County Development Plan 2022 - 2028. The County Development Plan states that land uses that have not been listed under the land use zoning tables will be considered on a case-by-case basis in relation to conformity with the relevant policies, objectives and standards contained within the Plan, particularly in relation to the zoning objective of the subject site and its impact on the development of the County at a strategic and local level.

Subject to the issues set out further below in this report, the provision of a car wash facility at this local centre is acceptable in principle given it adds to the mix of uses. However, it is considered that its location and operation along the rear service lane could impede the use and

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future development of the local centre. It is therefore considered that the period of the permission should be **conditioned** to be temporary in the event of a grant of permission.

Planning History

A car wash facility was previously refused retention permission under reg. ref. SD21A/0267 as it was considered to be a traffic hazard.

A similar car wash facility at this location was previously granted retention in 2010 (Reg. Ref. SD10A/0269 - 6 year temporary permission) and 2019 (Reg. Ref. SD18A/0247- 3 year temporary permission). The most recent planners report SD21A/0367 outlined that the proposed development would endanger public safety by reason of traffic hazard due to the applicant not adequately demonstrating that safe vehicular movements can be carried out.

Both permissions (SD10A/0269 SD18A/0247) were granted on a **temporary** basis, for a period of six years and then three years. There were a number of conditions on the 2019 (SD18A/0247) retention permission including in regard to drainage provisions, a car turning facility and external lighting.

In the applicants cover letter submitted with this current application (SD22A/0395) the applicant states that regarding the 2018 application (SD18A/0247) they met with the SDCC Pollution Control Section to agree the position of the Acco Drains and the 2 Flowpast sump traps and baskets. The cover letter stated the baskets are lifted and emptied every two weeks. For this current application the Pollution Control Section have not issued any report to date. However, in the event of a grant it should be conditioned that the drainage system is maintained and monitored to ensure that no water from the facility runs off into any local water courses.

The applicant has also submitted photos of their lighting arrangements onsite. One of the items requested by **Additional Information** as per SD18A/0247 related to lighting (see below).

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

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The Heritage Officer previously had concerns with regard to external lighting given that the site adjoins the River Dodder where there is mature vegetation which bats use. Photos of the lighting arrangement taken at night time (March & April 2022) at this location were submitted as part of this current application (SD22A/0395) but is not considered sufficient for assessment. It is noted that no report has been received to date from the Heritage Officer for this current application (SD22A/0395). Notwithstanding this in the event of a grant a **condition** shall be attached that a professional and competent bat survey specialist carry out a bat survey within the appropriate period between May – September.

Visual Amenity

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

The applicant states that the car wash operates 9:30am to 18:00 Monday to Saturday and 10:00am to 6:00pm Sundays. These hours of operation are considered acceptable and should be **conditioned** as such. These are similar to what was previously granted and conditioned.

The proposal would be visually acceptable.

Environmental Health

The H.S.E. Environmental Health Officer has reviewed the development for retention and has issued a report recommending the application to be acceptable subject to **conditions**. An extract taken from the EHO report states the following:

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

Noise

Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

Reason: In the interest of public health.

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

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

Reason: In the interest of public health.

All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

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

Access & Parking

A report was received from the Roads Department recommending **refusal**. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Roads recommend refusal

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

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

Given the above it is not considered that this item has been satisfactorily addressed.
Permission should therefore be refused.

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Description: Retention for carwash facility.

Comment: As per the previous retention application SD21A/0267, a number of significant issues exist, and these have not been dealt with in the current application.

While the submission of the AutoTRAK analysis is welcome, it serves to confirm that traffic cannot egress the site without an unsafe and lengthy reversing manoeuvre.



In addition, there is no pedestrian/footpath provision at this location, and pedestrian safety remains an issue, especially in an area where cars reverse as per the AutoTRAK drawing submitted.

Roads recommend refusal

As the application has not overcome the previous reason for refusal with regard to presenting a traffic hazard and given the recommendations of the Roads report above the application should be **refused**.

Services and Drainage

A report was received from Irish Water recommending **Additional Information** be requested. An extract taken from the Irish Water report states the following:

*IW Recommendation: **Further Information** Required*

IW Observations:

*Water (**Further Information** Required)*

1.1 The applicant has not submitted any drawings showing water connections for the proposed development. Submit a drawing showing proposed water connections for the proposed development.

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1.2 Prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water. Reason: In the interest of public health and to ensure adequate water facilities.

2 Foul (No Objection)

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

Reason: In the interest of public health and to ensure adequate waregarding ste water facilities

It is considered that these issues could be addressed by **further information or condition.**

A report was received from Surface Water Drainage recommending no objections subject to **conditions.**

Surface Water Report: No Objection subject to:

Flood Risk No Objection

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 above report is noted.

Parks & Landscaping

A report was received from the Parks Department recommending **Refusal.** An extract taken from the Parks report states the following:

*Recommendation: **Additional Information***

Public Realm have concerns that this development may have negative impacts on the Dodder Valley. Any applications located in GI corridors such as this should demonstrate how they contribute to the GI network.

1. Green Infrastructure

The applicant has provided no information on how the development will comply with the Councils Green Infrastructure policies. Please refer to Chapter 4 of the County Development Plan: [chapter-4-green-infrastructure.pdf \(sdcc.ie\)](http://sdcc.ie) Additional information

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is required to demonstrate how the plans contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, having regard to the following:

- I. In the case of small-scale developments this may consist of a simple landscape plan which includes objectives to protect or restore existing on site GI assets, provides for connection to local or primary GI corridors or includes elements which allow the site to act as a local stepping stone;*
- II. Where the development site is located within or close to a Core or Corridor (as this is) the development should, at a minimum, protect any existing GI assets and enhance same (for example, not breaking a GI Corridor but enhancing same with a connecting piece of planting, retaining hedgerows or woodlands);*
- III. The characteristics and assets of the proximate GI Core, Corridor or SteppingStone should be reflected within proposed development, for example continuation of hedgerows, tree planting, waterways;*
- IV. Development should seek to enhance or restore features that act as ecological corridors, particularly water features, hedgerows, tree lines, areas of un-cultivated land. These, or some element of them, should be incorporated into the proposed development to create pathways for wildlife and / or increase amenity value;*
- V. All development proposals shall be accompanied by a Green Infrastructure Plan, which will normally be submitted as part of the suite of Landscape Plans that are required for a development. Plans shall include the following:*
 - i. Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County;*
 - ii. Site survey and analysis, identifying existing GI Infrastructure and key assets within the site;*
 - iii. Indicate how the development proposals link to and enhance the wider GI Network of the County;*
 - iv. Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*

The above report is noted. However, given the recommendation of refusal from the Roads Department it is considered that the application should be **refused**.

Overcoming Previous Reasons for Refusal

The applicant has not overcome the previous reason for refusal relating to traffic hazard as per SD21A/0267 and therefore this application should be **refused**.

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

Screening for Appropriate Assessment (AA)

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 a house extension.

Having regard to:

- the small scale and domestic 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.

Screening for Environmental Impact Assessment (EIAR)

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.

Conclusion

The proposed development for retention would endanger public safety by reason of traffic hazard due to the layout of the development.

Recommendation

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

SCHEDULE

REASON(S)

1. The proposed development for retention would endanger public safety by reason of traffic hazard due to the applicant not adequately demonstrating that safe vehicular movements can be carried out. As such, the application for retention permission is contrary to the proper planning and sustainable development of the area. The applicant has not overcome the previous reason for refusal relating to traffic hazard as per SD21A/0267.

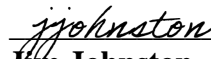
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REG. REF. SD22A/0395

LOCATION: Old Bawn Shopping Centre, Old Bawn Road, Tallaght, Dublin 24



Jim Johnston,
Senior Executive Planner

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

Date: 06/12/22



Gormla O'Corrain, Senior Planner