

Comhairle Chontae Atha Cliath Theas

PR/0044/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0114 **Application Date:** 20-Apr-2022
Submission Type: Clarification of **Registration Date:** 13-Dec-2022
Additional
Information

Correspondence Name and Address: David Mulcahy Planning Consultants Ltd 67, The Old Mill Race, Athgarvan, Co. Kildare

Proposed Development: Electric fast charging hub and drive-thru coffee building (24/7 opening hours). 8 electric fast charging spaces to the west side of the site; drive-thru coffee building (167sqm) will contain a beverage area, seating area and back of house area (storage, lobby, toilets); single storey building with a maximum ridge height of 6m and a minimum ridge height of 3.6m; 3 signs on the building; ancillary development of refuse compound, 4 free standing signs, 1 free standing height restrictor, 1 substation(28.75sqm 3.075m high), 31 car parking spaces, internal vehicular access, internal circulation road, paving, pedestrian entrance with steps, landscaping, boundary treatment and all associated site works including pumping station. 13 existing car park spaces will be removed to facilitate the proposed.

Location: Applegreen, Naas Road Service Station, Tootenhill, Rathcoole, Dublin, D24DH00

Applicant Name: Petrogas Group Ltd.

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.27 hectares.

Site Description:

The application site comprises primarily grassed lands with a portion of gravelled lands near the entrance. There is a low wooden fence around the site boundary, segregating it from the wider lands associated with the Applegreen service station, south of the Naas Road at Tootenhill,

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Rathcoole. The site is mainly flat, with sloped boundaries to the south and west. A two-storey house was previously located on the site and was demolished under SD18A/0042.

The site is part of a larger landholding owned by the applicant. The remainder of the lands, located to the south and west comprise a petrol service station and associated car parking. The site is directly accessed via a slip road off the Naas Road.

To the east, the site bounds the Broadfield development, built under SD07A/0309 (as extended and amended). The site is separated from the residential uses by a larger retaining wall along the eastern site boundary.

Site visited:
18 May 2022

Proposal:

Permission is sought for alterations the following:

- 8 electric fast charging spaces
- Single storey drive-thru coffee building (167 sq.m) including beverage area, seating area and back of house area comprising storage, lobby and toilets
- 3 no. signs on drive-thru building
- Refuse compound
- 4 no. free standing signs
- 1 free standing height restrictor
- 1 no. ESB substation
- Provision of 31 no. car parking spaces
- Internal vehicular access, circulation road, paving, pedestrian entrance with steps, landscaping, boundary treatment and all associated site works, including pumping station

Zoning:

The site is subject to zoning objective 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture.'*

Consultations:

Roads – **Further information** recommended

Public Realm – No objection, **conditions** recommended

Surface Water Drainage – **Further information** recommended

Irish Water – No objection, **conditions** recommended

Environmental Health – No objection, **conditions** recommended

Transport Infrastructure Ireland – TII state they have 'No observations to make'

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SEA Sensitivity Screening

Indicates overlap with the following sensitive layers:

- Rural 2016
- SFRA A 2016
- SFRA B 2016

Submissions/Observations /Representations

Submission expiry date – 24 May 2022

No submissions or objections received.

Relevant Planning History

SD20A/0012: Retention of a single storey electrical kiosk used to house electric panels for cabling and a reconfigured car parking layout (from that permitted under Reg. Ref. SD16A/0280) confined to the area at the front of the service station building and west of the fuel pumps (including reconfigured disabled spaces); Permission to relocate an existing disabled parking space at the front of the service building to the row of parking to the west; all associated site works on lands at Applegreen, Naas Road Service Station. **Permission granted**

SD18A/0042: Demolition of 'Tootenhill House', a two storey, detached dwelling with a gross floor area of 269sq.m, including demolition of the front boundary. All associated site works. **Permission granted**

SD16A/0280: Replacement filling station on a larger site including; (1) Demolition of 10 existing structures (554.7sq.m) including the existing filling station. (2) Construction of new shop building (gfa 612.7sq.m) containing 4 food offers (including take-away) retail area (net floor area of 100sq.m, including off-licence of 9.3sq.m), back of house area (286.6sq.m) and multiple signage on elevations. (3) Construction of 6 pump islands with branded canopy over. (4) 1 car wash facility. (5) All associated site works including dedicated HCV parking, car parking, landscaping, boundary treatment, footpaths, sheep ramp, retaining walls, main ID sign, road markings, interceptors, surfacing, attenuation, new entrance arrangements to adjoining property, upgrading of onsite foul pump station and widening, realigning and lengthening of existing culverting the Carrigeen Stream. **Permission granted**

Lands to the south and east – Broadfield Manor

SD07A/0309: 231 dwellings comprising of 2 no. 2 storey 3 bedroom detached houses; 28 no. 2 storey 3 bedroom semi-detached houses; 44 no. 2 storey 3 bedroom terraced houses; 12 no. 2 storey 3 bedroom semi-detached dormer bungalows; 30 no. 3 storey 4 bedroom semi-detached houses; 6 no.4 bedroom, 16 no. 3 bedroom duplex units and 19 no. 2 bedroom apartments in 3 no. 3 storey blocks; 36 no. 2 bedroom duplex apartments in 2 no. 3 storey blocks; 33 no. 2 bedroom and 3 no. 1 bedroom apartments in 1 no. 3 storey block; 2 no. 2 bedroom apartments over a shop and medical centre in a two storey block and a 2 storey creche, together with the

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construction of a 7.3m wide road connection from the development to the proposed Rathcoole/Saggart Distributor Road at Whitehouse Lane. **Permission granted.** Extended under SD07A/0309/EP. Amended by subsequent applications SD14A/0057, SD15A/0151 and SD16A/0050 relating to alterations to previously permitted house types.

Relevant Enforcement History

S8101: Potential non-compliance with Condition 1 of PP SD16A/0280 (The disabled parking spaces are not in the area shown on the drawing)

S7922: Potential erection of a service kiosk on the lands without PP and non-compliance with condition no 1 of PP granted under ref SD16A/0280 in that the new building line along Broadford Glen is closer to the property boundaries than what is shown on the plans/drawings submitted to the PA.

- Declared not exempt under ED18/0015 and permitted for retention under SD20A/0012

S7967: Potential working out of hours

Pre-Planning Consultation

PP111/20: Pre-planning meeting held on 24 November 2020.

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

Section 4.2.0 Strategic Policy For Employment

Policy ET1 Economic and Tourism Overarching Policies and Objectives

It is the policy of the Council to support sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality.

RETAIL (R) Policy 10 Fast Food Outlets/Takeaways

It is the policy of the Council to manage the provision of fast food outlets and takeaways.

R10 Objective 1: To prevent an excessive concentration of fast food outlets/takeaways and ensure that the intensity of any proposed use is in keeping with both the scale of the relevant building and the pattern of development in the area.

R10 Objective 2: To restrict the opening of new fast food/takeaway outlets in close proximity to schools so as to protect the health and wellbeing of school-going children.

TM7 Objective 1: To carefully consider the number of parking spaces provided to service the needs of new development

TM7 Objective 4: To make provisions for the use of electric vehicles through a significant increase in the provision of clearly and exclusively designated electric car charging points on public and private land in partnership with ESB and other relevant stakeholders and land owners.

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11.3.6 Retail Development.

(iii) Fast Food/Takeaway Outlets

Fast food outlets have the potential to cause disturbance, nuisance and detract from the amenities of an area and as such, proposals for new or extended outlets will be carefully considered. Development proposals for fast food/takeaway outlets will be strictly controlled and all such proposals are required to address the following:

- *The potential effect and the proximity of fast food outlets or take away outlets to vulnerable uses, such as schools or parks.*
- *The cumulative effect of fast food outlets on the amenities of an area.*
- *The effect of the proposed development on the existing mix of land uses and activities in an area.*
- *Opening/operational hours of the facility*
- *The location of vents and other external services and their impact on adjoining amenities in terms of noise/smell/visual impact.*

(iv) Motor Fuel Stations

Petrol stations, while necessary, have the potential to cause disturbance, nuisance and detract from the amenities of an area and as such, proposals for new or extended outlets will be carefully considered. Motor fuel stations will not generally be encouraged within the core retail area of urban centres or in rural areas.

Development proposals for motor fuel stations should address the following:

- *Development proposals will be required to demonstrate that noise, traffic, visual intrusion, fumes and smells will not detract unduly from the amenities of the area and in particular from sensitive land uses such as residential development.*
- *Motor fuel stations should be of high quality design and integrate with the surrounding built environment. In urban centres, where the development would be likely to have a significant impact on the historic or architectural character of the area, the use of standard corporate designs and signage may not be acceptable.*
- *Forecourt lighting, including canopy lighting, should be contained within the site and should not interfere with the amenities of the area.*
- *The forecourt shop should be designed so as to be accessible by foot and bicycle, with proper access for delivery vehicles. The safety aspects of circulation and parking within the station forecourt should be fully considered. Retailing activities should be confined to the shop floor area, except in the case of sales of domestic fuel, where some external storage may be permissible. The external storage of gas cylinders and solid fuel should be limited in area and confined to strictly defined specifically designed compounds adjoining the shop/forecourt and be subject to adequate measures being taken for visual appearance, security and safety.*

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- *The sale of retail goods from petrol stations should be restricted to convenience goods and only permitted as an ancillary small scale facility. The net floor space of a fuel station shop shall not exceed 100sq.m. Where permission is sought for a retail floor space in excess of 100sq.m, the sequential approach to retail development shall apply (i.e., the retail element shall be assessed as a proposed development in its own right).*
- *Workshops for minor servicing (e.g., tyre changing, puncture repairs, oil changing) may be permitted in circumstances where they would not adversely impact the operation of the primary petrol station use and local amenities, particularly with regard to proximity to dwellings or adjoining residential areas.*
- *Motor fuel stations and service areas in proximity to the National Road network will be assessed with regard to the Spatial Planning and National Roads Guidelines for Planning Authorities DECLG, (2012).*

*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*

*7.7.0 Environmental Quality
Policy IE6 Environmental Quality*

*Section 10.0 Energy
Policy E3 Energy Performance in Existing Buildings
Policy E4 Energy Performance in New Buildings
Policy E5 Waste Heat Recovery & Utilisation
Table 11.18: Key Principles for Development within Enterprise and Employment Zones*

*Section 11.4.1 Bicycle Parking Standards
Table 11.22: Minimum Bicycle Parking Rates*

Section 11.4.2 Car Parking Standards

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Table 11.23: Maximum Parking Rates (Non Residential)

Section 11.4.4 Car Parking Design and Layout

Section 11.4.6 Travel Plans

Section 11.6.3 (i) Air Quality

Section 11.6.3 (ii) Noise

Section 11.6.3 (iii) Lighting.

Relevant Government Guidelines

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

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

Spatial Planning and National Roads, Spatial Planning and National Roads Guidelines (Jan 2012)

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

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy
- Roads
- Public Realm
- Services, Drainage and the Environment
- Environmental Health
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is subject to zoning objective 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture.'* A service station use has been established on the site for many years, most recently following a grant for the replacement of the previous facilities under SD16A/0280.

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The SDCC Development Plan provides the following definitions of relevance:

- **Advertisements and Advertisement Structures:** Any work, letter, model, balloon, inflatable structure, kite, poster, notice, device or representation employed for the purpose of advertisement, announcement, or direction, and any structure such as a hoarding, scaffold, framework, pole, standard, device or sign (whether illuminated or not) and which is used or intended for use for exhibiting advertisements, or any attachment to a building or structure used for advertising purposes.
- **Petrol Station:** A structure or land used for the purpose of the selling petrol, fuel oils, lubricating oils and liquefied petroleum gas generally for use in motor vehicles. It does not include a service garage or motor sales outlet. Petrol filling stations can include an associated shop (no more than 100 sq.m (net retail floorspace) that also provides for the sale of convenience goods.
- **Restaurant/Café:** A building or part thereof where the primary function is the sale of meals and refreshments for consumption on the premises
- **Takeaway:** A premises used for the sale of hot food for consumption off the premises.

Regarding the zoning objective:

Restaurant/Café is 'Open for Consideration.'

Service Garage is 'Open for consideration' *'in villages to serve local needs.'*

Advertisements and Advertising Structures are 'Not Permitted'

Electric Fast Charging Hub

The north-western part of the site currently contains 8 no. regular car parking spaces. This application seeks to provide 3 no. electric fast charging hubs at this point and maintain 3 no. regular parking spaces. In addition, 5 no. electric fast charging hubs would be located across and internal roadway, totalling 8 no. spaces.

The County Development Plan seeks to promote and provide for sustainable transport options. TM Policy 7 of the Plan states *'it is the policy of Council to take a balanced approach to the provision of car parking with the aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation.'* TM7 Objective 4 of the Development Plan 2016 – 2022 states it is an objective to *'make provisions for the use of electric vehicles through a significant increase in the provision of clearly and exclusively designated electric car charging points on public and private land in partnership with ESB and other relevant stakeholders and land owners.'*

As well as complying with local plans and policies, the provision of the electric charging hubs would assist in meeting the objectives of the National Planning Framework (2018) to promote and support sustainable transport. It is considered that the site is an appropriate location to provide electric charging hubs. The 8 no. spaces are considered to be a desirable addition to the

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existing service station which forms part of the applicant's wider landholding and would assist in upgrading the necessary infrastructure to encourage and facilitate the use of electric vehicles. In this regard, the development is considered acceptable.

Car Parking

There are currently 19 no. car parking spaces included within the red line boundary of the site. The proposed layout would accommodate 31 no. parking spaces, including 2 no. mobility spaces, increasing the parking at the site by 12 no. spaces, excluding the 8 no. EV spaces. The site is located within Zone 2 for the purposes of assessing the maximum car parking rate, as per Table 11.23 of the Development Plan. 1 space per 20 sq.m gross floor area is the maximum allowed in Zone 2 for café uses. On this basis a maximum of 8 spaces would be permissible. It is noted that the petrol station will be losing a number of spaces to facilitate the electric charging hubs, and that 9 spaces were removed under Condition 11 of SD16A/0280. The existing site survey provided does not show details of car parking associated with the existing petrol station. To ensure a thorough assessment of car parking at the site, the applicant should be requested to submit a detailed car parking plan for the entire blue line landholding, clearly indicating spaces associated with the petrol station, and spaces associated with the coffee shop, ensuring that the maximum car parking rates are not exceeded. This should be requested as **additional information**.

Drive-Thru Coffee Shop

A drive-thru coffee shop (167 sq.m) would be located in the centre north of the site. A café use is 'open for consideration' under the sites zoning objective and therefore the principle of the drive thru coffee shop is considered acceptable.

The coffee shop building would be single storey and have a mono-pitch roof, with a maximum height of 5.3m. There would be a flat roof section attached to the main building, to facilitate drive-thru orders on the northwest elevation. Also on this elevation would be a 'tower' pillar, with a height of 6m, to display advertising associated with the coffee shop. The building would be rendered with Kingspan roofing and aluminium framed windows. Internally, there would be a beverage serving area, seating area, store room and toilets. Given the size, location and orientation of the coffee shop, it is not considered that there would be any adverse impacts in terms of visual or residential amenity on neighbouring dwellings in Broadfield Manor.

The site layout plan shows a drive-thru lane and a bypass lane. It is noted that there are discrepancies between the site layout plan and the landscape plan, with no bypass lane shown on the landscape plan. The applicant should be requested to submit a revised landscape plan as **additional information**, ensuring accuracy with the site layout proposals. This plan should also provide details of the boundary treatments proposed, including elevations and sections as relevant.

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The applicant states that the N7 forms part of the Trans-European Transport Networks (TEN-T), with an objective to increase the benefits for road users, ensuring safe rest stops are available. The rationale for the coffee shop drive-thru is that it would provide an alternative to the existing food court offering, with the drive thru lane providing an efficient option for road users looking for refreshments without needing to take a break from driving. This rationale is accepted. It was noted from a site visit how popular the rest stop is, even during off peak hours. It is considered that the primary users of the coffee shop would be those travelling along the N7, and it would not detract from the other options for more local needs available in Rathcoole.

While it is accepted that the drive-thru coffee shop would operate as a café, there would be a significant take away element. On this basis, the application has been assessed against the criteria in 11.3.6 (iii) of the Development Plan.

The potential effect and the proximity of fast-food outlets or take away outlets to vulnerable uses, such as schools or parks.

- The cumulative effect of fast-food outlets on the amenities of an area – *there are 3 no. take away outlets located within the Applegreen service station, mainly serving savoury food options, including a Burger King. It is considered that the coffee shop offering would provide an alternative and complementary service to those food and drink options already located on the site. It is not considered that this would represent an over concentration of services at this location.*
- The effect of the proposed development on the existing mix of land uses and activities in an area – *the drive-thru coffee shop would form part of a larger Applegreen service station complex, located proximate to Rathcoole. It is not considered that there would be a significant impact on the existing mix of land uses as a result of this development.*
- Opening/operational hours of the facility – *opening hours have not been provided and should be requested by either **additional information** or **condition**.*
- The location of vents and other external services and their impact on adjoining amenities in terms of noise/smell/visual impact – *given the location of the site, lower than neighbouring residential uses and proximate to existing services, it is not considered that there would be a significant impact in terms of noise, smell or visual impact.*

On the basis of the above, the drive-thru coffee shop is considered acceptable in principle, subject to the submission of appropriate **additional information**.

Signage

Signage for the coffee shop is indicated on the southeast, southwest and northwest elevations of the drive-thru building. These signs would be 2.5m wide and 1.4m tall. 2 no. main identification signs, 1.74m wide and 3.505m tall would be located within the site, one near the entrance to the Applegreen service station, at the north-west corner of the site, and another at the internal site entrance, towards the south-east of the site. Additionally, a menu sign and seller sign are

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indicated along the drive-thru lane. A height restriction barrier, with signage, 4m in height, would be located across the entrance to the drive-thru lane. Full details of the signs, including wording, illumination and materials of proposed signage has not been provided.

The site is located in Zone 6 under Variation 5 of the Development Plan relating to the Outdoor Advertising Strategy. Zone 6 is described as consisting of '*predominantly residential areas where outdoor advertisements would generally be visually inappropriate.*'

It is noted that there is only one large totem sign associated with the Applegreen services, as expected for displaying petrol prices. All other signage appears to be on the forecourt canopy and the service station building. In this regard, there appears to be an excess of standalone signs proposed to serve the coffee shop, which would form a small part of the overall offering at the site.

It is not considered appropriate to make a decision on the signage element of the proposal based on the information provided. The applicant should be invited to submit **additional information** providing a rationale for the quantum of signage and how it complies with the policies and objectives of the Development Plan, with specific reference to the Outdoor Advertising Strategy. Full details of signage, including materials, wording/logos and other relevant information would be required as **additional information** to make a decision. In lieu of receiving this information, the signage element of the scheme should be **refused**, to be determined at a later date by a separate application once all the details are known.

Other Works

An ESB sub-station would be located along the north eastern site boundary with residences on Broadfield Manor. There is a change in levels between the sites, with the subject site lower than the Broadfield Manor estate. The sub-station would be approximately 3m in height, 28.75 sq.m, with a flat roof and steel doors and frames on the west elevation. It is not considered that there would be any significant impacts as a result of the sub-station, and this is therefore considered acceptable.

Roads

The Roads Department have reviewed the application and have recommended the following **additional information** is sought:

- 1. The applicant shall provide additional information with regards to bin and waste collection arrangements for the site. A revised layout shall be included, showing the proposed location for the storage and collection of bins and waste generated from the site.*
- 2. Site Lighting within the site boundary is required. The proposed floodlighting shall be positioned and cowled to avoid lighting overspill and glare on the adjoining N7. Level of illumination, location, orientation of lamps to be reviewable at any time by the Roads*

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Department and adjustments made by the applicant/developer at his own expense if required to do so by South Dublin County Council or TII.

- 3. Roads Department recommends that the applicant shall submit to planning authority a letter of no objection from TII for the proposed development.*

In the event of a grant, their report recommends the following **conditions**:

- 1. The proposed signage shall meet the criteria for signage as outlined in SDCC CDP section 11.2.8. and table 11.9.*
- 2. Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.*
- 3. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed. Updated SDCC Taking in Charge standards.*
- 4. Prior to commencement of development a developed Construction Traffic Management Plan shall be agreed with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.*
- 5. Prior to commencement of development a developed Construction & Demolition Waste Management Plan shall be submitted and agreed with the planning department. The agreed plan, along with the written agreement of the planning department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.*
- 6. A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed with the roads department and the agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.*

It is considered appropriate to request the recommended **additional information** to ensure that waste management and lighting for the development are considered prior to a decision being finalised. Notwithstanding that TII have 'no observations to make' the applicant should be requested to consult with TII (Transport Infrastructure Ireland) as this proposal is located on a major highway.

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Public Realm

The Public Realm section have reviewed the application and have stated no objection to the development. Their report recommends the following **conditions** in the event of a grant:

1. *Landscape Plan*

Prior to the commencement of Development, a landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. The applicant shall provide the following information/details in terms of landscaping:

- i. *Soft Landscape Design to include a detailed Planting Plan and Planting Schedule - as appropriate - stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should specify a diverse range of species/varieties/cultivars and a diversity of forms and plant sizes (multi-stems, feathered, semi-matures, etc.); using both native and exotic species and pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020), all designed to provide vegetation that is visually appealing, bio-diverse, and easily managed.*
- ii. *Details of Hard Landscape Design for boundary treatments, seating, kerbs, edges, surfaces, lighting, and showing how the proposal will be coordinated with services & civil engineering elements.*

REASON: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

2. *Sustainable Drainage System (SuDS)*

No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Planning Authority. The applicant shall submit the following information:

- a) *A drawing to show how surface water shall be attenuated to greenfield run off rates.*
- b) *Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drain, planter boxes or other such SuDS.*
- c) *SUDs Management - 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.*

The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

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REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, 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.

As **additional information** is likely to be requested, it is considered appropriate to request the recommended **conditions** as **additional information** to ensure the satisfactory delivery of SuDS and appropriate landscaping.

Services, Drainage and the Environment

Water Services has reviewed the application and have recommended the following **additional information** is sought:

1.1 The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:

- *Permeable Paving*
- *Grasscrete*
- *Rain Gardens*
- *Planter boxes with overflow connection to the public surface water sewer.*

1.2 The Surface Water Attenuation calculations submitted are insufficient as they do not outline the total site area and the areas contributing to the attenuation system. The applicant must submit a revised report clearly showing how the required storage volume for the site was calculated including the site area, contributing areas, site specific SAAR value and im-permeability factors for the relevant contributing areas.

Given the additional level of hardstanding that would be provided as a result of the development, it is considered appropriate to request the recommended **additional information** to ensure that adequate provision is made for SuDS at the early stages of planning.

Irish Water have reviewed the application and have stated no objection to the development. Their report recommends the following **conditions** in the event of a grant:

1. Water

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

— All development shall be carried out in compliance with Irish Water Standards codes and practices.

REASON: In the interest of public health and to ensure adequate water facilities.

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2. *Foul*

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

— All development shall be carried out in compliance with Irish Water Standards codes and practices.

REASON: In the interest of public health and to ensure adequate water facilities.

These **conditions** are considered appropriate in the event of a grant to ensure public health and adequate water facilities

Environmental Health

The Environmental Health Officer (EHO) has reviewed the application and stated no objections. Their report recommends the following **conditions**:

Construction Phase

1. *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.*

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.

2. *During the construction / 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.*

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

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3. *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.

4. *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. 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.

5. *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.

The above recommended conditions are considered appropriate to ensure the protection of public health. The EHO report also states that *'the recommendation in the decibel Noise Control report that a noise survey be conducted when the proposed development is complete so as to demonstrate compliance with the recommended noise criteria outlined in the report must be completed and submitted to South Dublin County Council following completion.'* This should also be included as a **condition** in the event of a grant.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located at a site with pre-existing complementary uses relating to a petrol service station, neighbouring residential development at the edge of Rathcoole and comprises the provision of EV quick charging spaces and a drive-thru coffee shop and associated works.

Having regard to:

- the 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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It is noted that the applicant has provided an AA Screening which concludes *'taking into consideration the small scale of the development, the connection to public mains, the lack of any ecological link to any Natura 2000 site (as there is only a culvert running under the site), the significant distance to any Natura 2000 site, it is submitted that there is no need for a Stage II AA.'*

Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the overall design and scale of the development proposed it is considered that the following additional information is required prior to a decision being finalised:

- A detailed car parking plan for the entire blue line landholding, clearly indicating spaces associated with the petrol station, and spaces associated with the coffee shop, ensuring that the maximum car parking rates are not exceeded.
- Details regarding the proposed opening hours of the drive-thru and coffee shop.
- A rationale for the quantum of signage and how it complies with the policies and objectives of the Development Plan, with specific reference to the Outdoor Advertising Strategy. Full details of signage, including materials, wording/logos and other relevant information should also be provided.
- Bin and waste collection arrangements for the site including, a revised layout showing the proposed location for the storage and collection of bins and waste generated from the site.
- Site Lighting within the site boundary.
- A letter of no objection from TII for the proposed development.
- A landscape plan and associated planting plan
- A Sustainable Drainage Strategy and associated detailed design, management, and maintenance plan of surface water drainage for the site using SuDS methods
- A revised report clearly showing how the required storage volume for the site was calculated including the site area, contributing areas, site specific SAAR value and impermeability factors for the relevant contributing areas.

Recommendation

Request Further Information.

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Further Information

Further Information was requested on 14/06/22

Further Information was received on 18/10/22

Consultations

Roads – Clarification of **additional information** recommended

Public Realm – No objection, **conditions** recommended

Water Services – Clarification of **additional information** recommended

Submissions/Observations

No further submissions/observations received.

Assessment of Further Information

The Further Information requested was as follows:

1. *The applicant is requested to submit a detailed car parking plan for the entire blue line landholding, including both the proposed site and the existing Applegreen services. The car parking plan should clearly indicate spaces associated with the petrol station, and spaces associated with the coffee shop, ensuring that the maximum car parking rates contained in Table 11.23 of the Development Plan 2016 - 2022, or other relevant Plan, are not exceeded.*
2. *The applicant has not provided information on the likely opening hours of the drive-thru coffee facility. This information should be submitted by the applicant and is required to assess the impact of the facility on neighbouring land uses.*
3. *The applicant has not submitted sufficient details in relation to the proposed signage to allow for a full assessment of the design and impact of the structures. The applicant is requested to submit as follows:*
 - a. *A rationale for the quantum of the signage proposed and how this complies with the provisions of the relevant County Development Plan*
 - b. *Full details of signage, including materials, wording/logos and other relevant information to allow for a full assessment of the design and impact of the structures.*
4. *The applicant shall provide additional information with regards to bin and waste collection arrangements for the site. A revised layout shall be included, showing the proposed location for the storage and collection of bins and waste generated from the site.*
5. *Site Lighting within the site boundary is required. The proposed floodlighting shall be positioned and cowled to avoid lighting overspill and glare on the adjoining N7. Level of illumination, location, orientation of lamps to be reviewable at any time by the Roads Department and adjustments made by the applicant/developer at his own expense if*

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required to do so by South Dublin County Council or TII. It should also be noted by the applicant that impacts to the neighbouring residential development with regard to light pollution will not be acceptable.

6. *The Roads Department recommends that the applicant engage with TII and submit to the Planning Authority a letter of no objection from TII for the proposed development.*
7. *A landscape plan and associated planting plan shall be submitted to the Planning Authority. The Landscape Plan shall include details of hard and soft landscaping. The applicant shall provide the following information/details in terms of landscaping:*
 - i. *Soft Landscape Design to include a detailed Planting Plan and Planting Schedule - as appropriate - stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should specify a diverse range of species/varieties/cultivars and a diversity of forms and plant sizes (multi-stems, feathered, semi-matures, etc.); using both native and exotic species and pollinator/friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020), all designed to provide vegetation that is visually appealing, bio-diverse, and easily managed.*
 - ii. *Details of Hard Landscape Design for boundary treatments, seating, kerbs, edges, surfaces, lighting, and showing how the proposal will be coordinated with services & civil engineering elements.*
8. *The applicant is requested to submit a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods. The applicant shall submit the following information:*
 - a. *A drawing to show how surface water shall be attenuated to greenfield run off rates.*
 - b. *Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drain, grasscrete, rain gardens, planter boxes with overflow connection to the public surface water sewer or other such SuDS.*
 - c. *SUDs Management - 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.*

The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

9. *The Surface Water Attenuation calculations submitted are insufficient as they do not outline the total site area and the areas contributing to the attenuation system. The applicant must submit a revised report clearly showing how the required storage volume for the site was calculated including the site area, contributing areas, site specific SAAR value and im-permeability factors for the relevant contributing areas.*

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Assessment

Item 1 – Car Parking Plan

On reviewing the additional information submitted, the Roads Department has determined that an additional 27 car parking spaces would exceed the maximum allowable under the 2022 – 2028 Development Plan. To address this the Roads Department have recommended clarification of additional information as follows:

- 1. The applicant shall submit a revised layout of not less than 1:200 scale showing the location and number of parking spaces to be provided at the development. Please refer to Table 12.25: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2022-2028.*

From a review of the existing/proposed parking layout for the overall site submitted, it appears that 20 no. car parking spaces are to be designated for the coffee drive-thru as well as 2 no. mobility spaces, resulting in a total provision of 22 no. spaces. The site is within Zone 1 of the county, per Section 12.7.4 of the Development Plan 2022 – 2028. Table 12.25 provides the maximum allowable parking rates for non-residential development. Table 12.25 of the Development Plan 2022 - 2028 allows a maximum of 1 parking space per 15 sq.m gross floor area for cafes, also noted by the applicant in their response. The proposed café is 167 sq.m, allowing a maximum of 11.13 spaces, rounded up to 12. This means the applicant is proposing an excess of 10 no. spaces. To address this, the applicant should be requested to remove the bank of 9 no. spaces along the eastern site boundary and provide this as improved landscaping, incorporating SuDS elements where appropriate. Lighting at this area should also be minimised, thereby reducing the impact of the development on the neighbouring residential dwellings. In addition, the parking space to the left of the mobility bays, in front of the refuse compound, should also be removed to align with the maximum allowable parking rate for the site.

The table below provides an assessment of parking at the site, within the blue line boundary relating to the service station. The applicant should be requested to justify this level of parking, based on the standards of the Development Plan, as **clarification of additional information**.

	Existing	Proposed	Change
General	70	56	-4
EV	0	8	+8
Mobility	4	4	0
Total	74	68	-4

Item 2 – Coffee Shop Opening Hours

The applicant has stated the coffee shop would be open 24/7. It is noted that the Applegreen petrol station, located within the wider landholding of the applicant, is an existing 24/7 facility. Given the nature of the anticipated use of this facility, for road users requiring a break during longer journeys, the provision of a 24/7 coffee shop is considered acceptable. A **condition**

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should be included in the event of a grant stating that the opening hours of the facility will be subject to monitoring, and in the event that any issues are raised in relation to nuisance, particularly with regard to the neighbouring residential development, then these hours are subject to amendment.

Item 3 – Signage

The applicant has stated that as the potential occupier has not yet been finalised for the coffee shop, signage cannot be confirmed. They have stated they are willing to accept a **condition** requiring signage details to be agreed once the tenant is confirmed.

It is considered more appropriate to **refuse** permission for any signage elements to ensure that a full assessment of signage, and its impacts, can be assessed at the same time once final design and branding is known.

Item 4 – Waste Collection Arrangements

The applicant has submitted details of refuse and collection arrangements. The Roads Department have reviewed this submission and stated that they are satisfied with the response.

Item 5 – Site Lighting

The applicant states in their response *'lighting details were submitted with the application. Please refer to the email from the SDCC Roads Department which confirms that these details were overlooked at the time but having since been examined since that there is no need for the applicant to respond to this further information request.'*

The Roads Department have reviewed this response and have stated the following *'The email from SDCC roads department refers to any public lighting within the development, and as there is none no comment was made. However, the lighting referred to in the additional information concerns overspill from the privately owned lighting onto the public road or neighbouring. This can be addressed by condition on the planning file.'*

It is considered that the applicant has not fully addressed the requirements of the additional information request. In the event of a grant this can be addressed by **condition** requiring a plan to be submitted confirming no overspill from the development to the nearby residential development.

Item 6 – TII Consultation

Consultation was received from TII stating *'Transport Infrastructure Ireland has no observations to make.'* This response addresses the requirement of Item 6 of the additional information request and is acceptable.

Items 7 and 8 – Landscape Plan and SuDS Strategy

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The Public Realm Section have reviewed the submitted additional information and have stated no objection, recommending the following **conditions**:

1. Implementation of Landscape Plan

- a. The landscaping scheme shown on drawing No.'s 21103_LP_D and 21103_SLP_D be carried out in the first planting and seeding seasons following the occupation or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.*
- b. The hard landscaping scheme shown on drawing No. 21103_LP_D shall be completed prior to the occupation of the development and thereafter permanently retained.*

REASON: In the interests of biodiversity, amenity, compliance with Development Plan Policy, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area in accordance with the policies and objectives of the County Development Plan 2022-2028.

2. Green Infrastructure

The applicant is requested to submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

- a. 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.*
- b. Indicate how the development proposals link to and enhance the wider GI Network of the County.*
- c. Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*
- d. Proposals for identification and control of invasive species where appropriate, for the site*

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.

3. Practical Completion Certificate

- i. 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.*
- ii. 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

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4. SUDS IMPLEMENTATION

The submitted SuDS scheme shall be implemented within a timescale to be agreed and approved by the Planning Authority and thereafter managed and maintained in accordance with the approved details and submitted management and maintenance plan.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with relevant policies of the CDP 2022-2028.

These conditions would be considered appropriate in the event of a grant however, as stated previously, a number of car parking spaces will need to be removed to align with the Development Plan's car parking standards. It is considered that this additional area for landscaping provides an opportunity for improved SuDS at the site, and the potential to remove the underground attenuation tank. The applicant should be requested to review this as **clarification of additional information** and provide a revised landscape and SuDS plan for the agreement of the Planning Authority.

Item 9 – Surface Water Attenuation

Water Services have reviewed the submitted **additional information** and have requested **clarification of additional information** on the following grounds:

- 1. The proposed surface water attenuation system 25m³ is undersized by a factor of 3 for a 1 in 30 year storm event and undersized by a factor of 5 for a 1 in 100 year storm event and by*

Submit a revised drawing and report showing increased surface water attenuation required.

Surface water attenuation should be provided by SuDS (Sustainable Drainage Systems) where this is possible and only when SuDS is at maximum capacity should alternative attenuation systems be considered. Consider replacing hardstanding areas with permeable paving such as at concrete pathways and other hard standing areas.

- 2. The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*
 - a. Permeable Paving*
 - b. Grasscrete*
 - c. Rain Gardens*
 - d. Planter boxes with overflow connection to the public surface water sewer.*

It is considered that this clarification of additional information should be sought to ensure that water is suitably attenuated at the site. This is particularly relevant as a result of the required alterations to the car parking layout to meet the requirements of the Development Plan.

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South Dublin County Development Plan 2022 – 2028

A new Development Plan came into effect for South Dublin on 3rd August 2022. As a result, the development has been reassessed against the plans and policies of this new plan. Restaurant/Café use is still open for consideration under the RU zoning. The proposal broadly aligns with the policies and objectives of the 2022 – 2028 Development Plan, save for car parking standards which is to be addressed by **clarification of additional information**.

There is an increased focus on green infrastructure within the new plan and therefore an additional assessment of the application against these policies and objectives has been undertaken below.

Green Infrastructure

The site does not appear to be located within a Core Area, Primary GI Corridor or Secondary GI Link, as per figure 4.4 of the Development Plan. GI and SuDS have been addressed previously in this report and require further consideration as **clarification of additional information**.

The site appears to be located within a Riparian Corridor. It is noted that there is an existing culverted stream within the blue line landholding of the applicant. Works to this would be excluded from the current development proposal. In providing clarification of additional information in relation to landscape proposals and SuDS measures, the applicant should also address any additional requirements per Chapter 4 and Section 12.4.3 of the Development Plan. Of note is GI3 Objective 2 *'To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.'*

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the additional information submitted, it is not considered that the applicant has adequately addressed the concerns raised. The applicant should therefore be required to submit the following clarification of additional information:

- Revised car parking layout removing excess parking spaces, indicated above the maximum permissible rates per Table 12.25 of the Development Plan 2022 – 2028.
- Justification of the level of car parking provided to the service station, acknowledging the change in provision for the service station which is included within the red line of the development site.
- Revised landscape and SuDS proposals, taking into account additional landscape areas and the opportunities this provides for revised SuDS measures, with reference to the sites location within a Riparian Corridor.
- Revised surface water attenuation proposals.

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Recommendation

Request Clarification of Further Information.

Clarification of Further Information

Further Information was requested on 14/06/22

Further Information was received on 18/10/22

Clarification of Further Information was requested on 14/11/22

Clarification of Further Information was received on 13/12/22

Consultations

Roads

No objection, **conditions** recommended

Water Services

No objection, **conditions** recommended

Submissions/Observations

No further submissions/observations received.

Assessment of Clarification of Further Information

The Clarification of Further Information requested was as follows:

- 1. From the plans submitted, it appears that the applicant is proposing to provide 22 no. car parking spaces to serve the coffee shop. This is significantly in excess of the maximum standard permissible in the Development Plan. The applicant is requested to submit a revised car parking layout removing excess parking spaces, indicated above the maximum permissible rates per Table 12.25 of the Development Plan 2022 – 2028. The 9 no. car parking spaces along the eastern boundary shall be removed and replaced by enhanced landscaping and SuDS proposals. In addition, the 1no. car parking space to the left of the mobility bays serving the coffee shop, and in front of the refuse area, shall also be removed. In providing a revised landscaping and SuDS strategy, the applicant should also have regard to the sites location within a Riparian Corridor, referenced in Chapter 4 and Section 12.4.3 of the Development Plan 2022 - 2028.*
- 2. The applicant has indicated existing car parking serving the petrol station. It is noted that some car parking is proposed within the red line boundary of the development site to serve the existing petrol station. The applicant is requested to justify the level of car parking serving the petrol station, including the proposed EV spaces, with regard to Table 12.25 of the Development Plan 2022 - 2028. Any parking spaces provided in excess of the maximum allowable rate can be removed from the southern bank of car parking within the red line boundary.*
- 3. The proposed surface water attenuation system 25m³ is undersized by a factor of 3 for a 1 in 30 year storm event and undersized by a factor of 5 for a 1 in 100 year storm event.*

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The applicant is request to Submit a revised drawing and report showing increased surface water attenuation required.

Surface water attenuation should be provided by SuDS (Sustainable Drainage Systems) where this is possible and only when SuDS is at maximum capacity should alternative attenuation systems be considered. Consider replacing hardstanding areas with permeable paving such as at concrete pathways and other hard standing areas. The applicant should consult with the drainage section of the council prior to submitting a response on this issue.

Assessment

Items 1 and 2 – Car Parking

The Roads Department have reviewed the submission and have noted that the applicant is providing car parking in excess of the Development Plan standards. The applicants argument about this excess is not accepted. Maximum rates are provided for a reason and there is no suitable justification for exceeding this. In this regard, the Roads Department have recommended a **condition** requiring the removal of 1 no. space serving the cofee shop. It is considered appropriate to include the recommended **condition** to ensure adherence to the policies and objectives of the Development Plan.

Item 3 – Surface Water Attenuation

Water Services have reviewed the submission and have stated no objection to the development, recommending **conditions** regarding SuDS and surface water attenuation. This is considered appropraite to ensure suitable surface water measures are provided at the site.

Conclusion

The development subject to conditions, is considered to be consistent with the zoning objective 'RU' – '*To protect and improve rural amenity and to provide for the development of agriculture*', and the relevant provisions in the County Development Plan 2022-2028 and is considered acceptable.

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Other Considerations

Development Contributions

Are any exemptions applicable?	No
Is development commercial or residential?	Commercial
Standard rate applicable to development:	112.57
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€112.57
Area of Development (m2)	167
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	167
Total development contribution due	€18,799.19

SEA Monitoring Information

Building Use Type Proposed:	Coffee shop & associated works
Floor Area:	167 sq.m + 28.85 sq.m substation
Land Type:	Commercial
Site Area:	0.27 Hectares.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for 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 2022 - 2028 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.

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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 18/10/22 and Clarification of Further Information received on 13/12/22, 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. Amendments.
Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
Revised plans that incorporate all of the following amendments-
 - (a) The applicant shall remove 1 no. car parking space serving the coffee shop. The applicants assertion that converting one space to EV charging as part of a EV charging facility is not accepted given the separation of the space from the other EV spaces permitted per this permission. Converting car parking spaces to EV does not allow for parking provision over and above the maximum rates of the Development Plan and this will not be accepted.
 - (b) The applicant should note that NO signage is permitted per this application.
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. 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.
4. Roads, Access and Management
 - A. Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.
 - B. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed. Updated SDCC Taking in Charge standards.

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C. Prior to commencement of development a developed Construction Traffic Management Plan shall be agreed with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

D. Prior to commencement of development a developed Construction & Demolition Waste Management Plan shall be submitted and agreed with the planning department. The agreed plan, along with the written agreement of the planning department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

E. A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed with the roads department and the agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

REASON: In the interest of the proper planning and sustainable development of the area

5. Irish Water Connection Agreement.

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

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Environmental Health - Construction Phase

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.

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.

B. During the construction / 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

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of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

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

7. Environmental Health - Operational Phase

A. 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.

B. 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. 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.

C. 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.

8. Noise Control

As per the recommendations of the Noise Control report submitted by the applicant, a noise survey shall be conducted when the proposed development is complete and submitted to the Planning Authority within six months of the completion of the development for their written agreement.

REASON: To ensure appropriate noise levels at the site in the interest of minimising nuisance

9. Opening Hours

The opening hours of the coffee shop shall be subject to monitoring, and in the event that any issues are raised in relation to nuisance, shall be subject to amendment.

REASON: In the interest of the proper planning and sustainable development of the area

10. Surface Water Attenuation

The applicant is requested to submit a revised surface water drawing and report, for the written agreement of the Planning Authority, prior to the commencement of development.

The applicant should note that underground surface water attenuation will only be considered as a last resort where it can be demonstrated that other alternative opportunities for attenuation have been exhausted.

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REASON: In the interest of sustainable surface water drainage

11. Implementation of Landscape Plan

a. The landscaping scheme shown on drawing No.'s 21103_LP_D and 21103_SLP_D be carried out in the first planting and seeding seasons following the occupation or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

b. The hard landscaping scheme shown on drawing No. 21103_LP_D shall be completed prior to the occupation of the development and thereafter permanently retained.

REASON: In the interests of biodiversity, amenity, compliance with Development Plan Policy, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area in accordance with the policies and objectives of the County Development Plan 2022-2028.

12. Green Infrastructure

The applicant shall submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

a. 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.

b. Indicate how the development proposals link to and enhance the wider GI Network of the County.

c. Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.

d. Proposals for identification and control of invasive species where appropriate, for the site

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.

13. Practical Completion Certificate

i. 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.

ii. 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

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14. 4. SUDS IMPLEMENTATION

The submitted SuDS scheme shall be implemented within a timescale to be agreed and approved by the Planning Authority and thereafter managed and maintained in accordance with the approved details and submitted management and maintenance plan. Where necessary, the applicant shall increase the provision of SuDS at the site to maximise natural surface water attenuation.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with relevant policies of the CDP 2022-2028.

15. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €18, 799.19 (Eighteen Thousand Seven Hundred and Ninety Nine Euros and Nineteen Cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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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 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/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

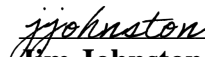
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REG. REF. SD22A/0114

**LOCATION: Applegreen, Naas Road Service Station, Tootenhill, Rathcoole, Dublin,
D24DH00**



**Jim Johnston,
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: 18/01/23



**Gormla O'Corrain,
Senior Planner**