



An
Bord
Pleanála

Inspector's Report PL06F.247876

Development	Unmanned petrol filling station
Location	Ballycoolin Road, Blanchardstown, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW16A/0152
Applicant	Emo Oil Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refusal
Appellant	Emo Oil Limited
Observer	Sport Ireland
Date of Site Inspection	07/04/17
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.256 ha., is located off the Ballycoolin Road on the opposite side and to the south-east of the entrance to the Rosemount Business Park. It is also c.250 metres to the south-east of the roundabout junction of Ballycoolin Road and Snugborough Road. Ballycoolin Road has a 3 lane cross section along the site frontage with a right turn lane providing access for traffic travelling from the south-east into the Rosemount Business Park. There are footpaths and segregated cycle lanes in addition to grass verges and tree planting on both sides of the road.
- 1.2. The site is crescent shaped and relatively narrow with a maximum depth of 30 metres. The site has approx. 140 metres of road frontage with the boundary delineated in part by a stone wall and by a low wall and railings along the remaining. A double line of semi-mature/mature trees delineates the rear boundary. The National Sports Campus bounds the site to the north-west, west and south.

2.0 Proposed Development

- 2.1. The proposal entails the provision of an unmanned filling station which would include:
 - 6 no. pumps and associated electrical cabinets
 - 2 no. payment terminals
 - Canopy entailing 4.no overlapping elements
 - 3 no. underground storage tanks and associated pipework to pumps
 - Concrete surfacing of forecourt
 - Surface drainage including attenuation system
 - Signage
 - In/Out access arrangements at either end of the road frontage
 - Ancillary works including landscaping providing for retention of the existing trees and the stone wall in part.

- 2.2. The application is accompanied by a letter of consent from the landowner for the applicant to lodge the application, a planning application cover report in support of the application and a response to the reasons for refusal cited by the planning authority on the previous application on the site under ref. FW16A/0086.

3.0 **Planning Authority Decision**

3.1. **Decision**

Refuse permission for the above described development for three reasons which can be summarised as follows:

1. By reason of its location on the heavily trafficked Ballycoolin Road in close proximity to the junction with Snugborough Road and opposite the Rosemount Business Park the proposed layout would endanger public safety by reason of traffic hazard and obstruction of road users.
2. The proposal materially contravenes objectives EE12, TO30 and TO34 and Blanchardstown 5 of the County Development Plan requiring the protection of the Metro West corridor from inappropriate development.
3. The site is located on a prominent piece of HT zoned land. The proposal would contravene the landuse zoning objective and associated vision.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The Record of Executive Business and Chief Executive's Order includes the Planning Officer's report. It is considered that the proposed unmanned petrol station, even by virtue of its use of state of the art technology, does not comply with the HT zoning objective. It is envisaged that this prominent piece of HT zoned land would provide for a higher density development which would accord with the zoning objective and vision. The removal of a stand of trees along the south-western boundary is not acceptable. The level of signage is considered excessive and does not comply with Development Plan objectives. The Roads Department's comments regarding access and traffic hazard are noted. The Plan clearly states that the rail

reservation for Metro West is to be protected from any development that would preclude its delivery. The previous reasons for refusal have not been adequately addressed and a refusal of permission is recommended.

3.2.2. **Other Technical Reports**

Water Services considers there is insufficient information on surface water drainage. Runoff from the forecourt and subterranean tank refuelling areas should be discharged to the foul drainage network.

Transportation Planning Section states that notwithstanding the email from the TII the proposed development would be located in an area identified in the County Development Plan to accommodate the proposed Metro West and indicative Metro West Stop. The proposal would prejudice the design of Metro West and is premature. The current layout would lead to head on conflicts between vehicles turning right into the development and vehicles turning right into Rosemount Business Park. The road layout as proposed constitutes a traffic hazard.

Reference is made in the Planning Officer's report to a report received from Parks Section. This is not on file. The said Officer's report summarises same stating that the proposal would contravene a Development Plan objective to protect and preserve trees and woodlands. A tree survey is recommended.

3.3. **Prescribed Bodies**

Irish Water recommends further information on site drainage provisions.

TII has no observations

3.4. **Third Party Observations**

An objection from Sport Ireland to the proposal received by the planning authority has been forwarded to the Board for its information. The issues raised relate to:

- Incongruity of proposal with the National Sports Campus.
- Inappropriate level of signage
- The additional traffic movements would constitute a traffic hazard.

- Would compromise Metro West corridor or alternative form of mass public transport to be provided
- The proposal will not provide employment
- Would compromise the ability of the remainder of the HT zoning to achieve the stated aim of high quality, campus style development.
- The proposal would detract from the high quality of the road corridor.

4.0 Planning History

FW16A/0086 – permission refused for unmanned filling station on the site in July 2016 for three reasons comparable to those cited in the current case.

PL06F.207621 (F04A/04250) – permission refused on appeal for a filling station and ancillary retail shop and café of the site on grounds of traffic hazard and unacceptable risk of contamination of water supply due to a watermain crossing site.

5.0 Policy Context

5.1. Development Plan

Since the planning authority's decision on the file the Fingal County Development Plan 2017-2023 has been adopted and came into effect on 16/03/17.

The site is within an area zoned HT - High Technology, the objective for which is to provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment.

The vision for this objective is to facilitate opportunities for high technology, high technology and advanced manufacturing, major office and research and development based employment within high quality, highly accessible, campus style settings. The HT zoning is aimed at providing a location for high end, high quality, value added businesses and corporate headquarters. An emphasis on exemplar sustainable design and aesthetic quality will be promoted to enhance corporate image and identity.

Filling Station is a use which is not within either the 'permitted in principle' or 'not permitted' schedules. As such it will be assessed in terms of its contribution towards the achievement of the Zoning Objective and Vision and its compliance and consistency with the policies and objectives of the Development Plan.

As per Map (sheet 12) the indicative line of Light Rail corridor (formerly known as Metro West) cuts through the site along the Ballycoolin Road with a proposed stop indicated at the application site.

Objective Blanchardstown 8 – to support the delivery of a light rail corridor linking Blanchardstown to Tallaght in South Dublin and to the indicative route for new Metro North line at Dardistown.

Chapter 7 notes that whilst a light rail corridor (formerly known as Metro West) is not included in the Government's Capital Programme 2016-2021 and the exact route has not been approved it is prudent to maintain a corridor free from development to allow it to be built in the future.

Objective MT28 – support TII in progressing the design of a Light Rail Corridor that addresses the needs of Fingal, in particular the Blanchardstown area, with a view to securing permission from An Bord Pleanala.

Chapter 12 sets out the Development Management Standards. It states that petrol stations, while necessary, have the potential to cause disturbance, nuisance and detract from the amenities of the 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 rural areas.

Objective DMS109 sets out the requirements for petrol stations.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Brendan Grimes/B.E.S.T Ltd. on behalf of the 1st Party against the planning authority's notification of decision to refuse permission can be summarised as follows:

6.1.1. General

- The proposal is a much smaller development than that previously refused by the Board under ref. F04A/0425.
- An unmanned filling station secured permission under ref. PL04.246467 in Midleton, Co. Cork.

6.1.2. 1st Reason for Refusal – Traffic Hazard

- The proposal would generate only a fraction of the traffic volumes associated with the adjoining commercial/industrial centres.
- The access design provides for safe access onto the Ballycoolin road given that it uses the existing exit/enter locations and the yellow box designed and developed for the defunct Metro West station.
- The Metro West station would have generated much larger volumes of traffic movements.
- The upgraded road network would have been designed to cater for such traffic in addition to additional traffic arising from the zoning provisions.
- The existing exit and entrance and yellow box are located to minimise any such traffic hazard in a low speed area in which traffic is slowing to either enter or exit the roundabout and has adequate sightlines in both directions. Any risk would be minimal.

6.1.3. 2nd Reason for Refusal – Contravention of Objectives to protect Metro West Corridor

- Correspondence from TII states that Metro West is no longer planned and that the alternative bus transport corridor is the chosen option.

- It is an unrealistic aspiration not shared by the authority that is charged with planning, designing and developing such provisions. It has no basis and should not be used to deny the proposed development.

6.1.4. 3rd Reason for Refusal – Contrary to HT zoning provisions

- The site is very small relative to the lands covered by the zoning provision and the sports campus.
- A filling station is ‘open for consideration’ in the zone. It would serve existing and future uses in the area.
- The proposal is a modest development and would have little visual impact.

6.2. Planning Authority Response

The submission can be summarised as follows:

- The reservation for Metro West continues to be included in the County Development Plan to ensure that the ability to future proof the delivery of public transport in the area is maintained. Notwithstanding the NTA’s current vision the Planning Authority is of the view that this can be subject to changes should circumstances and any new capital plans permit.
- The proposal would be premature pending the finalised design, alignment and metro stop location.
- The proposal would materially contravene objectives Blanchardstown 7, MT15 and local objective 497 of the County Development Plan 2017-2023.
- Regardless of the scale of the proposal the use is the critical issue when it comes to the zoning objective. The proposal must help to achieve the vision of the zoning objective. It does not.

6.3. Observations

The submission made by Cunnane Stratton Reynolds, accompanied by a report from Tobin Consulting Engineers on behalf of Sport Ireland, can be summarised as follows:

- The cases cited as precedent are not comparable to the subject case.

- The fundamental contradiction of an unmanned petrol filling station on an employment zoned site has not been addressed.
- Metro West has not been included in the Government's Capital Programme 2016-2021 due to lack of capital. It could be included in the next funding programme. It is not a question of a change in overall strategy. It is now likely to become a longer term objective. This timeline does not preclude the relevant local authorities from protecting the previous identified corridors.
- The provision of a filling station is equally unsuited to a strategically important bus route or other high capacity public transport network with a likely proposed stop adjacent to or at this site.
- The DTA Transport Strategy refers to this route in terms of an upgraded bus corridor.
- It remains an objective of the adopted plan to protect the Metro West corridor.
- Objectives ED95, MT15 and Blanchardstown 7 all pertain.
- The small size of the site, its use of modern technology and its contemporary design cannot override the requirement to provide employment, especially high technology jobs. The proposal does not comply with the zoning objective.
- A use being open for consideration must make a positive contribution to the overall objectives for the lands.
- The proposed configuration is considered to be a traffic hazard with possible obstruction of road users.
- The current road layout would require significant modification in order to maintain safety objectives in order to facilitate the development.

7.0 Assessment

I consider that the issues arising in this case can be assessed under the following headings:

1. Compatibility with the zoning objective for the site
2. Compliance with development plan transport objectives
3. Access and traffic
4. Section 37 (2)(b) Provisions
5. AA – Screening

7.1. Compatibility with the Zoning Objective for the site

- 7.1.1. Since the lodgement of the application with the planning authority and its decision on same, the Fingal County Development Plan 2017- 2023 has been adopted and came into effect on 16/03/17. The zoning objective for the site remains the same as that set out in the previous plan, namely HT, the objective for which is to provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment. The vision for this objective is to facilitate opportunities for high technology, high technology and advanced manufacturing, major office and research and development based employment within high quality, highly accessible, campus style settings. The HT zoning is aimed at providing a location for high end, high quality, value added businesses and corporate headquarters.
- 7.1.2. A filling station would be considered as open for consideration in such a zone and, as such, is to be assessed in terms of its contribution towards the achievement of the zoning objective and vision and its compliance and consistency with the policies and objectives of the Development Plan.
- 7.1.3. I would concur with the planning authority that the unmanned filling station, whilst employing new technology in the service provision, cannot be seen to be in accordance with the objectives and vision set for the objective. No on-site employment is proposed save for daily visits by a caretaker. Although I would acknowledge that it would provide a service to the area it cannot be considered as a high end, value added business.

7.1.4. Whilst it is contended that the site is small relative to the area covered by the zoning objective I submit that this is somewhat irrelevant and, in my opinion, holds important road frontage along the Ballycoolin Road to which the plan vision for an exemplar sustainable design and aesthetic quality to enhance corporate impact and identity would be of particular relevance. In my opinion the filling station as proposed would not fulfil these requirements.

7.1.5. I therefore concur with the planning authority's reason for refusal in this regard.

7.2. **Compliance with Development Plan Transport Objectives**

7.2.1. The new County Development Plan was drawn up in the knowledge that Metro West has not been included in the Government's Capital Programme 2016-2021.

Notwithstanding it is considered prudent to maintain a corridor free from development to allow it to be built in the future. On this basis it is an objective of the plan to support the delivery of a light rail corridor linking Blanchardstown to Tallaght (Objective Blanchardstown 8). As per Sheet 12 accompanying the plan the indicative line of what is now referred to as a Light Rail corridor cuts through the site along the Ballycoolin Road with a proposed stop indicated at the application site.

7.2.2. The basis for the inclusion of the line in the plan, namely to future proof the delivery of public transport in the area, is entirely reasonable and is a function of the development plan process. The fact that the provision may not be realised in the current Government's Capital Programme does not suggest that it, or another form of high quality public transport, would not be provided along the corridor in the longer term. As noted in the observation from Sport Ireland the National Transport Authority in its Transport Strategy for the Greater Dublin Area 2016-2035 indicates that the bus service in the area is to be enhanced and a core bus corridor provided with a stop at Ballycoolin. Although serviced by bus Ballycoolin Road in the vicinity of the site does not have a dedicated bus lane or off road bus stops.

7.2.3. I would therefore concur with the planning authority's reason for refusal in this regard and the proposed development, were it to be permitted, would prejudice the realisation of the current development plan objective.

7.3. **Access and Traffic**

7.3.1. The site is to be accessed from Ballycoolin Road c. 250 metres to the south of its roundabout junction with Snugborough Road. The road was noted to be well

trafficked on day of inspection. The entrance to the Rosemount Business Park is immediately to the north-east. Its junction with the Ballycoolin Road is not signal controlled with significant vehicular movements in and out of the facility noted. There are yellow box markings along part of the appeal site's road frontage at this junction. The west bound carriageway of Ballycoolin Road along the roadside frontage of the site consists of two lanes one being a dedicated right turning lane into the Rosemount Business Park, the other facilitating traffic travelling straight ahead.

- 7.3.2. There are on-road bus stops in the vicinity, one c. 100 metres north-east of the entrance to the Rosemount Business Park and the second on the opposite side of the road to the site. Footpaths and dedicated cycle lanes are provided on both sides
- 7.3.3. The proposed development comprises an in/out arrangement and will facilitate north-west bound traffic. There is no provision for right turning south-east bound traffic to access the site with the potential for vehicles to enter the right turn lane for the Rosemount Business Park. In addition traffic exiting the site would be required to travel to the roundabout in order to then travel south-eastwards. Again the potential to cross the two lanes to circumvent this requirement is a possibility.
- 7.3.4. There is quite clearly the potential for conflicting vehicular movements between traffic entering/exiting the proposal and movements along the Ballycoolin Road which would be exacerbated by the turning movements in and out of the Rosemount Business Park. I therefore consider that the proposal as detailed would give rise to a traffic hazard and thus concur with the planning authority's reason for refusal in this regard.

7.4. **Section 37(2)(b) Provisions**

- 7.4.1. As the planning authority has decided to refuse permission on the grounds that the development materially contravenes the development the Board may only grant permission where it considers one or more of four specified criteria are met. In this regard I submit that the proposed development is not of strategic or national importance, that the objectives in the development plan are clearly stated and are not conflicting, that there is no imperative in the regional planning guidelines for the area or other guidelines or Government policy which would support the proposed development and that the pattern of development and permissions granted in the

area since the making of the plan has not altered. In my opinion, therefore, the Board is precluded from a grant of permission in this instance.

7.5. **AA -Screening**

- 7.5.1. Having regard to the nature and scale of the development on a fully serviced site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination, with other plans or projects on a European site.

8.0 **Recommendation**

I recommend that permission for the above described development be refused for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. Having regard to the location of the site on the heavily trafficked Ballycoolin Road, in close proximity to its junction with the Rosemount Business Park and its roundabout junction with the Snugborough Road, it is considered that the proposed development would give rise to conflicting vehicular movements and would endanger public safety by reason of traffic hazard and obstruction of road users.
2. The proposed development is located in an area zoned HT – High Technology in the current Fingal Development Plan, the objective for which is to provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment. The proposed development comprising an unmanned filling station would not facilitate opportunities for high technology and advanced manufacturing, major office and research and development based employment within high quality, highly accessible, campus style settings. The proposed development would, therefore, contravene materially the development objective as set out in the development plan and be contrary to the proper planning and sustainable development of the area.

3. The proposal would be premature pending the finalisation of the preferred route for the light rail project and therefore would contravene materially objective 'Blanchardstown 8' of the current County Development Plan to support the delivery of a light rail corridor. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2017