



An  
Bord  
Pleanála

## Inspector's Report 300779-18

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<b>Development</b>	Demolish existing structures & construct new 2-storey service station building comprising, restaurants, retail, fitness studios and 4 x fuel pumps.
<b>Location</b>	Ryan's Garage, Main Street, Blanchardstown, Dublin 15.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW17A/0108
<b>Applicant(s)</b>	Niall Ryan
<b>Type of Application</b>	Appeal
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party x 3
<b>Appellant(s)</b>	Tractamotors Blanchardstown Ltd. Topaz Energy Ltd. John Walsh
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> July 2018
<b>Inspector</b>	Karla Mc Bride

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Blanchardstown Village in W county Dublin and the surrounding area is mixed use in character comprising a range of commercial, retail, institutional and residential uses. The site is located on the N side of Main Street and it is currently occupied by a double height vehicle repair garage and a single storey car showroom/office along with an extensive surface area which is use for car display and parking. There are 3 x access points off Main Street and 2 x totem pole signs in the SW & SE corners of the site. There are several mature trees located to the S of the site along the public footpath and there is a bus stop adjacent to the SE corner of the site.
- 1.2. The site is bound to the SW by a detached single storey bungalow and to the NW the access road to a residential area at Blanchard Villas, to the N by the 2-storey houses and open space at Blanchard Villas, to the NE by a residential building at Mill Road and to the SE by a storey building. The site boundaries are defined by walls and fences to the W, N & S and by a low wall to the S with the public footpath along Main Street.
- 1.3. Photographs and maps in Appendix 1 describe the site and surroundings in detail.

## 2.0 Proposed Development

- 2.1. Permission is being sought to demolish the existing structures (c.600sq.m.) and to provide a new 2-storey service station (c.684sq.m.) on the 0.268ha site:
  - The ground floor would comprise the service station, 3 x restaurants with communal seating and a retail unit.
  - The first floor would comprise 3 x fitness studios with communal seating.
  - The “L” shaped building would be c.27m wide, c.20m deep and c.7m high.
  - The 4 x fuel pump islands would be under a canopy.
  - Vehicular access off Main Street via an entrance and exit only arrangement.
  - All ancillary site works including landscaping, boundary treatment, drainage & attenuation tank, underground tanks, parking, refuelling point, vents & ID sign.

### **Accompanying documents:**

- Planning Report
- Engineering Report
- Noise Report
- Outdoor Lighting Report
- Landscape report
- Design Appraisal (FI)

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

Further information was requested and received in relation to the following items and the planning authority was satisfied with the response except for where indicated.

1. Replace one of the food units with a retail unit, clarify type of food and use of undesignated floorspace at ground level.
2. Set back to comply with established building line & submit Design Statement.
3. Provide a permanent boundary to the W, N & E boundaries.
4. Omit totem pole (Applicant opted to retain this feature).
5. Clarify opening hours for all uses.
6. Revise site layout to: - minimise footpath crossover, identify location & number of electrical charging points & bike spaces; details of footpath cross overs & tree protection measures; and explore feasibility & impact of providing a right turn pocket off Main Street.
7. Revised landscape plan which takes account of existing trees.
8. Change studio room no.3 to commercial office to avoid overlooking to W.

### 3.2. Decision

Following the receipt of FI the planning authority decided to grant planning permission subject to 17 standard conditions.

- Condition no.2 required that the retail area should not exceed 100sq.m., the various elements should be delineated, a takeaway is not permitted; the studio use should be confined to Class 11E, the office use should be confined & Class 2 except for a betting office, and any subsequent changes of use within the building would require planning permission.
- Condition no.3 required the omission of the totem pole signage.
- Condition nos.6 & 7 set landscaping and tree protection requirements.
- Condition no.14 required the submission of a revised compact right turn pocket layout (as appropriate).

### 3.3. Planning Authority Reports

#### 3.3.1. Planning Reports

The reports of the planning officer requested Further Information and recommended a grant of planning permission.

#### 3.3.2. Other Technical Reports

Transportation: No objection following the receipt of FI subject to conditions.  
Parks: No objection following the receipt of FI subject to conditions.  
Water Services: No objection subject to compliance with conditions.  
EHO: No objection subject to compliance with conditions.  
Public lighting: No objection subject to compliance with conditions.  
Environment: No objection subject to compliance with conditions.  
Archaeology: No objection, given the built-up nature of the area.

### 3.4. Prescribed Bodies

Irish Water: No objections subject to conditions.  
Inland Fisheries Ireland: No objection subject to conditions.  
Health & Safety Authority: No objection subject to conditions.  
Transport Infrastructure: No comment.

### 3.5. Third Party Observations

Several letters of objections which raised the following concerns:

- Non-compliance with TC zoning & not suitable for town centre location.
- Premature pending the Urban Framework Plan for the village.
- Distinction between the village and shopping centre should be maintained.
- Poor quality design, excessive signage, adverse visual impact on streetscape.
- Traffic generation, traffic hazard & pedestrian safety.
- Insufficient car parking & no cycle parking.
- Overlooking, overshadowing, noise, odours & light pollution.
- Proliferation of takeaways & off licences, litter & antisocial behaviour.
- Anomalies in report (hours of operation) & query accuracy of noise report.
- Contravene Government objectives to phase out petrol & diesel.

## 4.0 Planning History

**F91A/1513:** Permission granted for re-instatement of vehicular entrance.

**F03A/0233:** Permission granted for change of use from residential to commercial.

## 5.0 Policy Context

### 5.1. Retail Planning Guidelines 2012, Guidelines for PAs

**Petrol filling stations:** S.2.4.3 places a 100sq.m. net retail floorspace cap at petrol filling station shops irrespective of location.

**Motor Fuel Stations:** S.4.11.9 states that convenience shops are part of the normal ancillary services provided within motor fuel stations.... such shops should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan.... the floorspace should not exceed 100sq.m. net and where permission is sought for a floorspace in excess of this the sequential approach to retail development shall apply.... in considering applications for development, attention should also be given to the safety aspects of circulation and parking within the station forecourt.

### 5.2. Fingal County Development Plan 2017 to 2023

**Zoning:** The site is located within an area covered by the “TC” zoning objective which seeks to “Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.” Retail, petrol filling stations, restaurants and hot food takeaways are acceptable in principle.

**Retail hierarchy:** Blanchardstown Village is a Level 4 Town Centre: which should meet the everyday needs of the local population and surrounding catchment.

#### **Policies & objectives**

**Objective Blanchardstown 1:** seeks to prepare an Urban Framework Plan for Blanchardstown Village to guide and inform future development to include improvements to the Village streetscape and environment through appropriate high quality infill development not exceeding three storeys; retain the historic streetscape by ensuring the conservation of traditional buildings; enhance levels of public lighting and supervision and provide a central public space.

**Objective PM35:** seeks to encourage a mix of uses in appropriate locations, e.g. urban centres, village centres, neighbourhood centres.

**Objective PM36:** seeks to encourage appropriate residential, social & community uses in town & village centres in order to enhance their vitality & viability.

**Objective ED45:** seeks to ensure the development of Level 4 Centres as sustainable, vibrant and prosperous areas ....to meet the retailing needs of immediate local populations and catchment populations.

**Objective ED47:** seeks to ensure that Level 4 Centres have a retail offer that is sufficient in terms of scale, type & range without adversely impacting on or diverting trade from the higher order retailing locations.

### **Petrol filling stations**

**Appendix 4** defines a petrol filling station as a structure or land used for the retail sale of fuels generally for use in motor vehicles, and the provision of minor services required in transit. It does not include a service garage or motor sales outlet but may include a retail element subject to the Retail Planning Guidelines.

**Objective DMS109:** states that petrol station proposals shall address the following:

- Demonstrate that noise, traffic, visual obtrusion, fumes & smells will not detract unduly from the amenities of the area ..... especially residential areas.
- Be of high quality design & 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 & bike, with proper access for delivery vehicles. The safety aspects of circulation & 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 sale of retail goods from petrol stations should be restricted to convenience goods and only permitted as an ancillary small-scale facility. The net floorspace of a fuel station shop shall not exceed 100sq.m. Where permission is sought for a retail floorspace in excess of 100sq.m. the sequential approach to retail development shall apply.
- 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 DoECLG, 2012.

#### **Hot food takeaways:**

**Objective ED54:** seeks to prevent an over-supply or dominance of fast food outlets, takeaways, off licences, and betting offices in the main streets of towns and villages, shopping centres and local centres to ensure that injury is not caused to the amenities of these streets and centres through the loss of retail opportunities.

**Objective DMS107:** states that proposals for fast food/takeaways will be strictly controlled and all such proposals are required to address the following:

- The cumulative effect of fast food outlets on the amenities of an area.
- The effect of the proposal on the existing mix of uses & 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.

#### **Development standards:**

**Design statement:** DMS03 requires the submission of a design statement.

**Building lines:** seek to ensure that development is not carried out in front of established building lines, or in a position that would be in conflict with a building line.

**Shopfronts:** DMS006-10 require a high standard of shop front & related design.



**Signage:** DMS 09-11 require a high standard of design & the avoidance of clutter.

**Trees:** DMS77 to DMS86 deal with protection, planting, replacement & management

**Car parking:** (Table 12.8)

Retail, Restaurant & Office: 1 space per 20sq.m., 15sq.m. & 30sq.m. GFA

**Bicycle parking:** (Table 12.9)

Retail, Restaurant & Office: 1 space per 100sq.m., 150sq.m. & 60sq.m. GFA

**Built Heritage:** No designated features in the immediate vicinity.

**Specific objectives:** QBC & Cycle/pedestrian routes along Main Street

**Natural Heritage:** No designated sites in the immediate vicinity.

## 6.0 The Appeal

### 6.1. Grounds of Third Party Appeals

The three Third Party appeals by Topaz, Tractamotors and John Walsh raised similar concerns which are collectively summarised below.

#### **Non-compliance with zoning objective:**

- Located within core retail & covered by TC zoning objective.
- DMS109 - fuel stations are not generally encouraged in core retail areas.
- Conflict between TC zoning & DMS109.
- Vision seeks to promote TC viability through development that has an acceptable mix of commercial, recreational, cultural, leisure & residential.
- Proposed use is incompatible with existing uses & zoning objective vision.
- TCs should provide a range of services, facilities & retail for their immediate hinterland, the proposal would serve a wider hinterland/range of commuters.
- The applicant states that there was a previous petrol station use on the site and that a TIA was not merited, this planning use was abandoned under F03A/1018 which sought to remove the pumps (subsequently withdrawn).
- Service station use was abandoned when the pumps were removed in 2009.

**Inappropriate scale & nature:**

- Out of scale with village, one of the largest service stations in the county & more appropriate along a national road.
- Scale and uses are excessive relative to the physical size of the site.
- The TC services stations cited by the Applicant are of a smaller scale.
- Proposal is essentially a service station with minor ancillary uses overhead.
- The extensive range of services (including takeaway) would serve a wider hinterland, with adverse impacts on amenity and contrary to ED54.
- Blanchardstown Village Urban Design Framework Plan (2010) identified the site as being appropriate for a denser village style development of ground floor retail, overhead offices, courtyard housing to the rear & a lively frontage.
- Premature pending the adoption of an Urban Framework Plan for the Village.
- Incoherent piecemeal development.

**Traffic & safety:**

- Significant traffic generation & cumulative traffic impacts in Village.
- A TIA should have been carried as use of site will be intensified.
- Insufficient car parking, calculations based on net instead of gross floor areas, no HGV or bus parking spaces, overspill car parking in the QBC & cycle lane.
- The Board refused permission (PL09.213347) for alterations to a service station for 1 reason related to the existing uses on the site, main road location, and likely increase use of the site by customers of the retail shop, due to the lack of designated customer parking .... give rise to conflicting traffic movements within the site that would cause a traffic hazard.
- Similar reason of refusal under PL22.239990.
- Engineering Report acknowledges that a full sightline of 45m on a 50km/h road cannot be achieved because of the existing street trees.
- Adequate sightlines are required given the nature of the petrol station use, the busy nature of the road and the presence of a nearby bus stop & cycle lane.
- Traffic generation & hazard have not been properly assessed.

- Contrary to Objective DMS109 which requires the forecourt shop to be accessible and safe with adequate parking.
- Risk to pedestrian safety, no parking management plan & no reserved lanes.

**Residential amenity & Precedent:**

- DMS109 requires the applicant to establish that noise, traffic, visual obtrusion, fumes & smells do not detract unduly from the amenities of the area.
- Established level of residential amenity should diminish.
- Adverse impact on amenity and property depreciation.
- Noise disturbance from vehicles, people & equipment.
- Noise report did not take account of all relevant parameters, it assumed no disturbance from car parking & only occasional use of late-night fuel hatch.
- No traffic surveys or relevant data, service station will attract significant volumes of traffic off the nearby M50 & N3 with resultant noise disturbance.
- Intensification of general activity on the site and F03A/1018 is cited in relation to the impact of a new access on residential amenity.
- Unlikely that fuel deliveries would take place at night.
- Welcome conditions related to opening hours, tree bond & takeaways but impacts on residential amenity (noise & air pollution) not addressed.
- Substandard development that would give rise to an undesirable precedent.

**6.2. Applicant Response**

- Topaz & Tractamotors are direct competitors in the retail fuel industry, their appeals are without substance and request their dismissal under S.138(a).
- Incorrect citation of DMS109 and “generally” is the operative word.
- There is no Core retail area identified for Level 4 TCs.
- Permission was granted for a similar service station in Swords (F12A/0340).
- The historic use is of the site as a petrol filling station is significance.
- Not the largest service station in the county & the fitness studios are separate.

- The filling station is aimed at passing traffic & the local population, access via the M50 & N3 is circuitous and would have to pass the Topaz filling station.
- The TII raised no objections to proposed development.
- The Urban Design Framework Plan is 8 years old, it is non-statutory & there is no timescale for its renewal.
- It was agreed with the PA that a TIA was not required as the station would serve traffic that is already on the road network & not attract new traffic.
- Council's Transportation Dept. has no objection to the 29 car parking spaces.
- No standards in the Development Plan for petrol filling stations and the standards provided are for maximum rather than minimum provision.
- There is a 50% reduction for town centre locations.
- Mainly fuel customers who will only park for a short time & the other customers will walk, cycle or use public transport.
- Neither of the previous Board cases cited are relevant or comparable.
- Council's Transportation Dept. has no objection to the sightlines.
- Service station is not aimed at HGVs with no fuel pumps to cater for them.
- Application was accompanied by a Planning Report & Design Statement (FI).
- Proposed uses are compatible with the TC location.
- A Car Parking Management Plan would be very unusual for a petrol filling station but willing to provide one if required by way of a planning condition.
- Bicycle parking plan submitted by way of FI.
- Transportation Dept. was satisfied the entrances are sufficiently wide to cater for HGVs turning into the site, noted that it was willing to accept vehicular crossing of vented lines in urban areas in accordance with DMURs.
- Removal of on-street car parking is not definite but can be facilitated by Condition no.14(ii).
- Noise Report is adequate & disturbance from noise & vibration would be controlled by Condition no.13 whilst No.5 controls restaurant car parking.
- Petrol filling stations adjacent to residential areas is common in urban areas.
- Fuel deliveries will take place during off-peak hours.

### 6.3. Planning Authority Response

- Comments of the 3 Appellants noted in 2 separate responses.
- All issues raised by the Appellants were addressed in the Planner's report.
- A petrol filling station is a permitted use class within the TC zoning.
- The additional used provide for a mixed-use development.
- Proposal complies with PM36 & DMS109.
- Proposal complies with NP03 & NP04 in relation to noise controls and a car wash facility will not be provided (omitted during the Pre-planning meetings).
- Noise Report noted, the EHO has no objections & more noise sensitive uses (commercial) and a 2m high wall were required by way of FI.
- No objection to a condition which requires to install vents & minimises odours.
- Condition 2(iii) prohibits takeaways.
- Appropriate infill development within Main Street which creates a strong frontage whilst maintaining the street trees, the height and scale are not excessive with no adverse impacts on the streetscape or adjoining buildings.
- Transportation report states that petrol filling station traffic is generally pass-by traffic from the surrounding roads & that a traffic survey was warranted.
- Transportation report considered that the parking provision was adequate for the mix of uses & given the TC location the 50% reduction applied.

### 6.4. Observations and Prescribed Bodies

No submissions received.

### 6.5. Further Responses

No further submissions received.

## 7.0 Assessment

The main issues arising in this case related to the following:

- Principle of development
- Design, layout & visual amenity
- Residential amenity
- Movement & access
- Other issues

### 7.1. Principle of development

In terms of local planning policy, the proposed development would be located within Blanchardstown Village which is a designated Level 4 centre in the Retail Hierarchy covered by the Town Centre (TC) zoning objective in the current Development Plan. This objective seeks to “Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.” The proposed range of uses, which would comprise a petrol filling station, restaurants, retail and fitness studios would be compatible with this zoning objective. Objective PM35 the Development Plan seeks to encourage a mix of uses in appropriate locations and Objective PM36 the current Development Plan seeks to encourage appropriate residential, social and community uses in town and village centres in order to enhance their vitality and viability.

In terms of national retail planning policy, it is noted that sections 2.4.3 and 4.11.9 of the Retail Planning Guidelines (2012) place a 100sq.m. net retail floorspace cap at petrol filling station shops, and this requirement is reflected in local planning policy.

The proposed development, as originally proposed would have comprised 4 x fuel pumps, 3 x restaurants, 1 x retail unit and 3 x fitness studios. The proposal was amended by way of Further Information to comprise 4 x fuel pumps, 2 x restaurants and 1 x retail units, and the use of 1 of the 3 studios was changed to a commercial office. Condition no.2 of the planning authority’s decision to grant planning permission required that the retail area should not exceed 100sq.m., that a hot food

takeaway element was not permitted, that the studio uses be confined to Class 11E, and that the office use be confined to Class 2 (except for a betting office).

The amended development would comply with the Retail Planning Guidelines (2012) and the Development Plan Town Centre zoning objective, Level 4 designation and Objectives PMS 35 and 36 for the area.

The Third Party Appellants raised concerns that the proposed development would have an adverse impact on the Blanchardstown Village and that it would cater for consumers from a larger hinterland than the local population including car commuters off the M50 and N3 who would be attracted to the range of proposed uses, including the petrol filling station. They submit that proposed development would not be compatible with the Development Plan provisions for the area.

In relation to Level 4 Village Centres, it is noted that they do not contain a designated core retail area, and that they should meet the everyday needs of the local population and surrounding catchment. Objective ED45 seeks to ensure the development of these centres as sustainable, vibrant and prosperous areas whilst Objectives PM35 and PM36 seek to encourage a mix of uses in appropriate locations in order to enhance their vitality and viability.

Blanchardstown Village comprises a variety of retail, restaurant, commercial and institutional uses, and the village has maintained its distinct identity notwithstanding its close proximity to the Blanchardstown Centre to the NW. SuperValu is the main large convenience supermarket in the village whilst the smaller units along Main Street are mainly occupied by cafes, restaurants, bars, small offices and comparison and artisan shops. The surrounding catchment comprises several long established residential areas which are served by, and also support the Level 4 Village Centre. The proposed c.684sq.m. development would introduce a modest range of new retail and commercial uses to the Village Centre which would not detract from the existing range of services to any significant extent.

There is an existing petrol filling station located at the NW end of the village close to the Tractamotors garage near the N3 junction with the Blanchardstown Centre, and another along the N3 to the SE of the village at Ashtown Parkway close to the junction with the M50. Both service stations contain retail and restaurant floorspace.

Given the modest range of additional retail and commercial uses proposed under the current application, and having regard to the strategic locations of the 2 existing petrol filling stations relative to the national road network, it is highly unlikely that car commuters would choose to detour off the M50 and N3 to visit the proposed development when there are more convenient and accessible options available.

Having regard to all the foregoing, I am satisfied that the proposed development would be compatible with the Town Centre zoning objective for the area and PMS 35 and PMS 36, that the proposed range of uses would contribute to the Level 4 Village Centre designation to meet the everyday needs of the local population and surrounding catchment, and that the proposed development would not attract a significant amount of commuter traffic off the surrounding road network.

The proposed development would therefore be acceptable in principle.

## 7.2. **Design, layout and visual amenity**

### **Context:**

The proposed development would be located on the N side of the Main Street in Blanchardstown Village. There are no Protected Structures in the vicinity and the area is not covered by any Conservation Area designations. There is a row of semi-mature London Plane trees located along the S site boundary on the public footpath.

The surrounding area is characterised by a mix of buildings of various designs, styles and heights and there is no prevailing pattern of development except for a uniform building line along this section of Main Street. The site is bound to the W by a single storey bungalow which is c.5.5m high, to the N by 2-storey houses which are c.6.8m high and to the E by a single storey building which is c.5m high with a 2-storey adult education building beyond which is c. 9m high.

Objective Blanchardstown 1 of the current Development Plan seeks to prepare an Urban Framework Plan for the village would (amongst other things) require high quality infill development not exceeding three storeys. The Blanchardstown Village Urban Design Framework Plan (2010) identified the site as being appropriate for a denser village style development of ground floor retail, overhead offices, courtyard housing to the rear & a lively frontage. Objective DMS109 of the Development Plan



sets out standards for petrol station proposals which should be of high quality design and integrate with the surrounding built environment.

### **Design and layout:**

Planning permission is being sought to demolish the existing double height and single storey structures and provide a new 2-storey service station building with ancillary facilities on the 0.268ha site. The existing structures are c.600sq.m. and the proposed 2-storey structure would be c.684sq.m. The new building would be located in the SE corner of the site with a frontage to Main Street, the fuel pump islands would be located in the NW section, the car parking spaces would be located NE corner and along the N site boundary, and the vehicular access and egress points would be located in the SW and SE sections of the road frontage. The new “L” shaped flat roofed building would be c.27m wide, c.20m deep and c.7m high. It would have a contemporary design and a mix of external finishes including grey painted render, timber louvres and aluminium windows, with signage on most of the elevations. The 4 fuel pump islands would be positioned under a c.5.5m high canopy with signage on 3 sides and there would be a totem pole sign at the entrance.

The proposed development was amended by way of Further Information which required that the building be set back to comply with established building, the provision of a permanent boundary around the site, and a revised landscaping plan to take account of the street trees. The applicant was also requested to omit the totem pole sign, and although he opted to retain this feature it was subsequently omitted under Condition no.3 of the planning authority’s decision to grant permission.

### **Discussion:**

The layout of the site and design of the building, including the external finishes, are considered acceptable in terms of visual amenity. The proposed 2-storey building, as amended by way of Further Information, would be set back c.2.2m from the site boundary with the public footpath along Main Street, c.9m from the neighbouring building to the E and c.17m from the building to the W. Although the proposed building would project forward of the neighbouring single storey buildings to the immediate E and W, it would respect the established building line along this section

of Main Street formed by the 2-storey terraces to the W and the 2-storey semi-detached buildings to the E. The proposed building would provide an attractive and lively frontage to Main Street and it would make a positive contribution to the streetscape along this section of Main Street.

The site boundaries would be mainly defined by a 2m high painted and rendered wall to the W, N and E which would comprise both new and existing sections. A small section of hedge would be retained along the SW boundary with the neighbouring bungalow and new trees and shrubs would be planted along the boundary walls. The front boundary along Main Street would be largely undefined but with paving around the building and two small planted areas to the E and W along with a bicycle parking area. The proposed boundary arrangements are considered acceptable. The applicant has also submitted tree protection details for the street trees located along Main Street however additional tree protection and landscaping conditions should be attached to any grant of planning permission.

Details of the proposed signage for the new building and pump island canopy should be agreed in writing with the planning authority before development commences and totem pole sign located in the SW corner of the site should be omitted in the interest of visual amenity.

**Conclusion:**

Having regard to the foregoing, the proposed development would not be visually obtrusive, it would be acceptable in terms of visual amenity and it would make a positive contribution to the streetscape along this section of Main Street.

**7.3. Residential amenity**

The proposed development would occupy a village centre location that is bound to the N, S and E by existing residential areas. Objective DMS109 of the Development Plan requires that petrol station proposals should demonstrate that noise, traffic, visual obstruction, fumes and smells will not detract unduly from the amenities of the area, and in particular nearby residential areas. The site is currently used for vehicle repairs and car sales. The proposed development, as amended by way of Further Information, would comprise a petrol filling station, shop, off licence, restaurants, fitness studios and a commercial office. It is noted that a car wash and vehicle repair

facility do not form part of the application and that a hot food takeaway was prohibited under Condition no.2 of the planning authority's decision to grant permission.

The proposal would be bound to the SW by a single storey bungalow, to the N by open space and the side elevation of no.12 Villa Blanchard, to the NE by the 3-storey Mill House apartment building and to the SE by a single building. As previously stated, the 2-storey building would be located in the SE section of the site, the petrol pumps and underground fuel tank would occupy the W section, the air & water facility and electric car charging point would reside in the NW and NE corners, and the car parking spaces would be located in the NE section and along the N site boundary. Vehicles would enter the site via an entrance in the SW corner and leave via an exit in the SE corner.

The Third Party Appellants have raised concerns that the proposed development would have an adverse impact on the residential amenities of the neighbouring properties to the W, N and E by way of noise and general disturbance.

#### **Relationship to SW:**

The existing double height vehicle repair garage is located c.14m from the site boundary and side elevation of the neighbouring single storey bungalow. The proposed 2-storey building would be set back c.16m from the site boundary with the neighbouring front garden and c.27m from the side elevation and rear garden of the neighbouring house which would not be overshadowed to any significant extent.

It is noted that the development as originally proposed would contain 3 fitness studios at first floor level, two to the front (Nos.1 & 2) and one (No.3) in the rear NW corner. Studio no.3 had a window in the W facing elevation which was c. 4m wide and c.1.4m high, and the use of the studio was changed to a commercial office to avoid overlooking by way of Further Information. Condition no.2 of the planning authority's decision to grant planning permission confined the use of the office use to Class 2 (except for a betting office). The proposed development, as amended, would not overlook the neighbouring site and the office use would not adversely affect the amenities of the surrounding area.

The proposed pump island canopy and underground fuel tank would be set back c.6m from the site boundary and side elevation of the neighbouring house, and the closest of the 4 x pump islands would be set back c.9m from this boundary. The site boundary at this location would be defined by a c.2m high wall with landscaping. Having regard to the height of the boundary wall and the separation distances, I am satisfied that this element of the proposed development would not seriously injure the residential amenities of the neighbouring house by way of visual obtrusion, overbearance, overlooking or loss of privacy.

In relation to potential light disturbance and nuisance at the adjoining bungalow, the developer should be requested to submit revised proposals to the planning authority which would ensure the protection of amenity.

**Relationship to N:**

The existing double height vehicle repair garage is located directly along the site boundary with the neighbouring open space at Villa Blanchard and within 1m of the side elevation of the 2-storey house at no.12. The proposed 2-storey building would be set back c.26m from the site boundary and c. 27m from the side elevation of the neighbouring house which would not be overlooked or overshadowed to any significant extent. The car parking spaces located along the N site boundary would not cause any additional disturbance to the residents of Villa Blanchard.

**Relationship to NE:**

The proposed car parking spaces and electric car charging point located in the NE section would be set back over 20m from the rear elevation of Mill House and the two sites would be separated by a 2m high wall, with no adverse impacts on residential amenity anticipated.

**Relationship to SE:**

The existing single storey office/showroom building is located directly along the site boundary with the neighbouring building which is not in residential use. The proposed 2-storey building would be set back c.5.5 from the site boundary and c.9.5m from the side elevation of this building. The vehicular exit route, which would

be located parallel to the SE site boundary with this building, would not cause any additional disturbance, and the two sites should be separated by a 2m high wall.

**Noise and general disturbance:**

The concerns raised by the Third Parties in relation to noise and general disturbance associated with vehicular movements and the various uses of the site (petrol pumps, retail, off licence, restaurant and fitness studios) as well as deliveries are noted, as is the existing use of the site as a vehicle repair and car sales facility. However, I am satisfied that the proposed development would not have any additional adverse impacts on the neighbouring properties, having regard to the nature of the proposed uses, the layout of the site and the separation distances between the various elements and the neighbouring houses. Notwithstanding this conclusion, the standard noise control condition should be attached. Any outstanding concerns in relation to night time disturbance could be addressed by way of a planning condition which would control the operational hours of the entire development, including fuel deliveries which should only take outside peak hours, after 8pm and before 11pm in the interest of safety and residential amenity.

**Conclusions:**

Having regard to the proposed range of uses, the layout of the site, the design and height of the building, the separation distances and the relationship to the adjoining residential sites, I am satisfied that the proposed development would not have any significant adverse impacts on the residential amenities of the area. I am also satisfied that the proposed development would have less of an impact on neighbouring amenities than the current use of the site as a vehicle repair and car sales facility.

**7.4. Movement and access**

**Vehicular access:**

There are three vehicular access points off Main Street to the existing vehicle repair garage and car showroom/offices and the proposed development would have two comprising one each in the SW and SE corners of the site. Although the sightlines along Main Street would be slightly impaired by the presence of the existing street trees along the public footpath, I am satisfied that they would be adequate for the

village centre location and having regard to the absence of any bends in the road in either direction of the entrance and exit points.

The applicant's auto tracking analysis show that the width of the proposed entrances would be sufficient to cater for larger vehicles and the Council's Transportation Department has indicated that would accept vehicular crossing of centre lines in urban areas in accordance with DMURs.

The proposed arrangements are considered acceptable, subject to the implementation of the amendments submitted by way of Further Information in relation to the footpath crossovers and the possible provision of a right turning pocket for delivery vehicles. It is noted that this may result in the loss of on street car parking spaces on the opposite side of Main Street, which would not be acceptable although this issue could be addressed by way of a planning condition.

**Internal movements:**

There would be a one-way traffic flow through the site and vehicles would enter the site from the SW corner of Main Street, travel N, W and S around the site and then exit the facility from the SE corner onto Main Street. Although there would be a paved area around the proposed building there no other pedestrian pathways are proposed within the site between the petrol pumps and parking areas. However, this could be addressed by way of a planning condition to require the use of signs and a different type of paving or markings to delineate the pedestrian pathways.

**Traffic volumes:**

As previously stated the site is occupied by a long established vehicle repair garage and car sales office along with an extensive area of surface level car parking associated with these uses. Prior to this the site contained a petrol filling station although that use has long since been abandoned. The proposed development, as amended by way of Further Information, would comprise a small petrol filling station (4 x pumps), two restaurants, one retail unit, two fitness studios and one office within a village centre location.

The Third Party Appellants raised concerns in relation to the intensification of the use with an associated increase in traffic volumes and resultant impacts on amenity, traffic flows along Main Street and traffic safety. They also raised concerns that the proposal would attract additional traffic to the village from the wider hinterland

outside of the Village Centre catchment and from the national road network (N3 and M50). They concluded that a Traffic Impact Assessment was therefore required.

These concerns are noted. However, I am satisfied that the volume of traffic visiting the proposed development would be similar to the current arrangement although it is likely that the traffic would be more evenly spread out over the course of a typical day because of the different nature of the existing and proposed uses. The concerns raised in related to the competitive draw of the proposed development are also noted and these concerns have been addressed in section 7.1 above.

### **Car and bicycle parking:**

Car parking would be provided in the NE section of the site and along the N site boundary. The location is considered acceptable subject to the provision of a clearly marked pathway between the car parking spaces and the building.

Table 12.8 of the Development Plan does not set any car parking standards for petrol filling stations as most traffic using the facility is transient however it does contain standards for the other uses including retail, restaurant, fitness studio (gym) and offices. Approximately 36 spaces would normally be required to serve a mixed-use development of the proposed scale and 29 spaces would be provided. It is noted that the Council's Transportation Department has no objection to the proposed level of provision as the standards are based on a maximum level of provision and the Development Plan allows for a 50% reduction for certain uses in the TC zone. The proposed development would provide for a range of town centre uses within an existing village which is well served by public transport and within walking distance of the surrounding residential areas. I am therefore satisfied with the proposed level of provision is acceptable for this location and the proposed development would not give rise to overspill car parking on the surrounding road network or residential areas.

The proposed development, as amended by way of Further Information would provide for bicycle parking in the SW corner of the site in the front of the building in the vicinity of Main Street. The location is acceptable provided that the works do not interfere with the stability of the existing street trees.

**Public transport:**

The proposed development would be located along Blanchardstown Main Street which is served by 6 Dublin Bus routes (38, 38A, 39, 70D, 76A & 220) which is acceptable in terms of public transport accessibility.

**Conclusions:**

Having regard to the foregoing, I am satisfied that the proposed development would not give rise to excessive traffic generation over or above what already exists on the site, overspill car parking or a traffic hazard, that it would not obstruct or endanger the safety of other road users, and that it would be well served by public transport.

**7.5. Other issues**

**Appropriate Assessment:** The site is located a substantial distance from the nearest European Site, and having regard to the location of the proposed works on a serviced and long established urban site, I am satisfied that Screening for Appropriate Assessment is not required.

**Built heritage:** The site and immediately surrounding area are not covered by any sensitive built heritage designations and the proposed development would have no adverse impacts on the Protected Structures in the wider area.

**Environmental services:** The proposed development would be located within a serviced and established suburban area, and the proposed drainage and water supply arrangements, including the attenuation tank, are considered acceptable.

**Other elements:** The other aspects of the proposed development including the underground tanks, refuelling point, air and water services, electric car charging point are considered acceptable.



## 8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2017 to 2023, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the Further Information that was received by the planning authority on the 1<sup>st</sup> day of December 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. For the avoidance of doubt:
  - (a) Two restaurant units and one retail unit are permitted at ground level.
  - (b) Two fitness studios and one office unit are permitted at first floor.
  - (c) A fast food / hot food takeaway unit is not permitted.

**Reason:** In the interest of clarity and orderly development.

3. The developer shall comply with the following use requirements:
- a. The shop retail area shall not exceed 100sq.m. and the floor area of the internal seating shall not exceed the area indicated on the floor plans by a perforated blue line on drawing no. FI-01-A received by the planning authority on the 1<sup>st</sup> day of December 2017.
  - b. The general circulation area between the retail area, seating area and food area shall be identified by a floor surface finish in a different colour and this area shall not be encroached upon by the retail or seating areas, and shall not be used or obstructed by advertising, display or sales, temporary or otherwise.
  - c. The uses on the first floor level shall be as per indicated on the first floor plan outlined by a perforated pink line. The 2 fitness studios shall be confined to Class 11 (e) of Part 4, Schedule 2 of the Planning and Development Regulations 2001-2017. The office shall be confined to Class 2 of Part 4, Schedule 2 of the Planning and Development Regulations 2001-2017 with the exception of a betting office.
  - d. Any change of use, subdivision or amalgamation of units within the building at ground and first floor levels shall require a separate grant of planning permission.

**Reason:** In in the interest of clarity and the proper planning and sustainable development of the area.

4. Prior to commencement of development the applicant shall submit for the written agreement of the Planning Authority revised drawings with the totem sign omitted and the fuel price display located on the western elevation of the building in the area indicated as render finish, grey on drawing no. FI:01-A received by the planning authority on the 1<sup>st</sup> day of December 2017.

**Reason:** In the interest of orderly development and visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:**

To protect the visual amenities of the area.

6. Prior to commencement of development the applicant shall submit for the written agreement of the Planning Authority details/samples of the materials, colours and textures of all the external finishes to all of the proposed building, hard surfaces, canopy for the development.

**Reason:** In the interest of orderly development and visual amenity.

7. The proposed uses (including the petrol pumps, fuel hatch, retail unit, restaurants, fitness studios and office) shall only open between 07.00am to 11.00pm Monday to Sunday (inclusive), and fuel deliveries shall only occur between 8.00pm and 11.00pm Monday to Saturday and not at all on Sundays and Bank Holidays, unless otherwise agreed in writing with the planning authority.

**Reason:**

In the interest of clarity and residential amenity.

8. The developer shall comply with the following tree protection requirements:

- a. The applicant shall engage the services of a suitably qualified Arborist.
- b. Prior to the commencement of any works on site, a meeting with the project manager, site foremen, the appointed Landscape Architect & Arborist and Local Authority Parks Superintendent from the Parks & Green Infrastructure Division of the planning authority shall be carried out to discuss the retention of the existing street trees.
- c. Protective fencing shall be erected prior to the construction works commencing on site. This shall be marked out on site by the project

Arborist and once erected shall remain in place for the duration of the project.

- d. The Arborist shall be present for all works associated with the crossovers of the public footpath.
- e. In the event of unforeseen incidents occurring, that may adversely affect or threaten the welfare or security of the trees, the project manager/site foreman shall inform the Arborist at the earliest opportunity and not more than one working day following the incident.
- f. A tree bond of €25,000 shall be lodged with the planning authority prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. This bond shall be held by the planning authority for a period of three years post construction which may be extended in the event of possible construction related defects.

**Reason:** To ensure the protection of street trees and in the interest of visual amenity.

9. The developer shall comply with the following landscape requirements:

- a. The landscape plan received by the planning authority on the 1<sup>st</sup> day of December 2017 shall be carried out in full following the first planting season after the first operation of the Petrol Station.
- b. The boundary treatment plan drawing no. FI-04 received by the planning authority on the 1<sup>st</sup> day of December 2017 shall be carried out in full following prior to the first operation of the Petrol Station.
- c. All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan.
- d. All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post planting maintenance works shall be carried out in accordance with the requirements of BS: 4428 (1989) Code of Practice for general Landscape Operations (excluding hard surfaces).

- e. All new planting shall be positioned in accordance with the requirements of Table 3 of BS 5837:2012 'Trees in Relation to Design, Demolition and Construction Recommendations.'
- f. Any tree, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

**Reason:** In the interest of visual amenity and orderly development.

10. The developer shall comply with the following transportation requirements:

- a. The surface finish at the crossover locations shall be agreed with the Planning Authority in writing after the removal of the cobble lock layer.
- b. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority a revised compact right turn pocket layout (if considered appropriate) with a view to minimising the loss of car parking spaces on Blanchardstown Main Street.
- c. Any proposed alterations to the existing lining/on street car parking spaces on Main Street Blanchardstown to provide a right turn pocket shall be implemented at the cost of the developer and to the satisfaction of the Planning Authority.
- d. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of lined and signalled pathway from the car parking area to the building.
- e. All the above works shall be carried out prior to occupation of the new development and at the developer's expense according to the Specification and Conditions of the Planning Authority.

**Reason:** In the interests of orderly development and road safety.

11. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority revised details to protect the existing bungalow to the west of the site from light overspill and disturbance.

**Reason:** In the interest of residential amenity.

12. Noise due to the normal operation of the development shall not cause a nuisance to nearby noise sensitive locations and shall not exceed the background level by 10dB(A) or more as measured from nearest noise sensitive locations. 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 residential amenity.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority before development commences. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste in the interest of protecting the environment.

14. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

15. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

16. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

17. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To safeguard the residential amenities of adjacent dwellings.

18. The developer shall pay to the planning authority a financial contribution of forty-five thousand, eight hundred and ninety six euro (E45, 896) in respect of public infrastructure and facilities benefiting development in 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 made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Karla Mc Bride  
Planning Inspector

25<sup>th</sup> July 2018