



An
Bord
Pleanála

Inspector's Report

ABP-314104-22

Development	Permission sought for car-wash and associated facilities.
Location	Circle K Beechwood Service Station, Dublin Road, Bray, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D21A/1141
Applicant(s)	Circle K Ireland Retail Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Parties
Appellant(s)	Conor Kelly Olga Hill
Observer(s)	None
Date of Site Inspection	27 th April 2023
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.1947ha, is located on the west side of the Dublin Road (R761) – on the entry into Bray, Co. Dublin. This road, the old N11, is heavily trafficked. There are no double yellow lines in the vicinity. There is a broken white line in the centre of the road. The 50kph speed restriction applies in this area. There is no footpath on the site side of the road. Public lighting is in place. The site is generally flat, and is occupied by a filling station with single-storey convenience shop. There is a canopy above 4 island fuel pumps. There is an outdoor laundrette unit close to the western boundary. The services for water/vacuum/air are located in the southwest corner of the site – adjacent to a house – ‘Baltrae’. There are 9 parking spaces in front of the retail unit – as indicated on drawings submitted. There are a further 3 parking spaces along the western boundary – not indicated on drawings submitted.
- 1.2. To the east, the site abuts the Dublin Road (R761). There is a motor sales outlet and one of a pair of semi-detached, two-storey houses on the opposite side of the road – the house screened by mature planting. To the south, the site abuts the curtilage of a two-storey, detached house, with single-storey extensions to the side (‘Baltrae’) – the boundary with which is an old stone wall – 2m high along the front garden. To the side of the house, the boundary with the service station is a 1.8m high concrete wall surmounted by a 0.7m high railings. The boundary with ‘Baltrae’ is augmented by some shrub planting with some semi-mature deciduous trees. To the west, the site abuts the curtilage of a detached house (‘Rathmore’), set within extensive gardens – the boundary with which is a 0.6m high fair-faced, concrete block wall, surmounted by a timber fence of 2.8m height. To the north, the site abuts the curtilage of ‘Rathmore’ – the boundary with which is 1.8m high concrete block wall, surmounted by a 0.6m high timber trellis. There is extensive mature planting within the grounds of ‘Rathmore’ – which largely screens the house from view. This property is outlined in blue – as being within the control of the applicant.

2.0 Proposed Development

- 2.1. Permission sought on 22nd December 2021, for automated car-wash facility at an existing filling station. The facility will be provided with 2.2m high splash screens on

either side. The car-wash facility is of the moving-gantry type. Water supply is from the public mains. Drainage is to public mains. The siting of the car-wash will necessitate the relocation of the air/water/vacuum unit. The new plant room will have a floor area of 5sq.m, and a height of 3.2m. A letter of consent from the landowner, to the making of the application is include – dated 14th December 2021.

2.2. Following a request for additional information, revised proposals were received on 31st May 2022, as follows:

- Revised elevation drawings, to indicate scale of 1:150.
- Increase in height of galvanised posts to accommodate tracker of wash machine.
- Hours of operation to be 0700-2200 each day.

2.2.1. The submission is accompanied by-

- Noise Impact Assessment – dated 11th May 2022.
- Correspondence from Irish Water in relation to Pre-Connection Enquiry – dated 30th March 2022.
- Revised public notices.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 23rd June 2022, Dún Laoghaire-Rathdown County Council issued a Notification of decision to grant planning permission subject to 4 conditions as follows-

1. Development to be carried out in accordance with plans and particulars submitted, as amended by further information submitted on 31st May 2022.
2. Hours of operation shall be 0700-2200 Monday to Sunday.
3. Relates to noise emissions.
4. Relates to construction measures to prevent dirt being carried onto the road and to protect pedestrians and motorists on the surrounding roads.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report, of 18th February 2022, summarises the other reports submitted, and objections received; and recommends additional information be sought.

Report, of 23rd June 2022, summarises the other reports submitted, and objections received.

3.2.2. Other Technical Reports

Municipal Services Department – Drainage Division

Report, of 3rd February 2022, indicates no objection.

Transportation Planning

Report, of 16th February 2022, indicates no objection subject to conditions being attached to any grant of permission.

Environmental Health Office

Report, of 20th June 2022, indicates that the Noise Impact Assessment submitted by way of additional information is not acceptable – as it adopts a daytime noise level of 55dBA for daytime (classed as 0700-2300 hours). The EHO recommends a lower daytime noise level of 50dBA for commercial activity. The report then goes on to recommend a condition be attached to any grant of planning permission – specifying noise levels for daytime, evening time and night-time.

3.3. Prescribed Bodies

National Transportation Authority

Report, of 3rd February 2022, confirms that the development will not impact on the current Core Bus Corridor design for the Dublin Road at this location.

Irish Water

Report, of 10th February 2022, requests the applicant to enter into Pre-Connection Enquiry (PCE) process with Irish Water.

Second report, of 4th June 2022, indicates that the development can be facilitated.

3.4. **Third Party Observations**

There are a number of 3rd party objections to the development – the issues raised being summarised in the Planner’s Reports. The issues raised are similar to those raised in the 3rd party appeals to the Board.

4.0 **Planning History**

Reference is made to permissions relating to the filling station, which are not of relevance to the consideration of this appeal.

5.0 **Policy Context**

5.1. **Development Plan**

The relevant document is the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The site is zoned Objective E – ‘To provide for economic development and employment’. This zoning applies to the grounds of ‘Rathmore’ to the west and north of the site. Within this zoning ‘Service Garage’ is ‘Permitted in Principle’ and ‘Service Station’ is ‘Open for Consideration’. Section 13.2 is a Definition of Use Classes, and includes the following-

Service Garage: A building or part thereof or land used for the maintenance and repair of motor vehicles.

Service Station: A structure or land used for the purpose of the selling by retail of petrol, fuel oils, lubricating oils, liquefied petroleum gas and low emission fuel generally for use in motor vehicles. It does not include a service garage or motor sales outlet. Service stations can provide electric vehicle charging points and a wide range of retail goods in an associated shop. In general, these shops should remain secondary to the use as a service station and their net floorspace shall not exceed 100 sq.m. (net) irrespective of location.

Immediately to the south, houses on the Dublin Road are zoned ‘Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’. There is a Core Bus Corridor indicated on the Dublin Road (R761).

Section 12.6.7 of the Plan deals with Service Stations. It deals largely with applications for new service stations. The section states- 'The location of air/water facilities and car wash facilities shall be carefully considered in relation to impact on adjoining properties. Details in respect of noise generation and hours of use shall be submitted as part of any application'.

5.2. **Natural Heritage Designations**

The site is not located within or adjacent to any Natura 2000 sites. Wastewater will be discharged to the public system; and surface water run-off will be attenuated on site, prior to discharge to the public sewer network. The development was screened for appropriate assessment by DL-RCC. No mitigation measures are proposed to avoid/reduce any impact on a Natura 2000 site.

The proposed development is located within an established urban area on zoned lands that are suitably serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 sites. A Stage 2 Appropriate Assessment is, therefore, not required.

5.3. **EIA Screening**

The development was screened for EIA by DL-RCC. Having regard to the nature of the proposed development, comprising the installation of a car-wash facility at an existing filling station, including all necessary site works, in an established urban area, where infrastructural services are available, 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. There are two 3rd party appeals from-

- Conor Kelly, 'Baltrae', Dublin Road, Bray – received by the Board on
- Olga Hill, 'Whiteways', Dublin Road, Bray – received by the Board on

6.1.2. The appeals can be summarised in bullet point format as follows-

- 'Baltrae' is located immediately to the south of the appeal site; with 'Whiteways' located south of 'Baltrae' – both taking access from the Dublin Road.
- A car-wash will not improve the economic development and employment of the local area – where there is a second Circle K service station on the way into Bray, which has a car-wash facility.
- 'Baltrae' will be the property most directly affected by noise from the car-wash. The noise generated is close to the WHO maximum guideline of 55dB. The orientation of the car-wash will channel noise towards 'Baltrae' and 'Whiteways'. 'Baltrae' has windows which address the service station.
- The car-wash would affect residential amenity both inside the houses and within gardens.
- The hedging which grows along the boundary with 'Baltrae' will be removed to facilitate the car-wash. The exit route from the car-wash will be hard against the boundary of 'Baltrae'. The hedging serves to screen the service station from view from the house and also to partly mask the noise and fumes. There is no additional or replacement screen planting proposed. The car-wash will be unsightly, when viewed from 'Baltrae'.
- Traffic congestion in this area is already a big problem. The car-wash will make matters worse – and queuing cars could back out onto the Dublin Road.
- The hours of operation are unnecessarily long.
- The service station already has a negative impact on those living close to it: the car-wash will make matters worse.
- The car-wash will take up space currently used for parking – where drivers take rests at the service station.

6.1.3. The appeals are accompanied by the following documentation of note.

- Annotated drawings of the site, relative to 'Baltrae'.

6.2. Applicant Response

The response of Coakley O'Neill Town Planning, agent on behalf of the applicant, Circle K Ireland Retail Ltd, received by the Board on 11th August 2022, can be summarised in bullet point format as follows-

- The assessment of the application by DL-RCC was thorough and detailed.
- The applicant will comply fully with the conditions attached to the Notification of decision to grant permission. These conditions address the concerns of appellants.
- The car-wash will be an ancillary use to a service station – which has been in use for an extended period. Car-wash facilities are routinely found at service stations. There are no enforcement files with DL-RCC in relation to this service station. The car-wash facility is not prominently located on the site; and will be only 3.2m in height.
- The development is in accordance with section 12.6.7 of the Plan. The development will not impact on residential amenities. Noise emissions must comply with condition 2.
- There was no objection from Irish Water, the National Transportation Authority, the Municipal Services Department or the Transportation Planning section of DL-RCC.
- The applicant is open to any further considerations the Board may regard as appropriate, to mitigate against impacts arising.
- Section 5.4 of the Noise Impact Assessment indicates a predicated daytime noise level at 'Baltrae' of 51dB. The car-wash use will be intermittent. A +3dB feature correction has been applied in this instance. The predicted daytime noise level at 'Baltrae' will not be 54dB – as the additional 3dB was only applied as a safety measure and can be considered an absolute maximum predication. Both the 51dB and 54dB figures are still under the 55dB LAeq World Health Organisation recommended daytime limit.

- Only a very small section of the landscaping on the southern boundary will be removed to facilitate the car-wash.
- The car-wash will be used by existing customers. It is not expected that it will draw customers who would not otherwise be patronising the service station. The development will not result in traffic congestion or hazard.
- The hours of operation are standard for a service station. In Dublin City – standard operational hours for car-wash facilities are 0600-2300.
- Appellants have questioned the need for the car-wash – where other facilities exist in the area. The car-wash is an ancillary use; and will improve the service offered to customers. The car-wash facility at Circle K Bray is located on the opposite side of the Dublin Road, and so not convenient for traffic leaving Bray. The applicant is not required to demonstrate a defined need.

6.3. **Planning Authority Response**

The response of DL-RCC, received by the Board on 22nd July 2022, indicates no further comment.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. **Development Plan Considerations**

- 7.1.1. The service station on the site is an established use. Under the zoning in the current Development Plan, 'Service Station' is a use which is 'Open for Consideration'. A car-wash facility is an ancillary use at many service stations; and must be regarded as being similarly 'Open for Consideration'. I am satisfied that the proposed use would be in accordance with the zoning – being in keeping with the nature and character of a service station. Section 12.6.7 of the Plan states- 'The location of air/water facilities and car wash facilities shall be carefully considered in relation to impact on adjoining properties. Details in respect of noise generation and hours of

use shall be submitted as part of any application'. These issues are addressed elsewhere in this Inspector's Report. I note the comment of one of the appellants in relation to the car-wash not promoting economic development or employment in the area – as reflected in the Objective E zoning of the site. I would contend that the car-wash will expand the offer of services available at this service station, and in that manner will promote employment – albeit only marginally.

7.2. Design & Layout

- 7.2.1. The car-wash will displace the current air/water/vacuum service area of the service station. These facilities will be relocated to the west – remaining on the southern boundary of the forecourt. The car-wash is to be inserted into the southwestern corner of the site. This will necessitate the removal of three parking spaces and most, if not all, of the screen landscaping adjacent to 'Baltrae' to the south. This corner of the site contains some evergreen shrubs (4-5m in height) and two semi-mature deciduous trees on the appeal site side. Notwithstanding this landscape planting – the gable elevation of 'Baltrae', together with single-storey extensions to the side of the house are visible from the forecourt of the service station – over the 1.8m high boundary wall. The boundary wall is surmounted by steel railings – presumably for security purposes. The proposed development will not result in any change to the boundary wall/railings. What is to be removed is most, or perhaps all, the landscape planting within this area of the service station. The responsibility for screening private properties from one another (if such screening is required), rests with the property owners. It is the responsibility of all parties – not one alone. It is open to the owner of 'Baltrae' to screen the property from the filling station, if so desired. What screen planting exists at present, does not wholly screen the house from view from the forecourt. The car-wash facility is maximum 3.2m in height. The facility will not have any impact on the adjoining house, in terms of size.
- 7.2.2. The car-wash is to be provided with splash screens on either side – 2.2m in height. I note that the machine will be an automated overhead roller-brush; and not manually-operated power hoses. The latter can result in extensive spread of spray, depending on the wind. The car-wash will be 6m from the boundary with 'Baltrae'. A small area in the corner of the site will remain for landscaping (although landscaping is not shown on drawings). I would consider it appropriate to require the developer to erect

a 2.2m splash screen, the width of the car-wash, close to the current boundary wall with 'Baltrae', in order to mitigate against the potential for wind-blown spray from the car-wash. The existing 2.8m high boundary wall/timber fence with 'Rathmore', together with the proposed splash screen and landscape planting within the grounds of that house, will ensure that there will be no detrimental impact, arising from the siting of the car-wash on the residential or visual amenities of that property.

- 7.2.3. A Noise Impact Assessment accompanied the additional information submission to DL-RCC. Noise was continually monitored over an eight-day period 22-29 April 2022. The principal noise source in this area is likely to be traffic on the R761. The monitor was positioned in the southwest corner of the site. Daytime was taken to be between 0700-2300 hours. I note that 54dB LA₉₀ was taken to be the representative background noise. It was assumed that the car-wash would operate for 30 minutes in every hour of the day. Three nearby residential receptors (R1-R3) were selected as the three residential properties most likely to be affected by the car-wash. R1 is no. 1 Dublin Road (opposite the service station); R2 is 'Baltrae'; R3 is 'Rathmore'. The predicted noise level at each receptor was calculated. Not surprisingly, R2 had the highest level at 51dB LA_{eq} 1 hour. The noise from the car wash is neither tonal, impulsive nor otherwise distinctive. The intermittent nature of the car-wash attracted a +3dB feature correction. Even allowing for this acoustic feature correction, the rating level at 'Baltrae' equalled, but did not exceed the existing background level. 'Whiteways' is located further to the south than 'Baltrae' and, so will not be impacted to a lesser degree – particularly when considering that the bulk of 'Baltrae' will to some extent act as a noise screen between this house and the service station. In general, a +5dB difference is likely to indicate an adverse impact on receptors. The maximum predicted absolute sound pressure level predicted at 'Baltrae' at 51dB is 4dB lower than the World Health Organisation recommended external day-time noise level of 55dB LA_{eq}. The EHO for DL-RCC was not satisfied with the Noise Impact Assessment classification of daytime as being 0700-2300 hours. The Environmental Protection Agency's NG4 commercial noise guideline limits recommends a 50dBA limit for evening time – 1900-2300 hours. The predicted 51dBA for 'Baltrae' would exceed the EPA's recommended evening time noise limit – but only marginally. The EHO was satisfied to recommend permission, subject to a noise condition stipulating daytime, evening time and night-time noise limits. These

were incorporated into condition 3 of the Notification of decision to grant permission. I would be satisfied that permission could be granted subject to a similar condition being attached – particularly in relation to evening time noise.

- 7.2.4. The occupants of 'Baltrae' have complained of odour nuisance from the service station. The odour of cleaning materials from the car-wash will not be significant. Such facilities operate safely throughout the country. The construction of a splash screen, in the vicinity of 'Baltrae', should help to screen the migration of odour-laden particles across the property boundary. In this instance I note that the prevailing winds (southwest and west) would carry fugitive particles back across the forecourt of the service station.

7.3. Traffic & Parking

- 7.3.1. The development will not have any impact on traffic. The R761 is heavily trafficked. The car-wash facility will serve existing customers, and is unlikely to draw significant additional custom, solely for this facility. The applicant points out that there is a similar car-wash facility within the Circle K service station on the opposite side of the Dublin Road (closer to Bray town centre). The development could be seen as complementing the facilities, currently available to in-bound motorists (to Bray), and may result in a slight decrease in right-turning traffic into the other Circle K station for motorists seeking car-wash facilities. The application is accompanied by swept path analysis for cars entering and leaving the car-wash facility. There is space for two cars to stack, whilst a third is in the car-wash. Because of the location of the facility in the southwest corner of the site, there is no danger of cars queuing out onto the Dublin Road. The Transportation Planning section of DL-RCC had no objection to the development. The National Transportation Authority was satisfied that the development would have no impact on current plans for the Core Bus Corridor on the R761 Dublin Road.
- 7.3.2. The development will have no impact on the 9 parking spaces in front of the shop unit. One of the appellants notes that the car-wash area is used by patrons for parking – and for taking rests. The removal of these spaces would exacerbate the parking situation within the service station, which could lead to cars queuing to get into the site. There are 3 marked-out spaces on the western boundary of the site

(which are not indicated on drawings submitted). These spaces will be lost if the car-wash is installed. I note that neither the National Transportation Authority nor the Transportation Planning Section of DL-RCC expressed concern in relation to displaced parking. I would be satisfied that adequate parking exists in the 9 parking spaces in front of the shop unit, and that the car-wash facility will not result in displaced parking onto the Dublin Road.

7.4. Water Supply, Drainage & Flooding

7.4.1. Water Supply

Each car-wash will require 280 litres of water. Approximately 30 washes per day, will result in a daily requirement of 8,400 litres of water. Approximately 50% of this amount will be recycled – resulting in a requirement for 4,200 litres per day. Irish Water requested the applicant to engage in a Pre-Consultation Enquiry. The additional information response, of 31st May 2022, included a response from Irish Water, indicating that the development could be facilitated. A 6” cast iron public watermain is located in the Dublin Road.

7.4.2. Foul Drainage

The connection to the public foul drainage network, is via a pipeline located within the curtilage of ‘Rathmore’ – at the southwest corner of the site. The car-wash will be fitted with an hydrocarbon interceptor. The 50% of water which cannot be re-used, will be discharged to public foul sewer.

7.4.3. Surface Water Drainage

The development will not have any impact on surface water drainage within the filling station site. The car-wash area is to drain to underground recycling water tanks – and ultimately to the foul mains drainage. Arrangements, whereby surface water is collected within the service station site, and discharged to a public surface water sewer to the north (within the grounds of ‘Rathmore’) will not be altered by the proposed development.

7.4.4. Flooding

Flood Zone Map 14 of the Development Plan does not indicate any incidence of flooding, either within the site, or immediately abutting it.

7.5. Other Issues

7.5.1. Development Contribution

The planning authority did not apply a development contribution to this development. Therefore, the Board in granting permission, should not do so either.

7.5.2. Signage

There is no additional signage proposed for the car-wash facility.

7.5.3. Hours of Operation

The additional information response indicated hours of operation of 0700-2200 each day. Condition 2 of the Notification of decision to grant planning permission reflected this. The site is located on a heavily-trafficked Regional Road. The service station will be operational during the hours proposed for the car-wash. At present, there is a service area – water/air/vacuum in the southwest corner of the site – which is available for customers to use during opening hours of the service station. The car-wash facility will displace this facility further to the east (along the southern boundary).

7.5.4. Need for Facility

The applicant is not required to demonstrate a defined need for the car-wash. The fact that there is a car-wash facility in a service station on the other side of the Dublin Road (closer to Bray) is not a relevant planning consideration. The applicant is seeking to expand the offer of services which would normally be associated with a service station; and this is entirely reasonable.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the reasons and considerations set out below, and subject to the attached conditions.

9.0 Reasons and Considerations

It is considered that a car-wash facility is an ancillary use within this busy service station, located on a heavily-trafficked Regional Road. The proposed development, subject to compliance with the attached Conditions, would not be detrimental to the

residential amenities of the area, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 plans and particulars received by the planning authority on the 31st day of May 2022, 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. The operation of the car-wash facility shall be between the hours of 0700 and 2200 on any day.

Reason: In the interest of the amenities of nearby residential property.

3. Prior to commencement of operation of the car-wash, the developer shall erect a splash screen (2.2m in height) for the full width of the car-wash gantry – between it and the house to the south – ‘Baltrae’.

Reason: To mitigate against potential fugitive spray from the car-wash, in the direction of the adjoining house; in the interest of residential amenity.

4. The noise level from the car-wash shall not exceed 55 dB(A) rated sound level at the nearest noise-sensitive location (boundary with ‘Baltrae’ to the south) between the hours of 0700 and 1900 on any day; and shall not exceed 50 dB(A) rated sound level between the hours of 1900 and 2200 on any day. Procedures for the purpose of determining compliance with this

limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

**Michael Dillon,
Planning Inspectorate.**

28th April 2023