



An
Bord
Pleanála

Inspector's Report

ABP-314164-22

Development

Permission is sought for the construction of car wash and all associated site works.

Location

Circle K, Sundrive Service Station, Kimmage Road Lower, Dublin 6W.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3920/22.

Applicant(s)

Circle K Ireland Fuels.

Type of Application

Planning Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party.

Appellant(s)

Circle K Ireland Fuels.

Observer(s)

None.

Date of Site Inspection

26th day of July, 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. Circle K Sundrive Service Station Kimmage Road Lower, the appeal site, has a stated site area of 1,801m² and it is located on the eastern side of Kimmage Road Lower (R817 regional road) just to the south of its junction with the residential cul-de-sac development of Kimmage Grove, in the Dublin city suburb of Kimmage, Dublin 6.
- 1.2. The site is bound by the access road serving this residential scheme on its northern and eastern side. In addition, a car dealership (Keith Finn Cars), a large billboard and a two-storey end of terrace dwelling (No. 67 Kimmage Grove) bounds its southern side, and its western boundary aligns with the heavily trafficked Kimmage Road Lower. The site contains a forecourt to the front with a shop to the back. There is also a totem sign displaying fuel prices in the north western corner of the site and an external self-service laundrette structure is situated along the northern boundary forward of the retail shop building.
- 1.3. The site is located at the northernmost end of a modest linear stretch of commercial properties that align with the eastern side of Kimmage Road Lower, notwithstanding, the predominant character of the surrounding area is residential.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - Car Wash
 - Car wash plant room with water recycling system
 - All associated structures, drainage, and site development works.
- 2.2. Of note this planning application is accompanied by a Noise Impact Assessment.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 30th day of June, 2022, the Planning Authority decided to **refuse** permission for the following stated reasons:

- “1. Having regard to the location of the proposed car wash in close proximity to residential properties, and also the Z1 zoning for the area which is ‘to protect, provide and improve residential amenities’, it is considered that the proposal would seriously injure the residential amenities of properties in the vicinity, due to the noise and general nuisance associated with the operation of the car wash. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development would materially contravene a condition attached to an existing permission for development. Application Reg. 0073/02, Condition 3 states that “The proposed car wash shall be omitted from the development as per drawing No. MO160-04 submitted as unsolicited additional information on 07/07/2003. Reason: In the interests of the proper planning and development of the site and to safeguard users of the pavement to Kimmage Grove.” The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report reflects the Planning Authority’s decision and includes the following points:

- Reference is made to the planning history of the site, in particular Condition No. 3 of the grant of permission P.A. Ref. No. 0073/02 which omitted the car wash facility.
- The proposed development would give rise to serious injury to residential amenity by way of noise nuisance.
- No AA or EIAR issues arise.
- Recommendation of refusal as per Section 3.1.1 of this report above.

3.2.2. Other Technical Reports

- **Drainage:** No objection, subject to safeguards.
- **Transportation:** No objection, subject to safeguards.
- **Environmental Health:** Raises noise nuisance concerns. Recommends refusal.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. One Third Party Observation was received by the Planning Authority during the course of its determination of this appeal seeking refusal of permission on the basis of the proposed development giving rise to serious residential amenity impacts, its excessive water requirements and not being an appropriate development for this location.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. 3282/06:** Planning permission was **granted** subject to conditions for a development consisting of installation of jet car wash and enclosure, water storage tank, drainage alterations, dry goods store, relocate bin compound, relocate compressor, relocate air / water tower, signage, provide additional vacuum unit together with ancillary works.

Of note, Condition No. 2 required the development to be carried out in conformity with the terms and conditions of the decision to grant planning permission under P.A. Ref. No. 0073/02 and P.A. Ref. No. 1113/04, save as amended to conform with the revisions indicated in the plans lodged in connection with this application.

Decision date: 2nd day of October, 2006.

- **P.A. Ref. No. 1113/04:** Planning permission was **granted** subject to conditions for a development consisting of the provision of new pump island layout, new petrol pumps, new forecourt canopy over the pump islands, ancillary illuminated and non-illuminated canopy signage, new underground fuel storage tanks and pipework.

Of note Condition No. 2 required the applicant to comply in full with the following conditions of the previous permission, P.A. Ref. No. 0073/02 condition no. 2,3,4,5,7,8,9 in respect of the development granted.

Decision date: 15th day of April, 2004.

- **P.A. Ref. No. 0073/02:** Planning permission was **granted** subject to conditions for a development consisting of the redevelopment of an existing petrol filling station, including demolition of existing building and provision of new forecourt shop, with eat in restaurant and take-away food area and new forecourt layout including forecourt canopy, automatic car wash and ancillary signage.

Of note Condition No. 3 reads:

“The proposed car wash shall be omitted from the development as per drawing No. MO160-04 submitted as unsolicited additional information on 07/07/2003.

Reason: In the interests of the proper planning and development of the site and to safeguard users of the pavement to Kimmage Grove.”

Decision date: 1st day of August, 2003.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, is the operative plan under which the site is zoned ‘Z3 - Neighbourhood Centres’. The stated zoning objective for such land is: *“to provide for and improve neighbourhood facilities.”* The adjoining land to the south as well as the neighbouring land to the east, west and north are zoned ‘Z1 - Sustainable Residential Neighbourhoods’ and the stated objective for such land is: *“to protect, provide and improve residential amenities”*.
- 5.1.2. Section 14.7.3 of the Development Plan in relation to ‘Neighbourhood Centres – Zone Z3’ sets out that *“Neighbourhood Centres provide local facilities such as convenience shops, hairdressers, post offices etc. within a residential neighbourhood and range from the traditional parade of shops to larger neighbourhood centres”* and that: *“they can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate.”* It also sets out that petrol stations are ‘open for consideration.’
- 5.1.3. Section 14.3.1 of the Development Plan states: *“an open for consideration use is one which may be permitted where the planning authority is satisfied that the proposed*

development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area”.

- 5.1.4. Section 14.6 of the Development Plan deals with the matter of ‘Transitional Zone Areas’ and states that: *“while zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.”*
- 5.1.5. Section 15.14.15 of the Development Plan deals with the matter of Petrol Station developments. It states that these *“should be of quality design, considered with regard to streetscape and setting” and that will only be permitted in residential areas, where it can be demonstrated that no significant damage to residential amenities will occur by reason of factors such as noise, visual obtrusion, safety considerations or fumes/smells*. It also states that: *“any car-washing/drying facilities should be sited so as not to cause nuisance”* and that: *“hours of operation in residential areas will be limited to between 0600 hours and 2300 hours”*. In considering applications for development, it states that the Council will have regard to the: *“safety aspects of circulation and parking within the station forecourt will be taken into account, and relevant traffic safety standards set out in Appendix 5 should be complied with”*.

5.2. Natural Heritage Designations

- 5.2.1. None with the zone of influence.

5.3. EIA Screening

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appellants grounds of appeal can be summarised as follows:

- Seeks that the Planning Authority decision is overturned.
- The Planning Authority are misplaced to refuse permission in part on the basis of Condition No. 3 of P.A. Ref. No. 0073/02 as it is contended that the car wash was omitted due to impact it would result in on the pavement and in this application the car wash has been relocated. In addition, the Planning Authority granted permission under P.A. Ref. No. 3282/06 for a car wash.
- Petrol Stations are open for consideration and the Planning Authority have failed to demonstrate negative impact would arise on residential amenity of property in the vicinity.
- The Noise Impact Assessment concludes no adverse impact would arise.
- Reference is made to a number of planning applications considered to be precedents for this type of development.

6.2. Planning Authority Response

6.2.1. The Planning Authority requests the Board to uphold their decision, but in the event of a grant of permission it is requested that a Section 48 condition be imposed.

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. I consider that the main planning considerations relevant to this appeal case are:

- Principle of the Proposed Development
- Residential Amenities

- Other Issues Arising

7.1.2. The matter of ‘*Appropriate Assessment*’ also requires examination.

7.1.3. For clarity I note since the Planning Authority determined this planning application a new Development Plan, i.e., the Dublin City Development Plan, 2022-2028, has been adopted.

7.2. Principle of the Proposed Development

7.2.1. Under the Dublin City Development Plan, 2022-2028, this appeal site is zoned ‘Z3 – Neighbourhood Centre’ with a stated objective “*to provide for and improve neighbourhood facilities*”. Section 14.7.3 of the said Plan does not refer to car wash as a permissible, non-permissible or open for consideration use but does list ‘Petrol Stations’ as being ‘open for consideration’ under this land use zoning.

7.2.2. It is also of note that the site is bound on its southern side by residentially zoned land as is the land on the opposite side of Kimmage Road Lower and Kimmage Grove which lies to the west, north and east of the site (Z1 – Sustainable Residential Neighbourhoods).

7.2.3. Therefore, the provisions of Section 14.6 of the Development Plan are also a relevant consideration for any development at the subject site.

7.2.4. In this regard, this section of the Development Plan sets out that in dealing with development proposals in contiguous transitional zone areas that: “*it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.*”

7.2.5. In relation to the planning history pertaining to the site whilst it is of note that the parent grant of permission omitted a car wash facility under the grant of permission P.A. Ref. No. 0073/22 and a subsequent planning application P.A. 3282/06 permitted a jet wash facility which was not implemented I consider that the local through to national planning policy provisions have changed through to an urban landscape like this is ever evolving setting. Further, in the interim years Kimmage Road Lower, as a regional route, has had to cater for increasing traffic volumes.

7.2.6. Against this context it is appropriate that this planning application like any other is assessed on its own individual merits. Therefore, having regard to the principle of the proposed development it is incumbent on the applicant in this case to demonstrate

that no undue diminishment of residential amenities of properties in the vicinity of the site would arise as well as that the development accords with the proper planning and sustainable development of the area.

7.3. Residential Amenity Impact

- 7.3.1. Under the previous Development Plan, the site formed part of a larger parcel of suburban land that was subject to the 'Z1' land use zoning which had a stated land use objective of protecting, providing, and improving residential amenities.
- 7.3.2. The Planning Authority during the course of their determination of this application received a Third Party observation from 'LOKRA' (Kimmage Road Lower Residents Association) who objected to the proposed development on the basis of the cumulative injury it would give rise to an already unacceptably noisy environment and for the adverse impacts the proposed development would give rise to in terms of not only noise but associated nuisances on residential properties in its vicinity. But also, on the basis that as a result the proposed development would be contrary to the residential zoning of the site and its setting. They therefore sought that the Planning Authority refuse permission for the proposed development on the basis of protecting and safeguarding their established residential amenities.
- 7.3.3. The Planning Authority, having assessed the proposed development, considered that the proposed development would, if permitted, give rise to serious injury of the residential amenity of property in its vicinity. This was on the basis of noise and general nuisances associated with the operation of the proposed car wash. This concern is the basis of their first reason for refusal.
- 7.3.4. Since the Planning Authority determined this application the zoning of the site has changed to 'Z3'. However, as set out in the previous section of this assessment the immediate bounding and neighbouring land on all sides have maintained their 'Z1' land use zoning.
- 7.3.5. Therefore, given the transitional land use zoning context of the site setting together with the fact that 'Z1' zoned land is more sensitive to change it is necessary in my view for the applicant of any development on this site to demonstrate that the proposed development would not give rise to any serious residential amenity of properties in its vicinity. Alongside that any development seeks to achieve an appropriate balance

between providing neighbourhood centre sympathetic development in a sustainable residential neighbourhood setting.

- 7.3.6. The proposed development sought under this application consists of a car wash, a car wash plant room with water recycling system and all associated structures, drainage, and site development works.
- 7.3.7. The documentation accompanying this application indicate that it is proposed to install an automatic brush wash along the southern boundary of the site with a setback of 5.47m from the roadside boundary within the curtilage of the site which functions as a fuel service station with retail element and external self-service laundrette (24/7) located on the eastern side of Kimmage Road Lower.
- 7.3.8. The car wash is described as consisting of a car wash pad with dimensions of 5m by 10m (50m²) with 2 No. 2.2m in height splash screens, which would be divided into panels of approximately 1.75m wide to the long sides. The track path runner of the automatic brush wash would run at a height above these screens. The documentation sets out that the access route to the car wash would be via the main central traffic route parallel to the retail building running north to south at the rear of the site and therefore would follow the one-way traffic flow of traffic from the northwest of the site entry to the south west side of the site.
- 7.3.9. As noted previously this appeal site is bound and neighboured by residential uses on all sites with Kimmage Road Lower and the access road serving the residential cul-de-sac of Kimmage Grove providing a separation, albeit a heavily trafficked and thus noisy as well as giving rise to a number of associated nuisances, it does provide a level of separation distance from the established residential developments on the opposite side of these roads.
- 7.3.10. Notwithstanding the southern boundary of the site is bound by an end of terrace two storey residential development, No. 67 Kimmage Grove. As such the rear private amenity space of this property has a lateral separation distance of less than 9m from the location of the automatic brush carwash structure and less than 10m from the 50m² car wash pad. In addition, the rear of this property is located just over 19m from the automatic carwash structure at its nearest point.
- 7.3.11. Further, this terrace group that No. 67 Kimmage Grove forms part of has a north south alignment and thus the rear private amenity space and rear elevations of the

neighbouring properties within this terrace group are due to their limited just over 5m width of their plots would also be in close proximity to the proposed car brush carwash.

7.3.12. Moreover, it is also of note that the space in between the nearest point of the brush carwash structure contains the car wait area for it as well as the proposed associated plant room which is within 5m of the rear elevation of No. 67 Kimmage Grove.

7.3.13. In the context of No. 67 Kimmage Grove and the terrace group they form part of the proposed development would result in increased activity on the site in close proximity to their side and rear boundaries. With this arising from noise associated with the use of the carwash, the noise of the car movements associated with accessing and egressing the carwash with this in turn having the potential during busy periods to include queueing. The potential noise nuisance may not be solely confined to the noise of the vehicle itself if left running but also the potential noises like music arising from the interior space of the vehicles and/or waiting customers of the car wash may decide to wait outside of their vehicles for the use of the car wash which also may give rise to additional potential for noise. This would be in addition to traffic movements associated with the car wash, the service station which I note also includes an external laundrette 24 hour 7 days a week structure and the close proximity to Kimmage Road Lower which I observed during my inspection was heavily trafficked in both directions.

7.3.14. On the matter of noise impact this application is accompanied by a Noise Impact Assessment which indicates that the proposed development would operate during the hours of 07:00 to 23:00 hours throughout the week. This report refers to BS 4142:2014 and the WHO. It indicates that an environmental noise survey was conducted between the 30th day of March, 2022, and the 11th day of April, 2022, using a Larsen Davis 831 Sound Level Metre and a Larsen Davis Acoustic Calibrator. This found an average noise level of 50.9dB LA90 and based on the overall survey together with the guidance set out under BS 4142:2014 a 51dB LA90 was chosen as the appropriate representative background noise levels for the daytime period with there being no operation of the car wash in the night time period proposed.

7.3.15. In order to predict the noise emissions at the nearest residential properties a noise model referred to as SoundPLAN version 8.2 was undertaken having regard to the following parameters:

- Topographical effects

- Atmospheric absorptions
- Ground absorption
- Screening effects
- Reflection
- Focusing Effects
- Metrological Conditions

Alongside having regard to on-site measurements of existing facilities undertaken by the authors at comparable sites with automated car washes, the presence of a 2m solid boundary with adjacent residential properties and assumed car wash every 30minutes in the hour which they contend is expected to be the norm.

- 7.3.16. This examination included the following three residential receptors: 1) 67 Kimmage Grove, 2) 237B Kimmage Road Lower and 3) 242 Kimmage Road Lower. The assessment sets out that it found that the resulting rise in noise levels at these locators would be 2.7dB considered at a height of 1.5m. In this context it considers that the additional noise background would not exceed the WHO recommended higher external daytime noise levels of 55dB L_{Aeq} and in Table 4 of this report it sets out a predicted noise level of the three receptors all with average noise ranging from 43.1 in the case of the receptor location of No. 67 Kimmage Grove to 50.7dB and 49.6 dB for No.s 237B for Kimmage Road Lower and 242 Kimmage Road Lower respectively.
- 7.3.17. This report concludes that the noise generated by the proposed development would not adversely impact neighbouring properties and should not be therefore considered as a negative determining factor when assessing this application for a grant of permission.
- 7.3.18. In relation to these findings, I raise concerns that Table 2 of this document sets out that in general such automated brush carwashes would have an extremely high dB, with no specific make or model specified in the documentation provided for the proposed automatic brush car wash.
- 7.3.19. In addition, no regard taken to the fact that No. 67 Kimmage Grove has a 2-storey rear elevation as does the other terrace units within the modest terrace group it forms part of. Similarly, No.s 237B Kimmage Road Lower and 242 Kimmage Road Lower are two

storey residential built forms. With in their case no physical screening between their front façade and their nearest point of the automatic brush car wash structure. Further, the assessment provided is based on a height of 1.5m in relation to receptor 1, 2 and 3. As said these are two storey properties and the 2m boundary wall to the rear of No. 67 Kimmage Grove would in effect be an existing noise buffer with no other noise screening or buffers proposed to lessen airborne noise.

- 7.3.20. Of further concern the predicted noise levels that would result (Table 4) sets out a lower dB level than was set out for the average background noise level of this report upon which the cumulative impact of the proposed car wash was to be considered.
- 7.3.21. Moreover, no account has been taken of the proximity of the wait area for cars using this car wash facility which is located to the rear of the proposed automated brush car wash and therefore closer to the rear private amenity space as well as rear elevation of No. 67 Kimmage Grove and the terrace group it forms part of. I also note that I observed at the time of inspection that this service station also includes a laundrette to the north of the forecourt area with this also generating noise and additional traffic movements with customer use of this facility blocking access to air services provided at a payment for customers of the service station.
- 7.3.22. I am not satisfied on the basis of this Noise Impact Assessment that this provides a realistic prediction of the noise associated nuisance arising from the proposed development.
- 7.3.23. I also note that the Planning Authority's Environmental Health Officer report raised concerns that they receive numerous complaints in relation to noise associated with car washes. In this regard they raised concern that during the drying phase they have a distinct pitch as well as their intermittent use gives rise to complaints. Given the proximity of the car wash unit proposed to residential neighbours they recommend that the proposed development should be refused as it is a type of development that is likely to lead to noise complaints.
- 7.3.24. In addition, given the height of the structure and its proximity to the southern boundary of the site and the rear of the terrace group No. 67 Kimmage Road Lower forms part of the automated brush car wash structure whilst not visually at odds with the service station itself, it would be in my view visually be at odds with the pattern of residential development that characterises this predominantly residential setting and adjoining

'Z1' zoned land. Particularly at a transition boundary between 'Z3' and 'Z1' zoned land. With this proposal as discussed previously siting the automated carwash structure, its wait area and plant room immediately alongside the southern boundary of the site. Together with the design providing no improvement of the boundary treatments or screening to lessen the visual impact of this structure and to lessen any overspilling of water spray from the automated car wash. But would, if permitted, result in the loss of some natural features that are present along this boundary. Which I observed includes one tall semi-mature tree that currently provides a level of screening that is of benefit to No. 67 Kimmage Grove in particular by way of obscuring part of the views of its rear elevation from Kimmage Road Lower and vice versa. In addition, this tree together with the soft landscaping present along the southern boundary contributes positively to its streetscape scene and add to the limited biodiversity in this heavily suburbanised location.

- 7.3.25. In addition, the placement of the car wash structure would visually obstruct an existing advertising display that is present in proximity to Kimmage Road Lower and located immediately alongside the southern boundary of the site. Against this context the car was structure would add to visual clutter situated in close proximity to the public road. There is in my view a lack of any meaningful separation distance between these existing and proposed structures.
- 7.3.26. In relation to the documentation provided I note that no clarity has been provided by the applicant in relation to the use of any lighting.
- 7.3.27. Given the placement of this structure on the front forecourt of this service station with a proposed setback of just over 5m at its nearest point from the adjoining Kimmage Road Lower footpath. This is together with the east west orientation of this structure in terms of its placement alongside the southern boundary of the site with the main facilities of the service station including the placement of its buildings and pumps through to the direction of its traffic management systems together with the nature, scale and height of the automated car was structure as depicted in the submitted drawings is likely in my view to require additional lighting. Particularly during more inclement lighting conditions as well as at certain points the year where there are less daylight hours.

- 7.3.28. The applicant proposes that this carwash facility would be available for customer use between the hours of 07:00 and 23:00 hours seven days of the week. In relation to 23:00 hours it is unclear from the documentation provided would that be the last point in time during the day when a customer could enter the car wash.
- 7.3.29. It is therefore a concern that any associated additional lighting given its proximity to the rear of No. 67 Kimmage Grove and the terrace group it forms part of through to potential for additional lighting within the forecourt of this service station with this having the potential to overspill onto public and private domain as well as cause associated negative nuisances.
- 7.3.30. The hours of operation and lighting concerns could in my view be dealt with by way of an appropriately worded condition should the Board be minded to grant permission.
- 7.3.31. In relation to the associated nuisance of potential escape of spray or water from the site during car wash operations, I consider that this is unlikely to happen given the enclosed nature of the car wash facility and its east to west orientation of the car wash structure itself.
- 7.3.32. In relation to Section 15.14.14 of the Development Plan which deals with the matter of Petrol Station application it states that such developments “*will only be permitted in residential areas, where it can be demonstrated that no significant damage to residential amenities will occur by reason of factors such as noise, visual obtrusion*” and that: “*any car-washing/drying facilities should be sited so as not to cause nuisance.*” Taking the concerns raised above together I am not satisfied that the proposed development, if permitted, would not result in the diminishment of the residential amenity of properties in its vicinity and I therefore concur with the Planning Authority that the proposed development warrants refusal on the basis for its potential to give rise to serious residential amenity impact.

7.4. Other Matters Arising

- 7.4.1. **Future Potential of Adjoining Land:** I raise a concern that to permit the proposed development could have implications on the latent potential of the adjoining ‘Z1’ zoned land to the south to be redeveloped in future for residential use given that its existing use as car sales is not listed under Section 13.7.1 of the Development Plan as being permissible or open for consideration in such zoned land. As set out above given the proposed developments potential to give rise to serious injury of residential amenities

by way of noise, visual obtrusiveness, through to other associated nuisances. Further, Section 14.3.1 of the Development Plan sets out that there will be a presumption against uses not listed under the permissible or open for consideration categories in zones Z1. As such I consider that the proposed development by way of its lack of compatibility with residential land uses, which is the primary land use permissible on 'Z1' zoned land would, if permitted, on the 'Z3' and 'Z1' land use boundary have the potential to limit future redevelopment on 'Z1' zoned land in a manner that is more consistent with its land use objective and the types of land uses generally deemed to be permissible on it. This I consider is a **new issue**.

- 7.5. **Traffic:** I am cognisant that the Planning Authority's Transportation Department raise no specific issue that would warrant refusal of permission subject to the inclusion of a number of safeguards in the event of a grant of permission. Notwithstanding I raise a concern that this proposal would result in the loss of one car parking space serving this service station and its retail premises which at some more recent point in time its services has been added to by the addition of a laundrette accessible from the forecourt. There is no proposal to address this as part of this proposal.

Of further concern the wait area for the car park and the traffic movements to access the automated carwash as shown show that there is potential for conflict between car movements accessing the car wash, the delivery space, and the provision of car parking spaces to the front of the retail building. Should any queueing of vehicles seeking to avail of a car wash, even in the event of one car, there is potential for access to the deliveries space to be blocked and if more than one car queues there is further potential for parking space labelled 07 and other spaces to the immediate north of it to be blocked or obstructed. Thus, adversely impacting on the limited car parking spaces available at this service station.

Moreover, the yield area to the front of the automated car wash is not of a depth for an average vehicle to dwell. Therefore, should vehicles be using the southernmost entrance onto Kimmage Road Lower vehicles leaving the car has the potential to block this entrance as they exit the automated car wash or block the use of any queued cars from using the car wash until this car has moved out from the car wash facility entirely. Of further concern, the public footpath beyond is of restricted width and there is an adjoining a dedicated cycle lane running alongside the eastern carriageway. As such

potential conflicts and obstructions arising from vehicles exiting the car wash could potentially adversely impact on traffic safety particularly for vulnerable road users.

Furthermore, there is no consideration given in the location of the car wash for the potential of cars having used the car wash to double back into the forecourt area to refill, to use the retail convenience through to use the air, water, and fragrance service. This service was blocked by cars using the laundrette facility at the time of my inspection. As such there is potential for customers having used the car wash to double back into the forecourt area to use this service and/or should as said they decide at this point to refill the car and/or use the retail convenience available.

I also observed that in terms of accessing the service station from Kimmage Road Lower that there is no visually obvious signage for those accessing this service station from this heavily trafficked regional road in both directions. The preferred entry and exit are provided in the form of road markings on the ground of the northern and southern entrance points of this roadside boundary. Moreover, the yellow junction box on the opposite northbound carriage of the Kimmage Road Lower is associated with vehicle movements to the residential cul-de-sac of St. Martin's Drive and St. Martin's Park. Not the subject service station and as such not of a design or position to deal with any vehicles seeking to enter or leave the service station.

Taking the above concerns into account I am not satisfied that the proposed development would not give rise to no traffic hazard or road safety issue and that it would not give rise to an overdevelopment of this site.

- 7.5.1. **Water Supply and Drainage:** The documentation provided indicates that the proposed car wash would require approximately 280 litres of water per wash with an average of 30 washes anticipated per day. Thus, a daily requirement of 8,400 litres of water is predicted. As part of the proposed development an underground water recycling system which would recycle 50% of the total volume of water required is proposed. The remainder of the used water would be lost to vapour, spray as well as on the cars themselves.

It is also indicated that the final rinse requires the use of 30litres of fresh water with this component resulting in a requirement of 4,200 litres of water of which 50% is proposed to be recycled. Whilst this is intensive use of water from the public supply no concerns are raised in terms of the capacity to cater for this development.

Whilst this proposal does put forward recycling of water there is no consideration given to the harvesting of rain water from the roof of the retail building or indeed the forecourt canopy. Both of which have a large surface area. The capturing of this would lessen the demand such a development would place on the public water supply, particularly given that this supply is treated for consumption which is an expensive level of treatment burdened by the public purse that water for car wash use does not require.

Whilst I am cognisant that the Planning Authority's Drainage Division raise no objection to the proposed development subject to safeguards in the event of permission. Such developments could incorporate more robust climate resilient measures as part of their overall design to reduce the volumes of treated for public consumption water that they would require in their operations. This direction would accord in the climate resilient measures sought under the Development Plan as part of achieving more sustainable development outcomes.

- 7.5.2. **Advertising:** The documentation included with this application does not clarify whether additional advertising, if any, would be provided as part of this development when operational. Should the Board be minded to grant permission for the proposed development this matter could be addressed by an appropriately worded condition.

8.0 **Appropriate Assessment**

- 8.1. Having regard to the modest nature and small scale of the proposed development; which is for an car wash, a car wash plant room with water recycling system together with all associated structure, drainage and site development works at an existing service station, located within an urban and serviced area, remote from the nearest European site, it is considered that no Appropriate Assessment issues arise. Therefore, 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.

9.0 **Recommendation**

- 9.1. I recommend that permission be **refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. The development for which permission is sought, would result in the intensification of commercial activity on this site, would give rise to noise and disturbance impacts on adjoining residential properties, would fail to accord with the Dublin City Development Plan, 2022-2028, provisions set out under Section 14.6 for contiguous transitional zone areas. In particular, this section of the Development Plan sets out that it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones in such area.

In addition, Section 15.14.15 of the Development Plan seeks that Petrol Stations demonstrate that no significant damage to residential amenities by means of noise, visual obtrusion, and other nuisances. It also sets out in relation to any car-washing/drying facilities that these should be sited so as not to cause nuisance.

The Board is not satisfied on the basis of the documentation that it has been robustly demonstrated that the proposed development would not seriously injure the residential amenities of property in the vicinity by way of noise and visual obtrusion or that it would not give rise to any undue traffic hazard or inconvenience for road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Patricia-Marie Young
Planning Inspector

6th day of September, 2022.