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Bord  
Pleanála

## Inspector's Report

**ABP-315868-23**

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<b>Development</b>	Retention of a car wash facility and associated water, wastewater and drainage connections
<b>Location</b>	The Bell (car park), Castleknock Road, Blanchardstown, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F22A/0273
<b>Applicant(s)</b>	Bell Inns Ltd.
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refused for 2 no. reasons
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Bell Inns Ltd.
<b>Observer(s)</b>	Woodpark Residents Association
<b>Date of Site Inspection</b>	26 <sup>th</sup> May 2023
<b>Inspector</b>	Bernard Dee

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## 1.0 Site Location and Description

- 1.1. The appeal site is located within the car park area of The Bell public house which is located at the apex of the junction of Castleknock Road and the Old Navan Road in Castleknock. Access to the car wash facility is via the existing entrance from Castleknock Road. There is no entrance to the car park from the Old Navan Road.
- 1.2. The car wash facility for which retention is sought is located in the southern corner of the site close to the boundary wall. Trees and shrubs provide screening from Castleknock Road travelling north but the structure is visible travelling south along Castleknock Road. The car wash facility is a single storey structure with two bays to accommodate cars and a third bay is used as an office and to store supplies. A portaloo to the side of the facility is provided for the use of employees.
- 1.3. During the site on 26<sup>th</sup> May 2023 visit it was noted that two cars were being valeted but there was no car washing taking place at the facility.

## 2.0 Proposed Development

- 2.1. The development will consist of the retention of the existing car wash and valet facility and all associated water, wastewater and drainage connections. An area of the existing car park is contained within the red line boundary but the parking spaces, while in situ on the ground, are not shown on the application drawings.
- 2.2. The planning application documentation on file does not give any details (other than drawings) regarding the water, wastewater and drainage connections for which retention is sought nor was any information supplied on the number of cars using the facility.
- 2.3. The site area is stated to be c. 0.073ha.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission for the proposed development was refused on 23<sup>rd</sup> January 2023 for 2 no. reasons:

- 1. The subject site is located within land-use zoning objective 'TC' which seeks to Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities' as set out in the Fingal Development Plan 2017-2023 and directly adjoins lands subject to the 'RS' zoning objective which is to provide for residential development and protect and improve residential amenity and established residential development. The development seeking retention would represent a substandard form of development with respect to layout and design which would be contrary to the land use zoning objective for the site and based on the information submitted, the Planning Authority is not satisfied that the development would not adversely affect the amenities of adjoining residential property depreciating the value of same. The development would set an inappropriate precedent for other similar development and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. On the basis of the details submitted, the Planning Authority is not satisfied that satisfactory arrangements are in place for the disposal of waste water arising from the development on site and would not give rise to pollution. The proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report notes the Town Centre zoning of the site and that a car wash facility is not permitted in principle or not permitted within this zoning. The Planner therefore assessed the case on its individual merits. The Planner then notes that there is insufficient information regarding the water, wastewater and drainage connections.

With regard to residential amenity, the Planner notes that the facility operates seven days a week and that no information on noise emissions, operating hours, signage, permanent toilet facilities and the layout of the car park are absent from the application documentation.

The Planner's Report concludes that the facility for which retention permission was sought is substandard and would have an adverse impact on the visual and residential amenity of the area and may be a hazard to public health and be a source of pollutants to the environment.

### 3.2.2. Other Technical Reports

The Transportation Planning Section expressed concern regarding the parking layout and the lack of clarity with regard to same and also the fact that there was no information regarding traffic queuing and management for cars waiting to use the facility.

The Water Services Department required more information on surface water and wastewater discharge management and recommended that additional information be sought from the applicant.

The Environmental Health Unit replied that there was no objection to the proposed development subject to noise and air/odour emission conditions being applied.

### 3.2.3. Prescribed Bodies

Irish Water required additional information before making a comment on the retention application.

### 3.2.4. Observations

Three submissions were made during the five week period relating to: adverse visual impact, noise disturbance, no information on operating hours, traffic hazard, wrong location for a car wash facility near a school and houses and the lack of any environmental assessment of the potential impacts on the environment of the facility.

## 4.0 Planning History

### 4.1. On the Appeal Site

- Ref. F13A/0004: permission granted for change of use of public house to bookmakers and an off-licence with a c. 40m<sup>2</sup> extension to accommodate the off-licence.
- Ref. F06A/0252: retention permission granted for a smoking shelter on the south-west elevation of The Bell public house.

### 4.2. In the Vicinity of the Site

- None relevant in close proximity to the appeal site.

## 5.0 Policy and Context

### 5.1. Development Plan

Fingal Development Plan 2023-2029 is the statutory plan for the area within which the appeal site is situated and it came into effect on Wednesday 5th April 2023. The Planner's Reports on file refers to the Fingal Development Plan 2017-2023 and may be disregarded by the Board. Set down below are the relevant Fingal Development Plan 2023-2029 policies and objectives in relation to this appeal.

The site is zoned 'TC' Town and District Centre - Objective - Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities. Vision Maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County. Develop and consolidate these centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car-based traffic. In order to deliver this vision and to provide a framework for sustainable development.

There are no specific policies or objectives in respect of car wash/valet facilities in the Development Plan.

## 5.2. **Natural Heritage Designations**

There are no natural heritage designations located in the vicinity of the appeal site.

## 5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, 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**

The grounds of the First Party appeal prepared by Plantech Design Ltd. are, in summary, as follows:

- There are multiple precedents for this type of facility in the Dublin 15 area.
- The waste water is collected on site and no water enters the public mains.
- Soil engineers' reports can be prepared on request.
- There is no visual impact on the footpath or on surrounding or adjacent buildings as hoarding, fencing and screening is in-situ.
- The facility provides a critical service to the local community.

### 6.1. Applicant Response

Not applicable.

### 6.2. The Planning Authority response is as follows:

- The Town Centre zoning of the site seeks to protect and enhance the special physical and social character of town and district centres and to provide and/or improve urban facilities. The development for which retention is sought is a sub-standard form of development which impacts adversely on the

amenity of the area contrary to the Development Plan zoning objective for the area.

- The granting of retention permission for the facility would create an undesirable precedent for similar developments and be contrary to the proper planning and sustainable development of the area.
- The Planning Authority is not satisfied, given the lack of information supplied by the applicant, that the facility would not be prejudicial to public health and may in fact be a source of pollution.

### 6.3. Observations

An Observation has been received from the Woodpark Residents Association who, in summary, make the following points:

- Woodpark Residents Association fully support the reasons for refusal issued by Fingal County Council.
- The noise emissions and the adverse visual impact associated with the car wash facility have a negative effect on the residential amenity of the area.
- There is no need or demand for this facility as there are established car wash facilities in Dublin 15 located 500m, 1.1km, 1.9km and 2.5km from the appeal site.
- Woodpark Residents Association has concerns as to the disposal of the water runoff which must enter the public drainage system.
- Castleknock Road accommodates a school opposite the appeal site and a public house, off-licence and betting shop at The Bell. All of these uses create considerable traffic. The car wash facility exacerbates this situation.
- The car wash facility never sought planning permission and should be refused retention permission.

### 6.4. Further Responses

Not applicable.



## 7.0 Assessment

Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

The main issues, therefore, are as follows:

- Principle of development.
- Impact on residential amenity.
- Visual impact.
- Traffic hazard.
- AA Screening.

### 7.1. Principle of Development

- 7.1.1. I note the Town and District Centre zoning of the appeal site and the objective to “protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities”. I also note that this type of development is neither ‘permitted in principle’ nor ‘not permitted’ and will therefore be decided on its own merits.
- 7.1.2. I would comment that this type of facility is more properly located within a petrol station/service station type of development that has been purpose designed and built with car washing and valeting facilities being integral to the overall development.
- 7.1.3. In the case of the current facility for which retention is sought, the location in a car park serving a pub/restaurant, off-licence and betting shop in close proximity to a residential area to the south and a school to the west, represents an opportunistic unauthorised use of a car par that is ancillary to The Bell. This car park has not been designed to accommodate a car wash facility in terms of drainage, screening, traffic management and all the other material planning issues by which planning applications are assessed.

7.1.4. I am of the opinion therefore that the development for which retention is sought is unacceptable in principle at this location and in an area zoned Town and District Centre as it is contrary to the objectives set down in the Development Plan in relation to this zoning objective. Notwithstanding this opinion regarding the unacceptability in principle of this car wash facility, the other relevant planning issues in relation to this case are assed below for the Board's consideration.

## 7.2. Impact on Residential Amenity

7.2.1. The appellant states that the proposed development will not have any impact on the residential amenity of the area as the facility is screened from view and no pollutants enter the public drainage system. I note from the drawings submitted and my site visit that there is a T-shaped drainage channel immediately in front (to the north) of the car wash facility. The drawings indicate that this drains to the public mains system contrary to the appellant's claims otherwise. This drain to the mains also carries discharge from the rainwater pipe on the car wash building.

7.2.2. There are no attenuation tanks, filters/scrubbers, petrol interceptors or any other mitigation measures in place to prevent polluted water from entering the public mains system with consequent ramifications as regards environmental damage and public health risk.

7.2.3. On this issue alone I would recommend a refusal of retention permission for the car wash facility.

7.2.4. In addition, the noise emissions may have an impact on the residential amenity of the area but the car wash was not operational at the time of the site visit so I cannot confirm this to the Board.

7.2.5. I conclude, having regard to the above that the facility for which retention permission is sought would have an adverse impact on the residential amenity of the area.

## 7.3. Visual Impact

7.3.1. The appeal site is partially screened by existing planting travelling north along Castleknock Road but is fully visible travelling south along this road. The facility is quite visually prominent from the public realm and is visually obtrusive within the car park itself. The visual impact is adverse and is compounded by temporary screening erected to the north of the facility within the car park and by several signs advertising

the car wash facility which are pinned to the boundary wall or to poles along the footpath.

7.3.2. From the drawings submitted, there are no proposals to plant additional trees/shrubs to screen the structure which houses the car wash facility. At present, the facility does have an adverse impact on the streetscape which in turn impacts on the quality of the residential amenity of the area in a negative manner.

7.3.3. I concur with the Planning Authority assessment that the retention of the car wash facility would have an adverse impact on the visual amenity of the area.

#### 7.4. Traffic Hazard

7.4.1. The retention application drawings do not accurately indicate the current parking layout and no information has been submitted regarding the throughput of cars using the facility nor on how any queuing that may occur is to be managed.

7.4.2. The location of this facility within a busy car park serving a public house/restaurant, off-licence and betting shop may give rise to traffic conflicts within the car park in the absence of clear demarcation of the parking serving this facility and a traffic management plan. However, these are easily addressed issues and not a ground for refusal in this instance.

7.4.3. Of more concern is the location of the car wash facility served via an existing entrance opposite a school and located in a largely residential area. While no figures are available regarding the traffic generating capacity of the facility, I feel that the car park, which already serves three separate uses, is utilised to a near capacity level. An additional use such as the car wash facility will only generate more traffic and potentially lead to traffic conflict within the car park and potential traffic hazard at the entrance and on Castleknock Road.

7.4.4. In the absence of any substantive information on traffic issues I would recommend a precautionary approach and I would therefore recommend a refusal on this ground in addition to the refusal grounds discussed above.

## 7.5. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

I recommend that retention permission for the car wash facility be refused for the reasons and considerations set down below.

## 9.0 Reasons and Considerations

1. Having regard to the land-use zoning objective 'TC' of the site in the Fingal County Development Plan 2023-2029, the objective of which is to Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities', it is considered that the development for which retention is sought, would contravene materially the said zoning objective and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the Board is not satisfied that the drainage arrangements represents a sustainable approach to servicing the development due to the unobstructed discharge of wastewater into the public mains system. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the development, by reason of its design, scale and location would seriously injure the visual and residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. It is considered that the development, which would result in the intensification of use of an access onto Castleknock Road at a point where a speed limit of 50km/h applies, would endanger public safety by reason of traffic hazard and the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road.

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**Bernard Dee**  
**Planning Inspector**

**29<sup>th</sup> May 2023**