



An
Bord
Pleanála

Inspector's Report

ABP-319783-24

Development

Demolition of existing service station retail building and associated uses, site alterations to enlarge the overall size of the existing site and the construction new of service station building. To include retail, parking, and all associated site works.

Location

Texaco Service Station, Ballydowd, Lucan, Co. Dublin

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD23A/0275

Applicant(s)

Valero Energy (Ireland) Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Valero Energy (Ireland) Limited

Observer(s)

None

Date of Site Inspection

23rd August 2024

Inspector

Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site is located along the N4 National Primary Road (Lucan Road) and has a stated area of 0.4737 ha. The site is accessed through the parallel road off the N4 serving westbound traffic, with 2 no. vehicular access and egress points fronting the N11, with a one way in, one way out system.
- 1.2. The site is an established service station, with forecourt fuelling area incorporating 7 no. pumps, Spar retail shop (incorporating 1 no. food/beverage offer), car/dog washes, no. 2 log cabins to the rear, approximately 21 no. car spaces, plant building and storage compound.
- 1.3. The surrounding context comprises a mix of uses including a residential estate to the south, on Hermitage Road, and to the west of the site is the former 'Foxhunter' public house site. In addition, there is a site being used as a lorry park located to the east of the existing site.

2.0 Proposed Development

- 2.1. The development comprises the following works:
 - Demolition of existing service station retail building, car washes, off-loading slab, 3.0m high external blockwork wall, fuel dispenser island, plant building and removal of 2 no. log cabins, storage compound with associated steel containers, water storage tank and associated forecourt equipment.
 - Site alterations to enlarge the overall size of the existing site (by incorporating the vacant site to the east) from 0.3389 Ha to 0.4737 Ha.
 - Construction of a new single storey building (504 sq. m.) comprising of retail area of 100 sq. m. (including off-licence of 23 sq. m.), 2 no., food offers (110.5 sq. m.), seating area (69 sq. m.), circulation area and back of house (office, toilets, and storage).
 - Alterations to the existing forecourt canopy.
 - Provision of building fascia signage and forecourt canopy signage.

- Construction of ancillary site features including new ESB sub-station building (24 sq. m.) and wash recycle building (6 sq. m.), 37 no. surfaced car parking spaces with 6 no. E charging spaces.
- Construction of 2 no. pressure wash slabs, 1 no. brush wash slab, walled yard area (beside shop), site lighting, surfacing, landscaping, and all associated drainage works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted refused permission, following further information request, on 24th April 2024, for the following reason:

“Having regard to the submission from Transport Infrastructure Ireland (TII) and review by SDCC Roads Department, it is considered that the proposal, if approved would create an unacceptable adverse impact on the use of the adjoining national road and would be at variance with national policy as set out in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012), in particular Section 2.5 of the Guidelines which states ' Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from a new development or the generation of increased traffic from existing access to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.'. Furthermore, the proposed development would intensify the use of an access on a National Road and would increase the risk of a traffic accident and endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated. This is contrary to the provisions of the South Dublin County Development Plan 2022-2028 and the sustainable development of the area”.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 18th December 2023 and 24th April 2024 have been provided.
- 3.2.2. This planning application was assessed under the South Dublin County Development Plan, 2022 – 2028.
- 3.2.3. The original planning report considered it necessary to seek further information on the following items:
- Applicant to submit a revised 'TTA Summary & Conclusion Section' that explains clearly how the claimed projected increases in traffic rates do not impact traffic on the surrounding road network.
 - Applicant to submit a Stage 1 & 2 Road Safety Audit to include all relevant elements of the development, which must cater for all pedestrian and bicycle movements within the subject site.
 - Applicant to submit a set of swept path drawings that demonstrate safe access/egress/movement through the site for all vehicles; to include articulated lorry-fuel delivery, refuse collection, emergency vehicles, car wash & retail users.
 - Applicant to submit a developed Construction Traffic Management Plan (CTMP).
 - Applicant to submit a developed Construction Waste & Demolition waste Plan (CWDWMP).
 - Applicant to provide details regarding pedestrian access from the neighbouring housing estate to the subject site (as briefly referenced in the submitted documentation).
 - Applicant to demonstrate how the proposed car parking provision complies with the requirements of the SDCC County Development Plan 2022-28, Table 12.25. 8.
 - Applicant to demonstrate how the proposed bicycle parking provision complies with the requirements of the SDCC County Development Plan 2022-28, Table 12.23.

- Applicant to provide a report detailing in table format the total area of the site, the different surface type that makes up the site, and their corresponding run off coefficients. Including calculations for the surface water attenuation volumes on-site.
- Details of surface water run off from proposed new roofs and hardstanding outdoor areas in accordance with Development Plan requirements.

3.2.4. The planners report concluded that *“Having regard to the significant concerns of TII and SDCC Roads Department and the inability to resolve issues with Further Information, it is considered that the proposed development would be at variance with national policy as outlined in the ‘Spatial Planning and National Roads Guidelines for Planning Authorities, (Jan 2012, DoECLG)’ and would increase the risk of a traffic accident and endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated. It is therefore contrary to the provisions of the CDP 2022-2028 and the sustainable planning and development of the area and permission should be refused”*.

Accordingly, permission was refused for the reason set out in Section 3.1.1 above.

3.2.5. Other Technical Reports:

- Environmental Health Officer: No objections, subject to conditions – in both construction/demolition stage and operational stage.
- Parks and Landscape Services: No objections, subject to conditions.
- Public Lighting: No Report received.
- Roads Section: Request Additional Information.
- Water Services Department: Further Information Required.
- Waste Management: No objections, subject to condition.

3.3. Prescribed Bodies

3.3.1. The Planning Authority indicated that the following prescribed bodies were consulted.

- Uisce Eireann: No objections, subject to conditions.

- Transport Infrastructure Ireland: Proposal at variance with official policy in relation to the control of development on/affecting national roads.
- National Transport Authority: No report received.

3.4. Third Party Observations

3.4.1. Two third party submissions were received, the issues raised can be summarised as follows:

- Site is situated beside residential estate, noise and lighting effects adjoining properties.
- Site is changing to a mini market, café and off-licence and will increase footfall and traffic.
- Increase in scale will increase traffic volume.
- Concerns regarding noise and noise monitoring from development and ESB substation.
- Increase in anti-social behaviour to adjoining residential property.
- Increase in noise to adjoining property.

4.0 Planning History

4.1. There is an extensive planning history detailed in the planner's report. From my review of the planning history, I consider the following to be the most pertinent to the appeal:

- SD14A/0011 – Split decision issued by South Dublin County Council on 25th March 2014 for the retention of 1 no. refrigeration container and 1 no. steel storage container and surrounding timber fence; retention of change of use of forecourt area to storage area.

Note: Retention permission granted for 1 no. refrigeration container, 1 no. steel container & timber fence on southern boundary. Retention permission refused for change of use of part of forecourt area to front for storage, display and sale of food, drink & fuel products.

The reasons for refusal were due to traffic hazard for pedestrian movement, use of wheelchair bay, cumulative retail space in excess of 100 sq. m. net. & forecourt for sale of food and drink products in contravention of Policy S32.

- ABP: PL.06S.238745/Ref: SD10A/0195: Permission and retention refused on appeal to An Bord Pleanála (Ref: PL.06S.238745) for the change of use of existing lands (1276.54 square metres) adjacent to service station to parking area and for use ancillary to service station, the relocation of existing service station access, and the demolition of part of existing wall to provide opening from ancillary parking area to service station. Retention for opening in existing service station east boundary wall with proposed alterations to increase opening from 4.7 metres to 7.0 metres, and the lowering of wall height between service station and parking area from 3.0 metres to 1.8 metres.

Reason for refusal stated: *"Having regard to the existing scale and range of activities on the subject site and the existing and proposed site layouts, it is considered that the proposal to increase parking and ancillary areas would represent a non-integrated and an incoherent approach to development resulting in additional vehicular and pedestrian movements to and from the service station which is restricted in size. The proposal would compromise public safety by reason of the fragmented layout of the various components associated with the service station and the lack of internal circulation and exit arrangements for traffic, in particularly for Heavy Goods Vehicles thus giving rise to conflicting movements of vehicles and pedestrians in a congested site. Furthermore, the Board is not satisfied that the proposed development would not lead to an intensification of traffic and turning movements at this site which lies adjacent to a major interchange on the N4 national primary road, and that such intensification would not adversely affect the carrying capacity and level of service of the national road at this location, contrary to public policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area".*

5.0 Policy Context

5.1. South Dublin County Development Plan 2022 – 2028

5.1.1. The site is subject to zoning objective 'RES' 'To protect and/or improve residential amenity'.

5.1.2. Relevant Chapters and Objectives

- Chapter 4 Green Infrastructure
- Section 4.1 Methodology GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial, and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage, and enhance GI resources providing links to local and countywide GI networks.
- Section 4.2.1 Biodiversity
- GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.
- Section 4.2.2 Sustainable Water Management
- GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.
- Policy QDP7: High Quality Design – Development General
- Policy QDP11: Materials, Colours and Textures

- Policy EDE1: Overarching Support sustainable enterprise and employment growth in South Dublin County recognising the County's role in the Dublin region as a driver of economic growth.
- Policy E3: Energy Performance in Existing and New Buildings
- Policy IE1: Overarching Policy.
- Policy IE2: Water Supply and Wastewater
- Policy IE3: Surface Water and Groundwater
- Policy IE7: Waste Management
- Policy IE8: Environmental Quality
- 9.6 Fast Food Policy EDE16: Retail – Fast Food Outlets/Takeaways: Manage the provision of fast-food outlets and takeaways in our urban areas.
- EDE16 Objective 1 & EDE16 Objective 2.
- 9.7 Betting Shops/Off-licence
- Policy EDE17: Retail – Off Licences and Betting Offices: Manage the provision of off-licences and betting offices and prevent an excessive concentration of these land uses.
- 12.2.1 Land-Use Zoning Tables
- 12.3.1 Appropriate Assessment
- 12.3.2 Ecological Protection
- 12.3.3 Environmental Impact Assessment
- 12.4.2 Green Infrastructure and Development Management
- 12.5.7 Signage – Advertising, Corporate and Public Information
- 12.7.4 Car Parking Standards
- 12.7.5 Car Parking / Charging for Electric Vehicles (EVs)
- 12.9.5 Retail Development

(iii) Fast Food / Takeaway Outlets Fast food outlets have the potential to cause disturbance, nuisance and detract from the amenities of an area and as such, proposals for new or extended outlets will be carefully considered. Development

proposals for fast food / takeaway outlets will be strictly controlled and all such proposals are required to address the following:

- The potential effect and the proximity of fast food outlets or take away outlets to vulnerable uses, such as schools or parks.
- The cumulative effect of fast food outlets on the amenities of an area.
- The effect of the proposed development on the existing mix of land uses and 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.

(iv) Motor Fuel Stations

“Petrol stations, while necessary, have the potential to cause disturbance, nuisance and detract from the amenities of an area and as such, proposals for new or extended outlets will be carefully considered. Motor fuel stations will not generally be encouraged within the core retail area of urban centres or in rural areas.

Development proposals for motor fuel stations should address the following:

- Development proposals will be required to demonstrate that noise, traffic, visual intrusion, fumes, and smells will not detract unduly from the amenities of the area and in particular from sensitive land uses such as residential development.
- Motor fuel stations should be of high quality design and 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 and bicycle, with proper access for delivery vehicles. The safety aspects of circulation and 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 external storage of gas cylinders and solid fuel should be limited in area and confined to strictly defined

specifically designed compounds adjoining the shop / forecourt and be subject to adequate measures being taken for visual appearance, security, and safety.

- 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 100 sq. m. Where permission is sought for a retail floorspace in excess of 100 sq. m., the sequential approach to retail development shall apply (that is, the retail element shall be assessed as a proposed development in its own right).

- Workshops for minor servicing (for instance, 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 DECLG, (2012)".

- Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)
- Policy IE3: Surface Water and Groundwater
- Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.
- Chapter 12 Implementation and Monitoring
- 12.10.1 Energy Performance in New Buildings
- 12.11.1 Water Management
- 12.11.3 Waste Management
- 12.11.4 Environmental Hazard Management
- Table 12.19: Signage

5.2. Section 28 Ministerial Guidelines

5.2.1. Section 28 Guidance:

- Retail Planning Guidelines for Planning Authorities, (DoECLG 2012).

- Spatial Planning and National Roads – Guidelines for Planning Authorities, (DOECLG 2012).
- Retail Design Manual – April 2012 Department of the Environment, Community and Local Government.

5.2.2. Other Relevant Guidance:

- Service Area Policy 2023 (Motorway and Dual Carriageway networks), Transport Infrastructure Ireland 2023.
- NRA Service Area Policy, National Roads Authority 2014.

5.3. **Natural Heritage Designations**

5.3.1. The subject site is not located within any designated European Sites.

5.4. **EIA Screening**

5.4.1. I refer the Board to the completed Form 1 2 in Appendix 1. 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 of 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. A first party appeal has been received by the applicant's agent against the decision of South Dublin County Council (SDCC) to refuse permission under Reg. Ref. SD23A/0275. The appeal includes a Traffic & Transport Assessment Report prepared by Atkins traffic consultants, dated October 2023 (including Mobility Management Plan and Construction Traffic Management Plan), a report from JA Consulting Engineers and a report from NRD Consulting Engineers, and can be summarised as follows:

- The report from TII was not uploaded onto the public file and was only provided to the applicant following a specific request.
- The Planner's Report is generally favourable towards the proposed development, subject to several conditions to address relatively minor matters.
- On account of the recommendation from the SDCC Roads Department it was recommended to refuse permission.
- Council do not refer to material contravention of the South County Development Plan 2022-2028 in the wording of the reason for refusal and therefore An Bord Pleanála are not constrained by section 37 (2) (b) of the Planning and Development Act 2001 as amended. In this regard the Board can grant planning permission.
- The TII submission states that that the proposal is contrary to National Policy even though the entrance and exit to the site are onto a separate slip lane.
- The TII submission does not provide any analysis or technical information to back up this assertion.
- The appellant considers that having regard to the TII submission relating to the additional information response that TII no longer have any concerns.
- The Council were incorrect to rely on the original TII submission as the basis of the refusal.
- The appellant refers to the statement provided by Atkins Engineers in relation to the SDCC Roads Department report stating that a detailed traffic assessment had not been provided in relation to the junction at peak times.
- The impact of the additional trips due to the proposed development, was found to be negligible across all the design years.
- It is not clear what exact issues the Planning Department have in relation to traffic accident and endanger public safety by reason of traffic hazard and obstruction of road users. The only reference SDCC Roads Department make is to revised road markings, revised car park proposals (slightly too high) and

Stage 4 Road Safety Audit. The SDCC Roads Department recommended that these could be addressed by way of a planning condition.

- The Planner's Report does not clarify why traffic safety has been included in the reason for refusal.
- The Council have previously granted permission for a redevelopment of 'Applegreen' filling station in Tootenhill, Rathcoole, which has a similar context, situated directly off a slip-lane leading onto a National Primary Route, which is now built and operational.
- South Dublin County Council recently granted permission for a drive-thru coffee facility on the vacant site at the north of the 'Applegreen' filling station site in Tootenhill, Rathcoole which would intensify the existing filling station use. The current application has the same type of access arrangement.
- SDCC Water Services department recommended clarification of additional information, but this was not requested as the Planner recommended refusal on traffic grounds.
- JA Gorman Consulting Engineers have addressed each of the 3 no. items raised by the Water Services Department and they are included with the appeal.

6.2. The appeal response also includes a report from JA Consulting Engineers, which includes the following information:

- Appendix A - Copy of Previously Submitted Additional Information - drawing - P3342 C011 PROPOSED SITE LAYOUT PLAN SHOWING SUDS COMPONENTS AND DETAILS - ADDITIONAL INFORMATION
- Appendix B - Copy of Previously Submitted Additional Information - Report - P3342 JAG CIVIL ENGINEERING REPORT - ADDITIONAL INFORMATION
- Appendix C - Copy of Previously Submitted Additional Information - Report - BRE Digest 365 Infiltration Test - ADDITIONAL INFORMATION.
- Proposed storm water disposal system.

- Proposed finished surface types and their corresponding run off coefficients.
- Proposed on-site storm water disposal system scheme.
- Met Eireann Return Period Rainfall Depths for sliding Durations.
- Hydraulic calculations for proposed Permeable Pavement - system A - total infiltration.
- Hydraulic calculations for proposed Stormtech 1 (or similar approved) - system A - total infiltration.
- Hydraulic calculations for proposed Stormtech 2 (or similar approved) - system A - total infiltration.
- Hydraulic calculations for proposed Stormtech 3 (or similar approved) - system A - total infiltration.
- Hydraulic calculations for proposed Stormtech 4 (or similar approved) - system A - total infiltration.
- Hydraulic calculations for proposed Stormtech 5 (or similar approved) - system A - total infiltration.

6.3. The appeal response also includes a report from NRD Consulting Engineers, which includes a 'peer-review' and provides commentary on the following:

- Traffic & Transport Assessment (TTA) Report, prepared by Atkins – the report concluded that the Atkins TTA Report and assessment is thorough and represents a comprehensive and robust assessment of traffic impact of the proposed development.
- Stage 1 Road Safety Audit – the report concludes that the Road Safety Audit is compliant with the requirements of TII Publication GE-STY-01024-Road Safety Audit. A Designer Feedback form has been included, with 4 Items or Problems identified, all of which are internal design matters which are easily addressed.

- Memo prepared by Atkins addressing Additional Information Request from SDCC – the report concludes that if the level of additional traffic were to occur, as highlighted in the Atkins report, this represents approximately 1 additional car movement every 2 minutes over the 1-hour period of the commuter peak hours. This is a very small volume of traffic by any measure.
- SDCC Planners Report / Chief Executive Order – the report provides the following comments in response to the planners' report:
 - This is a long-established existing Filling Station / Service Area which predates the current roads infrastructure and is not a new facility.
 - The initial November 2023 Observation from TII raised queries in relation to National Protected Routes Policy and was clearly referenced by SDCC in the Request for Further Information. The subsequent April 2024 Letter from TII states: Transport Infrastructure Ireland has no observations to make.
 - NRD's interpretation of such National Policy and Access to National Roads relates to new or significantly intensified, rather than amendments to a long-established development such as the subject site, which is not accessed from a National Road but is accessed from a 50kmph parallel service road. There is no access to the subject site directly from a National Road.
 - A Stage 1 Road Safety Audit was provided. A Stage 2 Road Safety Audit is undertaken at full detailed design stage (i.e. Construction Drawings) and is considered a comprehensive and unnecessary requirement at Planning Stage.
 - Swept Path Drawings were provided by JA Gorman Consulting Engineers are considered to be more than adequate.
 - The Construction Management is addressed within Section 8 (P37/38) of the Atkins TTA. The final detailed arrangements for Construction Traffic are ordinarily dealt with by way of Planning Condition, with a Construction Traffic Management Plan prepared by an appointed

Contractor, when details of construction programme and phasing have been confirmed.

- Planning Decision Notice from SDCC - the report provides the following comments in response to the decision:
 - It is highlight that the development is accessed by way of a 50kmph parallel service road adjacent the N4 and not the N4 carriageway itself.
 - It is not 60kmph, it is clearly a 50kmph road.
 - A comprehensive detailed TTA was submitted confirming the low levels of traffic generated by the replacement Filling Station / Service Area. In addition, a Road Safety Audit was prepared by experts who reviewed the design and determined that it represents a safe and appropriate design.
 - The development will have a negligible and unnoticeable impact on Traffic conditions locally and that the proposed layout represents good safe design practice.
- TII Submissions / Observations on the Application (Nov. 2023 & April 2024) - the report provides the following comments in response to the TII comments:
 - The subject development does not have access to the National Road, it is accessed directly from a 50kmph parallel service road. It is not expected to have any impact whatsoever on national road traffic, as evidenced from the TTA and the independent RSA submitted with the application.
 - Section 2.5 of the Guidelines clearly references "Speed Limits Greater than 60kmph". This existing Filling Station is serviced and accessed from a 50kmph section of service road, and it is suggested that the Policy does not apply in this case.
 - The proposed development is not located on a National Road where the Maximum speed limit applies, and this Policy has therefore been wrongly applied by TII.

- The site is accessed directly from Service Road, and in any event the N4 in this location has a restricted 80Kmph Limit and is not subject to National Speed Limit.
- Comparing the TII Letters of Nov 2023 and April 2024, there is an apparent complete change in the tone and content of the TII Observations (and the subsequent SDCC Reason for Refusal).
- It is suggested that there was simply a misunderstanding or error made by TII in the preparation of the original November 2023 Observation, which was then rectified in the April 2024 Observation.
- It is considered that the TII National Routes Protection Policies do not apply in the case of the subject application.

6.4. Planning Authority Response

- 6.4.1. Report received 31st May 2024 stating that *“The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Chief Executive Order”*.

6.5. Observations

None received.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including the first party appellant’s submission (the subject matter of this appeal), site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues in determining this appeal relate to the three reasons for refusal as follows:
- I. Principle of Development
 - II. Planning History
 - III. Traffic, Transportation and Safety

- IV. Water Services
- V. Appropriate Assessment, and
- VI. Other Matters.

7.2. Principle of Development

- 7.2.1. As per the Development Plan, the site is zoned 'RES' 'Existing Residential' with an objective "To protect and / or improve residential amenity". Under this zoning objective petrol station is a use class which is open for consideration on 'RES' zoned lands. A restaurant/café is also 'open for consideration' in this zoning designation. In addition, Advertisements and Advertising Structures are 'open for consideration' in this zoning and Shop neighbourhood is 'open for consideration'. These uses may be permitted only if not in material conflict with the policies of the County Development Plan.
- 7.2.2. There is an existing service station permitted on site, providing 183 sq. m., of which 84 sq. m. is retail, which allows for a sustainable mix of uses to provide for the needs of the existing settlement and to allow for the further growth of the settlement. I also note Section 4.11.9 of the Retail Guidelines, which states that in rural areas motor fuel stations can have a very important function as the local shop or small supermarket. In this regard, I consider that the principle of the proposed extension to the existing service station on site to be acceptable.
- 7.2.3. The proposal to redevelop the existing service station will result in a proposed retail area of 100 sq. m. with an ancillary area of off licence of 23 sq. m. The planner notes that the plans indicate a that there is a circulation/entrance area in excess of 78 sq. m. However, the applicant has stated that the convenience shop element of the proposal is 100 sq. m. in area. Accordingly, I am satisfied that the proposed retail floor area is in accordance with Section 12.9.5 Retail Development: (iv) Motor Fuel Stations of the Development Plan, which states that the floorspace of the retail sales area of petrol stations shall not exceed 100 sq. m. whereby preparation of a sequential test is required. Nothing the scale of the proposal, a sequential test is not required. Given that the proposed net retail floor area is not in excess of 100 sq. m., I do not consider that the proposed development would result in the intensification of

use or overdevelopment of the site. I would recommend the inclusion of a condition in relation to the floor area of the retail element (i.e. 100 sq. m.), in this regard.

Conclusion

- 7.2.4. Therefore, I conclude that the proposed development is acceptable having regard to the zoning objective, the established use on site and the nature and scale of the retail element proposed in the planning application.

7.3. Planning History

- 7.3.1. The pertinent planning history is referenced above. While note specifically raised in the appeal, regard is had to the permission refused under PL.06S.238745/Ref: SD10A/0195, for the change of use of existing lands (1276.54 square metres) adjacent to service station to parking area and for use ancillary to service station, the relocation of existing service station access, and ancillary and retention works.
- 7.3.2. Concerns were raised by the inspector in relation to the proposed layout and parking arrangement including the lack of internal arrangement for vehicles and pedestrians and exiting traffic arrangements, in particular for Heavy Goods Vehicles (HGVs). Concern was also raised in relation to the intensification of traffic and turning movements at this site which lies adjacent to a major interchange on the N4 national primary road, and that such intensification would adversely affect the carrying capacity and level of service of the national road at this location, contrary to public policy.
- 7.3.3. In respect to the instant appeal, I note that the proposed internal layout has been improved with the existing retail element proposed for demolition with a new services building located to the eastern portion of the site, as extended, and an improved parking and internal access arrangement within the site with the pedestrian route line marked. I also note that the site will maintain the existing entry-exit one way system. The development has no specific facilities for HGV's and there is no reference to the development accommodating HGV's.
- 7.3.4. Having regard to the NRA Service Area Policy (2014), and the Service Area Policy 2023 (Motorway and Dual Carriageway networks), Transport Infrastructure Ireland 2023, which covers the provision of service areas on the national road network. These guidance documents identify locations for service areas on sections of the

existing dual carriageway roads in Ireland. The reports note the various types of facilities including those serving Heavy Commercial Vehicles, which are defined as off-line facilities. Offline motorway service stations are typically located immediately adjacent to a motorway junction accessed via a roundabout. They generally accommodate a large number of petrol filling pumps, extensive parking and can accommodate a large throughput of traffic including Heavy Commercial Vehicles or HGVs. They typically have a large convenience outlet in addition to a range of food franchises. With regard to its potential to operate as an off line service station, the subject development does not meet the criteria for such proposals. I am satisfied that the development has limited potential to effectively act as an off line service station due to its location and the limited range of facilities and services that it offers, as such it would not accommodate HGV's.

- 7.3.5. The concerns raised in the planning history in relation to the intensification of traffic and turning movements at this site and potential negative affect the carrying capacity and level of service of the national road at this location are like the reason for refusal under the instant appeal and will be assessed accordingly.

Conclusion

- 7.3.6. While I have had regard to the planning history pertaining to the site, I would note that a 'de novo' assessment of the proposed development is set out in the following sections of the report.

7.4. Traffic, Transportation and Safety

- 7.4.1. The reason for refusal states that having regard to the submission from Transport Infrastructure Ireland (TII) that the proposal would create an unacceptable adverse impact on the use of the adjoining national road and would be at variance with national policy as set out in Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012), in particular Section 2.5 of the Guidelines. It is also considered that the proposed development would intensify the use of an access on a National Road and would increase the risk of a traffic accident and endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated which would be contrary to the Development Plan and the sustainable development of the area.

7.4.2. The report by NRB accompanying the appeal considers that the assessment submitted and prepared by Atkins represents a thorough and robust assessment of the traffic impact of the proposed development. The appellant also states that engaged experienced expert traffic consultants (Atkins) who confirmed via a detailed analysis that the proposed development would not have any material impact on the functionality of the national road, as the access points are directly onto a slip lane and not the national road. The appellant concludes that the proposed development fully accords with the Spatial Planning and National Roads Guidelines, 2012, the South County Development Plan 2022-28 and the proper planning and sustainable development of the area.

7.4.3. In respect of intensification of use and trip generation as a result of the proposed redevelopment of the existing petrol station on site, I note the Non-technical report submitted as part of the planning application which states in respect of the Traffic Impact Summary that;

“The service road diverge section and development exist arm junction with service lane was found to be well within capacity and the impact of additional trips was found to be negligible. For the N4 Junction 3 westbound ramps/R136 signalised junction, the net increase in traffic was less than 1.5% which can be considered low. In addition, this increase was less than the threshold of 5% stated in TII's Traffic and Transport Assessment Guidelines. However, given the sensitivity and proximity of the junction the N4, it was included for more detailed analysis. For the AM peak, the junction was found to be operating within capacity across all the design years. The impact of the additional trips due to the proposed development, was found to be negligible across all the design years. For the PM Peak, the junction was found to be operating within capacity for Opening Year for both peak hours and just within capacity for the Opening Year +5 scenario. For the Opening Year +15 PM peak scenarios, the junction was found to be operating over capacity for both the "Background+Committed Development" and "Background+All Development" scenarios, with the R136 northwest bound ahead and offramp left slip particularly operating over the capacity. The impact of proposed development trips on the capacity of the junction and arms was found to be small for all design year scenarios with the background and committed development causing the junction to operate over capacity”.

- 7.4.4. In this regard, it is anticipated within the Atkins report, that if the level of traffic were to occur that this would represent approximately 1 additional car movement every 2 minutes over the 1-hour period of the commuter peak hours, which is considered a very small volume of traffic increase at this location.
- 7.4.5. Nothing the existing petrol station on site and the proposal to demolish the existing services, and to construct a new retail/service building to improve and upgrade the existing use subject to this appeal, the information submitted and following my site inspection, which took place midweek late morning, I am satisfied that the nature of the development will not generate excessive traffic volumes to further worsen the existing traffic conditions. At time of my inspection there was no traffic build up on either the access road or the N4 at this location.
- 7.4.6. Section 2.5. of the Spatial Planning and National Roads Guidelines for Planning Authorities states with regard to access to national roads, that all development plans and any relevant local area plans must implement the policy approaches outlined as follows: *"Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant"*.
- 7.4.7. I also note the report received from TII (dated 28th November 2023) in respect to the proposed development which references the above policy (i.e. Section 2.5 of the Guidelines) and considers that the proposal would be a variance with this policy and if permitted would adversely affect the operation and safety of the national road network for the reason set out in the Planning Authorities reason for refusal.
- 7.4.8. At the outset, it should be noted that the site currently operates as a petrol station and is presently accessed through a parallel access road off the N4 westwards with two existing access and egress points onto the access roadway. The site operates a one-way system in and out of the site. Due to the strategic position of the site on the N4, it is reasonable to expect that the existing service station would be subject to higher volumes of traffic when compared to local service stations. However, it is not envisaged that the proposed refurbishment of the existing petrol station at this

location would result in an intensification of use at this site, as noted from the predicted additional traffic as a result of the proposed works.

- 7.4.9. Notwithstanding, the existing service station is within a 50km limit section of road and operates a one-way entry and exit system to the site. While the adjoining N4 has a speed of 80km limit, I note that the existing entry and exit to the site is not directly onto the N4 roadway. To enter the existing petrol station site traffic is directed to exit 2a off the N4 National Road at St. Lomans Footbridge, where traffic proceeds at a max speed of 50km along the access road which runs parallel to the N4, towards the entry to the existing petrol station site. There are also existing road barriers between the access road and the N4 roadway.
- 7.4.10. To exit the appeal site, vehicles continue along the parallel access road, to meet the signalled junction with the R136, which comprises of three lanes (i.e. R136 to Grange Castle, R136 to Lucan Village and N4 Sligo Road). Traffic exiting at Junction 3 (Ballyowen/Lucan) from the N4, have a dedicated left turning lane, which meets the access road serving the appeal site, and runs parallel to meet the signalled junction with the R136. Traffic crosses the R136 and proceeds to merge onto the N4 from the fly over.
- 7.4.11. Having regard to the existing arrangement, where traffic exiting the appeal site at no point access directly to the N4, I do not share the view that the proposed development would intensify the use of an access on a National Road and would increase the risk of a traffic accident and endanger public safety by reason of traffic hazard and obstruction of road users.
- 7.4.12. The applicant has also demonstrated that adequate sightlines can be achieved in respect of the safe and efficient movement and egress of vehicles, a swept path analysis was also submitted demonstrating safe access/egress and movements within the site for all vehicles. Following site visit I am satisfied that the sightlines, and the access/egress and movements within the site are acceptable.
- 7.4.13. While the subject proposal is to upgrade and improve the existing service station, I consider that this is an established service station and the proposed increase in floor area of the new retail/service building and would not generate significant additional traffic to result in a traffic safety issue.

- 7.4.14. Following on from the above, in terms of parking, the number of parking spaces proposed to serve the development is 39 no spaces (21 existing spaces and 18 new parking spaces), in addition to 6 EV charging spaces and 2 disabled parking spaces resulting in a total of 43 no. spaces. Having regard to the increased floor area of the proposed petrol station, and its location along a slip road adjoining the N4, I am satisfied that the proposed parking provision and arrangement is acceptable and will cater for any anticipated peak demands that may arise at this site.
- 7.4.15. The concerns raised in the reason for refusal pertaining to traffic and pedestrian safety are noted however, there are existing footpaths in the immediate vicinity of the site and noting the new parking layout, the speed limit on this part of the road and the existing one-way entry exit system to the site, I consider that the proposal will not impact on traffic or pedestrian safety.

Conclusion:

- 7.4.16. On balance, and having regard to the existing petrol station at this location and the need for the existing facility to be extended and upgraded, the existing access arrangements which do not result in traffic exiting the facility onto the N4 National Road, and the speed limits and traffic measures in place along this section of the road, I am satisfied that the development will not create an unacceptable adverse impact on the use of the adjoining national road and would not be at variance with national policy (specifically Section 2.5) as set out in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities. In addition, noting the scale of the new works I do not consider that the proposed development would result in an intensification of use at this location and would be acceptable in terms of traffic and pedestrian safety.
- 7.4.17. I recommend the inclusion of the conditions as outlined in the Roads Department report.

7.5. Water Services

- 7.5.1. The Water Services Department had sought further information in respect to existing site conditions and corresponding run off coefficients. Including calculations for the surface water attenuation volumes required and provided on-site and details of

surface water run off from the proposed new roofs and hardstanding outdoor areas in accordance with Development Plan requirements.

- 7.5.2. As part of the further information the applicant submitted a report prepared by JA Gorman Consulting Engineers, Civil Engineering Report and Proposed Site Layout Plan showing SUDS components and details, however clarification of further information was requested by the Councils Water Services Department.
- 7.5.3. As part of the appeal the applicant has submitted a response to the clarification of further information as follows and has referenced the previously submitted documents specifically Appendix A - Copy of Previously Submitted Additional Information - drawing - P3342 C011 PROPOSED SITE LAYOUT PLAN SHOWING SUDS COMPONENTS AND DETAILS - ADDITIONAL INFORMATION; Appendix B - Copy of Previously Submitted Additional Information - Report - P3342 JAG CIVIL ENGINEERING REPORT - ADDITIONAL INFORMATION and Appendix C - Copy of Previously Submitted Additional Information - Report - BRE Digest 365 Infiltration Test - ADDITIONAL INFORMATION:
- The application is proposing to use System A – total infiltration Stormwater management systems and the overflows (exit flows) from System 1, 2, and 3 are not required. All storm water runoff from entire site will be infiltrated into the existing subsoil strata.
 - The application is proposing to use System A – total infiltration Stormwater management systems designed for the 100-year return period plus 20% increase in rainfall depth for climate change and proposed attenuation capacities are correct because they are calculated for total infiltration system without any overflow. All storm water runoff from entire site will be infiltrated into the existing subsoil strata.
 - Site is specific with limited areas to provide SuDS on site, for example bioretention rain gardens, swales and rills, etc.
 - It is proposed to use emergency overflow and to remove emergency overflows from Stormtech stormwater management system no. 4 and 5.

Conclusion:

7.5.4. In this regard I am satisfied that the applicant has addressed the clarification of further information as part of the appeal. However, for clarity and consistency, I consider that the items raised by the Water Services Department should be addressed in full by way of compliance condition prior to the commencement of development on site.

7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the distance to 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.

7.7. Other Matters

7.7.1. Off-licence:

The development includes an off-licence element, and the planners report requires that a condition be included that details of opening hours be submitted and agreed with the planning authority. However, I do not consider it appropriate to require, by way of planning conditions, that other forms of licences or consent such must be obtained for the development. It is the responsibility of the developer or operator to obtain any necessary certificate or licence required under any other relevant legal code.

7.7.2. Precedent:

The appeal response references precedent examples of similar petrol/filling stations in the County, with a similar road layout where permission has been granted for their upgrade, etc. I note that all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.

7.7.3. Conditions:

As reviewed in the planners' report, I am satisfied that the relevant conditions as requested by the internal departments be included.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1.1. Having regard to the established existing development on site, the scale of the development proposed and the existing road infrastructure serving the development, it is considered that, subject to compliance with conditions set out below that the proposed development would not result in intensification of use at the site, would not endanger public safety by reason of a traffic or pedestrian hazard, and as such complies with the South Dublin County Development Plan, 2022 – 2028, the Retail Planning Guidelines for Planning Authorities, 2012 and the Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). 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 submitted to the local authority on the 28th day of March 2023, 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 net floor area of the shop i.e. the area to which the public have access, shall not exceed 100 sq. metres (net) as per paragraph 2.4.3 of the Retail Planning Guidelines for Planning Authorities, 2012.

	Reason: To protect the existing rural village location.
3.	Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the amenities of properties in the vicinity.
4.	That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works. Reason: To protect the amenities of the area.
5.	The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. Reason: To prevent flooding and in the interests of sustainable drainage.
6.	The development shall comply with the requirements of the Environmental Health Officer for such works and services. Prior to the commencement of development, the developer shall submit details in respect of Construction/Demolition Phase and Operational Phase of the development for the written agreement of the planning authority. Reason: In the interest of public health.
7.	Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann. Reason: In the interest of public health.

8.	Details of all external signage fittings and fixtures shall be submitted to proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity.
9.	Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity.
10.	Full design details of the proposed lighting scheme, including any mitigation measures, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of public amenity and clarity.
11.	Details of a revised road markings layout that includes all markings within the site, and specifically includes pedestrian walkways, and vehicle priority where the car-wash traffic meets the forecourt traffic upon exiting the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of safety.
12.	Post completion, a full Stage 4 Road Safety Audit (that includes a review of RSA Item 2.1) shall be submitted to, and agreed in writing with, the planning authority. Reason: To ensure that pedestrian safety has not been negatively affected by the new development
13.	Prior to the commencement of development, the applicant should liaise with the National Transport Authority (NTA) with regard to the design for the Bus Connects CBC at this location and should demonstrate consistency with this. Reason: In the interest of safety.

14.	The landscaping scheme shown on drawing number (Dwg. No. 23189_LP), as submitted to the planning authority on the 24th day of October, 2023 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out: (i) The submitted Planting Plan (Dwg. No. 23189_LP) shall be implemented in full by the applicant. (ii) All hard and soft landscape works shall be completed in full accordance with the submitted plans. (iii) 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). (iv) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 "Trees in Relation to Design, Demolition and Construction – Recommendations". (v) Any trees, 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. (vi) The height of proposed berms/mounding shall be increased and proposed boundary planting bulked up in order to reduce the visual impact of the proposed development. (vii) A certificate of effective completion of the agreed landscape scheme shall be submitted to the Planning Authority by the appointed landscape architect/consultant for the scheme upon completion of the landscape
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	works, such certificate to be prepared by a qualified Landscape Architect/Consultant. Reason: In the interest of residential and visual amenity.
15.	Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. Reason: In the interest of public safety and amenity.
16.	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. Reason: In the interest of proper planning and sustainable development.
17.	The developer shall pay to the planning authority a financial contribution of 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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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.

Emma Nevin
Planning Inspector

30th January 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319783-24		
Proposed Development Summary	Demolition of existing service station retail building and associated uses, site alterations to enlarge the overall size of the existing site and the construction new of service station building. To include retail, parking, and all associated site works.		
Development Address	Texaco Service Station, Ballydowd, Lucan, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	Development is not a project of type listed in Schedule 5, Part 2
Yes			
		Conclusion	
			No EIAR or Preliminary Examination required

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required