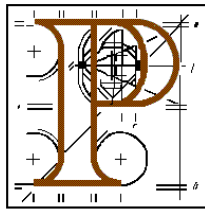


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Louth County

Planning Register Reference Number: 14/483

An Bord Pleanála Reference Number: PL 15.244852

APPEAL by Morgan Fuels Ireland Limited care of Declan Brassil and Company Limited of Lincoln House, Lincoln Lane, Smithfield, Dublin and by Campus Oil Limited of La Vallee House, Upper Dargle Road, Bray, County Wicklow against the decision made on the 16th day of April, 2015 by Louth County Council to grant subject to conditions a permission to Kieran Byrne care of Van Dijk Architects Limited of Mill House, Mill Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of “half door” restaurant and replacement with extension to existing commercial building to form Café/Deli/Shop, demolition of old Garda Barracks to form additional vehicular access point, part conversion of existing store/workshop to form office, relocation of existing diesel pump, additional single sided diesel pump, two by 40,000 litre underground fuel storage tanks and associated site works and landscaping, at Junction 20, Dromad, Carrickarnon, County Louth, as amended by the revised public notice received by the planning authority on the 27th day of March, 2015.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature and extent of the development which primarily seeks to reconfigure existing land uses and operations on site together with the pattern of existing and permitted development both on site and the immediately adjoining lands together with the policies and provisions contained in the current Louth County Development Plan 2009-2015, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 on the 27th day of March 2015, 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 development shall be amended as follows:
 - (a) The proposal to demolish part of the existing Garda Barracks building shall be omitted from the proposal. Any amendments to the section building thus retained shall be the subject of a separate planning application.

- (b) An exit from the proposal, allowing the exit of delivery vehicles, shall be provided from the southern boundary of the site onto the existing slip road. Details of this exit shall be submitted for agreement to the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and in order to protect built heritage.

3. The single-sided fuel dispensing pump located on the western boundary of the site shall be omitted. A single pump island with two dispensers shall be constructed on site. The developer shall submit revised site layout drawings for the written agreement of the planning authority prior to the commencement of development.

Reason: To ensure no intensification of use takes place on site.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall apply for and obtain a trade effluent discharge licence to discharge wastewater into the River Flurry under the provision of the Water Pollution Act, 1977, as amended.

Reason: In the interest of orderly development.

6. All above ground oil storage tanks shall be bunded to 110% capacity.

Reason: In the interest of public health.

7. Details of the installation of all grease traps and oil/petrol interceptors to be provided on site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

8. All road markings, dropped kerbs, tactile paving and other paving within the site and the immediate vicinity of the site shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of amenity and traffic safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

11. Prior to the commencement of development, the developer shall make all necessary arrangements to apply for and obtain a road opening licence from the planning authority.

Reason: In the interest of traffic safety.

12. The developer shall be responsible for the full cost of repair in respect of any damaged cost to the adjoining public road/footpath arising from the construction work and shall either make good any such damage to the satisfaction of the local authority or pay the local authority the cost of making good any such damage.

Reason: In the interest of orderly development.

13. The developer shall undertake all necessary measures to prevent the spillage or deposit of clay, rubble or other debris on the adjoining public roads and shall ensure that all vehicles leaving the development are free from any material that would be likely to be deposited on the road or in the event that any such deposition is made immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out any such public road/footpath cleaning work.

Reason: In the interest of visual amenity.

14. All onsite construction work shall be limited to between the hours of 0800 to 2000 hours Monday to Friday and 0800 hours to 1600 hours on Saturday, and shall exclude Sundays and Bank Holidays.

Reason: In the interest of residential amenity.

15. The developer, if directed by the planning authority, shall monitor and record total dust emissions arising from all onsite operation associated with the proposed development during the construction phase. Details of all monitoring arrangements shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

16. All planting/landscaping shall comply with the specification of the landscaping scheme submitted to the planning authority on the 27th day of March, 2015 shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the next planting season.

Reason: In the interest of visual amenity.

17. Details of the location of all proposed/retained signage shall be submitted for the written agreement of the planning authority prior to the commencement of development on site.

Reason: In the interest of visual amenity.

18. The developer shall pay to the planning authority a financial contribution of €1,731 (one thousand, seven hundred and thirty one euro) 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 the 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.