

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Louth County

Planning Register Reference Number: 15/557

An Bord Pleanála Reference Number: PL 15.245699

APPEAL by Maxol Limited care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 8th day of October, 2015 by Louth County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Provision of off-licence within the curtilage of previously approved forecourt shop. Forecourt Shop previously proposed under planning register reference number 14/215 (appeal reference number PL15.244191) at Southend Service Station, Dublin Road, Dundalk, County Louth.

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 'Residential 1' land use zoning objective for the area in the 2009-2015 Dundalk and Environs Development Plan and the pattern of development in the area, and having regard in particular to the existing permission appeal reference number PL15.244191 (planning register reference number 14/215) for development including a new forecourt shop on the subject site and to the nature and limited scale of the proposed development comprising an off-licence area within the forecourt shop to a specified floor area of two square metres which area is presently in use as a wines sales area, 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the planning authority had decided to refuse permission because it was considered that the proposed development would constitute a material contravention of the development plan; however, having regard to the provisions of Section 37(2)(b)(iv) of the Planning and Development Act, 2000 and to the pattern of development and permissions granted in the area since the making of the development plan, the Board considered that planning permission should be granted for the proposed development.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 area and extent of the proposed off-licence area within the permitted forecourt shop shall be restricted to the area and location as outlined on the plans and particulars lodged with the application on the 24th day of August, 2015 and shall not exceed the specified floor area of two square metres. No expansion of this area and extent shall occur without a prior grant of planning permission.

Reason: In the interest of clarity and orderly development.

3. Apart from the development hereby permitted, the development shall be otherwise comply with the terms and conditions of the permission granted on the 10th day of April, 2015 under appeal reference number PL 15.244191, planning register reference number 14/215, and any agreements entered into thereunder.

Reason: In the interest of orderly development.

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

Dated this day of 2016.