

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork County**

**Planning Register Reference Number: 15/06553**

An Bord Pleanála Reference Number: PL 04.246467

**APPEAL** by Rory O'Hare care of John MacCarthy and Partners of 16 Mary Street, Cork and by others against the decision made on the 23<sup>rd</sup> day of March, 2016 by Cork County Council to grant subject to conditions a permission to EMO Oil trading as GreatGas care of Safety Engineering and Environmental Consultants Limited of 15b The Square, Skerries, County Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of: (1) two number four hose pumps under a canopy, 4,500 millimetres high, dispensing unleaded petrol and diesel on each side, (2) two number underground storage tanks, each 40,000 litres, one storing unleaded petrol and one storing diesel, (3) all the associated fuel pipework between the pumps and underground tanks, fill points and vents, (4) concrete slab surfacing, asphalt surfacing and associated drainage. The drainage from the area around the forecourt and delivery points will be discharged into a 10,000 litre petrol interceptor, Class A, (5) two 900 millimetres by 900 millimetres by 2,400 millimetres high electrical cabinets, (6) off set fill points and vents at the Northern boundary, (7) 1,800 millimetres high by 9,000 millimetres long solid block wall at the back of the vents, (8) low level 600 millimetres high wall along the Eastern and Southern boundary, with a landscaped area along the Eastern boundary, (9) advertising signage along the edge of the canopy and a stand alone six metres high advertising monolith at the South Eastern corner of the site and (10) entry and exit vehicle entrances along the Cork Road, all at Cork Road, Knockgriffin, Midleton, County Cork.

## 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 mixed pattern of development in the area and the Town Centre Zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would not materially contravene the Town Centre Zoning of the site and would not be inimical to the vitality of the town centre.

## 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 3<sup>rd</sup> day of March, 2016, 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 proposed boundary wall to the western perimeter of the site shall be constructed to the same height as the existing southern boundary wall and of matching materials. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of works.

**Reason:** In the interests of residential and visual amenity.

3. The existing lamp standard and associated wires shall be relocated to the central part of the southern boundary of the site and the associated cables shall be underground. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of works.

**Reason:** In the interest of traffic safety and visual amenity.

4. The proposed canopy shall be reduced in height from 900 to 750 millimetres. Revised details showing compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of works.

**Reason:** In the interest of visual amenity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. The landscaping scheme shown on drawing number 15-PH-08-01 submitted with the planning application shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

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

**Dated this            day of            2016.**