

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

South Dublin County

Planning Register Reference Number: SD16A/0102

An Bord Pleanála Reference Number: PL 06S.246767

APPEAL by Domenico and Jacqueline Gentile of 1 Grange Park, Rathfarnham, Dublin against the decision made on the 25th day of May, 2016 by South Dublin County Council to grant subject to conditions a permission to Topaz Energy Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (1) Construction of a single storey extension incorporating a new servery, seating area and toilets, (2) elevational and internal changes to existing building, (3) revisions to site layout to include five number new car parking spaces, signage, landscaping and new circulation routes and (4) all associated site and development works at Three Rock ESSO Service Station, Grange Road, Rathfarnham, Dublin.

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 scale and nature of the proposed single storey extension incorporating a new server, seating area and toilets, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance the proper planning and sustainable development of the area.

In deciding not to accept the inspector's recommendation to refuse the extension, the Board noted the concerns raised by the Inspector regarding the development and considered that they could be dealt with by way of conditions which would substantially meet the concerns of Policy R10 Objective 2 of the South Dublin County Development Plan 2016-2022.

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 development hereby granted shall not be used for the sale of hot food for consumption off the premises.

Reason: In the interest of clarity.

3. The hours of operation shall be between 0700 and 2300 hours daily.

Reason: In the interest of the residential amenities of property in the vicinity.

4. 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.

5. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority proposals to prevent on-street parking of vehicles and delivery trucks along the roadside boundary of Grange Road.

Reason: In the interest of clarity and traffic safety.

6. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

7. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay or rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity.

8. The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.