

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Carlow County

Planning Register Reference Number: 15/268

An Bord Pleanála Reference Number: PL 01.246818

APPEAL by Topaz Energy Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 31st day of May, 2016 by Carlow County Council to grant subject to conditions a permission to Petrogas Group Limited care of Liam McGree and Associates Limited of Grange, Cuffesgrange, County Kilkenny in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Enlargement of the customer car parking area at the existing Applegreen Service Station, Tullow Road, Carlow by the removal and repositioning/reconstruction of the boundary wall to the west of the existing service yard to provide an additional 16 number car parking spaces and all associated site works.

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 provisions of the Carlow Town and Environs Development Plan 2012-2018 and the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018, and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in the context of the visual amenity of the area, the amenities of adjoining properties and 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 and as amended by the further plans and particulars submitted on the 5th day of May, 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. 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 and no surface water from the proposed development/site shall be allowed to discharge onto adjoining properties or the public road.

Reason: In the interest of public health.

3. Any damage to the public footpath as a result of the proposed development shall be made good to the satisfaction of the planning authority at the expense of the developer.

Reason: In the interest of amenity.

4. Details of the turning bays, radii, access widths, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenity and public safety.

5. With the exception of signage and advertising details permitted herewith, no additional advertising sign, structure, symbol, flag, emblem or logo be erected except those which are exempted development, without a prior approval of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays, Bank or 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 residential amenities of property in the vicinity.

7. The demolition and 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 measures to prevent spillage on the public road network, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and 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 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. 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.