

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 16/4081

An Bord Pleanála Reference Number: PL 04.247048

APPEAL by Cormac Harte of 31 Halldene Drive, Bishopstown, Cork against the decision made on the 11th day of July, 2016 by Cork County Council to grant subject to conditions a permission to Glenview Motors Limited care of Gerald McCarthy and Company of Ballyverane, Macroom, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing filling station comprising of petrol and diesel pumps, canopy, shop, stores, car wash area, and former vehicle test centre; decommissioning of existing underground fuel storage tanks, and construction of new filling station comprising of the following: eight number fuel pumps, canopy, shop outlet, delicatessen restaurant and seating area, food preparation area, stores, cold room, toilets, offices, canteen and meeting room, new underground fuel storage tanks and car wash area together with all ancillary pipework, car-parking, lighting, signage together with all other ancillary site works at Glenview Motors Filling Station, Gurteenroe, Macroom, 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 provisions of the current Cork County Development Plan, 2015-2021, and of the Macroom Electoral Area Local Area Plan, 2nd Edition, 2015, the commercial zoning of the site and the existing established use of the site as a filling station with associated shop, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, the Board is satisfied that the proposed development for the replacement of an existing petrol filling service station, generally accords with the policy requirements of the Development Plan and of the Local Area Plan. It is further considered that the design, scale and finish of the proposed development would not seriously injure the visual or residential amenities of the area in the light of the scale of the existing development 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, 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. No additional advertisements or advertisement structures shall be erected or displayed within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of the visual amenities of the area.

4. The filling station and ancillary services shall operate solely between 0600 hours and 2300 hours on a daily basis. No deliveries shall take place outside these hours.

Reason: To safeguard the amenities of the area.

5. The use of the sit down café seating area shall be ancillary to the main use of the premises as a shop and no change of use of the area shall take place without a prior grant of planning permission.

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

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. All lighting used within the site curtilage shall be directed and cowled so as not to interfere with passing traffic or the adjoining residential properties.

Reason: In the interest of residential amenity and traffic safety.

8. All service cables associated with the proposed development shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

9. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

10. Prior to commencement of development, the developer shall engage an appropriately qualified environmental consultant to carry out a site contamination report complete with appropriate remediation measures. The report shall be submitted to, and agreed in writing with, the planning authority and all the agreed remediation measures shall be carried out in full.

Reason: In the interest of public health and to ensure a proper standard of development.

11. 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.

12. The site shall only be used as a petrol filling station and no part shall be used for the sale, display or repair of motor vehicles.

Reason: In the interest of protecting the residential amenities of the area.

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

Dated this day of 2016.