

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Wicklow County

Planning Register Reference Number: 16/822

An Bord Pleanála Reference Number: PL 27.247384

APPEAL by Michael and Pamela O'Loughlin of Ard na Gaoithe, Newtownmountkennedy, County Wicklow and by Philip and Evelyn Hughes of Ashdale, Dublin Road, Newtownmountkennedy, County Wicklow against the decision made on the 12th day of September, 2016 by Wicklow County Council to grant subject to conditions a permission to Harvieston Limited care of Deane Turner Associates of Block 6, Suite A, Broomhall Business Park, Broomhall, Rathnew, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of: petrol filling station as previously granted under planning register reference numbers 10/2205 and 10/3056 which includes the following: (1) retention of as built petrol filling station including forecourt shop with toilet facilities, storage facilities, café and seating area; (2) retention of forecourt canopy, underground fuel storage tanks, storm water drainage and attenuation, foul sewer discharge, watermain connection, site entrance, car parking and all associated site works; (3) retention of 2.8 metre high wall to southern boundary of site; (4) car wash facility and services area; (5) off licence in forecourt shop; (6) new sewage pumping station and rising main in public road (R772) to outfall at Junction of R772 and Church Road/Season Park Road;(7) all associated signage; and (8) landscaped picnic area to western boundary of the site and all associated site works; and a rear secure yard, all at Mountkennedy Demesne, Newtownmountkennedy, County Wicklow.

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 land use zoning designation for the site as set out in the Newtownmountkennedy Local Area Plan 2008, to the planning history of the site and to the pattern of development in the vicinity, 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 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. 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.

3. All lighting used within the forecourt shall be directed and cowled so as not to interfere with passing traffic or the residential property adjacent to the site.

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

4. (a) Within one month of the date of this order, the developer shall submit for the written approval of the planning authority revised proposals for a totem sign reduced to a maximum height of 5.1 metres. The development shall accord with this approval.
- (b) No advertising signs or structures, other than those shown on the submitted drawing of the petrol filling station building and forecourt canopy shall be erected on the buildings or within the site as a whole, without a prior approval from the planning authority.
- (c) No backlighting of signs shall take place save for the product logo and the price list.

Reason: In the interest of visual amenity.

5. The proposed shop shall be separated from the remainder of the premises by a glazed screen with appropriate doors and the area of the shop shall not exceed 100 square metres in area.

Reason: In the interest of clarity.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the canopy, on the forecourt building or anywhere within the curtilage of the site or adjoining lands under the control of the applicant, unless authorised by a further grant of planning permission other, than that shown on submitted drawings as modified by condition number 4 above.

Reason: In the interest of visual amenity.

7. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the on-going operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

8. 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 and a construction stage traffic management plan.

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

9. 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 within three months of the date of this order 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 2017.