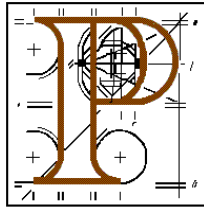


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Dublin City**

**Planning Register Reference Number: 4046/16**

An Bord Pleanála Reference Number: PL 29S.247935

**APPEAL** by Thomas McMullan care of Sinead O'Connor Planning of Merchants Hall, 25-26 Merchants Quay, Dublin against the decision made on the 4<sup>th</sup> day of January, 2017 by Dublin City Council to grant subject to conditions a permission to Petrogas Group Limited care of McGill Planning Limited of 7 Fitzwilliam Street Upper, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of the following: (1) demolition of existing petrol station shop (circa 136 square metres), and replacement with new shop (circa 306 square metres), comprising convenience shop, off-licence (circa 13 square metres), two number food offers (café/restaurant – circa 39 square metres), seating area (circa 36 square metres), toilets, ATM and back of house/store areas (circa 106 square metres); (2) revision to petrol station forecourt including new canopy (circa six metres high); (3) removal of existing car wash facility; (4) replacement of underground fuel tanks and provision of three fuel pumps; (5) provision of a totem sign (circa 6.5 metres high) and other signage (totalling circa 69 square metres); (6) revision of car parking and (7) all associated site development works, services provision, drainage, landscaping, boundary treatments and car parking at a site of circa 0.165 hectares at Applegreen Filling Station, Parnell Road, Crumlin, Dublin. The site is bounded to the west by Parnell Avenue and to the south by Parnell Court.

## 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 zoning objective and other provisions of the Dublin City Development Plan 2016-2022 and to the established use of the subject site as a petrol filling station, together with the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or residential amenities of the adjoining dwellings or have a serious negative impact on the character and setting of the Architectural Conservation Area or nearby protected structures, and would not conflict with the provisions of the Dublin City Development Plan 2016-2022. 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed café/restaurant shall not be used as a take-away, that is, for the sale of hot food for consumption off the premises.

**Reason:** In the interest of the residential amenity and in order to comply with the provisions of the Dublin City Development Plan 2016-2022.

3. The total net retail sales area, as defined in Section 4.11.9 of the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April 2012, shall not exceed 100 square metres. The floor area dedicated as an off-licence shall be reduced in extent so as not to exceed 10% of the floor area of the retail shop, and therefore shall be a maximum of 10 square metres. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity.

4. The totem sign shall be amended to remove the three “logo” signs, and reduced in height accordingly.

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

5. Apart from the signage shown on the submitted drawings, as modified by condition 4 of this Order, no further 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 building or within the curtilage of the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of the visual amenity, and to allow the planning authority to assess any further signage through the statutory planning process.

6. The premises shall not operate outside the period 0600 hours to 2300 hours.

**Reason:** In the interest of protecting the residential amenities of neighbouring properties.

7. 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.

8. The internal road network serving the proposed development, including junctions, parking areas, cycle parking, directional signage, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works. The two car parking spaces adjacent to the retail unit shall be omitted.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

9. Before the use thereby permitted commences, a scheme shall be submitted to, and approved in writing by the planning authority for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use commences and thereafter shall be permanently maintained.

**Reason:** In the interest of protecting the residential amenities of neighbouring properties.

10. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for a satisfactory standard of development.

11. 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.

**Reason:** In the interest of public health.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. 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.

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

**Dated this            day of            2017.**