



An  
Bord  
Pleanála

## Board Order PL 92.248331

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### Planning and Development Acts 2000 to 2017

#### Planning Authority: Tipperary County Council

#### Planning Register Reference Number: 16/600601

**Appeal** by Alan Maher care of Clare Gunn of 10 Abbey View, Abbey Road, Fethard, County Tipperary and by Petrogas Group Limited care of David Mulcahy of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 16<sup>th</sup> day of March, 2017 by Tipperary County Council to grant subject to conditions a permission to Glenconnor Developments Limited care of Michael Ahearne of 4 Doctor Croke Place, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A new petroleum filling station with forecourt canopy, fuel dispensing pumps, underground fuel storage tanks, jet wash and associated signage, a new single storey building to include a retail shop, restaurant, toilets, stores and staff accommodation, new vehicle entrance and exit, vehicle parking, general signage, on site lighting, new underground surface water attenuation, connection to existing foul and surface water sewers and all associated site works at Lawlesstown, Clonmel, County Tipperary.

## **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 design and layout of the proposed development, the policy of the South Tipperary County Development Plan 2009, as varied, and the Clonmel and Environs Development Plan 2013, and the policies of the Retail Planning Guidelines, 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, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. 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 on the 27th day of June 2016, and as amended by the further plans and particulars submitted on the 20th day of February 2017, except as may be otherwise be required in order to comply with the following conditions. Where such conditions require details in writing with the planning authority prior to commencement of development the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The total net retail space of the forecourt shop shall not exceed 100 square metres.

**Reason:** To comply with national policy, as set down in the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012.

3. The proposed development shall not operate outside the times of 07.00 am to 23.00 pm. The development shall not accommodate overnight parking of trucks or Heavy Goods Vehicles.

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

4. Details including samples of the materials, colours and textures of all external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the canopy, on the forecourt building or anywhere within the curtilage of the site unless authorised by a further grant of planning permission.

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

6. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location with the vicinity, shall not exceed –
- (a) an Leq, 1 hour value of 55dB(A) during the period 0800 to 2200 hours from Monday to Sunday inclusive.
  - (b) and Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10dB(A) above background levels at the boundary of the site.

All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics -Description and Measurement of Environment Noise.

**Reason:** To protect the amenities of properties in the vicinity of the site.

7. 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.

8. 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 for the storage and separation and collection of waste and, in particular, recyclable materials, and for the ongoing 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.

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

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

10. Rock and soil excavated during construction works shall not be left stockpiled on-site following completion of the development. Details of the treatment of excavated rock and soil shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. On completion of site development works all machinery, equipment and spoil materials not used in the landscaping of the site shall be removed from the site.

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

11. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

12. Parking for the development shall be provided in accordance with a detailed layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for landscaping within the boundary of the parking area and lining or other method of demarcation of the individual spaces.

**Reason:** To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety and visual amenity.

13. The development shall not open for operation until the appropriate section of access road, footpath, lighting, and infrastructural services benefitting the proposed development has been completed to the satisfaction of the planning authority.

**Reason:** In the interest of visual amenity and orderly development.

14. The underground fuel storage tanks shall be double skinned and fitted with a leak detection system. Excavations for the tanks shall be lined/bunded in the case of an emergency where there is an accidental leak. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

15. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing cables shall be relocated underground as part of the site development works.

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

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

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

**Dated this      day of      2017**