



An  
Bord  
Pleanála

## Board Order PL 17.248565

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### Planning and Development Acts 2000 to 2017

### Planning Authority: Meath County Council

### Planning Register Reference Number: TA/161226

**Appeal** by Paul Kerr, Eugene Healy and others of 4 The Belfry, Trim, County Meath against the decision made on the 28<sup>th</sup> day of April, 2017 by Meath County Council to grant subject to conditions a permission to Pat O'Toole care of J.A. Gorman Consulting Engineers Limited of Unit 1, Block B Forest Park, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A fuel filling station to include (i) 342 square metres retail building (net retail floor space of 100 square metres including 16 square metres off-licence, deli/sandwich bar 36 square metres and associated setting area 30 square metres), (ii) forecourt, pumps and canopy, (iii) underground fuel storage tanks, associated pipework and over ground offset fill points and (iv) all associated site works, landscaping and boundary treatments at Eamonn Duggan Industrial Estate, Corporationland 3<sup>rd</sup> Division, Trim, County Meath, as amended by the further public notice received by the planning authority on the 5<sup>th</sup> day of April, 2017.

### 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 location of the development on land zoned E2 in the current Trim Development Plan and within the statutory 50 km/h speed limit zone, to the policies and objectives in respect of the zone set out in the Trim Development Plan and the Meath County Development Plan, to the character of development in the immediate area of the site, and to the nature, scale and detailed design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable land use within the E2 land use zone, would comply with the policies and objectives of the Government's retail guidelines in respect of petrol filling stations and would not give rise to traffic hazard or otherwise detract from the amenity of properties in the vicinity of the site. The proposed development, would therefore, be in the interest of 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, as amended by the further plans and particulars submitted on the 13<sup>th</sup> day of March, 2017, 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. The total net retail floorspace (as defined in Annex 1 of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012) associated with the petrol filling forecourt shop, including any off licence area, shall not exceed 100 square metres. Prior to the commencement of development, a revised site layout plan complying with this floor space cap shall be submitted to, and agreed in writing with, the planning authority.

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

3. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
  - (a) Revised site layout to indicate swept path for coach/bus and large articulate vehicle and provision of dedicated and separate parking space for HGV/bus/coach.
  - (b) Quantity and type of signage to delineate one-way access system to serve the development.

- (c) Detailed arrangements for the provision of 2.5 metres by 5 metres car parking spaces.

**Reason:** In the interest of traffic safety.

- 4. Prior to the commencement of development, details of the location of electrical plant, to be located away from the western boundary of the site, shall be submitted to, and agreed in writing with the planning authority.

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

- 5. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:
  - (a) Details of the materials, colours and textures of all the external finishes to the proposed development, to include lighting and all signage.
  - (b) Details of proposed boundary walls, to include details in respect of material, height and external finish.

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

- 6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, apart from the signage agreed under condition number 5 above, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
  - (i) the species, variety, number, size and locations of all proposed trees and shrubs (which shall comprise predominantly native species),
  - (ii) details of roadside/street planting, and
  - (iii) hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.
- (d) No trees shall be planted to conflict with the requirements of the planning authority in respect of public lighting.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

8. The developer shall not operate outside the period of 0700 to 2200 hours Monday to Sunday, including public holiday.

**Reason:** In the interest of residential amenity and the amenities of the area.

9. (a) There shall be no overnight parking of vehicles within the curtilage of the development.  
  
(b) No vehicular access shall be taken from the site to the adjoining industrial estate.

**Reason:** In the interest of residential amenity and the amenities of the area.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

11. 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.

12. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

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.

14. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of bollards along the footpath outside of the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

**Dated this      day of                                  2017**