



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 17/444

Appeal by Topaz Energy Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork and by Charles O'Reilly Hyland care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 22nd day of November, 2017 by Wicklow County Council to grant subject to conditions a permission to Petrogas Group Limited care of McGill Planning Limited of Number 7 Fitzwilliam Street Upper, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Reinstatement of a petrol station use, two fuel pumps and forecourt canopy (circa 5.3 metres high) and replacement of underground fuel tanks, conversion of existing offices, storage and lobby areas of the existing car garage and showroom to provide an ancillary petrol station shop including deli (circa 72 square metres). Provision of an ATM, toilet and storage/back of house areas (circa 34 square metres). Proposed minor elevational changes including provision of new doors to the front (west elevation); new totem sign (circa 6.5 metres high). Associated fuel forecourt canopy and shop building signage (total signage circa 37 square metres). Revisions to existing car parking; provision of a new wastewater treatment

system and polishing filter; all associated site development works, services provision, drainage, landscaping, car parking and boundary treatment works on a site of circa 0.47 hectares at Hills Garage, Killiniskyduff, Arklow, County Wicklow. The site is bounded to the west by the R772 and to the north, south and east by agricultural lands.

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, existing development on the site and its planning history, the scale of the development proposed and the existing road infrastructure serving the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Wicklow County Development Plan 2016-2022, the Arklow and Environs Local Area Plan 2018-2024, would be acceptable in terms of traffic safety and public health, would not seriously injure the amenities of the area and would have no material impact on the established retail core in Arklow Town. The 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 as amended by the further plans and particulars submitted to the planning authority on the 27th day of October, 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. Apart from the signage shown on the submitted drawings, 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.

3. The existing palisade fencing located along the northern boundary and across the site from the existing car sales showroom to the northern boundary shall be removed and replaced with a more appropriate boundary fence and landscaping, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. (a) A scheme indicating all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the northern boundary consisting predominantly of trees, shrubs and hedging of native species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development 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 order to screen the development and in the interest of visual amenity.

- 5. The vehicular access arrangements, internal road network and car parking layout to service the proposed development shall comply with the requirements of the planning authority for such works. A 1.8 metre footpath shall be provided between the proposed low level walls and the public road carriageway in accordance with the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development.

- 6. Lighting shall be in accordance with a scheme, which shall be designed to minimise glare and light pollution, and which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

7. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

8. 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.

9. Prior to the occupation of the development, the development shall be connected to the public watermain and the existing well shall be decommissioned.

Reason: In the interests of public health and proper planning and sustainable development.

10. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 24th day of April, 2017 and as amended by the further plans and particulars submitted on the 27th day of October 2017, and must conform in accordance with the requirements of the Wastewater Treatment Manuals “Treatment Systems for Small Communities, Business, Leisure Centres and Hotels” published by the Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and are working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency document.
- (c) The existing wastewater treatment system located on the site shall be removed.

Reason: In the interest of public health.

11. 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 prior to commencement of development.

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

12. The developer shall engage the services of a competent specialist with professional indemnity insurance to investigate the presence of any contamination of ground and groundwater beneath and surrounding the old fuel storage tanks and undertake appropriate remediation where necessary in accordance with a risk assessment carried out to best practice and to the written satisfaction of the planning authority.

Reason: In the interest of public health.

13. No part of the remainder of the subject building (comprising three existing stores, an existing car garage and car showroom), shall be converted to use as a restaurant, café, deli or retail area, nor for any “back of house” uses relating to the proposed development, without a separate grant of planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended.

Reason: In the interest of clarity, and to delimit the scale of retail and café/restaurant use on the overall site in the interests of traffic safety and impact on the retail vitality of Arklow Town.

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

Dated this day of 2018.