



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4353/17

Appeal by Topaz Energy Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork and by others against the decision made on the 26th day of January, 2018 by Dublin City Council to grant subject to conditions a permission to Lissal Coal Company (Ireland) Limited care of McArdle Doyle Limited of Second Floor, Exchange Building, The Long Walk, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a 24 hour unmanned petrol filling station consisting of the (i) demolition of the existing buildings, (ii) construction of a new fuel forecourt with three forecourt fuel pumps and forecourt canopy, (iii) control/store and offset fill buildings, (iv) air and water services area, (v) underground fuel storage tanks, (vi) revised entrance and exit arrangements, (vii) erection of company signage, (viii) boundary wall cladding, (ix) site lighting, and (x) all associated site, drainage, landscaping and development works, all at Cabra Road Service Station, 87 Old Cabra Road, Cabra, Dublin.

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, as set out in the Dublin City Development Plan 2016-2022, to the established use of the subject site as a garage use, together with the nature, 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 be acceptable in terms of traffic safety, would not seriously injure the residential amenities of the adjacent dwellings and would not materially 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be amended as follows:
 - (a) The proposed bollards along the road frontage shall be omitted and replaced with a solid wall of no higher than one metre.
 - (b) The proposed totem sign at the entrance shall be set back four metres from the public footpath and shall be externally illuminated only.
 - (c) The bin storage shall be enclosed.
 - (d) The proposed 2.4-metre-high timber fence shall be omitted and a solid wall shall be provided along the southern, eastern and western boundaries.

Revised details 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 interests of visual amenity and orderly development.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.
 - (b) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
 - (c) A landscaping scheme which shall include a row of semi-mature standard trees or hedges along the southern boundary in addition to green walls.

The boundary treatment, landscaping and maintenance shall be carried out in accordance with the agreed scheme.

Reason: In the interests of the residential amenities and air quality of the area.

4. The premises shall not operate, including the filling of underground fuel storage tanks, outside the period 0600 hours to 2300 hours.

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

5. All lighting shall be in accordance with a lighting scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The lighting serving the site shall be directed away from adjacent housing and shall be directed and cowled such as to reduce the light scatter over adjacent houses and gardens. Positioning and design shall also ensure that no glare is caused to users of the public roads in the vicinity of the development.

Reason: In the interests of residential amenity and traffic safety.

6. The operational hours of the forecourt lighting shall not extend beyond 2315 hours with automatic cut-off of lighting at that time.

Reason: In the interest of residential amenity.

7. The site shall only be used as a petrol filling station and no part shall be used for the sale, display or repair of motor vehicles.

Reason: In the interest of residential amenity.

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. A management scheme, providing adequate measures for security and surveillance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of business on site.

Reason: In the interest of public safety.

10. The demolition works and construction of the development shall be as 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.

11. The access and egress width and location and circulation route serving the proposed development, parking areas, directional signage, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

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

12. 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.

13. 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 unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and in order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area.

14. 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.

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

Dated this day of 2019.