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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 17/538**

**Appeal** by Atlantic Enterprises Limited care of Corbwell Design Architecture and Engineering of Suite 1, 17 Claregalway Corporate Parke, Claregalway, County Galway and by others against the decision made on the 25<sup>th</sup> day of January, 2018 by Laois County Council to grant subject to conditions a permission to Petrogas Group Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** New filling station consisting of (1) retail unit adjoining existing food court (240.5 square metres gross floor area) with net retail area of 88.23 square metres (including 0.88 square metres), back of house area of 62.5 square metres and circulation area of 89.79 square metres (including new glazed lobby to facilitate access to and from the food court and internal connections). The building will measure 8.86 metres at highest point. The building will contain three number signs on the façade. (2) Four number pump islands with branded canopy over (signage to three number sides). (3) New access road for deliveries to hotel and food court. (4) New vehicular entrance and egress point. (5) Replacement totem sign at entrance (9.5

metres high) to Midway (adjoining Abbeyleix Road). (6) All associated site works including hard and soft landscaping, boundary treatment, car parking, cycle stands, refuelling point, vents and underground tank farm, all on lands within and immediately north of Midway, Togher, Portlaoise, County Laois (in Townlands of Meelick and Togher).

## **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 Enterprise and Employment zoning objective and other provisions of the Portlaoise Local Area Plan, 2012-2018, and to the design and layout of the proposed development and the pattern of development in the area on the immediate Midway site to the south, 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 have an adverse impact on the traffic safety of the area. 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 total net retail sales area, as defined in Section 4.11.9 of the “Retail Planning Guidelines for Planning Authorities” 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 per cent 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.

3. 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 visual amenity, and to allow the planning authority to assess any further signage through the statutory planning process.

4. 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 interest of public safety.

5. 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.

6. 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.

7. 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.

8. The hours of operation shall be between 0600 and 2300 hours from Monday to Sunday inclusive. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of the amenities of property in the vicinity.

9. 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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**Terry Ó Niadh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**