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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 18/37727**

**APPEAL** by Maxol Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 7<sup>th</sup> day of March, 2018 by Cork City Council to refuse permission.

**Proposed Development** Retention of the extension and alterations to the forecourt building which was permitted under planning register reference number 09/34163 (An Bord Pleanála reference number PL28.237319). The extension is a single-storey lean-to structure to the rear (south) of the permitted premises which comprises approximately 68 square metres and is used for ancillary food preparation and storage space. The alterations comprise the removal of the internal partition walls, the relocation of the ATM and the change of use of approximately 39 square metres of permitted storage space to retail (shop and delicatessen/café) use with consequent changes to the front elevation and signage at Maxol Service Station, Glasheen Road, Wilton, Cork.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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**

It is considered that the development for which retention is sought would facilitate the expansion of the shop unit associated with the filling station such that it would be significantly in excess of 100 square metres of net retail floor space. The scale of the resultant retail unit would be contrary to the provisions set out in the Cork City Development Plan 2015-2021 relating to fuel filling stations, and would exceed the maximum level of net retail floor space for retail forecourt development as set out in the Guidelines for Planning Authorities on Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012.

Furthermore, it is considered that the development for which retention is sought would exacerbate the parking deficiencies and on-site circulation restrictions at this service station, resulting in overspill parking onto adjoining streets and vehicular movements into, within and out of the site posing a traffic hazard.

In addition, it is considered that the expansion of ancillary facilities to the rear of the forecourt building to service the expanded shop use would have an adverse impact on the amenities of adjoining residential properties by way of noise, overspill parking onto residential streets, and general nuisance resulting from the functioning of the premises. The development for which retention is sought would, therefore, seriously injure the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2018.**