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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dun Laoghaire Rathdown County Council**

**Planning Register Reference Number: D17A/1074**

**Appeal** by Fergus Flanagan care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 11<sup>th</sup> day of May, 2018 by Dun Laoghaire Rathdown County Council to grant subject to permission to Maxol Limited care of O'Neil Town Planning of Oakdene, Howth Road, Howth, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Redevelopment of the existing motor repair and coffee shop buildings to include the following: (i) The change of use of the existing motor repair and coffee shop to an unmanned petrol filling station, (ii) demolition of existing forecourt buildings, (iii) the erection of new unmanned filling station with a single storey service kiosk building, acoustic corporate hoarding, five by 4.5 metre high poles with flood light and security cameras and (iv) two underground fuel tanks, underground storm water slow release tank, petrol interceptor, erection of one 6.5 metre high aluminium clad illuminated gantry sign, and associated services, redesigned entrance and exit points, and all site works associated with the proposed development all at Woodbine Service Station, Stillorgan Road/Woodbine Road, 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 provisions set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022, the existing established use of the site as a motor repair unit and coffee shop and having regard to the submissions made in connection with the planning application and the appeal, the Board is satisfied that the proposed development of an unmanned Filling Station with a single storey Service Kiosk Building together with acoustic hoarding, flood light and security cameras (as amended) would be in accordance with the policies of the Development Plan. Furthermore, it is considered that the design, scale and finish of the proposed development would not seriously injure the visual or residential amenities of the area in light of the scale of the existing development and would be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars submitted on the 17th April 2018 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. (a) No additional advertisements or advertisement structures shall be erected or displayed within the curtilage of the site without a prior grant of planning permission.  
  
(b) The illumination of the entry and exit signage, advertising hoarding and floodlighting is limited to the petrol filling station's permitted hours of operation.

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

3. The filling station and ancillary services shall operate solely between 0700 hours and 2200 hours on a daily basis. No deliveries shall take place outside these hours.

**Reason:** To safeguard the amenities of the area.

4. All lighting used within the site curtilage shall be directed and cowled so as not to interfere with passing traffic or the adjoining residential properties.

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

5. All service cables associated with the proposed development shall be run underground within the site.

**Reason:** In the interests of orderly development and the visual amenities of the area.

6. All works to be carried out on the public road/footpath shall be at the developer's expense to meet the Dun Laoghaire-Rathdown County Council's 'Taking-in-Charge' requirements and all to the satisfaction of the Municipal Services Department.

**Reason:** In the interest of proper planning and sustainable development.

7. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
  - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
  - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

8. 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 offsite disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity

9. Prior to commencement of development, the developer shall engage an appropriately qualified environmental consultant to carry out a site contamination report complete with appropriate remediation measures. The report shall be submitted to, and agreed in writing with, the planning authority and all the agreed remediation measures shall be carried out in full.

**Reason:** In the interest of public health and to ensure a proper standard of development.

10. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

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

**Dated this            day of            2018.**