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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 19/600023**

**Appeal** by Petrogas Group Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 2<sup>nd</sup> day of May, 2019 by Tipperary County Council to grant subject to conditions a permission to Amber Petroleum (trading as Amber Oil) care of DL Group Consulting Engineers of 1 Hodders Villas, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing petrol filling station, car showrooms, vehicle servicing building, car wash and associated areas and construction of a new filling station comprising a convenience shop and ancillary areas, deli, seated café area, food stores, staff amenities, public amenities, managers office, service rooms, ATM, solid fuel store, bin store, outdoor seated areas, utility building, forecourt canopy and fuel dispensing pumps, underground fuel storage tanks and vents, surface water soakaway, parking areas and all associated site works, all at Amber Service Station, Lagamore, Waterford Road, Clonmel, County Tipperary.

## **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 long-established use of the site as a service station, the zoning objective for the site set out in the current development plan for the area, the pattern of development in the area, the planning history of the site, and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would represent a traffic safety improvement on the existing service station, would not lead to a significant intensification in traffic movements on the N24, would not seriously injure the visual amenities of the area and 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 10<sup>th</sup> day of April 2019, 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. No additional advertisements or advertisement structures shall be erected or displayed within the curtilage of the site without a prior grant of planning permission.

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

3. Details, including samples, 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.

4. 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.

5. (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.

6. 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 interests of public safety and residential amenity.

7. 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.

8. 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.

9. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

10. The proposed development shall be subject to a Stage 2 and Stage 3 Road Safety Audits in accordance with Transportation Infrastructure Ireland publication GE-STY-01024. All reports, and audits shall be submitted to the planning authority and shall be in accordance with the requirements of the TII Audit team.

**Reason:** In the interest of traffic safety.

11. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the on-going operation of these facilities.

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

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:** In the interest of the amenities of the area and to provide for a satisfactory standard of development.

13. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

14. All-on site lighting shall be directed into the forecourt area and shall not spill onto surrounding residential properties and/or public road in a manner, or to an extent, likely to cause a nuisance to residential amenity or road users.

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

15. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

**Reason:** In the interest of sustainable development.

16. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of tactile paving at the entrance and exit. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**