



Planning and Development Acts 2000 to 2019

Planning Authority: Offaly County Council

Planning Register Reference Number: 19/420

Appeal by Orla Cantwell of Heatherview, Ferbane Road, Cloghan, Birr, County Offaly and by others against the decision made on the 26th day of March, 2020 by Offaly County Council to grant subject to conditions a permission to Martin and Pat Grogan care of Kenny Lyons and Associates Architects of Block 6, Central Business Park, Clonminch, Tuallamore, County Offaly in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a new single-storey service station with petrol/diesel filling station and canopies, retail with ancillary off-license, restaurant, underground storage tanks (for fuel), picnic area, parking for cars, trucks, heavy goods vehicles, buses and all associated site development works and services including: new entrance, two totem signs, boundary fencing, gates and construction of a car wash, service yard, gas storage area and associated plant and equipment at Creggan and Glosterboy Townland, Cloghan, County Offaly.

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 of the subject site, its location within an existing urban settlement and to 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 be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. 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 18th day of December, 2019, the 6th day of January, 2020, the 14th day of February, 2020 and the 28th day of February, 2020 and by the further plans and particulars received by An Bord Pleanála on the 19th day of June, 2020 and the 14th day of August, 2020, 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 total net retail sales space of the forecourt shop shall not exceed 100 square metres.

Reason: To comply with national policy, as set down in the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012.

3. The proposed service station and all ancillary uses shall not operate outside the period of 0630 hours to 2200 hours. No deliveries or parking of vehicles shall occur outside of these hours.

Reason: In the interest of residential amenity.

4. Details 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 visual amenity.

5. All proposed car parking spaces shall be capable of accommodating functioning electric vehicle (EV) charging stations/points and details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

6. The landscaping scheme shown on Drawing Number P1910-P003 submitted to the planning authority on the 14th day of February, 2020 shall be carried out within the first planting season following substantial completion of construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

7. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of a written agreement with the Electricity Supply Board regarding the relocation of existing overhead powerlines.

Reason: In the interest of complying with appropriated Electricity Supply Board policies.

8. Any closed circuit television cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining properties.

Reason: In the interest of residential amenity.

9. All external lighting of the proposed development shall be cowled and directed away from the public roadway and from surrounding residential dwellings.

Reason: In the interests of public safety and visual amenity.

10. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. 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 residential amenity.

12. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the service station building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

14. The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.

Reason: In the interest of public health.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

16. 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 but not limited to, noise and dust management measures, the management of construction traffic and off-site disposal of construction waste.

Reason: In the interests of public safety, residential amenity and protection of the environment.

17. 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 the 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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.