



Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0106

APPEAL by Circle K Ireland Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 21st day of December, 2020 by South Dublin County Council to refuse permission.

Proposed Development: (i) Single storey extension to rear of existing forecourt retail unit and internal and external alterations to provide an amenity building with retail area (100 square metres max), restaurant/café area with hot and cold meals and refreshments for sale for consumption on and off the premises; associated customer seating, customer wc's; back of house with ancillary office; staff welfare facilities; storage and plant areas; ancillary off-licence, (ii) associated revisions to site layout, and (iii) all associated site and development works at Circle K Parkway West Service Station, The Hill, Lucan Road, Palmerstown, Dublin.

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

Having regard to the Guidelines for Planning Authorities - Retail Planning issued by the Department of the Environment, Community and the Gaeltacht in 2012 and policies R1 and R2 of the South Dublin County Council Development Plan 2016-2022 which require the adoption of a sequential approach for locating new retail development, the Board considered that, in the absence of evidence of a robust sequential assessment, there was insufficient justification for the proposed retail space in the development to significantly exceed the net floorspace of 100 square metres recommended for Motor Fuel Stations in Section 11.3.6 (iv) of the development plan. In the absence of evidence for a sequential approach, the Board concluded that the proposed development would be contrary to the Retail Planning Guidelines and the development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In not agreeing with the Inspector's recommendation to grant the proposed development and whilst noting the beneficial inclusion of a café in the proposed development, the Board had concerns, on the basis of the information on the file, that exceptional circumstances, which would justify the significant exceedance of the recommended net floorspace from the development plan provisions, had not been demonstrated. The Board therefore concluded that the proposed development was not in accordance with the proper planning and sustainable development of the area.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *9th* day of *Septemb.* 2021.