

An
Bord
Pleanála

Board Order
ABP-310590-21

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21A/0078

Appeal by Ard Services Limited care of Coakley O'Neill Town Planning of NSC Campus, Mahon, County Cork against the decision made on the 25th day of May, 2021 by South Dublin County Council to refuse a permission for the proposed development.

Proposed Development: Change of use from permitted retail use to retail use including the sale of alcohol for consumption off the premises (off-licence use) within the overall permitted retail unit, where the floor area for the off licence use is eight square metres and is ancillary to the primary retail use at Circle K Kilnamanagh Service Station, Mayberry Road, Tallaght, 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 RES land use zoning objective for the site within which off licence is open for consideration, the established fuel filling station use on the site, the pattern of development in the vicinity and to the limited scale of the use for the purposes of an off-licence within the overall footprint of the retail unit, the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the current development plan for the area, would not seriously injure the residential amenities of the area, and would not lead to an over-concentration of off-licence uses in the area. 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, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

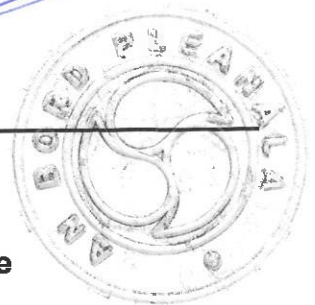
2. (a) No advertising of the sale of alcohol products shall occur on the front elevation of the shop or within or on the boundaries of the filling station forecourt.

(b) The alcohol sales area shall be limited to the area shown on the Drawing number P2038.KILN.A02 'Proposed Floor Layout' plan submitted with the planning application.

Reason: In the interest of clarity and the visual amenities of the area.


Paul Hyde

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



Dated this 13th day of September 2021