

An  
Bord  
Pleanála

Board Order  
ABP-311870-21

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## **Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1272/21**

**Appeal** by Philip Brogan and Anne Martin of 13 McKee Avenue, Finglas, Dublin and by TopOil Finglas care of Ian Smyth Architect of 227 Clonliffe Road, Dublin against the decision made on the 8<sup>th</sup> day of October, 2021 by Dublin City Council to grant subject to conditions a permission to the said TopOil Finglas in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The change of use of the existing car service garage to shop and deli. This will extend the existing shop deli and include all internal and external alterations required. Also included are improvements to existing air extraction, refuse collection, site boundary screening and associated siteworks at Top Oil Service Station, McKee Avenue, Finglas, 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.**

## Reasons and Considerations

Having regard to the pattern and character of existing development in the area and the provisions of the Dublin City Development Plan 2016-2022, in particular Section 16.37 which provides for limits on hours of operation for Petrol Stations, and Section 4.11.9 Retailing and Motor Fuel Stations of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012, it is considered that the proposed development would be in accordance with the Z4 zoning objective for the site and, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health, 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 13<sup>th</sup> day of September 2021, 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) The premises shall be used as a shop with ancillary hot and cold deli counter and for no other use within Part 4 of Schedule 2 to the Planning and Development Regulations 2001, as amended, without a prior grant of planning permission.
- (b) The total net retail sales space of the shop shall not exceed 100 square metres.
- (c) Customer access to the deli counter and associated window seating shall be provided through the existing shop entrance only and no independent external access shall be provided.

Details of the floor plan layout showing compliance with (b) and (c) above shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To clarify the scope of the permission, to protect the amenities of the area, and to comply with national policy, as set down in the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012.

3. The permitted development shall remain closed and shall not trade outside of the following hours:
  - (a) 0700 hours to 2300 hours Monday to Saturday, and
  - (b) 0800 hours to 2300 hours on Sundays,unless otherwise agreed in writing with the planning authority.


**Reason:** To protect the residential amenities of the area.

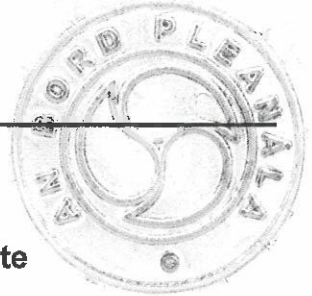
4. Details of cleaning, litter management, and general waste storage and management measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To protect the visual and residential amenities of the area.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

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



Dated this 25<sup>th</sup> day of May 2022.