

An
Bord
Pleanála

Board Order
ABP-315122-22

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/668.

Appeal by Circle K Ireland Retail Limited care of Coakley O'Neill Town
Planning of NSC Campus, Mahon, County Cork against the decision made on
the 20th day of October, 2022 by Meath County Council to refuse permission
for the proposed development.

Proposed Development: An extension (83 square metres) to the existing
service station amenity building to facilitate a revised internal layout
incorporating revised staff and back of house areas and including an ancillary
off license (7.9 square metres) resulting in a net retail floor area of 86 square
metres and an overall floor area of 195 square metres; elevational changes to
building including relocated signage, new entrance doors and glazing;
associated revisions to the site layout incorporating 15 number new car
parking spaces, including one number disabled space, codex payment
terminal, car wash, new paved seating area, bin storage and the relocation of
laundry unit and car services unit; and all associated drainage works and
other site development works, all at Circle K Service Station, Ballymurphy,
Dunshaughlin, County Meath. The proposed development was revised by

further public notices received by the planning authority on the 28th day of September 2022.

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 established existing development on the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would not endanger public safety by reason of traffic hazard, would not compromise the viability and vitality of Dunshaughlin, would not seriously injure the residential amenities of properties in the vicinity or the visual amenities of the area and would not devalue property in the vicinity. 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 revised by the further plans and particulars submitted on 20th September, 2022 and by the further plans and particulars received by An Bord Pleanála on 16th November, 2022, 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 parking and circulation layout and entrances arrangements, which provide for sightlines at 160 metres in each direction from a minimum 2.4 metres setback from the edge of the carriageway (as shown on drawing 2200 C13 received with appeal submission on the 16th day of November 2022) shall be in accordance with the requirements of the planning authority.

Reason: In the interests of public safety and clarity.

3. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent pollution.

4. The wastewater treatment and disposal system serving the development shall be located, constructed and maintained in accordance with the details submitted to An Bord Pleanála on 16th November 2022. Arrangements for the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Within three months of the installation of the wastewater treatment and disposal system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

6. Details of the external finishes, of 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.

7. Details of all external signage fittings and fixtures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.


Reason: In the interest of visual amenity.

8. Prior to the commencement of the development the developer shall submit to, and agree in writing with, the planning authority, full design details of a lighting scheme.

Reason: In the interests of public amenity and clarity.

9. 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 the Board 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.



Martina Hennessy

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

Dated this *5th* day of *February* 2024.