

An  
Bord  
Pleanála

## Board Order ABP-318250-23

### Planning and Development Acts 2000 to 2022

**Planning Authority: Dun Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D22A/0708**

**Appeal** by Gareth McGuckin of 6 Clonkeen Lawn, Clonkeen Road, Blackrock, County Dublin against the decision made on the 18<sup>th</sup> day of September, 2023 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Valero Energy (Ireland) Limited care of J.A. Gorman Consulting Engineers Limited of Forest Park, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing service station retail building, fuel dispensing pump island, car washes and removal of associated forecourt equipment. Construction of a single storey service station building with overall floor area of 361 square metres comprising of convenience shop (100 square metres net retail floor space), hot food sales (52 square metres net floor space) and seating area (24 square metres net floor space) with ancillary office, cash room, storeroom, toilets and staff welfare facilities. Provision of building fascia signage. (4) Alterations to existing forecourt canopy. Construction of all ancillary site features, including new fuel fill points, one number jet wash, one number brush wash, drainage, service bay, parking bays and line marking, all at Texaco Clonkeen Service Station, Clonkeen Road, Deansgrange, Blackrock, County Dublin, as revised by the further public notices received by the planning authority on the 22<sup>nd</sup> day of August, 2023.

## Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars for the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the A zoning objective which applies to the site, as set out in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the site history and nature and scale of the proposed development, and subject to the removal of the proposed brush wash and compliance with the conditions set out below, it is considered the proposed development would be consistent with the provisions of the development plan, specifically section 12.6.7 'Service Stations', would not seriously injure the residential amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 received by the planning authority on the 22<sup>nd</sup> day of August, 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed Brush Wash located adjoining the southern site boundary shall be omitted from the proposed development.

**Reason:** In the interest of residential amenity.

3.
  - (a) The premises shall not operate outside the periods 0600 hours to 2100 hours during the week, 0700 hours to 2000 hours on Saturdays, and 0800 to 2000 hours on Sundays and on bank holidays.
  - (b) The jet wash, all air compressors and all vacuums shall not operate outside the periods 0800 hours to 1900 hours during the week and 1000 hours to 1800 hours at the weekend and on bank holidays.
  - (c) All column-mounted floodlights or lamp standards at or proximate to the southern boundary shall not operate after 1800 hours.

**Reason:** In the interest of residential amenity and the proper planning and sustainable development of the area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Prior to commencement of development, revised details and drawings for the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) Adequate pedestrian access and priority from the proposed development to the Clonkeen Road.
  - (b) Provision of an additional EV charging point within the site or, alternatively, the remaining non-EV charging spaces shall be provided with ducting to facilitate and accommodate any future charging infrastructure.



- (c) A minimum of one EV charging space shall be suitable for use by persons with disabilities.

**Reason:** In the interest of the proper planning and sustainable development of the area.

6. Details of the materials, colours and textures of all the external finishes to the proposed service station retail building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the 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.

8. All lighting used within the site curtilage shall be directed and cowled so as not to interfere with passing traffic or the adjoining residential properties.

**Reason:** In the interest of residential amenity and traffic safety.



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

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

10. All necessary measures be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

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

11. All service cables associated with the proposed development shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

*[Handwritten signature]*

12. 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 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.

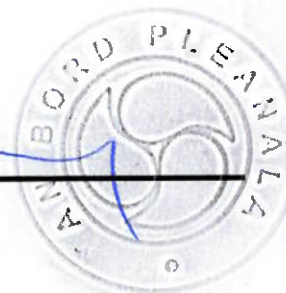
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this 16<sup>th</sup> day of July 2024.