

An
Bord
Pleanála

Board Order
ABP-319783-24

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD23A/0275

Appeal by Valero Energy (Ireland) Limited of care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 24th day of April, 2024 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing service station retail building, car washes, off-loading slab, three metres high external blockwork wall, fuel dispenser island, plant building and removal of two number log cabins, storage compound with associated steel containers, water storage tank and associated forecourt equipment. Site alterations to enlarge the overall size of the existing site (by incorporation the vacant site to the east) from 0.3389 hectares to 0.4737 hectares. Construction of new single storey building (504 square metres) comprising of retail area of 100 square metres (including an off-licence of 23 square metres), two number food offers (110.5 square metres), seating area (69 square metres), circulation area and back of house (office, toilets, and storage). Alterations to the existing forecourt canopy. Provision of building fascia signage and forecourt canopy signage. Construction of ancillary site features including new ESB sub-station building (24 square metres) and wash recycle building (six square metres), 37 number

surfaced car parking spaces with six number E charging spaces and eight number bicycle parking spaces. Construction of two number pressure wash slabs, one number brush wash slab, walled yard area (beside shop), site lighting, surfacing, landscaping, and all associated drainage works at Texaco Service Station, Ballydowd, Lucan, County 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 established existing development on site, the scale of the development proposed and the existing road infrastructure serving the development, it is considered that, subject to compliance with conditions set out below, the proposed development would not result in intensification of use at the site, would not endanger public safety by reason of a traffic or pedestrian hazard due to the fact that there are established entry and exit points serving the petrol station and the proposal is not directly served by the N4 National Primary Route but by a slip lane which is segregated from the National Primary Route where the 50kmph speed limit applies. The proposed development would, therefore, be acceptable in terms of traffic safety and convenience and would 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 to the planning authority on the 28th day of March 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The net floor area of the shop within the petrol station, that is, the area to which the public have access, shall not exceed 100 square metres (net) as per paragraph 2.4.3 of the Retail Planning Guidelines for Planning Authorities, 2012.

Reason In the interest of clarity.

3. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.

4. All necessary measures be taken by the contractor 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.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

7. Details of all external signage, fittings and fixtures to 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.

8. Details of the materials, colours, and textures of all the external finishes to 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.

9. Full design details of the proposed lighting scheme, including any mitigation measures, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public amenity and clarity.

10. Details of a revised road markings layout that includes all markings within the site, and specifically includes pedestrian walkways, and vehicle priority where the car-wash traffic meets the forecourt traffic upon exiting the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

11. Post completion of the development, a full Stage 4 Road Safety Audit (that includes a review of Road Safety Audit Item 2.1) shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure an adequate level of traffic safety.

12. Prior to the commencement of development, the applicant should liaise with the National Transport Authority (NTA) with regard to the design for the Bus Connects CBC at this location and should demonstrate consistency with this.

Reason: In the interest of traffic safety and to ensure that the proposed development does not compromise the future delivery of the Busconnects project.

13. The landscaping scheme shown on drawing number 23189_LP, as submitted to the planning authority on the 24th day of October, 2023 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (i) The submitted Planting Plan drawing number 23189_LP shall be implemented in full by the applicant.
- (ii) All hard and soft landscape works shall be completed in full accordance with the submitted plans.
- (iii) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS: 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
- (iv) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 "Trees in Relation to Design, Demolition and Construction – Recommendations".
- (v) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- (vi) The height of proposed berms/mounding shall be increased and proposed boundary planting bulked up in order to reduce the visual impact of the proposed development.

- (vii) A certificate of effective completion of the agreed landscape scheme shall be submitted to the planning authority by the appointed landscape architect/consultant for the scheme upon completion of the landscape works, such certificate to be prepared by a qualified Landscape Architect/Consultant.

Reason: In the interests of residential and visual amenity.

14. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

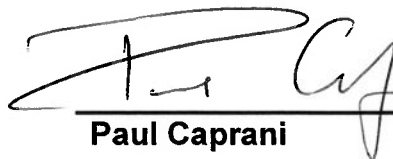
Reason: In the interests of public safety and amenity.

15. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

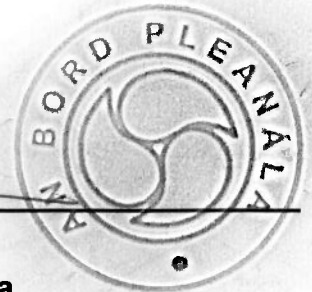
16. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of 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. The application of any indexation required by this condition 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.

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.



Paul Caprani

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



Dated this 27th day of February 2025.