

An
Coimisiún
Pleanála

Commission Order
ABP-320680-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3348/24

Appeal by Stephen Mernagh and Sima Rouholamin on behalf of Claremont Residents Association care of number 39 Claremont Court, Glasnevin, Dublin against the decision made on the 1st day of August 2024, by Dublin City Council to grant, subject to conditions, a permission to Ard Services Limited care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development consists of the following:

- (i) Modifications to internal layout incorporating a change of use from permitted food preparation and circulation area to retail use which will include for the sale of alcohol for consumption off the premises (that is, part off-licence use) within the overall permitted retail unit, where the floor area for the part off-licence use is 24.5 square metres and is ancillary to the primary retail use.

- (ii) An associated increase in the net retail floor area of the permitted retail unit (now totalling 100 square metres).
- (iii) The incorporation of one number new food offer (25.1 square metres in area) within the permitted retail unit.
- (iv) Modifications to station forecourt to include the construction of eight number EV charging spaces, with associated EV chargers, an ESB modular substation, relocation of public lighting columns and new signage.
- (v) Elevation changes to retail unit incorporating new entrance door and glazing, two number new signage displays and the relocation of existing signage.
- (vi) The installation of new underground Class 2 By-pass oil/fuel separator.
- (vii) All other associated landscape, boundary treatment, drainage, and site development works. All located at Circle K Service Station, Finglas Road, Glasnevin, 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 existing development on the site, to the provisions of the Dublin City Development Plan 2022 – 2028, and to the layout and design as submitted, the Commission considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or general amenities of adjoining properties or the streetscape, would not result in an over-provision of off-licences in the area, would be in accordance with the Climate Action Plan 2025, for the provision of EV charging facilities, and would be in accordance with the Z3 neighbourhood centre zoning for the site, which seeks to provide for and improve neighbourhood facilities. 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 in accordance with the plans and particulars submitted with the planning application, as amended by the further plans and particulars received by the planning authority on the 5th day of July 2024, and by An Bord Pleanála on the 25th day of September 2024, except as may be otherwise 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. Prior to the commencement of development, details of signage notifying customers that the charging bays are only to be used by designated vehicles while they are charging, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity and sustainable transport.

3. (a) All trees and vegetation shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction, as per BS 5837 (British Standards). Such measures shall include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. Permitted tree and shrub removal shall not take place during the bird nesting season.
- (b) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

- (c) The developer shall retain the professional services of a qualified Landscape Architect throughout the life of the site development works and their appointment shall be notified to the planning authority prior to commencement of the works. The submitted landscape master plan, submitted with further information on the 5th day of July 2024, shall be fully implemented. Any vegetation which dies or is removed within three years of planting shall be replaced in the first planting season thereafter. The Landscape Architect shall submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.
- (d) All existing and retained boundary walls/raised kerbs shall be cleaned, repaired and re-painted as required.

Reason: In the interests of amenity, ecology and sustainable development.

4. One number car parking space along the southern boundary of the site adjoining Claremount Court Residential estate shall be omitted. Development shall not commence until revised plans, showing this amendment have been submitted to, and agreed in writing with the planning authority, and such works shall be fully implemented prior to the commencement of the use hereby permitted. The bicycle parking facilities shall be constructed and ready to use prior to the commencement of the permitted use.

Reason: In the interest of sustainable transportation, road safety and orderly development.

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 interests of sustainable drainage.

6. 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 interest of public safety and amenity.

7. (a) The display of alcohol products shall be limited to the outlined area in accordance with the Proposed Ground Floor Plan, drawing number P2377.GLA.A02, submitted with the application.
- (b) The area for the display of alcohol products shall be secure and monitored.
- (c) There shall be no display of alcohol products or advertising of the sale of alcohol products on or near the façade/frontage, entrance, and the windows.

Reason: In the interests of orderly development and in accordance with Dublin City Development Plan 2022-2028 Development Management Standards.

8. External lighting of the site shall comply with the recommendations for E3 locations as set out in the Institute of Lighting Professionals Guidance Note 1 for the Reduction of Obtrusive Light.

Reason: In the interests of residential amenity.

9. The LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

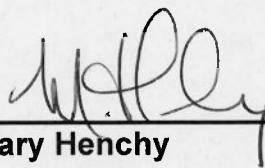
Reason: In order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings.

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

Reason: To safeguard the amenity of property in the vicinity.

11. 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 Coimisiún 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 to be applied to the permission.



Mary Henchy

Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.



Dated this 31st day of July 2025.