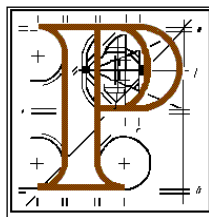


An Bord Pleanála Ref.: PL17.246375

An Bord Pleanála



Inspector's Report

Planning Application Construction of an unmanned petrol/filling station in the car park of Blackwater Retail Park and associated site works, at Kells Road, Navan, Co. Meath.

Planning Authority: Meath County Council

Planning Authority Reg. Ref.: NA15/1135

Applicant: Emo Oil Ltd. Trading As Great Gas

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Ellen Canaparro

Type of Appeal: 3rd Party

Observers: None

Date of Site Inspection: 20th June 2016

Inspector: Fiona Fair

Appendices: Photographs,
Site location Map,
Extracts from Navan Development Plan 2009 – 2015
Extracts from Meath County Development Plan 2019

1.0 SITE DESCRIPTION

This appeal site, which has a stated area of 0.01 ha, is located in the car park of the Blackwater Retail Park, Kells Rd, Abbeyland South, Navan, Co. Meath. The retail park is accessed north off the main R147 Kells Road to the west of Navan Town Centre. The site is bounded to the north by the River Blackwater to the south by the R147 and by residential development to the east (Blackwater Park) and west.

The Blackwater retail park is anchored by Woodies DIY and Right Price Tiles, Harry Corry, PC World, Curry's and Choice Discount Store also occupy units. There is only one vacant unit.

The unmanned petrol station is proposed to be located just off the internal roundabout, approx. 45 meters from the entrance, central to the surface car park. It is proposed to replace approx. 8 surface car parking spaces.

2.0 PROPOSAL:

The appeal application seeks planning permission for:

- An Unmanned Petrol Station in the car park of Blackwater Retail Park,
- Two number 4 hose petrol pumps under a canopy dispensing petrol and diesel on each side of the pump.
- Two underground storage tanks, each 40,000lt one storing petrol and the other diesel.
- All the associated fuel pipework between the pumps and underground tanks and fill points and vents.
- Concrete slab surfacing and associated drainage.
- The drainage from the area around the forecourt and delivery points will be discharged into a 10,000lt petrol interceptor prior to discharge to the proposed drainage system.
- Two electrical cabinets.

- Advertising signage along the edge of the canopy and a standalone 6m high advertising monolith adjacent to the entrance to the shopping centre.

Significant further information/revised plans were submitted on this application

3.0 PLANNING AUTHORITY'S DECISION

Subject to additional information being requested with respect to (i) relocation of the petrol filling station on site for reasons related to traffic safety and visual amenity (ii) compliance with section 8.8.1 of the Navan Development Plan 2009 'standards in respect of petrol filling stations' and landscaping (iii) screening Appropriate Assessment (AA) report (iv) drainage concerns (v) mitigation measures to be implemented to protect residential amenity (vi) respond to 3rd party submission and (vii) full site specific flood risk assessment, Meath County Council Granted planning permission subject to 15 no. conditions.

Conditions of note:

Condition 2. (a) All tanks and pipe works for fuel storage and distribution pipes shall be checked and certified for leakproofness and integrity prior to the commencement of use of the facility and shall be agreed in writing with the p.a Thereafter, this check shall be carried out on an annual basis and shall be recorded.

(b) All fuel tanks shall be back vented to the delivery tank during filling. Displaced air vents shall be so located as to prevent offensive odours being generated which could give rise to reason for complaint.

(c) The forecourt where fuel is delivered and dispensed shall be of adequate thickness of concrete, impervious and non-absorbent with a suitable drainage system designed and graded for draining storm water to a Class 1 full retention forecourt oil interceptor.

(d) Suitable materials in the form of oil-spill kit shall be kept on site and available at all times for the containment and clean-up of spillages at the facility.

(e) Oil contained in the interceptor trap shall be removed when and is necessary and disposed of in an environmentally satisfactory manner.

(f) The developer shall undertake a programme of monitoring of groundwater quality and submission of test results to the p.a. on a regular basis. Details of the programme, including methodology and frequency of testing, shall be submitted to the p.a. for written agreement and development shall not commence before the p.a. has confirmed its agreement in writing.

Condition 3. Illumination shall not interfere with passing motor traffic or adjoining residential properties.

Condition 4. Tank residues shall be disposed of in accordance with all relevant legislative requirements at an approved recycling and / or disposal facility.

Condition 5. The applicant shall maintain on site at all times, a quantity of oil absorbent material of a type and quantity acceptable to the p.a. to be used for the purposes of containment and/or absorption of oil in the event of spillage on site.

Condition 6. Oil containment in the interceptor trap shall be removed when and is necessary and disposed of in an environmentally satisfactory manner.

Condition 11. (a) Details of signage indicating caution with regard to pedestrians, shall be submitted to the p.a. for the written agreement prior to the commencement of development.

(b) Details regarding a traffic plan clearly indicating 'in' and 'out' lanes shall be submitted to the p.a. for written agreement prior to the commencement of development. Such signage shall be erected on site prior to commencement of the operation of the service station.

Condition 12. Relates to Signage

Condition 13. A bulk water meter shall be installed at the applicant's expense. This meter shall be in place prior to the completion of the development.

Condition 15. Requirement for a construction management plan.

4.0 TECHNICAL REPORTS

4.1 Roads Department.

Initial report recommended refusal due to negative effect on both the quantum of parking and the access onto the R147. Report subsequent to further information sets out that that the FI submitted adequately addresses the issues raised and recommends no objection.

4.2 DAHG

Report considers that the nature of the development has the potential to impact on the water quality of the adjacent European designated site i.e. The River Boyne and River Blackwater SPA and recommends AA screening be carried out.

4.3 Fisheries Ireland

Further information requested

4.4 Environment (flooding)

No objection. Report states: *'that the flood risk to the development site is as low as reasonably possible, I would agree that no site specific flood risk assessment is required'*.

4.5 Fire Officer

No objection subject to conditions

4.6 Planning Officers Report

The planners report reflects the Decision to grant planning permission. It is considered that the principle of the development is acceptable and that subject to compliance with conditions the proposed development would not

seriously injure the amenities of the area, give rise to traffic hazard or inconvenience nor lead to devaluation of adjacent property.

4.7 Objections/Submissions

Submission received, issues raised are similar to those raised in the third party appeal and summarized in detail below.

5.0 APPEAL GROUNDS

5.1 A third party appeal has been lodged by Ellen Canaparro. The grounds of the appeal is summarised as follows:

- Nature of the development proposed is unsuitable at this location
- Concern with respect to traffic safety and free flow of traffic
 - Fails to meet the standards set out in section 8.8.1 of the County Development Plan particularly in respect of the provision of adequate space for vehicles queuing to refuel.
 - When the retail park is busy and where the majority of car parking spaces are occupied the development has the potential to cause obstruction to the free flow of traffic and be hazardous to pedestrians.
- Negative visual impact
 - No landscaping proposed
- Pollution risk to the River Boyne and River Blackwater
 - Significant pollution threat should a future major flooding event occur in the area.
 - The Navan Strategic Flood Risk Assessment Draft Report identified the 'B2' zoned lands at Blackwater Retail Park as being within flood zone A/B and at risk of flooding.
 - Risk of pollution to River Boyne and River Blackwater
 - Concern with regard to response times should an accidental spillage occur

- Genuine possibility that this may go un-checked for a considerable amount of time, resulting in contamination of the surround area.
- Unsuitable retail land use for a retail park
 - Retail development policy 14 states; *'To restrict retail warehouse development solely to the sale of bulky comparison goods.'*
 - Albeit a petrol station is open for consideration in B2 zone an unmanned petro / filling station would contravene the stated policy
- Negative impact upon surrounding residential amenity
 - Residential dwellings are located to the south, east and west of the petrol filling station
 - Concern with regard to noise and disturbance associated with 24 hr retailing as well as fumes and smells
 - Section 8.8.2 of the County Development Plan asserts that petrol station shall not generally be permitted adjoining residential areas
 - Set a negative precedent
 - Anti-social behavior concerns
- Contravenes the Development Plan by reason of reduced car parking spaces.

6.0 RESPONSE

6.1 A response to the appeal was received from the Planning Authority.

It is summarized as follows:

- Contention that the development is not appropriately located is not accepted by the planning authority
- Petrol Station is open for consideration in the B2 land use zone
- With the implementation of mitigation measures including a construction method statement and risk assessment and that all construction related hazardous substances will be stored on site in secure areas remote from drainage connections, it is considered that

the proposal will not result in any significant effects on the integrity of the Natura 2000 network

- The separation distance to the nearest property is 45 m
- Mitigation measures are proposed, incl. a recirculation system to reduce odours and a managed security system
- It is not likely that the proposal would result in intensive traffic movements at night time
- The Road Design Section have no objection to the proposal from a car parking, traffic safety or free flow of traffic perspective.
- Appropriate to uphold the planning authority decision

7.0 RELEVANT PLANNING HISTORY

7.1 Reg. Ref. NA40242: Permission *Granted (18.02.2005)* for the demolition of all the existing industrial structures on the site & the construction of a part single storey part 2 storey retail warehouse park and leisure centre (total gross floor area of 13,522 sq/m). The retail warehouse park comprises 8 units and a garden centre (total gross floor area of 11,200 sq/m). Retail warehouse unit no.6 accommodates an office & canteen (gross floor area of 124 sq/m) at first floor level, units 7 & 8 accommodate an office of 58 sq/m each at first floor level. The development also includes a lower ground floor leisure centre (gross floor area of 2,322 sq/m), 392 surface car parking spaces & 161 basement car parking spaces, Associated landscaping, site development works and ESB substation of 13 sq/m on a 3.12 hectare site, close up two existing entrances and alter central entrance. Realign small section of the N3 to include right turning lane and traffic islands. A signage structure will be located at the site entrance. The application is accompanied by an EIS

7.2 Reg. Ref. NA60263: Permission *Granted for* extension of existing mezzanine level with an increase of area from 58 sq m to 568 sq m (additional 510 sq m) along with new stairs & escalator access and other internal alterations

7.3 Reg. Ref. NT900023 Permission *Refused* for the amalgamation and extension of unit 7 & 8 for use as a retail/ discount retail store, sub-divisible in up to 2 units; the construction of a new escape stairs from the proposed unit at ground and basement levels; consequent modifications to existing carpark layout and associated elevational alterations. The proposed development will extend the gross floor area by 770 sq.m

7.4 Reg. Ref. NT900022 Permission *Refused* for the construction of up to 5no. Retail units (712sq.m.) in the existing surface car park, revised layout of the surface car park, relocation of existing signage structure at entrance, together with associated signage and site works.

7.5 Reg. Ref. NA150427 Permission *Granted* for the construction of a single storey Coffee Shop (maximum height 6.142 metres and totaling 181.5 sq.m gross) and a single storey Drive Thru Restaurant (maximum height 6.512 metres and totaling 251 sq.m gross) including associated Drive Thru Lane, external yard and bin store (site area 0.27Ha). The proposed development also includes signage on the elevations of the building, external seating areas, minor alterations to the existing carpark, alterations to the eastern boundary and all ancillary site development site services and hard and soft landscaping works (Appropriate Assessment and Natura Impact Statement submitted)

8.0 DEVELOPMENT PLAN

The relevant statutory Plan is the Navan Development Plan 2009 – 2015.

The appeal site is located within an area zoned for 'B2' land use, which seeks *'to provide for the development of a retail warehouse park'*. The zoning matrix indicates that a Petrol Station is open for consideration within the 'B2' land use zone.

Section 4.5.6 relates to Petrol Filling Stations

Section 8.8 sets out development standards for Petrol Filling Stations

The Meath County Development Plan 2013 – 2019 also relates.

Appendix 3 definition of use class, Defines Petrol Station as:

‘A structure or land used for the purpose of the selling by retail of petrol, fuel oils, lubricating oils and liquefied petroleum gas generally for use in motor vehicles. It does not include a service garage or motor sales outlet. Petrol filling stations can provide a wide range of retail goods in an associated shop. In general these shops should remain secondary to the use as a petrol filling station’.

Section 11.10 of the MCDP 2013 – 2019 with regard to Petrol Filling Stations is also of relevance.

9.0 ASSESSMENT

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relate to:

9.1 Principle of the Proposed Development

9.2 Access, Car Parking and Location Issues

9.3 Residential and Visual Amenity

9.4 Flooding

9.5 Environmental Pollution Risk

9.6 Appropriate Assessment

9.1 Principle of the Proposed Development

The proposed development is located within an area zoned with the objective “B2” which seeks *‘to provide for the development of a retail warehouse park’*. The zoning matrix indicates that a Petrol Station is ‘open for consideration’ within the ‘B2’ land use zone.

I note that the Navan Development Plan 2009 – 2015 states: *‘An “open for consideration use” is one which may be permitted where Navan Town Council/Meath County Council is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area’.*

The unmanned petrol filling station is proposed to be located within the surface car park to the front of the existing Blackwater Retail Park. The access to the retail park, off the public road, is within the 50kph speed limits. The area is serviced with public services including public lighting. The principle of commercial / retail use at this location has long been established. I am of the opinion in agreement with the planning authority that the proposed development, as set out in detail in section 2.0 of this report above, consisting of two no. 4 hose petrol pumps under a canopy dispensing petrol and diesel on each side of the pump with two underground storage tanks, each 40,000lt, would not have undesirable effects on permitted uses and is compatible in principle with this zoning objective, subject to compliance with development management criteria set out in the Navan Development Plan.

9.2 Access, Car Parking and Location Issues

In terms of car parking the planners report states that there is an existing allocation of 508 spaces on site. I note that 392 surface car parking spaces and 161 underground car parking spaces (total 553 car spaces) were permitted in the original grant of planning permission for the Retail Park, Reg. Ref. NA40242, cognisance is had, however, that subsequent permissions within the retail park have made alterations to the original layout. The proposal for the unmanned petrol filling station would result in the loss of between approx. 8 surface car parking spaces.

In agreement with the planning authority I have no objection in principle to the loss of approx. 8 surface car parking spaces, given the level of car parking

-serving the retail park. I note the opinion of the planning authority, *'that on the basis of passive observation of the site over a sustained period of time, it is evident that the car park is actually oversubscribed in terms of car parking'*. From observations made during my site visit I can confirm that there appeared, on that occasion, to be excess of car parking spaces, given the foregoing I am of the opinion that it would not be reasonable to refuse planning permission on the basis of loss of car parking spaces or inadequate car parking.

The third party appellant has raised concerns of pedestrian and vehicular safety and free flow of traffic. The roads design section also initially expressed some reservations on the potential for the development to impact on the free flow of traffic by reason of the queuing that may occur. However following a further information request the Road design section report expresses no objection to the development from a car parking, traffic safety or free flow of traffic perspective.

The access to the retail car park is remaining unaltered and the planning authority have no objection to the access arrangement.

The first party submits that the location of the unmanned petrol filling station within the central area of the car park was chosen based upon three criteria. (i) Distance from retail building entrance (2) Ease of access for customers and (3) Impact upon adjoining properties and neighbours. In response to further information the location of the petrol filling station was also defended by reason of permission granted on foot of Reg. Ref. NA/150427 (see planning history section above) for a proposed drive through on the western side of the retail park entrance and a coffee shop on the eastern side of the entrance. The first party submit that taking the proposed location of these two future developments, the options for moving the unmanned petrol filling station closer to the southern boundary / the Kells road are limited and ineffective.

I agree with the first party that locating the facility at the location proposed minimises the distance to be travelled by customers within the car park to the

forecourt. It is noted that traffic flow through the facility is in line with the existing traffic flow within the car park and it will have a minimum impact on the movement of traffic through the site. Auto track Drawing no. 15-PH-05-08 sets out proposed traffic movement through the site.

Regard is had to section 8.8.1 'Design and Layout' for petrol filling stations, as set out in the Navan Development Plan 2009 – 2015. I note arguments by the first party, which set out differences between the a petrol filling station as intended or defined, in section 8.8 of the Navan Development Plan 2009 – 2015, and that currently proposed. The subject proposal is devoid of a sales building or ancillary facilities for motorists. I consider, while cognisance should be had to 'design and layout' standards and criteria for 'location' of petrol service stations, as set out in the Navan Development Plan, that, the nature of the unmanned refuelling facility differs from a 'petrol service station'. I note the proposed petrol filling station is located within the existing car park, approx. 40m from the Kells road and car park entrance and all refuelling would be carried out clear of the adjoining roadway. Cognisance is also had that there is an existing mature landscaping tree belt within and around the retail park.

The applicant submits that they have to date opened eight of these type of facilities around the country. I note the information with respect to transaction period at this type of facility, in the order of 5 minutes. It is contended that based upon experience and data from the existing facilities, the risk of queuing and the impact it would have on the day to day operation / function of the car park, is minimum. Refueling of the tanks is proposed outside of peak traffic periods.

It is intended that it will cater for retail vehicles, and with the exception of the delivery vehicles there would be no HGV vehicles using the site. The height to the underside of the proposed canopy is 4.5m, the current height requirement for HGV to the underside of the canopy is 5.0m. The facility is such that there are not likely to be intensive traffic movements through the night with previous

experience suggesting in the region of 15 – 20 vehicles between 12.00 and 7.00am.

Given the foregoing I tend to agree with the first party that the scale of the unmanned petrol filling station and location of same is such that the development will mainly attract local and passing business which is unlikely to impact adversely on traffic in the area. I agree with the planning authority that the proposed use and location would not lead to congestion and traffic conflict on site due to the unrestricted nature of the site and proposals for traffic movement via a one way 'in and 'out' system, (which can be controlled by way of condition attached to any grant of planning permission forthcoming from the Board) and the recognition that car speed / maneuvers within and around petrol filling stations are generally slow.

9.3 Residential and Visual Amenity

The unmanned petrol filling station proposed within the car park of Blackwater Retail Park, if permitted, would consist of two 4 hose pumps dispensing petrol and diesel on each side of the pump, on a concrete forecourt, which is drained to a 10,000lt class 1 petrol interceptor and from there into the existing surface water system. There is a canopy over the forecourt, measuring 9.0m by 11.0m at a height of 4.5m to the underside of the canopy. Two cabinets for the storage of all the electrical equipment required for the operation of the facility are proposed located on the pump islands. All the station facilities are within the 9.0m by 11.0m canopy footprint of the site. Drawings 15-PH-05, 1 – 4 refer.

As set out above in a preceding section of this report, the retail park is located in a B2 land use zone, catering for retail warehousing and where petrol station is an 'open for consideration' use. The facility is approx. 40 meters from the Kells road and the retail park entrance and approx. 40m from the closest adjoining neighbouring property at the eastern boundary. The applicant has proposed mitigation measures in terms of security, odour and noise.

It is proposed that the facility would be monitored on a 24/7 basis through CCTV system. A two way communication system is proposed. The facility could be closed down from the monitoring centre in the case of an emergency. If there is antisocial behaviour or an emergency an alarm would be raised at the monitoring centre and the activity on the forecourt can be inspected, communication can be made and if and when appropriate the Gardaí can be called

The vapours and resulting odours are proposed to be contained by a recirculation system. It is submitted that the release of fuel vapour odours would be reduced to as low as reasonably possible.

It is submitted that based upon the distance of the facility from adjoining residences and the short time the pump will be running during refuelling, two minutes max, it is submitted that noise levels are within the recommended limits and would have no effect on the residential amenity of the area.

I am of the opinion that the proposed development located within the established retail park, not directly in proximity of residential dwellings would have little or no effect on the residential amenities of the area.

With respect to visual amenities I note the canopy signage at the refuelling station (0.9m x 11m with a height of approx. 5m) and the standalone monolith sign (6m in height x 1.9m in width) proposed at the retail park entrance. No detail of materials has been submitted.

I consider that the signage proposed, as per the planning drawings submitted, is acceptable in principle. However, I recommend that should permission be forthcoming by the Board that a condition be attached requiring that no internally illuminated or neon signage shall be permitted. This is a prominent site and therefore signage should be strictly controlled in the interests of visual amenity.

9.4 Flooding

The site is located in close proximity to the River Blackwater, It was initially considered that the potential exists for the site to flood as per the Strategic Flood Risk Assessment undertaken as part of the variation of the Meath County Development Plan. Therefore the applicant was requested to submit a site specific flood risk assessment by way of further information.

The response by the applicant submits that location of the unmanned petrol filling station at Blackwater retail park is not located in either Flood Zone A or B and the potential risk of a flood event is as low as reasonably possible. Based on the foregoing there is no requirement to complete a flood risk assessment.

The report from the Environment flooding section of the Council states:
'The draft CFRAM flood extents maps indicate that the proposed development is not located within the 1% or 0.1% AEP extents. The OPW PFRA maps also indicate that the proposed development site is not located within flood extents. There is a flood event noted on the OPW website www.floodmaps.ie along the Boyne and Blackwater and the river Blackwater did go out of bank as per the Eastern CFRAM draft flood events maps, the flood waters did not extend within the vicinity of the proposed development site.'

The environment report goes on to state; *'as noted in the further information submission the flood risk to the development site is as low as reasonably possible, I would agree that no site specific flood risk assessment is required.'*

I have verified that the site is not included as a site identified in the OPW Flood Map database. Based on the foregoing I do not recommend a refusal of planning permission based on flooding related reasons and considerations.

9.5 Environmental Pollution Risk

I note the concerns raised by the third party with respect to pollution risk to the River Boyne and River Blackwater from the unmanned filling station. Concern centres on the event or possibility of accidental fuel spillage and response times. In response to this concern the provision of a construction method statement and detailed risk assessment report are noted. In particular emergency control measures, operational control measures and emergency equipment.

The site would, if permitted, be monitored on a 24/7 basis through the CCTV system on site. I note that the release of petrol at the pumps would be controlled by the controller at the monitoring centre. Only, when the controller is satisfied that it is safe to do so will the petrol be released. The facility would be designed, constructed and operated in accordance with the Dangerous Substances (Retail and Private Petroleum Stores) Regulations 1979.S.I.311 of 1979. An application would have to be made to the local authority for a Dangerous Substances Act (DSA) Licence as required under S.I.311 of 1979

A third interceptor is proposed to be added into the site's surface water system, which would be specifically designed for use on a petrol station and is sized so that it can take the contents of a compartment of a fuel delivery truck, in the event of it being damaged. All of the drainage from the forecourt would discharge into the proposed Class 1 10,000lt petrol interceptor. The fuelling area and delivery area on the forecourt are drained into the petrol interceptor. In the unlikely event of a fuel delivery spillage and monitor spills during fuelling by customers, the product would end up in the petrol interceptor.

It is submitted that the site would be visited on a daily basis by a care taker, who would complete a site check list, which would include an inspection of the petrol interceptor. With the implementation of mitigation measures inclusive of a construction method statement and risk assessment and that all construction related hazardous substances would be stored on site in secure areas remote from drainage connections, it is considered that no element of

the project would result in any significant effects on the integrity of the environment.

Based on the foregoing I do not recommend a refusal of planning permission for environmental pollution related reasons and considerations. Should the board agree that planning permission, be forthcoming, I recommend that a condition be attached which requires that the construction and operation of the development be carried out strictly in accordance with the submitted site risk assessment and that the construction management plan be agreed in writing with the planning authority prior to the commencement of any development.

9.6 Appropriate Assessment

The appeal site is located proximate to the River Boyne / River Blackwater SAC (002299) and the River Boyne and River Blackwater SPA (004232). As per the NPWS site synopsis the River Boyne and river Blackwater SAC is an SAC for alkaline fen and alluvial woodlands and the following species: Atlantic Salmon, Otter and River Lamprey and the River Boyne and River Blackwater SPA is designated for Kingfisher.

The applicant undertook a screening for appropriate assessment and applying the precautionary principle it was not possible to rule out significant adverse effects on the Natura 2000 network. That being the case a stage 2 Appropriate Assessment was undertaken. The NIA considered the potential effects associated with the construction and operation of the development. With the implementation of mitigation measures inclusive of the provision of a construction method statement and risk assessment and that all construction related hazardous substances would be stored on site in secure areas remote from drainage connections, it is considered that no element of the project would result in any significant effects on the integrity of the Natura 2000 network.

It is the opinion of the planning authority that the proposed development would not affect the integrity of any of the identified European sites under Article 6 of the Habitats Directive.

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Site No. 002299 River Boyne / River Blackwater SAC and European Site No. 004232 River Boyne and River Blackwater SPA, or any other European site, in view of the site's Conservation Objectives.

10.0 CONCLUSION / RECOMMENDATION

I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In light of this and the assessment above, I recommend that planning permission be Granted subject to the conditions set out below.

11.0 REASONS AND CONSIDERATIONS

Having regard to the zoning of the site, its location and established pattern of development on the subject site and in the general area, it is considered that, 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 give rise to a traffic, noise or pollution hazard and would not, therefore, be contrary to the proper planning and sustainable development of the area.

12.0 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 12th February 2016 and the 19th February 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail 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) All tanks and pipe works for fuel storage and distribution pipes shall be checked and certified for leakproofness and integrity prior to the commencement of use of the facility and shall be agreed in writing with the planning authority. Thereafter, this check shall be carried out on an annual basis and shall be recorded.

(b) All fuel tanks shall be back vented to the delivery tank during filling. Displaced air vents shall be so located as to prevent offensive odours being generated which could give rise to reason for complaint.

(c) The forecourt where fuel is delivered and dispensed shall be of adequate thickness of concrete, impervious and non-absorbent with a suitable drainage system designed and graded for draining storm water to a Class 1 full retention forecourt oil interceptor.

(d) Suitable materials in the form of oil-spill kit shall be kept on site and available at all times for the containment and clean-up of spillages at the facility.

(e) Oil contained in the interceptor trap shall be removed when and is necessary and disposed of in an environmentally satisfactory manner.

(f) The developer shall undertake a programme of monitoring of groundwater quality and submission of test results to the planning authority on a regular basis. Details of the programme, including methodology and frequency of

testing, shall be submitted to the planning authority for written agreement and development shall not commence before the planning authority has confirmed its agreement in writing.

Reason: In the interest of public health and to protect local groundwater sources.

3. Proposals for illumination shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

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

4. (i) Tank residues shall be disposed of in accordance with all relevant legislative requirements at an approved recycling and / or disposal facility.

(ii) The applicant shall maintain on site at all times, a quantity of oil absorbent material of a type and quantity acceptable to the planning authority to be used for the purposes of containment and/or absorption of oil in the event of spillage on site.

(iii) Oil containment in the interceptor trap shall be removed when and is necessary and disposed of in an environmentally satisfactory manner.

Reason: In the interest of pollution control and public health.

5. (i) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

(ii) A bulk water meter shall be installed at the applicant's expense. This meter shall be in place prior to the completion of the development.

Reason: To ensure adequate servicing of the development and to prevent pollution.

6. No goods, merchandise or other materials shall be stored and / or displayed for sale on or about the forecourt area without a prior grant of planning permission.

Reason: In the interest of visual amenity and traffic safety.

7. No additional advertising signs, symbols, flags, emblems or logos, than those indicated on the plans submitted, shall be erected externally on the canopy or anywhere on site whether or not such signs would constitute exempted development or not without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

8. (a) Details of signage indicating caution with regard to pedestrians, shall be submitted to the planning authority for, written agreement, prior to the commencement of development.

(b) A detailed traffic plan clearly indicating 'in' and 'out' lanes shall be submitted to the planning authority, for written agreement, prior to the commencement of development. Such signage shall be erected on site prior to the operation of the service station.

Reason: In the interest of pedestrian and traffic safety.

9. All necessary measures shall 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: In the interest of orderly development.

10. The construction and operation of the unmanned petrol filling station shall be carried out in accordance with the Site Risk Assessment submitted to the planning authority on the 12.02.16.

Reason: In the interests of sustainable waste management.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

13. 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. 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 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.

Fiona Fair
Planning Inspector
28.06.2016