



An
Bord
Pleanála

Inspector's Report 247069

Development

Retention of Pepper's Diner and all associated internal alterations/ external signage, car parking and forecourt layout; (ii) existing basement consisting of shop store & ancillary shop accommodation; (iii) additional/ extended car parking area to rear of site; (iv) existing forecourt & car parking layout including fuel/ general storage structures & enclosures located within the forecourt area & along the northern and western site boundaries; and (v) lighting/ lampstands and all associated signage.

Location

Grianan Vale Filling Station,
Ballyderowen, Burnfoot, Lifford P.O.,
Co. Donegal

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

16/50004

Applicant(s)

Mary Tourish

Type of Application	Retention permission
Planning Authority Decision	Grant retention permission
Type of Appeal	Third Party
Appellant(s)	Simon Doran
Observer(s)	None
Date of Site Inspection	24 th October 2016
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located in the village of Burnfoot in northern Co. Donegal. Burnfoot is situated to the south of the Inishowen Peninsula where the R238 and R239 Regional Roads intersect. The village is approximately 8.5km north-west of Derry city centre. The subject premises is one of two fuel filling stations located within Burnfoot. There is also a post office, public house and café in the village. The recorded population of Burnfoot in the 2011 was 466.
- 1.2. The site has a stated area of 0.2638 hectare and a frontage onto the R238 of approximately 50m. There is a 2-storey over basement building behind the station forecourt with shop and diner at ground level (c. 205 sq.m.) There are apartments at first floor level and the basement (313 sq.m.) is used for shop storage. The canopy over the station forecourt rises to a height of 5.5m. Car parking for approximately 28 cars is shown to the south and west of the site. Two stores align the rear site boundary and there is floodlighting around the site.
- 1.3. There is a one-way entrance and exit arrangement with right-turn lane into the site on the R238. A 50 kph speed limit applies along this stretch of road. The site is bounded to the west by Grianan Park housing estate, to the north by a cul de sac laneway and to the south by an undeveloped parcel of land.

2.0 Proposed Development

- 2.1. Retention permission is sought for the following:
 - Pepper's Diner and all associated internal alterations/ external signage;
 - Existing basement consisting of shop store and ancillary shop accommodation;
 - Additional/ extended car parking area to the rear (west) of the site;
 - Existing forecourt and car parking layout including fuel/ general storage structures and enclosures located within the forecourt area & along the northern and western site boundaries; and
 - Lighting/ lampstands and all associated signage.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Donegal County Council issued notification of decision to grant retention permission for the development subject to 10 conditions.
- 3.1.2. Condition 2 requires the construction of a new 1.2m high block wall along the southern boundary of the site. Condition 4 relates to internal forecourt circulation and drainage. Other drainage conditions require surface water run-off to be treated via serviced sediment and oil interceptor traps prior to discharge to any stream/ drainage channel.
- 3.1.3. It is stated under Condition 7 that all external lights herein retained shall be adequately hooded and aligned so as to prevent direct light spillage.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant retention permission, as outlined within the final Planner's Report, reflects the decision of the Planning Authority.
- 3.2.2. Under the assessment of the application within the initial Planner's Report, it is noted that the subject site is located within the "settlement framework" of Burnfoot and the principle of commercial development is considered acceptable. It is also recognised that the principle of providing the filling station and associated shop are long established and the sole question to be addressed is whether the retention of the diner, basement storage and general layout is acceptable.
- 3.2.3. The most significant issue is whether an appropriate sewer connection, oil interceptors and grease traps have been provided. These matters are considered to have a bearing on whether or not Appropriate Assessment is required having regard to the close proximity of Lough Swilly SPA/ SAC.
- 3.2.4. The Road Safety Engineer has no issue with the proposed development from a road safety perspective.
- 3.2.5. Further information was sought from the applicant to include evidence and details showing the route of the sewer line within the site and the point of connection to the public sewer, together with details and evidence of oil interceptors and grease traps.

The applicant was also requested to show the provision of a low wall extending along the entirety of the southern boundary of the site.

- 3.2.6. It was decided by the Planning Authority that the cumulative details provided, in particular the new foul sewer collection and disposal arrangements, contain significant additional information and the applicant was requested to re-advertise pursuant to the provisions of Article 35 of the Planning and Development Regulations, 2001 (as amended).
- 3.2.7. Within the subsequent Planner's Report, it is stated that no activities are proposed or permitted along the western site boundary which would give rise to an inappropriate impact on the amenities of third party properties. The separation distance from storage outbuildings and tanks to the site boundary has been marginally reduced in the context of the operation of the fuel filling station. The Case Planner states that matters of landscaping and boundary treatment will be conditioned and it is not considered that the encroachment of the western boundary by 5-10m closer to third party properties will give rise to any significant concerns.

4.0 Planning History

Donegal County Council Reg. Ref: 02/530

- 4.1. Permission granted to Hugh Doherty in September 2003 for demolition of habitable dwelling and erection of new petrol filling station comprising of shop, 3 no. first floor flats, canopy, petrol pumps, car wash bay, underground storage tanks, cash dispenser, advert sign and associated site works and drainage.

Donegal County Council Reg. Ref: 06/70262

- 4.2. Permission granted for amendments to previously permitted plans to include the provision of 1 no. additional shop unit and 1 no. first floor apartment.
- 4.3. Subsequent to this permission there were two withdrawn applications for retention of alterations to the approved layout (Reg. Refs: 09/70322 & 13/50541).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Burnfoot is designated a Tier 4 small village within the Donegal Development Plan, 2012-2018. It is recognised that these villages have a small population and identifiable settlement structure; however, there is limited social and community infrastructure, while physical waste water treatment and water capacities are not available.
- 5.1.2. Development and technical standards for petrol filling stations are set out in Section 10.8. It is a policy of the Council (RS-P-13) *“...to permit a shop/café of up to 100 square metres of net retail/café area when associated with petrol filling station. Where retail/café space in excess of 100 square metres of net retail/café area associated with petrol facilities is sought the sequential approach to such development will apply.”*
- 5.1.3. Under RS-P-4, *“it is a policy of the Council to facilitate local retail services in villages in Tier 4 as identified in the Core Strategy, and within rural villages identified in Tier 5 of the settlement hierarchy.”*
- 5.1.4. Policy CS-P-3 states that within the boundaries of Tier 4 settlements, applications for development will be assessed in the light of all relevant material planning considerations including land use zonings, availability of infrastructure, relevant policies of the Development Plan, other regional and national guidance/policy, relevant environmental designations and particularly the Council's Policy WES-P-10 (wastewater treatment and disposal).

5.2. Natural Heritage Designations

- 5.2.1. The Lough Swilly SPA is as close as 380m to the appeal site and the Lough Swilly SAC is located at a distance of 1.9km west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal has been lodged by the resident of No. 22 Grianan Park, which adjoins the appeal site to the west. The grounds of appeal and main points raised in this submission are summarised as follows:

- Applicant may not be the legal owner of the site and no consent letter has been included with the planning application.
- One of the stores is being used for vehicle maintenance and therefore incorrect fee has been calculated. Diner area is also in excess of the given area.
- Development description should include diner area as retention of a change of use. Initial description makes no reference to two recently constructed sewer discharges.
- New sewer connection detailed in further information request is actually not included in the retention application.
- Applicant never had any sort of planning permission for the second sewer outfall (discharging to the watercourse) and this cannot form part of the enforcement investigations. Appropriate Assessment Screening Report has been prepared in relation to this discharge. It is inconceivable how such an important element can simply be added to the application for retention by the Case Officer without being applied for by the applicant in the first place.
- Sewer outfall discharging to watercourse requires careful consideration having regard to the proximity of European sites.
- Approved storm sewage system exits the premises via a petrol interceptor, which is attenuated in a large oversized pipe that discharges to a completely difference watercourse.
- Applicant has not submitted any details of this discharge possibly due to the fact that it bypasses the petrol interceptor indicated on the submitted site plan.

- Premise of the planning application is fundamentally flawed having regard to enforcement proceedings and change of use in terms of additional loading to main sewerage and type of waste produced.
- Owner should have been required to re-apply for a new connection to the existing main or should have been required to cease operating the diner element.
- There have been nearby refusals on the grounds that the existing mains sewage network is operating at capacity. Had the developer applied for the required “change of use” there would not have been capacity on the existing mains and application would have been refused.
- Development to grant approval is contrary to the very spirit of the Development Plan (Policies CS-P-3 and WES-P-10).
- Permission was refused on adjoining site (Reg. Ref: 06/72383) for reasons relating to wastewater capacity, contravention of residential zoning, intensification of access, and lack of private open space.
- Portion of the appeal site to the rear was dedicated private amenity space under Reg. Ref: 04/11056. This land was zoned residential in Local Area Plan.
- Development fails to meet the key policy test for the “good neighbour principle” for commercial developments set out in the 2006 Development Plan, as well as a number of other policies of that Plan relating to lateral building lines, buffer zones, screening and overdevelopment. Majority of problematic issues would be resolved with the removal of ad hoc unauthorised development from the residentially zoned area to the rear of the site.
- Site layout proposals are of extremely poor quality and are seriously injurious to the amenities of nearby residents in terms of boundary treatments, noise nuisance, dangerous manoeuvring and servicing provision, floodlighting, etc.
- Actual retail/ café space of the shop is in excess of 3 times the initial maximum permitted and therefore contrary to Policy RS-P-13.

- No parking for delivery vehicles for shop/ retail food elements has been provided contrary to Table 25: Car Parking Standards and no Road Safety Audit has been submitted. Evidence provided of numerous collisions within the site.
- Applicant has not provided clear evidence that they have actually made a new connection to the public mains connection manhole. Appellant has provided video evidence that the unauthorised sewage connection is still live and this line does not pass through a petrol interceptor.
- Condition 4(e) of Reg. Ref: 02/5360 will be contravened as there will be inappropriate separation distances from storage outbuildings and tanks (15m). Condition was applied to safeguard and exceed protections given the level of harm that can be generated by this type of development. These elements are now 25m closer than existing residents could reasonably have expected.
- Enforcement matters cannot simply be ignored under this application, particularly the new main sewage connection and associated additional loading through the change of use.
- It is the unauthorised aspects of the development that are creating most harm. Removal of all unauthorised development within residentially zoned portion of the site to the rear would have presented the opportunity to provide appropriate levels of landscaping and private amenity space for residents of the development.

6.2. Applicant Response

6.2.1. The applicant's agent responded to the third party appeal with the following comments:

- While retention of the forecourt layout is part of the retention planning application, the basement storage and Pepper's Diner are essentially the only new elements of the development.
- During the processing of the planning application, some aspects of unauthorised development were regularised on foot of a Section 154

Enforcement Notice and in accordance with Section 163 of the Planning and Development Act, 2000 (as amended).

- The diner element of the development complies with Policies ED-P-6, ED-P-8 and RS-P-4. Diner/ shop in excess of 100 sq.m. would be in compliance with Policy RS-P-13.
- Applicant has been alerted to an inaccuracy in the legal title submitted with the planning application and an amended planning application form and letter of consent is appended to the appeal response.
- There are three discharges emanating from the site: (i) foul drainage; (ii) stormwater from paved areas; and (iii) groundwater accumulating around the tanked basement and from the roof and canopy.
- Manhole 16 which carried foul drainage from the filling station to the private wastewater treatment plant has been blocked off and no discharge occurs. All surface water from paved area is collected and discharged via a petrol/ oil interceptor to the public storm drain and onto the watercourse. Ground levels adjacent to the closed off entrance will be raised to the surrounding yard level to ensure stormwater in this area is discharged via the petrol/ oil interceptor.
- Basement has suffered ingress and to address this problem groundwater has to be collected in a sump and pumped. However, a gravity discharge for groundwater around the basement and from the roof and canopy has now been established and this obviates the need for pumping.
- Public storm water drain ultimately discharges towards the nearby Natura 2000 sites and an Appropriate Assessment Screening Report has now been prepared. It is concluded that there are no likely significant effects predicted.
- Completed connection to mains foul drainage was comprehensively examined by the Planning Authority and officials from Irish Water – system was constructed correctly and is functioning properly.
- Car wash facility has ceased permanently and it is considered that residential amenities are not affected by the operation of the premises.
- HGV activity to the south of the appeal site is outside the applicant's control.

- Premises were permitted under Reg. Ref: 06/70262 on the basis of connection to the local water infrastructure and development contributions were levied and collected – connection to water services would remain a commitment on the part of the sanitary authority.
- Amended proposal demonstrates that the site has the capacity to provide car parking, cycle stands and delivery vehicle proposals in accordance with Planning Authority standards. Only one articulated lorry delivers to the site.
- Noise levels from the site are no more than that associated with ambient noise levels created by normal urban and vehicular activity. Board may wish to impose a noise condition.
- Donegal County Development Plan is the only extant development plan that must be considered in making a decision on the proposal.
- Enforcement is a matter for the Planning Authority and does not involve An Bord Pleanála.
- Amended site layout plan No: 1519-008 submitted with the appeal response makes some minor yet significant changes including the following:
 - Landscaped buffer zone along the western boundary to provide a natural screen barrier and to protect the common wall from vehicular movements.
 - Demolition and removal of two sheds adjoining the western boundary;
 - Extension and capping of western common wall along entire length filling station lands.
 - Relocation of lamp standards adjoining the western boundary outside of the landscaped buffer area, or removed altogether if considered necessary by the Board.
 - Southern boundary will be defined by a lower wall of similar construction and finish to the western boundary.

6.3. Planning Authority Response

- 6.3.1. In response to the third party appeal, the Planning Authority states that the matters raised therein have been addressed in the Planner's Reports of 19th July, 21st June and 1st March 2016.
- 6.3.2. The Planning Authority also had no specific comment to make on the first party response to the third party appeal.

6.4. Further Responses

- 6.4.1. The appellant responded to the applicant's submission with the following comments:
- Revised proposals are broadly acceptable to the appellant providing there is clear requirement of Donegal County Council to enforce these new proposals.
 - Condition 2 of the proposed Schedule of Conditions should be extended to ensure that there is also a 3 month time limit for the implementation of all the proposed development in accordance with the amended plan.
 - Condition similar to 4(e) of Reg. Ref: 02/5360 should be applied, e.g. *"The distance between any storage structure and any part of the outer western boundary wall shall not be less than 15m. No plant equipment or ancillary operations (e.g. compressed air suppliers, car washing, etc.) are permitted to take place within 15m of the outer western boundary."*
 - It is requested that a condition be attached stating that *"the 3 no. lampposts installed along the western boundary shall be permanently removed. No new lampposts shall be installed within 15m of the outer western boundary."*
 - Raising of planted buffer zone by 450mm would make the boundary wall easily climbable. A condition should be attached stating that *"the finished ground level of the top of the 'planted buffer zone' shown on submitted Plan No. 1519-008A shall be no higher than 2.0m from the top of the precast concrete saddle back copping fitted to the top of the existing and proposed walls on the western boundary to prevent unauthorised entry to the private amenity of neighbouring residential dwellings."*

7.0 Assessment

7.1. Introduction

- 7.1.1. Planning permission is sought for the retention of the diner element of the existing service station, together with a basement store, car parking and ancillary structures including floodlighting and signage.
- 7.1.2. Donegal County Council issued notification of decision to grant retention permission and a third party appeal has been lodged by the resident of a dwelling that bounds the site to the west.
- 7.1.3. Planning permission (Reg. Ref: 02/530) was originally granted in 2003 for a new petrol filling station to include canopy, petrol pumps, car wash bay, underground storage tanks, cash dispenser, advert sign and associated site works and drainage. This permission was amended under Reg. Ref: 06/70262.
- 7.1.4. It should be noted that the applicant proposed a number of amendments to the development at appeal stage to include a landscaped buffer along the rear boundary of the site. The appellant indicated in response that these proposals are broadly acceptable.
- 7.1.5. Notwithstanding, I consider that this appeal should be addressed under the following headings:
- Development principle;
 - Procedural matters;
 - Drainage;
 - Impact on residential amenity;
 - Access;
 - Appropriate Assessment.

7.2. Development principle

- 7.2.1. The appeal site is located within the boundary of a Tier 4 settlement where it is a policy (RS-P-4) to facilitate local retail services. In addition, Policy CS-P-3 states

that within the boundaries of Tier 4 settlements, applications for development will be assessed in the light of all relevant material planning considerations including land use zonings, availability of infrastructure, relevant policies of the Development Plan, other regional and national guidance/policy, relevant environmental designations and particularly the Council's Policy WES-P-10 (wastewater treatment and disposal).

7.2.2. The previous local area plan for Burnfoot has now been superseded by the current Donegal County Development Plan and therefore no land use zoning applies to the site. The issue of the availability of infrastructure and drainage shall be assessed in more detail below. However, I would be satisfied that the amendments under this application to an established use are ancillary to that particular use and therefore can be considered acceptable in principle.

7.2.3. It is also a policy (RS-P-13) *"...to permit a shop/café of up to 100 square metres of net retail/café area when associated with petrol filling station. Where retail/café space in excess of 100 square metres of net retail/café area associated with petrol facilities is sought the sequential approach to such development will apply."*

7.2.4. The proposed diner and shop has a combined floor area of 200 sq.m. Under the sequential approach, the preferred location for retailing is in town centres, not an isolated site outside these preferred locations. As noted, the appeal site is within the development boundary of a small settlement and located along the main road. I would therefore be satisfied that this is a preferred location in terms of sequential testing.

7.3. Procedural matters

7.3.1. Further information was sought from the applicant on matters of drainage and boundary treatments. It was considered by the Planning Authority that the cumulative details provided by the applicant, in particular the new foul sewage collection and disposal arrangements, contain significant additional information. The applicant was therefore requested to erect new public notices in accordance with the requirements of Article 35 of the Planning and Development Regulations, (as amended).

- 7.3.2. The applicant has submitted revised plans to address the concerns of the appellant at appeal stage. Under Section 142 (4) of the Planning and Development Act, 2000 (as amended), the Board may require the applicant to give such public notice in relation the amended plans, including notice to be given at the site or by publication in a newspaper. In this case, however, I would be satisfied that the main party to the appeal has been kept informed of the proposed amendments.
- 7.3.3. Within the response to the appeal, the applicant acknowledges that there was an inaccuracy in the legal title submitted with the planning application and an amended planning application form and letter of consent is appended to the appeal response. It is also stated that during the processing of the planning application, some aspects of unauthorised development were regularised on foot of a Section 154 Enforcement Notice and in accordance with Section 163 of the Planning and Development Act, 2000 (as amended).

7.4. Drainage

- 7.4.1. The planning application did not include any items relating to drainage. However, the applicant was requested to submit further information to confirm that the sewer connection discharges to the public sewer. Detailed information in relation to all oil interceptors and grease traps installed on site were also required for the purposes of carrying out Appropriate Assessment Screening.
- 7.4.2. As highlighted by the applicant, the parent planning application on site provided for the premises to be connected to the public foul mains drainage network. However, the fuel filling station was connected to a private treatment plant serving the adjoining housing development. The applicant submits that this connection has now been decommissioned and the station has been connected to mains drainage.
- 7.4.3. The site layout plan submitted with the appeal shows the foul sewer continuing along the western side of the building from the location of a grease trap. This line continues through a foul pump before exiting to the foul sewer, which is then pumped to Burnfoot Treatment Plant. At the time of my site visit, I inspected the decommissioned manhole further to the west of the site through which sewage would have passed to the private treatment system. This manhole appeared to be

dry. It also appears from an inspection of the surface that all other drainage infrastructure was in place as indicated on the site layout plan.

- 7.4.4. It now seems that the site is discharging to mains foul and storm sewers as was originally intended. There was an issue raised with respect to drainage and water capacity in Burnfoot but as pointed out by the applicant, the connection to water services as a result of the original and previous permissions on site would remain a commitment of the sanitary authority.

7.5. Impact on residential amenity

- 7.5.1. The appellant had originally raised a number of issues relating to the impact of the development of his residential amenities. It is submitted that the site layout proposals are of extremely poor quality and are seriously injurious to the amenities of nearby residents in terms of boundary treatments, noise nuisance, dangerous manoeuvring and servicing provision, floodlighting, etc. The appellant considers that the majority of problematic issues would be resolved with the removal of ad hoc unauthorised development from the residentially zoned area to the rear of the site. It is also highlighted that inappropriate separation distances between dwellings and storage outbuildings and tanks contravenes a condition of the original planning permission (Reg. Ref: 02/5630).
- 7.5.2. The revised proposal submitted by the applicant with the appeal response makes provision for a landscaped strip to buffer the service station from the adjoining housing estate. This strip will be 1.7m wide to the south and 5.9m wide at the northern end. Existing sheds along this boundary will be demolished and lamp standards will be relocated to the edge of the buffer strip. It is also proposed to finish the remaining 2m high wall along the boundary where the sheds are to be demolished with plaster and pre cast saddle back coping to the top of the wall.
- 7.5.3. The appellant broadly accepts these proposals but is concerned that the planted buffer zone, at a height of 450mm above ground level, will make the boundary wall easily climbable. It is suggested that a condition be attached to any grant of permission requiring the finished ground level to be no higher than 2m from the top

of the wall. I would be in agreement that it would be reasonable to lower the level of this buffer area in the interests of safety and security of adjoining residents.

- 7.5.4. The appellant also requests that the 3 no. floodlights along the western boundary should be removed altogether rather than relocated to positions outside the buffer. I would be of the view that some form of lighting is necessary at the rear of the site to avoid darkness along the planted strip at night time. I consider that the additional separation distance, and with proper cowling, the beam of the light can be directed towards the surface of the site rather than into adjoining properties. The applicant might want to consider the use of LED lighting which appears to reduce lateral light spillage.
- 7.5.5. Overall, I would be of the view that the amended proposal included with the appeal resolves any outstanding issues with respect to impact on adjoining residential amenities. All structures and activities along this boundary will be removed and the landscaped buffer will ensure that there is adequate separation.

7.6. Access

- 7.6.1. The appellant considers that the site layout encourages dangerous manoeuvring and servicing. Photographic evidence is included to illustrate damage to the rear wall of the site caused by vehicle collisions.
- 7.6.2. As noted by the applicant, the proposed buffer to the rear of the site will also protect the common wall from vehicle movements within the filling station car parking area to the rear of the premises. It is also highlighted that the only deliveries taking place from an articulated lorry will be from the front of premises.
- 7.6.3. The amended proposal provides a definitive layout for vehicles accessing and parking within the site. There is a one-way entrance and exit arrangement and sufficient width is available to the southern side of the building for vehicles accessing the rear of the site. There would also appear to be adequate visibility of oncoming traffic for vehicles egressing the site onto the R238.

7.7. Appropriate Assessment

- 7.7.1. The EU Habitats Directive (92/43/EEC) requires competent authorities to review planning applications and consents that have the potential to impact on European designated sites, i.e. Special Protection Areas (SPA's) and Special Areas of Conservation (SAC's).
- 7.7.2. The appeal site is located approximately 380m from the Lough Swilly SPA (site code: 004075) and c. 1.9km from the Lough Swilly SAC (side code: 002087). The development in question now has established connections to mains services with grease traps and interceptors.
- 7.7.3. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be grant for the retention of the development subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within a Tier 4 Settlement as designated within the current Donegal Development Plan, together with the established use on site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual amenities of the area of residential amenities of properties in the vicinity, and would be acceptable in terms of traffic safety and convenience. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained 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 2nd day of June 2016 and by the further plans and particulars received by An Bord Pleanála on the 7th day of September 2016, 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. Within three months of the date of this order, a new block wall, rendered and capped and not exceeding a height of 1.2m, shall be constructed along the entirety of the southern site boundary, as detailed on revised site layout plan received by the Planning Authority on 2nd June 2016.

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

3. The planted buffer zone shown on drawing no. 1519 008, as submitted to An Bord Pleanála on the 7th day of September 2016, shall be carried out within three months of the date of this order. The finished level of the buffer shall be no higher than 2m from the top of the adjoining boundary wall. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity and to protect adjoining residential amenities.

4. The basement store shall only be used for storage purposes ancillary to the

fuel filling station and diner.

Reason: In the interests of orderly development.

- . 5. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the canopy, on the forecourt building or anywhere within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interests of visual amenity.

- . 6. The road network serving the development, including turning areas, junctions, parking and footpaths shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

7. Water supply and drainage arrangements, including the disposal of surface water, shall otherwise comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development

8. Floodlighting shall be angled and constructed so that no light is emitted above a horizontal plane through the fitting. Positioning and design shall also ensure that no glare or light scatter is caused to users of the public roads and adjacent housing in the vicinity of the development. The locations and coverage of all proposed floodlighting shall be submitted to the Planning Authority for written agreement within 3 months of the date of this order.

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

. Donal Donnelly
Planning Inspector

28th October 2016