



An
Bord
Pleanála

Inspector's Report PL29S.247935

Development

Demolition of existing Petrol Station and construction of a new Petrol Station, shop, canopy, replacement of underground fuel tanks, removal of carwash facility and all associated development works.

Location

Applegreen Filling Station, Parnell Road, Crumlin, D12.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4046/16.

Applicant(s)

Petrogas Group Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Thomas Mc Mullen.

Observer(s)

None.

Date of Site Inspection

03rd of May 2017.

Inspector

Karen Hamilton.

1.0 Site Location and Description

- 1.1. The site has an existing Petrol Filling Station which fronts onto the R111, Parnell Road which runs along the south side of the Grand Canal, D 12. To the east of the site is a row of two storey terrace dwellings which are protected structure and there is a residential access road to the west for the cul- de-sac Parnell Court, to the rear.
- 1.2. The existing petrol station is accessed directly from Parnell Road and the shop, canopy and petrol pumps are located on the eastern side of the site. There is a carwash to the rear of the site and a 6.1m high totem style sign displaying the petrol prices along the side of the road.

2.0 Proposed Development

- 2.1. The proposed development may be summarised as follows:
 - Demolition of existing Petrol Station (approx. 140m²),
 - Construction of new petrol station shop (306m²) with convenience (100m²), off-licence (13m²), 2 no food, café (39m²) seating area (36m²), toilets, ATM, storage (106m²),
 - Revision to petrol station forecourt including new canopy (6m high),
 - Removal of existing car wash facility,
 - Replacement of underground fuel tanks and provision of 3 fuel pumps,
 - Provision of a totem sign (6.5m high) and other signage (69m²),
 - Revision of car parking,
 - All other associated works including drainage, landscaping boundary treatment etc.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 14 conditions, those of note include:

C 5: Reduction in the size of the off licence to 10m² and amendment to the totem signage to remove three “logo” signs,

C 8: Inclusion of directional signage, revised car parking and provision of cycle parking,

C 9: Archaeological monitoring on site during works,

C 12: Appropriate design, location and collection of receptacle/ waste storage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to compliance of the off licence with Section 16.28 of the development plan and the impact of additional signage on the totem, on the visual amenity of the area.

3.2.2. Other Technical Reports

Drainage Division - No objection subject to conditions.

Roads and Traffic Planning Division- No objection subject to conditions.

Archaeology- No objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Three observations were submitted in relation to the proposed development in relation to the inclusion of the off-licence and other issues raised have been summarised in the grounds of appeal.

4.0 Planning History

29S.230446 (2322/08)

Permission granted for demolition of existing buildings and construction of 19 apartments and 1 medical office.

5450/06

Permission refused for the construction of 33 apartments in a four storey block for reason of scale, form and massing was contrary to policies in the development plan with inadequate minimum size standards, open space and no north facing orientation.

5.0 Policy Context

5.1. Guidelines for Planning Authorities Retail Planning (2012)

- Section 4.11.9: Retailing and Motor Fuel Stations.

The floor space shall not exceed 100m² net, any excess of this shall be subject to the sequential approach. Attention shall be given to the safety aspects of circulation and parking in the station forecourt.

5.2. Dublin City Development Plan 2016-2022

The site is zoned in Z1 *"To protect and/or improve the amenities of residential amenities"*

Permitted uses:

- Petrol Filling stations are open for consideration.
- Part off-licence is not a permissible use or open for consideration.
- Restaurant is open for consideration.
- Takeaway is not a permissible use or open for consideration.

Section 7.6 Retail Policies and objectives

- **Policy RD 5:** Restriction of the further expansion of off-licences or part off-licences unless a compelling reason can be submitted there is not an over-

concentration of uses in one area and an application should include a map with the location of such establishments within a 1km radius.

- **Section 16.28:** The floor area used for the display of alcohol product is subsidiary to the main use of the shop and the area should be no more than 10% of the total area.

Section 16.37: Petrol Filing Station

- Siting of the filing station in residential areas should not damage residential amenities, the design in relation to the streetscape should be considered, hours of operation shall be limited to between 0600hrs and 2300hrs, traffic safety shall be considered.
- Forecourt lighting shall be limited, landscaping is required to protect the amenity of the surrounding area, signs should be limited in number and the proliferation of signs is not permitted.
- Floor space requirement as per the retail planning guidelines shall be applied.

Appendix 21: Land use definitions.

- Goods convenience: Examples of goods are food, alcoholic and non-alcoholic beverages, tobacco and non-durable household goods.
- Off-licence: Part of the building where the main uses are the sale of convenience goods for display and sale of intoxicating liquor.
- Restaurant and Café: A building where the primary function is for the sale of food, meals/ refreshments for consumption on the premises.

The site borders the **Grand Canal Conservation area** therefore the following polices apply:

- **CHC4:** To protect the special interest and character of all Dublin's Conservation Areas. Development will contribute positively the character and distinctiveness of the appearance and setting.

The site is located within the **Zone of Archaeological Constraint** for recorded monument DU018-04304 (watercourse) therefore the following polices apply:

- **CHC9:** To protect the archaeological material in situ by ensuring minimal impact by way of assessment and maintenance.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been submitted from Mr Thomas Mc Mullan, IFSC, which may be summarised as follows:

- The proposal is overdevelopment of the site as the emphasis is away from the petrol station and towards a destination for retail and food which materially contravene the provisions of the development plan.
- The proposals do not comply with the Retail Guidelines or the development plan and the retail and food proposal is over 100m² and the net retail area is actually 126m² (net) based on the inclusion of circulation space.
- The proposed development does not accord with the guidance in Appendix 21 of the development plan for ancillary retail to a petrol station and the food offerings are not uses considered by the development plan.

6.2. Applicant Response

A response has been received from an agent on behalf of the applicant and may be summarised as follows:

- The existing petrol station is a long established use on the site which serves the surrounding area.
- The site coverage (20%) and plot ratio (0.18) are low and within the development plan standards.
- The development plan does not make reference to the off licence therefore it is not in conflict with the plan.
- The retail area includes circulation space, therefore is compliant with the 100m² permitted, this is in addition to the 13.2m² for the off licence. The circulation space referred to by the appellant is for the food area.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt under the following headings:

- Principle of development
- Residential Amenity
- Visual Amenity
- Built Heritage
- Archaeology
- Appropriate Assessment

Principle of development

7.2. The site is located in a residential location within the Z1 zoning, where petrol filling station is open for consideration. The proposed development includes the redevelopment of an existing petrol station and the inclusion of a larger retail shop, including part off-licence, and two café/food areas. The grounds of appeal argue the off- licence and “food offers” proposed in the development are not permitted and therefore the principle of development is not acceptable. As there are various uses within the proposed filling station I will deal with each of these separately.

7.3. Off-licence: In addition to the 100m² of convenience floor space, the proposed development includes 13.8m² for an off-licence. The Z1 zoning does not include part off-licence as a permissible use nor is it open for consideration and I note part off-licence is specifically referred to in other zonings of the development plan. Policy RD 5 of the development plan includes a restriction for part-off-licences and requires justification of need for an additional off-licence within 1km. Figure 4 of the supporting documentation for the planning application indicates an off-licence 700m

from the site, on the opposite side of the Grand Canal which I consider reasonable to comply with RD 5. Condition No 5 requires a reduction in the floor space of the off-licence to a maximum of 10% (10m²) as per Section 16.28 where *“The floor area used for the display of alcohol product is subsidiary to the main use of the shop and the area should be no more than 10% of the total area”*. Aside from the restriction on the size of the off-licence I do not consider the Z1 zoning permits part-off licence, therefore I do not consider the principle acceptable at this location.

7.4. Retail floors pace: The proposed retail floor space (100m²) also includes 13m² for the off licence. The Retail Guidelines and section 16.37 of the development plan, include a 100m² restriction on convenience floor space for petrol stations. Appendix 21 of the development plan includes the sale of alcohol products in the definition of convenience floor space. As stated above, I do not consider the principle of part off-licence at this location acceptable. Therefore, based on the removal of the off-licence the 100m² convenience floor space is acceptable.

7.5. Restaurant/ café: The grounds of appeal argue that the use of the part of the proposal as “food offer” does not fall into the permitted uses within the Z1 zoning. Restaurant use is open for consideration within the Z1 zoning although a takeaway is not listed within uses permitted. I consider the provision of 36m² for seating for 36m² of food offer/ kitchen area may reasonably be described as a restaurant/café and any restriction on the use of the area mainly for a takeaway can be restricted by condition.

7.6. Therefore, based on the zoning and the commercial nature of the site I have no objection to the principle of the use site as a petrol filling station with ancillary services, subject to complying with conditions and other planning requirements as addressed in the following sections.

Residential Amenity.

7.7. The site is a located within a residential area. The grounds of appeal argue the proposal is overdevelopment as it will become a destination in its own right. The principle of development has been addressed above. Access and regress to the site is from the main R111, Parnell Road via the existing entrance and I note no objection from the Roads and Traffic Department. The existing boundary treatment along the south and east is to be retained and proposed development includes a 2.1m high

timber post and rail fence along the west, which I consider reasonable. The location of the new petrol station to west of the site is further from the terrace of dwellings along Parnell Road and I note the height and design of the shop is of a similar style to the existing petrol station, it is also proposed to removal the carwash. Therefore, based on the location and design of the proposed development I do not consider it would have a negative impact on the residential amenity of the adjoining properties.

Visual amenity.

7.7.7.8. The proposed signage for “Applegreen” is located on the canopy, front elevation of the petrol station and on the proposed totem signage, to the front, along Parnell Road. Condition 5 requires the removal of 3no additional logo signs on the totem, no details have been included. Section 16.37 of the development plan states that signs at petrol stations should be limited in number and the proliferation of signs is not permitted. I note two graphic panels are proposed on the north elevation facing onto Parnell Road adjacent to the proposed totem sign and I consider additional advertising logos on the totem sign would lead to a proliferation of signage at this location and have a negative impact on the visual amenity of the surrounding area. Therefore, I consider it reasonable to request the submission of details for the two graphic signs and a condition restricting the signage on the totem.

Built Heritage

7.8.7.9. The site is located within a conservation area, along the Grand Canal, which encompasses a significant area of demolition of an existing petrol station and the reconstruction of a replacement filling station. Policy CHC4 of the development plan requires that all new development respects the special interest of the Conservation Areas. I note the existing building is a modern structure with no distinctive features of special interest. There is a terrace of two storey protected structures to the east of the site and the proposed new filling station is located 35m west of these dwellings. Therefore, based on the design of the building and the scale of the works I do not consider the proposed development would have a negative impact on the character and setting of the conservation area.

Archaeology

7.9.7.10. The site is located within a Zone of Archaeological Constraint for recorded monument DU018-04304 (watercourse). The proposed development includes the

replacement of fuel pumps underground and no objection has been raised by the City Archaeologist subject to the inclusion of conditions relating to the retention of a suitably qualified archaeologist to monitor during works. I consider this condition reasonable.

Appropriate Assessment.

~~7.10.~~7.11. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

8.1. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective, the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of the adjoining dwellings or have a serious negative impact on the character and setting of the Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The restaurant (area allocated as “*Food Offer*”) shall not be operated solely as a take-away facility.

Reason: In the interest of the residential amenities of property in the vicinity.

3. The total net retail sales area, as defined in Section 4.11.9 of the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April 2012, of the retail store shall not exceed 100m². Prior to commencement of development revised plans indicating the removal of the part-off licence shall be submitted to and approved in writing by the planning authority.

Reason: To comply with national policy, as set down in these Guidelines and comply with the development plan.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the

authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. The totem sign shall be amended to remove the three “logo” signs. Details of the two graphic signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall not include internal illumination.

Reason: In the interest of the visual amenity of the area.

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

Reason: In the interest of public health

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper

application of the terms of the Scheme.

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

Karen Hamilton
Planning Inspector

04th of May 2017