



An
Bord
Pleanála

Inspector's Report ABP 300483-17

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| Development | Reinstatement of petrol station use, two fuel pumps and canopy, replacement of underground fuel tanks, conversion of offices, storage and lobby areas of car garage and showroom to provide ancillary shop, signage revisions to car parking and associated site development works. |
| Location | Hills Garage, Killiniskyduff, Arklow, Co. Wicklow |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 17/444 |
| Applicant(s) | Petrogas Group Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | To Grant Permission Subject to Conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Topaz Energy Limited Charles O' Reilly Hyland |
| Observer(s) | No observers |
| Date of Site Inspection | 4 th April 2017 |
| Inspector | Erika Casey |

1.0 Site Location and Description

- 1.1. The site is located north of Arklow Town, south of Exit 20 on the M11 Dublin to Gorey motorway. The subject site has an area of 0.47 hectares and currently accommodates a disused car sales showroom and office building. The existing buildings on the site have a derelict appearance. The site previously accommodated a petrol station, however, the petrol pumps and forecourt/canopy have been removed.
- 1.2. The site is predominantly tarmacked. A palisade fence is located along the northern and eastern boundary. There is an area of open space located to the south which accommodates a small area of hardstanding. The site is bound by the R722 regional road to the west and by agricultural lands to the north, south and east.

2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:
 - Reinstatement of a petrol station use, two fuel pumps and forecourt canopy (c. 5.3m high) and replacement of underground fuel tanks.
 - Conversion of existing offices, storage and lobby areas of the existing car garage and showroom to provide an ancillary petrol station shop including deli (c.72 sq. m.). Provision of ATM, toilet and storage/back of house areas (c. 34 sq. m.).
 - Proposed minor elevational changes including provision of new doors to the front (west elevation).
 - New totem sign (c.6.5m high). Associated fuel forecourt canopy and shop building signage (total signage c. 37 sq. metres).
 - Revision to existing car parking.
 - Provision of new wastewater treatment system and polishing filter.
 - Associated site development works, services provision, drainage, landscaping car parking and boundary treatment.

- The totem sign was redesigned at Further Information Stage to comprise a single leg sign allowing for a height of 2.5 m from ground to the bottom of the sign. The car parking layout was also reconfigured to increase the number of car parking spaces to 19.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 5: 1.8m footpath to be provided.

Condition 7: A minimum of 19 car parking spaces to be provided.

Condition 9: Prior to the occupation of the development, the development shall be connected to the public watermain and the existing well shall be decommissioned.

Condition 16: Certificate to be submitted to demonstrate the removal of underground storage tanks has been done in accordance with best practice.

Condition 17: Certificate to be submitted that underground fuel storage tanks have been designed and installed in accordance with best practice.

Condition 18: Investigate presence of any ground or groundwater contamination and undertake appropriate remediation where necessary.

3.2. Planning Authority Reports

3.2.1. Planning Reports (07.06.2017 and 22.11.2017)

- Having regard to the established historic use of the site as a petrol station and car sales showroom, the existing structure and fact that the main building is still intact, and the small quantum of E2 lands that the subject site covers, it is considered that the principle of the development is acceptable and would not materially contravene the zoning of these lands.
- The size of the proposed ancillary petrol station shop including deli is 72 sq. metres, therefore, the principle of the shop development is acceptable and the sequential approach should not apply in this case.

- The proposed external works to the building will not seriously injure the visual amenities of the area, would not be over and above that of the previous filling station and are, therefore, acceptable.
- Of the 7 petrol filling stations in Arklow, 5 are functioning. It is not considered that the development would result in an unnecessary proliferation of filling stations.
- Considers that the submission regarding the existing well, well head and water quality and proposed remedial works are satisfactory and that the recommendation that the development connect to the public main for water supply can be addressed by condition.
- It is considered that sightlines from the site would not be obstructed and vehicles entering and exiting the site would be safe.

3.2.2. Other Technical Reports

Executive Scientist (08.11.2017): No objection subject to conditions.

Environmental Health Officer (18.05.2017 and 06.11.2017): No objection subject to conditions.

Area Engineer (05.05.2017 and 06.11.2017): No objection subject to condition.

3.3. Prescribed Bodies

- No reports received.

3.4. Third Party Observations

3.4.1 There were a number of third party observations relating to the development. The issues raised are similar and can be summarised as follows:

- State that development materially contravenes the zoning objective pertaining to the site. Consider that the previous use on site has been abandoned. The design does not conform with the standards set out in Appendix 1 of the Plan. State that the development is contrary to the objectives of the County Development Plan regarding the operational efficiency and safety of national roads.

- Consider that the development will have a negative impact on existing retailers and other petrol stations in Arklow Town and does not comply with the sequential approach. It would result in an unnecessary proliferation of filling stations and food outlets in the Arklow area. Concern that development may expand in the future.
- Object that the development will generate additional traffic demand and have a negative impact on the M11. Consider that the proposed development is contrary to the guidance set out in the Guidelines on Spatial Planning National Roads (2012) which states that the policy is to avoid the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply.
- Concern regarding the access arrangements to the subject site and that signage would result in a traffic hazard. Consider that proposed parking provision is inadequate. Lack of information regarding sightlines and traffic volumes.
- State that the proposed development will impact on water quality and that the development is premature pending the upgrade to the Arklow sewage treatment plant. Concern that the provision of a car wash would result in flooding from excess surface water.
- Object to potential loss of trees and inadequate landscape and boundary treatment details.
- Note previous decisions of the Board in relation to similar off line service stations which it is considered serve as relevant precedents.

4.0 Planning History

Planning Authority Reference 81/6617: Permission granted for a petrol station.

Planning Authority Reference 81/7278: Permission granted for extension to include car sales showroom.

Planning Authority Reference 83/9062: Permission granted for a canopy to the front of the garage.

Planning Authority Reference 05/3008: Permission granted for the demolition of part of an existing garage and the erection of a two storey extension, alterations to existing, provision of new car yard with palisade fencing to boundaries of same and associated site works.

Planning Authority Reference 06/6693: Permission granted for extension and alterations to existing garage.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Arklow Town and Environs Development Plan 2018-2024. The plan was adopted on the 5th of February 2018 and became effective on the 4th of March 2018. The site is zoned E1: *To provide for the development of enterprise and employment.* The objective of this zoning is to:

“To facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new high quality employment and enterprise developments in a good quality physical environment.”

5.1.2 A list of typical uses for the E1 zoned area includes petrol filling stations (as deemed appropriate). It is stated that the planning authority shall determine each proposal on its merits, and shall only permit the development of uses that enhance, complement, are ancillary to, or neutral to the zoning objective.

5.2. Other Relevant Policy

Wicklow County Development Plan 2016-2022

5.2.1 Appendix 1 sets out guidance regarding the development of petrol stations. With regard to convenience shops the plan notes that these are part of the normal ancillary services provided within a motor fuel station and that the floor area of such retail units should not exceed 100 sq. metres

Retail Planning Guidelines 2005

5.2.2 Section 4.11.9 of the Guidelines addresses retailing and motor fuel stations. It notes:

“Convenience shops are part of the normal ancillary services provided within motor fuel stations. In rural areas, they can have a very important function as the local shop or small supermarket. However, such shops should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan. The floorspace of the shop should not exceed 100 M2 net;

In considering applications for development, attention should also be given to the safety aspects of circulation and parking within the station forecourt.”

5.2.3 Section 2.5.3 of the guidelines regarding competitiveness in the Retail Sector notes:

“The planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. In interpreting and implementing these Guidelines, planning authorities and An Bord Pleanála should avoid taking actions which would adversely affect competition in the retail market.”

Guidelines on Spatial Planning National Roads (2012)

5.2.4 Section 2.7 of the Guidelines notes that planning authorities must exercise particular care in their assessment of proposals relating to development at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.

NRA Service Area Policy (2014)

5.2.5 This policy covers the provision of service areas on the national road network. It identifies locations for service areas on sections of the existing dual carriageway roads in Ireland. With regard to offline service areas, it notes that the Authority has no role in determining how off line developments should be delivered.

5.3. Natural Heritage Designations

5.3.1 The nearest Natura 2000 site is the Buckroneys-Brittias Dunes and Fen SAC which is located c. 3.2 km to the north east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

Charles O' Reilly Hyland, Rock Farm, Brittas Bay, Co. Wicklow

- It is considered that the proposed development is a material contravention of the E2 (employment) zoning objective pertaining to the site. Petrol station use is not permitted under this zoning objective. Whilst the site previously operated as a petrol station, it is considered that this use has been abandoned.
- The proposed development will result in increased traffic volumes in the area, particularly at exit 20 off the M11. The development is thus not in compliance with the Guidelines on Spatial Planning and National Roads 2012 which state that there should be a presumption against the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. The guidelines also seek to prevent the proliferation of off line service area facilities at national road junctions. Also consider the development is in contravention of a number of policies of the Wicklow County Development Plan 2016 – 2022 including RT34 and TR23.
- State that the development will give rise to an unnecessary proliferation of petrol stations. Consider that the development will detract from the existing town centre, does not comply with the sequential test and will have an adverse impact on existing retailers.
- Concern regarding the ability of the development to connect safely to the public water supply to ensure the development will not give rise to any environmental impact or pollution due to contamination of the well water supply.
- Refers to a number of previous planning precedents where the Board has refused permission for similar off line service stations – appeal references PL27.248302 and PL.92.244135.

Topaz Energy Ltd.

- Consider that the previous petrol station use on the site has been abandoned and that its use as such ceased on the site between 2009 and 2011. Therefore,

there can be no reinstatement of petrol station use on the site due to the abandonment of said use.

- Reference made to RL3145 where the Board determined that the use of the lands as a filling station are considered to have been abandoned as a consequence of the fact that the nature and extent of the structural alterations (including demolition) undertaken at the site effectively prevent the operation of the service station in accordance with the original planning permission and that the resumption of the former fuel station use constitutes development. It is considered, therefore, that the proposal involves the development of an entirely new petrol station use at the subject site.
- State that the development contravenes the zoning objective. The proposal cannot be considered an extension to or improvement of a non-conforming use as the use has ceased to exist on the site.
- The proposal has the potential to operate as an off line service station due to its proximity to Exit 20 of the M11. The policy preference is for on line service areas and there is a presumption against the proliferation of such off line stations. It is considered that there are adequate existing service stations to serve the Arklow area.
- Consider that the development could have a considerable impact on road safety. The intensification of use will generate additional traffic movements. It is also considered that the extent of on site parking is insufficient.

6.2. Applicant Response

- Notes that at the time the application was made the site was zoned E2 under the Arklow Town and Environs Development Plan 2011 – 2017. However, the Draft Arklow and Environs LAP went on display in July 2017, following lodgement of the planning application. The site is now zoned Objective E1 Employment: *To provide for the development of enterprise and employment.* The list of uses typically permitted under this zoning objective includes petrol filling stations (as deemed appropriate). The significant landbank previously designated E2 has been de-zoned. Anticipates that the plan will be operational by the time the decision from the Board is made and in this context, petrol

station is a permissible use. The proposal, therefore, does not materially contravene the Development Plan.

- With regard to the reinstatement of an abandoned use, notes that the site has a long established history of petrol station and car service showroom related uses on the site. The proposal seeks to reinstate the petrol station use which was removed by receiver's prior to the sale of the property. This was carried out for safety and security purposes. While the fuel pumps and forecourt canopy were removed, the underground fuel tanks, over ground diesel tank and forecourt hardstanding remain. Similarly the main building is intact. The proposal would see an established use being reactivated on the site. It is not a new planning application for a petrol filling station. The rationale for the development has been agreed by the Area Planner.
- The proposed development is not an off line motorway service station either by location, design or layout. The site is located on the R722, a regional road. The subject site is located c. 1km south of Junction 20 on the M11. It is not anticipated that the proposal will attract significant traffic from the M1 given the significant distance from the interchange. Motorway service areas are located either on or adjacent to the national road network, on large sites with extensive car and HGV parking, multiple food offerings, tourist information services etc. The proposed development does not meet these criteria.
- With regard to the proliferation of service stations, there are currently 5 petrol stations in Arklow. There is however, only 1 petrol station located to the north of the river. It is also noted that under the new LAP, two action Area Plans are proposed which will accommodate 1,700 additional units to the north of Arklow. The development will provide an appropriate service facility for these expanding areas. Given the ancillary nature and scale of the development, it will not detract from the town centre. The proposal is in accordance with the guidance set out in the Retail Planning Guidelines.
- The development will not have a negative impact on the capacity or safety of the regional road given the historic uses on the site. These uses operated successfully on the site without any traffic concerns and prior to the M11 when the R722 was the national road between Dublin and Wexford with significantly

higher traffic volumes than is now the case. Given the distance of the proposal from the national road network, combined with the small scale of the proposals catering to the refuelling needs of locals, the proposal is considered in accordance with the national guidelines.

- The proposal is not an intensification of use, rather reinstatement of a previous petrol station use. No new floor area will be generated by the development. Revisions to the entrance were made at Further Information Stage to the satisfaction of the Planning Authority. The subject proposal improves upon the existing access/egress and parking arrangements from that previously operated. The level of car parking is considered acceptable given the nature and scale of the development consisting of a two fuel pump petrol station with ancillary shop and existing car garage and showroom. Parking provision is based on the worst case peak hour usage.
- The applicant has no objection to a condition requiring the development to connect to the public water mains.
- The other precedents cited by the appellant were for developments located adjacent to roundabouts at motorway junctions and were for off line motorway service stations. The subject development cannot be categorised along with the examples cited by the applicant.

6.3. Planning Authority Response

- No response received.

6.4. Observations

- No observations received.

6.5. Further Responses

Downey Planning on behalf of Charles O' Reilly Hyland (29.01.2018):

- Note that they have reviewed the third party appeal submitted on behalf of Topaz Energy Ltd. and support the issues raised.

7.0 Assessment

7.1 The main issues in this appeal are those raised in the grounds of appeal.

Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development
- Retail Impact.
- Traffic Impact.
- Water Supply.
- Appropriate Assessment.

7.2 Principle of Development

7.2.1 The proposed development comprises the reinstatement of a petrol filling station on a site to the north of Arklow town accessed from the R722. It is contended by the appellants that the subject petrol filling station use on the site has been abandoned and that the development is contrary to the zoning objective pertaining to the site.

7.2.2 It is noted that in the timeframe from which the planning application was made to Wicklow County Council, there has been a significant change in the policy context. When the planning application was lodged, the operative development plan was the Arklow Town and Environs Development Plan 2011-2017. Under this plan, the site was zoned E2 and the use petrol station was not permitted under this zoning objective.

7.2.3 However, since the lodgement of the application, the new Arklow Town Development Plan 2018-2024 was adopted and became effective on the 4th of March 2018. The site is now zoned E1: Employment and petrol station (as deemed appropriate) is a use typically permitted under this zoning objective. I am satisfied, therefore, that having regard to the changed policy context, that the subject development is in accordance with the zoning objective and not a material contravention of the current development plan.

7.2.4 With regard to the appropriateness of this use at this location, it is noted that the subject site has a long history of use as a petrol filling station and car sales showroom, with this use becoming established on the site in the early 1980's. There

were a number of applications for modifications and extensions to the premises over the years, with recent applications dating back to the mid 2000's. It is understood that the petrol filling station and associated canopy were dismantled by the receiver of the site due to health and safety concerns sometime after 2009. However, significant infrastructure associated with this use remain on the site including areas of hardstanding and the forecourt, the original car sales showroom, overground diesel tank and the underground petrol storage tanks.

7.2.5 It is detailed by the appellants that it is considered that the petrol filling station use has been abandoned and in this context, the application should be considered as a new proposal for a petrol filling station. In this instance, I consider the issue of abandonment somewhat of a moot point as the applicant has applied for permission to reinstate the use and, therefore, the principle of the development and its merits from a planning and development perspective must be considered in its own right.

7.2.6 The referral cited by one of the appellants (RL.3145) relates to whether the resumption of a fuel station is or is not development. It was determined by the Board that the resumption of the former fuel station use constitutes development. It is considered that this precedent is not relevant to the current proposal as the applicant is not seeking to resume the former fuel service station use through exempted development, and has sought permission for the development.

7.2.7 Reference is also made by one of the appellants to two previous refusals by the Board in relation to petrol filling stations – references PL27.248302 and PL.92.244135. In both of these instances, permission was sought specifically for an off line service station. The scale of development proposed was significantly greater than the current proposal with multiple fuel pumps, facilities for HGVs, large areas of parking and extensive service and retail facilities. The developments as proposed comprised a Type 1 Service Area as identified under Section 2 of the TII Service Area Policy Document defined as being *“a large scale service area providing an amenity building (including a convenience shop, restaurant, washrooms and tourist information), fuel facilities, parking and picnic area.”* I do not consider the scale or nature of the development proposed in the current application to be comparable and, therefore, these decisions are not considered to be of relevance.

7.2.7 In conclusion, the site has a long established use as a petrol filling station. Having regard to the planning history of the site, the zoning objective pertaining to the lands under the current Town Development Plan and the significant physical infrastructure that remains insitu, I consider the principle of the development to be acceptable. It is noted that the site currently has a somewhat derelict appearance and detracts from the visual amenities of the area. It is considered that the proposal to redevelop the site will be positive from a planning perspective, regenerating this brownfield site, at a prominent location on the approach to the town.

7.3 Retail Impact

7.3.1 Concerns are raised that the proposed development will result in an unacceptable proliferation of petrol filling stations to serve Arklow and that the proposed convenience retail unit will potentially have an adverse impact on the existing retailers in Arklow Town Centre.

7.3.2 It is noted that when considering concerns regarding the retail impact of the development, consideration must be had to Section 2.5.3 of the Retail Planning Guidelines regarding competitiveness in the Retail Sector which states that “*the planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation*”. The guidelines set out specific guidance regarding petrol filling stations shops noting that they are a normal part of the ancillary services provided within motor fuel stations and place a cap of 100 sq. metres on the size of such ancillary convenience units.

7.3.3 The subject retail unit has an area of c. 62 sq. metres with an additional deli of c. 10 sq. metres. It will be located within one of the vacant buildings on the site. I am satisfied having regard to the limited scale of the development and its distance from the established town centre retail core that it will have an ancillary role to the petrol filling station use and will have no material adverse impact on existing retail provision in Arklow Town Centre. I consider the development to be fully in accordance with the Retail Planning Guidelines 2012.

7.3.4 Concerns are also raised that the development will result in the unnecessary proliferation of retail units in the Arklow area and has the potential to operate as an off line service station due to its proximity to the Junction 20 of the M11 which is

contrary to national policy and in particular the Guidelines on Spatial Planning for National Roads.

7.3.5 As noted by the applicant there are currently 5 other petrol filling stations operating in Arklow Town. The majority of these are located to the south of Arklow with only one other Texaco Filing Station serving the northern environs. Arklow is designated as a Level 3 – Large Growth Town within the hinterland of Dublin and is a settlement prioritised to accommodate a large amount of population growth with a population target of 23,000 by 2028. Two Action Area Plans are proposed in the northern environs to accommodate significant housing development. In the context of this existing and anticipated population growth and the current spatial distribution of service stations in the town, I do not consider that the development of a further small scale petrol filling station which will accommodate just 2 petrol pumps will result in an over proliferation of service stations to serve the town.

7.3.6 With regard to its potential to operate as an off line service station, as detailed by the applicants, the subject development does not meet the criteria for such proposals. Offline motorway service stations are typically located immediately adjacent to a motorway junction accessed via a roundabout. They generally accommodate a large number of petrol filling pumps, extensive parking and can accommodate a large throughput of traffic including HGVs. They typically have a large convenience outlet in addition to a range of food franchises. In contrast, the subject development is located c. 1km from the junction and provides modest fuel servicing and retail facilities. The development has no specific facilities for HGV's. I am satisfied that the development has limited potential to effectively act as an off line service station due to its distance from the motorway junction and the limited range of facilities and services that it offers.

7.4 Traffic Impact

7.4.1 Objections are raised by the appellants that the development will have an adverse traffic impact, potential impacting negatively on Junction 20 with the M11. No technical evidence has been submitted by either party to support these assertions. It is noted that the no objection to the potential traffic impacts of the development were raised by the Municipal District Engineer of Wicklow County Council. At Further Information Stage an Engineering Report submitted estimated that that a total of 520

vehicles are expected to visit the proposed service station. It is envisaged that the majority of traffic associated with the development will be from existing cars on the R772 rather than traffic diverting specifically to the proposed facility.

7.4.2 It is noted that the subject site operated satisfactorily as a service station up until the late 2000s. The site has excellent sightlines and is easily accessible. Having regard to the historic use on the site and the projected traffic volumes, I consider that the development will not have a material negative impact on the capacity or safety of the road network. Given the limited scale of the development comprising just 2 traffic pumps and limited area of the ancillary retail unit, I am satisfied that the development will not be a significant generator of traffic, nor have any adverse impact on Junction 20 with the M11.

7.4.3 With regard to parking, an assessment is provided by the applicant of the likely parking demand based on the predicted volume of traffic accessing the site. The assumptions presented are reasonable and having regard to the scale of development proposed, I am satisfied that the level of parking provided is adequate.

7.5 **Water Supply**

7.5.1 Concerns have been raised by one of the appellants regarding the proposed water supply to the development. There is an existing well on the site and it was proposed in the application that this would provide the water supply to the site. Further information was requested by the local authority regarding the water quality of the well. The Senior Executive Chemist noted some concerns that proposals for UV disinfection did not meet the requirements of the Council and recommended that the development be connected to the public mains.

7.5.2 Condition 9 of the decision by Wicklow County Council requires that prior to the occupation of the development, that the development be connected to the public water main and the existing well be decommissioned. The applicant has clarified that there is no impediment to connecting the development to the public mains and that they have no objection to the imposition of this condition. In this regard, I am satisfied that the development can be provided with a satisfactory water supply connection and recommend that a similar condition is imposed by the Board.

7.6 Appropriate Assessment

7.6.1 Having regard to the nature and scale of the proposed development, a petrol filling within an established urban area, where such use was previously established, and the 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 a European site.

7.7 Other Issues

7.7.1 It is noted that there is currently a large extent of palisade fencing on the site located along the northern boundary and to the immediate north of the existing car sales showroom fencing off an existing area of hardstanding. It is considered that this fencing significantly detracts from the visual amenities of the site and that a revised boundary treatment and landscaping would be more appropriate. This can be addressed by way of condition.

8.0 Recommendation

8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective, existing development on the site and its planning history, the scale of the development proposed and the existing road infrastructure serving the development, it is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Wicklow County Development Plan 2016-2022, the Arklow and Environs Development Plan 2018-2024, would be acceptable in terms of traffic safety and public health, would not seriously impact on the amenities of the area and would have no material impact on the established retail core in Arklow Town. The development would, therefore, be in accordance with the proper planning and 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 as amended by the further plans and particulars submitted to the Planning Authority on the 27th day of October 2017, 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. Apart from the signage shown on the submitted drawings, no further advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of the visual amenity, and to allow the planning authority to assess any further signage through the statutory planning process.

3. Prior to the commencement of development the existing palisade fencing located along the northern boundary and across the site from the existing care sales showroom to the northern boundary shall be removed and replaced with a more appropriate boundary fence and landscaping, the detail of which shall be submitted to, and agreed in writing with, the planning authority

Reason: In the interest of visual amenity.

4. (a) A scheme indicating all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This boundary treatment scheme shall provide a screen along the northern boundary consisting predominantly of trees, shrubs and hedging of native species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) 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 order to screen the development and in the interest of visual amenity.

5. The vehicular access arrangements, internal road network and car parking layout to service the proposed development shall comply with the requirements of the Planning Authority for such works. A 1.8m footpath shall be provided between the proposed low level walls and the public road carriageway in accordance with the requirements of the Planning Authority.

Reason: To ensure a satisfactory standard of development.

6. Lighting shall be in accordance with a scheme, which shall be designed to minimise glare and light pollution, and which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

7. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. 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.

9. Prior to the occupation of the development, the development shall be connected to the public water main and the existing well shall be decommissioned.

Reason: In the interest of public health and proper planning and development.

10. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 24th day of April 2017 as amended by the further plans and particulars submitted on the 27th day of October 2017, and must conform in accordance with the requirements of the EPA Wastewater Treatment Manual "Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" published by the Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and are working in a satisfactory manner in accordance with the standards set out in the EPA document.

(c) The existing waste water treatment system located on the site shall be removed.

Reason: In the interest of public health.

11. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. The developer shall engage the services of a competent specialist with professional indemnity insurance to investigate the presence of any contamination of ground and groundwater beneath and surrounding the old fuel storage tanks and undertake appropriate remediation where necessary in accordance with a risk assessment carried out to best practice and to the written satisfaction of the Planning Authority.

Reason: In the interest of public health.

Erika Casey
Senior Planning Inspector

10th April 2018