



An
Bord
Pleanála

Inspector's Report ABP-300729-18

Development	Vehicular exit and revised boundary treatments and retention of alterations to fuel service station
Location	Apple Green Service Station, Letterkenny Road, Lifford, County Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	17/51690
Applicant(s)	Loucon Ltd.
Type of Application	Permission & Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Simon Atkin
Observer(s)	None
Date of Site Inspection	24 th April 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.58ha and comprises a fuel service station with extensive forecourt area and associated facilities along the Letterkenny Road (N14 national road), on the northwest side of Lifford town in County Donegal. The fuel service station frontage measures approximately 58m in width and is within the 50km/hr speed limit zone. The site is approximately 700m from the River Foyle, which marks the border with Northern Ireland. The site includes a single-storey service station building, which contains a convenience shop and ancillary café seating area, fuel pumps under a canopy structure and various associated service station structures and facilities. With the exception of a knee-high timber-rail fence, the site is largely open onto the Letterkenny Road, where vehicular access to the site is provided. Parking areas are available throughout the site. The rear and southeast boundaries are formed by timber-panel fences, while there is a timber-rail fence along the northwestern boundary.
- 1.2. The immediate area is suburban in character with agricultural lands to the northwest side and to the rear of the site. Two-storey housing, known as The Common, is located to the southeast, as well as, to the front of the site on the opposite side of the Letterkenny Road. Casburn House, a two-storey detached house is situated adjoining the southeast corner of the site. A right-turning lane for traffic to enter the site from the southeast side is provided along the Letterkenny Road. Ground levels on site are fairly level, alongside a gradual drop in ground levels in the surrounding area moving east towards the River Foyle.

2.0 Proposed Development

- 2.1. The proposed development comprises:
- provision of a left-turn only vehicular exit onto the Letterkenny Road (N14) at the southeast corner of the site;
 - revised layout, boundary treatments and landscaping.
- 2.1.1. The development proposed to be retained comprises:

- revised position for the canopy structure, fuel pumps and the service station building;
- kiosk extension to the northwest side of the service station building;
- Installation of a double-sided fuel service station totem sign at the station entrance;
- Revisions to the forecourt area encompassing, additional hardstanding areas, four additional fuel pumps, revised traffic circulation and parking layouts, and an underground rainwater harvesting tank;
- Revised location of a car-wash area, provision of an equipment store, fuel store and other facility storage sheds and containers with a total floor area amounting to approximately 37sq.m.

In addition to the standard contents, the planning application was accompanied by an Acoustic Impact Assessment report, a Road Safety Audit report and a Swept Path Analysis drawing for a heavy goods vehicle (HGV) exiting the site via the proposed vehicular exit.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to four conditions in Schedule A of the decision, and to grant retention permission, subject to 11 conditions in Schedule B of the decision, the following of which are noted:

Condition No.3 (Schedule A) – detailed planting requirements for the southeastern boundary;

Condition No.2 (Schedule B) – relocate the car wash area;

Condition No.6 (Schedule B) – opening hours for the car wash (0800 to 2000 hours Monday to Friday, 0800 to 1800 hours Saturday and 1300 to 1800 hours Sunday and Bank/Public Holidays);

Condition No.7 (Schedule B) – noise levels at the nearest residence shall not exceed 10% of ambient levels;

Condition No.11 (Schedule B) – Section 48 general development contribution levy applies.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the Planning Officer (December 2017) noted the following:

- the principle, use, design, scale and layout of the development is appropriate;
- residential amenities could be further protected via the relocation of the car wash;
- the Acoustic Impact Assessment report identified that the service station generates some noise, but that this is not significant in the context of noise generated by traffic along the adjoining N14 national road;
- development has been assessed in accordance with the Design Manual for Urban Roads & Streets (DMURS);
- an additional vehicular exit would reduce traffic turning movements at the existing vehicular entrance/exit and would therefore provide for safer road conditions;
- additional enhancements to the southeastern side boundary would reduce the impact on neighbouring residential amenities arising from traffic using the new vehicular exit.

3.2.2. Other Technical Reports

- Chief Fire Officer - no objection subject to conditions.

3.3. **Prescribed Bodies**

- Transport Infrastructure Ireland (TII) – proposal is at variance with National policy.

3.4. **Third-Party Submissions**

- ### 3.4.1.
- Five submissions were received during consideration of the application, all from residents of Lifford town, and the issues raised are covered under the heading 'grounds of appeal' below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. A pre-planning meeting was held between a representative of the Planning Authority and the applicant in relation to the proposed development in September 2017. The applicant was advised that an additional vehicular access to the site would not be appropriate, the car wash should be relocated on site and a Road Safety Audit and an Acoustic Audit should be submitted with any forthcoming planning application.
- 4.1.2. The appeal site has been subject to numerous recent planning applications, including the following:
- Donegal County Council (DCC) Ref. 16/50914 – retention permission refused (August 2016) for revisions to fuel service station including revisions to forecourt area. Reasons for refusal related to the traffic hazard arising from the additional HGV movements and the requirement to more comprehensively retain the development on site.
 - DCC Ref. 16/50913 - permission refused (August 2016) for an additional vehicular exit. Reasons for refusal related to the impacts on residential amenities arising from exit arrangements at the southeastern corner of the site, the traffic hazard arising from alterations required to the road network and concerns regarding legal capacity to carry out associated works off site.
 - DCC Ref. 15/51482 - permission refused (February 2016) for an additional vehicular entrance. Reasons for refusal related to the impacts on residential amenities arising from exit arrangements at the southeastern corner of the site and the traffic hazard arising from alterations required to the road network.
 - DCC Ref. 14/50455 – extension of duration of permission granted (June 2014) until February 2020 for demolition of three houses and the construction of fuel service station including a single-storey mixed-use building, as permitted under ABP Ref. PL05D.234471.
 - ABP Ref. PL05D.234471 (DCC Ref. 08/40441) - permission granted (February 2010) for the demolition of three houses and the construction of fuel service station, including a single-storey mixed-use building comprising retail,

restaurant, storage, kitchen and staff facilities. Condition No.2 of the permission required alterations to the proposed totem sign, a reduction in the total number of car parking spaces on site to ten spaces and a requirement for a 2m-deep landscaped strip along the front and southeastern boundaries. Condition 10 required details of boundary treatments to be submitted.

4.2. Surrounding Sites

- 4.2.1. Reflective of the suburban location, there have been recent planning applications for domestic extensions and minor scale developments in the immediate vicinity of the site.

5.0 Policy Context

5.1. Donegal County Development Plan 2012-2018

- 5.1.1. The appeal site is within the settlement envelope of Lifford town, but does not have a specific land-use zoning objective, based on the provisions within Map 13 of the Donegal County Development Plan 2012-2018. Undeveloped lands, immediately adjoining to the northeast of the appeal site, are zoned for 'residential' development within Map 13 of the Development Plan. Objectives for the appeal site do not alter within the Draft Donegal County Development Plan 2018-2024, while the lands to the rear and northeast of the site are zoned as 'opportunity sites'.

Service Stations

- 5.1.2. To promote road safety, Policy T-P-15 of the Development Plan requires that all development proposals comply with the development and technical standards set out in Section 10 of the Development Plan. Section 10.8 of the Development Plan outlines specific standards with respect to 'petrol-filling stations', including the need for a low wall approximately 0.6m in height along the road frontage, and a maximum of two road accesses. Advertising, commercial signage and front boundary/wing walls should not obstruct sight visibility from the facility exit onto the public road. This standard reflects Policy T-P-13 of the Plan, which states that all signage proposals should not compromise road safety and that signage should be of a high-visual quality in terms of design, colour and materials.

Access & Parking

- 5.1.3. Objective T-O-5 of the Plan aims 'to safeguard the carrying capacity and safety of National roads and other strategic routes'. Policy T-P-19 of the Plan requires that 'any new access to strategic roads is designed in compliance with the National Roads Authority's (NRA) Design Manual for Roads and Bridges (DMRB), avoiding the use of right turn lanes, unless a clear warrant has been established'. Policy T-P-20 of the Plan requires 'a Traffic and Transport Assessment and a Road Safety Audit for any development proposing access to the Strategic Road Network'.
- 5.1.4. Table 25 of the Plan outlines that one car parking space is required per 20sq.m of net accessible floor space in a shop. Specific standards relating to fuel service stations are not stated.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appellant is stated to be a resident of No.26 Hazelwood Drive, which is located over 200m to the northwest of the appeal site. The principal grounds of the third-party appeal can be summarised as follows:
- subject site has had an extensive planning history, including consultation between the applicants and the Planning Authority;
 - proposals do not vary considerably from proposals within previous applications that were refused permission by the Planning Authority;
 - a number of conditions within the decision of the Planning Authority would not be practical, achievable or enforceable, particularly given past failures to meet conditions on site;
 - the parent permission allowed for a modest-scale fuel service station and the proposed development would significantly intensify use of the site;
 - the existing development is operating unauthorised and the application should be refused, as it contravenes conditions of the parent permission. The Board should also consider the provisions of Section 35 of the Planning and Development Act 2000, as amended, relating to 'past failures to comply';

- proposals provide for 14 car parking spaces with additional hardstanding areas available for further parking, including parking of HGVs, despite the fact that only ten car parking spaces were allowed for under a condition (2a) of the parent permission (ABP Ref. PL05D.234471 / DCC Ref. 08/40441);
- the existing facility and the subject proposals conflict with the surrounding residential uses. Relocation of the car wash and the provision of a new access along the southeastern boundary would significantly impact on the amenities of neighbouring residential properties to the southeast, arising from overlooking, noise, lights, emissions and other nuisance;
- boundary treatments proposed are not realistic or appropriate. The car wash facility contravenes the parent permission and impacts detrimentally on neighbouring residential amenities;
- HGV movements cannot be safely facilitated to, from and within the site, therefore the HGV fuel pumps should not be permitted. Concerns regarding traffic movements along the southeastern boundary to the rear of the service station building were flagged within the Inspector's report for the parent permission (ABP Ref. PL05D.234471 / DCC Ref. 08/40441);
- traffic safety and road hazard have not been adequately addressed by the Planning Authority, particularly in light of the absence of a report from the Planning Authority's Roads Department and the submission from TII.

6.2. Applicant's Response

6.2.1. A response to the grounds of appeal was received on behalf of the first party, which may be summarised as follows:

- The existing facility operators only became involved in the project at construction stage and subsequently advised the applicant that an additional exit from the facility would be the standard, as well as revisions to the layout;
- The proposed boundary treatments were arrived at following consultation with the Planning Authority;
- The conditions attached to the permission issued by the Planning Authority are considered reasonable, with the exception of the requirement to relocate

the car wash area, which would not interfere with residential amenities and this condition should therefore be removed by the Board;

- Refuelling of HGVs has always formed a permitted service element of the facility and this amendment to the development is considered to provide for improvements to the facility, with the additional fuel pumps serving to improve circulation;
- It is incorrect to state that within the parent permission An Bord Pleanála omitted the circulation route to the southeast side of the service station building;
- The vehicular exit proposed is not the same as that previously proposed under refused applications, as it would only allow for a left turn when exiting the site.

6.3. Planning Authority Response

6.3.1. The Planning Authority response can be summarised as follows:

- Previous permissions on site did not specifically provide for HGV refuelling, but the Planning Authority does not object to the principle of HGV refuelling on site;
- Previous applications on site failed to design-out a right-turn vehicular exit, which lead to refusal of permission;
- The Planning Authority is satisfied that their previous concerns relating to traffic movement and residential amenity have been addressed in the subject proposed development.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Introduction

- 7.1.1. In February 2010 planning permission was granted on this site by An Bord Pleanála under Ref. PL05D.234471 (DCC Ref. 08/40441) for the demolition of three houses and the construction of a fuel service station, including a single-storey mixed-use building comprising retail, restaurant, storage, kitchen and staff facilities. The life of the parent permission was extended by the Planning Authority in June 2014 (DCC Ref. 14/50455) until February 2020. The development has now been constructed and is in operation. Since receipt of the extension of duration of the parent permission, planning applications were submitted for amendments to the development and to retain amendments to the development (under DCC Refs. 15/51482, 16/50913 and 16/50914). The Planning Authority refused planning permission for each of these amendments applications, primarily relating to concerns regarding residential amenities and traffic safety along the Letterkenny Road. The subject appeal proposes to retain amendments to the permission granted by An Bord Pleanála in 2010 and to create a new entrance onto the public road in the southeast corner of the site, with associated revised boundary treatments. The primary differences between the permitted and proposed developments comprises a revised layout to the facility including repositioning of the service station building, the canopy structure and fuel pumps, the extension of the hardstanding area towards the rear of the site to create additional parking, set down, storage and circulation areas, revised car wash location, provision of additional fuel pumps and the installation of a totem sign to the front entrance.
- 7.1.2. Matters relating to the principle of the development and retail impact, were previously assessed and adjudicated upon by An Bord Pleanála under the parent permission (ABP Ref. PL05D.234471). Accordingly, considering the scale and nature of the subject proposals, I do not intend revisiting these matters in detail within my assessment below. The proposed development for retention includes numerous additional structures and containers, including a fuel store, towards the rear of the site, which are minor in scale and typical of a service station facility. The totem advertisement sign proposed for retention is also typical of this type of development and provision of a low stone wall 0.75m in height replacing the existing knee-high

timber rail would improve the visual context for this feature and the site itself.

Accordingly, the visual impact arising from these amendments and the proposed exit is not considered significant.

7.1.3. Having regard to the above, I consider the substantive issues for assessment in determining the current appeal are as follows:

- Access, Traffic & Parking;
- Impact on Residential Amenities.

7.2. Access, Traffic & Parking

7.2.1. The existing development is served by a vehicular entrance and exit off the N14 national road and it is proposed to provide an additional left-turn only vehicular exit from the southeast corner of the site. The grounds of appeal assert that traffic safety has not been adequately assessed by the Planning Authority, particularly in light of the absence of a report from the Planning Authority's Roads section and as the submission from TII states that the proposal would be at variance with national policy. The grounds of appeal also assert that the proposed vehicular exit does not vary significantly from the proposed vehicular exits that were refused permission by the Planning Authority in 2016 (under DCC Refs. 16/50913 and 15/51482). In response to the grounds of appeal, the applicant outlines that an additional exit from the facility would be the standard and that the vehicular exits previously refused permission including left and right-turn movements, while the proposed development only seeks left-turn movements. Policy T-P-20 of the Donegal County Development Plan 2012-2018 requires 'a Traffic and Transport Assessment and a Road Safety Audit for any development proposing access to the Strategic Road Network'. It is of relevance to note that the development is already accessing the national road network and the current proposals seek permission for an additional exit onto the public road. Section 10.8 of the Development Plan outlines specific standards with respect to 'petrol-filling stations' including the need for a low wall, approximately 0.6m in height, along the road frontage and a maximum of two road accesses.

7.2.2. As part of the application, the applicant provided a Road Safety Audit report and a Swept Path Analysis drawing for a heavy goods vehicle (HGV) exiting the site via the proposed vehicular exit. The present exit arrangements require a HGV to traverse

the right-turning lane at the entrance to the site, and accordingly this can restrict the free-flow of traffic along the Letterkenny Road. Within the TII submission concerns were raised that the proposed development would be at variance with guidance contained within national guidance titled 'Spatial Planning and National Roads: Guidelines for Planning Authorities'. This document sets out planning policy considerations relating to development affecting national roads outside the 50/60 km/hr speed-limit zones for towns. The appeal site is within the 50km/hr speed-limit zone. Visibility from the proposed entrance would not be restricted by the proposed front boundary treatments and the existing totem sign. The applicant's Road Safety Audit addresses the new exit only, as they consider that matters raised within previous audits have been addressed by the developer. The Road Safety Audit identifies that visibility to the northwest from the proposed vehicular exit may be compromised if the area immediately to the northwest of the exit were to be landscaped. Proposals show low-level landscaping in this area and the new exit would tie in with alterations along the Letterkenny Road including revised road alignment on the northwest side and a pedestrian refuge crossing point. In conclusion, I am satisfied that the principle and design of the proposed vehicular exit is acceptable and would reduce reliance on the existing entrance and exit area, hence resulting in an improved access and egress arrangement. For these reasons, this element of the proposed development should not be refused.

7.2.3. Amendments to the layout are both proposed and proposed to be retained throughout the site to address traffic circulation. The grounds of appeal assert that the HGV pumps did not form part of the parent permission and that the circulation route to the rear of the service station building was omitted by the Board when deciding on the parent permission. The applicant contests these issues and notes that HGV pumps would be a standard feature of a service station and that while the Inspector did raise a concern regarding the circulation route to the rear of the service station, ultimately the Board did not omit this route. This route would lead to the proposed vehicular exit and therefore would attract additional traffic into this area than occurs at present. I consider that the additional pumps, including those to the rear for HGVs, and the revised layout for the main forecourt pumps to be quite typical for a facility of this nature and that this aspect of the development would reduce the potential for queuing to occur at the existing vehicular entrance than the

previously permitted layout, thereby reducing the impact on the free-flow of traffic along the N14 national road.

- 7.2.4. Applicable car parking standards for shops are outlined in Table 25 of the Development Plan, which requires one car parking space per 20sq.m of net accessible floor space. Specific standards relating to fuel service stations are not stated. The net accessible retail floor area based on the parent permission amounts to no more than 100sq.m, therefore, in principle only five spaces would be required. The parent permission restricted the total number of car parking spaces on site to ten, however, the proposed development would provide 15 no. spaces including two disabled bays, as well as HGV parking spaces and extensive other hardstanding areas that would allow for informal parking to occur. While I would accept that additional parking has now been proposed, given the nature of the facility including the limited retail floor space, the minor increase in spaces and the potential for informal parking to also occur under the parent permission, I consider that the quantum of parking is reasonable to serve the facility.
- 7.2.5. It is recognised that amendments to a previously permitted scheme would not be uncommon, taking on board the interest from specific potential end-users. In conclusion, cognisant of the planning history and the site context, I consider that the design and layout of the facility, including the proposed additional vehicular exit, the circulation route and the parking would not compromise the safety of road users, would comply with Development Plan provisions and this aspect of the development would be acceptable. However, the proposed layout must be assessed in relation to the impact on residential amenities, as addressed directly below.

7.3. Impact on Residential Amenities

- 7.3.1. The grounds of appeal assert that the relocation of the car wash to its present position along the southeastern boundary has significantly impacted on the amenities of neighbouring residential properties to the southeast. It is also asserted within the grounds of appeal that the provision of a new exit along the southeastern boundary would further impact on residential amenities of properties proximate to this side boundary arising from overlooking, noise, lights, emissions and other nuisance. The area immediate to the southeast is predominantly characterised by two-storey dwellings. The parent permission included a circulation route to the rear

of the service station and a car-wash area centrally within the site. To address concerns relating to the impact on residential amenities, the Planning Authority attached a number of conditions to their decision. Condition No.2 (of Schedule B) of the Planning Authority decision required the car-wash area to be relocated, while condition No.6 (of Schedule B) restricted the opening hours for the car wash. In response to the grounds of appeal the applicant requested that the Board remove condition No.2 (of Schedule B), requiring relocation of the car-wash area, as they considered that it does not interfere with residential amenities. The Planning Authority also attached a condition to restrict noise levels from the site at the nearest residence (Condition No.7 of Schedule B). Further enhancements to the southeastern boundary were also sought via Condition 3 of Schedule A.

7.3.2. The hand-operated car-wash area comprises a shed structure and a wash bay. There are no screens to the car wash area. The closest houses to the car-wash area comprise a row of two-storey terraced houses located approximately 20m to 40m to the southeast. A laneway approximately 5m in width separates the rear gardens of these terraced properties from the southeast boundary of the appeal site and the car-wash area. The existing southeast boundary to the appeal site closest to these terraced houses comprises a 1.8m-high close-boarded timber fence, partially supplemented by hedgerows. It is proposed to enhance this boundary further by planting a Laurel hedge on the southeast side of the fence and supplement this with a 2m-high block wall. As part of the planning application, the applicant submitted an Acoustic Impact Assessment report, which concluded that the service station generates some noise, but that this is not significant in the context of the noise generated by traffic along the adjoining N14 national road. I would accept that the car wash area would have limited impact on amenities of neighbouring properties, by virtue of noise nuisance, particularly when opening hours are restricted. However, I would suggest that there is merit in relocating the car wash given the nature of the facility, the nuisance arising from spray from the car wash equipment into neighbouring rear gardens, which are 10-15m to the southeast, and given the capacity elsewhere towards the rear of the site to more adequately accommodate the car-wash area. Accordingly, subject to a condition restricting operating hours and revising the location of the car wash area, this aspect of the development proposed for retention would be acceptable.

- 7.3.3. The previously permitted route to the rear of the service station would have terminated a minimum of 2m from the side and front boundaries of the site, consequent to condition No.2 (a & d) of the parent permission. A two-storey detached house, Casburn House, is located adjacent to the southeastern corner of the site, which is also the location of the proposed vehicular exit. Provision of a new exit would not result in traffic movements closer to the detached house, but it would result in additional traffic movements along the southeastern boundary and intensification of use of the circulation route. The existing boundary with the adjacent detached house is formed by a 1.8m-high wall and it is proposed to plant a hedge inside this within the appeal site. Given the likely increase in traffic, including HGVs in the vicinity of this boundary, and the location of the house 8m from the circulation route, conditions to limit noise levels and to mitigate against noise and vibration arising would be merited and should form conditions of the permission. An absorptive acoustic fence should be installed along the southeastern boundary with the detached house. Consequently, I do not consider that the proposed vehicular exit would detrimentally impact on the residential amenities of neighbouring properties.
- 7.3.4. In conclusion, I consider that the car wash area should be relocated to reduce the nuisance to neighbouring properties and the proposed vehicular exit would be acceptable, subject to mitigation measures to be incorporated into the boundary treatment along the southeast corner of the site. Accordingly, the proposed development and the development proposed to be retained, would not detrimentally impact on the amenities of neighbouring properties in the vicinity, primarily due to the nature, layout and scale of the existing facility on site, and the mitigation measures to be attached via conditions. Therefore, I recommend that permission and retention permission should not be refused on the basis of the impact of the development on residential amenities.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the minor nature of the proposed development and the proposed development for retention, the existing facility on site, the location of the site in a serviced urban area and the separation distance 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.

9.0 Recommendation

9.1. I recommend that permission and retention permission should be granted, subject to conditions, for the reasons and considerations, as set out below.

10.0 Reasons and Considerations

10.1.1. Having regard to the location, the nature, layout and scale of the development and the existing pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would be acceptable in terms of traffic safety, would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Donegal County Development Plan 2012-2018. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained, 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be amended as follows:

- (a) The car wash area and associated structures shall be relocated away from the southeast boundary to a location towards the rear of the site.

Revised drawings shall be submitted to, and agreed in writing with, the Planning Authority within two months from the date of this order.

Reason: To protect the residential amenities of neighbouring properties.

- 3. Prior to the use of the new vehicular exit, the developer shall undertake the following:
 - a) A sound-absorptive acoustic fence shall be installed along the southeast side boundary with the detached house;
 - b) Complete all road markings and signage within the site to the satisfaction of the Planning Authority.

Reason: In the interest of traffic safety, residential amenity and to ensure a satisfactory standard of development.

- . 4. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest residential property between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.

Reason: To protect the residential amenities of property in the vicinity of the site.

- 5. The car wash shall only be used between 08:00 hours and 20:00 hours on Mondays to Fridays inclusive (excluding public holidays), between 08:00 to 18:00 hours on Saturdays and only between the 13:00 hours and 18:00

hours on Sundays and public holidays.

Reason: In the interest of residential amenity

6. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. 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 within two months from the date of this order 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.

Colm McLoughlin
Planning Inspector

16th May 2018