



An  
Bord  
Pleanála

## Inspector's Report ABP-300958-18

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<b>Development</b>	Demolition of buildings, construction of fuel forecourt, signage, boundary, lighting and all associated site development works
<b>Location</b>	Cabra Road Service Station, 87, Old Cabra Road, Cabra, Dublin 7
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	4353/17
<b>Applicant(s)</b>	Brendan Kelly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1) Topaz Energy Ltd. 2) The Glenbeigh Area Residents Association and others. 3) Sheila Ni Cheallaigh and others
<b>Observer(s)</b>	
<b>Date of Site Inspection</b>	November 2018.
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. The site relates to an old garage service station on the southern side of the Old Cabra Road. It is surrounded by residential development which is slightly elevated relative to the site. Mature large low-density houses are located to the east side and opposite side of the road as compared to the higher density scheme in the more recent townhouse scheme in Earls Court to the west. A terrace of houses on Caragh Road back on to the southern boundary which is marked by mature trees.
- 1.2. No.1 Earls Court adjoins the site along its full western boundary and the dwelling is less than 1m from the boundary. The dwelling at No. 85 Old Cabra Road is set back over 9m from the eastern boundary and there is an intervening shed. Numbers 4-14 (even) Caragh Road back onto the site and these houses are at distances of about 36-38 metres as measured from upper floors.
- 1.3. The site has a frontage of 47m and is presently boarded up along its road frontage which screens the yard and garage buildings. There is 'Old Cabra Service Station' signage on the premises. There are internal fences closing off the rear of the site and also stepped high boundary walls along the boundaries. Old Cabra Road is a Regional route (R805) serving the city and has cycle lanes in addition to single carriage way traffic. A bus stop is near the eastern end of the site frontage. The entrance to Earls Court is about 50m west of the site and Glenbeigh Road junction is within 50m to the east.

## 2.0 Proposed Development

- 2.1. The main elements comprise:
  - Demolition of existing buildings
  - Construction of new fuel forecourt with 3 forecourt fuel pump islands with 6 bays and forecourt canopy
  - Control/store and offset fill buildings
  - Air and water service areas
  - Underground fuel storage tanks - 7 tanks totalling 240,000 litre capacity
  - Revised entrance and exit arrangements

- Totem vent stack and company signage
- Boundary wall cladding
- Site lighting
- Associated site drainage, landscaping and development works

2.2. The planning application is accompanied by the following reports which explain the proposal in more detail.

### 2.2.1. **Planning Report**

- It is an **unmanned 24/7 self-service station monitored by CCTV** and justified because of demand, efficient use of site that is highly accessible the established use of the site as a service station and overall compatibility with development plan objectives. (zoning and Policy 16.37 and SC29)

### 2.2.2. **Engineering Report**

- This sets out redevelopment proposals for the access and egress proposals, foul and surface water drainage and water supply. (No toilet facilities on site)

### 2.2.3. **Transport Assessment**

- The threshold triggers for TA in section 4.1.3 of the development plan are not met, notwithstanding, detail information on the receiving road network and traffic generation is provided for assessment.
- DMURS apply due to speed limit.
- Drawing no P1527.15 shows **90m sightlines** available which will exceed the DMURs standard of 49m for 50kph and 65m for 60kph.
- The **Autotrack analysis permits safe access** for delivery 15.25m long tankers.
- The proposal is projected to generate 30 total combined trips per hour in the between the hours of 0800 and 1800 and up to 450 vehicles per day of which 345 will be left turning. 90% likely to be passer-by trips. Estimated **diverted trips account for less than 1% in increase in traffic flows** which is negligible in the context of the receiving road environment. Furthermore the 90 car forecourt capacity per hour indicates that proposal is unlikely to cause any significant delay on the public road.

## 3.0 Planning Authority Decision

### 3.1. Decision

#### 3.1.1. Grant permission subject to 12 conditions

- Condition 1 refers to standard compliance.
- Condition 2 requires revision of entrance and boundary treatment.

The vehicular access and egress shall be reduced to 7.7m max width.

Bollards along boundary shall be replaced with 1m high wall.

Totem sign shall be relocated and not illuminated.

Bin storage to be enclosed.

- Condition 3 refers to boundary fence.

The proposed 2.4m high boundary fence shall be omitted and a solid wall shall be provided along the southern eastern and western boundary. Prior to commencement of development details of the material, colours, textures, of the wall shall be submitted to and agreed in writing with the planning authority.

- Condition 4 restricts hours to between 0600 and 2300 hours.
- Condition 5 restricts the building use.

The control/store building shall be ancillary to the petrol station only and shall be used for the sale of goods or services or as a public toilet.

- Condition 6 refers to landscaping – plan to be submitted
- Conditions 7, 9 and 10 refer to construction
- Condition 8 refers to compliance with Codes of Practice.
- Condition 11 refers to roads and traffic
- Condition 12 refers to drainage

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The report notes the concerns of the residents, the zoning and the provisions of section 16.37 which are considered relevant for an extension to a petrol station.
- By reference to the standards the proposed access and egress widths are recommended to be narrowed to 7.7m which is considered sufficient width for

vehicular turning based on the auto track drawings. The bollards are also recommended for replacing.

- While noting the development plan guide of 4.6m setback for pumps from the footpath the 4.4m setback is considered sufficient and to not impact on circulation.
- The ancillary structures are not considered to detract from residential or visual amenities of the area having regard to scale and layout and subject to restricting other ancillary uses.
- The scale and form of canopy at 10 x 22.5m is considered acceptable for the area.
- Bins should be enclosed having regard to proximity residence.
- Signage: While the Totem sign to the rear of the site is considered acceptable, the totem sign at the frontage is overly prominent for the location and it is recommended therefore that the sign should be set back 4m from the public footpath.
- Undergrounds tanks: It is accepted the applicant has demonstrated that there is sufficient circulation space for efficient fuel delivery for HGV without obstructing access to pumps.
- Traffic: while acknowledging the heavy trafficked route fronting the development, the proposal is not considered to generate significant additional traffic.
- Hours of operation: Having regard to the Z1 zoning, the hours of operation for residential areas (0600-2300) should apply as per section 16.37.1 of the development plan.
- Landscaping is recommended having regard to section 16.37.2.
- Overall consistent with development plan and proper planning and development of the area.
- No appropriate assessment issues arise.

### 3.2.2. Other Technical Reports

#### Roads Streets and Traffic Department:

- Pre-planning meeting was held.
- The principle of access and egress is established on the site.
- Manoeuvrability has been established and road markings are in accordance with Department of transport Traffic Signs Manual.

- Having regard to the setback observed from the pumps and services and the existing road frontage there is no objection to layout by reference to development plan guidance.
- It is noted that no comments were received from the NTA regarding BRT services along the Old Cabra Rd. [Although there is no evidence of written notification on file.]
- The Division is satisfied with information provided and has no objection to the proposal.

Drainage Division:

- No objection subject to conditions

### 3.3. Prescribed Bodies

Irish Water: No response

Irish Rail: No response

### 3.4. Third Party Observations

#### 3.4.1. D. O'Briain, Caragh Rd: bases objection on:

- The established use is as a car mechanic workshop and not a petrol service station. It has not been used as a petrol station during the objector's residency in the area since 2003.
- The proposed hours would breach section 16.37.1 which restricts hours 0600-2300. Other permissions restrict hours. This is a material breach.
- Lighting, odours, safety risk and impact on residential amenity
- Compatibility with development plan
- Absence of demonstration of need – nearby manned station already.
- Fails to demonstrate compliance with transport policies for modal shift from cars. And protecting residential amenity
- NSC Campus, Cork: Objects to development on grounds incompatibility with residential zoning for reasons generally raised already. It serves those exiting the city and not locals. Insufficient information regarding traffic safety.

- 3.4.2. R. McCafferty: objects to location of petrol station on grounds of traffic congestion and, safety issues and boundary treatment in addition to impacts on residential amenity.
- 3.4.3. Glenbeigh Area Residents Association: objection based on quiet residential character of area and impact on same. Petrol station not needed. Site constrained in respect of compliance with required standards.
- 3.4.4. Joan Bruton TD: objects to the proposed petrol station on the basis of scale and size, hours of operation in a residential area. The unmanned nature would give rise to security concerns. Commercial areas are provided for along the road and this residential section should be protected for family life.
- 3.4.5. Coakley O'Neill /town Planning Ltd on behalf of Topaz: objections based on:
- Zoning and absence of meeting criteria for compatibility. It is not a local need and will very different in terms of intensity of operation. There are potential impacts on residential amenity. Concerns about timber rather than concrete boundaries. Also, there will be 4 additional lights. There is insufficient information on traffic safety.
- 3.4.6. B. North, Old Cabra Road: concern about drawing custom away from nearby stations and traffic and safety implications in addition to amenity issues already raised.
- 3.4.7. C. O'Mahony, Old Cabra Road: objects having regard to incompatibility of proposal due to nature and traffic concerns in this residential community of older and younger generations and long-standing issue concerning pedestrian safety and continued absence of crossing.
- 3.4.8. The Residents, Old Cabra Road: object to proposal on basis of incompatibility of unjustified use. It is submitted use is abandoned. Service garage repaired up to 5 cars a day. Regardless of status it is a significant intensification of previous uses. Grounds of objection also refer to strategy issues concerning climate change and sustainable land-use and transport and the undermining of an appropriate modal shift from car usage and efficient use of land. The development will add nothing to the aspirations for a sustainable neighbourhood community and has failed to consider, air quality, light pollution, hazardous nature of petrol stations, cultural heritage/visual impact

- 3.4.9. M. Moran, Earls Court: objects to development as the use is already catered for and it is contrary to porter planning and development. Concerned about anti-social behaviour
- 3.4.10. S. El Atmani, Earls Court: objects to development on basis of lack of need and impacts of unmanned station. Particularly concerned about traffic impact and right turns into station – such turns into the nearby Glenbeigh already caused by traffic delays. Site is unsuitable.
- 3.4.11. L.Dunne, Old Cabra Road object to development on basis of traffic and nature of use and impact of residential amenity. Concerned about cumulative traffic impact with bus stop and delays, obstruction of footpath as well as issues already raised. The context of the previous petrol station use is very different now in traffic terms.
- 3.4.12. E. Lynch, Earls Court objects on grounds of light and noise and value of property.
- 3.4.13. K. Culhane, Old Cabra Rd (opposite site), object on grounds of traffic, noise and light on a 24-hour basis.
- 3.4.14. L. Owens, Earls Court objects on grounds of principal of an inappropriate and unnecessary use in a residential area as compared to a housing development.

## **4.0 Planning History**

### **4.1. The site**

- 4.1.1. There is no evidence of planning permission relating to the site. The site is stated to have been in garage use since the 1960s. One of the appellant parties refers to a grant of permission on appeal by the Minister for the garage in the 1960s.

### **4.2. Adjacent site**

- 4.2.1. PL29N.228009 refers to grant of permission for part single storey part two storey extension to rear of dwelling consisting of enlargement of living area on ground floor, enlargement of bedroom with en-suite facility on first floor and all associated site works at 1 Earls Court, Old Cabra Road, Dublin 7.



## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the objective to 'protect, provide and improve residential amenities.' (Z1) Petrol Filling stations are open for consideration.
- 5.1.2. Section 16.37 refers to petrol stations:
- Siting of the filling 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.
- 5.1.3. Appendix 4 sets out criteria for requiring a Transport Assessment e.g. where traffic to and from the development exceeds 10% of the traffic flow on the adjoining road
- 5.1.4. Appendix 5.3 provides further guidance for traffic considerations for petrol stations.

### 5.2. Natural Heritage Designations

- 5.3. South Dublin Bay and River Tolka Estuary SPA site code 004024, North Bull Island SPA site code 004006 and South Dublin Bay SAC site code 000210 are the nearest Natura Sites, located some 5-9 km distance from the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The Residents Old Cabra Road signed Sheila Ni Cheallaigh and others have lodged an appeal and the issues raised refer to
- The principle of the development in the context of, planning history a justification, climate change, sustainable land-uses,
  - Traffic movement and safety and in this regard, it is submitted that there are flaws in the traffic assessment and subsequent appraisal.

- Residential Amenity
- Air quality
- Noise disturbance
- For reasons relating to the above issues and the residential zoning the residents do not therefore consider the development as proposed would be acceptable

6.1.2. Topaz Energy Ltd: Agents for the appellant have lodged an appeal based on the following grounds:

- Non-compliance with development plan
- Reduction in local residential amenity
- The proposal would endanger road safety.
- Proliferation of service station is in the local area.

6.1.3. Glenbeigh Area Residents and others have lodged an appeal based on the following grounds:

- Incompatible with residential area
- Safety concerns for pedestrians, cyclists and bus users
- Light pollutions and health and safety concerns.
- Contravention of Dublin City Development Plan and national transport strategy of the Greater Dublin Area.

## 6.2. **Applicant Response**

- The proposed development is in accordance with development plan as it is open for consideration and the planning authority is satisfied that the use is compatible.
- The proposed development will not impact on residential amenity. By developing a vacant site which presently does not enhance visual amenities. It is compatible in terms of design including canopy design, noise, safety and fumes, absence of car washing, traffic safety. Lighting will be limited to safe operation of forecourt.
- The proposed development will not impact on road safety. Traffic issues are addressed by Trafficwise, specialists in traffic engineering, transportation planning infrastructure design and road safety, by using standard methodology to the satisfaction of the Roads, Streets and Traffic division.

- The proposed development caters for fuel-only purchases without the delays of ancillary retail. The station will be monitored by CCTV with full shut down capabilities.

### 6.3. **Planning Authority Response**

- The planning authority notes the third-party appeal submission and has nothing further to add to the comprehensive planning report which is considered to deal fully with the issues and justifies the decision.

## 7.0 **Assessment**

### 7.1. **Issues**

7.2. This appeal relates to a proposal to redevelop a vacant motor service garage as an unmanned petrol station selling fuel only on a 24-hour basis. The residents in the neighbourhood and another fuel distributor have objected to the proposal and three separate parties representing these groups have lodged separate appeals. The issues centre on:

- Principle of development having regard to development plan zoning and policy, history, and need.
- Impact on traffic safety.
- Impact on residential amenity, noise, lighting, odour, hazards and anti-social use.

### 7.3. **Principle**

7.3.1. The arguments posed against the development on strategic grounds are based on national land use and transport strategies, the development plan objectives and the status of the established use.

7.3.2. In broad terms there is an argument against the use of this site for a development that supports car based transport and at the same time constitutes an inefficient use of serviced and strategically located land – and is suggested as being more appropriate for housing. While it is clear that planning policies support efficient land uses and viable public transport corridors, as most recently evident in the National

Planning Framework, there is no prohibition on petrol stations and assessment for permission for such development should be based on its merits. In this case a petrol station is open for consideration in a Z1 residential area and accordingly is potentially acceptable in principle. Permission is of course predicated on meeting criteria so as to ensure other objectives are not unduly compromised.

7.3.3. In considering the merits of the case, consideration should be given to the established commercial uses on the site. From the submission on file and structures on the site it is clear there has been a garage on site for over 50 years. This appears to have been mainly for the servicing of vehicles but there was also some petrol retailing and ancillary retailing. The petrol retail ceased over a decade ago and a garage and shop premises remain on site. I consider this established garage use is of relevance in considering the merits of the proposed development.

7.3.4. There is also a case made that the area is well served by petrol stations and that there is no need for the development. While it is acknowledged by the applicant that there are other petrol stations, it is pointed out that this proposal offers a retail free environment. This is essentially a matter of market dynamics and there is I consider no basis for considering the impact on other petrol stations. There is no ancillary retailing as was previously the case and thereby eliminates any retail impact the assessment of which is required in the retailing guidelines in order to protect designated retail centres and the hierarchy therein.

#### 7.4. **Traffic safety**

7.4.1. The residents are very concerned about the generation of traffic and associated congestion and obstruction with the free flow of traffic in addition to the conflict with other road users in this busy multi-generational neighbourhood where people also walk, cycle and bus. In this regard I note the bus stop near the site frontage, the proximity of junctions and the many houses with vehicular entrances. I also note the proposal will amount to an intensification of traffic turning movements which are more likely to be left turning from outbound traffic. The Traffic Assessment submitted by the applicant demonstrates how the receiving road environment has the capacity for the projected traffic volumes and in the context of the overall traffic flow I accept that the impact would be negligible. This is further supported in the assessment by the Roads, Streets and Traffic Department and its conclusion which acknowledges

the concerns of residents in the area. I also note that the TA examines the absolute traffic generation figures associated with the proposed use and does not factor in traffic generation of a service garage with retail.

- 7.4.2. On the matter of manoeuvrability I note a condition of permission requires narrowing of the entrances from 9m to 7.7m and while this is desirable from a visual perspective I note this was not recommended by the Roads Division and may be pertinent to its considerations. This could be addressed by a modified condition so as to ensure the safest entrance layout.
- 7.4.3. I do not consider there are reasonable grounds to refuse the proposed development on grounds of traffic hazard.

## 7.5. **Impact on residential amenity**

- 7.5.1. The residents in the area strongly object to the impact of the development on their amenities due to the nature and type of use.
- 7.5.2. Noise and Anti-social: There is concern about the intensification of use and traffic visiting the site with associated noises and disturbances. In this regard it is important to note that the site fronts directly onto a busy thoroughfare into the City Centre. The visiting traffic is estimated to peak at 30 vehicles per hour from the morning peak to evening peak periods. I do not consider these volumes in the context of the traffic flows fronting the site and associated background noise to constitute an undue intensification of noise. It is also relevant to have regard to the previous established use of the site as a garage which could have pneumatic tools, hydraulic equipment, engine testing and other activities that would generate impulsive tones and noise exceeding ambient levels.
- 7.5.3. The main change and consideration in respect of noise in this case is, I consider, the disturbance through the night with visiting vehicles as the proposed 24/7 operation would introduce an evening /dawn use. The planning authority has limited the hours to 0600-2300hours in line with its development plan guidance which would reduce the opportunity for noise and disturbance which I consider is appropriate in the context of surrounding houses.

- 7.5.4. There is also concern about anti-social behaviour due to the site being unmanned. The proposal however includes CCTV. This should be 24/7 and a management and surveillance system should be required as a condition of permission.
- 7.5.5. In terms of benefits however, it could be argued that the opened-up site also permits passive surveillance through the site which could enhance security in the surrounding properties. The absence of a retail use eliminates the potential for late night shopping and associated disturbance and it also reduces the cash holding on site thereby reducing the target risk of premises.
- 7.5.6. With respect to hazards associated with fuel storage and distribution, this matter is governed by the Dangerous Substances [Retail and Private Petroleum Stores] Regulations, S.I. 311 of 1979, as amended. While I note the Health and Safety Authority clarifies that petrol filling stations are particularly hazardous workplaces because they store and sell a highly flammable liquid and accordingly, such operations are controlled through licensing by Local Authorities. It is the responsibility of the licensee (the person operating / managing a petrol station) to hold a licence to store petrol. Dublin City Council is the local licensing authority in this case and such a licence is typically renewed every three years thereby providing ongoing review of the safety status of the operation.
- 7.5.7. I would also point out that the fuel in this proposal is stored in underground tanks as compared to the garage which would have oils, lubricants and various service and repair related materials and equipment of a potentially hazardous nature which will no longer be on site.
- 7.5.8. Given the requirement to comply with the aforementioned Regulations, I do not consider permission can be reasonably refused on grounds of being prejudicial to public safety or health. I do however consider it appropriate to require soft landscaping along the perimeters which will enhance the visual amenities and contribute to improving air quality. I note in this regard the benefits of green walls and vegetation in terms of improving air quality as referred to in Appendix 23 of the Development Plan under the heading Green Infrastructure Guiding Principles.
- 7.5.9. Lighting: The residents are concerned about the associated disturbance generated by late night illumination. The site will be more opened up than presently exists with the removal of internal gates/fencing/wall and buildings, thereby exposing the

surrounding properties more. I note that the houses to the rear are set back over 30m and mature vegetation and topography screen the houses. The houses to the side would be more vulnerable to this. However, the reduction in hours will substantially reduce illumination in night-time hours. Sensor lighting could be used for security purposes. I consider lighting type, layout and cowlings together with landscaping and boundary treatment would satisfactorily address this matter for evening hours.

7.5.10. In terms of visual amenity, I concur with the reasoning and approach by the planning authority in controlling signage in the interest of visual amenity and conditions in this regard should be upheld.

7.5.11. On balance, I do not consider the proposed development operating between 0600 and 2300 hours to unduly detract from the residential amenities currently enjoyed by properties that are adjacent to premises which was used previously as a car service garage.

## **7.6. Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the development on a fully serviced 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. Environmental Impact Assessment**

7.7.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive locations, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 8.0 Recommendation

I recommend that the decision of the planning authority be upheld and that be permission be granted for the proposed development based on the stated reasons and considerations below.

## 9.0 Reasons and Considerations

Having regard to the zoning objective and other provisions of the Dublin City Development Plan 2016-2022 and to the established use of the subject site as a garage use, together with the nature, design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety, would not seriously injure the residential amenities of the adjacent dwellings and would not materially conflict with the provisions of the Dublin City Development Plan 2016-2022. 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

**Reason:** In the interest of clarity

2. The development shall be revised as follows:
  - a) The proposed bollards along the road frontage shall be omitted and replaced with a solid wall of no higher than one metre.
  - b) The proposed totem sign at the entrance shall be set back 4m from the public footpath and shall be externally illuminated only.
  - c) The bin storage shall be enclosed.



Revised details shall be submitted for the written agreement of the planning authority prior to commencement of development on site.

**Reason:** In the interest of visual amenity and orderly development.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-
  - a) Details of proposed boundary treatments at the perimeter of the site, including heights, materials, noise attenuation features and finishes.
  - b) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - c) A landscaping scheme which shall include a row of semi-mature standard trees or hedges along the southern boundary in addition to green walls.

The boundary treatment, landscaping and maintenance shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of the residential amenities and air quality of the area.

4. The premises shall not operate outside the period 0600 hours to 2300 hours.

**Reason:** In the interest of protecting the residential amenities of neighbouring properties.

5. All lighting shall be in accordance with a lighting scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The lighting serving the site be directed away from adjacent housing and shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and gardens. Positioning and design shall also ensure that no glare is caused

to users of the public roads in the vicinity of the development.

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

6. The operational hours of the forecourt lighting shall not extend beyond 2315 hours with automatic cut-off of lighting at that time.

**Reason:** To protect the residential amenity of properties in the vicinity.

7. The site shall only be used as a petrol filling station and no part shall be used for the sale, display or repair of motor vehicles.

**Reason:** In the interest of protecting the residential amenities of the area.

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. A management scheme, providing adequate measures for security and surveillance shall be submitted to and agreed in writing with the planning authority, prior to commencement of proposed business on site.

**Reason:** In the interest public safety.

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

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

11. The access and egress width and location and circulation route serving the

proposed development, parking areas, directional signage, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

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

12. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for a satisfactory standard of development.

13. Prior to commencement of development, a scheme for the effective control of fumes and odours from the premises shall be submitted for the written agreement of the planning authority. The scheme shall be implemented before the use commences and thereafter shall be permanently maintained.

**Reason:** In the interest of protecting the residential amenities of neighbouring properties.

14. 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 canopy, on the forecourt building or anywhere within the curtilage of the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and in order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area.

15. 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.

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Suzanne Kehely  
Senior Planning Inspector

13<sup>th</sup> November 2019