



An
Bord
Pleanála

Inspector's Report ABP-305705-19

Development	Demolition of existing service station and the redevelopment of the site to provide a new service station.
Location	Kenmare Service Station, Killowen Road, Kenmare, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	19/805
Applicant(s)	H2 Properties Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 9 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Robert Whyte
Observer(s)	None
Date of Site Inspection	7 th December 2019
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	4
5.0 Policy and Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
5.3. EIA Screening	5
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Applicant Response	7
6.3. Planning Authority Response	8
6.4. Observations.....	8
6.5. Further Responses.....	8
7.0 Assessment.....	9
8.0 Recommendation.....	17
9.0 Reasons and Considerations.....	17
10.0 Conditions	18

1.0 Site Location and Description

- 1.1. The site is located within the NE portion of Kenmare. This site lies 0.6 km to the ENE of the town centre along the Killowen Road (R569). This regional road links the N22 at Clonkeen, to the east, with the N71, which passes through the town centre, to the west. The site is surrounded by housing on either side and to the rear. On the opposite (SE) side of Killowen Road is the Kenmare Golf Course, which adjoins Kenmare River.
- 1.2. The site is of regular shape and it extends over an area of 0.185 hectares. This site encompasses the existing Kenmare Service Station, which is accessed off Killowen Road, and adjoining incidental landscaped areas to the west and north. This Service Station is presently closed. It maintains a frontage with the said road along its southern boundary and it comprises a canopied forecourt and shop and accompanying ancillary structures. The western boundary of the site abuts a cul-de-sac to the residential estate known as Killowenbed, the northern boundary abuts the driveway to the adjoining residential property, and the eastern boundary is denoted by a retaining wall, a hedgerow and a row of conifers, and a fence.

2.0 Proposed Development

- 2.1. The proposal would entail the redevelopment of the existing service station. The following elements would be comprised in the same:
 - The demolition of the existing shop unit with steel lean-to shed at rear (109.3 sqm), fuel pumps with canopy over, 2 timber sheds, potable toilet, car wash, car valeting canopy, compressor enclosure and steel container.
 - The construction of a new service retail building with a total GFA of 330.7 sqm, incorporating retail sales area of 100 sqm, which would include an off-licence area of 12 sqm, along with deli/sandwich bar 65 sqm, seating area 20sqm, toilets/staff facilities, and store room.
 - Two fuel pump islands with canopy over.
 - Refuse/storage compound.
 - Underground hydrocarbon interceptor.

- Modification of existing access/egress to the site from the public road.
- Advertising logo and branding to building and canopy.
- Provision of 20 car parking spaces with all associated site works and boundary treatments.

2.2. The applicant states that the opening hours of the new service station would be from Monday to Saturday 06.00 – 23.00 and on Sunday 07.00 – 23.00. It also states that 10 full-time and 8 part-time jobs would be created.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 9 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- HSE Environmental Health: No objection.
- IFI: Standard advice.
- Irish Water: Standard advice.
- Kerry County Council:
 - Archaeology: No objection.
 - Building Control: No objection, standard advice.
 - Area Engineer: No objection.
 - Environment: No objection, subject to conditions.

4.0 Planning History

The site and adjoining lands:

- 92/214: Filling station, shop, and car wash + Outline for 3 dwelling houses + Permission for a service road: Permitted.
- 94/949: Dwelling house: Permitted.
- 18/252: Retention of the existing service station all within revised site boundaries + Permission to redevelop existing service station: Former granted, latter refused on the grounds of over-development/under provision of car parking spaces and consequent risk of overspill parking on R569, obscuring of sightlines and hazard to pedestrians.
- Pre-application consultation occurred on 11th February 2019.

5.0 Policy and Context

5.1. Development Plan

Under Kerry County Development Plan 2015 – 2021 (CDP), Kenmare is identified as a principal settlement. Under Section 6.9.3 of the CDP, service stations are discussed.

Under the Kenmare Functional Area Local Area Plan 2010 – 2016 (LAP), the site is zoned mixed-use under which petrol filling stations are deemed to be “open for consideration”. Under Objective RD-6 of the LAP, the Planning Authority undertakes to “Ensure that new retail developments other than small scale convenience shopping and retail warehousing is located in the town centre, and where this is not viable on edge of centre sites.”

5.2. Natural Heritage Designations

Kenmare River SAC (002158)

5.3. EIA Screening

Under Items 10(b)(iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where urban development would occur within a built-up area on a site of more than 10 hectares, the need for a mandatory EIA arises. The proposal is for the redevelopment of 0.185-hectare site within a built-

up area. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Design layout

- While the net retail area would be 100 sqm, given that the GFA would be 330.7 sqm, including 57.2 sqm of circulation area, the design would not prevent some of the circulation area morphing into retail space.
- Attention is drawn to PL04.245144 for the provision of a service station. Permission was granted subject to a condition that requires the net retail floorspace to be physically defined by means of a partition from other floorspace. Nevertheless, this partition has not been constructed, and “on the ground” the net retail floorspace has encroached on what should be circulation space. Thus, it is important for “the 100 sqm” to be designed as a self-regulating entity within the building.

Provision of car parking spaces

- Attention is drawn to the previous application, 18/252, which indicated that there would be 7 staff, whereas the current application cites 4.
- Under the relevant CDP standards, the current application should be served by 30 car parking spaces, whereas its aforementioned predecessor should have been served by 36.
- The applicant proposes 20 spaces, i.e. the 8 spaces by the pumps should not be included in this calculation. Thus, a shortfall of at least 10 and probably 16 would result.

Separation distances

- Under Section 13.10 of the CDP, commercial buildings should not encroach within 4.5m of site boundaries. The proposal would infringe this distance by being 3.4m from the eastern boundary and 2.8m from the western one.

Site boundaries

- A comparison of the current application with its predecessor indicates that the site area for the service station has increased by 220 sqm, from 0.163 to 0.185 hectares. Under Appendix A of the submitted application, this additional area was comprised in the dwelling house retained under revised boundaries by 18/252, which would need to be revised again as a precursor to the current application.

6.2. Applicant Response

Attention is drawn to the appellant, who operates a service station with a forecourt shop elsewhere in Kenmare. The Board is requested, therefore, to use its discretion under Section 138(1)(a)(i) of the Planning and Development Act, 2000 – 2019, to dismiss his appeal.

Attention is also drawn to the case planners report, which finds that the proposal would be acceptable on land use, amenity, traffic/access/parking, and other engineering grounds.

The appellant's grounds of appeal are responded to as follows:

- With respect to “the 100 sqm”, the applicant invites a condition like that attached to ABP-304608-19, whereby the colour of the floor distinguished the 100 sqm from other floorspace rather than physical barriers that can deter customers and pose a surveillance/security risk.
- The CDP parking standards are presented as guidelines only. These standards do not refer specifically to service stations and so their needs should be assessed having regard to the particular circumstances pertaining. The applicant concurs with the Planning Authority's approach in this respect.
- The applicability of Section 13.10 of the CDP is contested. Attention is drawn to the setback of adjacent dwelling houses from common boundaries and to

the explicit support of the householder to the NW to the proposal. The laneway to the NE would be reserved as an emergency exit route and the storage area to the SW would be enclosed and thus screened.

- The need for a further application concerning revisions to the boundaries of the dwelling house to the NW is not one that the Planning Authority has made the applicant aware of and it is in any event a matter separate from the current proposal.

6.3. Planning Authority Response

- The need for circulation space is defended, as being necessary to the functioning of the building.
- While 30 car parking spaces are required, 20 would suffice in the light of the following considerations:
 - Eight spaces would be available at the pumps: those purchasing fuel may well purchase other items in the forecourt shop, too.
 - Staff parking needs may well be deflated by the site's proximity to housing within Kenmare. In this respect, a bicycle rack would be provided.
 - Shop customers may well avail of the deli/sandwich bar, too.
- Given that the proposal is for the redevelopment of an existing service station, the view is expressed that the set back distance cited in the CDP is, in the light of considerations arising, non-binding.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

- 7.1. The applicant draws attention to the appellant, who operates a service station with a forecourt shop elsewhere in Kenmare. It requests that, under Section 138(1)(a)(i) of the Planning and Development Act, 2000 – 2019, the Board dismiss his appeal, i.e. as being “vexatious, frivolous or without substance or foundation”.
- 7.2. I have reviewed the grounds of appeal and I consider that, as they relate to matters constituting material planning considerations, the applicant’s request should be set aside and the appeal should be assessed and determined in the normal manner.
- 7.3. I have reviewed the proposal in the light of the national planning guidelines, the CDP and the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:
- (i) Land use and retail policy,
 - (ii) Amenity,
 - (iii) Traffic, access, and car parking,
 - (iv) Water, and
 - (v) Screening for Stage 1 AA.

(i) Land use

- 7.4. The vast majority of the site was last used as a service station, which was authorised under 92/214, and under the proposal it would be used as such again following redevelopment. Under the LAP, the site is zoned for mixed-use, under which petrol filling stations are deemed to be “open for consideration”. “Small scale retail uses are acceptable...in the form of local neighbourhood shops with a GFA of not more than 500 sqm.”
- 7.5. Section 4.11.9 of the Retail Planning Guidelines addresses retailing and motor fuel stations. This Section effectively caps the floorspace comprised in shops comprised in service stations to 100 sqm, if the sequential approach to retail development is to be avoided. This cap is reflected in the current proposal wherein the net retail floorspace of the forecourt shop would be 100 sqm.

- 7.6. The appellant draws attention to the layout of the proposed forecourt shop. He expresses the concern that this layout would facilitate the expansion of net retail floorspace in excess of the 100 sqm cap unless it is physically isolated by means of a partition. In this respect, he cited the Board's decision on PL04.245144, where such an approach was adopted.
- 7.7. The applicant has responded by stating that partitions would be likely to deter customers and to pose a surveillance/security risk. It, therefore, invites the Board to adopt a different approach whereby the colour of the floor could distinguish the net retail floorspace from the remaining floorspace comprised in the forecourt shop. Such an approach was adopted by the Board in its recent decision on ABP-304608-19.
- 7.8. I consider that, in view of the applicant's critique of the appellant's approach and the encapsulation of its approach by a recent comparable Board decision, the applicant's approach should, under any permission, be conditioned.
- 7.9. I conclude that the use of the site as a service station is an established use and the continuation of this use is not opposed by the LAP. The size of the proposed forecourt shop would comply with the advice of the Retail Planning Guidelines and so it would not attract any in principle objection on either land use or retail policy grounds.

(ii) Amenity

- 7.10. Under the redevelopment scenario presented by the proposal, the replacement forecourt shop would be larger than its predecessor and it would be sited in a position further to the north and thus nearer to the adjacent dwelling house to the north. The householders of this dwelling house have given their consent to this siting and to access that may be needed through their property for future maintenance purposes.
- 7.11. The forecourt shop would have a mono-pitched roof, which would run from south to north, i.e. its higher end would face the forecourt and its lower end would face the aforementioned residential property. The rear wall would have a parapet and its elongated form would be relieved by recessed/projecting panels and periodic joints in the render finish.

- 7.12. The submitted plans do not show the installation of services in the elevations of the forecourt shop. The forecourt shop would include a deli/sandwich bar in the NW corner and accompanying cold rooms. I thus anticipate that externally mounted equipment may be necessary to service this shop. The siting of such equipment needs to be carefully considered from visual and residential amenity perspectives and so I consider that, if the proposal is permitted, it should be conditioned.
- 7.13. The siting of the forecourt shop would be in a position adjacent to the residential property to the north of the site. A 3m wide concrete passageway would be laid out between the northern side elevation of this shop and the boundary of the site with this property. There is a difference in levels between the site and this property in favour of the latter. The boundary treatment thus comprises a retaining wall, a hedgerow and a row of conifers, and a timber fence. These means of enclosure would be retained.
- 7.14. The applicant's have stated that the service station would operate to the hours of 06.00 – 23.00 daily, except on Sundays when the opening time would be 07.00. These hours have not given rise to local objection. I consider that they, too, should be conditioned.
- 7.15. The submitted plans show and delineate the proposed signage that would accompany the new service station. This signage would be of an appropriate size and scale to the site within its context. Its installation would therefore be in order. However, any additional signage should be the subject of planning control and so a condition to this effect should be attached to any permission.
- 7.16. The appellant has drawn attention to Section 13.10 of the CDP, which states that industrial and commercial buildings should not encroach within 4.5m of party boundaries. The proposed forecourt shop would not comply with this parameter. The applicant has questioned the applicability of Section 13.10 and it has drawn attention in turn to the set back siting of adjacent dwelling houses from corresponding common boundaries with the site.
- 7.17. Section 13.10 relates to development on lands zoned for industrial and commercial use. It thus envisages new buildings on greenfield sites rather than the redevelopment of an existing brownfield site, as envisaged under the current

proposal. I therefore concur with the applicant in its contention that this Section is not applicable to the subject site.

- 7.18. The appellant also draws attention to the increase in the area of the site from that which was depicted under its predecessor 18/252. The additional area is contributed by strips of land comprised in the lands associated with the adjacent dwelling house to the north. This dwelling house was retained with revised boundaries including these strips under 18/252. For them to be included under the current application means that a further application with respect to the retention of the dwelling house under further revised boundaries would be necessary.
- 7.19. The applicant has responded by stating that it was not aware hitherto of the need for a further application and that, if one is indeed required, then this could be addressed separately from the current application.
- 7.20. I note that in Appendix A of the applicant's planning statement the two strips of land are depicted. The first is a triangular one that lies between the initial stretch of residential cul-de-sac to Killowenbed and the existing service station. During my site visit, I observed that it is landscaped and "reads" as incidental to the entrance to the cul-de-sac. The second is a tree-lined elongated one that lies between the driveway to the aforementioned dwelling house and a grassed area to the rear of the existing service station. Under the proposal these trees would be removed. However, no readily useable outdoor space would be lost from the said residential property. In these circumstances, I do not consider that the current application needs to be placed in abeyance until its implications for the boundaries of the adjoining residential property to the north are regularised.
- 7.21. I conclude that the proposal would be compatible with the amenities of the area.

(iii) Traffic, access, and car parking

- 7.22. The site is served by the Killowen Road. Access from/egress to this Road occurs along a straight stretch, which rises gently to the ENE and which is subject to a 60 kmph speed limit.
- 7.23. The applicant has not sought to quantify the likely increase in traffic in attendance at the proposed service station compared to that which would have pertained when the existing one was operational. Instead, it has submitted a Traffic and Transport Assessment (TTA) Report which examines projected traffic generation and the

capacity of the junctions between the two-site access/egress points and Killowen Road to accommodate it. This Report advises that no issues would arise, and it also advises that no road accidents have been reported in conjunction with accessing/egressing the former service station.

- 7.24. The applicant has also submitted a Stage 1 RSA, which identifies two problems with the proposal and their corresponding solutions. The applicant has incorporated these solutions into its current proposal.
- 7.25. The applicant emphasises the safety gain that would arise from the introduction of a one-way system through the forecourt, whereby access would be from the west and egress would be to the east. This system would replace the two-way one that applied hitherto. Sightlines associated with the egress are made explicit and they would comply with the requisite DMURS standards.
- 7.26. Turning to car parking, the proposal would provide 20 car parking spaces, including 1 mobility impaired one, on the forecourt. These spaces would be laid out in rows around three of the four edges to this forecourt. To the east, these spaces would be laid out as perpendicular, to the west, as diagonal, and, to the south, as parallel. These 20 spaces would represent a significant increase over the 12 spaces shown under 18/252, which was refused on the grounds of over development/inadequate car parking spaces/anticipated overspill parking.
- 7.27. The appellant critiques the level of car parking provision proposed. He contends that under CDP standards at least 30 spaces should be provided and so 20 would be an appreciable shortfall. He also contends that the 8 spaces by the pump islands should be excluded from any assessment of parking provision.
- 7.28. The applicant responds by drawing attention to the Planning Authority's approach whereby the figure of 30 is not disputed, but weight is given to the following considerations:
- Eight spaces would be available at the pumps: those purchasing fuel may well purchase other items in the forecourt shop, too.
 - Staff parking needs may well be deflated by the site's proximity to housing within Kenmare. In this respect, a bicycle rack would be provided.
 - Shop customers may well avail of the deli/sandwich bar, too.

In the light of these considerations, the provision of 20 spaces on the forecourt is accepted as being sufficient.

- 7.29. Table 1 of Section 13.5 of the CDP sets out car parking standards for different land uses. Thus, for convenience retail shops 7 customer spaces and 1 staff space should be provided for every 100 sqm of gross retail floorspace and for cafes 2 customer spaces should be provided for every 10 sqm of dining area.
- 7.30. Under the proposal a total gross floorspace of 330.7 sqm would be provided, of which 20 sqm would be laid out as a dining area in conjunction with the deli/sandwich bar. Thus, 310.7 sqm would attract the need for 22 customer spaces and the said 20 sqm would attract the need for 4 such spaces. The applicant has indicated that normally 4 staff would be in attendance during any one shift and so 4 spaces should be provided for them. Thus, a total of 30 spaces would normally be required.
- 7.31. At the application stage the applicant's TTA Report included, under Table 5.3, an assessment of car parking requirement for the proposal. Under this assessment, the gross retail floorspace was deemed to be centred on the forecourt shop and ancillary spaces and this shop was distinguished from the deli/sandwich bar area and adjacent seating area, which were deemed to be a restaurant. The total floorspace of 318 sqm was thus apportioned between retail and restaurant, i.e. 175 sqm to the former and 143 sqm to the latter. Sixteen spaces were allocated to retail and 4 spaces to the restaurant.
- 7.32. I note that the aforementioned seated area extends over 20 sqm and that the indicative layout of this area shows 12 seats. I note, too, that the deli/sandwich bar area would be designed to be a stand-alone area rather than one that is subsidiary to the forecourt shop. That said I anticipate that a substantial portion of its custom would be for consumption off the premises and so it would mimic a deli/sandwich bar area that would be subsidiary to a forecourt shop.
- 7.33. In the light of the foregoing paragraph, I consider that the applicant's assessment underplays the number of spaces that should accompany the proposed deli/sandwich bar area and so I am inclined to accept the estimate of 30 spaces under the CDP, which the Planning Authority endorsed.

- 7.34. Turning to the proposed layout of car parking spaces, I am concerned that use of spaces numbered 1 and 2 would lead to reversing manoeuvres within the access only point, which would be likely on occasions to lead to vehicles seeking to enter the forecourt having to wait in the public road. Such stand vehicles would cause an otherwise avoidable obstruction to the free flow of traffic along this road. I am also concerned that car parking space numbered 10 would be sited too close to the access as well and that both this space and the one denoted as 12 would be overrun by tanker delivery vehicles (cf. drawings nos. NRB-ATR-001 & 002 (both revision B) in Appendix A of the TTA Report). These 2 spaces are in a row of 3 spaces. If 1 is omitted and the other 2 re-sited, then there would be scope for the needed swept paths of tanker delivery vehicles to be respected.
- 7.35. In the light of the above paragraph, I consider that 17 spaces rather than 20 could be satisfactorily provided on the proposed forecourt. Given that under the CDP, 30 spaces would be required, I consider that a significant shortfall would result.
- 7.36. I consider that the duration of use of car parking spaces would vary between customers and staff and between customers themselves. Thus, staff parking would be likely to endure for the length of a shift, while customer parking would typically be of longer duration where the seated area is availed of. If this area was omitted and if the deli/sandwich bar area were to be subsumed within the calculation of the 100 sqm of net retail floorspace, then I consider that the overall need for car parking spaces would fall and the turnover in the use of car parking spaces would increase. In this respect, I note that the publicly accessible and publicly visible portion of the deli/sandwich bar area is 30 sqm and so the shop floorspace would need to be reduced by this amount to maintain the cap of 100 sqm, i.e. to 70 sqm.
- 7.37. The omission in the seated area and the contraction in the shop floorspace of 30 sqm would give rise to an overall saving in the total floorspace of the proposed building, such that there would be scope for compensatory car parking spaces to be laid out towards the north western corner of the site.
- 7.38. The aforementioned interventions could be conditioned in a manner that would allow scope for the net retail floorspace to be apportioned between the shop and the deli/sandwich bar area in accordance with the applicant's requirements, all under the

net retail floorspace cap of 100 sqm. Likewise, consequential redesign work could be allowed for.

- 7.39. I conclude that, subject to the omission of certain car parking spaces, the proposal would be consistent with good traffic management and, subject to the omission of the seated area and the inclusion of the deli/sandwich bar area within the calculation of the net retail floorspace cap of 100 sqm, compensatory car parking spaces would be capable of being provided and an adequate level of car parking provision achieved.

(vi) Water

- 7.40. Existing connections to the public water mains and the public foul and storm water sewerage system would be reused. Irish Water raises no objection to such reuse, subject to the applicant checking that the size of the connections in question are adequate to serve the redeveloped site.
- 7.41. The proposed on-site drainage arrangements are shown on drawing no. K025L-010 revision P1. The storm water arrangements would incorporate a 30 cubic metre rainwater harvesting tank, a filter and a pump and a Class 1 petrol interceptor and a hydro-brake.
- 7.42. Under the OPW's flood information maps, the site is not shown as being subject to any identified flooding risk.
- 7.43. I conclude that no water issues arise under the proposal.

(v) Screening for Stage 1 AA

- 7.44. The applicant and the Planning Authority have both undertaken Screening Exercises for the purposes of Stage 1 Appropriate Assessment. They have concluded that the proposal would not be likely to have any significant effects upon the Conservation Objectives of the said SAC or any other Natura 2000 sites.
- 7.45. The site does not lie within a Natura 2000 site. The River Kenmare runs to the south of the site, beyond Kenmare Golf Course. Downstream, this River is the subject of the Kenmare River SAC (002158). Under the proposal, the site would reutilise existing connections with the public water mains and the public foul and storm water sewerage system. It is thus a serviced site, which, as it lies within Kenmare, is an urban one, too. I am not aware of any source/pathway/receptor routes between the

site and the aforementioned SAC or any other Natura 2000 sites in the wider area. I, therefore, consider that it would not be likely that any significant effects upon the Conservation Objectives of the said SAC or any other Natura 2000 sites would arise.

7.46. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposal, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002158, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.47. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European sites.

8.0 Recommendation

8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Retail Planning Guidelines, the Kerry County Development Plan 2015 – 2021, and the Kenmare Functional Area Local Area Plan 2010 – 2016, the Board considers that the proposed redevelopment of the site to facilitate its continuing use as a service station would be reconcilable with the mixed-use zoning of the site and the proposed provision of 100 sqm of net retail floorspace would comply with the said Guidelines. The proposal would be compatible with the amenities of the area and, subject to the omission of car parking spaces immediately adjacent to the proposed access, it would be consistent with good traffic management. The proposed level of car parking provision would represent a significant shortfall under the relevant County Development Plan standards. The omission of the proposed seating area and a contraction in net retail floorspace of the proposed shop would both reduce car parking demand and provide the opportunity for the provision of compensatory car parking spaces. The said standards would thus be capable of being complied with. No water or Appropriate Assessment issues would arise. The proposal, as thus amended, would accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Proposed car parking spaces numbered 1 and 2 shall be omitted.</p> <p>(b) Proposed car parking space number 10 shall be omitted and proposed car parking spaces numbered 11 and 12 shall be re-sited in a position whereby the parking spaces do not overlap with the swept paths of delivery vehicles.</p> <p>(c) The proposed forecourt building shall be reduced in size by the omission of the proposed seating area and the merging of the proposed deli/sandwich bar area with the proposed shop, such that their combined net retail floorspace is no more than 100 square metres. The net retail floorspace shall be denoted by a distinctive floor colour, which shall thereafter be retained for the duration of the deli/sandwich bar and shop uses.</p> <p>(d) The opportunity afforded by redesign of this building to re-site and provide additional car parking spaces towards the north western corner of the site shall be fully realised.</p> <p>(e) Details of the type, size, and siting of all externally mounted equipment on the proposed forecourt building shall be made explicit.</p> <p>(d) Details of how the proposal would be externally illuminated shall be made explicit.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of good traffic management and road safety, to ensure that the provision of car parking spaces is commensurate with the size and intensity of use of the proposed forecourt building, to comply with the Retail Planning Guidelines, and to safeguard the visual and residential amenities of the area.</p>
3.	<p>Details of the materials, colours and textures of (a) the external finishes to the proposed forecourt building and (b) the surface finishes to the forecourt itself shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Construction and demolition waste shall be managed in accordance with the submitted construction waste and demolition management plan, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable waste management.</p>
6.	<p>The 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.</p>

	Reason: In the interests of public safety and residential amenity.
7.	<p>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.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the canopy, on the forecourt building or anywhere within the curtilage of the site) unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>The hours of operation shall be between 06.00 hours and 23.00 hours Monday to Saturday and between 07.00 hours and 23.00 hours on Sunday.</p> <p>Reason: In the interest of the residential amenities of property in the vicinity.</p>
10.	<p>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</p>

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.

Hugh D. Morrison
Planning Inspector

14th January 2020