



An
Bord
Pleanála

Inspector's Report

ABP-314783-22

Development	Retention of alterations to development approved under PA Reg. Ref. 4353/17
Location	Go Station, 87 – 89 Old Cabra Road, Cabra West, Dublin 7, D07 ED76
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4585/22
Applicant(s)	Lissan Coal Company (Ireland Ltd)
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First and Third Party
Appellant(s)	Steve Doogan – Third Party Lissan Coal Company – First Party
Observer(s)	Ciaran Treacy Donnacha O'Brien and Catherine Magee Karen Timmons and Robert McCafferty

Date of Site Inspection

2nd September 2023

Inspector

Paul O'Brien

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
4.0 Planning History.....	7
5.0 Policy Context.....	9
6.0 The Appeal	10
7.0 Assessment.....	12
8.0 Recommendation.....	16
9.0 Conditions.....	16

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 975 sq m, contains a self-service fuel filling station located on the southern side of the Old Cabra Road, Dublin 7. The station is operated by the Go brand of petrol/ diesel filling stations. The Old Cabra Road connects the North Circular Road/ Grangegorman to the south east with the Navan Road to the north west. Dublin Bus routes 39, 39A and 70 provide a frequent service along this road, with a combined minimum of 9 buses an hour each way.
- 1.2. As stated, this is a self-filling station with a rationalised forecourt offering and no shop to pay for fuel or other ancillary items. A large canopy in a red and white livery, covers the fuel filling area. This is of a distinctive design with the canopy supports on a distinctive angle. A high wall forms the boundary to the rear and side of the site. A large 'Go Dublin' sign is provided on the rear wall. Unusually designed planters are provided, slightly inset into the boundary wall. To the front of the site is a large totem sign on the eastern entrance and the front boundary is delineated through the use of stainless-steel bollards. On the day of the site visit there were large traffic cones placed at either end of this row of bollards.
- 1.3. The adjoining area is predominantly residential consisting of two-storey semi-detached and terraced houses. To the south of the site are two storey houses along Caragh Road.

2.0 Proposed Development

- 2.1. The proposed development consists of a number of alterations to an approved development under PA Reg. Ref. 4353/17, summarised as follows:
 - The provision of stainless-steel bollards to delineate the public footpath from the front of the site.
 - Provision of planter boxes within the eastern, western and southern boundaries of the site.
 - The relocation of vent pipes from the south east to the south west of the site.
 - The relocation of bin store, control room and store to the south west of the site.

- The relocation of the services area from the western to the eastern boundary of the site.
- The relocation of a totem sign, such that it is set back by 3 m from the edge of the public footpath instead of the approved 4 m.
- Revision to the canopy including an increase in height and use of a different design.
- Provision of an AdBlue pump to the rear of the site.
- Provision of a 'Go Dublin' sign to the southern elevation of the site. The lettering to measure – 'Go' with a 1.8 m diameter and 'Dublin' with a 3.6 m by 1 m measurement.
- Provision of a 3.2 m by 1.9 m LED digital display and two vending machines along the western boundary.
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions for all elements of the development as outlined under Section 2.1 of my report, except for the following:

- The provision of stainless-steel bollards to delineate the public footpath from the front of the site.
- Provision of planter boxes within the eastern, western, and southern boundaries of the site.
- The relocation of a totem sign, such that it is set back by 3 m from the edge of the public footpath instead of the approved 4 m.
- Provision of a 3.2 m by 1.9 m LED digital display.

Permission was refused for these as they were considered to be visually obtrusive, would have a negative impact on the visual amenity of the area, and would have a negative impact on the residential amenity of the adjoining area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to grant permission subject to conditions for the majority of the development, and permission was refused for the relocated totem sign, for new LED display, for the bollards and for the planter boxes along the boundary. The list of revisions from what was previously approved under PA Reg. Ref. 4353/17 is extensive, but the Planning Authority considered most aspects to be acceptable.

There was uncertainty over the function of the LED display, though it was assumed that it would be used for advertising. The proposed vending machines were acceptable subject to their use only during the hours of permitted operation of the filling station. The proposed bollards do not provide for a suitable delineation of the boundary between the public realm and privately owned lands.

In relation to the totem sign relocation, the revised height from 7.7 m to 8.2 m is considered to be minor, the revised location is not acceptable due to the impact on visual amenity and the fact that part of the sign overhangs onto the public footpath. The proposed planters are unacceptable, and the applicant has failed to provide for a suitable landscaping of this site.

3.2.2. Other Technical Reports

- Transportation Planning Division: No objection to the retention, except for the totem sign which overhangs onto the public footpath and the steel bollards should be omitted by way of condition.
- Drainage Division: No objection to this development.

3.2.3. Prescribed Bodies

- None received.

3.2.4. Third Party Observations

A total of 11 letters of objection were received to the application. Objections were received from Deputy Neasa Hourigan and Councillor D. Lonergan, Councillor C. Perry, Councillor D. Meenagh, D. McFeely on behalf of the Glenbeigh Area Residents Association, and from individual members of the public.

Issues raised are similar to those in the third party grounds of appeal and in summary they include:

- Concern about the replacement of the proposed boundary with bollards.
- Nuisance through noise and light pollution associated with development.
- Operating hours are not what was permitted.
- Use of a Tannoy system on site creates a nuisance for adjoining houses.
- The use of cameras on site are a concern as they can focus in on the adjoining residential properties.
- Over provision of fuel pumps and other services on site.
- Volume of activity on site is considered to be excessive with up to 12 vehicles on site at a time.
- The design of the canopy/ type of signage/ on-site lighting is out of character with the area.
- The proposed landscaping of the site has not been carried out to date.
- The permitted totem sign is not located in its correct location.
- The boundary wall to the rear/ side of the site is not as permitted.

4.0 Planning History

ABP Ref. 300958-18/ PA Ref. 4353/17 refers to a January 2019 decision to grant permission for the demolition of buildings, the construction of fuel forecourt, associated signage, boundary treatment, lighting and all associated site development works. Condition no. 2 states:

‘The development shall be amended 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 four metres from the public footpath and shall be externally illuminated only. (c) The bin storage shall be enclosed. (d) The proposed 2.4-metre-high timber fence shall be omitted and a solid wall shall be provided along the southern, eastern and western boundaries.

Revised details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.'

Condition no. 3 states:

'A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: (a) Details of proposed boundary treatments at the perimeter of the site, including heights, materials 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.'

Condition no. 4 states:

'The premises shall not operate, including the filling of underground fuel storage tanks, outside the period 0600 hours to 2300 hours.'

Condition no. 5 states:

'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 shall be directed away from adjacent housing and shall be directed and cowled such as to reduce 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.'

Condition no. 6 states:

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

Condition no. 13 states:

‘No 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.’

5.0 Policy Context

5.1.1. Dublin City Development Plan 2022 - 2028

The Dublin City Development Plan 2022 - 2028 is the current statutory plan for Dublin City, including the subject site. The site is zoned Z1 – Sustainable Residential Neighbourhoods with the objective: ‘To protect, provide and improve residential amenities’.

A list of permissible uses includes petrol station.

5.1.2. Section 15.14.15 provides details on ‘Petrol Stations’.

‘New petrol stations should be of quality design, considered with regard to streetscape and setting. Standard corporate design may need to be modified to ensure appropriate visual integration, and any forecourt canopy should be of appropriate scale. Petrol stations will only be permitted in residential areas, where it can be demonstrated that no significant damage to residential amenities will occur by reason of factors such as noise, visual obtrusion, safety considerations or fumes/ smells. Any car-washing/drying facilities should be sited so as not to cause nuisance. Hours of operation in residential areas will be limited to between 0600 hours and 2300 hours. In considering applications for development, the safety aspects of circulation and parking within the station forecourt will be taken into account, and relevant traffic safety standards set out in Appendix 5 should be complied with.

15.14.15.1 Lighting, Landscaping and Signage Forecourt lighting, including canopy lighting, should be limited to that which is necessary for the safe operation of a petrol station. Landscaping shall be required to protect the amenity of the surrounding area and enhance the appearance of the development. Signs should be limited in number and integrated with buildings or other structures on site. A proliferation of signs, flags and bunting should also be avoided.

15.14.15.2 Ancillary Uses and Retailing: Retailing proposals in petrol stations shall be guided by advice contained in statutory Retail Planning Guidelines (DECLG 2012) and particularly Section 2.4.3 which refers to the retail floor-space cap of 100 sq. m. (net) for petrol stations.

Where permission is sought for floor-space in excess of 100 sq. m., the scale of any retail provision proposed will be assessed having regard to the proximity to other retail outlets, the sequential approach and the retail hierarchy.'

- 5.1.3. **Note:** At the time of submission of the original application and subsequent appeals, the Dublin City Development Plan 2016 – 2022 was in place. The landuse zoning, objective and policies as relevant to this development have not significantly changed with the adoption of the current plan.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. Grounds of Appeal – First Party

Hughes Planning have appealed the decision of Dublin City Council, in relation to the aspect of the development that permission was to be refused – totem sign, bollards, planters and LED display. Regard was had to the Draft Dublin City Development Plan 2022 – 2028. The following points are made:

- The development is in accordance with the zoning objective that applies to the site.
- The development is in accordance with objective and policies set out in in the Dublin City Development Plan.
- The proposed signage is in keeping with the requirements of the development plan.
- This section of the Old Cabra Road does not contain any visually sensitive landscapes.
- A number of precedents have been identified in the appeal and photographs and details have been provided.
- The replacement of the wall with bollards provides for improved visibility for drivers.

- Is willing to provide for life planter boxes and hanging baskets around the site, to be agreed with Dublin City Council.
- The LED screen will only be for the benefit of those using the site and will not be visually obtrusive.

6.2. Grounds of Appeal – Third Party

Steve Doogan: The following points are made:

- Concern about light pollution from the development. In the construction of the filling station, mature trees and vegetation were removed, thereby removing a significant screening element between the site and houses to the rear. Trees were planted on the residents' side of the site, not on the application side.
- The canopy is out of character with the area and lighting is excessive. It is also having a negative impact on residential amenity.

Photographs and other details are provided in support of the appeal.

6.3. Planning Authority Response

None received.

6.4. Observations

A number of observations were received and are summarised as follows:

Ciaran Treacy:

- The use of red neon lighting does not appear to be in the original application and is out of character with the area. This is having a negative impact on residential amenity.
- The canopy has been raised in height and cameras are provided on this. The cameras give rise for concern in relation to privacy of the adjoining houses.
- Trees were to be provided on the southern boundary; no landscaping has been provided to date.
- The subject site is not suitable in the context of planning for the 15-minute city.

Donnacha O'Brian & Catherine Magee

- Canopy is not as permitted, refers to neon lights within the design.
- The canopy does not comply with development plan requirements.
- Query over the lighting assessment.
- Requests that the Board Inspector visits the site.
- Further details requested in relation to lighting.

Supporting documents and pictures are provided with this observation.

Karen Timmons & Robert McCafferty

- Bollards are a safety risk.
- Planters using fake plants are not acceptable.
- The totem sign is not in accordance with permitted development.
- The canopy is intrusive and references the impact from the neon lighting.
- Boundary wall is not an alternative to landscaping.
- LED display is contrary to the development and conditions of the Board.

6.5. **First Party Response to Third Party Appeal**

Hughes Planning have responded to issues raised in the third-party appeal as follows:

- Trees that were removed were on third party lands and any replacement trees were agreed between the applicant and individual landowners. Agreements have been made to replace trees that have died.
- Lighting is provided in accordance with the conditions of PA Reg Ref. 4353/17/ ABP Ref. 300958. Maximum lux values will be in accordance with Dublin City Council requirements.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development

- Impact on the Character and Visual Amenity of the Area
- Impact on Residential Amenity
- Appropriate Assessment Screening

7.2. Principle of Development

7.2.1. The application is for the retention of a number of elements of a development for a filling station that differ from that permitted under ABP Ref. 300958. First and third-party appeals have been received and I have outlined them in this report. The principle of development has been established under ABP Ref. 300958, and the issues under consideration are how the revised elements of the development impact on the character/ visual amenity of the area, and how the revisions to the development may impact on residential amenity.

7.3. Impact on the Character and Visual Amenity of the Area

7.3.1. The character of the area is established by mostly two-storey houses in the form of semi-detached and terraced units. The site was at one time a service station but was in use for motor sales before the redevelopment of the site for use as an unmanned fuel filling station.

7.3.2. An issue of concern raised in the third-party appeal and the observations refers to the canopy and the use of red neon lighting. The 'Go' branding uses extensive amounts of red and white, and this site is no different. The canopy and the totem sign are the most prominent elements of the development. The canopy as constructed is very different to that originally approved. Whilst I consider the design of the structure to be contemporary and the increase in height to be acceptable, I would be concerned about the issue of light pollution to the south of the site. This is a predominately urban area and development has to respect that. The site is restricted by its location and by being surrounded by houses to the west/ east and south. Only the front of the site when travelling from the east and only part of the side/ and the front when travelling from the west. The provision of very visible signage using neon lighting is not necessary in attracting business to the site, a significant number of those visiting the site would be aware of its presence.

- 7.3.3. I note also Section 15.14.15.1 of the Dublin City Development Plan 2022 – 2028, in that lighting should only be provided for what is necessary for the safe illumination of the petrol station and signage should be limited.
- 7.3.4. I recommend that the canopy be retained as constructed, but all neon lighting to be removed. The internal illumination of the 'Go' logo should be sufficient to identify the site for road users. The neon strip lighting is provided as part of the corporate image, and which is not appropriate in this location. It is not necessary in terms of identifying the site, that function is achieved through other design means. The turning off of the on-site lighting at 23.15 is appropriate, but it was not intended that the extent/ type of lighting provided would be used.
- 7.3.5. The totem sign should act as the key identifier of the site. I have no objection to the location of the sign but note the comments of Dublin City Council and that such a structure should not overhang the public footpath. The applicant proposed locating the sign 4 m back from the public footpath and for which permission was granted, but on construction they moved it to only 3 m back from the footpath edge. The issue of overhanging can be addressed through the removal of the 'Go' logo and its replacement with a smaller/ revised sign. This can be addressed by way of condition. A google Streetview image from June 2021, displays the site under construction and whilst the totem sign is fully in place, the 'Go' logo is not on the sign, indicating that this is a separate feature to the rest of the sign.
- 7.3.6. The use of bollards to the front, does not provide for suitable site delineation. This residential area is characterised by boundary walls and the permitted development included such a wall to the front of the site. The bollards should therefore be replaced with either a rendered or rubble stone wall, both types of boundary feature in the area. This would ensure that the boundary is provided in accordance with the original grant of permission for the development of this site. No concerns were raised about sightlines/ road safety with the originally permitted boundary, and it the use of bollards that are relatively closely spaced does not improve sightlines to any significant degree. The site is located within an established urban area with low road speeds.
- 7.3.7. I am not convinced that the LED displays are necessary, and they should not be provided on site. They were not in place on the day of the site visit. The need to

display prices is already achieved on the totem sign and at the pumps themselves. A standard poster displaying prices should be sufficient.

7.3.8. The revised boundary wall to the rear and side of the site, though not as high quality as that originally proposed, is acceptable and the signage on this wall is also considered to be acceptable. The relocated vent pipes, new AdBlue pump, revised storage area and bin area are all acceptable. The artificial planters should be replaced with suitable live plants and suitable climbing plants. The appropriate landscaping of the site, though limited, may be agreed with the Planning Authority.

7.4. Impact on Residential Amenity

7.4.1. The issue of lighting from the canopy was raised as a concern in terms of impact on residential amenity. The removal of this has been addressed in this report. A level of lighting will have to be provided on site, but modern LED lighting should ensure that light pollution can be contained to an acceptable level. The control of red neon lighting is more problematic, hence why I recommend its removal.

7.4.2. The issues of noise and nuisance are unfortunate, but they will inevitably be a feature of such a service station. The vending machines were not in service on the day of the site visit, and the lack of a shop, significantly reduces the number of customers who may be more interested in the standard ancillary offer from a service station than in fuel sales. This provides a use that is more complementary to such a residential area than a standard service station with significant ancillary sales. The boundary wall will have reduced the potential levels of noise received by the adjoining houses. It is also noted that the Old Cabra Road does experience significant volumes of traffic, I have already reported that it is a busy bus route and hence heavy vehicle noise in the form of buses would have been an established form of noise in the area.

7.4.3. I note the comments regarding the cameras and Tannoy system. These are again a feature of an unmanned/ self-service filling station. The trade-off is again either have such security/ safety measure or else provide a manned service which would inevitably include a retail shop and its consequent additional activity/ noise/ potential nuisance.

7.5. Appropriate Assessment Screening

7.5.1. Having regard to the nature and scale of the proposed development and 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 give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. The development proposed for retention is acceptable in terms of the Z1 zoning that applies to this site, and I am satisfied that the development will not adversely affect the residential and visual amenities of the area, subject to the removal of all red neon lighting and only the illumination of the 'Go' logos in the canopy, revised 'Go' logo in the totem sign, removal of the bollards and their replacement with a suitable wall and omit the LED digital display. Planting/ landscaping to be agreed with the Planning Authority.

9.0 Conditions

1. The development shall be retained 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.

Reason: In the interest of clarity.

2. The development shall be revised as follows:

a) The proposed bollards along the road frontage shall be removed and replaced with a solid wall of no higher than one metre. The wall shall either be finished in render or random rubble stone and be suitably capped.

b) The proposed totem sign at the entrance shall be revised such that no part overhangs the public footpath. The 'Go' logo to be removed or reduced in diameter to meet this requirement.

c) All lighting on the elevations of the canopy shall be omitted except for the internal illumination of the 'Go' logos. Red neon lighting shall not be used on any part of the canopy.

d) Live plants only to be provided in the planters and full landscaping details to be agreed with the Planning Authority.

e) The LED display screen shall be removed/ not provided on site. Any need for prices may be displayed here by way of a printed price list.

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

3. The premises shall not operate outside the period 0600 hours to 2300 hours. The operational hours of the forecourt lighting shall not extend beyond 2315 hours with automatic cut-off of lighting at that time.

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

I confirm that the report represents my profession planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Paul O'Brien

Senior Planning Inspector

4th September 2023