



An
Bord
Pleanála

Inspector's Report

ABP-320680-24

Development	Modifications to layout, creation of off licence, increase in floor size, construction of 8 EV charging spaces and all associated site works
Location	Circle K Service Station, Finglas Road, Glasnevin, Dublin 11, D11 WD9H
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3348/24
Applicant(s)	Ard Services Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Claremount Residents Association
Observer(s)	1. Michael King 2. Patrick Rock

Date of Site Inspection

19th March 2025.

Inspector

Catherine Hanly

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1.0 Site Location and Description

- 1.1. The site is located at the Circle K service station on the Finglas Road. The site is bound by the Finglas Road to the east, residential development in the Claremont Court estate to the south and west and residential development in the Willows to the north. Glasnevin Cemetery is located to the east of the site, on the opposite side of the Finglas Road.
- 1.2. The subject site has a stated area of 0.395 ha. The site is accessed in the southeastern corner of the site off the Finglas Road. The site accommodates a filling station, a retail unit with deli and seating area, a car wash, laundry facilities, customer parking and associated services. The total floor area has a stated floor area of 283.2 sq.m.
- 1.3. The southern portion of the site is grassed, planted with mature trees and contains 2 no. picnic benches. The western and northern boundaries of the site contains mature tall trees along the boundaries.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Modifications to internal layout incorporating a change of use from permitted food preparation and circulation area to retail use which will include for the sale of alcohol for consumption off the premises (i.e. part off-licence use) within the overall permitted retail unit, where the floor area for the part off-licence use is 24.5 sqm and is ancillary to the primary retail use
 - An associated increase in the net retail floor area of the permitted retail unit (now totalling 100 sqm)
 - The incorporation of 1 no. new food offer (25.1 sqm in area) within the permitted retail unit
 - Modifications to station forecourt to include the construction of 8 no. EV charging spaces, with associated EV chargers, an ESB modular substation, relocation of public lighting columns and new signage

- Elevation changes to retail unit incorporating new entrance door and glazing, 2 no. new signage displays and the relocation of existing signage
- The installation of new underground Class 2 By-pass oil/fuel separator
- All other associated landscape, boundary treatment, drainage and site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of Decision to Grant Permission was issued on 1st August 2024, subject to 12 no. conditions.
- 3.1.2. Condition no. 4 relates to the part off-licence and restricts the display of alcohol products to the area identified on drawing number P2377.GLA.A02.
- 3.1.3. Condition no. 5 states omits the 2no. car parking spaces along the southern boundary of the site adjoining Claremount Court residential estate.
- 3.1.4. Condition no. 7 states that external lighting of the site shall comply with the recommendations for E3 locations as set out in the ILP's 2021 Guidance Note 1 for the Reduction of Obtrusive Light.
- 3.1.5. Condition no. 8 states that the LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The internal rearrangements and works to the elevation were considered acceptable. The initial Planning Report dated 1st May 2024 requested further information (FI) in relation to 4 no. items.

- The Planning Report dated 7th August 2024 assessed the applicant's FI response.

The following provides a summary of the FI items and their assessment in the Planning Report dated 7th August 2024:

- Item no. 1 requested clarification in relation to the “food offer” in terms of its relationship to net retail space. The applicant identified that the net retail floorspace including the off-licence is 100 sqm. The additional hot food offer will be 25.1 sqm (which includes 11.3 sqm back of house area). The Planner considered that the hot food offer and existing dining area constitute 12% of the gross floor area and is ancillary. The Planner was satisfied that the proposal will not be detrimental to existing retail centres.
- Item no. 2 requested details as to how the display of the alcohol products will be secured and monitored. The applicant identified that it will be screened by barriers, is located away from the entrance and is not visible upon entry to the store. The response was accepted by the Planning Authority.
- Item no. 3 requested details in relation to a tree survey, tree impact plan and landscaping plan. The applicant submitted an Arboricultural Impact Assessment and Method Statement identifying that 20 no. trees are proposed to be felled. It is proposed to plant 20 no. trees. The Parks Department recommended the inclusion of conditions in the event that permission is granted.
- Item no. 4 requested details in relation to the parking arrangement, including the removal of 2 no. parking spaces and the provision of bicycle parking. The bicycle parking was considered acceptable. The applicant did not reduce the parking provision to 14 no. car spaces. It was therefore recommended to remove 2 no. car spaces by way of condition.

3.2.2. Other Technical Reports

- Transportation Planning Division: No objection subject to conditions restricting the parking to 14 no. car parking spaces (8 no. new EV spaces and 6 no. standard spaces).

- Park Services Department: Concerns regarding the parking component and removal of a significant tree group. The parking component requiring removal of trees should be omitted. If permission is granted, 3 no. conditions are recommended.
- Environmental Health Report: No objection subject to compliance with 3 no. conditions.
- Drainage Division: No objection subject to compliance with 3 no. conditions.

3.3. Prescribed Bodies

- 3.3.1. Transport Infrastructure Ireland made an observation to Dublin City Council on the application. The observation noted that the site is located within the area of an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen’s Green to Broombridge Line) under S. 49 of the Planning and Development Act 2000, as amended. The observation requested that in the event that planning permission is granted, that a condition for the Section 49 Luas Line levy be applied.

3.4. Third Party Observations

- 3.4.1. Fifteen observations from Third-Parties were received by the Planning Authority following the lodgement of the application. The issues raised are mostly covered in the grounds of appeal. Additional issues which are not covered in the grounds of appeal are as follows:

- The sale of alcohol will result in anti-social behaviour.
- There is no need for another off-licence in the area.
- The ESB station will be in close proximity to dwellings in Claremount Court with noise and potentially unknown health implications.
- The proposed lighting will impact the properties in Claremount Court.
- There is a litter problem associated with the petrol station.
- The existing Cyprus trees are a danger to the neighbouring houses.

- Concern regarding a potential explosion or fires on the site.
- The positioning of the EV parking spaces is a health and safety risk to other drivers and pedestrians.
- The application was not uploaded to the planning website in a timely fashion.
- The provision of EV charging spaces and the alterations to the shop are welcomed.
- The development does not support biodiversity.
- Future cycle lanes and the Bus Connects scheme along Finglas Road have not been considered in the application.

4.0 Planning History

4.1. Relevant Planning History on the Subject Site

- 4.1.1. P.A Ref. **2326/20**. Brams Gourmet Fries Restaurant in a servicing container with seating. **2020 Refusal**. Refused for 1 no. reason given that the takeaway use is not permissible in principle or open for consideration under the Z1 zoning objective. The development would seriously injure the amenities of property in the vicinity of the site and would materially contravene the zoning of land.
- 4.1.2. ABP Ref. **306168-19** and P.A Ref. **4085/19**. Change of use from retail use to retail use with ancillary off-licence use and alteration of existing retail unit. **2020 Refusal**. Refused for 1 no. reason given that off-licences and part off-licences are not permissible or open for consideration on Z1 land. The development would therefore materially contravene the zoning objective in the Development Plan.
- 4.1.3. ABP Ref. **PL29.224751** and P.A Ref. **3179/07**. Demolition of existing structures and construction of a replacement retail shop, car wash facility and new truck refuelling facility. 2008 **Grant**.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 - 2028

5.2. I consider that the following policy is relevant to the assessment of this application:

Zoning

5.2.1. The site is zoned Z3, neighbourhood centres with the objective *“to provide for and improve neighbourhood facilities”*.

5.2.2. Section 14.7.3 states the following:

“Neighbourhood Centres provide local facilities such as convenience shops, hairdressers, post offices etc. within a residential neighbourhood and range from the traditional parade of shops to larger neighbourhood centres. They may be anchored by a supermarket-type development, typically of between 1,000 sq. m. and 2,500 sq. m. of net retail floorspace. They can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level.”

Climate Action

5.2.3. Policy CA25 – Electric Vehicles: To ensure that sufficient charging points and rapid charging infrastructure are provided on existing streets and in new developments subject to appropriate design, siting and built heritage considerations and having regard to the Planning and Development Regulations (2001) as amended, which have been updated to include EV vehicle charging point installation.

5.2.4. Policy CEE13 – Towards a Green and Circular Economy: *“To support the growth of the ‘green economy’ including renewable energy, retrofitting, and electric vehicles and charging infrastructure and to support the transition towards a circular economy in line with national policy and legislation.”*

5.2.5. Policy SMT29 – Expansion of the EV Charging Network: *“To support the expansion of the EV charging network by increasing the provision of designated charging facilities for Electric Vehicles on public land and private developments in partnership*

with the ESB and other relevant stakeholders; and to support the Dublin Regional EV Parking Strategy”.

- 5.2.6. Policy SMT2 – Decarbonising Transport: *“To support the decarbonising of motorised transport and facilitate the rollout of alternative low emission fuel infrastructure, prioritising electric vehicle (EV) infrastructure.”*

Retail

- 5.2.7. Policy CCUV27 – Provision of Convenience Retail: *“To promote convenience retail development in the city, particularly in new regeneration areas and where such development can provide an important anchor to secure the vitality and viability of Key Urban Villages, urban villages and neighbourhood centres.”*

- 5.2.8. Policy CCUV28 – Provision of Retail Services: *“To support and promote the development of retail service development at all levels of the retail hierarchy in the city.”*

- 5.2.9. Section 15.14.8 relates to off-licences and states the following:

“In considering planning applications for off licence premises or extensions to existing offlicence premises, the following criteria shall be applied:

- *The context and character of the street where the aim is to maintain and improve the vitality of the shopping experience by encouraging a range of convenience and/or comparison retail shops.*
- *The range of uses at ground floor in an area where the aim is to strengthen the retail character and ensure the proposal will not result in a proliferation of similar retail service outlets such as, internet cafés, call centres, bookmakers, takeaways, amusement arcades and car rentals resulting in a predominance of similar non-shop frontages.*
- *The size of the proposed off-licence in the context of the size of premises in the area.*
- *Where a part off licence is proposed as part of a convenience unit, that the floor area used for the display of alcohol products is subsidiary to the main use of the shop and that area in general should be no more than 10% of the total floor area.*

- *The location of the display area of alcohol products shall be in an unobtrusive position, not near the entrance or windows of the shop and preferably to the rear of the premises.*
- *The area for the display of alcohol products shall be detailed on the floor plans and the display of alcohol products shall be limited to this area only.*
- *The area for the display of alcohol products should be secure and monitored.*

In the case where a grant of planning permission is considered, the provision will be strictly regulated, and regard shall be given to the need to impose the following conditions:

- *Limiting the display area of alcohol products to that area of the shop only as detailed on the plans.*
- *No advertising of the sale of alcohol products on the façade/frontage of the premises.*
- *No display of alcohol products or advertising of the sale of alcohol products on or near both the entrance and the windows.”*

5.2.10. Section 15.14.15 relates to petrol stations and states that *“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.”*

5.2.11. Section 15.14.15.1 relates to lighting, landscaping and signage and states that *“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.”*

5.2.12. Section 15.14.15.2 relates to ancillary uses and retailing and states the following: *“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.”

5.2.13. Section 15.17.5 relates to shopfront and façade design. It outlines criteria for shopfront signage to ensure it contributes to an attractive public realm environment.

5.2.14. The Retail Strategy is contained in Appendix 2. Table 2 identifies neighbourhood centres as level 4 in the retail hierarchy for Dublin City. It states that neighbourhood centres in the main comprise a small parade of local shops.

5.2.15. Section 6.4 in Appendix 2 states that in relation to neighbourhood centres, the Council will *“facilitate small scale expansion of existing neighbourhood centres where the uses and scale of development proposed is consistent with a neighbourhood scale.”*

5.2.16. Electric Vehicle Charging Infrastructure – Universal Design Guidelines 2023

‘A charging bay is a designated area of space where electric vehicles can be parked and connected to a charging station’.

5.3. Retail Planning Guidelines for Planning Authorities

5.3.1. Section 2.4.3 states that there is a 100 m² net petrol filling station shop floorspace cap.

5.3.2. Section 4.11.9 in relation to retailing and motor fuel stations states the following:

“Convenience shops are part of the normal ancillary services provided within motor fuel stations. In rural areas, they can have a very important function as the local shop or small supermarket. However, such shops should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan. The floorspace of the shop should not exceed 100 M2 net; where permission is sought for a floorspace in excess of 100 M2 , the sequential approach to retail development shall apply, i.e. the retail element of the proposal shall be assessed by the planning authority in the same way as would an application for retail development (without petrol/diesel filling facilities) in the same location.

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

5.4. **National Biodiversity Action Plan 2023 - 2030**

- 5.4.1. Objective 3: Secure nature’s contribution to people.

5.5. **Climate Action Plan 2025**

- 5.5.1. The Action Plan sets out actions that are required to be undertaken in 2025, so that we are prepared to take on the challenges of our second carbon budget period 2026 – 2030.
- 5.5.2. Section 14.2.4 sets out “Improve Measures” including the Zero Emissions Vehicles Ireland programme initiatives.

5.6. **Natural Heritage Designations**

- 5.6.1. The following distances are noted between the site and natural heritage designations:

Site	Distance from the Subject Site
Royal Canal Proposed Natural Heritage Area	0.314 km
North Dublin Bay Proposed Natural Heritage Area	3.4 km
South Dublin Bay and River Tolka Estuary Special Protection Area	3.4 km
North Dublin Bay Special Area of Conservation	6.7 km
North Bull Island Special Protection Area	6.7 km

5.7. **EIA Screening**

- 5.7.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is

also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. One Third-Party appeal has been lodged by Claremount Residents Association. The Third-Party requested an Oral Hearing. The Board concluded that the appeal can be dealt with adequately through written procedures and that an Oral Hearing was not required.

6.1.2. The grounds of appeal can be summarised as follows:

Level Changes

- The section drawing showing the relationship between the development and Claremont Court is incorrect, as it does reflect the level difference.
- No detail has been provided on the retaining wall at the boundary along the southeastern corner of the site.

Visualisations

- No visualisations of the proposal have been submitted. The parked cars and level change will have a substantial visual impact.
- The proposed planting will not have the same benefits as the current green area and trees, given the prominent nature of the site.

Deficiencies in the Drawings

- The existing landscaping is not shown in the drawings.
- The continuous elevation does not identify Clareville House. Clareville House is a 19th Century red brick property and noted for Architectural Category of special interest NIAH ref:50130018. The red brick walls at the entrance of Claremont are part of the original curtilage of Clareville House.
- The development will destroy mature trees and disturb the environment in close proximity to Glasnevin Cemetery.

Landscaping

- The development will retain Leylandii trees on site. Leylandii trees are not considered as important as other varieties.
- The drawings are difficult to determine what trees will be retained on site.
- There is concern that the landscaping strip beside Claremount is not wider enough to allow the native trees to grow.
- The documentation does not provide details of the oak trees which are proposed to be removed.
- The arboricultural report and drawings are difficult to understand and do not contain adequate information.
- The development is not in accordance with sustainable urban drainage.

Parking

- The site contains 21 no. car parking spaces, one of which is an electric vehicle (EV) space. Eight of the existing spaces could become EV spaces.
- The parking arrangement should be re-worked to omit any impacts on the open space.

6.2. Observations

6.2.1. Two observations were submitted from Michael King and Patrick Rock. The issues raised in the observations can be summarised as follows:

- The development will result in serious environmental impact.
- Due to the level differences on the site, parked cars will be highly visible.
- The extension of the forecourt will result in a loss of privacy
- The development will result in devaluation of property.
- Additional lighting and noise will negatively impact adjacent properties (including no. 2A Claremont Court).

- The development will result in an increase of anti-social behaviour
- Concern regarding the stability of the boundary walls and level differences between the Circle K site and the surrounding environment.
- Clarity is required regarding the boundary treatment between Circle K and the Claremont estate.
- Concern regarding the loss of trees.

6.2.2. A public representation was also received from Gary Gannon TD.

6.3. Applicant Response

6.3.1. The applicant's response to the grounds of appeal can be summarised as follows:

Justification for the Application

- There is a need to evolve the facilities and offers provided on the site.

Design and Mitigation

- In order to assist in the integration of the EV spaces into the subject site a Tree Survey and Tree Impact, Protection and Constraint Plans and a Landscape Masterplan and planting strategy were submitted. The documentation identified that no trees of any arboricultural merit would be lost.
- The site is in an urban location and has been in commercial use for an extended period of time. A balance needs to be found between addressing the urgent need for new EV charging points and the retention and replacement of existing trees.
- New planting will ensure the site is adequately screened from the public roadway.

Parking

- It is not possible to provide the EV chargers on the existing parking provision on the site as it would result in a loss in parking spaces and would have had a profound impact the operational efficiency of the service station.

- Electric Vehicle Charging Infrastructure – Universal Design Guidelines 2023 defines a charging bay as “*a designated area of space where electric vehicles can be parked and connected to a charging station*”. The applicant outlines that there is a clear distinction between a parking space and EV charging bays.
- The site has 15 no. parking spaces. The proposed development would result in there being 9 no. EV spaces (8 no. new spaces and 1 no. existing retained space). The station will retain its existing deliveries bay and servicing bays.
- Condition no. 5 (a) in the Planning Authority’s decision requires the removal of 2 no. existing parking spaces on the southern boundary of the site. It is requested that this condition is removed. This condition would reduce the number of car parking spaces to 7. The Council’s rationale for this condition is that the development will increase the car parking spaces on site. However, this is incorrect. The development will provide 8 no. EV charging spaces and will result in the loss of 6 no. existing car parking spaces. There is a distinction between EV charging bays and parking spaces. EV charging bays do not represent additional car parking spaces. The imposition of this condition may result in non-EV users parking in the EV spaces if there is a lack of parking spaces.
- The Board is requested to restrict the use of the charging bays to electric vehicles that are charging. This can be achieved through the erection of a sign which could be conditioned.

Levels

- It is acknowledged that Section drawing A-A prepared by CSR and submitted as part of the response to Further Information does not capture the level change between the public road and the forecourt.
- The interrelationship between the service station and the entrance to Claremont Court is illustrated in the existing and proposed contiguous elevations.

New Drawing

- In the response to the Third-Party appeal, the First-Party has included a drawing titled Existing & Proposed Contiguous Elevations (drawing no. P2377.GLA.A06 Rev B). The First-Party states that a revised copy of the proposed contiguous elevation has been included to better illustrate the level changes. I have compared the Existing & Proposed Contiguous Elevations (drawing no. P2377.GLA.A06 Rev B) to Rev A which was submitted to the Planning Authority. The Rev B drawings now identify the grass level behind the boundary wall in the existing contiguous elevation and they identify the forecourt level behind the retaining wall and the location of proposed planting in the proposed elevations.

6.4. Planning Authority Response

6.4.1. A response was received from the Planning Authority which stated the following:

- It is requested that the Board uphold the decision of the Planning Authority.
- In the event that permission is granted, it is requested that a section 48 development contribution condition is included.

6.5. Third-Party Rebuttal to the Applicant's Response

6.5.1. Following receipt of the new drawing identifying a revised proposal, the Third-Party appellant was offered an opportunity to respond. The Third-Party's response to the applicant's response can be summarised as follows:

Zoning

- The development does not accord with the zoning objective for the site and represents a significant intensification of use.

Planning Policy

- The development does not accord with Policy QHSN10, MT14, GI20, GI22, SC16 and CHC4 as it removes a green edge, intensifies car-oriented infrastructure, offers no rationale for the scale of EV provision and fails to integrate with the environment.

Level Difference

- The revised drawing shows the forecourt level to be approximately 300mm above the footpath and road at Claremont Court. This is different to what was originally shown. The revised drawing is incorrect. The level difference is between 1.3m and 1.5m.
- No structural information has been submitted explaining how the boundary wall will function as a retaining wall.

Surrounding Properties

- Claremont Court is of architectural significance.
- Clareville House is listed in the National Inventory of Architectural Heritage and Glasnevin Cemetery contains several other NIAH listed structures. The proposed development will have a significant visual impact on the area.

Green Infrastructure

- The development will result in the removal of 20 no. trees and does not accord with Policy GI20 and Objective GI22 of the Dublin City Development Plan 2022 – 2028 (*Dublin CDP*).
- The development does not accord with the National Biodiversity Action Plan 2023 – 2030 which requires the retention and integration of mature green infrastructure.
- It is not clear how the applicant reached the conclusion that the mature and semi-mature trees are not worth retaining.
- A topographical survey has not been submitted.
- Detail has not been provided outlining how surface water will be managed.
- Details in relation to construction methodology, soil management or ecological restoration have not been submitted.
- The proposed landscaping is insufficient.
- The design does not explore other options which would retain more trees.

- While a tree protection condition was attached by the Planning Authority, no trees are proposed to be retained in the southeastern boundary of the site.
- The Parks Department expressed preference that the EV charging element which will impact the tree group should be omitted.
- Between 2017 – 2023 the number of trees on the site has reduced.

Parking

- The maximum parking standard for the site is 1 no. space. The provision of 15 no. parking spaces and 8 no. EV bays significantly exceeds the maximum standard.
- No analysis has been submitted justifying the scale of the infrastructure.

6.6. Observations Rebuttal to the Applicant's Response

6.6.1. Two observations were submitted from Michael King and Patrick Rock. Additional issues raised in the observations can be summarised as follows:

- The site is zoned Z3 Neighbourhood Centre which seeks to provide and improve neighbourhood facilities. This has not been addressed.
- The development will result in anti-social behaviour.
- Concern regarding lack of engagement with the community.
- Concern regarding the level difference between the site and Claremont Court and associated impact on privacy of adjacent property.
- Concern regarding the potential use of the southeastern boundary wall as a retaining wall.
- The landscaping proposals do not meet the requirements of Dublin City Council. Concern regarding maintenance of the landscaping proposals.
- Concern regarding safety surrounding the boundary wall in the southeastern corner of the site.
- Concern regarding the positioning of the parking bays in proximity to the boundary wall.

- Concern regarding the location of the ESB sub-station in proximity to no. 2A Claremont Court.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, including the reports of the planning authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Parking
- Landscaping
- Visual and Residential Amenities
- Other Matters

7.2. Each of these issues are addressed in turn below.

7.3. **Principle of Development**

- 7.3.1. The proposed development is located on land zoned Z3 - neighbourhood centres. Land zoned Z3 has the objective “*to provide for and improve neighbourhood facilities*”. I note that off-licence (part), shop (neighbourhood) and delicatessen are permissible uses on Z3 zoned land. I also note that a petrol station is open for consideration on Z3 zoned land.
- 7.3.2. I note that in the planning history of the site, permission was previously refused under **ABP 306168-19** for the change of use from retail to retail with ancillary off-licence and associated alterations. When **ABP 306168-19** was assessed, the site was zoned Z1 in the 2016 - 2022 Dublin City Development Plan, which had the objective “*to protect, provide and improve residential amenities*”. A part off-licence use was not permissible or open for consideration on Z1 lands.
- 7.3.3. Generally, the principle of a change of use from food preparation and circulation area to retail use for the sale of alcohol, an increase in the net retail floor area, the provision of 1 no. new food offer, modifications to the station forecourt and elevation

changes are acceptable under the zoning objective for the site. However, the site occupies a focal position on the Finglas Road and at the entrance to the Claremont residential estate. Therefore, the impact of the development on the amenities of adjacent properties and the streetscape must be considered. As such, there are a number of other considerations which must be examined, and these are addressed in subsequent sections below.

7.4. Parking

- 7.4.1. The Third-Party states in the grounds of appeal that the site currently contains 21 no. car parking spaces and that eight of the existing spaces could become Electric Vehicle (EV) spaces. The Third-Party also suggest that the parking arrangement should be re-examined to omit any impacts on the open space.
- 7.4.2. I note the response from the First-Party which states that the site currently has 15 no. parking spaces and that it is not possible to provide EV chargers at the existing spaces as it would result in a loss of parking spaces.
- 7.4.3. The First-Party requests that condition no. 5 (a) which omits 2 no. existing parking spaces on the southern boundary of the site, is removed. The First-Party states that there is a distinction between EV charging bays and parking spaces and that EV charging bays do not represent additional car parking spaces. The First-Party also requests that the Board impose a condition restricting the use of charging bays for electric vehicles which are charging.
- 7.4.4. I have examined the existing layout and note that it provides 14 no. parking spaces, 2 no. delivery spaces, 1 no. accessible space, and 4 no. service spaces (for air and vacuuming, one of which is an electric vehicle charging space). The development proposes to provide 8 no. parking spaces, 1 no. wider delivery space, 8 no. EV charging spaces, 1 no. accessible space and 4 no. service spaces (one of which is an EV charging space). As such, I note that there is an overall increase in 1no. space on the site.
- 7.4.5. I note the First Party's response to the grounds of appeal, that it is not possible to provide EV chargers at the existing spaces as it would result in a loss of parking spaces which would have a profound impact on the overall operational efficiency of the service station. As noted in the report from the Transportation Planning Division, the maximum parking standard in accordance with the *Dublin CDP* for the site is 1

no. space per 275 sq.m. The site has a proposed floor area of 283.2 sq. m, which therefore equates to a maximum provision of one car parking space.

- 7.4.6. I note the report from the Transportation Planning Division in Dublin City Council which stated that there is no difference between car parking spaces or EV car spaces and that all space are treated the same. I also note that the Electric Vehicle Charging Infrastructure – Universal Design Guidelines 2023 define a charging bay as follows:

‘A charging bay is a designated area of space where electric vehicles can be parked and connected to a charging station’.

- 7.4.7. I understand the First-Party’s point that a parking space and an EV charging space are different, in that charging bays are only used when cars are being charged. However, I agree with the Planning Authority, in that it is still a parking space. Having regard to the maximum parking standard for the site, the number of parking spaces currently on the site and the overall quantum of parking proposed, I agree with the Planning Authority that there should not be an increase in parking on the site. However, when taking into account the reduction in the number of delivery spaces from 2 no. spaces to 1 no. space at Further Information stage, I consider that there is only a need to omit 1 no. parking space by way of condition. This will ensure that there is not an increase in parking spaces on the site. This would reduce the number of standard parking spaces from 8 no. spaces to 7 no. spaces, which would result in a total of 21 no. spaces being permitted on the site. Should the Board consider granting planning permission, I recommend that this is addressed by way of condition.

- 7.4.8. Furthermore, I consider that the proposed development accords with Policy SMT29 and SMT2 in the *Dublin CDP* in relation to expanding the EV charging network and decarbonising transport. As such, I consider that the First-Party’s request to condition the erection of signage which would ensure that the charging bays are only used by designated vehicles while they are charging is reasonable. Should the Board consider granting planning permission, I recommend that this is addressed by way of condition.

Cycle Parking

7.4.9. At Further Information stage, the applicant was requested to provide bicycle parking for staff and visitors in accordance with the *Dublin CDP*. I note that the applicant responded to the Further Information request by proposing to provide 2 no. Sheffield type stands. I consider the location of the cycle stands which are to the eastern side of the retail unit to be well overlooked and easily accessible.

7.5. Landscaping

7.5.1. I note the concerns from the Third-Party and observations regarding the removal of trees and the proposed planting arrangement which is not considered to be suitable. Concerns are also raised which state that a full topographical survey was not conducted which therefore undermines the landscape proposals and construction methodology. The concerns regarding the topographical survey are generated from a note contained in the Tree Constraints Plan.

7.5.2. I also note the response from the First-Party which states that the site will be adequately screened from the road and that a balance needs to be found between addressing the urgent need for new EV charging points and the retention and replacement of existing trees.

7.5.3. I have examined the Landscape Masterplan which was submitted in response to the Further Information request from the Planning Authority. The drawing identifies the removal of 20 no. trees. I have examined the Arborist Report and I note that the trees proposed to be removed are categorised from B (moderate quality) to U (cannot be retained for longer than 10 no. years). I note that the Tree Constraints Plan contains a caveat in a box titled “Notes”, which states that “*tree and hedgerow positions place reliance on topographical survey. The position of trees and hedgerows not recorded on the topographical survey remains indicative*”. I do not consider this to mean that a topographical survey was not conducted. After visiting the site, I am satisfied that the Tree Constraints Plan appears to identify the location of trees on the site.

7.5.4. The Landscape Masterplan identifies that it is proposed to plant 20 no. native trees along the southern and south-eastern boundaries of the site. Further planting includes native pollinator shrubs, shrubs and groundcover pollinator planting and pollinator hedge planting. I note the comments from the Parks Department in Dublin City Council which raise concern that the proposed planting will not have the same

ecological significance, the loss of the tree group and that the proposed planting will be ineffective as a visual screen for a number of years.

- 7.5.5. I have examined the drawings and undertaken a site visit. I understand the concerns from the Third-Party regarding the size of the landscaping strip and whether or not it is large enough to sufficiently enable trees and plants to grow. I agree with the comment from the Parks Department, that the planting will take a number of years to be effective as a visual screen. However, noting the quantity of planting proposed, the size of the landscaping strip which varies between 1.1 m and 3.4 m in width and the variety and type of trees proposed, I consider that the landscaping strip will provide a suitable visual screen from development in the southeastern corner of the site and is therefore acceptable. I agree with the First-Party that a balance needs to be found between retaining the existing trees and providing EV charging bays and replacement planting. Noting the quantity of trees proposed to be retained on the remainder of the site and the proposed planting arrangement, I consider that the development will appropriately provide EV charging bays whilst also replacing the planting in an acceptable manner.
- 7.5.6. The Third-Party has also raised concern that the development will retain the leylandii trees on the site, which they consider to not be as important as other tree varieties. From my site visit, I noted mature leylandii trees along the western and northern boundaries of the site. I note that no development is proposed along the western and northern boundaries of the site and as such no works are proposed to the leylandii trees. I consider this to be an appropriate approach, particularly given the visual relief and screening of the site which the trees provide.
- 7.5.7. The observations raise safety concerns regarding the boundary wall in the southeastern corner of the site and the need to provide a railing or fence. I have examined the landscaping plan, and I note the proposal to provide a hedgerow and trees along the southeastern boundary wall. Having regard, to the height of the wall, the levels on the site and the proposed planting, I consider that this planting is suitable as a boundary treatment and would be more visually appealing than the installation of a fence or railing on top of the wall.
- 7.5.8. I note the report from the Park's Department recommends the inclusion of 3 no. conditions in relation to tree protection, a tree bond and the landscaping scheme, in

the event of a grant of planning permission. Should the Board consider granting planning permission, I recommend that conditions similar to those recommended by the Park's Department be included.

7.6. Visual and Residential Amenities

- 7.6.1. I note the concerns from the Third-Party and the observers that cars parked at the EV charging bays will be highly visible, that the proposed planting arrangement will not be as beneficial as the existing arrangement, that no visualisations have been submitted, that the section drawings do not accurately reflect the level differences on the site and with the Claremont Estate and the public footpath and that the boundary wall will be used as a retaining wall.

Visibility of the Development

- 7.6.2. I have examined the drawings and I agree with the Third-Party that not all drawings accurately reflect the level difference between the site and the public footpath to the south. This can be seen on Section A-A on the Landscape Masterplan. The First-Party has admitted this error in the response to the Third-Party appeal.
- 7.6.3. In response to the Third-Party appeal, the First-Party has submitted Existing and Proposed Contiguous Elevations Rev B. I note that Existing and Proposed Contiguous Elevations Rev A was submitted to the Planning Authority. The First-Party states that the Existing and Proposed Contiguous Elevations Rev B drawing clearly illustrates the level changes between the public roadway and the station forecourt. From an examination of the drawing, I note that it identifies the level differences between Claremont Court, the public footpath and the southeastern corner of the site in both the existing and proposed scenarios. The drawing also clearly identifies the charging bay levels in the proposed elevation and the existing grass level in the existing elevations. I note however that the Proposed Contiguous Elevation B-B is incorrectly labelled as existing rather than proposed.
- 7.6.4. After inspecting the site and examining the drawings, I am satisfied that this drawing accurately represents the proposed development in context with the surrounding environment. I also consider that the drawing identifies how a portion of the development in the southeastern corner of the site will be screened by the existing boundary wall and proposed planting. Furthermore, I consider that the screening of the development will be aided further by the lowering of the existing grass level in

line with the level of the retail forecourt for the provision of the EV charging bays and substation. I note the concerns raised regarding the use of the boundary wall as a retaining wall. However, having regard to the levels and measurements shown on the Proposed Contiguous Elevation A-A which was the new revised drawing submitted to An Bord Pleanála, I am satisfied that the boundary wall will function as a suitable boundary treatment.

- 7.6.5. I note in the grounds of appeal that the Third-Party is concerned about the relationship between the site and Clareville House which has not been shown. However, I am satisfied that the Existing and Proposed Contiguous Elevations Rev B drawing sufficiently identifies the site in its context. I am also satisfied that the proposed development will not cause undue visual impacts to Clareville House.
- 7.6.6. Having regard to the quantity of development proposed and its setback from the southeastern corner of the site, I consider that the development will have an impact on the visual amenity of the streetscape, particularly at this prominent corner at the entrance to the Claremont estate. Furthermore, I note the importance of the mature planting in the southeastern corner of the site which softens the functionality of the petrol station to the surrounding area.
- 7.6.7. However, having regard to the type of development proposed in the southeastern corner of the site, which consists of parked cars, EV charging posts which measure 2.2 m in height and lighting columns, all of which will be setback from the boundary wall and enclosed by planting, I consider that the development will be sufficiently screened and will not have an undue negative impact on the visual amenities of the streetscape.

Elevation Changes

- 7.6.8. I note the changes proposed to the elevations of the retail unit which include a new entrance door, glazing and signage. Having regard to the proposed changes which I consider to be minor in nature, I do not consider that the elevational changes to the retail unit will negatively impact the visual amenities of streetscape.

Lighting and Noise

- 7.6.9. The observations have raised concerns that the lighting and noise generated by the development will negatively impact adjacent properties, particularly no. 2A

Claremont Court. The observations have also stated that the development will also result in a loss of privacy for adjacent properties.

- 7.6.10. I note that the proposed development will result in an increase in activity in the southern corner of the site as customers use the EV parking bays which will be generated by the ESB sub-station. However, I also note the existing arrangement in the southern corner of the site which provides parking and 2 no. picnic tables associated with the petrol station on the site. I note the location of the proposed lighting columns. Having regard to the fenestration on no. 2A Claremont Court, I do not consider that the proposed lighting design will impact the residential amenities of adjacent properties, in particular no. 2A. I note the Planning Authority included condition no. 7 in the Notification of Decision to Grant Permission. Condition no. 7 stated that external lighting on the site shall comply with the recommendations for E3 locations as set out in the ILP's 2021 Guidance Note 1 for the Reduction of Obtrusive Light. Should the Board consider granting planning permission, I recommend that a similar condition is included.
- 7.6.11. Furthermore, having regard to the quantity of proposed parking and EV charging bays, the proposed substation, proposed levels and planting arrangement, relative to the positioning of dwellings in Claremont Court, I do not consider that the development will negatively impact the amenities of adjacent properties by way of a loss of privacy or an undue level of noise generation. I note the Planning Authority included condition no. 8 in the Notification of Decision to Grant Permission in order to the minimise noise generated by the development. Condition no. 8 states that the LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation. Should the Board consider granting planning permission, I recommend that a similar condition is included in order to the protect the residential amenities of adjacent properties.

7.7. Other Matters

Sale of Alcohol

- 7.7.1. The observations have raised concerns regarding the sale of alcohol from the retail unit and the potential for the sale of alcohol to result in anti-social behaviour. Concerns have also been raised that another off-licence is not required in the area, given the site's proximity to O'Brien's off-licence on Prospect Road and Lidl on Slaney Road.
- 7.7.2. The First-Party has stated that the off-licence will improve the range of facilities on offer at the service station.
- 7.7.3. The drawings identify the location of the off-licence in the western back corner of the shop. In accordance with section 15.14.8 of the *Dublin CDP*, I note that the off-licence area is subsidiary to the main use of the shop, constitutes less than 10% of the total floor area (8.65%), is located to the rear of the shop and is accessible via a barrier. As such, I am satisfied that the off-licence complies with the development criteria set out in section 15.14.8 in the *Dublin CDP* for off-licences.
- 7.7.4. I note the concerns raised in the observations regarding the provision of another off-licence in the area. However, having regard to the proximity of the site to Lidl on Slaney Road (c. 450 m) and O'Briens on Prospect Road (c. 800 m), I do not consider there to be an overprovision of off-licences in the immediate area of the site. Whilst I understand the observers concerns regarding anti-social behaviour, I do not consider that it would be reasonable to refuse the application on this basis, particularly given that a part off-licence is a permissible use on Z3 zoned land and that the off-licence is subsidiary to the primary use of the petrol station and retail unit.

Construction

- 7.7.5. I note the concerns raised by the observations regarding the impact of construction and the removal of soil from the site. Should the Board consider granting permission, I recommend that this is addressed by way of condition requiring the submission of a construction management plan.

Devaluation of Neighbouring Property

- 7.7.6. I note the concerns raised in the observations with respect to the devaluation of neighbouring property. However, having regard to the assessment and conclusions

set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Luas Cross City Section 49 Development Contribution Scheme

- 7.7.7. I note the observation submitted by Transport Infrastructure Ireland to Dublin City Council which outlined that the site is located within the area of an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen’s Green to Broombridge Line).
- 7.7.8. Section 11 of the contribution scheme sets out a list of development types which are exempt from the development contribution scheme. I note that changes of use from one commercial/ retail use to another and ancillary uncovered surface car parking are exempt. The proposed development does not result in any additional floorspace. Should the Board consider granting planning permission, I consider that a section 49 condition is not required.

Impact on Bus Connects and Cycle Lanes

- 7.7.9. The observations submitted to the Planning Authority raised concern that the development has not taken into account bus connects and future cycle lanes on Finglas Road. However, I note that the development is not proposing any works to the entrance or exit from the site nor to the boundary treatments along Finglas Road. As such, I am satisfied that the development will not impact bus connects and future cycle lanes on Finglas Road.

Surface Water

- 7.7.10. The appellant has stated that the application does not detail how surface water will be managed on site. I note the report from the Drainage Division in the Planning Authority which states that they have no objection to the proposed development subject to compliance with conditions.
- 7.7.11. I have examined the Proposed Drainage Layout drawing which identifies the proposed surface water drainage on the site.
- 7.7.12. Should the Board consider granting planning permission, I recommend that a condition is included requiring that the details for the disposal of surface water are agreed with the Planning Authority prior to the commencement of development.

8.0 AA Screening

- 8.1. I have considered the works to the Circle K site in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located 3.4 km from South Dublin Bay and the River Tolka Estuary Special Protection Area (SPA).
- 8.2. The proposed development comprises modifications to the layout, creation of an off-licence, increase in floor size, construction of 8 no. EV charging spaces and all associated site works. No nature conservation concerns were raised in the planning appeal.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.4. The reason for this conclusion is as follows:
- The small scale and nature of the development
 - The site is located 3.4 km from South Dublin Bay and the River Tolka Estuary Special Protection Area (SPA) of which there is a lack of connections from the subject site.
- 8.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

- 9.1. The proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.
- 9.2. I refer the Board to Appendix 2 for my screening assessment.

10.0 Recommendation

10.1. I recommend that permission be granted for the following reasons and considerations, subject to conditions.

11.0 Reasons and Considerations

11.1. Having regard to the existing development on the site, to the provisions of the Dublin City Development Plan 2022 – 2028, and to the layout and design as submitted, the Board considers that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or general amenities of adjoining properties or the streetscape, would not result in an over-provision of off-licences in the area, would be in accordance with the Climate Action Plan 2025 for the provision of EV charging facilities and would be in accordance with the Z3 neighbourhood centre zoning for the site, which seeks to provide for and improve neighbourhood facilities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars submitted with the planning application, as amended by the further plans and particulars received by An Bord Pleanála on the 25th September 2024, except as may be otherwise 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>Prior to the commencement of development details of signage notifying customers that the charging bays are only to be used by designated</p>

	<p>vehicles while they are charging, shall be submitted to, and agreed in writing by the Planning Authority.</p> <p>Reason: In the interest of clarity and sustainable transport.</p>
3.	<p>(a) Tree Protection</p> <p>All trees and vegetation shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. Permitted tree and shrub removal shall not take place during the bird nesting season.</p> <p>(b) Tree Bond</p> <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>(c) Landscape Scheme</p> <p>The developer shall retain the professional services of a qualified Landscape Architect throughout the life of the site development works and their appointment shall be notified to the planning authority prior to commencement of the works. The submitted landscape master plan shall be fully implemented. Any vegetation which dies or is removed within 3 years of planting shall be replaced in the first planting season thereafter.</p>

	<p>The Landscape Architect shall submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.</p> <p>(d) Boundaries</p> <p>All existing and retained boundary walls/ raised kerbs shall be cleaned, repaired and re-painted as required.</p> <p>Reason: In the interests of amenity, ecology and sustainable development.</p>
4.	<p>Transport</p> <p>(a) 1no. car parking space along the southern boundary of the site adjoining Claremount Court Residential estate shall be omitted.</p> <p>Development shall not commence until revised plans, drawings and particulars showing these amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the commencement of the use hereby permitted.</p> <p>(b) The bicycle parking facilities shall be constructed and ready to use prior to the commencement of the permitted use.</p> <p>Reason: In the interest of sustainable transportation, road safety and orderly development.</p>
5.	<p>Drainage</p> <p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
6.	<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</p>

	<p>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.</p> <p>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 to be applied to the permission.</p>
7.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
8.	<p>Part Off-Licence</p> <p>(a) The display of alcohol products shall be limited to the area submitted on drawing number P2377.GLA.A02.</p> <p>(b) The area for the display of alcohol products shall be secure and monitored.</p> <p>(c) There shall be no display of alcohol products or advertising of the sale of alcohol products on or near the façade/frontage, entrance and the windows.</p> <p>Reason: In the interests of orderly development.</p>

9.	<p>External lighting of the site shall comply with the recommendations for E3 locations as set out in the ILP's 2021 Guidance Note 1 for the Reduction of Obtrusive Light.</p> <p>Reason: In the interests of residential amenity.</p>
10.	<p>The LAeq level measured over 15 minutes (daytime) or 5 minutes (nighttime) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.</p> <p>Reason: In order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings.</p>
11.	<p>Site development and building works shall be carried out between the hours of 7.00 am to 6.00 pm Mondays to Fridays inclusive, between 8.00 am to 2.00 pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity</p>
12.	<p>During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'</p> <p>Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity</p>
13.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.</p>

	Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Catherine Hanly
Planning Inspector

5th June 2025

13.0 Appendix 1 - Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320680-24		
Proposed Development Summary	Modifications to layout, creation of off licence, increase in floor size, construction of 8 EV charging spaces and all associated site works.		
Development Address	Circle K Service Station, Finglas Road, Glasnevin, Dublin 11, D11 WD9H		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		N/A	EIA Mandatory EIAR required
No		N/A	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		N/A	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		

Inspector: _____ Date: _____

14.0 **Appendix 2**

Screening the need for Water Framework Directive Assessment Determination.

The subject site is located at the Circle K Service Station on the Finglas Road. The nearest water body is the Royal Canal Main Line.

The proposed development comprises the modification to the layout, creation of off licence, increase in floor size, construction of 8 no. EV charging spaces and all associated site works.

No water deterioration concerns were raised in the planning appeal.

I have assessed the development proposed at the Circle K site and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The nature of the development
- The site is located approximately 0.38 km from the Royal Canal Main Line and there is a lack of a hydrological connection.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.