

David Mulcahy Planning Consultants Ltd
67 The Old Mill Race
Athgarvan
Co. Kildare

NOTIFICATION TO GRANT PERMISSION
PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER

Final Grant Order No.:	0228	Date of Final Grant:	27-Feb-2023
Decision Order No.:	0044	Date of Decision:	18-Jan-2023
Register Reference:	SD22A/0114	Date:	13-Dec-2022

Applicant: Petrogas Group Ltd.

Development: Electric fast charging hub and drive-thru coffee building (24/7 opening hours). 8 electric fast charging spaces to the west side of the site; drive-thru coffee building (167sqm) will contain a beverage area, seating area and back of house area (storage, lobby, toilets); single storey building with a maximum ridge height of 6m and a minimum ridge height of 3.6m; 3 signs on the building; ancillary development of refuse compound, 4 free standing signs, 1 free standing height restrictor, 1 substation(28.75sqm 3.075m high), 31 car parking spaces, internal vehicular access, internal circulation road, paving, pedestrian entrance with steps, landscaping, boundary treatment and all associated site works including pumping station. 13 existing car park spaces will be removed to facilitate the proposed.

Location: Applegreen, Naas Road Service Station, Tootenhill, Rathcoole, Dublin, D24DH00

Time extension(s) up to and including:

Additional Information Requested/Received: 14-Jun-2022, 14-Nov-2022 / 18-Oct-2022, 13-Dec-2022

A Permission has been granted for the development described above, subject to the following conditions.

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 18/10/22 and Clarification of Further Information received on 13/12/22, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Amendments.
Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
Revised plans that incorporate all of the following amendments-

(a) The applicant shall remove 1 no. car parking space serving the coffee shop. The applicants assertion that converting one space to EV charging as part of a EV charging facility is not accepted given the separation of the space from the other EV spaces permitted per this permission. Converting car parking spaces to EV does not allow for parking provision over and above the maximum rates of the Development Plan and this will not be accepted.

(b) The applicant should note that NO signage is permitted per this application.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

3. Signage.

No advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

4. Roads, Access and Management

A. Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.

B. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed. Updated SDCC Taking in Charge standards.

C. Prior to commencement of development a developed Construction Traffic Management Plan shall be agreed with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

D. Prior to commencement of development a developed Construction & Demolition Waste Management Plan shall be submitted and agreed with the planning department. The agreed plan, along with the written agreement of the planning department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

E. A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed with the roads department and the agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

REASON: In the interest of the proper planning and sustainable development of the area

5. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Environmental Health - Construction Phase

A. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that:

The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the

following hours

- Before 07.00 hours on weekdays, Monday to Friday
- Before 09.00 hours on Saturdays.
- After 19.00 hours on weekdays, Monday to Friday.
- After 13.00 hours on Saturdays.
- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

B. During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

REASON: To contain dust arising from construction / demolition in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

7. Environmental Health - Operational Phase

A. Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

REASON: In the interest of public health.

B. Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

REASON: In the interest of public health.

C. All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time.

REASON: In the interest of public health.

8. Noise Control

As per the recommendations of the Noise Control report submitted by the applicant, a noise survey shall be conducted when the proposed development is complete and submitted to the Planning Authority within six months of the completion of the development for their written agreement.

REASON: To ensure appropriate noise levels at the site in the interest of minimising nuisance

9. Opening Hours

The opening hours of the coffee shop shall be subject to monitoring, and in the event that any issues are raised in relation to nuisance, shall be subject to amendment.

REASON: In the interest of the proper planning and sustainable development of the area

10. Surface Water Attenuation

The applicant is requested to submit a revised surface water drawing and report, for the written agreement of the Planning Authority, prior to the commencement of development. The applicant should note that underground surface water attenuation will only be considered as a last resort where it can be demonstrated that other alternative opportunities for attenuation

have been exhausted.

REASON: In the interest of sustainable surface water drainage

11. Implementation of Landscape Plan

a. The landscaping scheme shown on drawing No.'s 21103_LP_D and 21103_SLP_D be carried out in the first planting and seeding seasons following the occupation or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

b. The hard landscaping scheme shown on drawing No. 21103_LP_D shall be completed prior to the occupation of the development and thereafter permanently retained.

REASON: In the interests of biodiversity, amenity, compliance with Development Plan Policy, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area in accordance with the policies and objectives of the County Development Plan 2022-2028.

12. Green Infrastructure

The applicant shall submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

a. Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.

b. Indicate how the development proposals link to and enhance the wider GI Network of the County.

c. Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.

d. Proposals for identification and control of invasive species where appropriate, for the site

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.

13. Practical Completion Certificate

i. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

ii. Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design

14. 4. SUDS IMPLEMENTATION

The submitted SuDS scheme shall be implemented within a timescale to be agreed and approved by the Planning Authority and thereafter managed and maintained in accordance with the approved details and submitted management and maintenance plan. Where necessary, the applicant shall increase the provision of SuDS at the site to maximise natural surface water attenuation.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with relevant policies of the CDP 2022-2028.

15. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €18, 799.19 (Eighteen Thousand Seven Hundred and Ninety Nine Euros and Nineteen Cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning

Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTES :

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto www.localgov.ie and click on BCMS link.
- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.

M. Crowley

for Senior Planner

27-Feb-2023