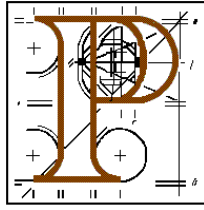


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Clare County

Planning Register Reference Number: P16/601

An Bord Pleanála Reference Number: PL 03.247394

APPEAL by Emo Oil trading as Great Gas care of Brendan Grimes of Oak Farm, Milverton, Skerries, County Dublin against the decision made on the 16th day of September, 2016 by Clare County Council to refuse permission.

PROPOSED DEVELOPMENT: Development of a 24/7 unmanned petrol station consisting of:-

1. Two number four hose pumps under a canopy 4,500 millimetres high, dispensing unleaded petrol and diesel on each side.
2. Two number underground storage tanks, each 40,000 litres, one storing unleaded petrol and one storing diesel.
3. All the associated fuel pipework between the pumps and underground tanks, fill points and vents.
4. Concrete and asphalt slab surfacing plus associated drainage. The drainage from the area around the forecourt and delivery points will be discharged into a 10,000 litres Class 1 petrol interceptor.
5. Two 900 millimetres by 900 millimetres by 2,400 millimetres high electrical cabinets.
6. Off set fill points and vents on the south-western boundary.
7. 1,800 millimetres high by 9,000 millimetres long solid block wall at the back of the vents.
8. Low level 600 millimetres high stone wall along the north-west, north-east and south-east boundary. 1,800 millimetres high block wall along the south-western boundary.

9. Advertising signage along the edge of the canopy and a standalone 6,000-millimetre-high advertising monolith in the northern corner of the site.
 10. Vehicle entrance and exits along the north-western site boundary.
- All at Number 1 The Hawthorns, Limerick Road, Ennis, County Clare.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The appeal site is located on lands that are zoned 'Residential' in the Clare County Development Plan, 2017-2023. A petrol station is identified as a use that is not normally permitted on lands that are zoned residential and paragraph 19.5.3 of the Plan states that such developments would only be permitted in exceptional circumstances. The proposed development would be contrary to the residential zoning objective of the site, would seriously injure the residential amenities of existing and future occupants of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location, nature and design of the proposed development, including its proximity to existing residential properties, the proposed access via a residential estate road, to the proposed 24 hour operation of the site and to the extent of signage and lighting of the site, it is considered that the proposed development would be incompatible with the prevailing pattern of development in the vicinity, would have a significant negative impact on the character of the area due to visual prominence and would seriously injure the amenity and depreciate the value of property in the vicinity by reason of noise, light pollution and general disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site accessed via an existing residential estate road and a roundabout from the R458, the proximity of the entrance to the site to the junction with the R458 and the layout of the proposed exit to the site and potential restrictions to visibility at this point, it is considered that the proposed development would result in potential conflicts with existing pedestrian, vehicular and cycle movements. The proposed development would, therefore, endanger public safety by reason of traffic hazard.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.