

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Limerick City and County Council

Planning Register Reference Number: 17/450

An Bord Pleanála Reference Number: ABP-300054-17

Appeal by Valero Energy (Ireland) Limited care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare and by Topaz Energy Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 3rd day of October, 2017 by Limerick City and County Council to grant subject to conditions a permission to the said Valero Energy (Ireland) Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Construction of a single storey service station retail/services building with a ground floor area of 461 square metres including convenience shop (100 square metres net retail floor space), delicatessen for hot and cold food sales, with 90 square metres seating area and ancillary kitchen, stores, toilet and staff facilities; (2) construction of a service station forecourt with canopy, six number fuel dispensing pump islands and four number underground fuel storage tanks; (3) install two number main ID signs, erect canopy signage and shop fascia signage; (4) pressure wash and brush wash installation and (5) construction of ancillary site features including service yard and recycling building, all with associated site works at Parkway, Old Dublin Road and R445, Limerick.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the provisions of the current Limerick City Development Plan 2010-2016, the pattern of existing and permitted development in the vicinity, the planning history associated with the site and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, the Board is satisfied that the proposed development, generally accords with the policy requirements of the Development Plan. It is further considered that the design, scale and finish of the proposed works, would not seriously injure the general, visual or residential amenities of the area, would not represent a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on the 6th day of September, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed kerb edge along the property frontage on the Old Dublin Road shall be set back a minimum of 10.4 metres, measured from the channel kerb on the north side of the Old Dublin Road. Prior to the commencement of any development on site, revised plans and drawings shall be submitted for the written agreement of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

3. The retail unit shall be used solely for the sale of goods relating to the motor trade, or such convenience goods as are appropriate to a petrol filling station (confectionary, newspapers, etc), and no part shall be used for the sale, display or repair of motor vehicles. No off-licence shall operate from the site.

Reason: In order to restrict the retail sales within this shop to those appropriate to a petrol filling station and comply with the City Development Plan 2010-2016.

4. No additional advertisements or advertisement structures shall be erected or displayed within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for written agreement.

Reason: In the interest of the visual amenities of the area.

6. The use of the sit down café seating area shall be ancillary to the main use of the premises as a shop and no change of use of the area shall take place without a prior grant of planning permission. No fast food take-away shall operate from this unit.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

7. Prior to commencement of development, full details of all plant, including noise levels, shall be submitted to the planning authority for written agreement.
Reason: In the interest of residential amenity.

8. All lighting used within the site curtilage shall be directed and cowled so as not to interfere with passing traffic or the adjoining residential properties.
Reason: In the interest of residential amenity and traffic safety.

9. All service cables associated with the proposed development shall be run underground within the site.
Reason: In the interest of orderly development and the visual amenities of the area.

10. During the operational phase of the proposed development, the noise level from within the premises, measured at noise sensitive locations in the vicinity, shall not exceed-
 - (a) an LA_{rT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday (inclusive), and
 - (b) an LA_{eqT} value of 45 dB(A) at any other time.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate.

Reason: To protect the amenities of properties in the vicinity of the site.

11. Prior to commencement of development, the developer shall engage an appropriately qualified environmental consultant to carry out a site contamination report complete with appropriate remediation measures. The report shall be submitted to the planning authority for agreement, and all the agreed remediation measures shall be carried out in full if required.

Reason: In the interest of public health and to ensure a proper standard of development.

12. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2018