



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 17/420

Appeal by Topaz Energy Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork and by Petrogas Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 21st day of December, 2017 by Limerick City and County Council to grant subject to conditions a permission to Liam Carroll care of McGurran Associates Limited of First Floor, 551-555 Lisburn Road, Belfast, County Antrim in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of: (a) Demolition of all existing structures, (b) construction of a single storey service station building of 550 square metres gross floor space incorporating a convenience shop that will consist of 99.8 square metres net retail area, café, deli and food preparation space (no frying), seating, children's play area, storage, staff area, toilets, bin storage and delivery yard to the rear. The service station forecourt will comprise a canopy with an illuminated fascia and six number fuel pump islands, electric car charging points, car services area, a car wash facility and two number 40,000 litre and one number 60,000 litre underground fuel storage tanks with associated pipework and overground fill points,

(c) construction of a two storey restaurant building of 650 square metres gross floor space with drive thru facility, ground floor seating, children's play area, food preparation space, refrigeration, storage and toilet areas, and first floor staff room, office, storage and toilet areas, (d) parking to comprise a total of 67 number car parking spaces, two number coach/HGV parking spaces and bicycle stands, (e) and ESB substation, associated signage throughout the site, attenuation tank and interceptors, package treatment plant including pumping station, new access slip-lane into site from Ennis Road (R445) and upgrade of existing site access/egress arrangement off Clondrinagh Industrial Estate Road, all associated site boundary treatments, landscaping and site development works, all on a site of 0.77 hectares at Clondrinagh Roundabout, Clondrinagh, County 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 land use zoning of the site, its location and the established pattern of development in the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area, would not give rise to a traffic hazard and would not, therefore, be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development, would not be likely to have a significant effect on any European Site in view of the site's conservation objectives.

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 plans and particulars submitted on the 10th day of November, 2017, the 23rd day of November, 2017 and the 7th day of December, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

3. The service station 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 (confectionery, newspapers). No fast food take-away or off-licence shall operate from this unit.

Reason: To control development and in the interest of clarity.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays, Bank or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. 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.

Reason: In the interest of orderly development.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, noise/vibration and traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. During the construction phase, the developer shall provide adequate off-carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. Parking along the public road shall not be permitted.

Reason: In the interest of traffic safety.

8. Prior to commencement of development, details of road signage, warning the public of the entrance and details of proposals for traffic management at the site entrance shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

9. The paved forecourt shall be laid to falls to ensure that surface water does not pond at the entrances or flow onto the carriageway.

Reason: In the interest of public health and to protect local groundwater sources.

10. The proposed surface water drainage system shall be designed and constructed so that water contaminated by petrol or waste oils is piped to oil/grease traps before discharging to the sewerage system. All grease traps and oil sumps shall be cleaned on a regular basis.

Reason: In the interest of public health and to protect local groundwater sources.

11. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

12. Car wash water shall be adequately settled prior to discharge to ensure that silt is retained. Such silt shall be removed at regular intervals and disposed of in an environmentally safe manner.

Reason: In the interest of ensuring proper and efficient drainage.

13. No goods, merchandise or other materials shall be stored and/or displayed for sale on or about the forecourt area without a prior grant of planning permission.

Reason: In the interest of visual amenity and traffic safety.

14. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority.

- (i) Details of the materials, colours and textures of all the external finishes to the proposed development.

- (ii) All signage and lighting for the proposed service station, restaurant and drive-thru.

- (iii) Precise details of the proposed opening hours.

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

15. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

16. A full retention Class 1 oil interceptor shall be installed on-site which meets the minimum requirements of BS EN 858. The outfall from the interceptor shall be connected to the main sewer when a connection becomes available.

Reason: In the interest of public safety.

17. The developer shall facilitate the protection of archaeological materials or features which may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. Prior to commencement of development, details showing compliance with Stage I and Stage II petroleum vapour recovery requirements contained in S.I. No. 375 of 1997 and S.I. No. 687 of 2011 shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public safety.

19. Any underground pipe work for the delivery to or abstraction from the proposed oil tanks shall have water tight ducting.

Reason: In the interest of public safety.

20. All waste from the facility shall be securely stored on site prior to collection by an authorised specialist waste management operator and shall not be stored on the public road.

Reason: In the interest of public health.

21. Prior to commencement of development, details of all roads, footpaths, pedestrian crossings, road markings and signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

22. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is operational.

Reason: In the interest of public safety and visual amenity.

23. No additional advertising signs, symbols, flags, emblems or logos, other than those indicated on the plans submitted, shall be erected externally on the canopy or anywhere on site whether or not such signs would constitute exempted development or not without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.

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

24. 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.

Terry Ó Niadh

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

Dated this day of 2018.