

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/1347

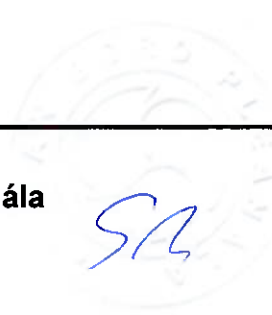
APPEAL by Maxol Limited care of Tom Phillips and Associates Planning Consultants of 80 Harcourt Street, Dublin against the decision made on the 8th day of April, 2022 by Limerick City and County Council to refuse permission.

Proposed Development: The proposed development will consist of alterations to the existing one and two storey service station retail unit with deli, ancillary off-licence, storage and offices comprising a single storey extension (45.5 square metres) and internal alterations to 79 square metres of existing floor area to provide for a drive-thru restaurant (65 square metres) resulting in the reduction in the existing seating area, increased ancillary storage and office space; roof plant; additional signage comprising four number internally illuminated signs on the front and east side facades (0.58 square metres, 0.99 square metres, 1.13 square metres, 2.04 square metres) and one number illuminated sign inside the shopfront (1.15 square metres). Total gross floor area of the service station retail unit, drive thru and ancillary uses to be 992 square metres. The proposed development will also consist of the reconfiguration of the service station forecourt and site including: removal of totem sign, forecourt canopy and six number pump islands, parcel kiosk and solid fuel store; relocation of AC plant and enclosure, control room, water tank, container, gas tank and enclosure, car wash bays, lance wash bay, and

service bays; provision of four number pump islands and a new forecourt canopy with integrated public lighting and internally illuminated signage, 22 number bicycle parking spaces (10 number covered), one number coach and two number HGV parking spaces, four number covered EV car charging points, 20 number additional car parking spaces (88 number total), external seating and 11 number free standing signs (1.7 square metres, 1.42 square metres and 2.25 square metres) including eight internally illuminated signs (two number x 0.68 square metres double sided, two number x 1.39 square metres, 2.67 square metres, 3.59 square metres, 6.46 square metres, and 14 square metres double sided replacement totem); reconfiguration of existing vents, fills and hardstanding; revised vehicular and pedestrian circulation, including provision of a drive-thru lane, boundary treatments, hard and soft landscaping, changes to levels and all site development works above and below ground. Retention permission is sought for a 7.6 square metres area currently in use as an electrical room, all at a 0.84 hectare site at Maxol Service Station, Dublin Road, Castletroy, Limerick. The site is bounded to the north by the Dublin Road, to the east by undeveloped lands, to the south by the Castletroy Town Centre and to the west by a dwelling.

Decision



REFUSE permission/outline permission for the above proposed development in accordance with the reasons and considerations set out below.



Reasons and Considerations

1. Having regard to the location of the existing filling station on a highly trafficked route, the nature of development and the concentration of retail activities in the vicinity of the site including takeaway facilities and given the car dependent nature of the use, it is considered that the proposed drive thru restaurant is contrary to Objective 11.6.2.2 of the Limerick Development Plan 2022-2-28 in relation to an excessive concentration of takeaway type developments in an area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area as a whole.
2. The proposed development as outlined, including the quantum of car parking and the scale of land use given over to parking and vehicle circulation is considered to give excessive priority to car infrastructure over more sustainable transport methods and as such would be contrary to National Policy Objective 27 of the national planning framework which is to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. The proposed development would, therefore, be contrary to National Planning Policy and to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the volume of restaurants and take-aways referred to in the Inspector's report and did not agree that the proposal would not result in an overconcentration of take-aways in the area. While the Board agreed with the Inspector that the proposal would, to a degree, improve permeability for more vulnerable clients, the Board did not agree that an intensification of vehicle movements and of parking and circulation space was appropriate in this instance given the context and zoning of the site.



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

Dated this ^{8th} day of *January* 2024.