



An  
Bord  
Pleanála

## Inspector's Report PL25M.247579

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<b>Development</b>	Construction of extension to existing service station retail building (146sq.m), ancillary site works, car parking alterations, landscaping, associated drainage and building signage.
<b>Location</b>	Robinstown, Mullingar, Co. Westmeath.
<b>Planning Authority</b>	Westmeath County Council
<b>Planning Authority Reg. Ref.</b>	16/6215
<b>Applicant(s)</b>	PFK Investments Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	PFK Investments Limited
<b>Observers</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> January 2017
<b>Inspector</b>	Patricia Calleary

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.42 ha is located along the western side of the R394 regional road (Castlepolard Road), c.1.7km from Mullingar town centre. It is located c.1.6km from Junction 17 on the N4 and is within a 50kph speed zone. It currently comprises a fuel service station and a retail building (Centra) with a stated net retail area of 100 sq.m, a deli, 20 sq.m of seating areas, storage, offices, toilets and a staff canteen. The forecourt canopy has 4 fuel pump islands. There are 2 car wash facilities on site and parking for 26 cars are shown on the existing drawings. Vehicular access is via an entrance point on the south end and there is a separate exit onto the public road at the north end. The site is currently serviced by an on-site wastewater treatment system.
- 1.2. The site adjoins Lough Sheever business park to its west (rear). There is a house located immediately adjacent to the north. Car sales uses are located to the south of the site.

## 2.0 Proposed Development

- 2.1. The site notice sets out that the proposed development would comprise the construction of an extension (146 sq.m) to the existing service station retail building together with building signage, relocation of offset fill point, storage tank, service area and fuel dispenser unit, overground storage tank, car parking alterations, landscaping, all associated drainage works and signage. The extension is shown positioned to the north west of the existing host building.
- 2.2. The drawings on file however show the extension would comprise a restaurant of 146 sq.m which would include a kitchen area (size not stated) and a seating area of 61 sq.m with 28 seats. While unlabeled, it would appear that there would also be a counter running across the width of the extension, between the seating area and the kitchen. The restaurant would be accessed via a 2.23m wide double door entrance leading from the front external area and there is also a single door, perhaps an escape door shown leading direct to the external area on the side. The existing retail / shop area would be connected to the restaurant through a 3m opening.

- 2.3. At appeal stage, it is stated that the restaurant would serve 'fast food variety' to include 2 food/beverage offerings and that it would not be a table service restaurant. It is also stated that the applicant is willing to accept a condition requiring the external door to be blocked up.
- 2.4. Based on the drawings, the development is also proposed to connect to the public foul sewer via a new sewer line a distance of 800m from the site which would entail excavations of varying depths up to c.5m.
- 2.5. The Planning application was accompanied by a cover letter from JA Gorman consulting engineers and a report from David Mulcahy Planning Consultants Ltd. specifically addressing the reasons for the previous refusal by Westmeath County Council for effectively the same development under planning reg. reference **16/6072**. It is stated in that report by David Mulcahy, that a detailed planning report had been enclosed with the previous application but was not on the PAs file. It is also stated that a copy was again enclosed as an appendix to the current application but the Planning Authority have stated that the report was not received. I note that a copy of the report has been submitted with the appeal and is on the Boards file. The report is entitled 'Planning report to support application for ancillary restaurant'.

### 3.0 Planning Authority Decision

- 3.1. The Planning Authority issued a decision to **refuse permission** for three reasons which included:
  1. Proposed restaurant development on an edge of town site, removed from the retail core would compromise the consolidation of retail and restaurants function in the town centre and undermine the vitality and viability of the town centre;
  2. Cumulative development would lead to an intensification of the use of the site resulting in traffic congestion and would endanger public safety;
  3. Sewer connection as proposed would limit future potential connections and would not provide sustainable utility provision.

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

The following is a summary of the Planning Officers report on file.

- Principle of the development, particularly the intensification of use, is not in keeping with proper planning and sustainable development;
- The existing floorspace is 100 sq.m and there is also an existing deli area of 50.2 sq.m, seating area of 22 sq.m and associated kitchen/freezer/office area;
- Previous permissions on the site (02/1384 and 07/5463) restricted the deli element not to be used as a takeaway;
- Concerned that it would become a destination to stop and dine/rest and cause substantial level of traffic. It is located 1.7km from Mullingar town centre and can impact on the town centre;
- Two separate entrances shown on the building drawings which would suggest it would become a trip generator on its own.
- Proposed development conflicts with the Mullingar Town Plan policy in relation to petrol filling stations and also the Westmeath Retail Strategy;
- Design broadly consistent with the permitted scheme;
- Applicant has not demonstrated the ability or authority to connect to a public sewer or any viable alternative;
- Site not located within a designated flood area as per the latest CFRAMs assessment;
- Pre-planning discussions held in which a takeaway/drive thru was discussed and that the advice given was that the proposal would lie contrary to the development plan policy.

The Planning Officer put forward a recommendation to **refuse permission**.

## 4.2. Other Technical Reports

- **District Engineer** – Proposed connection to the public sewer would cause major traffic disruption during construction. The proposed 150mm diameter sewer would only benefit the proposed development and would not provide capacity to serve other premises not currently served by the public network. Site inspections have revealed traffic congestion including cars and trucks and an undersupply of parking. The extension would provide even a greater demand for parking;
- **Fire Officer** – No Objections provided adequate water for firefighting is provided;
- **Environment Section** – No Objection subject to conditions.

## 4.3. Prescribed Bodies

- **HSE** – no objections subject to all conditions which are outlined in their department's report dated 19.04.2016. (Inspectors note: A copy of that report was received by the Board on 22<sup>nd</sup> February 2017).

## 4.4. Third Party Observations

- None received

## 5.0 Planning History

### 5.1. Appeal site

- **16/6072** – Permission **refused** for an extension (146 sq.m) to existing service station, relocation of existing fill point and existing over ground tank, car parking alterations, landscaping, drainage works and signage;
- **08/5120** – Permission **granted** on 27<sup>th</sup> August 2008 for alterations to retail building previously granted under 07/5463 and change of use from retail to retail with off-licence use;

- **07/5463** – Permission **granted** on 7<sup>th</sup> November 2007 to demolish existing service station shop building and construct a new shop building with retail area, food bar and ancillary offices, install underground tanks, install car wash, over ground fill points, parking, relocate overground tank and install new treatment plant and percolation area;
- **02/1384** – Permission **granted** on 15<sup>th</sup> September 2003 to demolish shop building and construct new retail building, ancillary works and treatment plant.

## 6.0 Policy Context

### 6.1 Mullingar Local Area Plan 2014-2020.

- **Chapter 4** - It is important to retain a strong retail and commercial base in the Town Centre to consolidate and realise Mullingar's regional role;
- Site has a zoning objective **O-LZ3 - To provide for enterprise, employment** and related uses including industrial and service uses such as Class 3 offices, which due to their scale or nature cannot be located within the town centre;
- Section 3.19 – Local Shops and **Petrol Filling Stations** – Local shops attached to petrol filling stations are a growing sector of the retail market. As stated in the Retail Planning Guidelines 2012 the net sales area of such units shall not exceed 100sq.m;
- Section 3.21 – **General Retailing Policies and Objectives**;
- **Retail Policies** include – P-RET1 – Protect and strengthen the retail primacy of Mullingar within the region; P-RET2 – Encourage the development of the retail and service role of Mullingar as a self-sustaining centre; P-RET3 - To protect the retail function of the Core Shopping Area; P-RET4 To secure the continued consolidation of Mullingar Town Centre; P-RET5 - To sustain the vitality and viability of the major shopping areas and to encourage measures to improve their attractiveness and P-RET6 - To adhere to the provisions of the Sequential Approach in the consideration of retail applications located outside of Core Retail Area. P-DU2 – To limit the development of retail

facilities outside of the town centre and on the edge of centre to that required to serve local and neighbourhood needs; P-DU10 – To support and strengthen the Retail Core;

- **Retail Objectives** include: O-RET8 - To reinforce the Retail Core Area of the town as the priority location for new retail development, with quality of design and integration within the existing urban form and layout being fundamental prerequisites;
- **Section 9.16.5 - Petrol Filling Stations** - Regard shall be had to the Retail Planning Guidelines, (Department of Environment, Community and Local Government, 2012) and the County Retail Strategy when assessing applications. Proposals for petrol stations shall comply with the requirements of the Design Manual for Roads and Bridges National Roads Authority (2000) along with the Dangerous Substances Regulations SI 311 (1979);
- **Section 9.16.7 – Take-away** establishments should generally be confined to core retail areas or areas of mixed commercial development.

## 6.2. **Retail Planning Guidelines for Planning Authorities, 2012**

### Section 4.1.9 – **Retailing and Motor Fuel Stations**

- The floorspace of the shop should not exceed 100 sq.m net; where permission is sought for a floorspace in excess of 100 sq.m, the sequential approach to retail development shall apply;
- In considering applications for development, attention should also be given to the safety aspects of circulation and parking within the station forecourt.

## 6.3. **Natural Heritage Designations**

- None



## 7.0 The Appeal

### 7.1. Grounds of First Party Appeal

7.1.1. An appeal was received from **David Mulcahy Planning Consultants Ltd.** representing the applicant/appellant **PFK Investments Ltd**, against the decision made by the Planning Authority to refuse planning permission. The following provides a summary of the points put forward.

#### 7.1.2. Impact on Town Centre

- Filling stations are normally located at the edge of towns rather than town centre locations;
- Quantum of food offer is not unusual or excessive;
- Policies quoted by the PA relate to retail and the application is for a restaurant;
- Would not compete with town centre, no ministerial guidelines which seek to control this issue;
- Disagree that large scale petrol stations are confined to motorways and isolated stretches of road, there are multiple examples of town centre sites throughout the country;
- There were no technical issues raised by other departments in respect of previous application and as this application is essentially the same, there should be no reason to change the views;
- Food offer will be fast food variety aimed at motorists who wish to avail of a quick and convenient meal whilst obtaining fuel;
- This type of offer is commonplace and would not compete with town centre restaurant offer. Fast food offer in Mullingar is robust and the development would not likely affect this;
- Application proposal is supported by S.25 of 'Guidelines for spatial planning and national roads, 2012' which recommend against the generation of

increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply.

### 7.1.3. Traffic Safety

- Notes the advice of the municipal district engineer to recommend refusal differs from earlier advice on previous application for essentially the same development;
- Proposal does not intend to provide for truck parking and unauthorised parking on the public road is a management issue which could be addressed by the Council with double yellow lines and signage. Applicant is willing to accept a planning condition to provide a special contribution toward the provision of bollards on both sides of the road;
- Food offer at lunchtime is busy as there is no other food offering for employees of adjoining business park. The vast majority of these employees walk to the premises unless poor weather prevails at that time. At other times the filling station is not notably busy. (Aerial Google Earth images enclosed).

### 7.1.4. Foul Sewer

- Refers to letter prepared by JA Gorman consulting engineers stating that two options are available. Option 1 involves relying on the same route as the proposed sewer but providing a larger 600 mm sewer to serve the strategic needs of the business park and applicant is willing to have such a condition placed on a grant of permission. Option 2 involves an on-site holding tank which would be cleared on a regular basis. It is stated that Option 2 is not feasible;
- Noting Irish Water's concerns about the buildability of the proposed sewer, JA Gorman Consulting Engineers are satisfied that there is no technical obstacle to the delivery of the larger capacity sewer.

#### 7.1.5. Additional

- Proposal is not designed as an off-line motorway service area and is located 1.7km from the motorway. No HGV parking provided;
- Applicant is willing to omit the separate door to the restaurant by way of condition to ensure access is only feasible via the existing filling station;
- Site is not affected by flooding as shown on the CFRAMs map for Robinstown. It is in 'Benefiting lands' which signals that lands no longer flood.

#### 7.1.6. Enclosures

The appeal was accompanied by six enclosures including 1. Copy of planning report which it is stated was enclosed with the original and previous planning application, 2. Copy of cover letter which was submitted with the application, 3. Traffic Report prepared by Transportation Planning Services Ltd., 4. Drawing prepared by JA Gorman Consulting Engineers, 5. Letter prepared by JA Gorman Consulting Engineers and 6. CFRAMS flood map extract. A summary of the points put forward from JA Gorman Consulting engineers and Transportation Planning Services Ltd. is set out under.

#### 7.1.7. Planning Report

This report is entitled 'Planning Report to support Application for ancillary restaurant'. It is the report referred to above which the appellant states was submitted with the application, however, the Planning Authority stated that it was not received.

- The restaurant does not form part of the net retail floor space having regard to the definition of a shop under the planning and development regulations 2001 as amended. Under the Retail floorspace in the Retail Planning Guidelines 2012, cafés do not form part of the net retail floor space and this definition could logically apply to all food offers;
- The Spatial Planning and National Roads Guidelines for Planning authorities 2012 do not specifically deal with filling stations as they reference off-line service areas at motorway road junctions which are different;
- Proposal is for a sit down restaurant facility;

- 30 parking spaces would be provided;
- Opening hours would be 7 am to 11 pm Monday to Sunday;
- The report made reference to an application for an extension to an established filling station at Lynn road, Mullingar, Co. Westmeath which was refused by the Board under PL25.239996 and suggests that these are different proposals;
- A number of appeal files have been referenced to support the appeal (PL15.244191, PL06F.242051 and PL09.234986);
- The restaurant offer would not directly compete with the town centre and would offer new employment for 5-10 full and part time staff.

The report was also accompanied by a copy of the letter submitted with the application in which it is stated that there is no 'drive-thru/takeaway' proposed.

#### 7.1.8. **JA Gorman Report**

This report deals with drainage and Reason No. 3 of the Planning Authority's previous decision to refuse permission. It states that the site is currently served by an on-site treatment plant and percolation area and that there is no public sewer located adjacent to the service station. It is stated that there is insufficient land available to increase the capacity of the treatment plant or increase the percolation area that would be required. The report sets out that there are two options available.

- **Option 1** involves relying on the same route as the proposed sewer but providing a larger **600mm gravity sewer** to serve the strategic needs of the business park and un-serviced catchment to connect to the public sewer c.820m from the site;
- **Option 2** involves **an on-site holding tank** to cater for 5-7 days effluent storage and which would be cleared as required by a third-party contractor.

### 7.1.9. TPS Ltd.

This report provides technical commentary on Reason no. 2 for refusal for the same development, which was based on traffic grounds. The following is set out:

- Motorists who exit from the existing facility are advised under an informal traffic management plan to turn left. Those who wish to turn right into Mullingar should do so by completing a U turn via the nearby roundabout. It is accepted that this traffic plan is largely ignored because the signage is not clear. It is suggested that this could be formalised using standard road signage based on NRA/TII Design Manual for Road and Bridges and Signs Manuals 2010.
- The proposal was reviewed within the TRICS 2016(b) trip rate database and based on AM and PM peak hour trip rates that less than 20 inbound or outbound additional traffic movements would likely arise during the busiest period between 1300 hrs and 1400 hrs.
- Based on the RSA database, there are no recorded collisions on the R394 in the vicinity of the site.
- Proposed to provide 26 parking spaces within the site with 8 parking spaces adjacent to the 4 pump islands and 12 informal parking spaces. It is also stated that that 11 additional spaces could be accommodated and that the applicant is willing to provide same.

A sales report for a week in September 2016 was attached.

## 7.2. Planning Authority Response

7.2.1. The Planning Authority did not issue a response to the appeal.

## 7.1. Observers

- None

## 8.0 Assessment

### 8.1. Introduction

8.1.1. I consider the key issues in determining the application and appeal before the Board are as follows:

- Nature of the Development – **New Issue**
- Compliance with Development Plan Policy
- Traffic
- Drainage
- Other

The application followed a previous application for what appears to be virtually the same development and which received a decision to refuse permission by Westmeath County Council under planning reference 16/6072.

I consider each of the issues under the respective headings below.

### 8.2. Nature of the Development – New Issue

8.2.1. At the outset of this assessment, I wish to draw the Boards attention to the lack of clarity around the nature and description of the development. The public notice states that the development would comprise the construction of **an extension (146 sq.m) to the existing service station retail building**. It also sets out other elements of the development which broadly include ancillary works and signage. There is no reference made on the notice to 'fast food restaurant'. The drawings submitted with the application show the extension would comprise a restaurant made up of a kitchen, a counter and a net seating area of 61 sq.m and the appeal refers to food offer being a 'fast food variety' to include 2 food/beverage offerings.

8.2.2. In the cover letter which it is submitted accompanied the planning application, it is stated that there is no drive-thru/takeaway proposed (p.9) and the development is referred to as a restaurant which 'would serve people on the go' and would 'not become a destination in its own right' (p.11). At appeal stage, it is stated that the proposal would serve fast food with 2 food/beverage offerings.

8.2.3. While I consider that nature of the development was not clearly set out in the public notice, I accept the application was accepted as valid by the Planning Authority. The drawings and documents which accompany the planning application and appeal clearly infer that the extension would consist of a fast food restaurant. I consider it would also be reasonable to assume that fast food would also be served to customers who wish to consume the food off the premises, having regard to the counter shown on the drawing and the appellants submission that the development would not directly compete with table service restaurants in the town centre.

A takeaway element is a common characteristic of a fast food restaurant and I have based my assessment accordingly.

### 8.3. Compliance with Development Plan Policy

8.3.1. The site is in an edge of town location. It is zoned O-LZ3 'To provide for enterprise, employment and related uses including industrial and service uses such as Class 3 offices, which due to their scale or nature cannot be located within the town centre'. Under the zoning matrix, take-away/fast food outlets are not normally permitted. Section 9.16.7 of the Mullingar LAP clearly sets out policy whereby take-away establishments would generally be confined to the core retail areas or area of mixed commercial development. The appeal site is located in neither of those.

8.3.2. I am unable to accept, given the scale of the proposed development and the fast food nature of offer that the development would not draw trade away from town centre fast food/takeaway outlets. I consider it would likely function as a destination in its own right given its proximity to the town, its accessibility by private motor vehicle and the fast food offer proposed. This would directly conflict with policy on takeaway establishments, set out under Section 9.16.7 and which are generally required to be in the core retail area. The proposal would also undermine policy regarding the **retail and service role** of Mullingar, particularly Policy P-RET2 which seeks to encourage the development of the retail and service role of Mullingar as a self-sustaining centre and general policies which seek to consolidate the urban core area.

8.3.3. Having regard to the above, I consider the development of a fast food restaurant should be refused as it would clearly lie contrary to stated policy referred to above.

## 8.4. Traffic

- 8.4.1. The existing petrol station is accessed off the R394 / Castlepolard road which has a ghost island and a dedicated traffic lane for vehicles turning right into the petrol station site. Egress is intended to be from the east of the site with informal signs alerting motorists not to turn right. The traffic consultants, TPS Ltd. in recognising that the traffic movements are not observed by all motorists suggest that an orderly one-way entry and exit arrangement could be formalised. Motorists intending to turn right would be required to travel c.200m left to the roundabout and make a 'U' turn manoeuvre back to Mullingar. While this would undoubtedly improve the situation from a road safety perspective, it does however suggest that the road network would not have sufficient capacity to absorb the cumulative traffic and allow two-way directional traffic movement on exiting the site.
- 8.4.2. It is stated that based on TRICS 2016(b) trip rate database that less than 20 inbound or outbound additional traffic movements could arise during the busiest time between 13.00 hrs and 14.00 hrs when the development is in place.
- 8.4.3. It is important that trip rate calculation data from land uses correctly apply to their individual cases. There are clearly very different travel characteristics associated with a fast food restaurant with a takeaway element than an extension to a shop. There is no reference to the inclusion of a takeaway, fast food or restaurant on the land use classifications chosen from the TRICs database. In the absence of TRICS output sheets, I cannot be satisfied that trip rate figures of less than 20 inbound or outbound movements, as presented with the appeal are representative of the nature of the development. Based on the information on file, I am not satisfied that the capability of the road network to accommodate the proposed development has been resolved.
- 8.4.4. The appeal is accompanied by a revised site layout plan, Dwg. No P1657-C004 which shows 45 spaces laid out across the site, including 8 at the fuel pumps. While I have some reservations in relation to the practicability of car spaces no.s 35-42 adjacent to the rear access circulation route, I am satisfied, having regard to the car parking standards set out in Table 9.11, that sufficient parking can be provided for motor vehicles on site. I note however that the provision of the majority of car parking involves loss of the landscaped green area to the north end of the site and I consider



that a reduction in favour of landscaping presented on a revised layout would be appropriate in the event of a grant of planning permission.

- 8.4.5. Fast food restaurants also attract larger vehicles including HGV drivers. No provision is made for such parking. The appellant states that it is not intended to cater for HGVs and also offer to contribute towards the provision of bollards to prevent unauthorised HGV parking on the footpath. The district engineer report notes that the appeal site is at times congested with cars and trucks and there are regularly trucks parked on the footpath opposite the site.
- 8.4.6. Having regard to the above, and based on the information on file, I am not satisfied that the development would not interfere with the safety and free flow of traffic onto the R394 regional road or would not endanger public safety by reason of a traffic hazard and accordingly I recommend that permission should be refused on traffic grounds.

## **8.5. Drainage**

- 8.5.1. The existing development is currently served by an on-site treatment unit and percolation area. The initial proposal submitted with the application was to connect to the public sewer some 800m away to serve the development. During the appeal, 2 new options were presented. Option 1 involves relying on the same route as the initially proposed sewer but to provide a larger 600mm sewer to serve the needs of the business park. Option 2 is stated would involve providing an on-site holding tank which would be cleared on a regular basis.
- 8.5.2. I note that Irish Water did not comment on this application. In the appeal, the first party states that Option 2 is not feasible and in any case, I consider it would be an unsustainable solution having to store effluent in a holding tank on site for the stated 5-7 days.
- 8.5.3. In relation to Option 1, I have serious reservations on the sustainability of this proposal, providing a sewer line predominately along the public footpath for a considerable length of c.800m. It is stated that the original proposal which was to cater for the appeal site only would be amended to provide for the effluent treatment needs of the adjoining business park with a larger pipe size, however, there is no design for this amended proposal. It has not been part of the proposal at the outset and Irish Water's views are unknown.

- 8.5.4. The Local Authority have expressed strong reservations about the depth of excavations which would be required (up to 5m) in places and the construction impacts which would arise. I consider that any new extension to the sewer would need to be a planned requirement for the area and the views of Irish Water on the proposal would need to be ascertained.
- 8.5.5. Overall, I consider that the proposal to convey effluent along such a considerable distance would be unplanned and unsustainable. I consider the proposed development should be refused permission as it would be premature pending the availability of a public sewer to serve the extension to the existing development and to facilitate orderly expansion of the area.

## 8.6. Other

### 8.6.1. Flood Risk

I am satisfied that based on a review of the CFRAMs map for Robinstown, the site is not affected by flooding.

### 8.6.2. Precedents

The first party has referred to previous decisions and others petrol stations with restaurants and takeaways to support their appeal. These include Board cases PL17.237834, PL15.244191, PL09.234986, PL17.244004, PL06F.242051 as well as drawing comparisons with Topaz (Caseys) petrol station in Roscommon and Maxol (Duffys) petrol station in Castlebar and other files which were assessed by various Planning Authorities. I have reviewed each of the 5 Board decisions referenced above and matters which arise in each vary but generally include the nature of the proposed development, the applicable zoning objectives and uses which are permitted and open for consideration in the zoning matrix of the respective development plans. The outlet referenced in Castlebar is on a site zoned 'town centre' and that in Roscommon as 'peripheral town centre'.

The appeal also refers to An Bord Pleanála decision ref: PL25.239996 which relates to a refusal of permission for an extension (160 sq.m) to a petrol filling station at Lynn road in Mullingar. That appeal site is located c.1.3 km from the town centre and

is not a designated neighbourhood centre. The Board considered that the development would result in an undesirable and haphazard intensification of use at this edge-of-town location that would undermine the Planning Authority's adopted policies and objectives in relation to the consolidation and development of Mullingar town centre.

Having broadly considered the Board files referenced, I am satisfied that none are directly comparable to the proposed development now before the Board and a review of the cases referenced do not alter my assessment or recommendation.

#### 8.6.3. Appropriate Assessment

Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 9.0 Recommendation

9.1. Further to the above assessment of matters pertaining to this appeal, I recommend that **permission** should be **refused** for the reasons and considerations set out below.

### 10.0 Reasons and Considerations

1. Under the Mullingar Local Area Plan 2014-2020, the site is situated on an edge of the town location with a zoning objective O-LZ3, 'To provide for enterprise, employment and related uses'. Given the nature and scale of the development proposed which would include a fast food restaurant and the layout of the building which has the characteristics of a takeaway element, the Board is not satisfied that the development would not function as a destination in its own right particularly given its proximity to the town, its accessibility by private motor vehicle and the food choice proposed. Accordingly, the development would directly conflict with stated policy on takeaway establishments set out under Section 9.16.7 of the Mullingar Local Area Plan where these are generally required to be located in the core retail area. The

development would also result in an undesirable and haphazard intensification of use at this edge-of-town location and would contribute to undermining the Planning Authority's policies and objectives which seek to consolidate and realise Mullingar's regional role. The proposed development, would not therefore, be in accordance with the proper planning and sustainable development of the area.

2. Having regard to the nature and scale of the development proposed, relative to the established business at this location, it is considered that the proposed development would intensify traffic at this location, generating additional traffic turning movements onto the R394 regional road at a point where it has not been demonstrated that it is safe to do so. Based on the information on file, the Board is not satisfied that the capability of the road network to accommodate the proposed development has been resolved and that the development would not interfere with the safety and free flow of traffic on the public road and would not endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. The proposed development would be premature pending the availability of a public sewer to serve the proposed development and to facilitate the orderly expansion of Mullingar. The Board considered the proposal to convey effluent along a new gravity sewer 800m to connect with the existing public sewer would be unsustainable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Patricia Calleary

Senior Planning Inspector

27<sup>th</sup> February 2017