



An
Bord
Pleanála

Inspector's Report PL17.248565.

Development	A fuel filling station, retail building, off-licence, deli/sandwich bar and all associated site works.
Location	Eamon Duggan Industrial Estate, Corporation Lands, 3 rd Division, Trim, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	TA/161226.
Applicant(s)	Pat O'Toole
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Paul Kerr
Observer(s)	None
Date of Site Inspection	12 th September 2017
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 0.425ha appeal site is located c.1km to the north-west of Trim town centre, Co. Meath. It is situated immediately north of the R154, a regional road that runs between Trim and Athboy, within the 50kph speed limit zone. The appeal site lies to the west and south of the Eamon Duggan Industrial Estate which comprises a mix of industrial and commercial uses, including, in the vicinity of the appeal site, machinery repair, interior design, motor factors, tool hire and vehicle repair.
- 1.2. Detached residential development lies to the west and south of the site, facing the R154. Directly opposite the appeal site is the entrance to 'The Belfry' a residential development to the rear of housing along the R154. It includes a crèche, which at the time of site inspection was vacant, with the building advertised for sale.
- 1.3. The appeal site itself comprises a largely flat, vacant and overgrown site which adjoins the R154. The site forms part wider landholding, which extends to the west to the rear of housing along the R154.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information (submitted to the planning authority on the 13th March 2017 and re-advertised on the 1st April 2017), comprises a fuel filling station to include:
 - A 342sqm retail building (net retail floor area of 100sqm; off licence of 16sqm; deli/sandwich bar of 36sqm; and associated seating of 30sqm).
 - Forecourt, pumps and canopy.
 - Underground fuel storage tanks, associated pipework and over ground offset fill points.
 - All associated site works, landscaping and boundary treatment.
- 2.2. Four no. fuel pumps are arranged to the front of the site (with canopy over) with the single storey, flat roof retail building approximately in the middle of the site. The retail building is finished in threaded cedar cladding, smooth plaster render, glazing and pressed metal cladding.

2.3. Access to the site is from the R154 with traffic allowed to enter and exit from separate access/egress points. Car parking is proposed on three sides of the fuel pumps and to the west of the retail building. HGV and coach parking lies around the perimeter of the site, to its west and northwest. HGV fuelling lies to the rear of the retail building. Landscaping is provided alongside the public road, to the south west of the site, and in the north eastern corner of the site (not detailed). To the rear of the retail building is an enclosed external yard. Signage is proposed on the canopy fascia and to the front of the site in a main identification sign.

2.4. In further information submitted to the planning authority in March 2017 by the applicant provided:

- Arrangements for the disposal of wastewater into the Eamon Duggan Industrial Estate public foul sewer (drawing no. P2623_C004_1).
- Arrangements for a single connection to the public water supply (drawing no. P2623_C004_1).
- Arrangements for the collection, treatment and disposal of surface water, including retention of storm water and controlled discharge of surface water to the Eamon Duggan Industrial Estate public storm sewer (drawing no. P2623_C004_1).
- Arrangements for lighting (drawing no. P2623-C007-Rev 1).
- Pedestrian link to the Eamon Duggan Industrial Estate (drawing no. P2623-C008).

2.5. In addition, the applicant addressed matters of concern identified in third party of observations, as follows:

- Zoning – The site is situated on lands zoned E2, the adjoining lands to the south west and south are zoned A1, existing residential. Petrol stations and convenience outlets are open for consideration on the boundary of lands zoned A1 thereby creating a transition zone.
- Water consumption – Estimated water consumption is calculated at 3m³ day, based on similar service stations. 24-hour water storage is proposed to provide adequate supply to the site. The water supply system can be

designed and installed so as to not draw from the public supply at peak demand times.

- Roads and traffic: -
 - Traffic generation – TRICS data indicates c.580 vehicle arrivals and departures per day. Most of the trips will be from existing traffic diverting to the facility.
 - Swept path – Provide a swept path analysis in respect of the development and state that a HGV can navigate through the site when a bus or HGV is parked in the designated bus/HGV parking area.
 - Collision history – A review of the Road Safety Authority on line collision data base indicates that there is no record of collisions along the site frontage between 2005 and 2013.
 - Traffic safety – The layout and design of the PFS facility is in accordance with best practice (one-way entry and one-way exit). The exit sightline at the public road and the forward stopping distance for approach drivers, exceed the requirements of DMURS.
- Retail area size – The layout of the development is typical of new filling stations. Other local authorities have not required the applicant to include food offering, seating or ancillary space in the net retail area.
- Existing filling stations – An existing filling station is c.1.5km towards Athboy on the opposite side of the road to the proposed development. It is currently operated as a car sales forecourt. PA ref. TA801253¹ for a petrol station and associated retail area etc. on the site has not been implemented.

¹ NB This site is situated at Corporation Lands, 2nd Division, Athboy Road, Trim, c.1.5km to the north west of the appeal site on the R154.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. In April 2017 the planning authority decided to grant permission for the proposed development subject to 22 no. conditions. Most of the conditions are standard. I draw the Board's attention to the following site specific ones:

- No. 3 – Revised site layout to be submitted for agreement showing location of bollards within the site and the quantity and type of signage to delineate the one-way access system (in the interest of traffic safety).
- No. 9 – Details to be submitted for written agreement in respect of external finishes and proposed new front/side boundary wall.
- No. 17 – Landscaping plan to be submitted for written agreement.
- No. 18 – Details of all boundary treatment to be submitted.
- No. 19 to 21 – Development contributions.
- No. 22 – Special development contribution in respect of the provision of bollards along the footpath outside the site.

3.2. Planning Authority Reports

3.2.1. There are two reports in respect of the development. The first (22nd December 2016) sets out the planning history of the site and summarises relevant polices of the Trim Development Plan 2014 to 2020 and relevant national, regional and county retail planning policy. It outlines the main issues raised in submissions and technical reports and considers that:

- The proposed use is 'open for consideration' in the E2 zoning of the site.
- The development, which includes 100sqm of retail floorspace and a separate deli/sandwich bar, would serve inter-urban motorists, is consistent in format with other service areas nationwide and would not detract from the viability or vitality of Trim Town Centre.
- Is, in principle, acceptable in terms of design and layout.

- Provides sufficient car parking spaces (which are in excess of the requirements of the County Development Plan).
- Local residents currently reside adjacent to the Eamon Duggan Industrial Estate. Impacts of the development on residential amenity can be managed by conditioning a suitable site boundary and the location of electrical plant away from the western boundary of the site.
- The site is located c.830m north of the River Boyne/Blackwater SAC. Given the absence of a direct pathway from the application site to the Natura 2000 site, the scale and nature of the development and the proposals to tap into existing piped services, the preparation of a Stage 2 AA is not considered necessary.
- No issues have been raised regarding flooding.

3.2.2. The report recommends further information in respect of surface water, lighting, provision of a pedestrian link between the development and the industrial estate and that the applicant address matters raised by third parties.

3.2.3. The second report (28th April 2017) considers that the applicant has adequately addressed the matters raised in the request for further information or that outstanding matters can be addressed by condition. It considers that the development is in accordance with the County Development Plan and the Trim Development Plan and recommends that permission be granted subject to condition.

3.3. **Other Technical Reports**

- Transportation Office (Public Lighting) (1st December 2016) – No objections subject to conditions. Subsequent report (19th April 2017) – Inadequate response to request for further information. Recommends refusal.
- Road Design (5th December 2016) – Sightlines are good in both directions and there are good footpath and cycling facilities adjoining the site. No objection to the principle of the development but clarification required regarding the status of the car wash equipment building shown on the northwest corner of the site. Subsequent report (28th April 2017),

recommends a special levy of €10,000 for the provision of bollards along the public footpath to prevent parking.

- Fire Service (13th December 2016) – No objections subject to conditions.
- Environment (13th December 2016) – No objections subject to conditions.
- Water Services (20th December 2016) – Recommends further information in respect of (a) surface water (revised design for surface water collection, treatment and disposal, cognisance of principles of SuDS), (b) permission to connect to municipal surface water drainage system, and (c) waste water (condition survey of existing waste water network adjacent to the site, re-designed waste water collection system and outfall). Subsequent report (4th April 2017) recommends conditions to be attached to any permission. Report includes comments by Irish Water who raise no objections to the proposed development.
- Environment and Water Services - Flooding (16th December 2016) – No objections, mentioned in planner's report but not on file.
- Municipal Engineer (7th March 2017) – Proposal to connect to the Meath surface water drainage system is acceptable.

3.4. Prescribed Bodies

3.4.1. No reports.

3.5. Third Party Observations

3.5.1. There are 6 no. of observations² in respect of the proposed development, which raise the following issues:

- Need – There are already 5 fuel stations in the town which serve a population of c.8,500. Navan has a population of 32,000 and 6 no. fuel stations. The town is sufficiently served by fuel stations. There is an existing filling station on the same road (Oakstown Filling Station) with planning permission to further develop the site.

² Paul Swords, Applegreen, Barry Gillen, Paul Curtin, local residents and Thomas Mc Mullan,

- Traffic generation – Development will generate a significant volume of traffic (1,500 to 2,400 vehicle movements per day, plus service deliveries) and add to the level of air pollution (already affected by car valeting service and incineration of animals on the industrial estate), noise and general disturbance.
- Traffic hazard – Development is situated opposite an entrance to a housing estate of c.70 homes and a crèche. Traffic entering and exiting the development at a junction is potentially dangerous to local residents, other road users and pedestrians. At least one resident has suffered an accident on this stretch of road as they attempted to access their residence. There are no traffic calming measures in place on this stretch of road and traffic consistently travels at high speeds through what is a densely populated area with young children. Public road needs to be widened e.g. by way of CPO, to allow for filter lanes and traffic island and noise controls (e.g. appropriate surfacing and tree screening).
- Access by HGVs/coaches – Swept path analysis for coach/bus relies on access through HGV and coach parking area.
- Access to adjoining lands - Development could lead to access through the site to the lands to the rear, leading to substantial increase in traffic through the site and consequential impacts on local residents.
- Retail area – Stated to be 100sqm but omits the till, off licence, deli and sit down area. Total trading area within the shop is c.215sqm.
- Impact on privacy – The development can be seen from some neighbours front living rooms and bedrooms.
- E2 zoning – There is no mention of a filling station in the permitted uses in the zone. Original industrial estate designed to include a line of trees along Athboy Road, to diminish visual and noise impacts. Trees have not been planted and industrial site has morphed into a retail site with a number of outlets (including pet crematorium) with impacts on nearby residents (noise, smell, light pollution). The development will give rise to further impacts and would conflict with POL3 (to enhance the level of tree cover in the town) and

POL6 (to require trees and hedgerows that mark townland boundaries to be preserved) of Trim Development Plan 2014-2020 Vol. 1.

- Hours of operation – The suggested trading hours, 6.00am to 10.00pm or 7.00am to 11.00pm, due to noise and traffic flows, would impact on residents sleep, rest and comfort.
- Water supply/usage – Figures for usage of café/deli (150 usages per day and 288 toilet usages) are extremely low. Water usage is likely to be much higher. Use of development and directly adjoining car wash station (in similar ownership) would have a negative impact on local water supply (water pressure in this part of town is reduced every evening).
- Water pollution – Development could possibly pollute a tributary of the Boyne.
- Hazard - There are other hazardous businesses close to the site.

3.5.2. Subsequent to the submission of further information, there is one further third party observation on file made by Paul Kerr, Eugene Healy and Belfry Residents Association which makes the following additional comments:

- Safety for pedestrian and road users – In a one-hour period 422 cars passed in each way along Athboy Road. The junction of The Belfry from the filling station is 23.5m, Guidelines for Filling Stations suggest a minimum of 47.5m. Development is 73m from the crèche. Road speeds are higher than the speed limit i.e. 70kph not 50kph. Sightlines of only 85m are available due to a bend and dip in the public road. Accidents have occurred on the road. Traffic using the petrol station, when travelling from Trim to Athboy, would have to pass the entrance to the estate twice. Development will detract from safety of users of popular footpath and cycleway along the R154 and from use of it.
- Need - Development will displace business and result in another contaminated site.
- Swept path – Now encroach upon the path of the fuel delivery tankers. Route remains the same.
- Use of site by HGVs and buses opens up the possibility of use of the site for overnight parking, charging of units and noise.

- Area of off licence, and whether or not it is included in the retail area, is unclear.

4.0 Planning History

4.1. The following planning applications are relevant to this appeal:

- TA140115 – Planning permission was granted in 2014 to the applicant for a car wash facility on land that forms part of the appeal site (see attachments). Condition no. 3 of the permission required access to the facility to be via the entrance to the IDA Estate only.
- TA141139 - Planning permission was granted in 2015 to the applicant for a revised site layout plan in respect of the above, with the car wash facility situated on land to the north east appeal site (see attachments). Similarly, condition no. 3 of the permission requires access via the IDA estate only.

5.0 Policy Context

5.1. Development Plan

5.1.1. The appeal site falls within the administrative area of the Meath County Development Plan 2013 – 2019 and the Trim Development Plan 2014 - 2020.

Meath County Development Plan 2013 - 2019

5.1.2. The CDP defines the land use zone E2, General Enterprise and Employment ‘*To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment*’. Petrol stations are listed as ‘open for consideration’ in the zone (see attachments).

5.1.3. The plan states that uses that are open for consideration will only be considered where they do not compromise the objective of the overall zoning objective of the E2 lands, for general enterprise and employment uses.

5.1.4. Section 11.10 of the Plan deals with petrol filling stations and requires applications to be high quality in overall design, to comply with the NRA’s Design Manual for Roads and Bridges, Smarter Travel and health and safety legislation and have regard to the

potential impact on Natura 2000 sites. The Plan limits associated retail component to 100m² and generally requires petrol stations to be located in the 60kph and 50kph speed limit area and states that they will not be permitted where the amenities of nearby properties will be affected and/or obstruction of traffic flows would arise. It is stated that petrol filling stations *'will not generally be permitted adjoining residential areas, unless it can be clearly demonstrated that no significant damage to residential amenities will occur by reason of factors such as noise, visual obtrusion, safety considerations or fumes and smells. Hours of operation will be limited in residential areas'*. The plan also sets out policy guidance in relation to design, lighting and advertising at petrol stations.

- 5.1.5. The River Boyne flows through Trim town. It is designated as an SAC and an SPA (River Boyne and River Blackwater SAC and SPA) and is afforded protection in policy NH OBJ 3 of the County Development Plan. The site lies c.750m to the north of the River Boyne.

Meath County Retail Strategy 2013-2019 (Appendix 5, CDP)

- 5.1.6. The Meath County Retail Strategy identifies Trim as a Level 3 centre in the county retail hierarchy (town and/or district centres and sub-county town centres). Retail activity is concentrated within the town centre, in particular around Market Street, Emmet Street, Castle Street and Bridge Street (see attachments). Key objectives focus on promoting retail activity in the town centre, for example, further development of convenience and comparison shopping, upgrading of the public realm.

Trim Development Plan 2014 - 2020

- 5.1.7. The appeal site forms part of a large area of land zoned E2 in the current Trim Development Plan to the north/north west of the town. The Trim Development Plan uses the same description of the land use category as that set out in the County Development Plan (see attachments). A petrol filling station is not identified as a permissible use or one which is open for consideration. The plan states that it is important to avoid abrupt transitions between zones and that in zones abutting residential areas, particular attention must be paid to the use, scale and density of proposals in order to protect the amenities of residential properties.

5.2. Regional Planning Guidelines

- 5.2.1. Section 4.49 of the Retail Strategy for the Greater Dublin Area 2008 refers to the evolution of petrol stations and to the government's guidelines which state that retail shops associated with petrol stations should, in general, remain secondary to the use of a petrol filling station and have a maximum net retail sales area of 100sqm.

5.3. National Planning Guidelines

- 5.3.1. The government's Retail Planning Guidelines for Planning Authorities (2012), in section 2.4.3, set out a cap on shop floorspace for petrol filling stations of 100sqm (net floorspace), on the grounds that retail development should support the role and function of town centres. Annex 1 of the guidelines define net retail floorspace as *'the area within the shop or store which is visible to the public and to which the public has access including fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer service areas, and internal lobbies in which goods are displayed, but excluding storage areas, circulation space to which the public does not have access to, cafes, and customer toilets'*.
- 5.3.2. In section 4.11.9, the guidelines acknowledge that convenience shops are part of the normal ancillary services provided within motor fuel stations but state that *'such shops should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan. The floorspace of the shop should not exceed 100 M₂ net; where permission is sought for a floorspace in excess of 100 M₂, the sequential approach to retail development shall apply'*.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal is made by Paul Kerr, Eugene Healy and others. It refers the Board to the submissions they made in respect of the application, summarised above, and sets out similar issues in the grounds of appeal:

- Hazardous nature of development given proximity of residential development.
- E2 zoning makes no allowance for a filling station.
- The original planting scheme, stipulated in respect of the Industrial Estate development, to reduce visual impact, has not happened.
- Lighting emanating from the scheme will cause annoyance to residential development opposite.
- Entrance and exit to the site are situated directly opposite a housing estate (c.70 homes and a crèche), with obvious traffic implications.
- Development will give rise to heavy truck movements, which would cause considerable nuisance to nearby residents and increased noise levels (running engines/turning manoeuvres). Do not wish to see the area used for overnight parking. There is insufficient room to cater for trucks and buses, when parking, turning and tail sweep are considered.
- Consider the usage projections for the deli/café to be very low and submit that traffic likely to be generated will be much higher.
- Traffic calming measures should be put in place to reduce the speed of traffic as it leaves the town/passing the site e.g. linear traffic island/filter lanes in the centre of the road, bollards along the adjacent footpath to reduce the risk of inappropriate parking.
- If the Board are minded to grant permission, request that operating hours are restricted to 7.00am to 10.00pm.

6.2. Applicant Response

6.2.1. The applicant makes the following comments in response to the appeal:

- Existing filling stations – There are 4 no. other filling stations in Trim (Fig. no. 1 of submission). There are no other filling stations on Athboy Road.
- Retail Planning Guidelines – The guidelines place a cap on net retail space of 100m².

- Zoning – The E2 zoning objective in the CDP includes a petrol station as being open for consideration. The Trim Development Plan is consistent with the County Development Plan and this is a material consideration in respect of the current appeal (Council planner relied on same in assessment). The site is zoned E2 in the Trim Development Plan 2014 to 2020. A petrol station is not listed as being permissible or open for consideration under the zoning objectives. However, section 2.4.7 of the Plan states that uses not listed under the permissible or open for consideration categories will be considered on their individual merits. Policy ECON POL96 seeks to apply a flexible approach to the assessment of entrepreneurial start-up businesses and small scale industrial and employment generating activities where it would have a minimal impact on adjoining uses primarily residential property.
- Public support – In addition to the appeal made, there is support for the proposed development (two letters attached).
- Hazard – Provision of filling stations in close to residential property is commonplace e.g. Applegreen, Swords, Applegreen, Howth Road, Clontarf. Safety issues lie outside the remit of the planning process and is dealt with under other legislation. The onus is on the operator to comply with this.
- Planting Scheme – Any non-compliance with the planning permission granted for the original industrial estate is an enforcement issue that is outside the remit of the Board. Significant screen planting along the front boundary of the industrial estate will screen the proposed development from the dwellings of the two appellants named in the appeal.
- Light – A lighting layout has been submitted with the further information. Whilst it was not accepted by the planning authority, condition nos. 10, 11 and 12 all address the issue. There are only two no. dwellings directly opposite the development and these are at a considerable distance from it (c.27m).
- Entrance – The planning authority's Roads Department had no objection to the proposed access arrangements or the location of same. The crèche referred to by the appellant is vacant. The appellant has not specified what traffic implications are being referred to.

- Truck movements – The proposed development is relatively small in scale and only provides for limited HGV and bus parking. There is only one HGV fill point. There is no evidence to suggest that the development will generate significant HGV or bus traffic when compared to any other filling station of a similar scale or size. Autotrack software indicates that HGV and bus parking and manoeuvres can be carried out on the site, including when an existing HGV or bus is parked. There is no intention to facilitate overnight parking.
- Operating Hours – The applicant has no issues with opening from 7am to 10pm. It is intended that a hatch service would operate outside of these hours to facilitate limited fuel and retail transactions as would be the norm in the majority of filling stations.
- Usage projections – No evidence provided to support appellant’s statement. The proposed development with a single ancillary food offering is small scale by modern filling station standards (refers the Board to TA150638³, petrol filling station with two food offerings and communal seating in Longwood Road, Trim).
- Speed/traffic calming – This is a matter for the County Council. It would be highly unusual for ramps (or other physical measures) to be provided on a public road in association with a filling station.
- Bollards along public footpath – Bollards on footpaths are not normally provided where there is HGV or bus parking on site. However, this is now the subject of condition, which addresses the matter.

6.3. Planning Authority Response

- 6.3.1. The planning authority make no additional comments on the proposed development in their response to the appeal (23rd June 2017).

³ This refers to a development granted permission by the planning authority at Commons, Trim, which included demolition of a part built service station and construction of a new service station of smaller size (260sqm, including 96sqm retail area (incorporating 7.5sqm off licence and ATM) food areas and seating).

6.4. Observations/Further Responses

6.4.1. There are no observations or further responses on file in respect of the appeal

7.0 Assessment

7.1. I have read the appeal file, relevant development plan policy in respect of the site and proposed development and I have inspected the site. Within this context, I consider that the key issues arising in respect of the proposed development, which are confined to the matters raised in the course of the application and appeal, comprise:

- Zoning.
- Retail area.
- Traffic hazard.
- Impact on privacy/lighting.
- Hours of operation.
- Water supply.
- Water pollution.

7.2. In addition to the above I comment on the following:

- Need for the development - This is not typically a planning matter, and the applicant is entitled to bring forward an application for the proposed development for consideration within prevailing national, regional and local planning policies.
- Possible dangers arising from the location of storage tanks in proximity to residential development and the proximity of the development other hazardous development close to the site - I note that petrol stations are often located in close proximity to other development, including residential development, for example, the existing service station in Trim town (Souhan's). Further, the safety of installations, the proposed and other existing development, referred to by appellants, is governed by other legislation and as such is not adjudicated on here.

- Implementation of planning permission, Eamon Duggan Industrial Estate – This is a matter for enforcement and lies outside the scope of this appeal.

7.3. Zoning

- 7.3.1. The Meath County Development Plan states that the objective for lands zoned E2, general enterprise and employment, in the Plan is *'To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment'*. It states that petrol filling uses are open for consideration within the zone.
- 7.3.2. The appeal site is zoned E2 in the Trim Development Plan again for general enterprise and employment uses. The Plan states that E2 lands constitute an important land bank for employment use which must be protected. It defines the objective of the zone, as per the definition set out in the County Development Plan. However, in this instance, it does not indicate that petrol stations are open for consideration in the zone.
- 7.3.3. Section 1.2 of the Plans state that the Trim Development Plan has been prepared with regard *'to the requirement for consistency with the aims and core strategies of higher level plans such as the National Spatial Strategy, the Regional Planning Guidelines for the Greater Dublin Area and the Meath County Development Plan'*. Having regard to this statement and to the shared objectives of both plans in respect of land zoned E2, it would be logical that the same land use types which are permitted in the zone in the County Development Plan are also permitted in the Trim Development Plan.
- 7.3.4. Notwithstanding this, the Trim Development Plan states that land uses which are neither permitted or open for consideration, whilst deemed not permissible in principle, *'will be considered on their individual merits'*.
- 7.3.5. The proposed development comprises a 'general employment/enterprise' land use. It comes forward on land within the Eamon Duggan Industrial Estate, which itself has a broad range of land uses and an under-utilisation of sites. Land uses to the immediate north and east of the site include a car wash, motor factors, vehicle repairs, tool, equipment /tool hire outlets and interior design outlet. Within this

context the proposed development would appear to be consistent with the overall objective in respect of the zoning of the site, the specific uses 'open for consideration' in the zone in the County Development Plan and consistent with the types of land uses which are occurring on nearby sites within the Industrial Estate. Within this context, I consider that the proposed development is consistent with the zoning objectives for the site.

7.4. Retail Area

- 7.4.1. Government guidelines on retail planning put a cap on shop floorspace in petrol filling stations of 100m², regardless of location. The term 'net retail floorspace' is defined as the area of the shop which is visible to the public and to which the public has access including checkouts, the area in front of these, servicing counters, the area behind being used by serving staff, areas occupied by concessionaries, customer service areas and internal lobbies in which goods are displayed. The government's definition specifically excludes storage areas, circulation space that is not accessible by the public, cafes and customer toilets.
- 7.4.2. In this instance, the applicant proposes a stated net retail floorspace of 100m², off licence of 16m², deli/sandwich bar of 36m² and seating area of 30m². Having regard to the government's definition of net retail floorspace, it would appear that the development generally accords with the government's guidelines i.e. the deli-sandwich area and seating area (arguably equivalent to a café) are not included within the 100m².
- 7.4.3. However, two other issues arise. Firstly, the definition of a shop, as set out in the Planning and Development Regulations, 2001 (as amended), includes for '*for the ... of wine for consumption off the premises, where the sale of .. wine is subsidiary to the main retail use, and "wine" is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8*'. Therefore, the applicant's proposed off licence should, therefore, strictly be included in the 100m² net retail floorspace cap.
- 7.4.4. Secondly, the plans for the development indicate a retail area in excess of 100m². In this regard, I draw the Boards attention to 'Proposed Floor Plan', drawing no. P2623-

A0001 which indicates a retail area of c.140m². This area includes a till area, some of which may be excluded from the retail area calculation (e.g. area behind checkouts). Further, the plans indicate a smaller area for deli/sandwich bar and seating area than the stated area (c.31m² and c.24m² respectively).

- 7.4.5. In view of these discrepancies, I consider that there is scope for the retail floor area to be better defined and to be confined to the required limit of 100m², in order to comply with the government's guidelines on Retail Planning. If the Board are minded to grant permission for the development I would recommend a condition to this effect.

7.5. Traffic Hazard

- 7.5.1. The proposed development is situated on a regional road, within the 50kph speed limit zone. The R154 in the vicinity of the site is a single carriageway road, with wide pavements and a cycleway along the northern side of the road (see photographs).
- 7.5.2. At the time of site inspection, I did observe traffic moving quickly along this stretch of road. However, there is also good visibility at the junction of The Belfry residential development and the R154. The proposed development proposes an entrance only to the petrol station to the north west of the junction of the Belfry and the R514 and an exit only from the petrol station to the north east of the junction (see Drawing no. p2623-C003, Proposed Site Layout). No sightlines are show in the drawings, but I note that DMURS recommends, for a traffic speed of 50kph, sightlines of 45m or 49m for frequented by larger vehicles and that these are achievable at the exit from the development. Similarly, forward visibility is adequate for traffic approaching the development from the east (for example, if a vehicle is stopped waiting to turn into the petrol station). (Whilst the appellant states that traffic speeds of 70kph are evident on the R154, I did not witness excessive speeds, and the site remains within the designated 50kph zone).
- 7.5.3. The applicant predicts that the proposed development will give rise to 1,159 vehicle movements per day. These predicted vehicle numbers are based on the TRICs database with reference to 13 filling stations, generally at edge of town/suburban locations and do not seem unreasonable. This level of traffic would equate to an

average of c.77 vehicle movements per hour (over a 15-hour day, 0700 to 2200) or 1.2 movements per minute.

- 7.5.4. The Meath County Development Plan states that the parking requirements for service garages will be determined by the Meath County Council. I note that no objections have been raised by the planning authority to the c.21 no. proposed car parking spaces. Further, I consider the number to be provided is reasonable in the context of the number of average hourly trips predicted.
- 7.5.5. Much of these movements would arise from traffic already using the R154, however, I accept that the proposed development will create additional turning movements in the vicinity of the existing junction of The Belfry, serving existing residential development and a crèche (albeit currently not in use). However, having regard to the relatively small number of additional movements I do not consider that this number of movements will be significant. Furthermore, with the additional roadside development and associated movements of traffic and signage, traffic speeds occurring in the area may well reduce.
- 7.5.6. I note the presence of the footpath (and cycle path) alongside the site and the planning authority's intention to require a special contribution to provide bollards outside the site to prevent car parking. Given the additional turning movements that will be made on the regional road, in the vicinity of the site, and the importance of keeping sightlines free of obstruction, this approach seems reasonable.
- 7.5.7. To the rear of the appeal site, the applicant proposes fuelling and parking for HGVs and as such would attract movements by larger vehicles. From the plans and drawings on file, it would appear that two no. parking spaces are provided for large vehicles. There is no indication by the applicant of the likely volume of trips by larger vehicles, however, given the small number of pumps provided and very limited parking available, I would anticipate a relatively low level of usage by HGVs, or consequential impacts. Notwithstanding this, given the proximity of residential development to the west of the appeal site I would consider it inappropriate for any use of the site for overnight parking. This matter could be dealt with by condition.
- 7.5.8. Drawing no. P2623-C006 provides a swept path analysis for a large car and a large articulated vehicle (submitted with application). Drawing no. NRB-ATR-001 (submitted as further information) shows a swept path for a large coach/bus and an

oil delivery vehicle. It is evident from the drawings that a large articulated vehicle and a coach/bus would require access to part of the site identified for HGV and coach parking (see Proposed Site Layout, P2623-C003). However, it would also appear from the drawings that it would be possible to accommodate both vehicles manoeuvring within the site (e.g. if the large articulated vehicle were to use the same route as that shown for a coach/bus in Drawing No. P2623-C006). This matter could be addressed by condition. There are no standards in the County Development Plan for coach/bus/HGV parking at service stations and I consider that it would be acceptable in this instance, that provision is made for one dedicated HGV/bus or coach space, having regard to the location of the development in a mixed use area, the modest site size and the provision of a single pump point for fuelling of large vehicles.

- 7.5.9. Third parties raise concerns regarding access through the site to adjoining lands. However, I note that the development is bounded by a masonry wall, with only pedestrian access to the adjoining industrial estate.

7.6. Impact on Privacy/Lighting

- 7.6.1. The proposed development is situated in an outer urban area that is characterised by a mix of land uses. Whilst I would accept that residential development lies relatively close to the appeal site, both to its west and south (on the opposite side of the R154), all properties are reasonably removed from the development and I do not consider that any significant impacts on privacy arise. With regard to lighting, again in a mixed use urban area, a level of public lighting is to be expected and can be controlled by condition.

7.7. Hours of Operation

- 7.7.1. No hours of operation are indicated in the planning application form or associated documentation or are conditioned by the planning authority. The appellant states that in the interest of residential amenity operating hours should be confined to between 7am and 10pm. In response to the appeal, the applicant considers this to be reasonable. If the Board are minded to grant permission for the development, I would recommend a condition to this effect. Having regard to the mixed uses in the

area, including residential uses, and in the interest of safeguarding the amenity of these nearby properties at night time I would recommend that that applicant's proposal to operate a hatch service outside of these hours (page 13 of response to the appeal) is not permitted.

7.8. Water Supply

- 7.8.1. Water supply for the proposed development is anticipated to be c.3 cubic metres a day, with 24-hour storage proposed to provide adequate supply to the site. I note that the plans for the development do not indicate how this 24-hour storage will be provided. Notwithstanding this, Irish Water have not objected to the proposed development or raised any issues with regard to difficulties in supplying water to the area. Neither has the appellant provided any information to demonstrate issues in supply. Having regard to the location of the development in a serviced urban area and the absence of concerns raised by the body with statutory responsibility for water supply, I would recommend the matter be controlled by condition.

7.9. Water Pollution

- 7.9.1. Surface water arising from the proposed development will be directed into the existing storm water culvert to the west of the site. Having regard to the proposals to provide a Class 1 bypass interceptor and a forecourt interceptor to treat surface water prior to discharge, no pollution of downstream water bodies should arise as a consequence of the development. Foul water will be discharged to the public sewer and again, no risk of water pollution, should therefore arise.

8.0 Appropriate Assessment

- 8.1. The proposed development is situated c.750m north of the nearest Natura 2000 site. As stated surface water will discharge from the site, after treatment, to the existing public storm water culvert. It is not clear from the information on file where this water body discharges to. However, assuming a worst case scenario, that it discharges to the River Boyne, at this distance and with the treatment being carried out on site, no adverse impacts on water quality are likely to arise. It is considered, therefore, 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. Having regard to the matters discussed above, I recommend that the proposed development be granted permission, subject to conditions.

10.0 Reasons and Considerations

Having regard to the location of the development on land zoned E2 in the current Trim Development Plan and within the statutory 50kph speed limit zone, to policies and objectives in respect of the zone set out in the Trim Development Plan and the Meath County Development Plan, to the character of development in the immediate area of the site, and to the nature, scale and detailed design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable land use within the E2 land use zone, would comply with the policies and objectives of the Government’s retail guidelines in respect of petrol filling stations and would not give rise to traffic hazard or otherwise detract from the amenity of properties in the vicinity of the site. The proposed development, would therefore, be in the interest of the proper planning and sustainable development of the area.

11.0 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 13th day of March 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 total net retail floorspace (as defined in Annex 1 of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012) associated with the petrol filling forecourt shop shall not exceed 100 square metres. Prior to the commencement of development, a revised layout plan for the shop element complying with this floor space cap shall be submitted to the planning authority for written agreement.

Reason: To comply with national policy as set down in the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012.

3. Prior to the commencement of development, details of the following shall be submitted to the planning authority for written agreement:
 - a. Revised site layout to indicate swept path for coach/bus and large articulate vehicle and provision of dedicated and separate parking space for HGV/bus/coach.
 - b. Quantity and type of signage to delineate one-way access system to serve the development.
 - c. Detailed arrangements for the provision of 2.5m x 5m delineated car parking spaces.

Reason: In the interest of traffic safety.

4. Prior to the commencement of development, details of the location of electrical plant, to be located away from the western boundary of the site, shall be submitted to the planning authority for written agreement.

Reason: In the interest of visual amenity.

5. Prior to the commencement of development, the following shall be submitted to the planning authority for written agreement:
 - a. Details of the materials, colours and textures of all the external finishes to the proposed development, to include lighting and signage.
 - b. Details of proposed boundary walls, to include details in respect of material, height and external finish.

Reason: In the interest of visual amenity.

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- a. A plan to scale of not less than 1:500 showing –
 - i. The species, variety, number, size and locations of all proposed trees and shrubs (which shall comprise predominantly native species),
 - ii. Details of roadside/street planting,
 - iii. Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- b. Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

- c. A timescale for implementation.
- d. No trees shall be planted to conflict with the requirements of the planning authority in respect of public lighting.

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

- 8. The development shall not operate outside the period of 0700 to 2200 hours Monday to Sunday, including public holiday.

Reason: In the interest of residential amenity and the amenities of the area.

- 9. There shall be no overnight parking of vehicles within the curtilage of the development.

Reason: In the interest of residential amenity and the amenities of the area.

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

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

- 11. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

12. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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.

14. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and

Development Act 2000 in respect of the provision of bollards along the footpath outside of the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Deirdre MacGabhann
Planning Inspector

18th September 2017