



An
Bord
Pleanála

Inspector's Report ABP-300777-18.

Development	Demolition of all existing structures and the construction of a single storey service station building and all associated site works
Location	Clondrinagh Roundabout, Clondrinagh, Co Limerick.
Planning Authority	Limerick City and County Council.
Planning Authority Reg. Ref.	17/420.
Applicant(s)	Liam Carroll.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Two Third Party
Appellant(s)	1. Petrogas Group Ltd. 2. Topaz Energy
Observer(s)	None.
Date of Site Inspection	14 th June 2018.
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (of stated area 0.77ha) is located approx. 3.5 Km to the north west of Limerick City and to the northern side of the River Shannon. The site lies adjacent to the south side of the Clondrinagh Roundabout on the Ennis Road (R445), approx. 500m from the county border with Co. Clare. The site is bounded to the east by the Ennis Road (R445) and the north by the Clondrinagh Industrial Estate Road.
- 1.2. The Ennis road is one of the key distributor routes into limerick City from the north-west, connecting to Shannon, Ennis and Galway.
- 1.3. At present the site contains a derelict single storey dwelling. There are some free-standing walls to the rear of the dwelling, the remains of a former outhouse structure. The site is overgrown and contains mature trees to its northern and eastern boundaries.
- 1.4. Vehicular access to the site is off the Clondrinagh industrial estate road. Currently there is no vehicular access from the Ennis Road, albeit a field gate remains which provided access prior to the realignment of the Ennis Road.
- 1.5. The appeal site is located in a largely industrial and retail area. There are a mix of uses in the area with a furniture store, gym, car repairs located to the north / north east, a tiles / paints store and Chemstore engineering located to the south and north west, respectively, and Coonagh Cross shopping centre site / Limerick IT campus to the south east.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - (a) The demolition of all existing structures,
 - (b) The construction of a single storey service station building of 253 sqm gross floor space incorporating:
 - A convenience shop of 100 sq. m net retail area
 - 50. sqm deli which includes food preparation space (no frying),
 - Seating, storage, office, toilets, bin storage

- Delivery yard to the rear.
- The service station forecourt will comprise a canopy with an illuminated fascia and 6 no. fuel pump islands,
- Electric car charging points,
- Car servicing area, a car wash facility
- 2 no. 40,000 litre and 1 no. 60,000 litre underground fuel storage tanks with associated pipework and over ground fill points,

(c) The construction of a two storey restaurant building of 517 sq. m gross floor space

- Incl. drive thru facility,
- Ground floor seating,
- Children's play area,
- Food preparation space, refrigeration, storage and toilet areas,
- First floor staff room, office, storage and toilet areas,

(d) Parking to comprise

- 46 no. car parking spaces,
- 2 no. coach/HGV parking spaces and bicycle stands,

(e) ESB substation,

- Associated signage throughout the site,
- Attenuation tank and interceptors, connection to the foul sewer,
- New access slip-lane into site from Ennis Road (R445) and upgrade of existing site access/egress arrangement off Clondrinagh Industrial Estate Road,
- All associated site boundary treatments, landscaping and site development works

2.2. The service station was revised by way of F.I. and C.F.I the following drawings and reports, of note, accompany the application:

- Planning Statement
- Retail Needs Assessment
- Transport Assessment
- Mobility Management Plan
- Road Safety Audit (RSA)
- Drainage and Flood Risk Assessment
- Appropriate Assessment (AA) Screening Report

The service station was originally proposed to be 550 sq. m reduced by way of F.I. to 253 sq. m. The floor space of the Drive Thru Restaurant was reduced from 650 sq. m to 517 sq. m. Net retail area was increased to 100 sq. m with a deli area of 50 sq. m and a café seating area of approx. 31 sq. m

The deceleration lane has been removed on the R445 and a 3m wide left turn provided. A new Road Safety Audit (RSA) has been provided. The entry point is further away from the roundabout. An on-site package treatment plant was proposed instead of pumping to foul sewer on Conagh Roundabout. Note: The p.a. considered the proposal for an on – site treatment plant unacceptable and this was omitted subject to C.A.I request

- Drawing 17-103-P05-Rev B Proposed Service Station Plan, Section and Elevations (Revised)
- Drawing 17-103-P03-B Proposed Site Plan (Revised)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Subject to further information (F.I.) being requested with respect to:

1. Land ownership issues
2. Written consent for modification to boundaries

3. Size and scale of the ancillary services, proliferation of petrol stations and distances to same, café / seating to be revised to have a maximum net floor area of 150 sq. m
4. Revised car parking schedule
5. Clarify the intended operator of the restaurant and drive thru
6. Traffic safety
7. Surface water disposal
8. Clarification of location of large gas distribution main and water main running through the site
9. Public Lighting
10. Flood and Drainage Assessment Issues – clarification that the foul sewer network has the capacity to take the foul effluent generated and
11. Details of air extraction system, odour management, grease traps, forecourt interceptors,

And to Clarification of Further information (C.F.I.) being requested in respect to:

- (i) Foul sewerage disposal and
- (ii) Third party submission regarding legal title to lands,

Limerick City and County Council (LCCC) Granted planning permission subject to 26 no. conditions.

Conditions of note:

C4. The service station retail unit shall be used solely for the sale of goods relating to the motor trade, or such convenience goods as are appropriate to a petrol filling station (confectionery, newspapers, etc.) No fast food take-away or off licence shall operate from this unit.

C7. Operational noise and mechanical machinery systems noise restrictions

C8. Construction Management Plan

C9. Details of road signage, warning the public of the entrance and of proposals for traffic management at the entrance, shall be submitted to and agreed in writing with the p.a.

C13. Car wash shall be adequately settled prior to discharge to ensure that silt is retained. Such silt shall be removed at regular intervals and disposed of in an environmentally safe manner.

C14. No vehicles, goods, merchandise or other materials shall be displayed for sale on or about the forecourt without prior planning permission.

C16. Oil interceptor shall be installed on site

C17. Stage 1 and Stage II petroleum vapour recovery requirements

C18. Any underground pipe work for the delivery to or abstraction from the proposed oil tanks shall have a water tight ducting.

C20. Archaeological monitoring.

C21. Site specific waste management plan

C23. Traffic safety, signage and Road Safety Audit requirements

C26. Relates to Roads, Footpaths and Pedestrian Crossings.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planners Report: The report sets out that the site is zoned Mixed Use in the Limerick Development Plan. A petrol station is open for consideration within this zoning and a restaurant / café is also open for consideration. The principle of the development is in line with the zoning provisions of the site. The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution by the courts.
- Roads Office: Report recommends that road markings be revised to include for 'no exit' at the R445 entrance. Revised layout required.
Surface Water Design: No objection subject to condition.
Public Lighting; No objection subject to condition.

- County Archaeologist: No objection subject to condition.
- Environmental Health: No objection subject to condition.
- Mid-West National Roads Office: No observations.

3.2.2. Other Technical Reports

- Transport Infrastructure Ireland (TII): No observations
- Irish Water (IW): Initial response further information required. Response dated 25th September 2017 indicates that a foul sewer connection can be facilitated pending the completion of a foul sewer extension, 700m to the east of the proposed development. Costs to be borne by the developer.
- HSE: No objection subject to a schedule of public health conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A number of objections / submissions were received the issues raised are similar to those raised in the two third party appeals summarised in detail below.

4.0 Planning History

- **Reg. Ref. 07/3199** Permission Granted (Feb 2009) for demolition of existing single storey dwelling and the construction of mixed use development consisting of 5 no. ground floor retail units, 4 no. floors of offices, surface and underground car parking with associated site works and services, subject to 26 number conditions.
- **Reg. Ref. 02/867** Permission Granted (Dec 2002) for construction of commercial warehouse complete with site entrance, bio-cycle treatment system & associated site works also demolition of existing buildings.

4.1. **Adjoining Development of Interest.**

- **Reg. Ref. 16/751** Permission Granted (Jan 2017) for the demolition of all structures associated with the existing "Applegreen" filling station (including 2 no. buildings measuring combined area of 129sq.m) and provision of a replacement filling station on a larger site (0.457 hectares, increase of 0.27 hectares on existing 0.19 hectares). The new service building (GFA 488.8 sq. m) will contain a net retail area of 99.6sq.m (including ancillary off-licence of 11.9sq.m) along with 3 no. food offers (58.60sq.m), communal seating area (83.8sq.m) and back of house (212.7sq.m - food prep/toilets/storage/cash room). The building will contain 9 no. signs on 3 no. elevations. It is also proposed to provide ancillary works including 6 no. pump islands with branded canopy over; brush wash; air & water; vent pipes, Main ID sign and detached store (20sq.m). Access will continue to be off the shared access road, with egress directly onto the Ennis Road at a location further to the west of existing. All associated site works including 57 no. car park spaces, line markings, directional signage, boundary treatment (including closing up of existing entrance and making good) landscaping, attenuation, new pumping station and connection to public mains sewer. This site is located approx. 250 m to the south east of the subject appeal site, also on the southern side, of the Ennis Road (R445).

5.0 **Policy Context**

5.1. **Retail Planning Guidelines, April 2012**

S.2.4.3 Petrol filling station shops floorspace cap

100m sq. net irrespective of location.

It is a matter for the relevant joint or multi-authority retail strategies and development plans to decide how and or where the caps above should apply to particular cities and towns and their environs where these locations are traversed by local authority boundaries.

In very exceptional circumstances in preparing retail strategies County Councils outside the Greater Dublin Area and the other larger Gateways such as Cork, Limerick, Galway and Waterford could introduce a small downward revision to the

floorspace cap in appropriate circumstances where the size of existing town centres is small in relation to the scale of the cap, and the potential for convenience goods expenditure growth is limited and where accordingly development of convenience stores up to the full extent of the relevant floorspace cap could have a negative impact on the vitality and viability of the town in question. However, if a planning authority wishes to propose a small downward revision to the floorspace cap the justification should be fully substantiated by an expert study, which would demonstrate how effective local competition and consumer choice would be protected.

Section 4.11.9 Retailing and Motor Fuel Stations of the Retail Planning Guidelines sets out; 'Convenience shops are part of the normal ancillary services provided within motor fuel stations. In rural areas, they can have a very important function as the local shop or small supermarket. However, 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, i.e. the retail element of the proposal shall be assessed by the planning authority in the same way as would an application for retail development (without petrol/diesel filling facilities) in the same location.

In considering applications for development, attention should also be given to the safety aspects of circulation and parking within the station forecourt.

Motor fuel facilities ancillary to large convenience goods stores located in or adjacent to town centres often provide healthy competition in this sector of the market without adversely affecting town centres. It is not axiomatic, however, that all large convenience goods stores formats should have ancillary fuel facilities, particularly where the objective of planning policy is, wherever possible, to fit large convenience goods stores on sites within or on the edge of town centres. It will often be difficult to find a site at this type of location with acceptable road access which is sufficiently large to allow both a full sized store and a fuel station. Consequently retailers should not seek to claim that they are unable to assemble sites within a town centre or on

the edge of one, simply because they face difficulty in assembling a site capable of accommodating a large convenience goods stores and a fuel station’.

5.2. Development Plan

The Limerick City Development Plan 2010 – 2016 is the statutory Plan.

The appeal site is zoned Mixed Use (5A) under the Plan and both ‘petrol station’ and ‘restaurant’ are ‘permitted in principle’ land uses.

It is an Objective of Mixed -Use Zoning Z5 ‘to promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency.’

Part III of the Limerick Development Plan, ‘Development Management’ is applicable to the appeal case, S16.46 deals with Petrol Stations. It lists criteria which are to be met for petrol stations.

5.3. Natural Heritage Designations

The site is not within a Natura 2000 site the closest Natura site is The River Shannon and River Fergus Estuaries SPA (site code 004077) is located approx. 380m to the west.

The site is located east of the Lansdowne River, a small leveed tributary of the Lower Shannon, here forming the boundary between the city of Limerick and the County of Clare and crossed by the R445. The river is designated downstream of the road bridge as both a SAC and a SPA. The main Shannon River Estuary is located 1.4 Km to the south-west.

6.0 The Appeal

6.1. Grounds of Appeal

Two number third party appeals have been lodged by Topaz Energy and Petrogas Group Ltd. The grounds of appeal are summarised as follows:

Non- Compliance with Development Plan Policy in relation to zoning

- Notwithstanding that the proposed uses are permitted in principle within zoning objective 5A for 'General Mixed Use' the development would not create a vibrant urban area and would not support the principles of sustainable development.
- The site has potential for substantial employment opportunities, better suited to a more high-density employment use.
- Optimum use should be made of existing infrastructure.
- LIT have permission for a new €14m campus adjacent to the site at Coonagh

Proliferation of services Stations in the local area

- There is an existing 'Applegreen' located 250m to the south east of the appeal site, owned by Petrogas Ltd.
- The references to the former nearby Texaco service station are irrelevant and cannot justify the subject proposal. It was abandoned for more than 13 years.
- There are 4 no. service stations serving 2 Km of the R445 that leads to the site.
- Permission was granted for redevelopment of the 'Applegreen' in January 2017, this permission includes 3 no. food offers.
- There is no further requirement for service stations or convenience retail in the local area.
- The potential impact of an additional filling station does not appear to have been given any proper consideration despite the planner raising serious concerns about proliferation of stations in the area.
- Proliferation of petrol filling stations is contrary to Development Plan policy.
- The proposal if permitted would have a negative impact upon trade of existing petrol stations esp. station located closest to its south.

That the proposal would become a destination in its own right.

- While the retail area is relatively small, the element that makes the proposed development a destination in its own right is the extent of the restaurant floor space proposed together with a drive-thru element.

- The appeal site is 2.5 Km from the N18, the proposed development will capture commuters from this route into the city centre.
- The applicant and a local TD are quoted as referring to the development as akin to a motorway service station which gives an indication of the size and scale of the development that is involved.
- To permit a service area to become a destination for local customers would be contrary to Government planning policy on retail and town centres, as set out in the Retail Planning Guidelines 2005.
- Appeal Case PL26.243865 for a large-scale service station at an edge of centre site in Gory is of relevance.
- Appeal Case PL17.248517 is also of relevance. Board refused permission by reason of diversion of trade from Dunboyne centre, development fails to protect core retail areas and to support vitality and viability.
- Under ABP Case PL04.241494 the Board decided to omit the provision of a drive thru element.
- Concern with respect to potential for such large-scale restaurant floorspace with drive thru to have impacts on the vitality of adjoining centres and result in the service station becoming a destination in its own right.

Road Safety Issues

- The development proposes two entrances which appear within 35m of the Clondrinagh Roundabout. Consequently, it is submitted that the proposal represents a material contravention of the LCP.
- Only 2 no. HGV / bus parking spaces are proposed on the site
- One HGV / bus parking space is shown to obstruct the flow of vehicles through the site if there is a vehicle parked on it.
- Proposal would give rise to a road safety risk, particularly to pedestrians. There are no pedestrian crossings on the Clondrinagh Road near the site.
- Naïve to think that HGV customers will not form a significant portion of the overall customers, given the location of the site at the entrance to an industrial estate, on

the edge of the city, convenient for HGV drivers to stop on way into or leaving the city.

- The coach space is located at the furthest point from the restaurant yet this is likely to be the primary attraction.
- Number of car parking spaces indicated in the public notice is incorrect.
- Concern with respect to number of car parking spaces proposed. 30 car parking spaces are proposed for the filling station with only 18 to serve the restaurant.
- The level of car parking compared to other drive thru restaurants is well below what is considered to be the norm.
- Lack of adequate car parking and proximity to a major roundabout junction could pose traffic safety issues.
- Lack of suitable HGV parking and the shortfall of car parking spaces will result in haphazard parking around the perimeter and within the development resulting in a serious traffic hazard.

Negative Visual Impact

- Proposed development would represent a lost opportunity for north Limerick City.
- Visual pollution in the form of large illuminated projecting signs

Procedural Issues

- The p.a. failed to up load F.I. amendments to their website and appellants were unable to view amendments to the proposed development.
- Impeded appellants rights to make comments on the application.
- The public notices state that 46 no. car parking spaces are proposed. This does not include the 12 spaces at the pumps. This is a serious omission and appellants reserve the right to seek a judicial review.

6.2. Applicant Response

- 6.2.1. A response was received from Braniff Associates Chartered Town Planners on behalf of the first party Mr Liam Carroll.

Proliferation of services Stations in the local area

- The p.a. concerns centered on the scale of the petrol filling station proposed and not the principle. The filling station was significantly reduced by more than half (decreasing from 550 gross sq. m to 253 gross sq. m)
- The site is located in close proximity to the site of a former filling station and it is therefore reasonable to maintain that this is a key material consideration.
- The Board granted planning application PL26.243865 in Gory and did not refuse it as contended by the appellant.
- The appellants reference to appeal case PL17.248517 was for a motorway service area on un-zoned land in County Meath.
- In respect of the appellants cited case PL.241494. Fermoy is a fraction of the size of Limerick City (c. 6,500 pop v c. 94,000). Also, no supporting retail information was submitted with the application in Fermoy.
- The planning system should not be used to inhibit competition

Design

- The site is currently derelict and its redevelopment as proposed would give rise to an environmental improvement.
- If the board considers it appropriate to do so, a condition could be attached to provide for a degree of low growth planting, at the corner landscape strip, to help obscure the views of drive-thru vehicles and soften their visual impact.
- The key elevation faces north towards the Clondrinagh roundabout and will be heavily fenestrated, with minimal signage.
- The materials and colours used will be sympathetic to its surroundings.

Destination

- A filling station and a drive thru are by their very nature car based developments.
- The site is conveniently located for workers in the industrial estate and LIT students at the nearby campus
- There is a continuous footpath on the R445 that connects the site with the rest of the city.

- The site is zoned for mixed use and the principle of the proposed use complies with the Development Plan.
- Market hype should not get in the way of the fact that the permitted layout does not amount to a so called 'Obama Plaza'.

Traffic Safety Issues

- There are 2 coach parking spaces proposed within the site.
- The layout is deliberately not targeted at attracting HGV's
- Reference by the appellant to the Naas Road e.g. is not comparing like with like.
- Vehicles travelling on the Ennis Rd (R445) are not permitted to park on this clearway, which is of dual carriageway proportions.
- Illegal road side parking will be prevented by the existence of road side bollards along the green verge of the R445 and yellow lines on the Clondrinagh Industrial Estate Road
- In excess of required car parking spaces, as per Development Plan standards, are proposed (47 as opposed to 38).
- The extraordinary query to the number of car parking spaces indicated on the site notice is de-minimus and vexatious.
- The appeal points made, in relation to road safety issues, relate to the original scheme layout and not the revised scheme, therefore they are not relevant.

Impact Upon Applegreen

- Applegreen is not a designated retail centre and does not warrant protection under policy.
- There is no policy requirement to assess the impact of the proposed restaurant food offer on the food offer at Applegreen
- The proposal only comprises 100 sq m net of retail space, which is in accordance with the National Cap, as per section 2.4.3 of the 2012 Retail Planning Guidelines
- A Retail Needs Assessment was submitted with the application to assess impact on Limerick City Centre and existing shops in the catchment.

- The RIA calculated that the service shop will only account for 2.7% of available spend in the local catchment.
- The vast bulk of available revenue will continue to feed into Limerick city centre and other shops and service stations in the catchment.
- The size of this proposal only equates to 0.9% of the existing convenience goods retail floorspace in Limerick City Centre
- The grounds of appeal relate to the original layout that no longer applies.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 ASSESSMENT

I consider the key issues in determining this appeal are as follows:

- **Principle of the Proposed Development and Compliance with County Development Plan Policy**
- **Traffic Safety, Car Parking**
- **Design**
- **Appropriate Assessment**

7.1. Principle of the Proposed Development and Compliance with County Development Plan Policy

- 7.1.1. The proposed development is located within an area zoned “5A” ‘Mixed Use’, with the objective, ‘to promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency’, within the Limerick City Development Plan 2010 – 2016, the relevant statutory Plan (ref to Figure 08).
- 7.1.2. Objective ZO.5 (A) ‘General Mixed Use’, has an Objective ‘To promote the development of mixed uses that serves an area greater than its immediate catchment and to ensure the creation of a vibrant and sustainable urban area’.
- 7.1.3. Part 2 of Chapter 15, Figure 15.1 of the City Development Plan contains the Land-Use Zoning Matrix, it sets out the land-use activities which are ‘permitted in principle land use’ within land use zoning categories. I note that petrol station, restaurant / café, take-away, shop–local, shops – major sales outlet and shop–neighbourhood are all ‘permitted in principle land use’ within Zone ZO.5(A) ‘General Mixed Use’.
- 7.1.4. The proposed development involves the demolition of the existing vacant dwelling and the development of a petrol filling station (pfs) and a separate restaurant facility along with associated parking. See section 2.0 proposed development section of this report above for detailed description of the development.
- 7.1.5. Petrol stations are specifically mentioned in Chapter 16 of the Development Plan. Where a petrol station is proposed, the Development Plan states that the following guidelines shall be considered:

- 'The proliferation of existing petrol stations and distances to same.
- Access to a petrol station will not be permitted closer than 35m to a road junction.
- Frontage shall be agreed with the Transport Department of Limerick City Council prior to the lodgement of this type of development proposal.
- All pumps and installations shall be set back at least 5 metres from the public road.
- A wall, of a minimum height of 0.5 metres, must separate the forecourt from the public footpath.
- All external lighting shall be located so as not to cause distraction to road users.
- One large illuminated projecting sign will be permitted per petrol station.
- Any ancillary facilities shall be located so as not to interfere with residential amenities.
- Any convenience shop proposed on site shall be ancillary to the principal use of the premises as a petrol station and shall be a maximum size of 100m² excluding storage, unless it can be demonstrated that there is a deficiency of convenience retail space in the vicinity. Under such circumstances, the maximum floor space may be increased to 150m².
- Late night opening will only be permitted if it does not impact adversely on residential amenity.
- A landscaping plan shall be submitted as part of this type of development proposal.
- Fast food takeaway and off licence facilities shall not be permitted in petrol stations'.

7.1.6. I note concerns of the appellants with respect to proliferation of pfs's in the area, extent of restaurant floorspace and impact upon the existing 'Applegreen' located some 250m to the south east of the proposed site. It is submitted that there are 4 no. service stations serving 2 Km of the R445 that leads to the site.

- 7.1.7. It is argued by the applicant that the subject application seeks to replace a former Texaco pfs on a nearby site so it is not considered as proliferation. From my site visit it is evident that there is an existing pfs located approx. 250 m to the south east upon which planning permission was granted for redevelopment under Reg. Ref. 16/751, see planning history section of this report for detail, this permission had not been enacted at the time of my site visit. There is also a Tesco pfs adjacent to the LIT site / Coonagh Cross Shopping Centre site to the south east, approx. 500m distant.
- 7.1.8. I note the first party's response that Applegreen is not a designated retail centre and does not warrant protection under policy. There is no policy requirement to assess the impact of the proposed restaurant food offer on the food offer at Applegreen, the recent permitted redevelopment of which has not to date been enacted. The proposal comprises 100 sq. m net of retail space, which is in accordance with the National Cap, as per section 2.4.3 of the 2012 Retail Planning Guidelines. The Retail Needs Assessment submitted with the application calculated that the service shop will only account for 2.7% of available spend in the local catchment. Its size equates to 0.9% of the existing convenience goods retail floorspace in Limerick City Centre. It is submitted that the cumulative retail impact of this proposal in conjunction with the permitted redevelopment of the Applegreen station would be insignificant and that the vast bulk of available revenue will continue to feed into Limerick city centre and other shops and service stations in the catchment.
- 7.1.9. Cognisance is had to the planning history pertaining to the site itself. Permission was granted on foot of Reg. Ref. 07/3199 (Decision date Feb 2009) for demolition of existing house and the construction of a mixed-use development consisting of 5 no. ground floor retail units, 4 no. floors of offices, surface and underground car parking with associated site works. This permission was not enacted and has since expired.
- 7.1.10. The proposed layout and access to the site was revised by way of F.I. and C.F.I and the pfs was significantly reduced by more than half (from 550 sq. m to 253 sq. m (gross)). The location of the pfs and the forecourt has been amended, I note the landscape drawings submitted by way of F.I. (10th Nov 2017) do not reflect this amendment, however the revised site layout is clear from the suite of drawings submitted (in particular Drg. No. 17-103-P03-B Proposed Site Plan - Revised). It is acknowledged that a pfs and a drive thru are by their very nature car based developments. It is proposed that traffic will enter and exit the site from the

Clondrinagh Estate Road. Entry, only, access is proposed from the Ennis Road. The access off the Ennis road and the access from the Clondrinagh Estate Road are not closer than 35m to a road junction / the Clondrinagh roundabout. The proposed opening hours of the service station would be Monday – Sunday 6 am – 10 pm, with a hatch operational 10 pm – 6 am. The hatch is for fuel and convenience retail only. There is no fast food offering in the service station building, i.e. no frying. The food offering would be a café arrangement, serving food from a sandwich bar/ hot food deli. The proposal does not include an off-licence. It is estimated that the development would generate 30 new full and part-time jobs.

7.1.11. All pumps and installations are set back at least 5m from a public road. The service station forecourt is not adjacent to the public footpath. A 0.5m high wall is proposed to separate the forecourt from the internal access road within the site. A detailed lighting plan has been submitted with the application. There are no residential properties adjacent to the site. Late night opening will not affect residential amenity. The café / seating area within the filling station has been reduced from 249 sq. m to 31 sq. m so that it is wholly subordinate to the 150 sq. m net floorspace assigned to the shop (100 sq. m) and deli (50 sq. m) use. Fast-food takeaway and off licence facilities have not been proposed in the service station. One large free standing totem sign is proposed for the service station, located at the entrance off the Ennis Road, and one large totem sign for the restaurant / drive-thru, proposed to be located at the entrance / exit off the Clondrinagh Estate Road.

7.1.12. The site is zoned for 'mixed use' zoning, the principle of the proposed use complies with the Development Plan. Given the planning history pertaining to the site and established pattern of development in the vicinity, I am of the opinion, in agreement with the planning authority, that the proposed development would not have undesirable effects on permitted uses subject to compliance with development management criteria set out in the Limerick City Development Plan. The site is located within a mixed use, zoned urban environment, within the city boundary of Limerick, the planning system should not be used to inhibit competition.

7.2. Traffic Safety, Car Parking

- 7.2.1. Third party concern has been raised with respect to location of proposed entrances, in particular, proximity of entrances to Cooldrinagh roundabout, pedestrian safety, lack of adequate car parking, in particular HGV parking. It is argued that the proposal could lead to haphazard parking around the perimeter and within the development resulting in a serious traffic hazard.
- 7.2.2. It is proposed that traffic will enter and exit the site from Clondrinagh Industrial Estate Road. The original planning application also proposed that traffic would enter and exit the site from Ennis Road via a slip lane. However, the slip has been removed from the proposal in lieu of a 3m wide left turn, approx. 75m from the Clondrinagh roundabout, further away than originally proposed. Traffic will not exit the site onto the Ennis Road, entry only. The R445 in the vicinity of the Clondrinagh roundabout is a dual carriageway road with a 60 Km/hr speed limit. The Clondrinagh Industrial Estate Road is a single carriageway road with a speed limit of 50 Km/hr.
- 7.2.3. The service station includes a single storey building and forecourt area. The building comprises of a convenience shop, deli, seating area, toilet facilities and an enclosed delivery yard to the side. The forecourt area includes a canopy and 6 no. fuel pump islands. To the rear of the building 2 no. electric charging points, car services area and car wash facilities. The underground fuel storage tanks are located to the front of the building beside the forecourt area. To the front of the building, there would be an allocation of 10 no. car parking bays, 2 no. disabled car parking bays, bicycle parking and 1 no. coach parking bay. To the rear of the building 14 no. car parking bays and 1 coach parking bay is proposed.
- 7.2.4. The proposed restaurant comprises of a two storey building. The ground floor includes a seating area, children's play area, toilet facilities, food preparation area, bin storage room, refrigeration room and food storage areas. The restaurant has a drive thru with service hatch located to its eastern façade addressing the roundabout and Ennis Road elevation. On the first-floor further storage area, a plant room, staff rooms, staff toilet facilities and office space is proposed to be accommodated.
- 7.2.5. A revised Mobility Management Plan, Transport Assessment and Road Safety Audit was carried out for the proposed pfs and restaurant. Traffic count surveys were

carried out in 2017. The traffic network was analysed during the peak hours of 0800-0900 and 1700-1800. The tricks database was used to generate trip rates to and from the site. 85th percentile traffic generation levels to the site were used to ensure a robust test was carried out. The modelling concluded that the Clondrinagh Roundabout has sufficient capacity to accommodate the proposed development. Analysis of the entrances indicates that the accesses would not impede the through flow of traffic on the surrounding road network. It is submitted that the proposed development would not notably change the operation of junctions.

- 7.2.6. The proposed development is proposed to be serviced by HGV's approx. 2 times per day. The service vehicles are proposed to be managed and coordinated to arrive at different times so that there is always room at the service bay to accommodate the vehicles. A dedicated service bay is proposed to the south of the restaurant unit. A dedicated service area and a separate offset fill is provided for the petrol tanker.
- 7.2.7. The revised Transport Assessment takes on board the amended layout and reduction in scale of the proposal. It also adds in pedestrian facilities and a raised crossing as suggested by the Council. Walking, cycling and public transport have been considered. The road markings have been revised to include for 'no exit' at the R445 entrance. A table top ramp is proposed at the Clondrinagh Industrial estate road. This allows for pedestrians to cross to the existing island at grade. Tactile paving has been introduced at the proposed pedestrian crossings. Clear sight triangles are indicated on the revised site layout plan and a height of less than 250mm is specified for planting at or near internal junctions so that it would not impede sightlines.
- 7.2.8. Table 16.1 General Parking Standards of the Limerick City Development Plan 2010 - 2016, zone 3 suburban, applies. There is no specific car parking requirement for service stations so PS1 (Retail) was used for the retail element and PS3 (restaurants) was used for the remainder. PS3 was used for all of the restaurant building. Accordingly, there is a requirement of 38 car parking spaces to serve the proposed development and the first party is proposing to provide 46, including 4 disabled spaces (2 in front of the cafe and 2 in front of the pfs) an additional 12 spaces are proposed at the pumps (6 islands). This gives a total on site car parking of 58 which has been amended downwards from 67 car parking spaces in the

original application. The development also proposes 28 cycle parking stands and 2 no. coach parking bays.

- 7.2.9. Cognisance is had that a pfs and the drive-thru element of the restaurant are by their very nature primarily car based developments. This being said, I tend to agree with the first party that the site is conveniently located for workers in the industrial estate and LIT students at the nearby campus. I note that the site is served by public transport (service 343 from Limerick runs from 0505 to 2315 with 27 buses per day with 9 services on a Sunday from 0640 to 2240, stop is located 700m from the appeal site) and there is a continuous footpath on the R445 that connects the site with the surrounding urban area and to the city centre.
- 7.2.10. Given the foregoing I tend to agree with the first party that the nature and scale of the development and location of same is such that the development will mainly attract local and passing business which is unlikely to impact adversely on traffic in the area. I agree that the proposed use and location would not lead to congestion and traffic conflict on site due to proposals for traffic movement via a one way 'in' system from the Ennis Road and a 'in and out' system from the Clondrinagh Industrial Estate Road (which can be controlled by way of condition attached to any grant of planning permission forthcoming from the Board) and the recognition that car speed / manoeuvres within and around petrol filling stations are generally slow.

7.3. Design

- 7.3.1. The appeal site is located on a key junction along a busy arterial route which connects Limerick City with Ennis and Shannon. The revised service station is a single storey building of 253 sq. m GFA some 6m in height. The proposed restaurant is a two storey building of 517 sq. m some 9m in height. Service areas are positioned to the rear of buildings. The key elevation faces north towards the Clondrinagh roundabout and is heavily fenestrated with minimal signage.
- 7.3.2. The façade of the structures comprises of extensive areas of glazing. The materials and colours used will be sympathetic to its surroundings. The roofs of both buildings slope gently up towards the road and a projecting canopy above the service

forecourt is proposed. The design idiom of the structures is modern and visually attractive.

- 7.3.3. Given that the site is currently derelict I agree its redevelopment as proposed would give rise to an environmental improvement.
- 7.3.4. I am of the opinion that the proposed development located within a 'mixed use', largely industrial and retail area, is visually acceptable. The site is not directly in proximity of residential dwellings and would have little or no effect on the residential amenities of the area.
- 7.3.5. I note the minimal signage on the facades of the restaurant and pfs buildings and the two standalone signs, 'service station totem free standing sign' with a height of 8m x 2.15m and the 'restaurant totem free standing sign' of 6.5m x 2.2m proposed, one at both access points. No detail of materials has been submitted. Additional drive thru signage, forecourt signage, site signage (car wash, directional signage) is noted.
- 7.3.6. I consider that the signage proposed, as per the planning drawings submitted, is acceptable in principle. However, I recommend that should permission be forthcoming by the Board that a condition be attached requiring that no internally illuminated or neon signage shall be permitted. This is a prominent site and therefore signage should be strictly controlled in the interests of visual amenity.

7.4. Appropriate Assessment (AA)

- 7.4.1. A Stage 1 screening report was carried out, by the first party, the report submitted with the planning application concludes that there would be no significant effect upon any Natura 2000 site features.
- 7.4.2. The site is not within a Natura 2000 site. It is proposed to connect to public foul sewers. The proposed development will not have any significant impact on European sites. The planning report on file concludes that appropriate assessment is not required.
- 7.4.3. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to

adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 CONCLUSION / RECOMMENDATION

- 8.1.1. I recommend that planning permission should be Granted subject to the following conditions.

9.0 REASONS AND CONSIDERATIONS

- 9.1.1. Having regard to the land use zoning of the site, its location and established pattern of development in the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be injurious to visual amenity of the area, would not give rise to a traffic hazard and would not, therefore, be contrary to the proper planning and sustainable development of the area.

10.0 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 10th November 2017, the 23rd of November 2017 and the 7th December 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

3. The service station retail unit shall be used solely for the sale of goods relating to the motor trade, or such convenience goods as are appropriate to a petrol filling station (confectionary, newspapers, etc) No fast food take-away or off-licence shall operate from this unit.

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

4. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 16.00 on Saturdays and not at all on Sundays, Bank or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

5. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of orderly development.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including,

noise / vibration and traffic management measures and off-site disposal of construction/demolition waste.

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

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

Reason: In the interest of traffic.

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

(i) Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance.

Reason: In the interest of traffic safety.

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

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

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

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

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

Reason: In the interest of visual amenity.

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

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

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

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

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

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

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

(iii) Precise details of the proposed opening hours.

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

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

Reason: In the interest of visual and residential amenity.

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

Reason: In the interests of public safety.

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

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

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

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

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

(i) Compliance with stage i and stage ii petroleum vapour recovery requirements contained in S.I. No. 375 of 1997 and S.I. No. 687 of 2011.

Reason: In the interest of public safety.

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

Reason: In the interest of public safety.

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

Reason: In the interest of public health.

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

Reason: In the interest of traffic safety.

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

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

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

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

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Fiona Fair
Planning Inspector
07.08.2018