



An
Bord
Pleanála

Inspector's Addendum Report

ABP-309439-21

Development

Reconfiguration and replacement of existing service station fuel pumps, canopy and associated underground fuel storage tanks, replacement of two-storey building with a new single storey building containing convenience shop, off-licence, café, seating area, relocation of two vehicular entrances/exits to service station, reconfiguration and expansion of carpark, landscaping, boundaries and associated site works.

Location

Dungarvan, Co Waterford.

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

20307

Applicant(s)

Coolagh Service Station Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

First v. Condition and Third Party

Appellant(s)	1. Coolagh Service Station Ltd. 2. Anne Harnett 3. Circle K Ireland Ltd.
Observer(s)	None
Date of Site Inspection	12 th May 2022
Inspector	Emer Doyle

1.0 Section 137 Notice

1.1. The Board decided to issue a Section 137 notice to the applicant dated the 16th of December 2022 as follows:

- The Board noted that the proposed development provides for 91 car parking spaces on the site and whilst the Board was generally satisfied with the principle of the proposed re-development of an existing service station and shop/café, the Board may be concerned that this significant over-provision of parking on the site may result in the proposed development becoming a destination in its own right rather than ancillary to a primary fuel station use. In this context, the Board may consider that a reduced parking ratio in line with Development Plan Standards may deliver a development that was in accordance with the General Business Zoning objective for the site in the current Development Plan and therefore, in accordance with the proper planning and sustainable development of the area.
- Furthermore, the Board may share the concerns of the planning authority in relation to the impact of two separate access points on traffic flows and safety and requests the applicant, in the context of the new issue identified above, to reassess the impact of a significantly reduced quantum of parking on the Ratio to Flow to Capacity for Junction/s.

2.0 Procedural

2.1. The applicant responded to this request with a submission dated the 20th of January 2023. The Board circulated the response received to the relevant parties under Section 131 of the Planning and Development Act 2000 (as amended).

3.0 Submissions and Observations

3.1. Two responses were received from third party appellants, which raise similar concerns to those previously raised. These can be summarised as follows:

- Car parking excessive.
- Reduction of car parking with arbitrary distinctions represents an unconvincing attempt to mask the extent of actual car parking proposed.
- Development is contrary to National Policy in terms of the nature and scale and extent of retailing proposed.
- Difficulties in relation to traffic and road safety are linked to the scale and extent of development. In this regard, 'an obvious solution presents itself to the Board.'
- Neighbouring property has lived at this location for 29 years and 'she does not want to be a prisoner in her own home'. In this regard she does not want the existing entrances to be altered.

4.0 **Assessment**

4.1. **Key Issues**

4.1.1. I consider that the key issues arising in respect of the response submitted by the applicant dated the 20th of January 2023 comprise the following:

- Scale of Car Parking
- Traffic Safety

4.2. **Scale of Car Parking**

4.2.1. The Board considered that 'a reduced parking ratio that was in line with Development Plan Standards, might deliver a development that was in accordance with the General Business zoning objective for the site.'

4.2.2. Table 7.1 of the Waterford City and County Development Plan 2020-2028 sets out requirements for car parking spaces. Retail shops require 1 space per 50 square metres of floorspace whilst restaurants require 1 space per 30 square metres of floorspace. I also note that there is a specific provision in the Development Plan in relation to retail outlets in service stations which requires 1 space for 10 square

metres. I have assessed the car parking provision hereunder using the **service station** provision in relation to retail outlets for the Centra shop together with the application of the café/ restaurant standard to the Frank and Honest café proposed.

- 4.2.3. As outlined in my previous report, it is difficult to distinguish the floorspace allocated to each use in this scenario as customers can move freely around both spaces. However, using the figures submitted by the applicant of 182m² for each use, I consider that the Development Plan requirement is for c. 24 spaces based on the net floor area the public have access to and excluding storage, toilets etc.
- 4.2.4. In the information submitted to the Board dated the 20th of January 2023, the applicant proposes a reduction of spaces from 91 to 61 with an additional 4 bus parking spaces and 1 truck parking space. The use of the spaces are outlined as follows: - general spaces - 25, temporary spaces for fuel payment - 14, staff car parking spaces -11, EV charging bays -7, accessible spaces - 4.
- 4.2.5. I note that the Development Plan has a specific section for retail outlets within service stations of 1 space per 10 square metres. This is considerably higher than the required standards for general retail as outlined in the plan. This is the total requirement and there is no separate allowance for temporary spaces for fuel payment, staff car parking, electric charging bays or accessible spaces.
- 4.2.6. In my view, the applicant does not appear to have addressed the car parking requirements in line with the standards set out in the Development Plan. The car parking proposed significantly exceeds the standards set out by the Planning Authority in their recently adopted Development Plan. I refer the Board to the submission made on behalf of Circle K Ireland Ltd. to the reduction in car parking which describes the arbitrary distinction between different uses as ‘an unconvincing attempt to mask the extent of actual car parking proposed.’ My view is that the division of car parking as proposed in the response is not required by the Development Plan.
- 4.2.7. I note that there seems to be a trend for larger service stations with food areas and electric charging points near greenways which serve the local population, tourists, and regular users of the national routes. The response refers to a recent decision issued by the Council for the N25 at Lemybrien on the N25, 12km north of the site granted by the Planning Authority but not appealed to the Board with a total of 83 parking spaces. In my view, this trend is out of line with national policy and the

granting of two similar service stations in close proximity to the greenway would lead to a cumulative negative impact which has not been assessed.

- 4.2.8. I do not accept that the development proposed would simply serve traffic on the passing national road network. As expressed in my previous report, this service station would become a destination in its own right and attract customers from elsewhere including the town centre. As such, I am of the view that the applicant has not applied the Development Plan standards correctly or has adequately demonstrated that the proposed development, by virtue of its scale and proposed food offerings and quantity of car parking spaces, would not adversely compete with the town centre or give rise to 'leakage'.

4.3. **Traffic Safety**

- 4.3.1. I note that Planning Authority had concerns in relation to traffic safety and conditioned in Condition 3(b) the following:

'A single entry point and a single exit point only shall be provided to serve the development permitted herein, the proposed 2 No. entry and exit points are expressly omitted by virtue of this condition....'

- 4.3.2. In the Board Direction dated the 8th of December 2022, it was stated that 'the Board might share the concerns of the planning authority in relation to the impact of two separate access points on traffic flows and safety and requests the applicant, in the context of the new issue identified above, to reassess the impact of a significantly reduced quantum of parking on the Ratio to Flow to Capacity for Junction/s.'
- 4.3.3. The response submitted on behalf of the applicant dated the 20th of January 2023 carried out a Ratio of Flow to Capacity (RFC) of a single entry/ single exit arrangement with 61 parking spaces and compared these to both the single entry/ single exit arrangement with 91 parking spaces and the junction arrangement proposed by the applicant of closing the existing entrances on the N25 with a new southern entrance to serve just the service station and a new northern entrance to serve both the service station and the proposed residential development.

4.3.4. Whilst the analysis indicated that queuing times would be significantly reduced through the reduction in car parking spaces, the applicant concluded that when growth rates are applied to background traffic, the junction operates close to and above capacity. It is stated that if one junction was to be in operation at the proposed development, the internal vehicle queue length within the service station would be 4 vehicles (20m). This delay and queue would have a significant impact on the workability of the internal layout of the station.

4.4. I consider that the applicant has not applied the Development Plan standards correctly and wishes to have car parking available at a significantly higher level than the standards recently adopted. The fundamental issue raised previously has not been addressed by the response submitted by the applicant. Section 4 of the Traffic and Transportation Assessment in relation to trip generation states the following:

‘As a conservative estimate for the additional traffic generated by the upgrading of the service station, we have doubled the traffic figures using the service station, in line with the size of the shop/ deli/ seating area doubling in size from 487m² to 712m².’

4.4.1. Whilst, the traffic analysis dated January 2023 provides for a reduction in traffic volumes proposed in line with the reduction to car parking spaces, there have been no changes to the internal facilities available to customers and I am of the opinion that the proposed development, by reason of the scale and range of services available, together with the considerable retail element will attract short trips and become a destination in its own right. It would therefore have the potential to draw trade from the town centre.

4.4.2. Whilst, I found the existing access situation to be somewhat confusing with multi-use access and exit points, the existing service station has a very large car parking area which is significantly underutilised at present. The redevelopment of same with a vast improvement to facilities and services will fundamentally alter traffic arrangements. There is no information/ assessment in terms of the impact of future developments including housing at this location and in particular how this would impact on the northern access proposed by the applicant which is to serve both the service station and future residential development. In this regard I note that lands to the north and west of the site indicated to be in the applicant’s ownership are zoned as SRR- Residential Strategic Reserve in the current Development Plan.

- 4.4.3. Overall, my view is that the proposed development is a significant intensification of the existing development and the scale of the proposed development is undesirable at this location. I consider that the impacts of traffic safety, the revised figures submitted for trip generation, and the number of car parking spaces associated with the proposed development further highlight this.

5.0 Recommendation

- 5.1. Having regard to the above, it is recommended that permission be refused for the proposed development based on the following reasons and considerations:

6.0 Reasons and Considerations

Having regard to the scale of development proposed including the size of the development relative to the existing development, the proposed food offering with indoor and outdoor seating together with the significant oversupply of car parking spaces, it is considered that the proposed development would become a destination in its own right and would result in a new primary use with the petrol filling station becoming a subsidiary use. Furthermore having regard to the Guidelines for Planning Authorities on Retail Planning issued by the Department of the Environment, Community and the Gaeltacht in 2012 and policy R03 of the Waterford City and County Development Plan 2022-2028, which requires the adoption of a sequential approach for locating retail development, the Board considered that, in the absence of a sequential assessment, there was insufficient justification for the proposed retail space in the development to significantly exceed the net floorspace of 100 square metres recommended for Motor Fuel Stations in Section 5.18 of the Development Plan. In the absence of evidence for a sequential approach, the Board concluded that the proposed development would be contrary to the Retail Planning Guidelines and the Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

23rd June 2023