

# **SUBMISSION TO PROPOSED AMENDMENT TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029**

**Maxol Service Station, Clareabbey, Clarecastle, Co. Infill Site at**

**Submission Ref: S2.828**

Maxol Limited

Issue: A

Customer Project Number: 5234

Customer Document Number:

## Document Sign Off

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**File No: 5234**

CURRENT ISSUE					
Issue No: A	Date: 31.12.22	Reason for issue: Submission to Proposed Amendments to Draft Clare County Development Plan 2023-2029			
Sign Off	Originator	Checker	Reviewer	Approver	Customer Approval (if required)
Print Name	Mandy Coleman	Paddy Coleman		Mandy Coleman	
Signature	<b>Authorised Electronically</b>				
Date	31.12.22	31.12.22		31.12.22	

PREVIOUS ISSUES							
Issue No	Date	Originator	Checker	Reviewer	Approver	Customer	Reason for issue



## 1.0 INTRODUCTION

P. Coleman & Associates, Architects, Engineers and Planners have been appointed by Maxol Limited to make a submission to the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 (the Draft Plan).

Our Client lodged a submission to the Draft Plan, Submission Ref: S2.828, which requested the following:-

1. The submission requested that the subject site, proposed to be zoned as part “*Mixed Use*”, part “*Existing Residential*” and part “*Agriculture*” be fully zoned to “*Mixed Use*”
2. The submission also requested that the Policy CDP7.21 be modified to provide for associated shops in excess of 100m<sup>2</sup>.

## 2.0 PROPOSED AMENDMENTS TO THE DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

### 2.1 Submission Request No. 1

- Proposed ‘*Existing Residential*’ zoning rezoned to ‘*Mixed Use*’
- No change to proposed ‘*Agriculture*’ zoning

### 2.2 Submission Request No. 2

In relation to the request for policy objective CDP7.21 to be modified to provide for associated shops in excess of 100m<sup>2</sup> subject to the sequential approach as outlined in the Retail Planning Guidelines, this policy is proposed to be revised to allow for petrol filling station shops in excess of 100m<sup>2</sup> subject to the sequential approach being applied. See Figure 1 below showing the proposed revised wording to Policy objective CDP7.21.



Development Plan Objective: Petrol Filling Stations	
CDP7.21	It is an objective of Clare County Council To consider development proposals for petrol filling stations, and associated shops with a floor space <del>no greater than</del> up to 100m <sup>2</sup> (net), on their individual merits, subject to normal planning and environmental considerations <del>traffic impact considerations and the location, health and scale of existing retail services in the area.</del> Where permission is sought for associated shops with a floorspace is in excess of 100m <sup>2</sup> (net), the sequential approach shall also be applied.

Figure 1 – Revised CDP7.21 wording

### 3.0 SUBMISSION TO PROPOSED AMENDMENTS TO DRAFT PLAN

Our Client wishes to make the following requests as part of this Submission

#### 3.1 Submission Request No. 1

The Chief Executive Response to our Client's zoning submission noted that the zoning proposed in the Draft Plan is not reflective of the development on site and should be amended and recommended that the 'Existing Residential' zoning be amended to 'Mixed Use' but recommended to leave the proposed 'Agriculture' zoning as is.

Our Client respectfully submits that the same logic should equally apply to the request to change the 'Agriculture' zoning on the subject site which is also not reflective on a planning permission (Ref: P20/830) which has been granted on to extent the commercial activity on the site into the area proposed to be zoned as 'Agriculture' in the Proposed Amendments to the Draft Plan. In our Clients opinion it is unreasonable that the proposed 'Agriculture' zoning objective on part of the subject site would remain unchanged particularly given that permission has been approved for commercial activity on the full extent of the subject site. Our Client's original submission outlined very valid reasons for this request to have the full site zoned as 'Mixed Use' which are summarised as follows:-

- There is no agriculture activity on the subject site.
- The principle of a petrol station use on the full extent of the subject site was considered acceptable by the Planning Authority in their assessment of Planning Application Ref: P20-830 which granted permission for the following:-

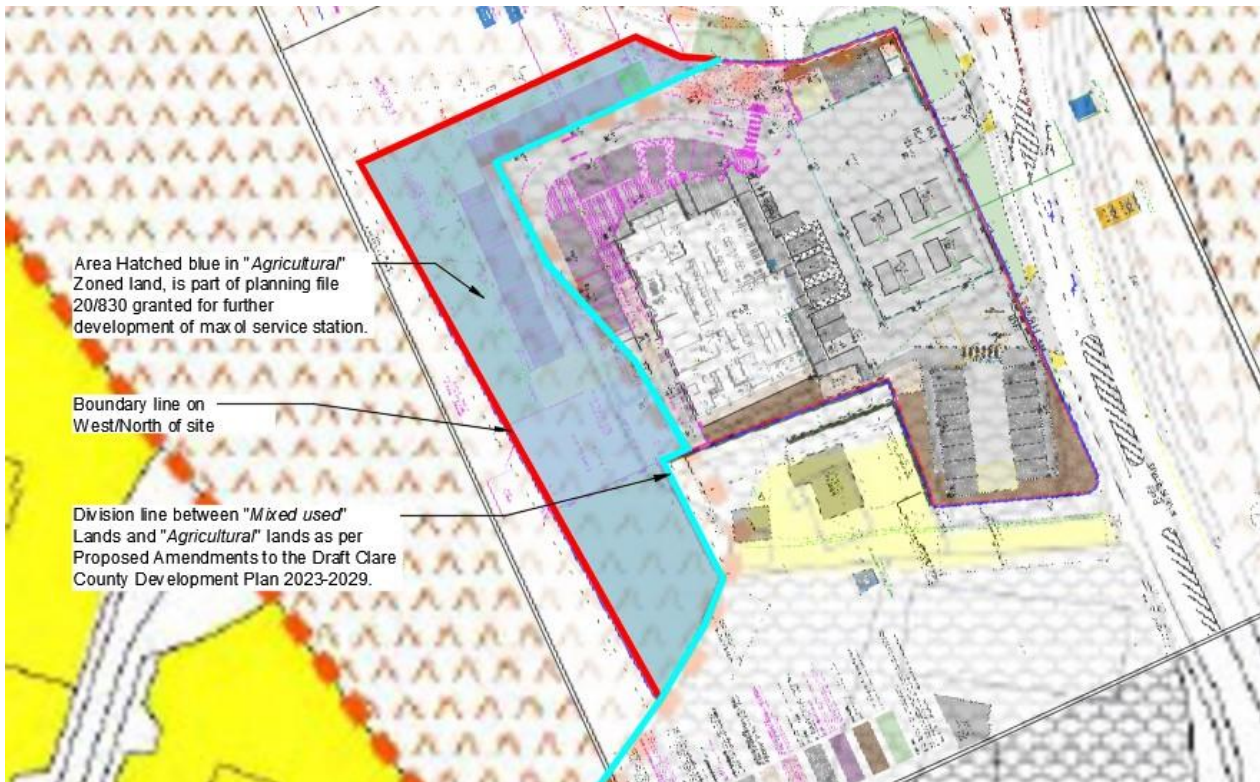


*'Retention of revised location of 3 no. underground double skin fuel tanks (1 x 60,000-litre & 2 x 40,000-litre tanks), revised tanker offloading location & all associated underground fuel pipework infrastructure; (2) revised surface water drainage layout including relocation attenuation tank; (3) 600mm reduction in floor level of the forecourt building and commensurate revised levels in all surrounding forecourt area; (4) revised layout of back of house area for ancillary uses (201.55sq.m); (5) change of use of part of second food offer area & ladies/gents wc area to children's play area (48.25sqm); (6) increased entrance porch floor area of 9.91sqm; (7) elevation changes to forecourt building exterior; (8) 6 no. free-standing advertising signs around forecourt area and 1no. fixed information sign at each of 4no. forecourt pump islands, from those previously approved under planning permission file ref no 16/764; and permission file ref no 16/764; & PERMISSION is sought for (9) **an enclosed delivery off-loading yard plus 23no. additional carparking spaces in a revised site layout to side & rear of the forecourt building on an enlarged site area;** (10) additional attenuation chamber and drainage for enlarged site area; (11) additional directional and advertising signage; (12) additional and relocated light poles and CCTV cameras in **the enlarged site area** (13) all associated ancillary site works at Maxol Service Station, Ennis Road, Clarecastle, Co. Clare (emphasis added).'*

This permission approved an enlarge site which is the subject of our Client's submission.

We provide the following additional information to support our Clients request to have the full extend of the subject site zoned as *'Mixed Use'*.

We refer to Figure 2 below where we have overlaid the proposed zoning map as per the Proposed Amendments to the Draft Plan onto the Site Layout approved under Planning Permission Ref: P20/830 (note there is a small discrepancy in the southern boundary from the Site Layout submitted with Planning Application Ref: P21/1045, which is presently on appeal, which showed a reduced application site area. The boundaries as outlined in Planning Application P21/1045 are the correct boundaries and Figure 2 below has adjusted the southern boundary in this overlay to reflect this). This overlay shows the line of the proposed 'Agriculture' zoning going through the approved delivery off-loading yard and additional car-parking spaces approved under Planning Permission Ref: P20/830 for this existing commercial development.



**Figure 2 – Site Layout approved under Planning Permission Ref: P20/830 (with southern boundary slightly adjusted to reflect boundary submitted under Planning Application Ref: P21/1045) overlaid onto proposed zoning Map as per Proposed Amendments to Draft Clare County Development Plan 2023-2029.**

In the assessment Planning Application Ref: P20/830 Clare County Council referred to the three existing zoning objectives on the site and stated the following:-

*'Having regard to the established use on the site, and that the proposals are to be used to improve on-site parking and internal traffic movements within the existing site, I consider that the principle of the proposed development is acceptable. The overall zoning of the site is noted; however, I consider that the proposed development may be assessed under 'non conforming uses' as contained in the Clare County Development Plan 2017-2023, as varied which states the following:-*

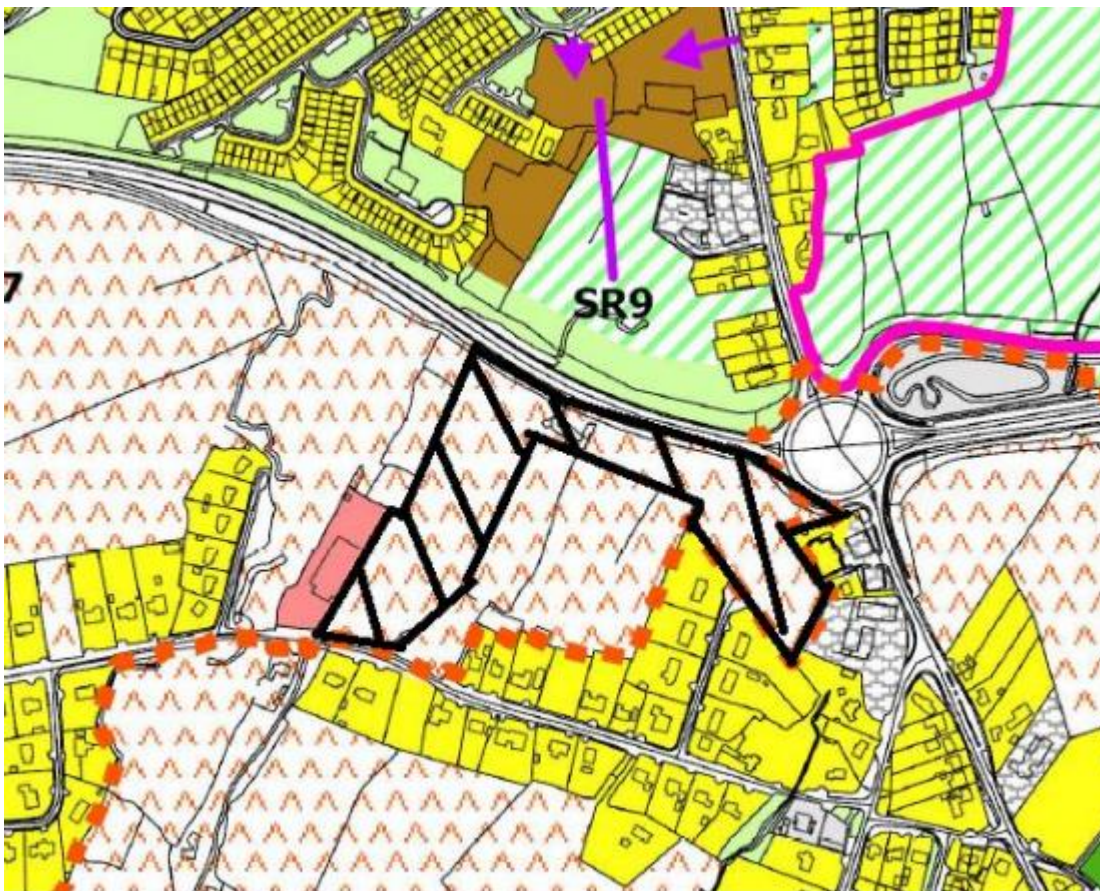
*'Non-conforming uses' are established uses that do not conform to the zoning objectives of the plan. Generally, the Council will consider reasonable extensions and improvements to premises that accommodate non-conforming uses, provided that it would not be injurious to the amenities of the area and is consistent with the proper planning and sustainable development of the area.*

*Having regard to the above and the established use on the site, I consider that the principle of the proposed development works may be considered".*

Given that permission has been approved for commercial activity on the full extent of the subject site it is only reasonable that the 'Mixed Use' zoning should be extended to include the full extent of this site.

This Development Plan process is the ideal opportunity to ensure that the appropriate zoning objective applies to the subject site.

Our Client notes from Submission Ref: S2.548, which is a submission lodged by JADA Projects for rezoning of lands at Ballybeg that the map submitted with JADA Projects submission included the portion of our Clients site proposed to be zoned as 'Agriculture' - See Figure 3 below



**Figure 3 – Map submitted by JADA Projects in Submission Ref: S2.548 including part of our Clients site.**

Our Client wishes to state that the full extent of the Maxol site at Clarecastle, which is the subject of this submission is in their ownership. Our Clients required the additional lands currently zoned as 'Agriculture' and proposed to be zoned 'Agriculture' in the Draft Plan and this was stated in Planning Applications P20/830 and P21/1045.

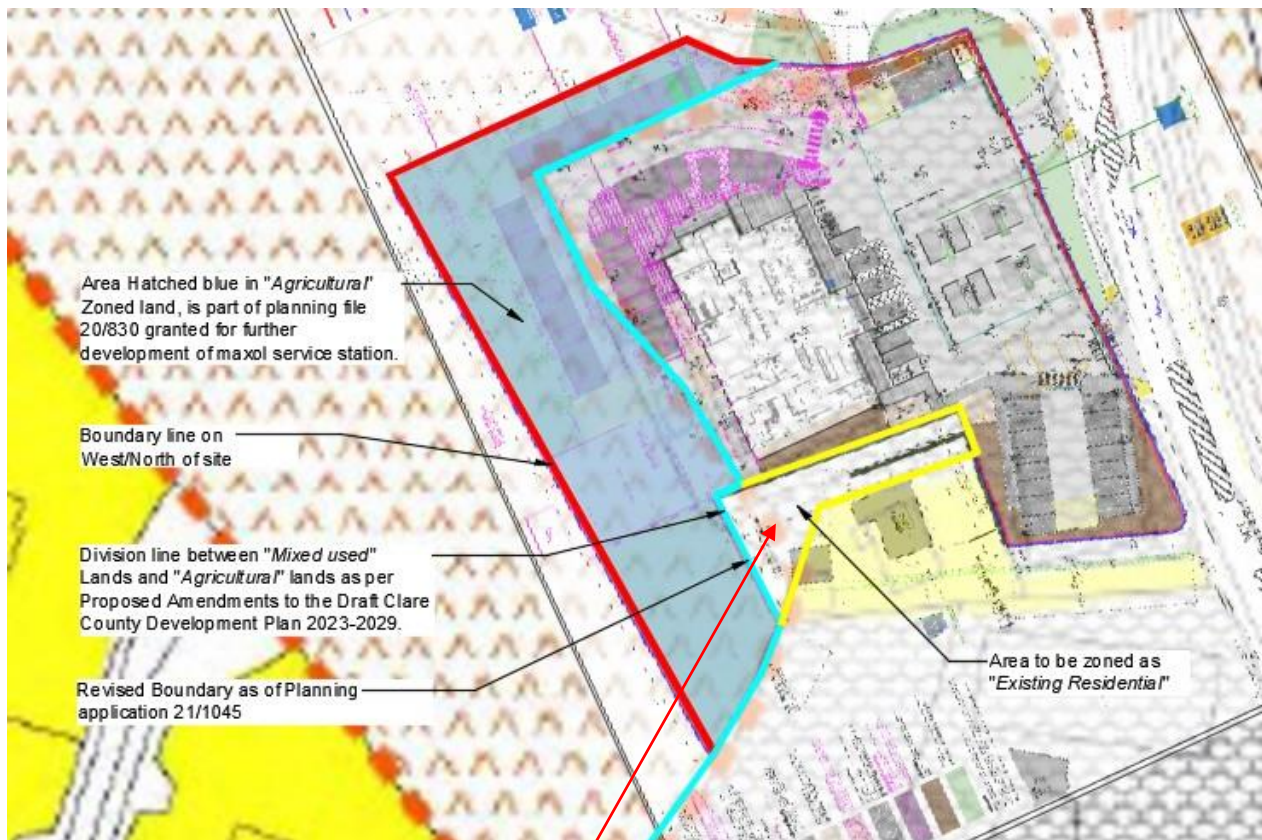
### 3.2 Submission Request No. 2

Our Client welcomes the proposed change in the wording of policy objective CDP7.21 which is proposed to be modified to provide for associated shops in excess of 100m<sup>2</sup> subject to the sequential approach as outlined in the Retail Planning Guidelines as outlined in Figure 2 below.

Our Client is requesting that this proposed revised Policy Objective CDP7.21 is adopted in the Final Plan.

### 3.3 Submission Request No. 3

A small section of the proposed *'Mixed Use'* zoning appears to be within the adjoining residential property boundary. This appears to be a mapping discrepancy which appears to be as a result of the discrepancy in the southern boundary as shown in Planning Application Ref: P20/830 versus the P21/1045 application which shows this correct boundary. See Figure 3 below showing the section of *'Mixed Use'* within with adjoining residential property.



**Figure 4 – Showing area to be rezoned from *'Mixed Use'* to *'Existing Residential'***





#### **4.0 CONCLUSION**

Our Client welcomes the proposed change of the *'Existing Residential'* zoning to *'Mixed Use'* and is seeking that this be adopted in the final Clare County Development Plan 2023-2029.

Our Client is requesting that the proposed *'Agriculture'* zoning objective on the subject site also be changed to *'Mixed Use'* so that the full extent of this petrol station site which as the benefit of planning permission has a consistent and appropriate zoning objective.

Our Client requests that the proposed change to Policy Objective CDP7.21 is adopted in the final Clare County Development Plan 2023-2029.

There is a minor mapping adjustment to the *'Mixed Use'* and *'Existing Residential'* zonings required to reflect the correct boundaries of the site and the adjoining residential property.

We trust that the contents of this Submission will be duly considered.