

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway County

Planning Register Reference Number: 16/437

An Bord Pleanála Reference Number: PL 07.247306

APPEAL by Sean Brett care of Stephen Dowds Associates of 5 Mary Street, Galway against the decision made on the 29th day of August, 2016 by Galway County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Development comprising a new filling station, forecourt and 'drive thru' facility to consist of (1) construction of a new 514 square metres single storey building, comprising of retail area with ancillary off-licence use, two number ancillary food offer counters, seating area, toilets, manager's office and ancillary storage and food preparation areas; (2) 'drive thru' take away facility associated with the food offer including ordering/collection windows; (3) construction of a new forecourt with four number pump islands and canopy over; (4) installation of four number 40,000 litres underground fuel storage tanks, associated pipeworks and overground fill points; (5) installation of one number brush wash facility and one number jet wash facility; (6) installation of one number main ID sign and (7) construction of all ancillary site features including screened bin compound, screened refuse compound, signage, boundary treatments, drainage systems, landscaping and car parking, all at Farranamartin, Galway Road, Tuam, County Galway.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the business and enterprise zoning objective for the site in the Tuam Local Area Plan 2011–2017, the Board considered that, subject to compliance with the conditions set out below, the proposal would not entail overdevelopment of this site and its proposed building would contain a shop that would comply with the relevant retail floor space cap for shops within petrol filling stations. This building and the accompanying forecourt canopy would be compatible with the visual amenities of the area and, subject to the control of lighting and landscape screening, the use of the site as a petrol filling station would be compatible with the residential amenities of the area. Traffic movements generated by the proposal would be capable of being handled satisfactorily on the N17, which is due to be downgraded to a regional road once the M17 and the Tuam By-pass are opened. Modifications to the existing entrance and exit points to facilitate two directional vehicular movements would be in accordance with the advice of the Design Manual for Urban Roads and Streets and the corresponding proposed ghost islands and right hand turning lanes in the N17 would, subject to slight modification to the eastern one, be in accordance with this Manual and improve the consistency of laneway widths to the N17 in the vicinity of the site. Subject to the reduction of car parking spaces being reduced, the proposed development shall be in accordance with the relevant standards in the Galway County Development Plan 2015–2021. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 18th day of August 2016, and by the further plans and particulars received by An Bord Pleanála on the 23rd day of September 2016, 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 proposed development shall be amended as follows:
 - (a) The turning lane that accompanies the proposed eastern ghost island shall be reduced in width at its eastern extremity to 3 metres and the accompanying through lanes on either side of the N17 shall have a minimum width of 3.25 metres at this point.
 - (b) The number of on-site car parking spaces shall be reduced to a total of 33 spaces by the omission of the 9 spaces along the south western side of the proposed forecourt and the omission of the 7 spaces along the north eastern side of this forecourt. Low level soft landscaping with indigenous species shall be specified for the area vacated by the former spaces and soft landscaping with indigenous species shall be specified for the area vacated by the latter spaces.
 - (c) The grassy strip of land between the existing eastern access road and the nearest dwelling house to the north east shall be mass tree planted with indigenous species.
 - (d) A lighting plan for the proposed petrol filling station shall be prepared that demonstrates that the proposed lighting of this station would avoid the spillage of light onto areas outside the site.

- (e) An automatic sliding glass door and partition shall be erected between the retail area and the restaurant.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of good traffic management and road safety, in order to comply with Development Plan standards, and in order to safeguard the visual and residential amenities of the area.

- 3. Details of the materials, colours and textures of all the external finishes to the proposed building, canopy, and forecourt shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 4. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed lighting fixtures; and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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 visual and residential amenity.

5. 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 management measures and off-site disposal of construction/demolition waste.

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

6. 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 14.00 on Saturdays and not at all on Sundays and 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.

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

Reason: In the interest of public health.

8. Prior to the opening of the petrol filling station, the proposed modifications to the N17, including the revision required under condition 2(a) above, and the modifications to the entrance and exit points to the site to facilitate two directional vehicular movements shall be fully undertaken.

Reason: In order to ensure that the petrol filling station is at all times capable of being satisfactorily accessed and egressed.

9. The total net retail sales space of the forecourt shop shall not exceed 100 square metres.

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.

10. The site shall only be used as a petrol filling station and no part shall be used for the sale, display or repair of motor vehicles.

Reason: In the interest of protecting the amenities of the area.

11. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the canopy, on the forecourt building or anywhere within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

12. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the canopy, on the forecourt building or anywhere within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In order to allow the planning authority to assesses the impact of any such advertisement or structure on the amenities of the area.

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 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 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.