



Planning and Development Acts 2000 to 2019

Planning Authority: Galway County Council

Planning Register Reference Number: 18/1210

APPEAL by Cahermorris Developments Limited care of Vincent JP Farry and Company Limited of Suite 180, South Frederick Street, Dublin against the decision made on the 26th day of February, 2019 by Galway County Council to refuse permission.

Proposed Development: A partial change of plans from retail units and apartment units, previously granted under planning register reference numbers 06/3886, 12/1428 and 17/1699, to a fuel filling station with underground fuel storage tanks, associated pipeworks, overground filling points, together with changes to elevations and internal layout to adjoining retail units/offices and also for a main I.D. sign and all associated services, including a Natura Impact Statement, all at Treanrevagh, Mountbellow, County Galway, as amended by the further public notice received by the planning authority on the 30th day of January, 2019.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

The Board considered that the change of use from retail units and apartments to a fuel filling station would generate additional traffic over and above the permitted use. The Board noted that the site was restricted in nature in terms of turning movements and was proximal to the junction of the access road for the overall permitted development and the regional road. It is considered that the proposed development would lead to a pattern of conflicting traffic movements at the junction that would be prejudicial to public safety, particularly to vulnerable road users in the area. The Board considered that the proposed development would, therefore, endanger public safety by reason of pedestrian and traffic hazard and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board reviewed the Traffic Impact Assessment and the Safety Audit Report received by the planning authority on the 24th day of August, 2018 and considered that the proposed fuel filling station would have a very different traffic impact than the permitted retail and residential Block A granted under planning appeal number PL 07.221318 (planning register reference number 06/3886). The Board is not satisfied, based on the information submitted by the developer, that the increased traffic arising from the change of use would not endanger public safety through conflicting traffic movements at and proximal to the junction of the main access road for the permitted mixed-use development and the regional road, in an area where there are vulnerable road users including school children and pedestrians.

Maria FitzGerald

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

Dated this day of 2019.