



Planning and Development Acts 2000 to 2019

Planning Authority: Galway City Council

Planning Register Reference Number: 18/201

Appeal by Residents of Father Griffin Road care of Peter Higgins of 107 Father Griffin Road, Galway against the decision made on the 15th day of May, 2019 by Galway City Council to grant subject to conditions a permission to Maxol Limited care of Clarman and Company of Unit 1, 33 Dungannon Road, Coalisland, County Tyrone in accordance with plans and particulars lodged with the said Council.

Proposed Development: A development consisting of: (i) Demolition of existing outbuildings, (ii) proposed single storey extension to existing filling station, to provide additional food preparation area, new deli franchise with seating, off-license and alterations to sales area layout with associated ancillary drainage and alterations to building exterior, to include new aluminium glazed shopfronts, rendered wall covering and corporate branding and (iii) realignment of one existing site access point and extension of boundary wall. All at Maxol Service Station, Whitestrand, Salthill Road Lower, Galway. Further public notices were received by the planning authority on the 1st day of February, 2019.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars 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 zoning objective for the site, the existing use of the site, the pattern of development in the vicinity and the policies of the current Galway City Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would not have a material impact on the surrounding road network and would be acceptable in terms of traffic safety and convenience. The proposed development 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 11th day of January, 2019 and on the 18th day of April, 2019, 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 noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

3. The following hours of operation shall apply:

Deli and sit-down area: Mondays to Fridays 0630 hours to 2100 hours, Saturdays and Sundays 0700 hours to 2100 hours.

Off-licence: Mondays to Saturdays 1030 hours to 2200 hours, Sundays 1230 hours to 2200 hours.

Reason: To protect the residential amenities of property in the vicinity of the site.

4. There shall be no deliveries to the commercial/retail element outside of the hours of 0800 to 2200. All deliveries shall take place within the confines of the site.

Reason: To protect the residential amenities of property in the vicinity of the site.

5. There shall be no type of food deliveries outward from the filling station/deli at any time, while the deli area and sitting area shall not be used as a takeaway for fast food.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1300 hours 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 attenuation and 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. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

9. 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.

10. 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.

Terry Ó Niadh

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

Dated this day of 2019.