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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 19/1699**

**Appeal** by Peter Kitt care of Dolan and Associates Limited of Teach Mhuire, Church Street, Creagh, Ballinasloe, County Galway and by Others against the decision made on the 13<sup>th</sup> day of February, 2020 by Galway County Council to grant subject to conditions a permission to Cahermorris Developments Limited care of Patrick J. Newell of Oaklands, Headford, County Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission for 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 an additional access, site layout adjustments, changes to elevations and internal layout to adjoining retail units/offices, a main I.D. sign and all associated services at Treanrevagh, Mountbellew, County Galway.

## **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 planning history of the site, the pattern of existing and permitted development in the area, and the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not adversely impact on the visual amenity or character of the area, 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 to the planning authority on the 17<sup>th</sup> day of January 2020, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted on the 10<sup>th</sup> day of December 2009 under appeal reference number PL 07.221318 (planning register reference number 06/3886), as extended under planning register reference numbers 12/1428 and 17/1699, and any agreements entered thereunder. This permission shall expire on the 31<sup>st</sup> day of December 2021.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. All lighting within the site shall be directed and cowled so as not to interfere with passing traffic or the adjoining residential properties.

**Reason:** In the interest of residential amenity and traffic safety.

4. The road works associated with the proposed development, including the setting out of the entrances, paving and surface finishes, shall be carried out and completed in accordance with the requirements of the planning authority. The recommendations of the Traffic and Transport Assessment and Road Safety Audit submitted at application stage shall be implemented. Pedestrian crossing facilities shall be provided at all junctions. Prior to commencement of development, full details of works to the public road and public realm shall be submitted to and agreed in writing with the planning authority. All works shall be carried out at the developer's expense.

**Reason:** In the interest of traffic safety and orderly development.

5. An Electric Vehicle Charging Point shall be provided at a suitable location within the site and shall be operational prior to commencement of operation of the proposed filling station. Details of the location of this facility shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In order to provide for an appropriate standard of development.

6. The site shall 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.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably qualified archaeologist who shall monitor all site excavations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of any of these requirements the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. 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.

9. The hours of operation of petrol forecourt shall be between 0700 hours and 2300 hours.

**Reason:** In the interest of the residential amenities of property in the vicinity.

10. (a) Details of the materials, colours and textures of all external finishes shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (b) The proposed new block wall shall have a natural local stone finish. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

11. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

12. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interests of public health and to ensure a proper standard of development.

13. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of the visual amenities of the area.

14. A waste management plan, including provision for the storage, separation and collection of all waste, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and the amenities of the area.

15. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

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

**Dated this            day of            2020.**