



An
Bord
Pleanála

Inspector's Report PL07.247306

Development	New filling station, forecourt, and "drive thru" facility.
Location	Farrannamartin, Galway Road, Tuam, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	16/437
Applicant(s)	Sean Brett
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Sean Brett
Observer(s)	None
Date of Site Inspection	24 th November 2016
Inspector	Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located on the south western outskirts of Tuam off the southern side of the N17, some 420m to the east of the Kilmore Roundabout which is presently under construction. This roundabout will connect the M17 and the Tuam By-pass, both of which are under construction, to the N17. The site lies at the eastern end of a portion of the town that comprises retail, commercial, and industrial uses on either side of the N17. Further to the east lie areas of housing.
- 1.2. The site is of relatively regular shape and it extends over an area of 0.54 hectares. At present the major part of the site is a grassed area, which is accompanied on either side by access roads to the SteelTech Sheds factory to the south east. On the far side of these roads are grassed strips that abut walled or fenced boundaries with, to the east, the nearest dwelling house and, to the west, a Lidl's foodstore. The remaining minor part of the site extends over the north western and central portions of the forecourt to the aforementioned factory.
- 1.3. The site has an 85m frontage onto the N17, which is subject to a 50 kmph speed limit from a point to the west of Lidl's and eastwards into the town centre. On the opposite side of this road are fields to the north east of which lie housing areas.

2.0 Proposed Development

- 2.1. Development of new filling station, forecourt, and "drive thru" facility to consist of:
 - (i) Construction of a new 514 sq m single storey building, comprising of retail area with ancillary off-licence use, 2 no. ancillary food offer counters, seating area, toilets, manager's office and ancillary storage, and food preparation areas;
 - (ii) "Drive thru" take away facility associated with the food offer, including ordering and collecting windows;
 - (iii) Construction of a new forecourt with 4 pump islands and canopy over;
 - (iv) Installation of 4 no. 40,000 litre underground fuel storage tanks, associated pipework, and over ground fill points;
 - (v) Installation of 1 no. brush wash facility and 1 no. jet wash facility;

(vi) Installation of 1 no. main ID sign; and

(vii) Construction of all ancillary site features, including screened bin compound, screened refuse compound, signage, boundary treatments, drainage systems, landscaping, and car parking.

2.2. Following a request for further information, the applicant submitted plans that show revisions to the proposed access/egress arrangements. Thus, the configuration of the existing entrance and exit would be revised to facilitate two directional vehicular movements to and from the proposed forecourt. The N17 would be modified by the extension of a hatched central strip to the west and the incorporation within this central strip of right hand turning lanes to coincide with the two vehicular accesses/ egresses to the site. These plans also show the rearrangement of customer car parking spaces within the existing retained forecourt to the SteelTech Sheds factory and the identification of an area to the rear of this factory where staff car parking spaces could be relocated to.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was refused on the following grounds:

- The coverage of the submitted TTA and RSA is unsatisfactory. The proposal would endanger public safety by reason of traffic hazard and obstruction of road users and it would have a detrimental impact upon the capacity, safety or operational efficiency of the national road network.
- Given that the site would overlap with that of a factory site and given, too, the number of filling stations in the area, the proposal would constitute over development and over intensification of use of a restricted site and it would be seriously injurious to amenity and contrary to national and local retail policies.
- Insufficient information has been submitted with respect to proposed underground tanks and the fuel canopy structure and so the proposal would

be visually obtrusive and incapable of assimilation and so it could depreciate the value of property nearby.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See reasons for refusal.

3.2.2. Other Technical Reports

Roads and Transportation Unit: Following receipt of further information, objection raised on the following grounds:

- The proposed changes to the road layout would entail inappropriate reductions in lane and footpath widths.
- While the aforementioned issue appears to be identified in the RSA, the applicant's response is equivocal and the proposed resolution appears to be accepted by the auditor in the absence of revised plans. This issue has not been demonstrably/satisfactorily resolved.
- The auto track analysis shows vehicular over runs that would risk collisions and the proximity and alignment of the access and egress routes to and from the SteelTech Sheds factory and the access/egresses to the proposed filling station would risk driver confusion.

3.3. Prescribed Bodies

TII: Attention is drawn to the Spatial Planning and National Road Guidelines. The urban location of the site on a national road is acknowledged and the assessment of Galway County Council's Roads and Transportation Unit is deferred to.

3.4. Third Party Observations

Maxol Ltd: Contend that "the proposed development will create an undesirable proliferation and therefore concentration of a petrol filling station land use in a small 150m radius area, represents undesirable over development of the subject site, and

is sub-standard from a traffic safety and management perspective and therefore merits a refusal of planning permission.”

4.0 Planning History

Site

Pre-application consultation occurred in 10th June 2015.

Adjoining site to the rear

- 98/3243: Erection of extension to side of offices: Permitted.
- 08/2406: Construction of a distribution building (3343 sq m) and offices and related works, including closing of one vehicular entrance and the enlargement of a second one in conjunction with the provision of a turning lane on the N17: Permitted.

5.0 Policy Context

5.1. Development Plan

Under the Tuam Local Area Plan 2011 – 2017 (LAP), the life of which has been extended by 2 years, the site is shown as lying to the east of the M18/M17 Gort to Tuam motorway and within an area that is zoned BE (business and enterprise), wherein the objective is “To provide for business and enterprise”. Petrol stations are “open for consideration” under this zone. Sections 10.5.7 and 8 address petrol filling stations and ancillary uses at such stations.

5.2. Ecological Designations

The site is c. 2.1 km from the River Clare, which forms part of the Lough Corrib SAC (000297).

6.0 The Appeal

6.1. Grounds of Appeal

Roads/traffic

- The site is located on a 50 kmph stretch of the N17, which, following the opening of the Tuam By-pass, is due to be downgraded to a regional road. The planning authority has failed to recognise that beyond the site to the north east this road narrows and becomes more urban in character and so the portion that passes the site is transitional in nature. DMURS standards are thus appropriate.

The applicant's engineers comment further as follows:

They begin by setting out the rationale for the proposed junctions to the site in terms of recognised criterion and standards in TII publications and the DMURS. They then respond to the planning authority's first reason for refusal, by making the following points:

- The exchange between the auditors and the designers over road width at the proposed north eastern junction is elucidated. Thus, the available width of carriageway would be sufficient to accommodate the needed three lanes, i.e. including the ghost island right hand turning lane, without encroaching upon the footpath on the north western side of this carriageway. In the interests of clarity, the proposed road layout plan was reissued to the auditors showing all the relevant dimensions.
- The TTA does not contain a lacunae and it reflects the RSA's recommendation that the existing one-way system to the factory to the rear of the site should be retained.
- Insofar as the said reason cites Objective TI 6 of the CDP, this Objective is not applicable, as it refers to national roads outside of towns and villages, where the speed limit is in excess of 50 – 60 kmph, conditions which do not pertain to the appeal site.
- Furthermore, once the Tuam By-pass is opened (Q4 2018), the road passing the site will be reclassified as a regional road. Nevertheless, the link capacity

of this road for the project design year of 2033 shows that spare capacity would be 45.3%.

- Insofar as the said reason cites Objective TI 10 of the CDP and Objective RT11 of the LAP, these Objectives were complied with, as both the TTA and RSA were undertaken by suitably qualified consultants and cumulative impact was addressed.
- Road safety would be improved under the revised road layout as the ghost islands would reduce the risk of rear end collisions and dedicated right hand turning lanes ensure that the operating efficiency of the public road is maintained.
- Once the Tuam By-pass opens the N17 approach to Tuam will have a spare capacity of 49.92%, which, under the proposal would only be reduced by 4.62% to 45.30%.
- The speed limit on the N17 steps down from 60 to 50 kmph 230m to the south west of the site. The streetscape to the north east of the site becomes more urban in feel and the carriageway width narrows appreciably. Thus, the portion of the N17 that passes the site is a transitional one, within which the narrowing of lanes would be appropriate to signal the approaching urban area.
- The swept path analysis pertains to the largest vehicles that would be in attendance and so it depicts a “worst case” scenario. If associated over runs are to be avoided, then wider access/egress points would be necessary. Such points would encourage higher speeds and would be inherently more hazardous to vulnerable road users. Thus, the judgement of DMURS is to accede to the aforementioned over runs, which would be only periodic in their incidence.

Plans and specifications, visual amenity

- Additional plans have been submitted that depict the underground fuel tanks, the site layout, and the canopy. Details beyond those shown could be the subject of conditions should the Board so wish.

- The layout and the design of the filling station would be to a high standard. The factory to the rear would be hid. However, as it is of utilitarian design, this would not be an issue.
- Other buildings to the south west are of utilitarian design, too. The nearest dwelling house to the north east is at some remove and it is screened by existing planting. Furthermore, the proposed car wash would be sited on the south western side of the site.

Over development

- The site is a spacious one that would comfortably accommodate the proposal. Thus, for example, the LAP site coverage figure and plot ratio range of 70% and 0.4 – 1.0 would be respected, i.e. the proposal would exhibit 17% and less than 0.1, respectfully.
- Similarly, the factory site to the rear is spacious, with the factory covering only 12% of the site. Circulation space to the front of this factory would not be compromised and compensatory parking would be capable of being provided to the rear.

Proliferation of filling stations

- There are four filling stations on the N17 approach to Tuam. The one to the south west (TOP) provides a diesel only service and so it is not comparable with the current proposal. The remaining three to the north east are comparable.
- Each of three filling stations is critiqued. Two (Maxol and Topaz 1) are surrounded by housing and one (Topaz 2), while in a mixed use area, adversely affects the setting of St. Mary's Cathedral, a protected structure. By comparison, the appeal site is not so encumbered.
- Furthermore, a comparison of the proposal and the said three filling stations indicates that the site of the former would be more spacious and it would display a longer frontage and a more generous set back distance of pumps from the public road than the latter. It would thus typify the advantages afforded by a more peripheral site. The logic of the planning authority's position would be that all future filling station proposals along the N17

approach to Tuam would need to be opposed, thus denying the opportunity for the said advantages to be realised in practise.

Retail impact

- The proposed shop and off-licence would have a combined floorspace of 96 sq m and so they would fall beneath the cap of 100 sq m set out in the Retail Planning Guidelines, beyond which the sequential test is required. (The planning authority cites a higher floorspace figure, which includes that of the adjoining restaurant that is not a retail use).
- Notwithstanding the above, given that the LAP states that Tuam has a total retail floorspace of 13,286 sq m, the addition of 96 sq m would not be significant and so the proposal would not affect the vitality and viability of the town centre.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

I have reviewed the proposal in the light of national planning guidelines, the LAP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, retail policy, and proliferation of petrol filling stations,
- (ii) Visual and residential amenity,
- (iii) Traffic, access, and parking,

(iv) Services, and

(v) AA.

(i) Land use, retail policy, and proliferation of petrol filling stations

7.1.1 Section 2.8 of the Spatial Planning and National Roads Guidelines discusses service areas. The NRA's Service Area Policy (August 2014) discusses on-line and off-line service areas and it distinguishes between Type 1 and Type 2 service areas.

7.1.2 The site is located some 420m to the east of the proposed junction between the M17, the Tuam By-pass, and the N17. Accordingly, the proposal for this site would be off-line and the range of facilities that it would offer would lie neither wholly within either of the said Types of service area.

7.1.3 The aforementioned Section 2.8 addresses roadside service facilities at non-motorway national roads and junctions. This Section advises against the location of such facilities in rural areas. Instead it observes that they are already typically provided in urban areas and that by implication this should continue to be the pattern. In so far as the current proposal would be a roadside service facility, its proposed location on the outskirts of Tuam would accord with this advice.

7.1.4 The site is shown as being zoned (BE) for business and enterprise in the LAP and the accompanying land use matrix indicates that petrol filling stations are deemed to be "open for consideration" within this zone. The proposal would exhibit a site coverage and plot ratio that would be well within the tolerances cited in the LAP for development within the BE zone. Accordingly, there is no in principle land use objection to the proposal and it would not constitute over-development of the site.

7.1.5 Section 10.5.7.1 of the LAP addresses ancillary uses at petrol filling stations. This Section cites that there should be a cap of 100 sqm on the net retail floorspace of such stations. The proposed building would provide a shop and an off-licence with floor areas of 86 sqm and 10 sqm, respectfully, i.e. a total of 96 sqm, and so it would be within the said cap. This proposal would also provide a seating area of 96 sqm in conjunction with a proposed deli and kitchen (which would also serve the proposed drive-thru). As an eatery, these

facilities would not be classified as a “shop” under Section 5(1) of the Planning and Development Regulations, 2001 – 2015, and so, for the purpose of the aforementioned cap, they would not be retail. The floor plan of the proposed building shows a layout of the retail and non-retail uses that would be clearly differentiated. I am thus confident that the net retail floorspace cap could be monitored and upheld in practise.

7.1.6 The second of the planning authority’s reasons for refusal refers to the risk that the proposal would lead to a proliferation of petrol filling stations, as there are already four such stations (albeit one is a diesel only facility*) on the N17 as it approaches Tuam town centre from the south west.

7.1.7 The applicant has responded to the aforementioned reference by critiquing the three comparable stations, which are either on small sites surrounded by housing or on a small site adjacent to St. Mary’s Cathedral, a protected structure. By contrast, the more peripheral, spacious appeal site forward of an existing factory and next to a Lidl’s foodstore would not pose the dis-amenities that these existing sites inevitably give rise to. They also contend that the logic of the planning authority’s position is that the advantages of such a site as the appeal one would remain unrealisable on into the future.

7.1.8 During my site visit, I observed the three comparable petrol filling stations and I was able to confirm the substance of the applicant’s critique. Furthermore, I note that the proposal would afford a greater range of facilities than was evident in these stations. Accordingly, while comparable, this proposal would go beyond what is presently available. I recognise that the addition of the proposal may not be compatible with the retention of each of the other stations. However, the role of the planning system is not to fetter competition by denying new operators entrance to the market and so, while the existing proliferation of petrol filling stations would be extended, I do not consider that this in and of itself provides a sound planning basis for opposing the current proposal.

* *This facility is the subject of an extant permission granted to application 14/1064 to (a) extend an existing commercial unit (62 sqm gross floorspace) and change its use from a café to a shop, (b) extend the forecourt canopy, (c) retain the existing heightened forecourt canopy, and (d) retain the existing forecourt fuel pump island arrangement and all associated works.*

7.1.9 I conclude that the urban location of the proposal would accord with national planning guidelines and that it would raise no in principle land use objection under the LAP. I also conclude that this proposal would not constitute over-development of the site and that it would accord with the relevant retail floorspace cap. The risk of adding to the existing proliferation of petrol filling stations is not in and of itself a sound planning basis for objection.

(ii) Visual and residential amenity

7.2.1 The planning authority's third reason for refusal refers to the absence of sufficient information with respect to the proposed forecourt canopy and it states that the proposal would be visually obtrusive and that it would be incapable of being assimilated into the surrounding landscape.

7.2.2 The applicant has responded to the aforementioned reason by resubmitting a photomontage of the proposal that elucidates further the forecourt canopy depicted in the submitted plans. He insists that the proposal would exhibit a high standard of design and he draws attention to the utilitarian design of the SteelTech Sheds factory to the south west, which would effectively be hid, and Lidl's foodstore to the west. The amenities of the nearest dwelling house, to the east, would be safeguarded by means of planting and, in any event, the majority of inevitably more utilitarian items would be sited to the south west of the proposed building and thus they would be hid from this dwelling house.

7.2.3 During my site visit, I observed that the site does indeed lie within an area of buildings that exhibit utilitarian design, albeit this site lies at the eastern end of this area. I note that the proposed building would be sited further back from the N17 than the adjacent Lidl's foodstore and so again the spacious nature of the site would facilitate a form of development that would not be visually obtrusive. Furthermore, within its context, the design of the proposed building and canopy would be capable of being assimilated into its context.

7.2.4 The planning authority's second reason for refusal refers to serious injure to amenity, which I understand to be a reference to the impact of the proposal upon the residential amenities of nearby housing, especially the adjacent dwelling house to the east.

7.2.5 During my site visit, I observed that the aforementioned dwelling house is a dormer bungalow the principal elevation of which faces the N17. This dwelling house is sited on land that is slightly elevated above the appeal site. It has two secondary ground floor windows in its gabled side elevation, which faces the site. The common boundary between this residential property and the site is denoted by means of a relatively low wall to the front and side, which increases in height to the rear of the dwelling house with the fall of this site. Clearly, under any scenario, if the site is to be developed in accordance with its zoning, then a range of impacts upon the amenities of the said dwelling house would arise. In the case of the current proposal, many of these impacts would be on a par with those arising from the dwelling house's proximity to the N17. That said the introduction of such an active use, which would be illuminated when dark, needs to be mitigated by means of mass tree planting on the grassy strip between the aforementioned common boundary and the eastern access road to the SteelTech Sheds factory and the installation of lighting that avoids spillage out with the site. While the said grassy strip lies outside the appeal site it lies within lands that are under the applicant's control and so these matters could be conditioned.

7.2.6 I conclude that the proposal would be compatible with the visual amenities of the area and it would, subject to specific mitigation measures, be compatible with the residential amenities of the area beyond the site, which is zoned BE.

(iii) Traffic, access, and parking

7.3.1 The N17 which passes the site is due to be downgraded to a regional road, when the M17 and the Tuam By-pass open in the fourth quarter of 2018. The applicant's TTA states that the traffic flows on this road are estimated to contract by 42%. Allowing for any construction phase, the proposal would, if permitted, be ready to open in the said quarter of 2018 and so the TTA works on the basis of the projected reduced traffic flows. I consider that this is a reasonable approach to adopt.

7.3.2 The TTA assesses the impact of the proposal upon traffic, under the opening year and design years of 2018, and 2023 and 2033, respectfully. It examines the performance of the western and eastern access/egress points under two

scenarios: the first would entail the exclusive use of each of the points and the second would entail the use of both points on the basis that 80% of access movements would use the western access point and 20% the eastern one. Maximum traffic flows on the N17 occur during the PM peak. For the western access/egress point, under scenario 1 the maximum RFC would be 0.34 in 2033, reducing to 0.19 under scenario 2. For the eastern access/egress point, under scenario 1 the maximum RFC would be 0.24, reducing to 0.14 under scenario 2. Thus, each of the RFCs recorded would be well within the normal junction capacity threshold of 0.85.

7.3.3 The TTA also assesses the proposed ghost islands that would facilitate RHT movements into the western and eastern access points. These islands would be of sufficient length to ensure that vehicles waiting to make such movements would not obstruct through traffic.

7.3.4 The application is accompanied by a RSA, which flagged up a possible pinch point in the available road space in the vicinity of the eastern access/egress point. The auditors expressed the view that carriageway widening at this point may be necessary, thereby encroaching upon the accompanying northern public footpath, perhaps to an unacceptable degree.

7.3.5 The applicant has responded to the auditors aforementioned concern by specifying on drawing no. 10101-2000 revision B the relevant width dimensions of the public footpath in conjunction with the proposed ghost island and laneways. The auditors have confirmed that, on this basis, they are satisfied that the public footpath would not need to be encroached upon.

7.3.6 During my site visit, I observed that SteelTech Sheds is served by an existing entrance to the east and an existing exit to the west (a one-way system is in operation). Under the proposal, this entrance and exit would be modified to become two way junctions, although beyond these junctions the said one-way system would persist. I also observed that to the east of the existing entrance, the N17 narrows appreciably and that to the west of the existing exit lies a ghost island that facilitates RHT movements into the Lidl's foodstore. Thus, at present, the laneway widths of the N17 as it passes the frontage of the site increase only to reduce to the east and to the west. This increase introduces a

level of inconsistency that sends a mistaken signal to eastbound drivers who are about to enter the residential approach to Tuam town centre and likewise to westbound drivers who have exited this approach but have yet to reach the Lidl foodstore. In both cases acceleration is encouraged by the increased width of the existing lanes as they pass the site. Thus, the applicant's proposed ghost islands would introduce a greater level of consistency that would negate the said signal to accelerate.

7.3.7 The proposed ghost island for the western access/egress point would pose no dimensional challenges to the existing road. As cited above the proposed ghost island for the eastern access/egress point did attract the attention of the auditors. The applicant has commented on this matter further at the appeal stage. He cites the Design Manual for Urban Roads and Streets (DMURS), which states that arterial and link streets should have a width of 3.25m and he cites the TII's document entitled "Geometric Design of Major/Minor Priority Junctions and Vehicular Access to National Roads" (DN-GEO-03043, November 2011), which, under Paragraph 7.44, states that, while the desirable width of a ghost island turning lane is 3.5m, a relaxation to 3.0m is permissible.

7.3.8 Under Section 4.4.1 of DMURS, lane widths may be increased on arterial and link streets that are frequented by larger vehicles to 3.5m, where there is no median and where the total carriageway would not exceed 7.0m. I note that, at present, larger vehicles are frequent users of the N17. However, this is likely to change with the opening of the M17 and the Tuam By-pass, as through traffic would no longer need to use the road in question. I note, too, that the proposed ghost island in question would introduce an effective median and that even at its narrowest width the N17 in the vicinity of the eastern access/egress point would be wider than 7.0m, i.e. c. 9.4m. Accordingly, I consider that a laneway width of 3.5m would not accord with DMURS advice.

7.3.9 The applicant draws attention to the fact that the ghost island turning lane that serves the Lidl foodstore exhibits the above cited relaxed width of 3.0m. However, he chooses to specify a width of 3.10m at the eastern extremity of the proposed eastern ghost island turning land with accompanying carriageway widths of 3.2m each. I consider that there is in principle sufficient carriageway width to the road at this point to meet the documented specifications cited by

the applicant. However, a slight reapportionment of the available width should be undertaken to ensure compliance, i.e. the width of the ghost island turning lane should contract to 3.0m and the laneway widths should expand to 3.25m. This matter could be conditioned.

7.3.10 The eastern entrance and western exit would be modified to facilitate two directional movements and they would be accompanied by the requisite visibility splays, under DMURS, of 2.4m x 49m, which are applicable to roads that like the N17 are subject to a 50 kmph speed limit. In the case of the eastern access/egress point the eastern visibility splay would be achieved in conjunction with the widening of the existing public footpath at this point and the trimming of existing trees and vegetation. SteelTech Sheds has agreed to these measures.

7.3.11 The applicant has submitted a series of AUTOTRACK plans (drawings nos. 10101-2000 – 2004 (revision A)) that show the turning movements of an articulated fuel delivery vehicle. These movements would overrun from the primary laneway being used and so they have attracted the criticism of the planning authority. They could be contained by revisions to the proposed modified junctions to the site, e.g. by increasing radii kerb lines and increasing laneway widths. However, the applicant has again drawn attention to DMURS, which strikes a balance in favour of tighter radii and narrower laneway widths in the interests of reducing traffic speeds and protecting vulnerable road users even if that means that, as in this case, the turning movements of the said delivery vehicles overrun.

7.3.12 The applicant proposes to provide car parking in accordance with DM Standard 22 of the Galway County Development Plan 2015 – 2021 (CDP). Table 7-1 of the TTA sets out the requisite standards and their application, which coincides with the level of provision proposed, i.e. 49 spaces including 3 mobility impaired ones.

7.3.13 The aforementioned Table uses the gross floor area of the proposed building of 514 sqm to calculate both the number of spaces for the garage and for the shop. A degree of double counting thus arises. In these circumstances, I consider that, while the said gross floor area should be used to calculate the

number of spaces for the garage, the gross floorspace of the shop should be used, i.e. the net retail floorspace of 96 sqm plus the adjoining office, ATM cash room, storage, and staff toilet (total 57 sqm), which equals 153 sqm. Thus, the applicant's 22 spaces for the shop would contract to 6 and the overall total would, correspondingly, contract to 33 spaces.

7.3.14 In the light of the foregoing paragraph, the opportunity exists to remove the proposed car parking spaces from the south western and the north eastern sides of the forecourt and to variously augment and introduce landscaping to these areas. A total of 9 and 7 spaces would thus be omitted and the revised total of 33 spaces would be achieved. The said omission would, provided planting was low level along the south western side of the forecourt, have the added advantage of improving visibility for drivers egressing from the SteelTech Sheds factory. These matters could be conditioned.

7.3.15 I conclude that, in view of the traffic reduction forecast for the N17 and its downgrading to a regional road in tandem with the anticipated opening of the proposal, traffic generation would be capable of being satisfactorily accommodated at the modified junctions between this road and the site. Subject to some slight revision to the eastern ghost island, both this one and the western one would comply with the relevant DMURS and TII specifications for such provision. Likewise, the design of the proposed modified junctions would be compliant with DMURS. The proposed parking provision within the forecourt would exceed CDP standards and so some reduction in favour of landscaping would be appropriate.

(iv) Services

7.4.1 The proposal would be served by the public water mains and surface and waste water drainage system. At the appeal stage, additional plans have been submitted that provide more details of the proposed fuel tanks and the proposed on-site water supply and drainage arrangements. With respect to the latter, a petrol interceptor would be installed in the surface water arrangements prior to their connection with the public system on the far side of the N17 and a commercial grease trap would be installed in the waste water arrangements adjacent to the kitchen in the proposed building.

7.4.2 I conclude that the site would be capable of being satisfactorily serviced and that on-site service arrangements would, likewise, be satisfactory.

(v) AA

7.5.1 The site is not within a Natura 2000 site. The nearest such site is the River Clare, which is 2.1 km away. This River forms part of the Lough Corrib SAC (000297). The applicant has submitted a Stage 1 AA Screening Report. This Screening excludes the possibility that the proposal would have any direct impact upon this SAC, as there would be no source/pathway/receptor route between them. With respect to indirect impacts, this possibility is excluded too, on the basis that any contamination of ground water that could possibly flow to this SAC would be mitigated by the measures outlined above under the fourth heading of my assessment. I concur with the findings of this Report.

7.5.2 It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site No. 000297, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

In the light of my assessment, I recommend that the proposal be permitted.

9.0 Reasons and Considerations

It is considered that, subject to conditions, the proposal would comply with the business and enterprise zoning objective for the site in the Tuam Local Area Plan 2011 – 2017. The proposal would not entail over development of this site and its proposed building would contain a shop that would comply with the relevant retail floorspace 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, too, 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 accord 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, likewise accord with this Manual and improve the consistency of laneway widths to the N17 in the vicinity of the site. The proposed level of on-site car parking spaces would need to be reduced somewhat to accord with the relevant standards in the Galway County Development Plan 2015 – 2021. The proposal would be capable of being satisfactorily serviced. No Appropriate Assessment issues arise. Thus, this proposal would accord with the proper planning and sustainable development of the area.

10.0 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 3m and the accompanying through lanes on either side of the N17 shall have a minimum width of 3.25m 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.

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;
- (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 5 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 hours of working, 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 only out 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 – 2015, 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 – 2015. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 – 2015 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.

Hugh D. Morrison
Planning Inspector

5th January 2017