



An
Bord
Pleanála

Inspector's Report ABP-320555-24

Development	Permission for retention of a fully serviced coffee dock erected over existing steel container units used for storage in forecourt of existing supermarket and fuel filling station, associated site works and services.		
Location	Gater Street, Dunmore, County Galway.		
Planning Authority Ref.	24/144		
Applicant(s)	Brian Egan.		
Type of Application	Permission.	PA Decision	Refuse Permission.
Type of Appeal	First Party	Appellant	Brian Egan
Observer(s)	One-Jamie Fleming		
Date of Site Inspection	5th day of February 2025	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

1.1 The appeal site is located on the southern side of Gater Street to the north of the village centre of Dunmore in north County Galway. The appeal site has a stated site area of 0.25 hectares and comprises an established fuel filling station and ancillary retail/convenience store, a car valeting service, a beauty therapy business and a three storey metal container structure, comprising fuel storage and laundry wash facility at ground floor, a coffee dock at first floor (which is the subject of the current appeal) and a viewing/seating area at second floor level, above the coffee dock.

1.2 The northern site boundary fronts onto the N83, a national secondary route that links Dunmore with Ballyhaunis and across the road from the appeal site is the junction of the N83 with the R360, a road that links Dunmore with Roscommon town. The Sinking River is located to the rear and side of the appeal site along the southern and western site boundaries. There is a bridge over the sinking river immediately west of the appeal site along Gater Street at its junction with Bridge Street. Further east of the appeal site along Gater Street, there are a number of two storey terraced dwellings. There are private garden/amenity spaces located on the opposite side of the Sinking River, south-west of the appeal site.

1.3 The coffee dock is part of a three-storey container structure located within the south western part of the appeal site, to the west of the convenience store and is accessed from the forecourt of the filling station via an external metal stairs to the side of the fuel storage structure. The viewing area is accessed by a continuation of the metal stairs from the coffee dock area up to the viewing area above it. The boundary of the town core Architectural Conservation Area (ACA) is located along the western and southern appeal site boundaries. The appeal site is located within the designated settlement boundary of Dunmore.

2.0 Proposed development

Planning permission is sought for the retention of a fully serviced coffee dock erected over existing steel container units used for storage purposes within the forecourt of existing supermarket and fuel filling station and associated site works and services.

3.0 Planning Authority's Decision:

The Planning Authority refused planning permission for retention of the coffee dock structure for eight reasons. The reasons for refusal relate to the following:

- 1) By reason of its design, scale, mass and unorthodox materials, it fails to integrate into the streetscape and results in an incongruous development that detracts from the visual amenity of the area.
- 2) By virtue of the height and scale of the structure, it results in overlooking of private amenity space of neighbouring residential properties, would injure the residential amenities of the properties and depreciate the value of property in the vicinity.
- 3) The design of the structure would adversely impact the essential character of the town centre ACA.
- 4) In the absence of a site-specific flood risk assessment, the applicants have failed to demonstrate that the development would not be at risk of flooding or exacerbate flooding in the vicinity of the appeal site, given the location of the site within an identified flood risk area.
- 5) No consent has been submitted from Uisce Eireann regarding access to public water services, and the development would, therefore, pose a risk to public health.
- 6) The location of the appeal site within the Lough Corrib SAC and the absence of information that the development does not have a likely significant effect on the European site and the absence of satisfactory surface water disposal, there is insufficient information available to the PA to conclude that the development would not have likely significant effects on a European site.
- 7) The intensification of use of the site entrance and the additional turning movements that the development would generate, the development would endanger public safety by reason of a traffic hazard.
- 8) In the absence of satisfactory evidence in relation to the planning status of development on site, and the ability to perpetuate and intensify existing unauthorised development on site, the development would be contrary to the principles of proper planning and sustainable development.

4.0 Planning History

The following is considered to be the relevant planning history pertaining to the appeal site:

Planning reference 21/280-in 2021, Brian Egan was granted planning permission to operate an off-licence section within the existing shop and to serve the general public.

Planning reference 08/43-in 2008, Brian Egan was granted permission for retention of change of use of part of existing building to retail use and for retention of extensions and alterations to the elevations of the retail property.

Planning reference 02/2333, in 2002, Brian Egan was granted permission for retention of change of use from garage/shed unit to shop unit on the ground floor, retain office and storage area at first floor level and external stairway from ground to first floor level.

Planning Enforcement History:

EN07/034m EN18/059 and EN23/177.

The latter of these notices relates to the coffee dock structure.

5.0. Local Planning Policy

5.1 Galway County Development Plan 2022 -2028

The Galway Development Plan (GCDP) was adopted by the elected members on the 9th day of May 2022 and came into effect on the 20th day of June 2022.

Chapter 2: Core Strategy, Settlement Strategy and Housing Strategy

The policy objective for Small growth villages is as follows:

SS6-Small growth villages (Level 6)

‘Protect the consolidation of *Small Growth Villages* in order to improve local employment, services, rural housing and sustainable transport options’.

Chapter 3: Placemaking, Regeneration and Urban Living

The following are considered to be the relevant policy objectives

PM 1: Placemaking

To promote and facilitate the sustainable development of a high-quality built environment.

PM 10 Design Quality

To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment

PM 11 Details of Materials

To ensure that the appearance of buildings, in terms of details and materials (texture, colour, patterns and durability), is of a high standard with enduring quality and has a positive impact on the visual quality of the area.

Section 3.6.5 Town and Village Centres:

Section 3.6-Compact Growth and Regeneration

Policy objective CGR1: Compact Growth

Policy objective CGR8: Town and village centre

Chapter 5: Economic Development, Enterprise and Retail Development

Section 5.10-Core Shopping Areas

Section 5.10.2-Local shops and services

Section 5.10.3 -Evening and late-night uses

Section 5.10.4-Petrol/filling stations

Policy objective CSA 2 -Retail and complementary uses

Policy objective CSA 8-Evening and late-night uses

Section 14.6-Flooding

Flood Risk policy objectives

Policy objective FL1-Flood Risk Management Guidelines

Policy objective FL2-Flood Risk Management and Assessment

Policy objective FL3- Principles of the Flood Risk Management Guidelines

Chapter 10-Natural Heritage, Biodiversity and Green/Blue Infrastructure

Natural heritage policy objectives

Policy objective NHB1-Natural Heritage and Biodiversity of Designated Sites, Habitats and Species

Policy objective NHB2- European Sites and Appropriate Assessment

Policy objective NHB3-Protection of European Sites

Chapter 12: Architectural, Archaeological and Cultural Heritage

Architectural heritage policy objectives

Policy objective AH4-Architectural Conservation Areas

Chapter 15-Development Management Standards

DM Standard 21: Petrol Filling Stations

In assessing planning applications for service stations, the following are some of the considerations that will be taken into account:

- Forecourt Store/Retail unit associated with a petrol filling station should generally not exceed 100sqm net floor area. Where an increase in this standard is sought, the Sequential Approach to retail development shall apply i.e. the retail element shall be assessed similar to an application for a standalone retail development in the same location.
- Design and layout of service stations and forecourts should be of high-quality and integrate with the surrounding built environment. In urban centres, where the development would be likely to have a significant impact on the historic or architectural character of the area, the use of standard corporate designs and signage may not be acceptable.
- Forecourt lighting, including canopy lighting, should be contained within the site and should not interfere with the amenities of the area.
- Ancillary services such as car wash services should be sited so as not to result in queueing onto the public road network or negatively impact on neighbouring residential amenities.

DM Standard 31-Parking Standards-Table 15.5

DM Standard 33(a)- Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) & Road Safety Impact Assessments (RSIA)

DM Standard 50-Environmental Assessments

Volume 2-Dunmore Small Growth Village

The site is zoned VC-village Centre.

The zoning objective is: To provide for the development and improvement of appropriate village centre uses including retail, commercial, office and civic/community uses and to provide for the "Living over the Shop" scheme, residential accommodation or other ancillary residential accommodation.

The key aim for these village centre lands is: To develop and consolidate the existing village centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments, ensuring a mix of commercial, recreation and civic uses.

As per the zoning matrix set out in Table 10.5, a coffee dock use is not specifically provided for, however a café use is permitted in principle on village centre zoned lands, where the use 'is ancillary to an overall compatible development to serve the needs of the immediate area'.

A use that is classified as Permitted in Principle is one that the Local Authority accepts in theory in the relevant zone, subject to compliance with the relevant policy objectives, standards, and requirements set out in this plan and that the proposals would accord with the principles of proper planning and sustainable development.

Section 14.3.5-Village Centre and Business & Enterprise:

The plan will support through the provision of a policy objective, the re-development and re-use of vacant buildings. The planning authority will also encourage regeneration within the Village throughout design and encouraging the use of existing vacant building stock.

Section 14.5-Flooding

With respect to lands within the village that are liable to flood risk, the Council will require any proposed developments to comply with 'The Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG, 2009) and Circular PL2/2014 and any amendment thereof

The Village Plan sets out the following strategic objectives for Dunmore as follows:

DSGV1; Sustainable Village Centre

DSGV5: Small scale enterprises

The boundary of the town core ACA is located along the western and southern boundaries of the appeal site.

The flood mapping included within the Strategic Flood Risk Assessment prepared in conjunction with the Dunmore Village Plan sets out that the site is located within indicative Flood Zone A and, therefore, is at significant risk of flooding.

5.2 Natural Heritage Designations

The southern and western parts of the appeal site are located within the designated boundary of the Lough Corrib SAC boundary (site code 000297). There are a number of other Natura sites, including many Turlough SAC sites. However, these are all located in excess of six kilometres from the nearest part of the appeal site boundary.

The southern and western parts of the appeal site are located within the designated boundary of the Lough Corrib pNHA boundary (site code 000297).

6.0 The Appeal

6.1 First Party Appeal.

An appeal has been received from the applicant in response to the Planning Authority decision to refuse planning permission for the retention of the coffee dock erected over the steel container unit within the site of the filling station. The issues raised within the appeal relate to the following:

- The coffee dock is located at the rear of the site behind the fuel pumps and not proximate to the public road.
- The development does not fail to integrate sensitively within the streetscape.
- The applicant references other developments within the village centre of Dunmore that are dangerous from a traffic safety perspective or fail to integrate appropriately or sensitively within the village streetscape.
- The development does not result in excessive overlooking of the private amenity space of neighbouring residential properties, these neighbouring private amenity spaces are already overlooked.
- The granting of permission for retention of the development does not give rise to a poor-quality environment or seriously injure the general amenities of the area.
- The development does not depreciate the value of property in the vicinity nor is it contrary to the proper planning and sustainable development of the area.
- The development has improved the local environment as customers can now enjoy refreshments while looking down over the local river in the Village. Blinds

and curtains have been installed within the coffee dock structure to protect the privacy of neighbouring residents.

- The development has created job opportunities in the area.
- The development would not have an adverse visual impact and would not fail to integrate effectively into this area and would not materially contravene the AH4 policy objective within the Plan in relation to protecting architectural heritage.
- The development was carefully thought out in order to integrate with the remainder of the site. The colour scheme of the metal container structure has the same tones as the filling station canopy.
- The development has created facilities for the local people in that the laundry wash unit is open twenty-four hours per day and there is a coffee machine on site which is of benefit to late night road users, noting the location of the appeal site on the main Galway to Roscommon Road.
- The development is located within an identified flood risk area however, the development would not exacerbate the risk of flooding on site, notwithstanding the absence of a site-specific flood risk assessment or evidence of surface water management within the site.
- The granting of permission would not be contrary to policy objectives FL2 and FL3 within the Development Plan in relation to surface water management and the provisions of the Flood Risk Management Guidelines, 2009.
- Works were carried out within the 'Sinking River' a number of years ago to prevent flooding. There have been no issues with flooding within the appeal site since trading commenced within the retail unit on site.
- There has historically been a storage container located within the site since the 1990's and the Council never raised an issue as to its existence.
- The development would not pose a serious risk to public health, notwithstanding the absence of details from Uisce Eireann in relation to water service connections.

- The development does not have a significant effect on any European sites and would not materially contravene natural heritage policy objectives NHB1-3 or DM Standard 50 within the Development Plan.
- The development would not result in the creation of additional traffic turning movements and would not contravene DM standard 33(a) and DM standard 31 in relation to traffic assessments/road safety audits and car parking provision within the Development Plan.
- The PA investigated the unauthorised claims in 2006 in relation to the fuel storage and commercial laundry facility area and took no further action in this regard. This development is now considered to be exempted development. Therefore, the development could not perpetuate nor intensify existing unauthorised development on site.

6.2 P.A. Response

- None received

6.3 Observer

An observation was received from a neighbouring resident who set out the following:

- The unauthorised development has had a huge impact on their residential amenities since it was constructed.
- The three-storey structure directly overlooks their private garden space.
- The observers' children have been directly engaged by unknown members of the public using the viewing balcony area located above the coffee dock area.
- These engagements have adversely impacted the residential amenity and affected the observers' welfare and privacy.
- The three-storey development gives the filing station customers an opportunity to sit and view their garden amenity space, thus compromising the privacy of their family.
- The applicant has stated in their appeal submission that customers can look down over the 'Sinking River' which also allows them to overlook directly into the observers' private amenity space.

- The blinds/curtains fitted within the container structure allows customers of the service station and specifically within the viewing area to look into neighbouring properties but blocks views towards the three-storey structure from neighbouring properties.
- The value of the observers' property has decreased as a result of the metal container structure.
- No overlooking arises from other development within the village, except for the three-storey unauthorised development.

7.0 EIA Screening – See Appendix 1 at the end of this report. Having regard to the relatively modest scale of the structure sought to be retained on zoned serviced lands within a brownfield site, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening – See Appendix 2 at the end of this report. *Part of* the subject site is located within the confines of the Lough Corrib SAC (site code 000297). It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the Lough Corrib SAC from effects associated with retention of the metal container structure containing a coffee dock facility and also from the potential affects that may arise from the cumulative impact of commercial development within the appeal site, part of which is located within the Lough Corrib SAC boundary.

An appropriate assessment is required on the basis of the possible effects of the project 'alone', and/or the cumulative impact of the development in combination with other established commercial development within the appeal site

I conclude that the development (alone) has potentially resulted in significant effects on the Lough Corrib SAC. The development may also potentially have had significant effects in combination with other development within the subject site and/or other plans and projects on the Lough Corrib SAC. An appropriate assessment is required on the basis of these individual/combined effects.

9.0 WFD Screening- The southern and western boundaries of the appeal site are located within the designated boundary of the Lough Corrib SAC (site code 0000297).

The development, sought to be retained comprises a coffee dock, which is located at first floor level and is part of a three-storey metal container structure within the confines of an established fuel service station. The detailed development description is set out within Section 2.0 of my report above.

Potential for impact upon water quality was raised by the Planning Authority within its report, where the PA noted the location of the site within flood zone A and with the existence of underground fuel storage tanks, that there would be potential for contamination of surface water to occur within the adjoining watercourse, the sinking river located immediately south and west of the appeal site boundary and which forms part of the Lough Corrib SAC, an important source of drinking water for Galway city and county. Refusal reason number 4 relates to the absence of a site-specific flood risk assessment and reason number 6 in relation to the absence of an AA screening report, the potential impact upon the Lough Corrib SAC in the absence of details in relation to surface water management within the appeal site.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, and based on the absence of specific detail in relation to surface water management within the site and a site-specific flood risk assessment. I am not satisfied that it can be eliminated from further assessment, as the applicant has failed to demonstrate that there is no conceivable risk to the adjoining Lough Corrib SAC in terms of its water quality.

The reason for this conclusion is as follows:

- The location of the subject site partly within the designated boundary of the Lough Corrib SAC and within indicative Flood Zone A and the strong likelihood of hydrological connections to the waterbody.

Conclusion

I conclude that on the basis of objective information, the development has the potential to result in a risk of deterioration of water quality within the 'Sinking river' watercourse, which is located within the designated boundary of the Lough Corrib SAC from a qualitative perspective, or on a temporary or permanent basis. or otherwise jeopardise the ability of the water body in reaching its WFD objectives and consequently cannot be excluded from further assessment.

Based on the absence of detail in relation to surface water management within the site and a site-specific flood risk assessment and, it is not possible to be more definitive in this regard. The Board could consider seeking additional information in relation to these matters, if they deem appropriate.

2.0 Assessment

2.1. Introduction

2.1.1. The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of development.
- Design and Layout
- Residential Amenity
- Flooding and Site Services
- Other Matters
- Appropriate Assessment

2.2. Principle of Development

- 2.2.1. The appeal site comprises a number of commercial buildings and uses including a beauty salon, a filling station and ancillary single storey retail forecourt shop and ancillary car valet facility. There are a number of other uses within the appeal site including a three-storey metal framed container structure which provides for fuel storage and a laundry wash facility at ground floor level, a coffee dock and seating area at first floor level and a viewing/seating area at second floor level. The three-storey structure is located to the south of the site immediately adjoining the 'Sinking River' watercourse. The commercial filling station business is located on the southern site of Gater Street and to the north of the village centre of Dunmore, designated as a small village within the settlement hierarchy within the Settlement Strategy within the current Galway Development plan. The appeal site is zoned VC-village centre within Volume 2 of the current Development Plan.
- 2.2.2. The key aim on village centre zoned lands as set out within the Dunmore Village Plan is "To develop and consolidate the existing village centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments, ensuring a mix of commercial, recreation and civic uses".

Section 14.3.5 of the Dunmore Village Plan is in relation to the Village Centre and Business and Enterprise which seeks to 'support through the provision of a policy objective, the re-development and re-use of vacant buildings. The Planning Authority will also encourage regeneration within the village throughout design and encouraging the use of existing vacant building stock. Within the village core the aim is to bring the vacant and unused buildings within this area into productive use'

The principle of the development of a coffee dock/café use on VC-village centre zoned lands is permitted in principle. However, that is subject to a suitable design and layout being presented, that adequate services are available and that flooding and traffic issues are appropriately addressed. These are all matters that will be addressed in detail within the assessment below.

- 2.2.3. DM standard 21 within the current Galway Development Plan sets out the following in relation to the quantum of retail development that is appropriate when ancillary to a fuel service station 'Forecourt Store/Retail unit associated with a petrol filling station should generally not exceed 100sqm net floor area. Where an increase in this standard is sought, the Sequential Approach to retail development shall apply i.e. the retail element shall be assessed similar to an application for a standalone retail development in the same location'. I note from the planning history (specifically under planning reference 21/280) where the applicants state within their planning application form that the gross floor area of existing commercial buildings on site is 176 square metres. Although, not fully clear from the information submitted, it is submitted that the quantum of permissible retail floor area has already been exceeded, within the confines of the appeal site. Therefore, to permit the coffee dock area would exacerbate this exceedance of the DM 21 standard, and would be contrary to the proper planning and sustainable development of the area.
- 2.2.4. In conclusion, notwithstanding, the principle of a coffee dock use would be acceptable in principle within this village centre location in terms of the establishment of local shops and services and evening and late night uses within village centre are also objectives set out within Sections 5.10.2 and 5.10.3 within the Development Plan, the cumulative impact in terms of the retail floor area needs to be considered in greater detail. Based on the absence of information submitted, the applicant has

failed to address the matter of compliance with DM Standard 21 and whether the cumulative impact of permitting the coffee dock (with a stated floor area of 75 square metres) would exceed the provisions of DM Standard 21 in relation to the quantum of retail floor area associated with fuel service stations.

2.3. Design and layout

2.3.1 The first reason for refusal as set out within the Planning Authority decision relates to the design, scale, mass, unorthodox materials and that the development fails to integrate sensitively within the streetscape and, therefore, would materially contravene place making policy objectives PM 1 and PM11 and DM standard 1 within the Development Plan, would establish an undesirable precedent and constitute over development of the site. Refusal reason number three relates to the adverse impact upon the Dunmore Architectural Conservation Area (ACA) by reason of its design would adversely impact the essential character of the ACA and materially contravene policy objective AH 4 within the Development Plan.

2.3.2 The applicants are seeking to retain a coffee dock use within a three-storey metal container structure located within the confines of a fuel filling station site. There are other established commercial uses within the site in the form of a beauty salon, a retail convenience shop, fuel pumps and a car valet facility. The three-storey metal container structure is detached from the convenience store and beauty salon uses which are located within permitted single and two storey buildings within the appeal site. The metal structure is a standalone non-integrated structure being three storeys in height. The applicant as part of his planning documentation states that the enforcement action by the Planning Authority in relation to the ground floor fuel storage and laundry wash uses was not pursued by the Planning Authority and that the uses are now considered to be exempted development. These uses do not form part of the current appeal, as per the public notices, However, from an examination of the planning history pertaining to the appeal site, as set out in Section 3 of this report above, the storage and laundry wash uses would not appear be exempt from planning, as these uses are of a commercial nature and, therefore, would require a planning consent. However, they may be statute barred, but not permitted nor

exempt. However, this is a matter for the Planning Authority to pursue if they so wish by means of the planning enforcement legislation.

2.3.3 The coffee dock and ancillary seating area is located at first floor level within the three-storey metal structure and above the fuel storage and laundry wash uses below. The coffee dock is accessed via an external metal staircase. Above the coffee dock is a viewing/seating area (not included within the current appeal as per the description within the public notices) and is accessed by a continuation of the external metal staircase. The coffee dock facility has a stated floor area of 75 square metres. I am of the opinion that the location of the metal structure, detached from other permitted commercial buildings on site represents non-integrated development, and the design and form, being a standalone metal container converted to a coffee dock use is not in character with the other commercial buildings on site nor in the vicinity of the appeal site along Gater Street nor Bridge Street, further west. The three-storey height also fails to integrate appropriately with the existing single and two storey commercial structures on site. I consider, that the non-integrated and non site-specific design and excessive height of the converted metal container structures and are not consistent with external materials with other commercial buildings within the appeal site nor in the village centre and result in a non-integrated and incongruous form of development which fails to architecturally assimilate within the local streetscape.

2.3.4 I would concur with the Planning Authority that the development contravenes policy objective PM 1 in relation to promoting and facilitating a high-quality built environment, PM 10 in relation to design quality and PM11 relating to materials being of a high standard with enduring quality and have a positive impact on the visual quality of the area. I consider that the coffee dock facility fails to make a positive impact within the local streetscape and village centre, by virtue of its non-integrated form and non-site specific design, its excessive height and that the external materials do not contribute positively within the local built environment and,

therefore, would be contrary to the proper planning and sustainable development of the area.

2.3.5 In relation to the location of the site part of the appeal site along the boundary of the town core Architectural Conservation Area (ACA), the Planning Authority considered that the design adversely impacts upon the character of the ACA and has a significant adverse visual impact in this area and fails to integrate effectively into this area. The PA state that the development contravenes the AH4 policy objective in relation to protecting, conserving and enhancing the special character of the Architectural Conservation Areas within the county. I consider that the design and non-integrated form and inappropriate external finishes would all contribute to the development adversely impacting upon the adjacent town core ACA. I note the applicants' assertion in relation to dereliction and vacancy within the village core and this is acknowledged. However, this cannot form a justification for proposals which fail to integrate appropriately within the village centre and which do not contribute positively towards achieving high quality architecture as referenced within the PM1 and PM10 and PM11 policy objectives. I concur with the Planning Authority that the coffee dock structure, by virtue of its inappropriate design form and height fails to contribute positively to the character of the adjoining town core ACA, which is located along the western and southern boundaries of the appeal site and represents a visually discordant feature within the village centre.

2.3.6 I note that the Planning Authority's reason for refusal states that the proposed development materially contravenes policy objectives PM1 and PM11 of the development plan. These policies refer to a general approach to design quality and using high quality materials in an urban environment and is not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act. 200 (as amended).

2.3.7 In conclusion, I consider that by virtue of the non site specific design, non-integrated form and excessive height of the three-storey coffee dock structure that it would adversely impact upon the local urban built environment and fail to integrate or

contribute positively to the local streetscape and represents a visually discordant feature in this particular urban environment. The applicant has not demonstrated how the metal container structure contributes positively to the local built environment or at that it represents a positive contribution to the village centre in terms of architectural design and innovation. I consider that the structure contravenes policy objectives PM 1 PM10 and PM11 and AH4 within the current Galway Development Plan and is contrary to the proper planning and sustainable development of the area I recommend that refusal reasons one and three be upheld by the Board.

2.4. Residential Amenity

2.4.1 The second reason for refusal set out within the Planning Authority decision relates to the height and scale of the development resulting in excessive overlooking of the private amenity space associated with nearby residential properties, would injure the general amenities of the area and impact the residential amenities of adjoining properties and depreciate the value of property in the vicinity. I also note the content of the submission received by the Planning Authority during its consideration of the planning application and an observation received by the Board from the same neighbouring resident, who resides to the south-west of the appeal site on the opposite side of the 'Sinking River' watercourse. The observation received by the Board sets out that overlooking of his private amenity space occurs from the three storey metal container structure (sought to be retained within this appeal) and that his families residential amenity is adversely impacted by the structure and that customers using the coffee dock and viewing/seating areas and the metal access stairs can view directly into his private amenity space from the upper floors of the container structure.

2.4.2 Having conducted a site inspection, I would agree with the opinions expressed by the observer and the Planning Authority and I noted that it is possible to directly overlook the private amenity garden space of the residential property on the south-western side of the 'Sinking River' water course from the upper floor levels of the container structure. I consider that the residential amenity of the neighbouring residents is adversely impacted by customers using the coffee dock and viewing/seating area within the upper floor levels of the metal container. I note that

the applicant stated within their appeal submission that there are curtains/blinds fitted within the metal container structure which addresses the issue of overlooking. However, I noted on the day of my site inspection that the curtains/blinds were not drawn across and this allowed me to view directly down onto the private amenity space of the residential property on the opposite side of the river. I, therefore, concur with the observer and the Planning Authority that direct overlooking occurs from the upper floors of the metal container structure and I consider that this adversely impacts the residential amenities of the neighbouring residents to the south-west of the appeal site. To permit the retention of the metal container structure would be injurious to the residential amenities of the neighbouring residential property by reason of visual intrusion and overlooking and would be contrary to the proper planning and sustainable development of the area. I recommend that the second refusal reason be upheld by the Board.

2.5. Flooding and Site Services

2.5.1 The fourth reason or refusal as set out within the Planning Authority decision relates to the fact that the appeal site is located within a flood risk area and in the absence of a site specific flood risk assessment and satisfactory evidence of surface water management proposal within the appeal site, that they are not satisfied that the appeal site is not at risk of flooding in the future or would not exacerbate flooding elsewhere. They considered that the development would contravene policy objectives FL 2 and FL3 in relation to flood risk management and assessment and the principles of the Flood Risk Management Guidelines (FRMG's) and would establish an undesirable precedent and be contrary to the proper planning and sustainable development of the area.

2.5.2 As per the flood mapping that is published as part of the Dunmore Village Plan, as set out within Volume 2 of the current Galway County Development Plan (GCDP) 2022-2028, the appeal site is located within Flood Zone A, where the probability of flooding from rivers is highest (greater than 1% or 1 in 100 for river flooding). Table 14.4 within the Development Plan sets out flood zones and appropriate land uses. The uses within the appeal site are considered to constitute less vulnerable development (LVD). LVD is stated to be inappropriate within Flood Zone A lands.

However, if LVD is proposed within Flood Zone A lands, then the proposals should be supported with a justification test for the development and a detailed site-specific flood risk assessment (FRA). The applicants have submitted neither of these documents in support of their development, as required by the Development Plan within Section 14.6, and specifically policy objective FL 2 in relation to flood risk management and assessment, as supported by the provisions within the 'Planning System and Flood Risk Management Guidelines for Planning Authorities', 2009. Neither has the applicant submitted details in relation to surface water management within the appeal site.

2.5.3 I acknowledge that the development sought to be retained itself, by virtue of its relatively modest scale would be unlikely in itself contribute significantly to the exacerbation of flood risk on site. However, the cumulative impact of the surface water within the whole of the appeal site would need to be carefully considered, given its location within Flood Zone A as set out within the current Development Plan flood mapping. The applicant within his appeal submission sets out that works to the adjoining watercourse were carried out some time back and that the appeal site has not flooded since the retail convenience store commenced trading on site. I have also referenced the OPW flood mapping website, floodinfo.ie and I note that the appeal site is located the national indicative fluvial mapping area. Therefore, in the absence of documentary evidence submitted as part of the planning documentation, in the form of a site specific FRA and justification test and given the location of the site within an area identified where the risk of flooding is at its highest (flood zone A, where the probability of flooding is between 0.1% and 1%), I am not satisfied that the development to be retained would not be at risk of flooding or exacerbate flooding within the appeal site or elsewhere, in its vicinity. Therefore, I would recommend that the fourth reason for refusal as set out by the PA be upheld.

2.5.4 The fifth reason for refusal as set out by the Planning Authority relates to the absence of consent from Uisce Eireann (UE) to connect to the public watermains and wastewater services and would result in a serious risk to public health and would be contrary to policy objectives WS 4 and WW4 within the current Galway Development Plan (2022-2028) in relation to a requirement to liaise with UE for developments intending to connecting to the public waters services. There are no

toilet or sanitary facilities located within the coffee dock facility. There is a shop counter where hot and cold beverages can be purchased and the remainder of the upper floors within the metal container are used as seating/viewing areas. I do not consider that the water demands associated with the coffee dock facility would be significant. However, as per the policy objectives WS 4, the applicants are required to liaise with UE where a new connection to the watermains network is proposed. The applicant states that they he has an existing connection to the public watermain as per Section 19 of their planning application form submitted to the Planning Authority. Given that the coffee dock would likely use water from the public watermains for the preparation of hot beverages, the applicant would be required to do so. No documentary evidence that the applicant has liaised with UE has been submitted as part of the planning documentation.

2.6. Access and Traffic

2.6.1 The seventh reason for refusal as set out within the PA's decision relates to the increased traffic levels that the coffee dock the development generates at the junction of the R360 and the N83 in the village of Dunmore. I am of the opinion that the coffee dock facility which is sought to be retained under the current proposals in itself would not generate a significant level of traffic. However, an assessment of the cumulative traffic impact within the appeal site would be beneficial whereby the trip generation associated with each of the uses on site, in terms of the beauty salon, the fuel station, the retail store and the car valeting facility, in addition to the uses within the three-storey container structure would be provided. From my site inspection, it was evident that there is no particular traffic management plan in operation on site in the form of a dedicated in/out traffic management system and, therefore, traffic management within the appeal site is somewhat haphazard in its present form. The development would lead to additional turning movements within the appeal site and increase the potential for conflict between pedestrians and vehicles within the appeal site and at the entrance to the appeal site. The submission of a traffic impact report and also possibly a Road Safety Audit stage 1 of 2 would be beneficial in terms of

assessing the cumulative impact of traffic generation within the appeal site, where circulation is constrained.

2.6.2 The addition of the three-storey metal structure further restricts the extent of car parking availability within the appeal site. The applicant has not submitted details of the current on-site car parking provision nor a breakdown of each of the uses on site and the car parking that each of the uses would generate in accordance with table 15.5 within the Development Plan. In conclusion, it is unclear from the planning documentation submitted, what impact the coffee dock facility, in addition to the other established commercial uses on site would have in terms of trip generation and traffic safety at a location in proximity to a busy junction at the intersection of the N83 national secondary route with the R360 regional route.

2.7. Other Matters

2.7.1 The eighth and final reason for refusal set out by the Planning Authority relates to the planning status of existing development on site and that the current development, if permitted would perpetuate and intensify existing unauthorised development on the site. The applicant as part of his planning documentation states that the enforcement action by the Planning Authority in relation to the ground floor fuel storage and laundry wash uses was not pursued and that the uses are now considered to be exempted development. These uses do not form part of the current appeal, as per the public notices. Therefore, I consider that these matters do not fall within the scope of this appeal and are a matter for the Planning Authority to pursue by means of the planning enforcement legislation, if they so wish.

2.7.2 The observer raised the issue of devaluation of his property that would arise as a result of the coffee dock development. The issue of residential amenity was specifically addressed within Section 2.4 of this report above. However, the observer has failed to submit any documentary evidence to substantiate the claim of property devaluation. In the absence of such documentary evidence, I am not satisfied that

this claim can be substantiated and, therefore, I do not consider it appropriate to assess this issue any further within this report.

2.8 Appropriate Assessment

2.8.1 *Part of* the subject site is located within the confines of the Lough Corrib SAC (site code 000297). It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the Lough Corrib SAC from effects associated with retention of the metal container structure containing a coffee dock facility and also from the potential affects that may arise from the cumulative impact of the commercial development within the appeal site, part of which is located within the Lough Corrib SAC boundary.

An Appropriate Assessment is required on the basis of the possible effects of the project 'alone', and/or the cumulative impact of the development in combination with other established commercial development within the appeal site

3.0 Recommendation

I recommend that planning permission for the retention of the fully serviced coffee dock facility erected over the existing steel storage container of the existing fuel filling station be refused for the following reasons:

4.0 Reasons

1- The development sought to be retained, by reason of its non site specific design, poor integration with the established buildings on site, excessive height relative to surrounding buildings, its bulk and massing, would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the architectural and historic character of this area, which it is appropriate to preserve. The proposed development would be contrary to the provisions of policy objectives PM1, PM 10 and PM 11 within the current Galway County Development Plan in relation to placemaking, design quality and details of materials. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2- The development sought to be retained, by reason of. Its proximity to the town core ACA which is located along the western boundary of the appeal site would materially affect the character of the town core Architectural Conservation Area and would thereby seriously injure the visual amenities of the area. The proposed development would be contrary to the provisions of policy objective AH4 within the current Galway County Development Plan in relation to the protection, conservation and enhancement of Architectural Conservation Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3- Having regard to the pattern of development in the area and the nature of the development sought to be retained, it is considered that the metal container structure, by reason of its scale, height and proximity to site boundaries, would seriously injure the residential amenities of adjoining properties by reason of visual obtrusion and overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4- The development sought to be retained is in an area which is deemed to be at risk of flooding, by reference to the current Galway Development Plan, **specifically policy objectives FL1-3 in relation to having regard to the provisions of the Flood Risk Management Guidelines, 2009 and the submission of site-specific flood risk impact assessments as part of proposals.** for the settlement of Dunmore and the documentation on file. Having regard to the provisions of the Development Plan in relation to development proposals in areas at significant risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk. the development would be contrary to the proper planning and sustainable development of the area.

5- On the basis of the information submitted with the application and appeal, the Board is not satisfied, having regard to the precautionary principle, that there is reasonable scientific certainty that the proposed development would not adversely affect the integrity of a European Site in the vicinity, in the light of the conservation objective and qualifying interests for which this site was designated. In particular, it is considered that there is a risk of contravening the site-specific conservation objective for the Lough Corib Special Area of Conservation (site code 000297). Accordingly. to

grant the proposed development would be contrary to Policy Objectives NHB 1-3 of the Galway County Development Plan 2022-2028 which seeks to protect and where possible enhance our natural heritage sites, designated under EU legislation and the habitats directive, and to the proper planning and sustainable development of the area. Having regard to the uncertainty which exists, in relation to the impact of the development on the qualifying interests and conservation objective and consequently, the integrity of the European Site in the area, the Board is precluded from granting planning permission by reason of Article 6(3) of the EU Habitats Directive and of Section 177V (3) of the Planning and Development Act 2000, as amended.

6- Having regard to the scale of the development and the traffic to be generated by it, it is considered that the additional traffic associated with the development in addition to the traffic generated by the other established commercial uses on site would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists at a busy road junction .

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fergal Ó Bric

Planning Inspectorate

6th day of June 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320555-24		
Proposed Development Summary	Permission for retention of coffee dock facility erected over steel container storage units in forecourt of supermarket and associated works and services.		
Development Address	Gater Street, Dunmore, Co. Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	x	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank		
No	Tick or leave blank	The retention of a commercial structure of this scale does not fall within a class of development as per the P & D Regulations.	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		

No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the retention of a coffee dock facility within a filling station forecourt.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ Date: _____

Appendix 2: AA Screening Determination
Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	See Section 2 within the Planning Report for the full development description. Permission for retention of a coffee dock facility within the forecourt of a fuel service station and all associated site works.
Brief description of development site characteristics and potential impact mechanisms	The development seeks to retain a three-storey metal container structure, composing a coffee dock and ancillary seating area at first floor level. Although not specifically mentioned within the public notices, the container structure comprises storage of solid fuels and a laundry wash facility at ground floor level and a seating/viewing area at second floor level. The floor area of the development to be retained is stated to be 75 square metres on a total site area of 0.25 hectares. The subject site is a fully serviced brownfield site and the southern and western part of the appeal site is located within the designated boundary of the Lough Corrib SAC. Given the urban location of the site and the fact that the appeal site is located within Flood Zone A and the absence of surface water management proposals there is potential, given the uses on site in relation to fuel storage and dispensing, that the development in combination with other uses within the appeal site could adversely impact water quality within the SAC and, therefore, potentially impact the site specific conservation objective which is 'to maintain or restore

	the favourable conservation status of habitats and species within the Lough Corrib SAC', and consequently, adversely impact upon the qualifying interest features within the SAC.
Screening report	No
Natura Impact Statement	No
Relevant submissions	N/A.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Lough Corrib SAC (site code 000297)	ConservationObjectives.rdl 2017	Part of the appeal site is located within the designated boundary of the Lough Corrib SAC.	The subject site is a brownfield site within an established fuel service station facility. The site is located within the village centre of Dunmore where there is the existing urban built-up	yes

			<p>footprint.</p> <p>However, the location of the metal container structure within the designated boundary of the Lough Corrib SAC could result in potential ecological impacts upon the protected habitats and species associated with the Lough Corrib SAC. By virtue of the location of the metal container structure within the SAC boundary, there is a strong likelihood for both direct and/or indirect ecological and hydrological pathways between the appeal site and</p>	
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			the Lough Corrib. SAC	
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites:

- (a) Direct impacts may arise from the coffee dock development on site given its location within the designated boundary associated within the Lough Corrib SAC European site. Given the brownfield status of the subject site, no vegetative clearance is proposed, nor are there any demolition works proposed. However, there are hydrological and/or ecological pathways connecting the subject site to Lough Corrib via the 'Sinking River' watercourse, being the pathway in this instance. In terms of indirect impacts, given the development relates to retention of a three-storey metal structure within the designated boundary of the SAC, it is unclear if there would have been construction impacts in terms of sediment run off, noise dust and vibration which may have adversely impacted protected habitats and/or species within the SAC. Therefore, uncertainty exists in this regard, based on the absence of the information submitted in terms of construction methods and impacts.
- (b) It is likely that standard best practice construction measures were used during the erection/construction of the metal container structure on site. However, given the sensitive location of the site within the SAC boundary, it is unclear based on the planning documentation submitted whether standard construction measures would have been sufficient to protect water quality within the Lough Corrib SAC.
- (c) The site-specific conservation objective associated with the Lough Corrib SAC site is 'To maintain or restore the favourable conservation condition of habitats and species identified as qualifying interest species within The Lough Corrib SAC'. In terms of in-combination effects, it is apparent that the coffee dock structure must be considered in terms of the cumulative impact of the coffee dock development in tandem with other established commercial development within the appeal site and within this part of the village. This should be considered as part of the potential for in-combination effects on the site-specific conservation objective and the qualifying interest features associated with the Lough Corrib SAC. Based on the information submitted, the applicant has not identified other developments permitted within the vicinity of the appeal site which would likely outfall to the 'Sinking River/Lough Corrib SAC'. Therefore, it is unclear from the planning documentation submitted if the retention of the coffee dock structure alone, or in combination with other

commercial development within the appeal site or in the vicinity of the appeal site has the potential to result in significant in combination effects on the conservation objective and/or qualifying interest features within the Lough Corrib SAC.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Lough Corrib SAC (site code 00297).</p> <p><u>Qualifying Interests:</u></p> <p>Freshwater Pearl Mussel</p> <p>White-clawed Crayfish</p> <p>Sea Lamprey</p> <p>Brook Lamprey</p> <p>Salmon</p> <p>Lesser Horseshoe Bat</p> <p>Otter</p> <p>Slender Green Feather-moss</p> <p>Slender Naiad</p> <p>Oligotrophic waters containing very few minerals of sandy plains</p> <p>Oligotrophic to mesotrophic standing waters with vegetation</p>	<p>Direct:</p> <p>Direct construction impacts are likely given the location of the metal container structure within the Lough Corrib SAC boundary, in terms of construction works and emissions of contaminated surface water, and also dust, noise and vibration arising from construction works within the appeal site and the designated SAC boundary.</p> <p>Indirect:</p> <p>There is potential for indirect impacts to arise from the construction phase of the metal container structure in terms of increased construction traffic and from the storage of construction materials. Given the location of the metal container structure within the Lough Corrib SAC boundary, there was potential for these indirect impacts to adversely impact upon the protected</p>	<p>Due to the uncertainty of the impacts, there is also uncertainty in relation to effects on the Lough Corrib SAC. However, it is considered that there is potential for disturbance and/or displacement of protected habitat and species, potential for contamination of water quality and the quality of water dependent habitat within the SAC and habitat loss or modification. The development has the potential to undermine the conservation objectives of the site in relation to water quality. Given the uncertainty, the possibility of significant effects cannot be ruled out without further</p>

<p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.</p> <p>Water courses of plain to montane levels</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates</p> <p>Molonis meadows on calcareous, peaty or clayey-silt-laden soils</p> <p>Active raised bogs</p> <p>Degraded raised bogs still capable of natural regeneration</p> <p>Depressions on peat substrates of the Rhynchosporion</p> <p>Calcareous fens</p> <p>Petrifying springs with tufa formation</p> <p>Alkaline fens</p> <p>Limestone pavements</p> <p>Old sessile oak woods</p> <p>Bog woodland</p>	<p>species associated with the SAC.</p> <p>Neither is it clear from the planning documentation if the operation of the coffee dock facility would adversely impact the site-specific conservation objective or qualifying interest features of the SAC.</p>	<p>detailed analysis and assessment.</p>
	<p>Likelihood of significant effects from proposed development (alone): Yes, direct and indirect as set out in the screening matrix above.</p>	

	If No, is there a likelihood of significant effects occurring in combination with other plans or projects? See Step 3(c) above.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. See Step 3(a) above	
	Impacts	Effects
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p> <p>It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the Lough Corrib SAC from effects associated with retention of the metal container structure containing a coffee dock facility and also from the potential affects that may arise from the cumulative impact of commercial development within the appeal site, part of which is located within the Lough Corrib SAC boundary.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project ‘alone’, and/or the cumulative impact of the development in combination with other established commercial development within the appeal site.</p> <p>I conclude that the development (alone) has potentially resulted in likely significant effects on the Lough Corrib SAC. The development may also potentially have had likely significant effects in combination with other development within the subject site and/or other plans and projects on the Lough Corrib SAC. An appropriate assessment is required on the basis of these individual/combined effects.</p>		

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the development alone or in combination with other plans and projects will give

rise to significant effects on the Lough Corrib Special Area of Conservation in view of the sites conservation objectives. Appropriate Assessment is required. This determination is based on:

This determination is based on:

- The location of the development within the designated boundary of the Lough Corrib SAC and the strong likelihood of hydrological and/or ecological connections to the waterbody,
- A full and detailed assessment of all aspects of the project including the Conservation Objectives of the aforementioned designated site.
- An assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- Reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Lough Corrib SAC.