



An  
Bord  
Pleanála

**Board Direction**  
**BD-000857-18**  
**ABP-300995-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/07/2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the scale and nature of the existing development on the site and to the scale, nature and limited extent of increased net retail sales area; to the site location within the development area of Tuam Town, the zoning objective BE, Business and Enterprise and policies and objective in the Tuam Local Area Plan 2011- 2017, and, to the established pattern and character of existing development in the vicinity it is considered that the proposed development would not adversely affect the vitality and viability of Tuam Town centre, would not seriously injure the visual amenities of the area, would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area

### **Conditions**

## 1.0 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 19<sup>th</sup> of January 2018 to the planning authority 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 not open for business until the access road permitted under planning permission PL 300997-18 (Reg Ref 17/1321), has been completed to the written satisfaction of the planning authority and that the works to the regional road R942 , for which a financial contribution is required under a condition of that permission have been completed.

Reason : orderly development

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development and shall relate to access permitted under planning permission PL 300997-18 (Reg Ref 17/1321). 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. The car park shall include a permeable surface.

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. Palisade fencing shall not be permitted to the front of the building along the north, north east or north west boundaries.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution

5. 20 number bicycle parking spaces shall be provided within the site in a covered stand. The layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements other than those shown on the submitted drawings, shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

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

9. No goods, raw materials or waste products shall be placed or stored between the front of the building and the road.

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

10. CPM 2 - omit (i)

11. The developer shall pay to the planning authority a financial contribution of €49,640 in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

**Board Member**

**Date:** 03/08/2018

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Terry Prendergast

**Note :** The Board considered that the terms of the Galway County Council Development Contribution Scheme 2016 (which does not provide for the demolition of non-residential development) were properly applied in respect of condition 9 of Reg Ref 17/1320.

Please issue Board Direction with Order.