



An
Bord
Pleanála

Board Direction
BD-009745-22
ABP-310047-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/01/2022.

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 pattern of permitted development in the area, to the provisions of the Galway County Development Plan 2015-2021, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 10th day of March 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted on the 10th day of December 2009 under An Bord Pleanála appeal reference number PL 07.221318 (planning register reference number 06/3886), as extended under planning register reference numbers 12/1428 and 17/1699, and any agreements entered thereunder, and in particular, ABP-306850-20 (PA ref: 19/1699) which ties the subject permission to the fuel filling station. This permission shall expire on the 31st day of December 2021.

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

3. The site shall be used as a retail unit ancillary to the approved petrol filling station and no part shall be used for the sale, display, or repair of motor vehicles in strict accordance with the details submitted to the Planning Authority on the 10th day of March 2021. Hours of operation shall be between 0700 hours and 2300 hours.

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

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and

the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Board Member



Dave Walsh

Date: 13/01/2022

