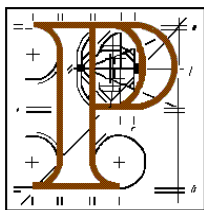


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway County

Planning Register Reference Number: 15/448

An Bord Pleanála Reference Number: PL 07.245658

APPEAL by Dave McDonnell, Brian Winters and Dara Keary care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway against the decision made on the 28th day of September, 2015 by Galway County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (1) Retention of rear outdoor smoking/storage area (including revised layout of area and removal of part of covered area). (2) Retention of change of use of first floor premises to meeting/function room. (3) Retention of rear external escape stairs and balcony. (4) Permission for change of use of second floor to ancillary storage and staff facilities and all associated works. This building is a protected structure; at Main Street, Loughrea, County Galway.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the pattern of development in the area, to the zoning objective for the site as set out in the Loughrea Local Area Plan 2012-2018, to the nature of the proposal and to the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the amenities of the area and would not adversely affect the protected structure. The proposed development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the pattern of development in the area and considered that the proposal was appropriate to a town centre location. The Board also had regard to the architectural impact assessment accompanying the application and appeal and considered that the proposed retention would not adversely affect the character or setting of the protected structure.

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 2nd day of September, 2015, 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 and development proposed to be retained shall be amended as follows:
- (a) the first floor smoking area shall be deleted and this area shall be suitably separated from the first floor external landing,
 - (b) external support structures for the proposed covering to the external rear area shall be removed from site within three months of the date of this order. The only area which shall be used as a smoking area shall be the covered area immediately to the west of the step shown on the ground floor plan of drawing number 02 submitted with the application, measuring circa 9 metres x 3 metres.
 - (c) the area marked as a store immediately opposite the area mentioned at (b) above shall not be used as a bar or for serving food or alcohol.

Revised details showing compliance with the above requirements shall be submitted to, and agreed in writing with the planning authority within two months of the date of this order.

Reason: In the interests of amenity clarity and orderly development.

3. The PVC windows to the first and second floor of the front facade shall be replaced with sliding timber sash windows. Details in this regard shall be submitted to, and agreed in writing with the planning authority within six months of the date of this order.

Reason: in the interests of amenity.

4. 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.

5. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. 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.

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

Dated this day of 2016.