

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Mayo County

**Planning Register Reference Number: P15/187**

An Bord Pleanála Reference Number: PL 16.246988

**APPEAL** by Cora McGarry care of Bruen Glynn and Company Solicitors of Tuam, County Galway against the decision made on the 1<sup>st</sup> day of July, 2016 by Mayo County Council to grant subject to conditions a permission to Tahir Mahmood care of APK Architects and Engineers Limited of Cloonfower, Castlerea, County Roscommon in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Subdivision of an existing commercial unit, alterations to existing front, side and rear elevations, replace part of existing roof structure with new redesigned roof structure and finishes with associated site works at Main Street, Ballyhaunis, County Mayo, as amended by the further public notice received by the planning authority on the 8<sup>th</sup> day of June, 2016.

## 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 provisions of the Mayo County Development Plan in which the lands are zoned town centre and located within the 'core shopping area', to the minor nature and scale of the proposed development in a premises formerly used for retail purposes and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would assist in the use and revitalisation of a vacant commercial unit in the town centre, would not seriously injure the amenities of the area, would not be prejudicial to public health 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.

## CONDITONS

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 Information received by the planning authority on the 27<sup>th</sup> day of August, 2015 and the 8<sup>th</sup> day of June, 2016 and Clarification of Further Information received by the planning authority on 19<sup>th</sup> day of February, 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 use of the two units shall be for the purposes of shop as defined under Article 5 of the Planning and Development Regulations 2001, as amended. No permission is granted for the use of either retail unit as a restaurant or for the sale of hot food for consumption off the premises or for any other use without a prior grant of planning permission.

**Reason:** In the interests of clarity and the amenities of the area.

3. 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 and to ensure a proper standard of development.

4. The proposed new roof shall be finished in natural slate.

**Reason:** In the interests of the visual amenity of the town centre.

5. Full details of the proposed external signage, lighting and shopfront shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of any works on site.

**Reason:** In the interests of the visual amenity of the town centre.

6. A plan containing details for the management of waste within the development, including the provision of facilities for its storage, separation and collection shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste, in the interest of protecting the environment.

7. 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.

8. Other than that agreed with the planning authority under condition number 5 of this permission, 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 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:** In the interest of visual amenity.

9. 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.

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

**Dated this            day of            2016.**