



An
Bord
Pleanála

**Board Order
PL 16.249181**

Planning and Development Acts 2000 to 2017

Planning Authority: Mayo County Council

Planning Register Reference Number: P17/148

Appeal by Hugh and Siobhan O'Donnell care of Gilvarry and Associates of Unit 9, N5 Business Park, Moneen Road, Castlebar, County Mayo against the decision made on the 14th day of August, 2017 by Mayo County Council to grant subject to conditions a permission to Kavanagh Retailing (Ireland) Limited care of Eoghan Carr of 14 Peter Street, Westport, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from drapery shop – “O'Connor Fashions – Draper” (a protected structure) to a restaurant with all ancillary and associated site works at Shop Street, Westport, County Mayo.

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 location of the site within the town centre of Westport, the B zoning objective of the site and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the character and setting of the protected structure and would not seriously injure the character or appearance of the protected structure or the Architectural Conservation Area or the amenities of the area or of property in the vicinity, 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.

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 22nd day of June, 2017 and on the 19th day of July, 2017, 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. A schedule and appropriate samples of all materials to be used in the external treatment of the development, to include shopfront materials, rainwater goods, and windows shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development/conservation.

3. Details of all proposed amendments to the external shopfront and fascia signage 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 and to protect the character of the protected structure.

4. The shopfront shall be in accordance with the following requirements:-
- (a) No additional awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
 - (b) External roller shutters shall not be erected. Any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.
 - (c) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further 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: To protect the visual amenities of the area.

6. 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.

7. 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 the 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 2018