



Planning and Development Acts 2000 to 2018

Planning Authority: Galway County Council

Planning Register Reference Number: 18/720

Appeal by Michelle and Keith Kilcar of Gort Tyre Centre, Unit 5, The Grove, Gort, County Galway against the decision made on the 24th day of July, 2018 by Galway County Council to grant subject to conditions permission to Kevin Burke care of Paddy Kennedy of Rivercourt Cross Street, Athenry, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: (1) retain an existing car accessories store, and retail tyre outlet with a mezzanine storage area, including all associated works, (2) retain a storage building, (3) retain all associated signage. All of the above premises previously formed part of a retail furniture store. Permission is also sought to complete external ground works and parking areas and provide three additional escape doors at the rear of the building, the proposed works also include alterations to the public footpath at the entrance including new access gates at Crowe Street, Gort, 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 location of the majority of the site area within an area with the zoning objective C1: Town Centre/Commercial, with the remaining small peripheral area within an area with the zoning objective OS: Open Space/Recreation and Amenity, as set out in the Gort Local Area Plan, 2013-2019, to the location within the town centre, the limited scale and restricted nature of the car accessories and retail tyre outlet, the measures for improvements to and management of the use of the entrance and possible flood risk, and to the former authorised use of the site for commercial warehousing, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and the proposed development would not endanger public safety by reason of traffic hazard, flood risk or pollution, would contribute to the vitality and viability of the town centre and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required 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 shall be confined to a car accessories store and retail tyre outlet with internal mezzanine storage area. Servicing repair and maintenance of vehicles and external storage is not permitted.

Reason: In the interest of clarity, orderly development, amenity and environmental protection.

3. Within six months of the date of this Order, the proposed improvement works and pedestrian facilities at the entrance indicated in the road safety audit submitted to the planning authority on 30th May, 2018 shall be implemented and completed, at the developer's expense and to the written satisfaction of the planning authority.

Reason: In the interest of clarity, and vehicular and pedestrian safety and convenience.

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and orderly development.

5. Drainage and water supply arrangements, including the disposal of surface water shall be in accordance with the requirements of the planning authority.

Reason: In the interest of public health.

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.

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

Dated this day of 2018.