



Planning and Development Acts 2000 to 2020

Planning Authority: Galway County Council

Planning Register Reference Number: 20/229

Appeal by Tesco Ireland Limited care of Avison Young of 4th Floor, 2-4 Merrion Row, Dublin against the decision made on the 12th day of June, 2020 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Construction of a café building (circa 232 square metres gross floor area) to be used for the preparation and sale of food and beverages for consumption on and off the premises. The proposal also includes associated signage, a bin storage, an external seating area, a new footpath, hard and soft landscaping, 10 number bicycle parking spaces, 2 number universal access spaces and all ancillary site services and site development works on a circa 0.2 hectare site in the car park of Tesco at Dunlo, Ballinasloe, 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 provisions of the Ballinasloe Local Area Plan 2015-2021, including the zoning objective of the site wherein café use is permitted in principle, to the existing retail development in the immediate environs and the planning history of the site and environs, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the local area plan provisions for the area, would constitute an appropriate complement to the established retail uses in the area, would not detract from the vitality and viability of the town centre of Ballinasloe and would be acceptable in terms of pedestrian and traffic safety. The proposed development 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 noted and agreed with the Inspector, that the proposed development would not warrant a refusal of permission by reason either of traffic impact/parking provision, or issues regarding the connection of the proposed development to water, wastewater and surface water infrastructure. On the issue of compatibility with the zoning objective and the potential impact on the vitality and viability of the town centre, the Board considered that the proposed use would be consistent with the zoning objective and due to the modest scale of the proposed development and the distance from the town centre, the proposed café use would serve as a complement to the uses already established in this area and would not materially detract from the vitality and viability of the town centre.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Details of the materials, colours and textures of all the external finishes to the proposed structure shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Details of the proposed external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no additional signage (including any signs installed to be visible through the windows), symbols, or other advertisements or advertisement structures, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

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

4. The hours of operation of the proposed café use, shall be restricted to between 0700 hours and 2200 hours Monday to Sunday.

Reason: In the interests of orderly development and the amenities of the area.

5. 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.

6. The developer shall enter into water and/or wastewater connection arrangements with Irish Water prior to commencement of development.

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.

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

Dated this day of 2020.