

**An  
Bord  
Pleanála**

**Board Order  
ABP-310047-21**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 20/1799**

**Appeal** by Rocktop Consulting Limited of Moneyquid, Killeigh, County Offaly and by others against the decision made on the 1<sup>st</sup> day of April, 2021 by Galway County Council to grant subject to conditions a permission to Claremorris Developments Limited care of Archeco of Mulroog East, Ballinderren, Kilcolgan, County Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a two-storey building (554 square metres gross floor area) to serve the approved fuel filling station (planning register reference number 19/1699, An Bord Pleanála reference number ABP-306850-20) and the provision of a delivery set down area at the west side of the forecourt and all ancillary and associated works. The proposed building comprises (1) a retail shop (100 square metres net retail floor area); (2) hot food/deli counter and seating area (162 square metres total floor area) to include the sale of hot and cold food for consumption on and off the premises, cold room, store, lift and ATM all at ground floor level; and (3) overflow seating area, toilets, staff room, cash office and storage at first floor level; all at Treanrevagh, Mountbellew, 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 permitted development in the area, to the provisions of the current Galway County Development Plan, and to the layout and design as submitted, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties 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 to the planning authority

on the 10<sup>th</sup> day of March 2021, 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.

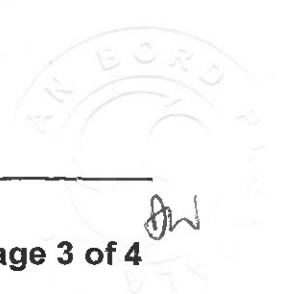
**Reason:** In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted on the 10<sup>th</sup> day of December 2009 under planning register reference number 06/3886, An Bord Pleanála appeal reference number PL 07.221318, as extended under planning register reference numbers 12/1428 and 17/1699, and any agreements entered thereunder, and in particular, planning register reference number 19/1699, An Bord Pleanála reference number ABP - 306850-20, which ties the subject permission to the fuel filling station. This permission shall expire on the 31<sup>st</sup> day of December 2021.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The site shall be used as a retail unit ancillary to the approved petrol filling station and no part shall be used for the sale, display, or repair of motor vehicles in strict accordance with the details submitted to the planning authority on the 10<sup>th</sup> day of March 2021. Hours of operation shall be between 0700 hours and 2300 hours.

**Reason:** In the interest of the residential amenities of property in the vicinity.



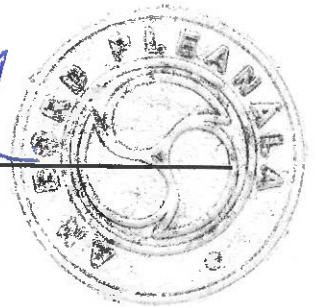
4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



**Dave Walsh**

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



Dated this *17<sup>th</sup>* day of *January* 2022.