



An
Bord
Pleanála

Board Order
ABP-313765-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 21/408

Appeal by Michael Sheridan of Moneymore West, Oranmore, County Galway against the decision made on the 25th day of April, 2022 by Galway City Council to grant subject to conditions a permission to Modern Tyres care of Fergal Bradley and Company Limited of 2nd Floor, Augustine Court, Augustine Street, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of street-facing stores building, removal of shipping container which accommodates customer waiting area, new single storey extension, new on-site parking provision, new signage and associated site works at Modern Tyres, 166 Bohermore, 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.

Reasons and Considerations

Having regard to the existing use of the site and to the provisions of the Galway City Development Plan 2023-2029, including Section 11.1 in relation to non-conforming uses, 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 not seriously injure the residential or visual amenities of the area or of property in the vicinity and 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 plans and particulars submitted to the planning authority on the 29th day of March 2022, 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. Prior to commencement of development, the developer shall submit revised floor plans and elevations to the planning authority for its written agreement, indicating the omission of the two number windows serving the office and staff room on the south elevation of the extension. Two number roof lights may be provided in lieu of these windows if desired and details of roof lights shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenity of adjoining property.

3. Prior to commencement of development, the developer shall submit to the planning authority for its written agreement, a pre and post construction survey of the gable wall of Number 164A Bohermore carried out by a suitably qualified engineer.

Reason: To record the condition of the gable wall of Number 164A Bohermore prior to and post development.

4. Prior to commencement of development, the developer shall submit the following to the planning authority for its written agreement: -
 - (a) details of the replacement 225 millimetres clay foul sewer, and
 - (b) details of protective haunching for any section of foul sewer pipe which is to be located beneath the extension.

Reason: In the interest of public health.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services. Surface water run-off from the roof of the extension shall be disposed of within the site.

Reason: In the interest of public health.

6. Details of the front boundary wall and railings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. With the exception of the signage hereby permitted, no additional signage shall take place on/above the garage building, extension, or on the front boundary without a prior grant of planning permission.

Reason: In the interest of visual amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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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.



Peter Mullan

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

Dated this *20th* day of *October*, 2023.