

An
Bord
Pleanála

Board Order
ABP-318347-23

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: 22/1128

Appeal by Maryland Residents Association care of Bernard Hughes of 30 Maryland, Castlebar, County Mayo against the decision made on the 5th day of October, 2023 by Mayo County Council to grant subject to conditions a permission to MDC Commercial Centre Europe Limited care of Michael Gillespie of Toongarve, Fahy, Westport, County Mayo in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a building for the inspection of vehicles at Castlebar Retail Park, Breaffy Road, Castlebar, County Mayo. The proposed development was revised by 7 further public notices received by the planning authority on the 11th day of September, 2023.

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

In deciding not to accept the Inspector's recommendation to refuse permission, the Board generally concurred with the planning authority, and considered the proposed development accorded with the draft Castlebar and Environs Local Area Plan 2023-2029 and subject to compliance with the conditions set out below, would not detract from the amenity of adjoining properties.

The nature of the development was the subject of a further information request by the planning authority, the response clarified the proposed use, the planning authority condition number 6 limited the use of the structure to the sales associated with Light Commercial Vehicles and Heavy Commercial vehicles only and specifically precluded the sale of cars or sales associated with any other type of vehicle. The Board considered that having regard to the description of the proposed use of the development provided by the applicant at further information stage for clarity, the proposed structure should be limited to use for pre delivery inspection of new or resale Light Commercial Vehicles and Heavy Commercial vehicles only.

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 received by the planning authority on the 4th day of August, 2023, 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. Water supply and drainage arrangements, including the attenuation and 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.

3. Access to the facility for all operations shall be via the existing main entrance only. No other access shall be used without the prior written agreement of the planning authority or a grant of permission.

Reason: In the interest of clarity.

4. Post construction site noise shall not give rise to noise levels at noise sensitive locations which exceed the following sound pressure limits (LA_{eq}, 15 minutes) daytime 55 dBA and 45 dBA nighttime. There shall be no clearly tonal component or impulsive component in the noise emission from the facility at any noise sensitive location at nighttime.

Details of the noise sensitive locations and frequency of noise monitoring to be implemented during construction and post construction, providing details of existing noise mitigation measures associated with same including design specification shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

5. All activities and on-site operations shall be as follows and in line with the documentation received by the planning authority on the 4th day of August, 2023.
 - (i) Between 0700 hours and 2200 hours, all existing onsite operations, save for operations associated with the recovery of vehicles on behalf of An Garda Siochana under Section 41 of the Road Traffic Act.
 - (ii) Between 0800 hours and 1800 hours for the proposed new vehicle inspection building.

No operations shall take place on Saturdays, Sundays or Public Holidays save for operations associated with the recovery of vehicles on behalf of An Garda Siochana under Section 41 of the Road Traffic Act.

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

6. The facility shall be used for predelivery inspection associated with the following types of vehicles only:
 - (a) Light Commercial Vehicles

(b) Heavy Commercial Vehicles

Reason: In the interest of clarity regarding the use of the proposed structure.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

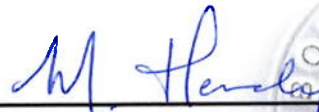
Reason: In the interest of visual amenity.

8. All existing trees/hedgerows shall be retained on site. Any unsuccessful or damaged specimens shall be replaced.

Reason: In the interest of residential amenity.

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.



Mary Henchy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 17th day of June 2024.