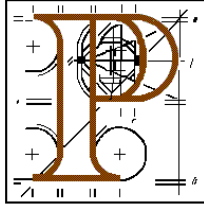


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway City

Planning Register Reference Number: 15/164

An Bord Pleanála Reference Number: PL 61.245512

APPEAL by Tolmur Limited care of Ryehill Planning and Design of Caherlissakill, Monivea, County Galway against the decision made on the 24th day of August, 2015 by Galway City Council to refuse permission.

PROPOSED DEVELOPMENT: Revisions to previous permission granted under planning register reference number 13/300 to include the following; (1) Retention of change of use of ground floor from retail unit and deli area to sandwich bar and seating area, together with associated revisions to internal layout at ground floor level, (2) Retention of alterations to internal layout to first floor level to provide for sandwich bar seating area, prep area and toilets, (3) Retention of projecting signage along front elevation, and (4) Removal/varying of conditions numbers 2 and 3 attached to planning register reference number 13/300, together with all associated site works and services at number 12 High Street (A Protected Structure, reference: number 4511), Galway City.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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

1. Section 11.4.5 of the Galway City Development Plan 2011-2017 seeks to restrict the conversion of the ground floor of premises on the principal streets of the city centre from retail to non-retail uses. High Street is one of these principal streets. It is considered that this policy, which seeks to preserve these streets as main shopping streets in accordance with the retail strategy for the city centre, is reasonable. It is therefore considered that the development proposed to be retained would materially contravene the provisions of the development plan, would set an undesirable precedent for the change of use of other retail premises to non-retail use on the principal shopping streets, and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature of the development proposed to be retained, and to the terms of condition number 2 of planning register reference number 13/300, it is considered that the change of use that is proposed to be retained would contravene materially condition number 2 attached to that permission.

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

Dated this day of 2016.