

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Galway City**

**Planning Register Reference Number: 15/173**

An Bord Pleanála Reference Number: PL 61.246912

**APPEAL** by Patrick Nolan of 32 Bridgewater Court, Fairhill Road, Galway against the decision made on the 22<sup>nd</sup> day of June, 2016 by Galway City Council to grant subject to conditions a permission to Grey Street Foods Limited care of Archeco of Mulroog East, Ballindereen, Kilcolgan, County Galway in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use of existing retail unit to sit-down restaurant, to include signage and associated site works/services. The proposed development was revised by further public notices received by the planning authority on the 27<sup>th</sup> day of May, 2016 to include revised site ownership, access to bin storage and omission of previously proposed kitchen ventilation arrangements, all at Lower Fairhill Road, 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 Galway City Development Plan 2011-2017, to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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 on the 22<sup>nd</sup> day of December 2015 and the 22<sup>nd</sup> day of January 2016, 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. The restaurant shall operate strictly in accordance with the submission received by the planning authority on the 22<sup>nd</sup> day of January 2016. In this regard, food shall not be cooked on the premises and only the preparation of sandwiches, beverages and food that requires reheating shall be served. There shall be no departure from this arrangement unless authorised by a further grant of planning permission.

**Reason:** In the interest of orderly development and to protect the residential amenities of the area.

3. The opening hours of the premises shall be restricted to between 0800 hours and 2200 hours Monday to Sunday, inclusive of public holidays.

**Reason:** In the interest of orderly development and to protect the residential amenities of the area.

4. Details of the proposed signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. No further advertisement signs (including any signs installed to be visible through the windows), security shutters, advertisement structures, banners, canopies, flags or other projecting elements shall be displayed or erected on the building, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

5. Details of the proposed insulation measures to prevent noise nuisance for the occupiers of the neighbouring dwellings shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and to protect the residential amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details, including contract details, for the provision of servicing and deliveries. Details of waste storage and disposal arrangements and litter control arrangements shall also be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

---

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

**Dated this            day of            2016.**