



An
Bord
Pleanála

**Board Order
PL 61.248080**

Planning and Development Acts 2000 to 2016

Planning Authority: Galway City Council

Planning Register Reference Number: 16/266

Appeal by Ken Kinneen care of Sean Rankin of 25 Sylvan Avenue, Fairlands Park, Newcastle, Galway against the decision made on the 31st day of January, 2017 by Galway City Council to grant subject to conditions a permission to Matthew and Sarah O'Flaherty care of Patrick McCabe of Súil Nua Architecture Studio, Mincloon, Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from existing butchers shop to take-away sandwich bar (a watercourse, Protected Structure Number 8501 runs through the subject site) at 40 and part of 39 Lower Newcastle Road, Newcastle, Galway. The proposed development was revised by further public notices received by the planning authority on the 5th day of January, 2017.

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 planning history relating to the site 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 residential amenities of the area, would be acceptable in terms of pedestrian and traffic safety 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 further plans and particulars submitted on the 20th day of December 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 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 sandwich bar shall not be used for the sale of hot food for consumption off the premises, other than the provision of a hot sandwich or wrap. Outdoor seating shall not be provided.

Reason: To protect the amenities of the area.

3. The shop sign shall consist of hand painted lettering or solid individual lettering affixed directly to the shop front façade. The sign may be backlit but shall not be internally illuminated. Details of the signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertising signs or structures, other than those agreed under condition number 3 of this order, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. The hours of operation shall be between 0730 hours and 1830 hours Monday to Saturday and 0900 hours and 1700 hours on Sunday only.

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

