



An
Bord
Pleanála

**Board Order
PL 61.249046**

Planning and Development Acts 2000 to 2017

Planning Authority: Galway City Council

Planning Register Reference Number: 17/148

Appeal by Suzanne O'Neill of 21 Fonthill Park, Rathfarnham, Dublin against the decision made on the 27th day of July, 2017 by Galway City Council to grant subject to conditions a permission to Radical Properties care of Douglas Wallace Consultants of Saint Kevin's Female School, 1 Grantham Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of 1,090 square metres of previously approved retail and restaurant areas (planning register reference numbers 780/02 and 322/04) at ground floor to boutique cinema and restaurant/bar use with four screens and associated ancillary facilities, all on lands between the Dublin Road and Monivea Road at Moneenageisha Cross, Wellpark (The Eye Cinema), 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 CI zoning objective associated with the site, to the planning history of the subject site, and to the limited nature and extent of the proposed development, it is considered that the proposed change of use, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. 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, 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 the 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 developer shall provide cycle parking spaces within the development site. Details of the number, location and design of cycle parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

3. Details of any signage proposed for the subject development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity, and to allow the planning authority to assess and approve the design quality and impact of any such signage in detail.

4. Apart from the signage agreed in writing with the planning authority under condition number 3 of this permission, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements 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: To protect the visual amenities of the area, and to allow the planning authority to assess any such further signage or advertisements through the statutory planning process.

5. Prior to commencement of development, details of all plant machinery, filters and extraction vents associated with the development shall be submitted to, and agreed in writing with, the planning authority. These shall include any proposal for sound attenuation measures to be incorporated within such plant, machinery ducting filters or extraction vents. All plant shall be located within the building or basement and shall not extend beyond the roof level unless subject of a separate planning application.

Reason: In the interests of residential and visual amenity.

6. The proposed restaurant shall not be used for the sale of hot food for consumption off the premises (hot food takeaway), without a separate grant of planning permission.

Reason: in the interest of pedestrian and traffic safety, and to allow the planning authority to assess the impact of such use (which was not specifically included in the present application), through the statutory planning process.

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. 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: To protect the amenities of the area.

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

Dated this day of 2018