

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Galway City Council

Planning Register Reference Number: 17/318

An Bord Pleanála Reference Number: ABP-300878-18

APPEAL by Darragh Mullin care of James O'Donnell Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Galway against the decision made on the 11th day of January, 2018 by Galway City Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Pop-up restaurant and takeaway, for a three year duration on a vacant infill site at 19 Forster Street, Galway and permission to connect to the existing services in adjacent building at 21 Forster Street, Galway.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 strategic objectives for the redevelopment of the East Eyre Square Opportunity Site within which the existing vacant gap site on Forster Street is located and, to the zoning objective for the area in which restaurant and cafe use is acceptable in principle as set out in the Galway City Council Development Plan, 2017-2023; to the extent and range of existing services and facilities within the area and, to the temporary duration of the proposed pop-up restaurant and takeaway development, it is considered that, subject to compliance with the conditions set out below, the proposed development of a pop-up restaurant and takeaway would not undermine or conflict with the strategic development objectives for the opportunity site within which the site is located or the zoning objective provided for in the said development plan, would not contravene materially the said development plan and would not seriously injure the visual amenities of the area. 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 to An Bord Pleanála on the 7th day of February, 2018 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. This grant of permission shall apply for a period of two years from the date of this Order prior to which the use shall cease and the structures shall be removed unless a further grant of planning permission for a further period has been obtained.

Reason. In the interest of clarity and to allow for future comprehensive development of the site.

3. Details of materials, colours and textures of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. The takeaway facility shall be ancillary to the main restaurant use and shall not be subdivided or operated as a separate entity.

Reason: In the interests of clarity and orderly development.

6. Water supply and drainage arrangements, including the 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.

7. No amplified music played on the premises shall be audible from outside of the premises.

Reason: To protect the residential amenities of property in the vicinity.

8. 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.

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

Dated this day of 2018.