

An
Bord
Pleanála

Board Order
ABP-313868-22

Planning and Development Acts 2000 to 2021

Planning Authority: Galway City Council

Planning Register Reference Number: 22/75

Appeal by Cross HQ Holdings Limited care of MKO of Tuam Road, Galway against the decision made on the 25th day of May, 2022 by Galway City Council to refuse permission for the proposed development.

Proposed Development: Change of use of a retail premises to a licenced café with associated signage at the ground floor and alterations at basement level to provide toilet facilities at number 12 Cross Street, Galway (a Protected Structure).

Decision

GRANT permission for the above development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location of the proposed development within the network of mediaeval streets of the city, which is a primary destination for amenities and services for visitors, workers and residents, and to the zoning objective CC 'To provide for city centre activities and particularly those which preserve the city centre as the dominant commercial area of the city', as set out in the Galway City Development Plan, 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the range of city centre activities and facilities, would not seriously injure the amenities of the area, would provide for a satisfactory standard of development and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

4. No music or other amplified sound shall be broadcast externally. Noise emanating from the premises shall be such so as not to cause nuisance to occupiers of adjacent properties and users of the public road.

Reason: To protect the amenities of the area.

5. The hours of operation shall be between 0700 hours and 2200 hours Monday to Sunday, inclusive, including public holidays.

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

6. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

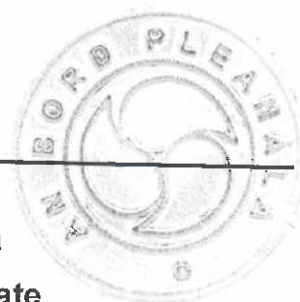
Reason: In the interest of visual amenity.

7. 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.



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



Dated this 29th day of October 2022.