

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway City

Planning Register Reference Number: 15/2

An Bord Pleanála Reference Number: PL 61.246108

APPEAL by An Taisce (Galway Association) care of 26 Manor Avenue, Kingston, Galway against the decision made on the 7th day of January, 2016 by Galway City Council to grant subject to conditions a permission to Galway Harbour Company Limited care of McCarthy Keville O'Sullivan Limited of Block 1, Galway Financial Services Centre, Moneenageisha Road, Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of security gates and safety railings associated with the commercial dock at Dock Road and Dock Street, Galway. The commercial dock and quay walls are a protected structure (RPS Reference 8501). The development includes proposed design modifications to the safety railings at Dock Road and Dock Street, all at Dock Road and Dock Street, 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 nature, scale and height of the proposed development and the development proposed for retention and to the existing character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed retention of security gates and safety railings for a temporary period only would be acceptable in terms of its impact on the visual and residential amenities of the area, would not unduly detract from the character of the Protected Structure (quay wall) and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse planning permission for the proposed retention of the railings onto Dock Street/Breathnach Quay, the Board considered that there would be an opportunity to review the impact of the railings in five years time and in light of plans for the future redevelopment of the quays. The Board considered that the retention of the railings at this location would be acceptable in terms of safety and would not unduly injure the amenities of the area in the interim period.

CONDITIONS

1. The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of December, 2015, 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 recommencement of development and the development shall be carried out and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed motif modification to the railings shall be omitted.
 - (b) The railings in the vicinity of the entrance to the Marina pontoons shall be replaced with metal mesh fencing, details of which shall be submitted to, and agreed in writing with, the planning authority within six weeks of the date of this order. The replacement mesh fencing shall be erected within two months of the date of agreement in writing with the planning authority of the fence details.

Reason: In the interest of visual amenity.

3. This permission shall apply for a period of five years from the date of this order. The security gate and the railings shall be removed unless prior to the end of this period, planning permission shall have been granted for their retention for a further period.

Reason: To afford the planning authority the opportunity to re-assess the security gate and railings in the light of circumstances then prevailing and in the interest of visual amenity.

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

Dated this day of 2016.