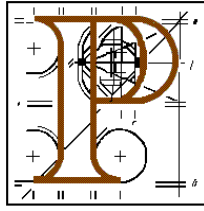


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Galway City**

**Planning Register Reference Number: 15/363**

An Bord Pleanála Reference Number: PL 61.246311

**APPEAL** by Wellpark Grove Residents' Association care of 63 Wellpark Grove, Wellpark, Galway against the decision made on the 22<sup>nd</sup> day of February, 2016 by Galway City Council to grant subject to conditions a permission to Xenium Clarinbridge Limited of IPM Limited of Castle Road, Creganna, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of: (1) permission for (a) one number apartment and communal screened clothes drying area on fourth floor level, (b) alterations to and completion of the existing facades, (c) proposed new fire escape stairs from third floor level to second floor level on North façade, (d) new glazed enclosures to existing escape stairs from basement level on South façade, (e) alterations to existing vents from basement to include additional planting and (f) new signage and all ancillary site works and (2) retention permission is being sought to (g) regularise unauthorised elements under An Bord Pleanála appeal reference number PL 61.223873, including escape stairs on the north façade from first floor level to second floor level, height of stairwell on roof and composition and size of windows as built, all at Cloch Mhile, Dublin Road, Renmore, 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 location of the site on 'CI' zoned lands under the Galway City Development Plan 2011-2017, where residential may contribute to the zoning objective, to the nature and scale of the existing and proposed development, the planning history of 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 and the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

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

**Reason:** In the interest of clarity.

2. Details of the landscape proposal for the rooftop terrace area shall be submitted for the written agreement of the planning authority prior to the commencement of development. The landscaping scheme as submitted to the planning authority on the 21<sup>st</sup> day of December, 2015 and the agreed rooftop landscape proposal shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

3. The developer shall submit details of a visual screen, located at fourth floor level, along/inside the eastern and western perimeter of the site, adjacent to the roof terrace. The screen shall be 1.8 metres high above the terrace and shall be of obscure glass.

**Reason:** To protect the residential amenities of the area.

4. The developer shall submit revised plans showing the removal of the totem pole sign. These plans shall be submitted to the planning authority for written agreement prior to the commencement of development on site.

**Reason:** To protect the visual amenities of the area.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard residential amenities of property in the vicinity.

6. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

7. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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 within three months of the date of this order or in such phase 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.

---

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

**Dated this            day of            2016.**