

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Galway County**

**Planning Register Reference Number: 16/550**

An Bord Pleanála Reference Number: PL 07.247405

**APPEAL** by John Bollard of 201 Coil Tire, Doughiska, Galway against the decision made on the 20<sup>th</sup> day of September, 2016 by Galway County Council to grant subject to conditions a permission to Tasbeem Limited care of Fewer Harington and Partners of Studio 14, The Atrium, Maritana Gate, Canada Street, Galway in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use from existing hotel to 92 bedroomed nursing home facility over four floors above basement. Permission is also sought for internal alterations and modifications together with increase in floor area to first floor by constructing new floor in lieu of existing void space. Permission is also sought for alterations to existing side and rear elevations of the existing hotel to include additional windows and blocking up of existing opes. Demolition of existing stair-core to provide new stair-core to rear of existing building from ground floor level to fourth floor. Alterations to front elevation to existing stair-core. Signage to side and front elevations. 15 number roof lights at fourth floor ceiling level to the side and front elevation. Part demolition of existing rear elevation to provide external day space balcony at first floor level. Permission is also sought for change of use from existing part ground floor hotel to proposed doctors surgery comprising four number consulting rooms and associated reception, waiting area, staff facilities, storage rooms, toilet facilities and external signage. Permission is also sought for change of use from existing part ground floor hotel to proposed pharmacy comprising sales area, reception, counter,

dispensary, toilet facilities and external signage. Permission is also sought for modifications to the existing surface car park and landscaping to provide additional 32 car spaces, together with landscaping, drainage connections and all other associated site works at Galway Oyster Hotel, Oranmore, Co. 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, which is an unoccupied hotel building on a serviced brownfield site within an area subject to a zoning objective C1: "Town Centre/Commercial" in which nursing homes are open to consideration and medical, related practices and retail developments are permitted in principle and, are subject to Policy Objective RD 8 which provides for a presumption in favour of nursing home and retirement facilities on residential zoned land or adjacent to the established town centres according to the Oranmore Local Area Plan, 2012-2018, it is considered that subject to compliance with the conditions set out below, the proposed development would provide satisfactory standard of amenity for the future occupants, would not adversely affect or obstruct access to the adjoining graveyard and would not seriously injure the 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 lodged with the planning authority on 12<sup>th</sup> August, 2016, 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. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains within the site.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

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

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and screen planting along the boundaries, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

**Reason:** In the interest of orderly development and public health.

6. Prior to commencement of development the applicant shall submit and agree in writing with the planning authority:

- (a) full details of the proposed names and signage for the nursing home and for the doctor's clinic and pharmacy and,
- (b) Full details of the proposed hours of business for the proposed doctor's clinic and pharmacy.

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

7. No additional development shall be erected above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment including the satellite dish shown on the roof plan unless authorized by a further grant of planning permission.

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

8. Hours of construction shall be confined to the hours of 0800 hours and 1900 hours Mondays to Fridays excluding bank holidays and 0800 hours and 1400 hours on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard amenities of the area.

9. The construction stage shall be managed in accordance with a construction management and construction traffic management plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of noise management measures, dust control measures, arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of orderly development, amenity, safety and sustainable development.

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

**Dated this            day of            2017.**