

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Galway City

**Planning Register Reference Number: 16/128**

An Bord Pleanála Reference Number: PL 61.247574

**APPEAL** by An Taisce - Galway Association care of Derrick Hambleton of 26 Manor Avenue, Kingston, Galway against the decision made on the 21<sup>st</sup> day of October, 2016 by Galway City Council to grant subject to conditions a permission to C. Higgins care of Seán Dockry and Associates of First Floor, Hynes Building, Saint Augustine Street, Galway in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** (a) Change of use from residential and retail to retail at ground floor, (b) change of use from residential to offices at 1<sup>st</sup> floor, (c) new ground floor inner wall leaf and 1<sup>st</sup> floor walls including elevational changes, (d) 2<sup>nd</sup> floor office extension and (e) attic storage. The works include a new timber shop front and timber sash windows to upper levels, and all associated external works and services at 24 Middle Street, Galway, a protected structure, (RPS Reference Number 6107).

## 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 pattern of development in the vicinity, the planning history of the subject site, and the policies of the current Galway City Development Plan, it is considered that the proposed development, as modified in the further information submission made to the planning authority, and subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area, would not detract from the character or setting of the adjacent Protected Structure, would not prejudice the archaeological heritage of the area, and would not adversely affect the characteristics of the Architectural Conservation 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 on the 31<sup>st</sup> day of 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 proposed shopfront shall be in accordance with the following requirements, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:-

- (a) signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
- (b) no internally illuminated signage or lettering shall be used. The shopfront may be lighted by spotlights, and
- (c) no roller shutter shall be erected, and any internal shutter shall be only of the perforated type, coloured to match the shopfront colour, and shall not be used for any advertising.

**Reason:** In the interest of visual amenity, having regard to the location of the site within the City Core Architectural Conservation Area.

3. Apart from the agreed signage referred to in condition number 2 of this order, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the proposed building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and orderly development and to permit the planning authority to assess any such development through the statutory planning process.

4. The retail unit hereby permitted shall be used solely as a 'shop' as defined in Article 5 of the Planning and Development Regulations, 2001, but shall not be used as a café or restaurant, or a premises for the sale of hot food for consumption off the premises, without a separate planning permission.

**Reason:** In the interest of clarity and to delimit the use permitted under this permission, in the interest of protecting the residential amenities of adjoining property.

5. Prior to commencement of development, the developer shall carry out a full photographic survey of the building, including the gable end of number 22 Middle Street. Copies of this survey shall be provided by the developer to the planning authority and to the Irish Architectural Archive within three months of the date of completion of the survey.

**Reason:** To ensure that an appropriate record is made of the existing building prior to the commencement of development.

6. 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 any 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 that may exist within the site.

7. All proposed construction works shall be carried out under the supervision of a conservation architect or other qualified professional with specialised conservation expertise.

**Reason:** To ensure that the proposed works are carried out in accordance with best conservation practice.

8. Prior to commencement of development, detailed structural drawings and a construction methodology statement, including the results of detailed structural surveys of the protected structure and all building facades to be retained, indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures, including the gable wall of the adjoining properties on either side of the subject site, shall be submitted to, and agreed in writing with, the planning authority. All works shall thereafter comply with the agreed statement.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the protected structures.

9. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 the residential amenities of property in the vicinity.

10. The windows and doors of the proposed development shall be of painted timber construction. The windows on the front elevation shall include the use of stone cills and timber sliding sash hardwood windows, 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 amenity, having regard to the location of the site within the City Core Architectural Conservation Area.

11. Water supply and drainage arrangements, including the attenuation and 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.

12. The developer shall pay to the planning authority a financial contribution of €5,000 (five thousand euro) in respect of public car parking 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 the 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. The application of any indexation required by this condition 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.

**Reason:** As the development would result in a requirement for additional car parking within the curtilage of the site, it is considered reasonable that a contribution be made towards the cost of providing public car parking facilities which would facilitate the proposed development.

13. 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 the 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.

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

**Dated this            day of            2017.**