

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Galway City

Planning Register Reference Number: 16/258

An Bord Pleanála Reference Number: PL 61.248108

APPEAL by Lower Salthill Residents' Association care of 6 Kylemore Park, Lower Salthill, Galway against the decision made on the 7th day of February, 2017 by Galway City Council to grant subject to conditions a permission to John and Jennifer Lillis care of Planning Consultancy Services of Third Floor, Ross House, Victoria Place, Eyre Square, County Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of an existing apartment building which forms part of a terrace of buildings, and the construction of an apartment block consisting of 5 number residential units, parking area, amenity space and all associated site works and services, all at 12 Salthill Road Lower, 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

The site is located in an area designated as an Inner Residential Area where in accordance with the provisions of the Galway City Council Development Plan 2017-2023, the demolition of existing dwellings for higher density development is not normally acceptable. Having regard to the planning history of the site, the documented structural condition of the existing building on the site, the location of the development in an area zoned for residential use, the established use of the site for residential purposes, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed demolition of the building and its replacement with the proposed development would be acceptable in terms of the policy set out in the Development Plan, would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience 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, as amended by the further plans and particulars submitted on the 11th day of January 2017, 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 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. Prior to commencement of development, revised plans shall be submitted to, and agreed in writing with, the planning showing the provision of 1.8 metre high frosted glass screens to both sides of the second floor balconies.

Reason: To protect residential amenity.

3. Prior to the commencement of development on the site, the developer shall submit to, and agree in writing with, the planning authority a revised site layout (1:500) for the rear of the site. The revised layout shall make provision for the following;
 - (a) the relocation of parking space number 5 to the east, parallel with car parking space number 4,
 - (b) the relocation of the proposed bin store and bicycle stands to the west to occupy the area vacated by car parking space number 5,
 - (c) the repositioning of the access road to the west to coincide with the relocated bin store/bicycle stand,
 - (d) a landscaping scheme for the area designed by a landscape professional to include details of the number, type and setting of species proposed, details of all proposed hard surface finishes including samples of materials, and details of proposed boundary treatment to private open space and bin storage areas. The landscaping scheme shall be completed prior to the occupation of the scheme, and
 - (e) a lighting scheme for the proposed development.

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

4. (1) Details of the materials, colours and textures of all the external finishes to be proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (2) Windows in the front elevation shall be sliding sash and both front windows and front door shall be solid wood only.

Reason: In the interest of visual amenity.

5. (1) A suitably qualified conservation expert shall be employed to monitor the removal of any elements of architectural significance (including the cast iron railings and gate to the front of the building, two remaining fireplaces and remnants of brick). A report containing photographs detailing the elements to be removed and how they will be reused in the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development on the site.
- (2) Both side walls in the rear garden shall be protected during construction and retained.

Reason: To ensure adequate protection of remaining elements of architectural significance.

6. The existing railings and gateway along the site frontage shall be reinstated at the front of the proposed development. A semi-mature hedgerow shall be planted inside the railing and a grass lawn shall be provided over the remainder of the area in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of protecting the quality of the streetscape.

7. The proposed apartments shall not be used for short term let purposes.

Reason: To protect the residential amenity of adjoining property.

8. 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: To ensure adequate servicing of the development and to prevent pollution.

9. No part of the development shall overhang or oversail adjoining property. All surface water shall be disposed of on site.

Reason: In the interest of residential amenity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including facilities for the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with an agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. The bicycle stand shall be covered in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The bicycle stands located to the front of the building shall be omitted.

Reason: In the interest of residential and visual amenity.

13. 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 communal open spaces and communal area 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 the development in the interests of residential amenity.

14. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 the amenities of property in the vicinity.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise/vibration monitoring and management and traffic management measures.

Reason: In the interest of public safety and residential amenity.

16. Prior to the 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 the Board for determination.

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

17. 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.

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

Dated this day of 2017.