



Planning and Development Acts 2000 to 2018

Planning Authority: Galway City Council

Planning Register Reference Number: 17/277

Appeal by Iaua Matel of Apartment 19 Elm Hill, The Grange, Lucan, County Dublin against the decision made on the 5th day of July, 2018 by Galway City Council to grant subject to conditions a permission to Rushmany Nursing Homes Limited care of Clarke Construction Design Limited of Abbey Street, Loughrea, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a four storey 60 bedroomed nursing home, associated surface level carparking, south-facing landscaped amenity and outdoor seating area, signage, widening existing entrance and provision of a security gate, alterations to existing pedestrian entrances to facilitate wheelchair access and connectivity, alterations and upgrades to existing boundary walls, connection to existing services, together with all associated site development works to the site previously approved for demolition under planning register reference number 16/244 at the site formerly known as O'Connors Warwick Hotel, Salthill Road Upper, Salthill, Galway. The proposed development was revised by further public notices received by the planning authority on the 8th day of June, 2018.

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 provisions of the Galway City Council Development Plan 2017-2023, to the pattern of development in the area, and to the nature, scale and location of the proposed development centrally in Salthill, where it would be well served by public transport and close to and accessible to services, residential areas and public amenities, it is considered that, subject to compliance with the conditions set out below, the proposed commercial development would provide a suitably located, valuable community service. The proposed development would not seriously injure the amenities of the area or depreciate the value of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would provide suitable accommodation for persons requiring care and achieve an acceptable density of urban development. 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 18th day of May 2018 and on the 8th June 2018, 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, including samples, of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

3. Prior to commencement of development, a revised ground floor and second floor plan shall be submitted to, and agreed in writing with, the planning authority, in which the library shall be relocated to the ground floor replacing the staff training room, which shall be positioned at second floor level.

Reason: In the interests of the amenities of residents and proper planning and sustainable development.

4. Prior to the commencement of use, the detailed landscaping plan, which includes soft and hard landscaping, received by the planning authority on the 18th day of May, 2018, shall be fully implemented under the supervision of a suitably qualified landscape professional and certification of the completion of the scheme shall be submitted to the planning authority for written agreement. This landscaping plan shall include for the alternative 'Homezone' proposal for the rear, shown on drawing number 18/1815/01 Rev (A).

Reason: In the interest of residential amenity.

5. Prior to commencement of development, the exact design details of the main entrance gate shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

6. (a) The developer shall obtain the written agreement of the planning authority for an appropriate name for the proposed development referencing the geographical area, a local feature and/or the Irish language.
- (b) Details of name signs shall be submitted to, and agreed in writing with, the planning authority prior to installation. Signage shall be limited to identifying the building and its use and shall not be used for advertising purposes.

Reason: To ensure the satisfactory completion of the development and in the interest of visual amenity.

7. Following commencement of use of the nursing home, all loading and unloading of deliveries within the site shall take place before 0900 hours Monday to Saturday, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

8. There shall be no plant, ducting, water tanks, television aerials, satellite dishes or telephone receiving/transmission equipment erected above roof level or on external walls without a further grant of planning permission, notwithstanding exempted planning and regulations.

Reason: In the interests of orderly development and the protection of visual amenities.

9. 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. In this regard, all surface water from the development shall discharge to suitably designed soakaways on site or, in the event that discharge to ground is rendered inappropriate due to ground conditions, SUDS measures may be developed and shall be agreed with the planning authority prior to construction commencing on site.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

10. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound including area identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (e) Measures to obviate queuing of construction traffic on the adjoining road network;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, including proposals for the installation of a vehicular wheel washing facility on site, and its maintenance to a satisfactory standard for the duration of the construction, to prevent any dirt being transferred to the public roadways;
- (g) Proposals for remediating any unearthed contaminants;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan, shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, environmental protection, public health and safety.

11. 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 and public holidays. 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 the residential amenities of property in the vicinity.

12. During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.

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

13. All alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developer's expense having firstly obtained the agreement in writing of the planning authorities or other public bodies responsible for such areas or utilities, before any alterations are carried out.

Reason: In the interests of public safety and proper planning and sustainable development.

14. The car parking spaces provided within the development shall be reserved for exclusive use of the occupiers, staff and visitors to the development.

Reason: In the interests of traffic safety and proper planning and sustainable development.

15. 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.

John Connolly

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

Dated this day of 2019.