



An
Bord
Pleanála

Board Order
ABP-304163-19

Planning and Development Acts 2000 to 2019

Planning Authority: Galway City Council

Planning Register Reference Number: 19/11

Appeal by McHugh Property Holdings Limited care of McCarthy Keville O'Sullivan Limited of Tuam Road, Galway against the decision made on the 14th day of March, 2019 by Galway City Council to refuse a permission to the said McHugh Property Holdings Limited for the proposed development.

Proposed Development: (a) The refurbishment of the existing derelict cottage and the construction of a single storey extension (132 square metres) all for use as a café/restaurant, (b) the construction of a single storey detached building (66.5 square metres) for use as a bicycle rental and repair shop, (c) the construction of an 18 space carpark with access onto Salthill Road and (d) all ancillary site and external works including modifications to existing boundary walls, landscaping and connection to existing services at Blackrock, Salthill, 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

In making its decision, the Board had regard to the following:-

- (1) the limited nature and scale of the proposed development,
- (2) the RA (Recreation and Amenity) zoning provision of the Galway City Development Plan 2017-2023 which seeks “to provide for and protect recreational uses, open space, amenity uses and natural heritage”,
- (3) Policy 10.3 of the Galway City Development Plan 2017-2023 which seeks, inter alia, “to enhance the role of Salthill as an urban village, a leisure, recreation and coastal amenity area for the city and service centre for the surrounding residential neighbourhoods”,
- (4) the panoramic protected view V4 from the R336,

- (5) the pattern of development in the area,
- (6) the proximity to Salthill Promenade, an important recreation and amenity resource and tourist attraction,
- (7) the proximity of the existing coastal route and the proposed greenway network,
- (8) the submissions on file, and
- (9) the report of the Inspector.

The Board concurred with the Inspector's view regarding appropriate assessment and was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the sites' conservation objectives.

The Board considered, subject to compliance with the conditions set out below, that the proposed development would be of a use which would be compatible with, and complement and support the RA objective of the current Development Plan for the area and, furthermore, would be acceptable in terms of visual amenity, would not interfere with the protected view or the character of Salthill and would enhance the tourist resource for the Salthill Promenade and environs. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that, subject to the revisions received on appeal and the omission of the car parking element of the scheme and amendments to facilitate the provision of the two-way Bearna Greenway route and having regard to its nature, scale and design, the proposed development would not adversely affect the visual character or qualities of the Salthill area and would represent an appropriate quantum of development for the location and setting. Furthermore, the Board did not consider that the scale of the proposed development, as set out in the appeal submission, represented a significant commercial development and considered the bike rental and café uses were compliant with both the RA Zoning Objective Policy "To provide for and protect recreational uses, open space, amenity uses and natural heritage" and Policy 10.3 of the Galway City Development Plan 2017-2023 which seeks, inter alia, "to enhance the role of Salthill as an urban village, a leisure, recreation and coastal amenity area for the city and service centre for the surrounding residential neighbourhoods". The proposed revised scheme would, therefore, subject to compliance with the conditions set out below, no longer be considered to be a material contravention of the Development Plan and, 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 received by An Bord Pleanála on the 9th day of April, 2019, 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 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 visual amenity.

3. Water supply and drainage arrangements, including the 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.

4. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including 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 the agreed plan.

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

8. 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, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

9. The hours of opening of the café shall be between 0800 hours and 2300 hours from Monday to Sunday.

Reason: In the interest of the amenities of property in the vicinity.

10. 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.

Paul Hyde

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

Dated this day of 2019.