



Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: 19/378

Appeal by Ranchville Limited care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 29th day of July, 2020 by Galway City Council to refuse permission for the proposed development.

Proposed Development: (1) Demolition of the existing two number two-storey blocks, with pitched roofs consisting of the eight number "Galway Marine View" apartments and (2) redevelopment of the proposed site to accommodate an infill apartment complex, to provide for short term letting, including: construction of a single building block, four-five storeys in height with a monopitch roof design, the proposed development will accommodate 19 number apartments for short term letting, this will comprise of 17 number two-bed apartment units, one number three bed apartment unit and one number one bed apartment unit, together with associated balconies, revised vehicular access arrangements onto Quincentennial Drive, revised surface level car parking arrangement to the front, facing Quincentennial Drive, refuse compound/bike storage shed, site landscaping and communal open space area, revised boundary treatments and revised access arrangements for pedestrians, wheelchairs and cyclists and associated bicycle parking,

provision of ancillary works and connection to existing foul sewer network and public mains, together with all other site works and services at Beach Avenue and Quincentennial Drive, Salthill, Galway, as amended by the further public notice received by the planning authority on the 2nd day of June, 2020.

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 Development Plan 2017-2023, to the zoning objectives of the site, to its close proximity to the city centre, the public transport links, nearby public parks and the promenade and to the emerging pattern of development in the area and to the nature, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate quantum of development for the site, would provide an acceptable level of car parking, would not seriously injure the residential or visual amenities of the area or of adjoining properties, would provide an acceptable provision of open space for future occupants and would be acceptable in terms of pedestrian, traffic safety and convenience. 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, having regard to the zoning objectives for the site and to the proposed short-term letting use, the proposed development would constitute an acceptable quantum of development with an adequate level of parking and amenity provision.

Furthermore, the Board considered that the proposed development would not endanger public safety by reason of traffic hazard due to obstruction of other road users and would not result in insufficient and poor quality dedicated communal open space provision.

Finally, the Board was satisfied that the proposed development would not seriously injure the residential amenities of adjoining properties by reason of abrupt transition in scale and height and in enclosure of the private open space at the rear of the adjoining cottages on Beach Avenue and was consistent with the emerging pattern of development in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on the Galway Bay Special Area of Conservation (site code 000268) and Inner Galway Bay Special Protection Area (site code 004031), taking into account the nature, scale and location of the proposed development, the information submitted with the application, including the Appropriate Assessment Screening Report, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development would not be likely to have a significant effect on the above European sites or on any other European site in view of the sites' conservation objectives, either individually or in combination with any other plan or project, and that a Stage 2 Appropriate Assessment is not required.

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 to the planning authority on the 21st day of April, 2020 and the 10th day of July, 2020, 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. 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.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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 in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. 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 the interests of residential and visual amenity.

7. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

8. 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 2021.