

An
Bord
Pleanála

Board Order
ABP-321606-25

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

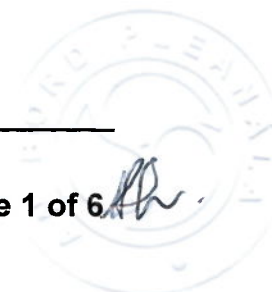
Planning Register Reference Number: 24/60156

Appeal by Michael and Patrick Lynskey of 22 Upper Fairhill Road, Claddagh, Galway against the decision made on the 13th day of December, 2024 by Galway City Council to grant subject to conditions a permission to Cathriona Walsh care of Kevin Fitzpatrick of Cloughscoltia, Barna, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of: (1) change of use from Retail and Community uses to Residential use, (2) demolition of existing model cottage, sheds and workshop structure, (3) construction of two number detached dwelling houses, (4) relocation of the site entrance and (5) all other ancillary site development and associated works at Fairhill Road Upper, The Claddagh, 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.



Reasons and Considerations

Having regard to the location of the subject site within an urban area zoned Objective R - Residential under the Galway City Development Plan 2023-2029, the relevant provisions of the said plan, the nature, scale and form of the proposed development and the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would consist of an appropriate residential development in this location. The proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would constitute an appropriate use of a constrained site in this urban location. 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 received by the planning authority on the 21st day of November 2024, 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. (a) The development hereby permitted shall not be used for short-term letting as defined in the Residential Tenancies (Amendment) Act 2019 and the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019.

- (b) The dwellings hereby permitted shall be used as single dwelling units only and shall not be sub-divided.

Reason: To regulate the use of the development in the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

5. The landscaping scheme shown on drawing number 23012-PL-014, as submitted to the planning authority on the 21st day of November, 2024 shall be carried out within the first planting season following substantial completion of external construction works. 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.
6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.
Reason: In the interests of public safety and amenity.
7. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.
Reason: In the interests of reducing waste and encouraging recycling.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

9. 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.



Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 29th **day of** April **2025.**